



Frequently Asked Questions: City of Bainbridge Island 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 took effect January 1, 2023. For detailed information, please review [Chapter 8.24 \(Disposable Food Service Ware and Waste Reduction\)](#) of the Municipal Code.

Learn more and access educational resources at www.bainbridgewa.gov/ZeroWaste. Questions regarding the City's waste reduction requirements can be directed to ZeroWaste@bainbridgewa.gov.

This document will be updated as new questions are received.

Last updated: December 4, 2023.

GENERAL

What home compostable products must be used?

Through December 31, 2023, retail food establishments must provide all food service ware products in a home compostable form if providing disposable food service ware for off-premises dining unless a product has been granted a temporary exemption. You can view products with a temporary exemption through the end of 2023 at www.bainbridgewa.gov/ZeroWaste.

As of January 1, 2024, retail food establishments must provide the following 16 items in a home compostable form if providing disposable food service ware for off-premises dining:

- Clamshell containers
- Cone cups
- Cup sleeves
- Cutlery (forks, knives, spoons, chopsticks, including paper-bundled sets)
- Drinking straws
- Food boxes/folded paper takeout boxes with polylactic acid (PLA) lining
- Food contact paper/wax paper
- Hot beverage cups

- Napkins
- Pizza boxes (takeout)
- Platters (large oval plates)
- Salad bowls
- Serving tongs
- Stirrers
- Takeout/catering trays/breakfast platters (multiple compartments or one large compartment)
- Tasting spoons

Please note: Compostable plastic versions of these 16 products are not allowed.

What does home compostable mean?

In the City of Bainbridge Island, home compostable means:

- Comprised of a natural fiber, **AND**
- Free of all intentionally added fluorinated chemicals (PFAS-free)*, **AND**
- Certified by the Biodegradable Product Institute (“BPI”) and/or OK Compost HOME.

Note:

- A compostable plastic product certified by BPI is not home compostable; it must be made of a natural fiber.
- A compostable plastic, i.e., bioplastic, product certified by OK Compost HOME would technically be considered home compostable. However, natural fiber products certified by OK Compost HOME are preferred. As of December 2023, City staff are only aware of one compostable plastic product certified by OK Compost HOME – a drinking straw made of PHA.

**BPI and OK Compost HOME certification indicates that products are PFAS-free.*

Where can I find examples of 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. This guide is available for download at www.bainbridgewa.gov/ZeroWaste.

What is required for other types of disposable food service ware?

Any other disposable food service ware items must be:

- OK Compost HOME certified by TÜV Austria; **and/or**
- Biodegradable Product Institute (“BPI”) certified to be compostable in an industrial composting facility in a timely manner; **and/or**
- Eligible to be accepted for recycling by the primary recycling collection hauler offering service to Bainbridge Island residents or businesses, if such service is available (currently Bainbridge Disposal).

While fiber-based products are preferred, bio-based plastics (such as corn-based plastics) are allowed if they are certified by OK Compost HOME or BPI. *Please note that this applies to

disposable food service ware products not on the 2024 home compostable product list.
Products on the 2024 home compostable product list must be fiber-based or certified by OK Compost HOME. * Bainbridge Disposal currently provides recycling collection on the Island and collects a limited number of containers that are suitable for to-go food and beverage orders for recycling. Learn more on the [Bainbridge Disposal website](#).

Are businesses required to charge a \$0.25 disposable cup fee?

No. As of September 2023, Island businesses are no longer required to charge a disposable cup fee. Businesses may continue to charge the \$0.25 fee but must remove language previously added to receipts or menus stating it's a City requirement. Customers are still encouraged to bring their own reusable mug.

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 (must be home compostable)
- Straws/stirrers (must be home compostable)
- 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 can be provided to customers who ask for them or respond "yes" to a business offering them for to-go orders.

Are compostable bioplastic products (such as corn-based compostable plastic cups for cold beverages) allowed under BIMC 8.24?

For disposable food service ware items on the 2024 home compostable product list:

- Compostable plastic versions of the 16 products on the 2024 product list are not allowed.
 - The only exception would be a compostable plastic product certified by OK Compost HOME. However, natural fiber products certified by OK Compost HOME are always preferred to compostable plastic products.
- Home compostable containers with a plant-based, non-synthetic liner (like corn-based PLA liners) are allowed (such as for hot beverage cups and takeout food boxes).
 - However, these items are not currently accepted by Bainbridge Disposal for recycling or composting.
 - Petroleum-based plastic liners are not allowed in home compostable containers.

For disposable food service ware items not on the 2024 home compostable product list:
Compostable plastic containers are only allowed if they are certified by BPI or OK Compost HOME.

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

No. As of November 2023, 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 they currently accept 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 visit the [Bainbridge Disposal website](#) to view items they currently accept for composting.

What happens if a home compostable product on the 2024 product list 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. In such an event, businesses are required to purchase products that are:

- OK Compost HOME certified by TÜV Austria; **and/or**
- Biodegradable Product Institute (“BPI”) certified to be compostable in an industrial composting facility in a timely manner; **and/or**
- Eligible to be accepted for recycling by the primary recycling collection hauler offering service to Bainbridge Island residents or businesses, if such service is available.
 - Bainbridge Disposal currently provides recycling collection on the Island and collects a limited number of containers that are suitable for to-go food and beverage orders for recycling. Learn more on the [Bainbridge Disposal website](#).

Businesses shall only purchase what they need during this time and shall purchase compliant, home compostable products again as soon as they are available.

Can foil be used to keep foods hot?

Yes, metal foil and metal foil-faced papers can be used to wrap hot foods, such as hamburgers and burritos. These products may be used inside of home compostable products.

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?

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ONSITE, REUSABLE DINING

What qualifies as onsite dining?

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.

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 for the use of reusable food service ware for onsite dining. 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. Per BIMC 8.24, 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

What are the 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 are subject to these requirements. “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.