



Food Service Container Ban Frequently Asked Questions

Background:

On February 6, 2009 the Monterey City Council unanimously voted to ban the use of polystyrene foam food service containers within the City of Monterey

<http://www.codepublishing.com/ca/monterey/> (Search for Chapter 14, Article 3)

When does the ordinance take effect?

August 16, 2009 for all food service providers in the City of Monterey.

Why did the City of Monterey ban polystyrene foam?

Expanded polystyrene foam (commonly known as Styrofoam®) is a significant litter problem in our community. Littered polystyrene foam remains permanently in the environment where it breaks into tiny pieces that disperse widely and pose a severe threat to wildlife. Banning polystyrene foam take-out packaging locally will address some of marine pollution by requiring the use of environmentally preferable alternatives while helping to educate business owners and citizens on the positive impact their packaging choices can make.

What are the banned food service containers?

Containers that will not biodegrade, compost, or cannot be recycled locally. This specifically refers to expanded polystyrene (one example of which is known as Styrofoam®).

This ban applies to single-use disposable containers intended for serving or transporting prepared ready-to-eat food or beverage. Examples include, but are not limited to, cups, plates, trays, bowls, and hinged or lidded containers. This does not apply to single-use disposable food service items which are not used as food containers, such as straws, cup lids and utensils.

Who must comply with this ordinance?

This ordinance prohibits all food providers in the City of Monterey from dispensing prepared food in products that are not biodegradable, compostable or recyclable. "Food provider" means any persons providing food within the City of Monterey for public consumption on or off its premises and includes without limitation any store, shop, sales outlet, restaurant, delicatessen, grocery store, super market, catering truck or vehicle, or any other person who provides prepared food, or any promoters and participants of special events. The ordinance also covers food containers purchased by city staff, city-sponsored events, city-managed concessions and city-permitted events.

What are the penalties for non-compliance?

- The 1st violation results in a written warning.
- The 2nd violation results in a fine of up to \$100 (violator may submit receipts demonstrating purchase of at least \$100 worth of biodegradable, compostable, or recyclable products).

Promoters or participants of special events that are non-compliant will be penalized according to the amount of persons attending the event. (More questions, contact our office at 831.646.5662)

What types of containers are allowed under the ordinance?

- Aluminum
- Glass
- Recyclable Plastics
- Biodegradable products
- Compostable plant fiber products, such as Bagasse, now made from corn, sugar cane, bamboo, palm, grass and other rapidly compostable resources.
- Bioplastics (looks like plastic) are required to be labeled as “compostable”, BPI certified, and meet compostability standards (ASTM D6400). For a list of compliant bioplastic products go to the Biodegradable Products Institute (BPI) www.bpiworld.org/BPI-Public/Approved/2.html . The BPI certification means a third party has tested that these products will break down in a composting facility.

What is the heat tolerance of compostable products?

When determining what type of compostable product line to use, it is important to know whether you will be serving hot or cold food. For example, a popular corn-based container has a heat tolerance of around 100 degrees F and is excellent for salads, sandwiches and cold drinks, but not hot foods or drinks. Specific brands of compostable food containers are designed for hot foods and drinks. Before you choose a container, be sure to ask for information on heat tolerance and other product specifications.

Where do I find acceptable food service containers?

Contact or visit your sales representatives to inquire about acceptable containers. If they do not carry them, request that they begin doing so. As a service to the community, the city has a list of suppliers of acceptable food service containers. Visit our website at www.MontereyRecycles.org To sign up for a free starter kit, contact the city’s recycling hauler, Monterey City Disposal Service at 831.372-7977.

Who can I call for questions about where to find alternative products, ordinance enforcement, exemptions, recycling technical assistance or community presentations?

Contact Angela Brantley or Lesley Milton at the City of Monterey Recycling Programs office at 831.646.5662 or Brantley@Ci.Monterey.Ca.Us or Milton@Ci.Monterey.Ca.Us