



AGENDA REPORT



TO: Honorable Mayor & City Council

FROM: Councilmember Pro Tempore
Dan Kalb
(Council District 1) &
Councilmember Noel Gallo
(Council District 5)

SUBJECT: Reusable Foodware and Plastic Litter
Reduction Ordinance Report

DATE: 11/02/2023

RECOMMENDATION

Councilmember Pro Tempore Kalb and Councilmember Gallo Respectfully Request That The City Council:

APPROVE AN ORDINANCE TO REDUCE LITTER ON OUR STREETS AND IN OUR WATER WAYS BY: (1) REQUIRING PREPARED FOOD VENDORS TO USE REUSABLE FOOD SERVICE WARE FOR DINING ON PREMISES, (2) ALLOWING CUSTOMER-PROVIDED REUSABLE BEVERAGE CUPS AND FOOD CONTAINERS FOR TAKE-OUT, (3) REQUIRING THAT PREPARED FOOD VENDORS TO ONLY PROVIDE DISPOSABLE FOODWARE ACCESSORIES UPON REQUEST, (4) REQUIRING REUSABLE BEVERAGE CUPS AT CITY FACILITIES, (5) REQUIRING REUSABLE BEVERAGE CUPS AT LARGE VENUES, (6) REQUIRING REUSABLE BEVERAGE CUPS AT LARGE EVENTS, (7) PROHIBITING THE CITY PURCHASE, SALE, OR DISTRIBUTION OF PACKAGED WATER, (8) ENCOURAGING THE INSTALLATION OF ACCESSIBLE WATER BOTTLE REFILL STATIONS AT CITY OWNED AND OPERATED FACILITIES, AND (9) REQUIRING COMPLIANT DISPOSABLE FOOD SERVICE WARE FOR FOOD SERVICE; AND MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

EXECUTIVE SUMMARY

In 2020, the City of Oakland passed the 2030 Equitable Climate Action Plan (ECAP). This plan covers a wide range of climate issues that must be addressed by 2030 as there is a worldwide consensus that we must act by then to avoid the most catastrophic impacts of climate change. As part of this plan, section MCW-3 calls for the elimination of single-use plastics and prioritizing reuse in food preparation, distribution, and sales.

Single-use food ware items like plastic and paper cups, plates, and utensils are prevalent in daily life. They serve a very short useful life of just minutes, while their impact on human health and the environment is significant and long lasting. Single-use food ware items once used are a large contributor to local and global pollution. Single use plastics litter our streets, contaminate our recycling streams, pollute our Bay and oceans, and contribute to unnecessary waste. Replacing single-use food ware with durable reusable alternatives is essential to preventing the waste and litter that disposables create.

