Take-Out Beverage Litter Reduction Draft Ordinance Language

Findings:

1. The _____ has adopted a citywide goal of zero waste by 20__.

2. The extensive use of single-use disposable cups and their typical disposal creates an impediment to the achievement of _____'s zero waste goals.

3. 108 billion disposable cups are used per year in the U.S. (International Paper Co. info as of 2012), equal to 345 cups per person per year or nearly 300 million cups per year in San Francisco with an estimated weight of 10 million pounds. 300 million cups lined end to end would more than circle the earth at the equator.

4. The production and disposal of single-use disposable cups has significant environmental impacts, including the contamination of the environment, the depletion of natural resources, use of non-renewable polluting fossil fuels, greenhouse gas emissions, and the increased clean-up and end of life management costs, with the majority of the impact due to manufacturing and transportation.

5. In _____, most disposable cups and nearly all those used for coffee or other hot drinks are paper cups that are typically made of 100% virgin chlorine bleached paperboard with a layer of polyethylene plastic, while some paper cups may contain up to 10% recycled paper content.

6. Disposable cups made with wax or plastic coated paper are difficult to recycle and contaminate material processed through the _____'s recycling program; and cups made with polyethylene plastic coated paper are not fully compostable and can lower compost quality when processed through _____'s composting program. Cups and lids are often placed in the incorrect collection bins by customers creating costly contamination in recycling or composting.

7. Paper cups that are lined with certified compostable plastic, such as polylactic acid (PLA), are fully compostable and can result in higher compost quality compared to composting polyethylene lined cups. PLA lined cups are also fully biobased and renewable and result in less CO2 emissions in their production, compared to polyethylene lined cups. PLA lined fully compostable cups are readily available through a number of major manufacturers and local distributors.

8. Disposable cups for hot and cold beverages and accompanying lid, straw, and sleeve, contribute to significant and costly litter problems. A 2010 Bay Area street litter study found 13% of litter was from plastic and paper cups, stirrers, sleeves, lids, and other materials used to serve "to go" hot and cold beverages. In San Francisco, from 2007 to 2009 litter studies found disposable cups were the 3rd most prevalent item of large litter increasing from over 6% to 9% including lids.

9. Reducing the generation of disposable cups through using reusable cups is a form of both source reduction and reuse, which are at the top of the federal and state sustainable materials management hierarchy in conserving resources and protecting the environment and consistent with San Francisco's goal of zero waste.

10. Studies demonstrate that reusable cups and foodware offer important environmental advantages over single-use disposable products and that those benefits multiply with each use. It has been shown that switching to reusables saves food service businesses costs, even with dishwashing, energy and labor costs factored in.

11. Reusable cups are readily available to customers from many food service vendors and retail stores in San Francisco and throughout the Bay Area.

12. Customers' bringing their own reusable cup is a widely proven practice and an increasing number of coffee shops encourage customers to bring their own cup. *[Can we cite to local / regional surveys?]* In 2008, Starbucks set a goal of serving 25% of all drinks in reusable cups by 2015. Starbucks has provided discounts such as a 10 cent credit for customers bringing their own cup, sold reusable cups, and provided environmental messaging and other social campaigns.

However, Starbucks was only able to achieve a rate of 1.8% of drinks served in customer reusable cups in 2013 with no increase in 2014. Starbucks has decreased its goal to 5% of drinks served in customer reusable cups, but has not significantly change their strategies nor tried charging for a disposable cups to encourage cup reuse.

13. Charging customers for single-use disposables, as has been demonstrated in hundreds of communities for checkout bags, has been shown to be a highly effective way to encourage customer reuse and reduce the use of disposables.

----------[SF Specific data]----------

14. A 2015 survey of 95 café managers in San Francisco found that 71% supported charging customers for disposable cups, if all businesses in the jurisdiction were required to charge and they were able to keep the charge.

15. A 2015 survey of 461 customers in San Francisco found that charging a fee for disposable packaging would be more likely to motivate customers to BYO cup than offering a discount and 77% of respondents supported the idea of charging for take-out beverage packaging.

----------[CA Specific Data]----------

16. Straws are a highly littered and often unnecessary item. In California's annual Coastal Cleanup Day, straws and stirrers are the 6th most prevalent type of beach debris. In the National Marine Debris Monitoring Program study (2001-2005), straws were the #1 item found on beaches world-wide (27% of the debris collected). 500 million straws are discarded every day in the U.S.- approximately 1,384,000 per day in San Francisco. Most people don't need them.

Therefore:

1. No food vendor shall provide a disposable cup to a customer at the point of sale, unless the vendor charges the customer a disposable cup charge of at least twenty five cents. (By July 1, 2016 or 6 months after passage) (no size distinction)

    a. Food vendors shall display appropriate signage informing customers of the charge at the point of sale and shall state the charge separately on the receipt provided to the customer.

    b. Food vendors shall keep the 25 cents, to help offset any additional costs of ordinance compliance.*[potential additional consideration: have some funds divert to local government to provide enforcement to ensure an equal playing field]*

    c. Food Service Vendors shall not charge the Disposable Cup Charge to a customer as part of a transaction paid for in whole or in part through the Special Supplemental Food Program for Women, Infants, and Children (Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code), or the State Department of Social Services Food Stamp Program (aka EBT Card). (Note: EBT allowed for drinks sold inside food retail or grocery store)

2. All food vendors providing customers a disposable cup shall use only a cup and any accompanying lid, sleeve, stirrer and straw, if it is all compostable or recyclable as accepted by the City. The cup along with its lid, sleeve and straw must be appropriately labeled compostable or recyclable in accordance with Department guidelines. Only third party BPI certified compostable cups, or subsequent certification program that may be adopted by the city, will be considered compostable. The Department shall maintain a list on its website of certified compostable cups or acceptable recyclable cups. (By 7/1/16 or 6-9 months after passage)

3. All food vendors shall serve beverages to customers only in vendor or customer provided reusable cups for solely on-site beverage consumption and shall display appropriate signage informing customers of the policy and shall ask customers if they are consuming the beverage on-site ("for here" or "to-go") to determine the need for providing a reusable cup. (By 7/1/16 or 6-9+ months after passage).

4. Disposable straws will be made available to customers only upon request. Disposable straws will not be made available where customers can freely access them without making a request of the vendor.

5. The Department of the Environment shall conduct outreach to food vendors and stores, provide multi-lingual information to educate store employees and customers, and make available lists of vendors who sell compostable or recyclable disposable cups, lids, sleeves, stirrers, and straws.

A couple of potential additions to consider.

- Data collection by vendors so that we can baseline and measure progress on waste reduction. This is one of the reasons to provide some of the money back to the City so that there is a clear accounting of what is sold in the market.

- What is the enforcement mechanism? Can there be a citizen complaint process or some analogous effort? One of the things I've been toying with is authorization of health departments to enforce as part of regular food safety inspections. Those departments have been somewhat resistant to the idea at first presentation, but there is always a way to overcome such bureaucratic hurdles.