

# Definitions for Food Service Ware Ordinances

*Compiled March 2019 by Craig Cadwallader, Surfrider Foundation*

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**“Accessory Disposable Foodware Item”** means any Disposable Foodware item such as straws, stirrers, napkins and utensils; condiment cups and packets; cup sleeves, tops, lids, and spill plugs; and other similar accessory or accompanying Disposable Foodware items used as part of food or beverage service or packaging.

**“ASTM Standard Specification”** means Standard Specification for Compostable Plastics D6400 or Standard Specification for Biodegradable Plastics D6868, as adopted or subsequently amended by the American Society for Testing and Materials (ASTM).

**"Beverage provider"** means any business, organization, entity, group, or individual that offers liquid, slurry, frozen, semi-frozen, or other forms of beverages to the public for consumption. Beverage provider also includes any organization, group or individual that regularly provides beverages to its members or the general public as a part of its activities or services.

**"City contractor"** means any person that enters into an agreement with the City to furnish products or services to or for the City.

**"City facility"** means any building, structure, property, park, open space, or vehicle, owned or leased by the City, its agents, agencies, or departments.

**"City-sponsored event"** means any event, activity or meeting organized or sponsored, in whole or in part, by the City or any department of the City.

**"Compostable"** means all the materials in the product or package that will break down, or otherwise become part of usable compost (soil-conditioning material, mulch), such as paper and certified compostable plastics that meet the American Society for Testing and Materials (ASTM) standard specifications for compostable plastics D6400 or biodegradable plastics D6868 for compostability.

**"Customer"** means anyone purchasing food or beverages from a restaurant or retail food vendor.

**"Disposable Cup"** is a beverage cup designed for single use to serve beverages, such as water, cold drinks, hot drinks and alcoholic beverages.

**"Disposable food service ware" or "disposables"** means single-use, disposable products used for serving, consuming or transporting prepared food and raw food, including but not limited to plates, bowls, trays, wrappers or wrapping, platters, cartons, condiment containers, cups or drink ware, straws, lids, utensils, stirrers, lid plugs (splash sticks), or any container in or on which prepared foods and raw food are placed or packaged for consumption.

**"Distribute"** means the sale, offer for sale, or other transfer of possession of an item for compensation, either as a separate transaction or as part of the sale, offer for sale, or other transfer of possession of another item for compensation.

**"Egg carton"** means a carton for raw eggs sold to consumers from a refrigerator case or similar appliance.

**"Event"** means any indoor event at a facility, or any outdoor event subject to a permit, where more than 100 people attend or participate.

**"Event Food Vendor"** means any business selling, or providing based on ticket purchase or entrance fee, Prepared Food at an Event.

**"Event Producer"** means a person or entity who contracts with or obtains a permit from the City, or an agent acting on the City's behalf, to hold its own Event, or a City entity or department holding its own Event.

**"Fluorinated Chemical"** means a class of fluorinated organic compounds containing at least one fully fluorinated carbon atom, also known as perfluoroalkyl and polyfluoroalkyl substances, or PFAS chemicals.

**"Food Packaging"** means all bags, sacks, wrapping, containers, bowls, plates, trays, cartons, cups, straws and lids which are not intended for reuse, on or in which any foods or beverages are placed or packaged on a restaurant's or retail food vendor's premises.

**"Food provider"** means any person or establishment that provides or sells prepared food or raw food within the Jurisdiction to the general public to be consumed on the premises or for take-away consumption. Food provider includes but is not limited to (1) a grocery store, supermarket, restaurant, drive-thru, cafe, coffee shop, snack shop, public food market, farmers' market, convenience store, or similar fixed place where prepared food or raw food is available for sale on the premises or for take-away consumption, and (2) any mobile store, food vendor, caterer, food truck, vending machine or similar mobile outlet. Food provider also includes any organization, group or individual that regularly provides prepared food or raw food to its members or the general public as a part of its activities or services.

**"Food Service Ware"** means all containers, bowls, plates, trays, cups, lids, straws, forks, spoons, knives, napkins, and other like items that are designed for a single use for Prepared Foods, including without limitation, service ware for takeout foods and/or leftovers from partially consumed meals prepared by Food Vendors. The term "Food Service Ware" includes Food Service Ware Accessories and does not include items composed entirely of aluminum, or polystyrene foam coolers and ice chests.

**"Food Service Ware Accessory"** means all types of single-use items usually provided alongside Prepared Food in single-use plates or cups, including but not limited to utensils, chopsticks, napkins, cup lids, cup sleeves, food or beverage trays, condiment packets and saucers, straws, stirrers, splash sticks, cocktail sticks, and toothpicks designed for a single use for Prepared Foods.

**"Food Vendor"** means any Restaurant, Retail Food Vendor, Event Food Vendor, or any business that accepts orders on behalf of and delivers meals from a Food Vendor, located or operating within the Jurisdiction.

**"Meat and fish tray"** means a tray for raw meat, fish, or poultry sold to consumers from a refrigerator case or similar retail appliance.