BACKGROUND / LEGISLATIVE HISTORY

- December 2006, Oakland passes resolution 80286, creating a zero-waste strategic plan
- Also in December 2006, Oakland Passed Ordinance 12747 regarding green food service ware
 - This prohibited the use of polystyrene foam disposable food service ware and require, when cost neutral, the use of biodegradable or compostable disposable food service ware by food vendors and city facilities
 - This created section 8.07 in the city municipal code “Polystyrene Foam Food Service Ware.”
- April 2018, Oakland passed Ordinance 13488, April 2018, amending section 8.07
 - This renamed section 8.07 “Disposable Food Service Ware”
 - This also established procedures and prohibitions regarding the distribution of single-use beverage straws to customers of restaurants
- July 2019, The California Legislature passed AB619 (Chui) which changed the California Food Safety Code to explicitly allow reusable food containers to be refilled by the owner/operator of a food facility or the consumer and specified the manner in which consumers may supply their own reusable containers. Refills of reusable cups were already allowed.
- July 2020, Oakland City adopted its Equitable Climate Action Plan (ECAP)¹ to lay out the steps the city will take for the next 10 years to address climate change in an equitable manner.
 - Section MCW-3 of the ECAP compels the City to take action to eliminate single-use plastics and prioritize reuse in food preparation, distribution and sale
 - It states that “by 2025, in coordination with StopWaste and regional partners, the city shall expand its ban on polystyrene food containers to other categories of single-use plastic and disposable food service ware as needed to meet the city’s zero waste goals.”
- September 2021, the California State Legislature passed AB 1276 which regulated single use food ware accessories and standard condiments
 - This law expanded the definitions of “single use food ware accessory” to include: (1) utensils defined as forks, knives spoons and sporks, (2) chopsticks, (3) condiment cup and packets, (4) straws, stirrers, splash sticks, and (5) cocktail sticks.
 - Requiring the retail food industry to: (1) only provide single-use accessories upon request, (2) only provide single-use accessories required to eat the ready-to-eat food, (3) no building of single-use accessories or condiments, (4) only offer those single-use items needed to eat or prevent spillage of the ready-to-eat food at a drive-through as well as at a public use airport, (5) a third-party delivery platform shall provide their customers with the options to request single-use accessories, (6) a food facility that uses a third-party platform shall customize their menu with a list of available single-use accessories and condiments, and (7) unwrapped single-use food ware accessories that are self-serve, standard condiments that are self-serve, and/or bulk dispensed condiments may still be used.
- June 2022, the California State Legislature passed SB 54 to reduce the amount of plastic waste we dispose of in our landfills

¹ <http://oakland.legistar.com/gateway.aspx?M=F&ID=5d41b0b1-d1d3-47fc-a2a4-c69a5387a106.pdf>

- This bill set a goal that by 2032: (1) 100% of packaging in the state be recyclable or compostable, (2) 25% of packaging must be cut, and (3) 65% of all single-use plastic packaging must be recycled.
- By January 1st 2024, Cal Recycling will release a list of recyclable compostable categories
 - **Local jurisdictions shall not be required to collect a material category that is subject to an ordinance passed by the local jurisdiction prohibiting the sale or distribution of that covered material in the local jurisdiction before the publication of the lists of recyclable or compostable material from the list that will be released.**

The City of Oakland and other Bay Area jurisdictions must comply with specified trash reduction requirements related to our storm water system imposed by the SF Bay Regional Water Quality Control Board.

ANALYSIS AND POLICY ALTERNATIVES

If adopted, the Reusable Foodware and Litter Reduction Ordinance (RFO) would apply to all food vendors permitted by the City of Oakland to sell prepared food to the public - including restaurants, grocery stores and delis, bakeries, carry-out, quick services, farmers markets, food trucks, and any other business that requires a health permit. The ordinance would also apply to large public events, City events, and gatherings where food vendors serve food.

The proposed ordinance prioritizes reducing the amount of single-use plastics and disposable foodware used in food service in the City of Oakland over other approaches that have historically been applied to waste management, such as recycling and composting. Reduction of single-use packaging—particularly plastic foodware--and transitioning to reuse are the core strategies in the ordinance.

The RFO prioritizes reusables in the following provisions:

- reusable cups, plates and utensils are required to serve customers dining on premises;
- reusable cups are required for large events, large venues, and in city facilities;
- customers are encouraged to bring their own reusable cups and containers for take-out orders by ensuring that businesses accept them in a manner consistent with public health and safety, as prescribed by the state food code; and

