



## **A Guide to Reuse for Onsite Dining Policies**

January 2024

**About this Guide.** This Guide provides an overview of the policies enacted to ensure that when customers dine at a food service establishment they are served food and beverages prepared by that establishment in reusable foodware. It is intended to assist those developing new policies. It encourages drafters to consider the various elements of reusable foodware policies. This will enable drafters to construct a policy that best fits the needs of the jurisdiction. All of the policies discussed in this Guide (and more) are listed with details of the specific provisions in this [Story of Stuff Project Reuse Policy Tracker](#). The Guide makes reference to the [STOP WASTE Model Ordinance](#) that was released in 2023 because it is comprehensive in approach and considers many of the elements listed here.


**Background.** In January 2019, the Berkeley, California City Council adopted the first ever policy requiring that restaurants and other vendors of “prepared food” (i.e. food and beverage prepared on-site as opposed to prepackaged offsite) must use reusable foodware to serve diners eating on the premises. The law was championed by Council Member Sophie Hahn and local activists. To our knowledge, no such law existed prior to this time anywhere in the world.

The Berkeley policy was structured to bring reuse into onsite dining by requiring reusable foodware only for serving customers and into takeout service by requiring that food vendors stop giving out disposable cups for free. It included a take-out cup charge of \$0.25 and required businesses to accept customers bringing their own reusable cups to avoid the charge. It also aimed to reduce single-use accessories, like straws, stirrers, condiment packets, lids, utensils, by requiring that they be provided only when a customer specifically requests them.

A few additional northern California jurisdictions followed with similar versions of the Berkeley ordinance. But when COVID-19 hit in March 2020 and onsite dining operations shut down as people started to “shelter in place,” policies regulating on-site food-service were put on hold. A surge in take-out and food delivery resulted from COVID-19, prompting activists to focus instead on reducing the amount of unnecessary accessory foodware items delivered to people in their homes and businesses. Upstream launched a “Skip the Stuff” campaign and it took off.

In 2021, reusable foodware policies resurged, especially in California. Now, five years since the Berkeley ordinance was enacted, 30 local jurisdictions in N. America have enacted reuse for onsite dining requirements.

The early adopting jurisdictions put outreach and enforcement on hold while businesses closed during COVID-19. They are only in the beginning phases of educating the regulated businesses about the requirements and seeking to ensure they come into compliance. But quick service restaurants like McDonald's and other chains are beginning to launch reusables programs and implement cup charges where they are required.

**Elements of a Reuse for Onsite Dining Policy.** The Story of Stuff Project is tracking the development of these policies and helping to iterate increasingly better versions. Here we provide a breakdown of the various elements of reuse for on-site dining policies indicating our recommended approach with this symbol .

## 1. Definition of Reuse

**The Most Typical Definition.** Berkeley's definition is the most often used.

*Reusable foodware. "Reusable Foodware" means all foodware, including plates, bowls, cups, trays, glasses, straws, stirrers, condiment cups and utensils, that is manufactured of durable materials and that is specifically designed and manufactured to be washed and sanitized and to be used repeatedly over an extended period of time, and is safe for washing and sanitizing according to applicable regulations.*

**Numeric Approach Aimed at Ensuring Durability.** Early-stage efforts adopted a numeric definition, mostly in service of trying to discourage the use of plastics. Upstream's model policy took this approach and the cities of Bainbridge, Bellingham, and Shoreline, WA iterated that model language as:

*"Reusable" means designed and manufactured to maintain its shape and structure, and to be materially durable for repeated (at least 1,000 times each) sanitizing in water at 171 degrees Fahrenheit for at least 30 continuous seconds, washing via commercial dishwashing machine, and reuse.*

The State of California adopted a numeric standard in regulations accompanying SB 1335, governing food service packaging at state facilities.<sup>1</sup> The state requires reusable packaging at state facilities to meet one of the following criteria:


*A food service packaging item is "reusable" and shall be included on the List if the department determines that it meets the requirements of Section 17989.2 and satisfies either of the following criteria: (1) The item maintains its shape, structure, and function after 780 cycles in a cleaning and sanitizing process as defined in California Health and Safety Code Section 114101 and 114099.7, respectively, as demonstrated by test results from an ISO/IEC 17025:2017 accredited laboratory; or (2) The manufacturer of the food service packaging item provides an express, written warranty to purchasers of the item that it will remain reusable for*

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<sup>1</sup> Available at <https://calrecycle.ca.gov/packaging/statefoodservice/>


its intended purpose for a minimum of one year or else the manufacturer will take back and replace the item at the manufacturer's expense.


