



## **Frequently Asked Questions: 2023 Disposable Food Service Ware and Waste Reduction Requirements for Retail Food Establishments and Lodging Establishments**

On November 9, 2021, City Council adopted [Ordinance No. 2021-34](#) to reduce plastic waste from food service and lodging businesses, which takes effect January 1, 2023. For detailed information, please review [Chapter 8.24 \(Disposable Food Service Ware and Waste Reduction\)](#) of the Municipal Code.

This document provides a current list of questions received from both the business community and customers. Questions regarding the City's waste reduction requirements can be directed to [ZeroWaste@bainbridgewa.gov](mailto:ZeroWaste@bainbridgewa.gov). Learn more and access educational resources at [www.bainbridgewa.gov/ZeroWaste](http://www.bainbridgewa.gov/ZeroWaste).

*This document will be updated as new questions are received.*

***Last updated: September 22, 2023.***

### **RECENTLY ASKED QUESTIONS**

#### **What changes were made to the waste reduction regulations in 2023?**

On September 12, 2023, City Council adopted Ordinance 2023-24 amending BIMC 8.24, Disposable Food Service Ware and Waste Reduction. These changes were made based on feedback from local businesses and City staff experience implementing the disposable food service ware and waste reduction requirements that went into effect in 2022 and 2023.

Key changes include the following:

- Eliminates the 25-cent disposable cup fee: food retail establishments on the Island are no longer required to charge a 25-cent disposable cup fee for each disposable, home compostable beverage cup provided to customers for off-premises dining.
  - Customers are still encouraged to bring their own reusable cup!
- Changes from a process that requires all disposable food service ware be home compostable to a limited list of home compostable products required each year. This list is currently in development and products are being evaluated based on availability, cost, and performance.

- Allows the use of metal foil, metal foil-faced papers and engineered composite papers to wrap hot food such as hamburgers and burritos.
- Allows retail food establishments to make the following single-use items available to customers in cylinders, bins, dispensers, containers, or other means on a self-service basis after customers affirm that they want them:
  - Utensils
  - Straws
  - Stirrers
  - Beverage cup lids

What remains the same:

- Reusable food service ware is still required for on-premises dining.
- Retail food establishments must still ask customers if they want single-use food service ware (such as utensils and straws) for to-go orders.
- Home compostable products are still required for disposable food service ware items. A revised list of disposable food service items required in a home compostable form will be presented for Council review and adoption this fall, for implementation in 2024.
- Home compostable products are still required to be free of intentionally added PFAS chemicals, also known as forever chemicals, which are linked to harmful health effects in humans and animals.

**Do businesses have to collect a \$0.25 disposable cup fee for disposable beverage cups provided for off-premises dining?**

No, food retail establishments on the Island are no longer required to charge a 25-cent disposable cup fee for each disposable, home compostable beverage cup provided to customers for off-premises dining. This change is in effect as of September 2023.

**What single-use food service ware products do businesses have to ask customers if they want before providing?**

As of January 1, 2023, disposable, single-use food service items are not allowed for on-premises dining and can only be provided when a customer affirms they want them for offsite dining. Single-use food service products include:

- Utensils
- Straws/stirrers
- Condiments in packaging
- Beverage cup lids (beverage cup lids for hot beverages or beverages for delivery, drive-thru, or curbside pickup are still allowed without customer request)

Please note:

- Businesses can leave out bins with single-use food service items for customers to take on their own after they affirm they want them.
- Single-use food service items can't automatically be placed in to-go orders but are available for customers who ask for them or respond "yes" to a business offering them.

- Single-use food service items are still available for customers who ask for them or respond “yes” to a business offering them for to-go orders.

### **Can businesses use up existing products that are not home compostable?**

No. Food retail businesses on Bainbridge Island must use home compostable food service ware for disposable items provided for off-premises dining unless a product has been granted a temporary exemption to the home compostable requirements. A list of temporarily exempted items are listed on the [City’s website](#). Starting in 2024, a limited list of disposable home compostable products will be required each year. This list is currently in development and products are being evaluated based on availability, cost, and performance. Businesses should continue to use home compostable products for all disposable food service ware unless an item has received a temporary exemption through the end of 2023.

### **Can foil be used to keep foods hot?**

Yes, metal foil, metal foil-faced papers and engineered composite papers to wrap hot food such as hamburgers and burritos.

## **GENERAL**

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### **How do these waste reduction regulations help protect public health?**

BIMC 8.24 requires that all home compostable disposable food service ware items shall be free of all intentionally added fluorinated chemicals, often referred to as PFAS. PFAS are perfluoroalkyl and polyfluoroalkyl substances or chemicals which are a class of fluorinated organic chemicals containing at least one fluorinated carbon atom. PFAS are a family of man-made chemicals that are used in many products to provide stain resistance, water and oil repellency, and other properties. PFAS do not occur naturally, and some PFAS have been found to persist in the environment for long periods of time. According to the [Environmental Protection Agency](#), scientific studies have shown that exposure to some PFAS in the environment may be linked to harmful health effects in humans and animals. Learn more on the [Washington Department of Health website](#).

### **What are PFAS? Why are they prohibited?**

PFAS are perfluoroalkyl and polyfluoroalkyl substances or chemicals which are a class of fluorinated organic chemicals containing at least one fluorinated carbon atom. PFAS are a family of man-made chemicals that are used in many products to provide stain resistance, water and oil repellency, and other properties. PFAS do not occur naturally, and some PFAS have been found to persist in the environment for long periods of time. According to the [Environmental Protection Agency](#), scientific studies have shown that exposure to some PFAS in the environment may be linked to harmful health effects in humans and animals. Learn more on the [Washington Department of Health website](#).