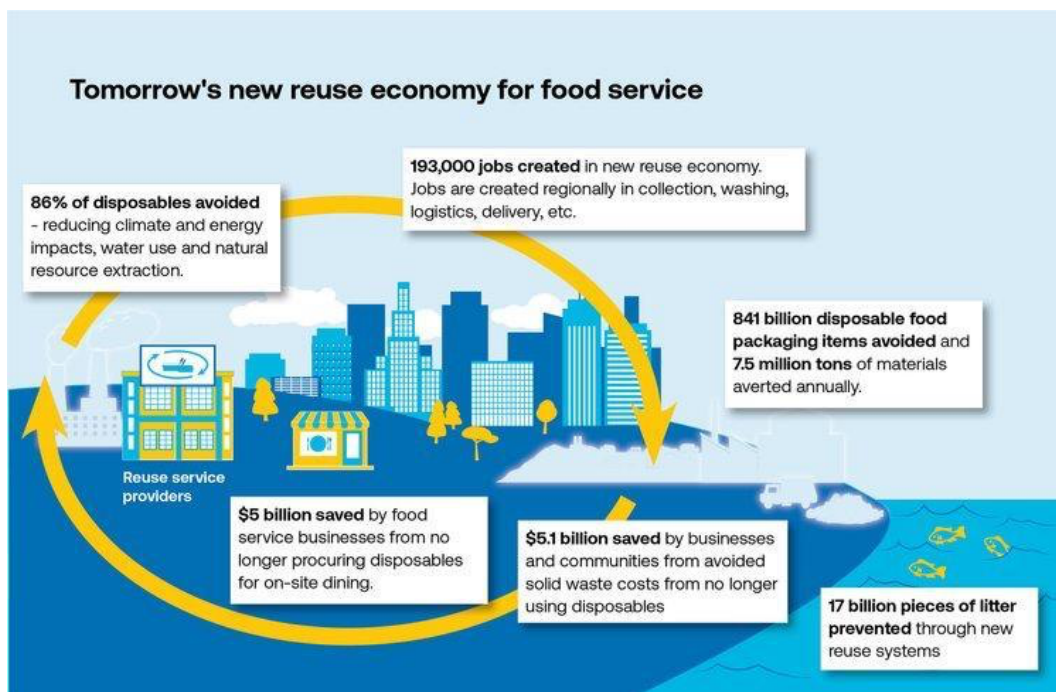
The RFO also implements the following reduction strategies:

- accessories available only upon request by the customer;
- single-use packaged water, not just plastic bottles, are prohibited for sale at city facilities. Applies to all packaged water because single-use aluminum, cartons, and fiberware have not been demonstrated to be significantly better for the environment than plastic.

The environmental and economic benefits of reuse are addressed in extensive detail in this report authored two years ago: <https://upstreamolutions.org/reuse-wins-report>. The report provides this summary data regarding disposables in food service in the U.S.

- **Nearly 1 trillion** individual pieces of disposable foodware and packaging used by US restaurants and food service businesses. This breaks down as 21% for on-site dining and 79% for take-out and delivery.
- **\$24 billion** spent by restaurants and food-service businesses on disposables each year.
- **Nearly 9 million tons** equals the total weight of all the disposables used – equivalent to the weight of 25 Empire State Buildings.
- **\$6 billion** spent by businesses and city governments on solid waste management costs attributable to disposable food packaging.
- **Roughly 20 billion pieces of litter** are from disposable food-service packaging.
- This creates significant climate pollution, energy use, water consumption, resource extraction, waste generation, litter generation and plastic pollution.

Figure 1: Tomorrow's New Reuse Economy for Food Service



The analysis shows that switching food service to reuse can achieve these results:

- **86% of disposables avoided** through 100% of on-site dining being disposable-free and reuse for take-out and delivery expanded to all US cities and urban areas.
- **841 billion disposable food packaging items avoided** meaning that **7.5 billion** pounds of materials would be averted annually.
- **\$5 billion saved by food service businesses** from no longer procuring disposables for on-site dining.
- **\$5.1 billion saved by businesses and city governments** on solid waste management costs attributable to disposable food packaging.

- **17 billion pieces of litter prevented** through new reuse systems. The reusable products (cups, containers, cutlery, bags, etc) have value – like a deposit, or a charge if not returned – that ensures these products make their way back into the system.
- **193,000 jobs created** in the new reuse economy for food service.
- Significantly reduced climate pollution, energy use, water consumption, resource extraction, waste generation, litter generation and plastic pollution.