The 780 wash cycles was the state's calculation of durability for one year (3 meals a day for 5 business days over 365 days a year). The Stop Waste Model Ordinance took that approach but eliminated the manufacturer warranty because manufacturers contacted stated they don't provide such warranties and stated that certain materials are considered to be de facto reusable because research shows that they last for over 1,000 cycles of use.

 *"Reusable" means Food Service Ware that is manufactured of ceramic, porcelain, glass, or non-foil metal, or other durable materials that are specifically designed and manufactured to be washed and sanitized for at least 780 commercial wash cycles as warranted by the manufacturer, based on testing performed by an ISO 17025 Accredited Lab, are safe for washing and sanitizing according to California Health & Safety Code, Sections 114101 and 114099.7, respectively and all other applicable regulations, and are used in a system that enables repeated collection, washing, and return of Food Service Ware, thereby ensuring that the product is actually used repeatedly over an extended period of time. Reusable products shall not be manufactured from a High Priority Toxic Material.<sup>2</sup>*

This definition can be adapted to any jurisdiction references to its state food safety code requirements for washing and sanitizing foodware.


## 2. Types of foodware that must be reusable

 **The comprehensive approach.** Many ordinances include all types of foodware, such as Arcata's, Berkeley's, Cupertino's, all the cities and the County of Marin, Goleta, Santa Rosa, ordinance, which provide: *"Reusable Foodware" means all foodware, including plates, bowls, cups, trays, glasses, straws, stirrers, condiment cups and utensils..."*

 **The condiments add-on.** Some ordinances include a requirement that condiments be delivered in reusable formats, like refillable jars and bulk pump-activated containers. This is the case for Cupertino, CA; Bainbridge Island, WA; Oakland, CA; and Palm Springs, CA.

The Limited approach. Edmonton limits the reuse on-site requirement to cups.

## 3. "On-Site Consumption"

 Most ordinances don't speak to how "on-site consumption" should be interpreted or refer to any number of seats that the business needs to have.

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<sup>2</sup><https://www.stopwaste.org/file/disposable-packaging-reduction-and-reusable-foodware-model-ordinance-for-alameda-county>

👍 The Cities of Bainbridge and Bellingham, WA and Cupertino, CA anticipated situations where seating areas might be shared among businesses, such as food courts or food halls, by stating: *“Consumption is considered on-premises if it takes place at tables and/or seating provided by the food service business, either on its own or in relation to another food service business.”*

Only a few limit the requirement to businesses with a certain amount of seating. The City of Banff, for example, limits the reuse for on-site dining requirements to businesses with a minimum of 10 seats for consumption of food or drinks on the business premises.

👍 A few jurisdictions (Edmonton, for example) state that vendors should ask customers whether the order is “for here” or “to go.” This is a recommended practice. If the business makes this a regular practice, they should not be held responsible for customers who sit down with disposable take-out packaging.

👍 One jurisdiction, Shoreline, WA, requires that businesses have a dishwashing system on-site or a contract with an offsite provider to clean and sanitize all reusable food service ware consistent with state or local health code.

#### 4. Types of transactions- for sale vs. all food service


One jurisdiction, Fairfax, CA, limits the reuse for onsite dining requirements to prepared food sold by vendors. 👍 Most jurisdictions require reusables regardless of whether the food is sold or provided free of charge.

5. 👍 **Future businesses must demonstrate compliance.** A requirement that new food service businesses demonstrate that they can comply with the reuse requirement when they apply for a business license or permit to operate means that future businesses will be designed for reuse. Without it, the jurisdiction sets itself up for future waiver applications and compliance problems. This is an important element of effective reuse for on-site dining policies. To date, the following jurisdictions have enacted this policy: Arcata, CA; Banff, Alberta/CA; Cupertino, CA; Oakland, CA; and Truckee, CA; and it is included in the STOP WASTE model ordinance.


#### 6. Exceptions to Reuse for onsite dining

There is a broad range of exceptions for products, use cases, and specific types of operations.