**"Natural Fiber"** means a plant- or animal-based, non-synthetic fiber, including but not limited to paper, wood, or bamboo. Natural Fiber does not include plastic of any kind.

**"Person"** means any person, business, corporation, or event organizer or promoter; public, nonprofit or private entity, agency or institution; or partnership, association or other organization or group, however organized.

**"Plastic beverage straw"** means a tube made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, used to transfer a beverage from its container to the mouth of the drinker. Plastic beverage straw includes compostable, petroleum-based or a biologically-based polymer straw, but does not include straws that are made from non-plastic materials, including but not limited to paper, pasta, sugar cane, wood, or bamboo.

**"Plastic stirrer"** means a plastic device that is used to mix beverages and/or plug the opening of a beverage lid, and intended for only one-time use. Plastic stirrer includes compostable, petroleum-based, or a biologically-based polymer stirrers and lid plugs (splash sticks), but does not include stirrers that are made from non-plastic materials, including but not limited to paper, pasta, sugar cane, wood, or bamboo.

**"Plastic utensil"** means any plastic utensil, including but not limited to forks, spoons, sporks, knives, cutlery, and disposable flatware intended for only one-time use. Plastic utensils includes compostable, petroleum-based, or biologically-based polymer forms of utensils, but does not include forms of utensils that are made from non-plastic materials, including but not limited to paper, sugar cane, wood, or bamboo.

**"Polystyrene"** means a thermoplastic petrochemical material utilizing the styrene monomer, including but not limited to rigid polystyrene or expanded polystyrene, processed by any number of techniques, including but not limited to fusion of polymer spheres (expandable bead polystyrene), injection molding, expanded polystyrene molding, or extrusion-blow molding (extruded polystyrene), and clear or solid polystyrene (oriented polystyrene). The resin code for polystyrene is '6' or 'PS,' either alone or in combination with other letters. This definition applies to all polystyrene food service ware, regardless of whether it exhibits a resin code.

**"Polystyrene Foam"** means any styrene or vinyl chloride polymer which is blown into a foam-like material.

**"Polystyrene Foam Food packaging"** means any food packaging which contains any polystyrene foam.

**"Polystyrene food service ware"** means disposable food service ware that contains or utilizes polystyrene.

**"Prepared food"** means any food or beverage that is (1) ready to consume without any further food preparation, alteration or repackaging; and (2) prepared, provided, sold or served by a food provider using any cooking, packaging or food preparation technique. Prepared food may be eaten either on or off the food provider's premises.

**"Prepared Food Vendor"** means any establishment located within the Jurisdiction, including a Bakery, Cafeteria, Drive In, Food Products Store, Food Service Establishment (Carry Out, Quick Service, Full Service), Drugstore or Theater, Mobile Food Facility, Temporary Food Facility, bar and other similar establishment, selling Prepared Food to be consumed on and/or off its premises.

**"Produce tray"** means any tray or carton for vegetable, fruit, or eggs sold to consumers from a refrigerator case or similar retail appliance.

**"Raw food"** means any meat, fish, poultry, vegetable, fruit, or egg.

**"Recyclable Food Packaging"** means any food packaging including glass, cans, cardboard, paper, mixed paper, or other items which can be recycled, salvaged, composted, processed, or marketed by any means other than landfilling or burning, whether as fuel or otherwise, so that they are returned to use by society.

**"Resin code"** means a resin identification code placed on plastics to identify the material composition for separation of different types of plastics for recycling.

**"Restaurant"** means any establishment located within the Jurisdiction, selling prepared food to be eaten on or about its premises by customers. Restaurant includes a sidewalk food vendor.

**"Retail Food Vendor"** means any store, shop, sales outlet, or other establishment, including a grocery store or a delicatessen, other than a restaurant, located within the Jurisdiction, which sells takeout food.

**"Reusable Beverage Cup"** means any vessel or container for a Prepared Food beverage that is specifically designed and manufactured for repeated cleaning, disinfecting, and reuse at least 100 times, and is dishwasher safe.

**"Reusable Foodware"** means all foodware, including plates, bowls, cups, trays, glasses, straws, stirrers, condiment cups and utensils, that is manufactured of durable materials and that is specifically designed and manufactured to be washed and sanitized and to be used repeatedly over an extended period of time, and is safe for washing and sanitizing according to applicable regulations.

**"Single-use"** means designed to be used once and discarded, and not designed for repeated use and sanitizing.

**"Supplier"** means anyone selling, or otherwise supplying food packaging to a restaurant or retail food vendor.

**"Takeout Food"** means Prepared Food which is purchased to be consumed off a Prepared Food Vendor's premises. Takeout Food includes Prepared Food carried out by the customer or delivered by a Prepared Food Vendor or by a Takeout Food Delivery Service.

**"Takeout Food Delivery Service"** is a third party delivery service which picks up Takeout Food from a Prepared Food Vendor and delivers it to the customer for consumption off the premises.