



FOOD SERVICE WARE ORDINANCE FREQUENTLY ASKED QUESTIONS

Who is required to comply with this ordinance?

This ordinance affects Food Providers and third-party takeout food delivery services operating within the City of Mountain View. “Food Provider” means any entity located or operating in the City of Mountain View that offers prepared food or beverages, regardless of whether there is a charge for the food or beverage. This includes restaurants, caterers, cafeterias, coffee shops, grocery stores, delicatessens, event venue concessions and mobile food vendors.

What types of disposable food service items are regulated by the ordinance?

The recommended changes affect two types of items:

1. Single-Use Food Service Ware: any food service item that prepared food is served on or in, such as cups, bowls, condiment cups, plates, trays, wrappers/liners, cartons, boxes and hinged containers (clamshells).
2. Certain Single-Use Food Service Ware Accessories: straws, stirrers, toothpicks and food picks.

Different restrictions apply to Food Service Ware and Food Service Ware Accessories in the ordinance. For more information on the requirements for each type of item continue reading this FAQ or visit MountainView.gov/Foodware.

What types of disposable food service items are required to be compostable and certified as free of all regulated per- and polyfluoroalkyl substances (PFAS)?

Under the recommended ordinance, all single-use food service ware must be compostable in the City’s composting collection program or made entirely of aluminum, which is recyclable. (See above for the definition of food service ware.)

Compostable items must be certified PFAS-free by a City-approved third party such as the [Biodegradable Products Institute](http://BiodegradableProductsInstitute.com) (BPI). Lids for these items are not required to be compostable, unless they are attached to the container (such as clamshells). However, the City encourages Food Providers to use natural fiber-based lids whenever possible.

The ordinance also prohibits Food Providers from providing straws, stirrers and toothpicks made of or packaged in plastic, including compostable plastics. Food Providers may still provide these



four types of accessory items as long as they are made from and packaged in an alternative material such as paper, wood or other natural fiber. There is no requirement for any other non-reusable food service ware accessory items such utensils, lids or condiment packets to be compostable. Unlike food service ware, accessory items do not need to be certified as PFAS-free.

When do these new regulations take effect?

The new regulations take effect on January 1, 2023. This allows adequate time for Food Providers and delivery services to implement operational changes, train staff on the new requirements and use up supplies of non-compliant food service ware. The ban on the use or sale of polystyrene foam food service ware has been in effect since July 1, 2014.

How do I know if a disposable food service ware or food service ware accessory item is compostable in the City's program?

The City's composting program accepts food service ware items made from natural fibers such as paper, wheat straw, sugar cane/bagasse or wood. Natural fiber-based food service ware items that are coated or lined with a biologically based polymer (e.g. compostable plastic) may be used only if certified as compostable by the [Biodegradable Products Institute](#) (BPI) or another independent third party approved by the City. If you need assistance determining if a particular item is compliant with the ordinance, email Recycling@MountainView.gov and staff can assist you. The City will develop resources such as purchasing guides to help Food Providers find compliant food service ware and accessory items. Visit MountainView.gov/FoodFacilities to find resources for food providers.

Are food service ware or food service ware accessories made of "compostable" plastic or bioplastic material accepted?

No, "compostable" plastic or bioplastics are not accepted in the City's compost program. Although these types of products may be certified as compostable under specific industrial conditions, they do not break down sufficiently within the necessary timeframe for the composting facility where Mountain View's collected food scraps, food-soiled paper and yard trimmings are processed. In addition, compostable plastic items are a common contaminant in Mountain View's waste streams, as they are often incorrectly sorted into recycling or compost bins. Compostable plastics do not break down in the environment when littered and pose the same threats to wildlife and the health of the environment as items made from petroleum-based plastic.



For these reasons, food service ware and certain accessory items (straws, stirrers, toothpicks and food picks) cannot be made from “compostable” plastics or bioplastics under the ordinance. However, natural fiber-based food service ware with a thin compostable plastic lining or coating may be used if it is certified as compostable and PFAS-free by a City-approved third party such as the [Biodegradable Products Institute \(BPI\)](#).

Are plastic lids on beverage cups or food containers allowed? What about utensils?

Yes, under the recommended changes, beverage and food container lids are not required to be made from compostable natural fiber, unless they are attached to a food container (such as part of a hinged “clamshell” container). The only disposable food service ware accessories that cannot be made from plastic are straws, stirrers, toothpicks and food picks. Other accessories, such as lids, utensils and condiment packets, may be made from plastic, including compostable plastics. However, the City encourages Food Providers to use natural fiber-based and reusable foodware options whenever possible.

What are PFAS? Why are they prohibited by this ordinance?

PFAS (perfluoroalkyl and polyfluoroalkyl substances) are a group of synthetic chemicals commonly used in disposable food service ware to improve resistance to water and grease. PFAS are often referred to as “forever chemicals” because they do not break down in the environment and can accumulate over time in the human body. There is evidence that exposure to PFAS can lead to adverse health effects in humans, including low infant birth weights, effects on the immune system, thyroid hormone disruption and cancer. For more information on PFAS and associated health effects, visit the EPA website: [Epa.gov/pfas](https://epa.gov/pfas).

State law (AB 1200) bans the sale or distribution of paper, paperboard and other fiber-based food packaging containing PFAS in California beginning January 1, 2023, due to the harmful effects of these substances. This ordinance would require Food Providers to use food service ware that has been third-party certified as meeting the state’s standards.

Are reusable food service ware items compliant with the recommended ordinance?

Yes, reusable food service ware items provided by either the Food Provider or a customer are compliant with the recommended ordinance, which only regulates non-reusable items. The City encourages Food Providers to use reusable food service ware for dine-in service and for takeout

whenever feasible. Technical assistance will be available beginning in 2022 to help Food Providers transition to reusables. For more information, contact the City's Recycling & Zero Waste Program at 650-903-6311 or Recycle@MountainView.gov.

Are there any exemptions to the requirements in the recommended ordinance?

There are several automatic exemptions to the recommended ordinance, including:

- Food service ware items made entirely of aluminum are exempt from the compostability and PFAS-free certification requirements.
- Prepackaged food that is prepared outside of the City of Mountain View is not required to comply with the food service ware requirements, as long as it is provided to the consumer in the original packaging.
- For a specific disposable food service ware item, if the City determines there is no reasonably feasible alternative item that complies with the requirements of the ordinance, then that item will be exempt. The City will maintain a current list of these exempted items at MountainView.gov/Foodware.
- Plastic straws may be provided upon request to customers that require them for medical reasons. Healthcare facilities may provide plastic straws to their patients at their discretion with or without a request.

For situations not listed above, Food Providers may apply for a waiver.

How do I request a waiver from these requirements?

Waivers may be granted at the discretion of the City under certain circumstances. Food Providers may apply for an exemption due to significant economic hardship, if they cannot find a compliant alternative for a specific food service ware item or certain other unique situations. Information on the waiver application process will be posted at MountainView.gov/FoodFacilities. Consistent with current City policy, no waivers will be granted for the use of polystyrene foam food service ware, which have been banned since July 1, 2014.

How will the Food Service Ware Ordinance be enforced?

The City of Mountain View Recycling & Zero Waste Division will enforce this ordinance on a spot check and complaint basis. For violations, a written warning may be provided for the first offense. Repeated non-compliance with the terms of the ordinance may result in citation, fine or other enforcement remedies allowed under the City Code. Visit MountainView.gov/Foodware for information about how to report a violation.