- 👍 Exceptions for Wraps and Liners. This is a typical exception, almost all the policies allow businesses to use disposable paper food wrappers, bags, foil wrappers, paper tray and plate liners. Some also list napkins, sleeves, or straws. Most require that the disposable wraps, liners, and other disposable products in this exception conform to the disposable foodware requirements in other sections of the foodware policy.
- 👍 For Leftovers. A common exception to reuse for onsite dining is for packaging customer leftovers. These cities make that exception: Bellingham, WA; Shoreline, WA; Cupertino, CA; Half Moon Bay, CA; County of Los Angeles, CA; Oakland, CA; and Pacifica, CA.

-  Condiments in Reusable Containers or Bulk Dispensers for onsite dining. Most of the policies have accessories on request provisions that include condiment packets. But several jurisdictions specify that for onsite dining, condiments must be provided in bulk dispensers or refillable containers. This is a great way to ensure that condiments are not in disposable formats for onsite meal service.

The STOP WASTE Model Ordinance includes this provision but also allows businesses to provide condiment packets for those with medical necessity, such as persons with Celiac Disease. Oakland adopted this approach. The following jurisdictions have incorporated this policy into their ordinances: Cupertino, CA; the City of Los Angeles, CA; Marin County and Cities in Marin, CA; Oakland, CA; and Palm Springs, CA.

-  Disposable straws available on request. Several jurisdictions allow disposable straws to be given to customers upon request. Few state that this is a disability or medical necessity provision as policy framers want to avoid stigmatizing persons with disabilities by requiring them to state the reason for the request. The cities that include this exception are: Arcata, CA; Bainbridge, WA; Bellingham, WA; Berkeley, CA; Cupertino, CA; Culver City, CA; Goleta, CA; Marin County and Cities in Marin, CA; Oakland, CA; Pacifica, CA; Palm Springs, CA; Shoreline, WA; and the STOP WASTE model ordinance.
- Exception in Cases of Emergency. Although governments generally have broad authority to suspend policies or freeze regulatory requirements in cases of natural disaster or other emergency, several reusable foodware policies explicitly enable these actions. The following jurisdictions include this exception: Cupertino, CA; Marin County and its cities; Santa Rosa, CA; Half Moon Bay; County of Los Angeles, CA; Shoreline, WA
- Charitable and/or Non-profit organizations. Most reuse for onsite dining policies include charitable groups or non-profit organizations among the regulated food providers. Only the cities of Banff and Edmonton, in Canada, exempt non-profits or charitable organizations.
- Mobile Food Facilities and Temporary Food Facilities. Generally, the businesses responsible for implementing reuse for onsite dining include mobile food facilities and temporary food facilities, such as food trucks, farmer's markets, carts, and other itinerant food service. These businesses may have the most difficulty complying with the requirements of reuse for onsite dining, where onsite dining includes indoor and outdoor dining and there are seats set up for diners. But compliance is not impossible. The City of Truckee is the only jurisdiction that has specifically exempted mobile and temporary food facilities.

- Attractions and Entertainment Facilities Exception. The City of Banff exempts these facilities.
- Limited to full-service restaurants. The only jurisdiction to limit the reuse for onsite dining to full-service restaurants is the County of Los Angeles. Since full-service restaurants are usually in compliance to start with, that is, their operations generally rely almost entirely on reusable foodware, this policy approach won't move the dial very far on reuse.

**9. Waivers.** All the reuse for onsite dining policies reviewed to date include some opportunity for a business to apply for a waiver or partial waiver of the requirements. Generally, the waivers are provided if a business can demonstrate inability to comply due to insurmountable space constraints, undue financial hardship, and/or other insurmountable circumstances. Some allow waivers for businesses that do not have onsite dishwashing capacity or are unable to contract with third party dishwashing services.

The time-periods for waivers are limited, generally to one or two years. Some jurisdictions, like Berkeley, allow businesses to reapply for waivers but require that they demonstrate that they made diligent efforts to overcome the challenges. Others set a maximum period for the waiver, like the City of Goleta that limits the waiver to two years.

Some businesses can apply for exemptions (no difference from a waiver due to “undue hardship,” which is generally considered to be economic hardship, as in the case of Culver City., where the exemption is for a year and businesses can reapply thereafter.