The Ellen MacArthur Foundation estimated that the move from single-use to reusable packaging presents an opportunity worth at least \$10 billion.² Cost savings are demonstrated by a variety of examples of food service operators transitioning to reusables. For example, Starbucks found that a typical Starbucks cafe could save over \$6,000 per year by transitioning to 10 reusable cups per hour.³ Research conducted by CIRAIQ for Recyc-Quebec found that after ceramic mugs are reused 45 times (regardless of dishwasher type) cost savings accrue compared to the cost of the paper cups they replace. A restaurant study in British Columbia found the same to be true for switching from paper to ceramic plates.⁴

Potential local economic benefits. Cost savings in food service transitioning to reuse are being demonstrated locally by ReThink Disposable, a Bay Area technical assistance program that helps food service operators transition from single-use to reusable foodware.⁵ The program concluded, based on work with 400+ Bay Area restaurants since 2012, that making the switch from single-use to reuse for on-site dining always ends up saving money - 100% of the time- even after accounting for any capital costs for purchasing reusable foodware, purchasing or leasing additional dishwasher capacity, and any added labor costs. The program reports that through voluntary efforts, food businesses have achieved savings that range from \$3,000- \$22,000 per year net. Cost savings are realized generally within a few months. The quantity of disposable packaging eliminated per business ranges from 110,000 to 225,000 items annually and the annual waste reduction ranges from 1,300 to 2,200 pounds per business.⁶

Similar results are reported in numerous case studies Rethink Disposable generated in helping 29 Oakland restaurants to transition to reuse.⁷ BigG Burgers saved \$2,145 and eliminated 1,456 pounds of waste annually just by switching from disposable cutlery to reusables and creating a self service condiment station. The Sacred Wheel Cafe saved \$2,652 annually by replacing disposable bowls, cups, condiment cups, cutlery and tasting spoons, adding napkin dispensers, and only giving out accessories (utensils and straws, etc.) when customers requested them. Eleven Bay Area Subway stores participating in ReThink Disposable, each changed from

² Ellen MacArthur Foundation (2019), Reuse: Rethinking Packaging, New Plastics Economy.
<https://www.ellenmacarthurfoundation.org/reuse-rethinking-packaging>

³ Alliance for Environmental Innovation: A Project of Environmental Defense and The Pew Charitable Trust. (2000). Report of the Starbucks Coffee Company/ Alliance for Environmental Innovation Joint Task Force.

⁴ Gordon, M. (2021), Reuse Wins: The Environmental, Economic and Business Case for Transitioning from Single-Use to Reusable in Food Service, Upstream Solutions p. 58
<https://upstreamolutions.org/reuse-wins-report>

⁵ www.rethinkdisposable.org

⁶ Gordon, M. (2021), Reuse Wins: The Environmental, Economic and Business Case for Transitioning from Single-Use to Reusable in Food Service, Upstream Solutions, p.59

⁷ www.rethinkdisposable.org

disposable cups and utensils to reusables for onsite dining, netting an average cost savings per restaurant of \$678.⁸

Businesses are most often concerned that transition to reuse will require additional labor and equipment for dishwashing. All full-service restaurants that serve food on-premises already have dishwashing capacity- either commercial dishwashers or three sink systems. ReThink Disposable reports that nearly all restaurants that have transitioned to reusables have done it without changing their dishwashing set-up or increasing labor costs.⁹

For example, between 2017-2019, ReThink Disposable helped 80 restaurants in the City of Alameda to transition from single-use to reusable foodware. The program resulted in 6,199,840 single-use food serviceware items eliminated, 64,682 lbs. of waste eliminated, and \$139,231 in cost savings per year. Of all the participating businesses in Alameda, only two opted to invest in leasing a mechanized dishwashing machine, and one business owner hired an additional part-time dishwasher to implement recommended practices. Even with these costs, the business owners still saved money annually from the avoided disposable food serviceware procurement.¹⁰

Research conducted in Seattle shows that most restaurants in that city have commercial dishwashers installed already and most food serviceware used for onsite dining is already reusable, so switching to reuse would not require dramatic shifts. The restaurants surveyed reported that they use durable, reusable products at very high rates- 86% of plates, 83% of glasses, 75% of utensils and 67% of bowls were already reusable.¹¹

An analysis conducted using data from ReThink Disposable case studies, conducted by independent reuse consultants, evaluated the economic impact for Oakland restaurants impacted by the proposed policies of reuse for on-site dining and accessories upon request.¹² This study used city permit data and conducted additional research to determine the number of restaurants that would be impacted by the proposed reuse for onsite dining ordinance - resulting in a sample size of 739 restaurants. These restaurants include a mix of different restaurant sectors including: café/bakery/snack, fast casual, fast food and full service.

