

Executive summary

Title: Zero waste packaging ordinance amendment

Recommended action: The purpose of this report is to provide the city council with an update on proposed changes and additions to the city's zero waste packaging ordinance.

Policy consideration: Does council support staff's recommended changes to the zero waste packaging ordinance?

Summary: The zero waste packaging ordinance went into effect on January 1, 2017. Since that time, staff have worked with impacted businesses to make the switch to compliant food packaging. Staff have also worked to educate residents on how to properly discard these items whether they are at home, at an event or at a restaurant. Through the implementation process staff have found situations where clarification and changes in the ordinance would help reduce confusion for business and residents, decrease waste and minimize contamination organics and recycling. It is our understanding that city council would like to continue to move towards zero waste by eliminating our exemptions when other options are available.

Staff is therefore recommending the following changes to the zero waste packaging ordinance:

- Require that lids for cups and containers be of the same category of packaging
- Require all compostable cups (paper or plastic) be labeled to indicate compostability
- Remove plastic utensils from the exclusions and require single-use utensils to be compostable
- Require that straws be provided "by request only"
- Require that the organizations hosting food trucks provide collection containers for organics and/or recycling
- Add a requirement for co-location of collection containers to the ordinance
- Remove specific administrative penalty information from the ordinance and include it in the city's fee schedule approved annually by Council

Financial or budget considerations: None

Strategic priority consideration: St. Louis Park is committed to continue to lead in environmental stewardship.

Supporting documents: Discussion

Prepared by: Emily Barker, Solid Waste Specialist

Reviewed by: Scott Merkley, Public Works Services Manager

Mark Hanson, Public Works Superintendent

Cynthia S. Walsh, Director of Operations and Recreation

Approved by: Tom Harmening, City Manager

Discussion

Background: The zero waste packaging ordinance went into effect on January 1, 2017. Staff works with impacted businesses on an ongoing basis to ensure compliant packaging. Staff also works to educate residents on how to properly discard these items, whether they are at home, an event or at a restaurant. Staff has found situations where items that could be recycled or composted were thrown in the garbage due to a lack of labeling or confusion caused by packaging that has a mix of compostable and recyclable components. In addition, staff have found that utensils are a significant cause of contamination, especially in organics.

Present considerations: Staff is recommending changes to the zero waste packaging ordinance to reduce confusion for business and residents, decrease waste and minimize contamination organics and recycling.

Require that lids for cups and containers be of the same category of packaging

This change would require that lids for compostable cups and containers be compostable and lids for recyclable cups and containers be recyclable. Confusion and contamination are caused by packaging combinations that mix recyclable and compostable components (e.g. compostable cups with recyclable lids).

Effective Date: January 1, 2020, for mobile use-food (e.g. food trucks); July 1, 2020, for all others.

Require all compostable cups (paper or plastic) be labeled to indicate compostability

This change is being made to help customers understand which products are compostable. Cups that are not labeled are particularly difficult to differentiate from non-compostable cups. All cups would need to be labeled with one or both of the following:

- Text: one or more of the following words - "compostable," "certified compostable," "commercially compostable" or other such language. "Made from plants," "bio-based," or "biodegradable" would not be acceptable alternatives on their own, as they do not necessarily mean a product is compostable.
- Logo: the logo of a third party certification or testing body (e.g. BPI or Cedar Grove).

Effective Date: January 1, 2020, for mobile use-food (food trucks); July 1, 2020, for all others.

Remove plastic utensils from the exclusions and require single-use utensils to be compostable

This change would remove plastic utensils (forks, spoons, knives) from the exclusion list and require utensils to be compostable. Plastic utensils cannot be recycled due to their size and shape and inability to be properly sorted. This change would reduce contamination of organics and recycling, especially at events and quick service restaurants where consumers are often responsible for sorting items for disposal.

Effective Date: January 1, 2020, for all food establishments.

Require that straws be provided "by request only"

This change would require that food establishments only provide straws to patrons who request them. While this change would not require straws to be compostable, staff believes

this would reduce usage and thus reduce waste. Like utensils, straws cannot be recycled due to collection and sorting systems.

Effective Date: January 1, 2020, for all food establishments.

Require that organizations hosting food trucks provide collection containers for organics and/or recycling

This change would remove the current requirement that food trucks provide collection containers for recycling and/or organics. Most often the hosting organization, such as an event organizer or local business, is coordinating collection containers. Staff believe the most effective way to capture the recyclable and compostable items from food trucks is to require the hosting organization ensure there are appropriate containers.

Effective Date: upon adoption.

Add the requirement for co-location of collection containers to the ordinance

This change clarifies that containers for the collection of recyclable and/or compostable packaging must be co-located with garbage containers. The co-location of bins is currently required through the administrative rules. By adding this requirement to the ordinance itself, it provides better clarity for the food establishments and makes enforcement easier for the city.

Effective Date: upon adoption.

Remove specific administrative penalty cost information from the ordinance and include it in the city's annual fee schedule

This change will amend the violation section of the ordinance. Fines could then be reviewed, adjusted and approved by council on an annual basis, as with all other administrative penalties in the city.

Effective Date: upon adoption.

Next steps:

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| • Send summary of proposed changes to impacted parties | April 9, 2019 |
| • Request feedback from impacted parties | April 22, 2019 |
| • Meet with impacted parties (if necessary) | April/May 2019 |
| • First reading of the amended ordinance | May 20, 2019 |
| • Second reading of amended ordinance | June 17, 2019 |