

City of Seattle Legislative Information Service

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Council Bill Number: 116250

AN ORDINANCE relating to the City of Seattle's solid waste system, prohibiting the use of expanded **polystyrene** food service containers, requiring food service businesses to transition from disposable plastic food service ware to compostable and recyclable alternatives, and amending Seattle Municipal Code Chapter 21.36.

Date introduced/referred: June 23, 2008

Status: In Committee

Committee: Environment, Emergency Management and Utilities

Sponsor: CONLIN, CO-SPONSORS: BURGESS, CLARK

Index Terms: SOLID-WASTE, PUBLIC-REGULATIONS, WASTE-DISPOSAL, SOLID-WASTE-DISPOSAL, RECYCLING, ENVIRONMENTAL-PROTECTION

Text

AN ORDINANCE relating to the City of Seattle's solid waste system, prohibiting the use of expanded polystyrene food service containers, requiring food service businesses to transition from disposable plastic food service ware to compostable and recyclable alternatives, and amending Seattle Municipal Code Chapter 21.36.

WHEREAS, the Washington State Legislature in RCW 70.95.010(8)(a) established waste reduction as the first priority for the collection, handling, and management of solid waste; and

WHEREAS, the Washington State Legislature in RCW 70.95.010(4) found that it is "necessary to change manufacturing and purchasing practices and waste generation behaviors to reduce the amount of waste that becomes a governmental responsibility"; and

WHEREAS, the Washington State Legislature in RCW 70.95.010(6)(c) found that it is the responsibility of city governments "to assume primary responsibility for solid waste management and to develop and implement aggressive and effective waste reduction and source separation strategies"; and

WHEREAS, in 2007 the City Council adopted, the Mayor concurring, Resolution 30990, which reaffirmed the City's 60% recycling goal and set a longer-term goal of 70% recycling along with targets for waste reduction; and

WHEREAS, Resolution 30990 called for studies on how to reduce Seattleites' use of hard-to-recycle materials, many of them plastics, and specifically required Seattle Public Utilities ("SPU") to propose strategies, including bans, to discourage the use of disposable food service containers and food service ware; and

WHEREAS, SPU has completed the first of those studies, finding that the production, use and disposal of expanded polystyrene food service products and disposable food service ware have significant adverse impacts on the environment and that compostable or recyclable alternative products are available; and

WHEREAS, costs associated with the use and disposal of expanded polystyrene food service products and disposable food service ware in Seattle creates burdens on the City's solid waste disposal system; and

WHEREAS, to discourage and decrease the use of certain expanded polystyrene food service products and disposable food service ware in the city, it is necessary to regulate such use; and

WHEREAS, it is in the best interest of the health, safety and welfare of the people that regulations prohibit the use of certain expanded polystyrene food service products and disposable food service ware to reduce the cost of solid waste disposal by the City and to protect the environment; and

WHEREAS, Seattle has become a national leader among cities in green house gas reduction and seeks to further that effort through waste reduction and increased recycling; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Seattle Municipal Code Chapter 21.36 is amended by adding new Section 21.36.084 to read as follows:

SMC 21.36.084 Prohibition on use of expanded polystyrene food service products

A. Effective January 1, 2009, food service businesses shall be prohibited from selling or providing food, for consumption on or off the premises, in expanded polystyrene food service products, except as otherwise provided under subsections B and C.

B. Prepackaged soups and other foods that food service businesses sell or otherwise provide to their customers in expanded polystyrene containers that have been filled and sealed prior to receipt by the food service businesses shall be exempt from the prohibition established in subsection A.

C. The prohibition on food service businesses selling or providing raw meat or raw seafood, for consumption on or off the premises, in expanded polystyrene food service products shall take effect on July 1, 2010.