Figure 2: Breakdown of the Oakland Restaurant Sector

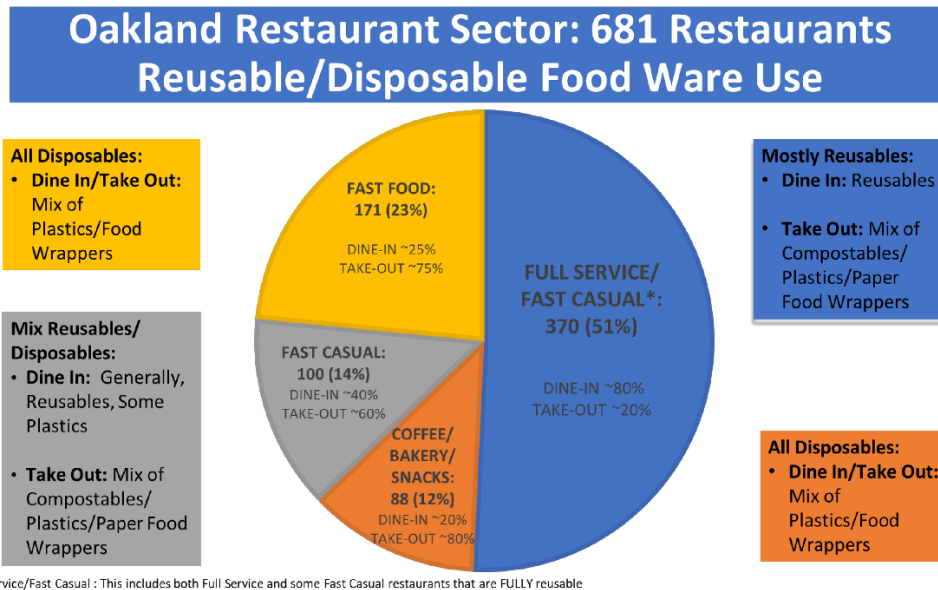
⁸ www.rethinkdisposable.org

⁹ Ibid, p. 60.

¹⁰ See "Unpackaging Alameda" at www.rethinkdisposable.org/resources

¹¹ Carros, O. Faller, M. Jones A., Perkins E., Stapnes A. (June 2020), Implementing Progressive Leadership Policies to Reduce Plastic Pollution in Seattle, p.30. A report from the Evans School of Public Policy and Governance Prepared for Seattle Public Utilities.

¹² The model was developed by Sally Lui and Daisy Fong who are affiliated with Reusable San Mateo County. The analysis was conducted by Sally Liu and the Bay Area Youth Climate Action Team.



The analysis conducted shows the types of foodware typically used in Oakland's food service sector. Fast food operators (23% of restaurants), fast casual (14%) and a sector characterized as cafes, bakeries, and snacks (12%) mostly rely only on disposables in their service operations, whereas full service operations¹³ (51%) use only reusables.

Figure 3: Reuse for on-site Dining Policy Impact

Restaurant Sector	# of Restaurants	Sector %	Restaurant Average Annual Cost Savings	Restaurant Sector Annual Cost Savings	Total Annual Waste Reduction (# of Items Eliminated)	Total Annual Waste Reduction (lbs.)
Café/Bakery/Snack	88	12%	\$4,319	\$380,028	11,630,168	140,580
Fast Casual	100	14%	\$4,687	\$468,650	25,577,150	193,050
Fast Food	171	23%	\$3,514	\$803,895	24,730,705	611,241

¹³ This sector includes the portion of fast casual that do mostly onsite dining, no take-out, and whose food service relies fully on reusables.

