

Napa County Single Use Plastic Bag Reduction and Reusable Foodware and Waste Reduction Ordinances

FREQUENTLY ASKED QUESTIONS

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SINGLE-USE PLASTIC BAG REDUCTION ORDINANCE

Isn't this law already in effect?

Yes, but staff is proposing changes to align with new State requirements.

Do customers have to pay for compostable or recyclable bags?

Yes. The ordinance requires businesses to charge 25 cents per bag. Businesses can only provide free reusable, compostable, or recyclable bags in specific cases, such as:

- Purchases made through the Women, Infants, and Children (WICC) program or the Commodity Supplemental Food Program
- Bags used to carry fruits, vegetables, bulk food, or meat within the store to the register

- Prescription medicines from a pharmacy
- Separating items that could contaminate others if placed in the same bag
- Meat, fish, or frozen foods
- Food from a public eating establishment

Can customers use their own bags at a business?

Yes. Customers can use their own bags or containers, including take-out food. However, if the bag or container is damaged, dirty, or unsuitable, the customer may need to purchase a recyclable or compostable bag..

What about fruit and vegetable bags?

All produce and other pre-checkout bags must be compostable or recyclable, with certain exemptions:

- Government or charity programs, such as food banks, distributing bulk food items
- Meats, fish, or poultry from a butcher counter
- Items provided by the County during an emergency
- Liquids or foods with sauces that are not pre-packaged, or frozen food that can melt; or
- Bulk plastic bags for specific uses, e.g., food storage, solid waste, pet waste

Who will enforce the proposed regulations?

The Napa County Climate Action Committee, an advisory body with representatives from all six local jurisdictions (County of Napa, City of Napa, City of American Canyon, City of Calistoga, City of St. Helena, and Town of Yountville), developed this model ordinance. Each jurisdiction will decide whether to adopt, modify, or reject it. Jurisdictions that adopt it will be responsible for implementing and enforcing the requirements.

REUSABLE AND COMPOSTABLE FOODWARE ORDINANCE

What is the purpose of this new law?

This ordinance aims to reduce solid waste into local landfills, lower greenhouse gas emissions, minimize litter, and protect wildlife by requiring food sellers to use reusable or compostable foodware.

What foodware items are affected?

Foodware includes all types of containers, coolers, bowls, plates, trays, cartons, cups, lids, straws, stirrers, utensils, napkins, condiment containers, toothpicks and packaging, cup sleeves, tops, spill plugs, food wrappers, splash sticks, cocktail sticks, tray-liners, and plate liners used for food service

Who must comply?

Businesses selling prepared foods in jurisdictions that adopt the ordinance must comply. This includes restaurants, grocery stores, delicatessens, bakeries, food trucks, drive-in, drive-thru, coffee shop, cafeteria, café, luncheonette, grill, sandwich shop, hotel, movie house, theater, bed and breakfast, tavern, bar, cocktail lounge, tasting room, nightclub, roadside stand, takeout food, catering kitchen, commissary, special event, food market, farmers market, produce stand, food stand, or similar place where food is processed, prepared, stored, served, or provided to customers and which pays sales or use tax.

Do sit-down restaurants have to use reusable foodware?

Yes, unless they are granted a waiver by the county. Businesses with waivers must use compostable foodware.

How long will businesses have to comply?

The compliance timeline varies by jurisdiction. For example, in the City of Calistoga the ordinance took effect a year after it was adopted, while the City of Truckee allowed 14 months..

Will there be education and outreach to businesses and the public?

Yes. each jurisdiction will manage its outreach. Napa County has notified food providers in the unincorporated area about the draft ordinance, and presentations are being made at local Chambers of Commerce., Frequently Asked Questions (FAQs) in English and Spanish will be posted online, and waste and recycling haulers, environmental health staff, and other entities will help share information.

What does “recyclable” or “compostable” mean?

Recyclable: Material accepted by the County’s contracted waste collection program(s) that can be processed for reuse.

Compostable: Items accepted by the County’s waste haulers; made of organic materials that decompose safely and certified by organizations like the Biodegradable Products Institute (BPI). They must be free of harmful chemicals like PFAS (Forever Chemicals).

Do customers have to pay for disposable foodware?

Yes. Businesses must charge 25 cents per cup, container, or bag, with a maximum charge of \$1 per order. Exemptions include items purchased through WIC or the Commodity Supplemental Food Program, and pizza boxes.

Customers who bring their own foodware may receive a discount.

What foodware is exempt?

- Recyclable aluminum or glass containers.
- Pre-packaged food items
- Items used in government or charity programs
- Recyclable products when compostable options are unavailable
Specific items that comply with State or County health code regulations, such as butchered meats or sushi packaging.

What polystyrene (Styrofoam) products are allowed?

Polystyrene products are generally prohibited, with exceptions for:

- Pre-packaged food items such as ramen noodles in a cup
- Emergency supplies and services provided by the County during an emergency
- Medical supplies
- Products wrapped in a stronger cover, such as surfboards, boats, life preservers, craft supplies, coolers, and ice chests.
- Construction products that comply with the County Code and used in controlling storm water without getting into the environment.

Does local government also have to follow the new law?

Yes, if adopted, local governments must comply. They would also ban the sale or distribution of all drinks in plastic bottles of 21 ounces or less at government properties or events.

Who will enforce the law?

The Napa County Climate Action Committee developed the model ordinance. Each local jurisdiction will decide on adopting, modifying, or rejecting it. Enforcement will be the responsibility of jurisdictions that adopt the ordinance.

What records must food sellers keep?

Food sellers must maintain accurate records for three years of their purchases of recyclable or compostable foodware. These records can be inspected and are subject to the Public Records Act.

What is the penalty for a violation?

Violators can be fined up to \$100 for the first violation, \$200 for a second violation within a year; and up to \$500 for additional violations within a year. Additional enforcement actions may also be taken.