## **HOME COMPOSTABLE TO-GO CONTAINERS**

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### **What does home compostable mean?**

As defined in [BIMC 8.24](#), home compostable means a product “comprised of natural fiber... and/or able to break down or otherwise become part of usable compost in a safe and a timely manner in a nonindustrial composting environment. Any food service ware item that is “[OK Compost HOME](#)” certified by TÜV Austria will be presumed to satisfy this definition.” Home compostable to-go containers must be:

- comprised of natural fiber AND/OR able to break down in a safe and timely manner in a non-industrial composting site,  
AND
- free of all intentionally added fluorinated chemicals (PFAS-free),  
AND
- certified by [BPI](#).

A natural fiber-based product that is certified by BPI or OK Compost HOME meets all the requirements for home compostable containers as both BPI and OK Compost HOME require a statement of no intentionally added fluorinated chemicals signed by the manufacturer.

### **Where can I find home compostable products?**

City staff created a [Food Service Ware Purchasing Guide](#) with examples of both reusable and home compostable disposable products that retail food establishments can purchase. The Guide also includes a list of temporarily exempted products (i.e., those products for which there are not currently at least two readily available home compostable alternatives).

### **What food service ware items are temporarily exempt from the home compostable requirements?**

Temporary exemptions will only be granted for products where there are not at least two vendors that make readily available home compostable alternatives. Please check the [Food Ware Purchasing Guide](#) regularly for updates. This Guide is subject to change as the market responds to the demand for compliant products.

### **Are PLA (compostable plastic) products allowed under [BIMC 8.24.010](#)?**

Rigid, bioplastic containers are only allowed if they are certified by OK Compost HOME. Home compostable containers with a plant-based, non-synthetic liner (like corn-based PLA liners) are allowed. Note: petroleum-based plastic liners are not allowed in home compostable containers.

### **Are PLA lined cups or containers accepted in curbside Yard Waste carts?**

No. As of December 2022, products with a PLA lining are not accepted by Bainbridge Disposal in their curbside Yard Waste carts. Please visit the [Bainbridge Disposal website](#) to view items currently accepted for composting.

### **How should customers dispose of home compostable products?**

Home compostable products can be placed in your home compost pile/bin or the garbage. For more information about how to compost at home, please visit the [Climate Smart Bainbridge website](#). Home compostable products may also be accepted by Bainbridge Disposal in their Yard Waste carts. Please contact [Bainbridge Disposal](#) for more information.

### **What happens if a home compostable product becomes temporarily unavailable? Can businesses purchase non-compliant products without getting fined?**

There will be no penalties if a business needs to purchase non-compliant products during a period when home compostable products are unavailable. Businesses are required to only purchase what they need during this time and look to purchase compliant products again as soon as they are available.

## **ONSITE, REUSABLE DINING**

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### **Can businesses be granted a waiver for the onsite dining reusable food service ware requirement?**

Yes. There is an application process to request a temporary waiver. Businesses without onsite or off-site dishwashing capacity may ask the City for a full or partial one-year waiver. The business must demonstrate an inability to comply due to insurmountable space constraints, undue financial hardship, and/or other extraordinary circumstances. Waivers may be granted for any amount of time up to one year. Granting of a waiver is at the sole discretion of the City Manager or their designee and is not subject to appeal. For more information and to request a waiver, please visit the [City website](#).

### **Are disposable, single-serving condiment packets allowed for onsite dining?**

No. Condiments, such as sauces, ketchup, or mustard, provided for on-site consumption, shall not be served in disposable, individual-serving packaging.

### **Do businesses need to obtain special permission to accept reusable containers?**

Reusable Cups: Customers may provide their own reusable cups for beverage service in accordance with the Retail Food Code, WAC [246-215-03348](#). Reusable cups must be clean, sturdy, and appropriately insulated if ordering hot beverages.

Reusable Containers for Food: Retail food establishments may not refill consumer-owned containers\* without a written, approved plan as required in the Retail Food Code, WAC [246-215-03348](#). Food establishments can submit a written plan for Kitsap County's health inspector to approve to allow consumers and employees to refill visibly clean consumer-owned containers with food. Visit the [Washington State Department of Health website](#) to complete a plan for the refilling of consumer-owned containers. Review guidance from the [Kitsap Public Health District on refilling reusable containers](#) to learn more.

\*Exceptions:

- A written, approved plan is not required for retail food establishments to refill a consumer-owned beverage container if a contamination-free dispensing system is used by an employee or the customer; if the container is returned to the same customer; if the container can be rinsed with fresh, running hot water at the food service establishment; or if a container of any kind is refilled at a water vending station.
- A separate plan is not required for dine-in customers to fill a personal container with their portioned meal from their individual meal service (such as a dinner entrée on their plate).

## **LODGING ESTABLISHMENTS AND HOME COMPOSTABLE PERSONAL CARE PRODUCTS**

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### **What are the new requirements for lodging establishments?**

Lodging establishments are required to use home compostable packaging for any single-use personal care products (such as hand soap, shampoo, conditioner, body wash, and lotion). Single-use personal care products in packaging made from petroleum-based plastic or synthetic, compostable plastic are not allowed.

Lodging establishments are encouraged to use bulk personal care product dispensers and reusable containers for complimentary food and beverage items.

### **What businesses are affected by the new requirements for lodging establishments?**

All lodging establishments in Bainbridge Island. “Lodging establishment” means an establishment that contains one or more sleeping room accommodation(s) that are rented or otherwise provided to the public, including, but not limited to, a hotel, motel, resort, bed and breakfast inn, or vacation rental (including lodging provided through hosting services such as Airbnb and VRBO).

### **What items are affected by the new requirements for lodging establishments?**

All personal care products, including but not limited to hand soap, shampoo, conditioners, body wash, and lotion.