Full Service	370	51%	n/a	n/a	n/a	n/a
All Restaurants	729	100%	\$4,202	\$1,652,573	7,266,911	944,871

Fast food restaurants, also known as Quick Service Restaurants (QSRs) are generally the most challenged when it comes to transitioning to reuse because they lack the space and dishwashing systems to accommodate the transition. However, the ReThink Disposable Subway case study demonstrates that not all QSRs require additional dishwashing capacity to transition to reuse.

The analysis evaluated the cost and waste impacts of the proposed reuse for onsite dining policy in each sector of food service in Oakland. On average, individual food service operators are predicted to save \$4,603 annually by implementing reusables for dine-in. The highest cost savings will be achieved in the fast food sector.

Restaurants waste a lot of materials by providing more accessories than customers need. The analysis estimates the savings for businesses that provide accessories only upon customer request would be highest for the Cafe/Bakery/Snack sector and amounts to an average of \$2,773 annually per restaurant, and overall restaurants in Oakland would save over 2 million dollars per year.

Figure 4: Accessories on Request Policy Impact

Restaurant Sector	# of Restaurants	Sector %	Restaurant Average Annual Cost Savings	Restaurant Sector Annual Cost Savings	Accessories Upon Request Waste Reduction (# of items)
Café/Bakery/Snack	88	12%	\$7,487	\$658,812	28,234,800
Fast Casual	100	14%	\$626	\$62,608	12,688,920
Fast Food	171	23%	\$6,844	\$1,050,516	112,237,500
Full Service	370	51%	\$949	\$350,982	24,775,200
All Restaurants	729	100%	\$2,773	\$2,122,9178	177,936,420

Combined, the two policies result in cost savings that average \$7,515 per restaurant annually and over 3.7 million dollars for all covered restaurants in Oakland. While this has a sizable impact in cost savings, it would also have a major impact by significantly reducing the amount of waste restaurants in our city generate. Nearly 178 million single-use accessory items and over 7 million disposable foodware items would be eliminated from the waste stream annually as a result of the two policies.

Figure 5: Reuse for on-site Dining and Accessories on Request Policy Impact

Restaurant Sector	Accessories Upon Request		Dine-In Reusables		Accessories + Dine-In Reusables	
	Restaurant Cost Savings	Restaurant Sector Cost Savings	Restaurant Cost Savings	Restaurant Sector Cost Savings	Restaurant Cost Savings	Restaurant Sector Cost Savings
Café/Bakery/Snack	\$7,487	\$658,812	\$4,319	\$380,028	\$11,805	\$1,038,840
Fast Casual	\$626	\$62,608	\$4,687	\$468,650	\$5,313	\$531,258
Fast Food	\$6,143	\$1,050,516	\$4,701	\$803,895	\$10,845	\$1,854,410
Full Service	\$949	\$350,982	n/a	n/a	\$949	\$350,982
All Restaurants	\$2,912	\$2,122,917	\$4,603	\$1,652,573	\$7,515	\$3,775,490

Other jurisdictions that have enacted reusable foodware ordinances and policy alternatives. To date, 27 local jurisdictions in North America have enacted reuse for onsite dining policies including:

In California:

1. Arcata,
2. Berkeley,

3. Culver City,
4. Cupertino,
5. Fairfax,
6. Goleta,
7. Corte Madera
8. Marin County
9. Mill Valley
10. Pacifica
11. Palm Springs
12. Ross
13. San Anselmo
14. San Rafael
15. Santa Rosa
16. Sausalito
17. Sebastopol (only City Hall)
18. Tiburon
19. Truckee
20. The City of Los Angeles and Los Angeles County have adopted much more limited ordinances.

