



City of Emeryville
Food Service-ware Ordinance

Frequently Asked Questions

"Eco Food-Ware" Ordinance

Updated October, 2012

The Summary: Beginning Jan. 1, 2008, pursuant to Ordinance # 07-004 of the City of Emeryville, it became a requirement for all food vendors, such as restaurants, cafés, delis and caterers, who use disposable food service-ware to use either compostable-fiber or recyclable food service-ware. This covers all disposables used with all food prepared within the City of Emeryville for eventual sale either in or outside of the City limits. Types of food service-ware covered by the ordinance include, but are not limited to, containers, plates, utensils, lids, cups, boxes, straws, etc. This ordinance does NOT cover bags.

Which disposables are allowed:

Cutlery: Disposable wooden cutlery, made from birch for example, is the only cutlery accepted and composted in the compost facility used by the City of Emeryville. Wooden cutlery is therefore, the only disposable cutlery now accepted under Emeryville's Eco Food-ware ordinance of 2008. Plastic cutlery is no longer acceptable in any form. It is not processed by our compost facility and ends up in the landfill.

Clam Shells, plates, bowls, cups: Recyclable plastic bottles #2, and containers, bowls and cups which are plastic #1 or #5 are accepted in Emeryville's recycling collection. Compostable fiber, such as paper, sugarcane, or other fiber sources are accepted in Emeryville's commercial compost collection. Clear compostable plastic cups with a green identifying band around them are (the only compostable plastic) accepted by our composting facility.

Are there exceptions to these requirements? The food vendor must use either compostable-fiber or recyclable food service-ware, unless the City finds that these alternatives do not exist for a particular item. Additionally a food vendor may apply to the City Manager for an exemption based on un-due hardship. Food pre-packaged outside the City and sold in Emeryville is exempt. (Questions? Contact info below)

What are the penalties for non-compliance?

Violations can result in fines: 1st = \$100, 2nd = \$200, 3rd and each subsequent incident = \$400. Enforcement is done by the City of Emeryville, not the County Health Inspector. Enforcement is complaint-driven, meaning anyone may notify the City of violations. (To make a complaint call the number below.)

How can a business reduce food service-ware waste?

- Allow customers to bring their own reusable container for drinks or food;
- Use reusable dishes and cups instead of disposable ones for "eat-in" customers.
- Sign up for recyclables and compostables collection service

Collection rates for recyclables and compostables are now cheaper than trash rates in the City of Emeryville. Call Waste Management of Alameda County to find out if this can save your business money. **510-613-8700**

For this and any other questions regarding the ordinance, recycling services or other environmental issues, call City of Emeryville Environmental Programs at **510-596-3728** or visit:

<http://emeryville.org/index.aspx?nid=337>