

FREQUENTLY ASKED QUESTIONS

SINGLE USE PLASTIC BAG REDUCTION ORDINANCE

Isn't this law already in effect?

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

Do customers have to pay for compostable or recyclable bags?

Yes. State law and this ordinance requires businesses to charge 25 cents per bag. Businesses can provide free reusable, compostable, or recyclable bags only for:

- Things bought as part of the Women, Infants, and Children (WICC) program, or the Commodity Supplemental Food Program;
- Carrying fruits and vegetables, bulk food, or meat within the store to the register;
- Prescription medicine from a pharmacy;
- Keeping things apart that could harm other items if placed in the same compostable or recyclable bag;
- Meat, fish, or frozen foods; or
- Food from a public eating establishment.

Can customers use their own bags at a business?

Yes. Customers can use their own bags or containers to carry things from a business, including take-out food and restaurant leftovers. Customers may have to buy a recyclable or compostable bag if they bring a bag or container that is cracked, chipped, decayed; the wrong size or made out of the wrong material; or looks dirty or unhealthy.

What about fruit and vegetable bags?

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

- Government or charity programs, such as food banks, that pack bulk food items in plastic bags;
- Meats, fish, and/or poultry sold from a butcher counter;
- Supplies and services bought and delivered by the County during an emergency declared by the County Executive Officer;
- Liquids, such as soup, drinks, and foods with sauces that are not pre-packaged, or frozen food that can melt; or
- Bulk plastic bags sold for food storage, solid waste, pet waste, etc.

Who will enforce the proposed regulations?

This is a model ordinance that has been developed by the Napa County Climate Action Committee, an advisory body that includes elected representatives of 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). The model ordinance will be forwarded for future consideration by each jurisdiction. The City/Town Councils and County Board of Supervisors can each adopt, modify, or reject the draft ordinance based on their discretion. Those jurisdictions that adopt the draft ordinance, or an amended version, will be responsible for implementing their individual requirements.

REUSABLE FOOD WARE AND WASTE REDUCTION ORDINANCE

What is the purpose of this new law?

Requiring food sellers to use reusable or compostable food ware will reduce the amount of solid waste going into local landfills, and will help reduce green house gas emissions and the effects of climate change.

What food ware items are affected?

Food ware includes all 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.

Who has to comply?

These requirements only apply where prepared food is sold and only where the local City/Town Council or Board of Supervisors has adopted an ordinance. Where an ordinance has been adopted, the new rules apply to any store, shop, restaurant, grocery store, delicatessen, bakery, food truck, 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 all businesses where people sit down to eat have to provide reusable food ware?

Yes. Those businesses that are unable to provide reusable food ware may apply to the City/Town or County for a waiver. Businesses receiving a waiver must still use compostable food ware.

How much time will a business have to comply with the new requirements?

The amount of time provided for businesses to comply may be decided by each jurisdiction and will likely vary. As an example, in the City of Calistoga the ordinance didn't become effective until a year after it was adopted. The City of Truckee's ordinance went into effect 14 months after it was adopted.

Will there be any education and outreach to businesses and the public to make them aware of the new requirements?

Yes, although education and outreach efforts may vary by jurisdiction (i.e. County of Napa, City of Napa, City of American Canyon, City of Calistoga, City of St. Helena and Town of Yountville). For the draft ordinance, these Frequently Asked Questions is one part of increasing awareness and providing information. These FAQs are also being translated in Spanish and will be posted on-line. In addition, food providers in the unincorporated area have been notified of the draft ordinance and presentations are being made at Chambers of Commerce. Waste and recycling haulers, environmental health staff, and others will also be helping to get information out about this new program once it is adopted.

What does recyclable or compostable mean?

Recyclable means that the food ware can be collected by local trash haulers and treated and processed into something else. Compostable means that the item is:

- Accepted by County contracted recycling and waste haulers; and
- Made of organic materials that will break down or can be made into mulch compost in a safe and timely manner; and
- Approved by the Biodegradable Products Institute, or other group recognized by the County, and is free of harmful chemicals; and

- Made of natural fiber, meaning plant or animal materials, including coated paper, sugar cane, bamboo, wheat stems/stalk, hay, and wood.

Do customers have to pay for disposable food ware?

Yes. This ordinance requires businesses to charge 25 cents per cup or container bag, not to exceed \$1 per order. This charge does not apply to:

- Things bought as part of the Women, Infants, and Children (WICC) program, or the Commodity Supplemental Food Program;
- Pizza boxes; and
- Food trucks or temporary food facilities such as tents.

Customers who bring their own reusable food ware may receive a discount of at least 25 cents.

What food ware is exempt?

- Food ware made of recyclable aluminum or glass.
- Containers of pre-packaged food, where the food is not removed from the container before sale;
- Food ware used in government or charity programs, such as food banks, that pack bulk food items in plastic bags;
- Recyclable items shall be used when compostable food ware products are unavailable;
- Recyclable items shall be used to comply with State or County health code regulations, such as hot-table display; or packaging meats, fish, and/or poultry sold from a butcher case; and when compostable products would not allow deli or grocery items to be visible (such as sushi, salads, and cakes).
- Disposable food ware items sold in bulk by vendors.

What polystyrene (Styrofoam) products are allowed?

All polystyrene products are prohibited except for the following:

- Pre-packaged food that is not removed from the container before sale, such as ramen noodles in a cup or meat in trays sold at a grocery store.
- Supplies and services bought and delivered by the County during an emergency declared by the County Executive Officer;
- Medical supplies and services.
- 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, where this ordinance has been adopted by the local City/Town Council or Board of Supervisors, they would also be required to provide reusable or compostable food ware and ban most uses of polystyrene. In addition, local government would ban the purchase, sale, and/or distribution of all drinks in plastic bottles of 21 ounces or less at government properties or buildings.

Who will enforce the new law?

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What records do food sellers need to keep?

Food sellers must keep complete and correct records for three years, whenever they buy recyclable or compostable food ware. Records can be inspected by County staff during regular business hours. All records may be subject to the Public Records Act. Providing false or incomplete records is a violation.

What is the penalty for a violation?

Food sellers can be fined for each separate violation. Violators can be fined up to \$100 for the first violation; up to \$200 for a second violation within one year; or up to \$500 for each additional violation of the same code section within one year. The County can take other enforcement actions in addition to fines.