Outside California:

- Bainbridge, Canada
- Bellingham, WA
- Banff, Canada
- Edmonton, Canada¹⁴

Over 80 jurisdictions, including two states (California and Washington) have enacted Accessories on Request policies.¹⁵ These policies help to reduce single-use packaging in food service. A variety of other policy approaches are being enacted by local jurisdictions to bring reuse into food service, including disposable cup and container charges, reusable cups requirements for events, venues, and government facilities, requiring refill stations and water fountains at government facilities, and bans on packaged water. An increasing number of jurisdictions are banning plastic bottled water at government facilities, but rather than being replaced by reusable bottles or formats, these policies result in single-use alternatives such as aluminum bottles and multi-material cartons.

Staffing Capacity

We understand that there are currently staffing capacity issues throughout the City of Oakland. We have worked to provide significant lead time in the ordinance so the City Administration can conduct outreach to businesses and conduct economic analysis of these requirements before the policies become implemented. **StopWaste** (Alameda County Waste Management Authority) has offered to help with education and outreach to Oakland food service establishments.

¹⁴ Data provided by the Story of Stuff project.

¹⁵ <https://upstreamsolutions.org/policy-tracker>

FISCAL IMPACT

The provisions in the ordinance prohibiting the City purchase, sale, or distribution of packaged water and encouraging accessible water bottle refill stations at City Facilities will require limited City resources to implement. Oakland owns 309 properties, and we narrowed those down to 87 properties defined as “City Facilities.” Oakland has already converted some of these buildings to have water bottle refill stations by using CCPP funding. We look to use this ordinance to encourage the City to keep adding in accessible water bottle refill stations.

PUBLIC OUTREACH / INTEREST

Council President Pro Tempore Kalb has met with restaurant owners, restaurant groups, large venue owners, event staff, ethnic chambers of commerce and business improvement districts. These include: The Oakland Chamber of Commerce and associated ethnic chambers of commerce, the Business Improvement District Alliance, the Golden Gate Restaurant Association, the Oakland Coliseum and Arena, Fox Theatre, First Friday, food delivery platform Uber Eats, and more.

COORDINATION

At the urging of Councilmember Kalb, StopWaste, aka the Alameda County Waste Management Authority, has produced a model reusable food ware and plastic litter reduction ordinance for jurisdictions in Alameda County to modify and adopt as they see fit. Councilmember Kalb has worked with the City Attorney’s office, the Recycling Program team in Public Works, Sustainability and Resiliency teams, and Economic and Workforce Development on this report and legislation. Councilmember Kalb and staff worked closely with StopWaste staff in the preparation of this ordinance.

SUSTAINABLE OPPORTUNITIES

Economic: As noted in the cost study, restaurants the implement polices to reduce waste, such as accessories upon request and only using reusables for dine in, see cost savings as they must purchase less materials for their business.

Environmental: This ordinance will reduce the amount waste coming from disposable food ware coming from the food service industry into our wastestream and on our streets and in our waterways. This will result not only in less waste in our garbage system, but also less waste in our streets, San Francisco Bay and other areas where waste gets distributed.

Race & Equity: One of the aims of this ordinance is to reduce illegal dumping and material consumption waste. The current ECAP, on the topic of material waste, states that “Frontline communities – in Oakland and globally – are disproportionately impacted by pollution from industrial manufacturing and wasteful disposal practices... Improved compost, recycling, and edible food recovery infrastructure can lead to healthier streets and social spaces for all

communities, especially those who lack permanent housing.” The reduction of food ware waste from this ordinance will lead to cleaner communities across the City.

Restaurants as a sector are very important to our City’s political economy, especially those in our frontline communities. Restaurants bring in tourism, branding leisure and are an economic engine for the City. Restaurants are not just a place to eat, they are also hubs for the community, they are a place to bring people together and are also a signal of the economic viability of a neighborhood and the city at large. As it stands, Oakland has seen more closures than openings of restaurants on a yearly basis. This has been due to different factors such as crime, less traffic due to hybrid work schedules, high cost of rent and other factors. These factors are only exacerbated in our frontline communities, and we must be careful to not cause excess stress on these already hurting businesses. An indicator of the stress businesses are facing is the vacancies. The majority of vacancies are in the Asian and African-American communities at 4.8% and 3.9% respectively.¹⁶ While these stats are a few years old, it is our finding that this remains the case, and the percentages are likely higher than that now. These communities have not only seen businesses close, but also don’t see those businesses replaced, showing us that these communities likely see disproportionate economic distress as opposed to others. These restaurants. Additionally, many Priority Communities in East and West Oakland can be described as a food desert.¹⁷ This means that one-third of the neighborhood is living more than half a mile from the closest supermarket or large grocery store. Those without transportation who don’t have easy access to a grocery store in these communities are dependent on local restaurants for food, and the closing of any restaurants in their neighborhood can be very detrimental for the community.

