















## County of San Mateo's Disposable Food Service Ware Ordinance Proposed Amendment Discussion

1/3/22

### 1. Background

The County of San Mateo Office of Sustainability (OOS) is recommending an amendment to the County's existing Disposable Food Service Ware Ordinance (Ordinance) to align with new state laws, AB 1276 and AB 1200.

On October 5, 2021, California adopted [AB 1276](#), which requires restaurants and other food facilities (FFs) to provide food and beverage accessories (e.g., utensils, straws, stirrers, condiment packets, etc.) and condiments only upon request to consumers. **Per state statute, it is the responsibility of each local government (counties and cities) to ensure that these new requirements are enforced within their jurisdiction.** The new legislation specifically directs local governments to authorize an enforcement agency to enforce these statutes by June 1, 2022. The law, however, does not provide a specific implementation date. Furthermore, AB 1276 allows local governments to adopt more restrictive requirements at their discretion.

On October 5, 2021, Governor Newsom signed into law [AB 1200](#), which prohibits the sale or distribution of single-use foodware comprised of paper or other plant-based natural fiber that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances, a class of hazardous chemicals known as PFAS, a class of hazardous chemicals, which is used to make foodware water and grease resistant. These "forever" chemicals persist in the environment and the human body leading to continued exposure and health risks. AB 1200 goes into effect on January 1, 2023. The new legislation does not direct a specific entity to be the enforcement agency.

The County's Ordinance includes key provisions that are well aligned with many of the requirements on foodware in AB 1276 and AB 1200 including:

1. Requirement that food facilities only distribute foodware accessories upon request by the consumer;
2. Prohibition of food facilities from bundling/packaging single-use foodware accessories for distribution;