D. For purposes of this section, the following definitions shall apply.

1. "Expanded polystyrene" means blown polystyrene and expanded and extruded foams (sometimes called Styrofoam, a Dow

expanded and extruded foams (sometimes called Styrofoam, a Dow Chemical Co. trademarked form of polystyrene foam insulation) which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene).

2. "Expanded polystyrene food service products" means food containers, plates, "clamshells," hot and cold beverage cups, meat and vegetable trays, egg cartons, and other products, made of expanded polystyrene and used for selling or providing food for consumption on or off the premises.

3. "Food service businesses" means full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, grocery stores, vending trucks or carts, business or institutional cafeterias, or other businesses, selling or providing food within the City of Seattle for consumption on or off the premises.

Section 2. Seattle Municipal Code Chapter 21.36 is amended by adding new Section 21.36.086 to read as follows:

SMC 21.36.086 Compostable or recyclable food service ware required

A. Effective July 1, 2010, food service businesses shall be prohibited from selling or providing food, for consumption on or off the premises, in or with disposable plastic food service ware. Acceptable alternatives for prohibited disposable plastic food service ware shall be compostable or recyclable.

B. For purposes of this section, the following definitions shall apply.

1. "Compostable" means made solely of organic substances that break down into a stable product due to the action of bacteria in a controlled, aerobic commercial process that results in a material safe and desirable as a soil amendment meeting the compost quality standards found under WAC 173-350-220 for metals, physical parameters, pathogens, manufactured inert material and other testing parameters set by the local Health Department.

2. "Disposable plastic food service ware" means non-recyclable containers, plates, "clamshells," serving trays, meat and vegetable trays, hot and cold beverage cups, and utensils that are made of plastic or plastic-coated paper and intended only for one-time use (including so-called biodegradable products where any portion is not compostable).

3. "Food service businesses" means full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, grocery stores, vending trucks or carts, business or institutional cafeterias, and other businesses, selling or providing food within the City of Seattle for consumption on or off the premises.

4. "Recyclable" means made solely of materials that are capable of being separated from a waste stream by a food service business and made available for collection and delivery to a processor for reuse or remanufacture into the same or other products.

Section 3. Section 21.36.922 of the Seattle Municipal Code is amended as follows:

SMC 21.36.922 Civil infractions.

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B. The violation of or failure to comply with any of the following sections shall be a civil infraction and subject as a Class 1 civil infraction under RCW 7.80.120 to a maximum monetary penalty and default amount of Two Hundred Fifty Dollars (\$250.00), not including statutory assessments:

SMC Section 21.36.420 (Unlawful dumping of solid waste)

SMC Section 21.36.084 (Prohibition on use of expanded polystyrene food service products)

SMC Section 21.36.086 (Compostable or recyclable food service ware required)

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Section 4. To assist implementation of the expanded polystyrene and plastic food service ware bans, SPU will involve a stakeholder group of food service business and environmental interest representatives to complete the following tasks and report to the City Council by December 31, 2009:

A. Develop a report on the availability, cost, and performance of recyclable and compostable alternatives to plastic food service ware.

B. Develop approaches for businesses to apply their collective buying power to increase the availability of competitively priced recyclable and compostable food service ware.

Section 5. The provisions of this ordinance are declared to be separate and severable. If a court of competent jurisdiction, all appeals having been exhausted or all appeal periods having run, finds any provision of this ordinance to be invalid or unenforceable as to any person or circumstance, such offending provision shall, if feasible, be deemed to be modified to be within the limits of enforceability or validity. However, if the offending provision cannot be so modified, it shall be null and void with respect to the particular person or circumstance, and all other provisions of this ordinance in all other respects, and the offending provision with respect to all other

persons and all other circumstances, shall remain valid and enforceable.

Section 6. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2008, and signed by me in open session in authentication of its passage this ____ day of _____, 2008.

President _____ of the City Council

Approved by me this ____ day of _____, 2008.

Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2008.

City Clerk

July 16, 2008

Version #16

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[Fiscal Note](#)