A few jurisdictions (Berkeley, Oakland, and the STOP WASTE model policy) deem a waiver to be suspended automatically in the event of a significant remodel, renovation, or other alteration of the premises with a construction valuation that exceeds \$60,000.

## **LINKS TO THE REUSE FOR ONSITE DINING POLICIES IN N. AMERICA**

|                                 |  |                      |
|---------------------------------|--|----------------------|
| <b>STOP WASTE MODEL</b>         | Disposable Packaging Reduction and Reusable Foodware Model Ordinance                     | <a href="#">Link</a> |
| <b>1. Arcata, CA</b>            | Ordinance No. 1257- Single Use Disposable Foodware Items and Plastic Bottle Restrictions | <a href="#">link</a> |
| <b>2. Bainbridge Island, WA</b> | Ordinance No. 2021-34- Disposable Food Service Ware and Waste Reduction                  | <a href="#">Link</a> |
| <b>3. Banff, Alberta, CA</b>    | Single-Use Item Reduction Bylaw  | <a href="#">link</a> |
| <b>4. Belvedere, CA</b>         | Ordinance No. 2023-03 - Reusable Foodware Ordinance                                      | <a href="#">Link</a> |
| <b>5. Bellingham, WA</b>        | Ordinance No 2021-05-023   | <a href="#">Link</a> |
| <b>6. Berkeley, CA</b>          | Single Use Foodware and Litter Reduction ORDINANCE NO. 7,639-N.S.                        | <a href="#">link</a> |

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| 7. Culver City, CA             | Waste Reduction Regulations Bill   | <a href="#">Link</a>                   |
| 8. Cupertino, CA               | Single Use Plastics Ordinance  | <a href="#">Link</a>                   |
| 9. Edmonton, Alberta, CA       | Single Use Item Reduction ByLaw  | <a href="#">Link</a>                   |
| 10. Fairfax, CA                | Ordinance NO. 838- Single-Use Foodware                                     | <a href="#">link</a>                   |
| 11. Goleta, CA                 | Plastic Waste Reduction Regulations  | <a href="#">Link</a>                   |
| 12. Half Moon Bay, CA          | Ordinance # 2022-06- Disposable Foodware Ordinance                         | <a href="#">Link</a>                   |
| 13. Larkspur, CA               | Ordinance 1064- Reusable Foodware Ordinance                                | <a href="#">Link</a>                   |
| 14. Los Angeles, City of, CA   | Zero Waste Facilities and Events on City Property                          | <a href="#">Link Ordinance 187718.</a> |
| 15. Los Angeles, County of, CA | Ordinance 2022-0016  | <a href="#">Link</a>                   |
| 16. Marin Co, CA               | Ordinance No. 3673- Reusable Foodware Ordinance                            | <a href="#">Link</a>                   |
| 17. Mill Valley, CA            | Reusable Foodware Ordinance  | <a href="#">Link</a>                   |
| 18. Novato, CA                 | Ordinance No. 170- Single-Use Reusable Foodware Ordinance                  |  |
| 19. Oakland, CA                | Reusable Foodware and Plastic Litter Reduction Ordinance- File No. 23-0866 | <a href="#">Link</a>                   |
| 20. Pacifica                   | Disposable Foodware Ordinance  | <a href="#">Link</a>                   |
| 21. Palm Springs               | Ordinance 2045 - Reusable Food Service Ware and Plastic Waste Reduction    | <a href="#">Link</a>                   |
| 22. Ross                       | Ordinance No. 721- Reusable Foodware Ordinance                             | <a href="#">Link</a>                   |
| 23. San Anselmo, CA            | Ordinance No. 1136   | <a href="#">link</a>                   |
| 24. San Rafael, CA             | Ordinance No. 2027- Reusable Foodware Ordinance                            | <a href="#">Link</a>                   |
| 25. Santa Rosa, CA             | File #: 21-0356  | <a href="#">Link</a>                   |
| 26. Sausalito, CA              | Ordinance No. 1271- Reusable Foodware Ordinance                            | <a href="#">Link</a>                   |
| 27. Shoreline, WA              | Ordinance No. 990  | <a href="#">Link</a>                   |
| 28. Sebastopol, CA             | Zero Waste Foodware Ordinance  | <a href="#">Link</a>                   |
| 29. Tiburon, CA                | Reusable Foodware Ordinance  | <a href="#">Link</a>                   |

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| 30. Truckee, CA | Ordinance No. 2022-09- Single-Use Foodware Reduction Ordinance | <a href="#">Link</a> |
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## OTHER POLICIES TO CONSIDER

Reuse for onsite dining is not the only policy measure that can bring reuse into food service in a local community or larger region. Local governments are iterating all kinds of approaches to substitute reuse in a wide array of disposable foodware use cases. All of the following are included in the [STOP WASTE Model ordinance](#) for Alameda County, CA.