With the knowledge that restaurants, especially in priority communities, are struggling, we have put into place measures to reduce the burden on them. Certain parts of the ordinance will not go into effect immediately, which will provide additional time for businesses to adjust by converting to reusable food ware and other practices under the ordinance. The policy also looks at the commercial availability of plastic alternatives that are compliant under the ordinance.

The City Administration and subcontracted designees will be asked to conduct outreach and engagement with potentially affected businesses to inform them of key provisions of the ordinance, to understand their concerns and challenges related to this ordinance, and to receive and, as appropriate, act on their suggestions for improving relevance of and ease-of-compliance with the ordinance. The City will look to reach a majority of affected businesses in Priority Communities and across the City.

With the assistance of local Business Improvement Districts (BIDs) and ethnic Chambers of Commerce, the City will identify the stakeholders to engage with in the implementation of this ordinance. Additionally, our engagement will highlight the waiver process which will waive requirements for sections of this ordinance if it causes undue stress on a business. Where possible, the City Administration will look for grant opportunities to help ease the burden on businesses in Priority Communities.

¹⁶ <http://www2.oaklandnet.com/oakca1/groups/cityadministrator/documents/report/oak071073.pdf>, pg 26.

¹⁷ https://abcotvdata.github.io/equity_food_deserts/norcal_food_map.html

The City Administration will conduct an analysis to be published on the City's website by the City's Economic and Workforce Development Department (EWDD) and reviewed and approved by the City's Department of Race and Equity (DRE). This will analyze the materials and on-site systems necessary for compliance with the ordinance that are commercially available and affordable such that a clear majority of affected Oakland businesses can purchase and/or implement them as relevant without experiencing an undue financial burden.

ACTION REQUESTED OF THE CITY COUNCIL

Councilmember Pro Tempore Kalb and Councilmember Gallo Respectfully Request That The City Council:

APPROVE AN ORDINANCE TO REDUCE LITTER ON OUR STREETS AND IN OUR WATER WAYS BY (1) REQUIRING PREPARED FOOD VENDORS TO USE REUSABLE FOOD SERVICE WARE FOR DINING ON PREMISES, (2) ALLOWING CUSTOMER-PROVIDED REUSABLE BEVERAGE CUPS AND FOOD CONTAINERS FOR TAKE-OUT, (3) REQUIRING THAT PREPARED FOOD VENDORS TO ONLY PROVIDE DISPOSABLE FOODWARE ACCESSORIES UPON REQUEST, (4) REQUIRING REUSABLE BEVERAGE CUPS AT CITY FACILITIES, (5) REQUIRING REUSABLE BEVERAGE CUPS AT LARGE VENUES, (6) REQUIRING REUSABLE BEVERAGE CUPS AT LARGE EVENTS, (7) PROHIBITING THE CITY PURCHASE, SALE, OR DISTRIBUTION OF PACKAGED WATER, (8) ENCOURAGING THE INSTALLATION OF ACCESSIBLE WATER BOTTLE REFILL STATIONS AT CITY OWNED AND OPERATED FACILITIES, AND (9) REQUIRING COMPLIANT DISPOSABLE FOOD SERVICE WARE FOR FOOD SERVICE; AND MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

For questions regarding this report, please contact Matthew Malsin, at mmalsin@oaklandca.gov or 510-238-3557.

Respectfully submitted,



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