**Reusable Cups at Events.** Required in the City of San Francisco, where 10% of all drinks served must be in reusable cups, and in the City of Oakland where 25% of drinks served in cups must be in reusables by January 1, 2025 and 100% by January 1, 2027.

**Reusable Cups for Large Venues.** Required in Oakland for “large venues” (i.e. capacity for 2,000 or more visitors where 25% of drinks served in cups must be in reusables by January 1, 2025 and 100% by January 1, 2027.

**Reusable Cups and Containers for Government Facilities-** The City of Oakland requires that all prepared vendors operating on City Facilities and all leases, contracts, funding agreements and sponsorships entered into by the city require that drinks in cups be provided in returnable reusable cups. City facilities therefore must create returnable reusable cup systems.

**Charges for disposable take-out.** Many jurisdictions are trying to encourage reuse in takeout by charging for the disposable cups. These policies work best when accompanied by requirements that **businesses accept customers BYO reusable cups** or provide a take-out option in a returnable reusable cup.

**Eliminating single-use bottles for water - not just plastic.** Several jurisdictions have banned single-use plastic water bottles which results in sales of water packaged in aluminum and cartons. These substitute single-use formats have little environmental benefit compared to the plastics they replace.<sup>3</sup> Instead, the STOP WASTE Model Ordinance contemplates solutions that eliminate all single-use packaged water. The City of Oakland adopted this approach by requiring:

- No City funds can be used to purchase Packaged Water for use in City facilities.
- City facilities, office buildings, city-sponsored events and large venues are encouraged to maintain at least one Accessible Water Bottle Refill State per every 500 daily visitors.
- All facilities used for events, and city facilities and large venues are encouraged to allow visitors to bring their own reusable beverage bottle.

<sup>3</sup> M. Gordon (2021), *Reuse Wins*, Upstream. <https://upstreamolutions.org/reuse-wins-report>



## FOCUS ON TAKE-OUT: SOME NOTABLE IDEAS FROM INTERNATIONAL POLICIES

When designing new policies to bring reuse into food service, practitioners should consider these additional policy concepts.

- 1. Reusables for take-out.** [Germany's law](#) requires that any business (80 sq. meters or larger) that provides single-use containers for take-out must also provide a reusable option at no higher cost. A similar bill, [Int. 1003](#), was introduced in 2023 in New York City.
- 2. Charges for take-out disposables.** Many North American reuse policies add on a charge for disposable take-out cups or cups and containers, typically 25 cents. The policies haven't been in place long enough to determine whether or not they are effective at encouraging reusables, but based on the success of plastic bag ban policies overall, we can assume that some increase in reuse will result, especially if the policy includes a requirement that BYO reusables must be accepted by the business. Taiwan is notable for [a new law](#) that aims to add a charge on all disposables in take-out by 2025 and by 2030 will completely ban single-use utensils.
- 3. Government facilities prohibited from distributing take-out single-use cups and containers.** Ireland adopted [a law](#) in 2022 in which government facilities are prohibited from supplying single use cups, containers, packaging, plastic bags, and more. Similar laws exist in the Irish cities of Dublin and Cork.
- 4. Bulk distribution and space for reuse in retail stores.** A great way to promote in-store retail reuse and unpackaging (i.e. bulk distribution) is to require that retail stores designate a portion of the store's space for these packaging formats. France [has a law](#) that requires that retail spaces over 400 sq. meters provide reusable containers for food sold in bulk.
- 5. Reuse targets in EPR.** Several European countries have set targets for bringing reuse into food service and retail packaging, primarily through EPR laws. [France, for example](#), requires 5% of packaging entering the market to be reusable by 2023 and 10% by 2027.