

# Material Requirements, Opportunities for Food Service Ware

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# PRESENTERS

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# AGENDA



- ABRA | Agency Overview
- DOEE | Agency Overview
- DOEE | Anacostia River Clean Up and Protection Act
- DOEE | Food Service Ware Requirements
- DOEE | Zero Waste Omnibus Act of 2020
- Q&A

# ABRA OVERVIEW



- The **Alcoholic Beverage Regulation Administration (ABRA)** is an independent agency within DC Government charged with supporting the public's health, safety and welfare through the control and regulation of the sale and distribution of alcohol and medical cannabis.
- ABRA operates under the authority of the **Alcoholic Beverage Control (ABC) Board**, made up of seven (7) DC residents nominated by the Mayor and confirmed by the DC Council. **Donovan Anderson** is the current ABC Board Chairperson.

# Implementation of the District's Food Service Ware and Bag Law Requirements

Kyaira Ware

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Environmental Protection Specialist



# Requirements apply to:

- All District retailers that sell food or alcohol
  - Restaurants
  - Bars
  - Liquor stores
  - Grocery stores
- Requirements apply at all times
  - Festivals
  - To-go orders
  - Catering

# ANACOSTIA RIVER CLEAN UP & PROTECTION ACT

## ("BAG LAW")

- All District retailers that sell food or alcohol must charge a 5¢ fee for each paper or plastic disposable bag provided to customers at the point of sale. The 5 cent fee *must* be listed as a separate line item on the receipt.
- Businesses must remit bag fee collections to the Office of Tax and Revenue (OTR) on their Sales and Use tax return FR-800 by filing at [MyTax.DC.gov](https://mytax.dc.gov).
  - Businesses must remit 4/5 cents to the OTR.
  - If a bag rebate program exists, businesses may only remit 3/5 cents to OTR.
- Restaurants with seating are not required to charge the 5-cent fee if they provide paper bags to customers.



# Food Service Ware Requirements

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The District's food service ware requirements consist of four parts:

- **A ban on single-use plastic straws/stirrers**
- **Foam Ban:** Food service ware, storage containers, and packing materials made from expanded polystyrene, commonly known as foam, are banned from use or retail sale in the District.
- **\*\*Food Service Ware Material Requirements:** District restaurants and other food-serving institutions must only use food service ware determined to be compostable or recyclable to serve consumers.
- **\*\*[NEW!] Utensils By Request:** District food-serving entities and third-party food ordering platforms must only provide disposable utensils and other small items if first requested by the customer.



# Food Service Ware Requirements

- Applies to all entities that sell or provide food or beverages.
- All food service products must be recyclable or compostable, except for:
  - Items under 2x2”\*\*
  - Plastic film and wrap
- Common items that are now banned include:
  - Mixed-material bags (plastic windows)
  - Foil/paper mix wraps
  - \*\*Single-use plastic straws and stirrers
  - Foam



## Food Service Ware REQUIREMENTS

Effective January 1, 2017, District businesses and organizations providing disposable products for prepared food must use recyclable or compostable materials when serving consumers.

Affected businesses and organizations include:

- Restaurants & delis
- Cafeterias
- Food trucks
- Faith-based organizations
- Grocery stores
- Caterers
- Street vendors
- Other groups that serve food
- Hotels, motels & inns
- Hospitals
- Schools
- Coffee Shops and Cafés

Food items packaged outside of the District, products for home use, and containers for raw meat are not subject to these requirements.



### Compliant Compostable and Recyclable Items

Products made solely of rigid plastic, made of pulp or paper with or without a plastic or wax coating or certified compostable by the Biodegradable Products Institute (products.bpiworld.org) are considered compliant.



### Items to Throw In the Trash

Items smaller than two (2) inches in two dimensions, heavily food-soiled items, plastic bags, and plastic wraps should be thrown in the trash to avoid recycling contamination.\*



\*Private waste and recycling programs may accept these items. Ask for details.



### Items Banned and Enforced by the District

Mixed material products, including paper bags with plastic windows and foil-lined deli paper wraps, and single-use plastic straws and stirrers are BANNED. Expanded polystyrene foam containers are also BANNED.



For more information on compliant products and District food service ware requirements, visit: [doee.dc.gov/foodserviceware](http://doee.dc.gov/foodserviceware)

GOVERNMENT OF THE  
DISTRICT OF COLUMBIA  
MURIEL BOWSER, MAYOR

# ZERO WASTE OMNIBUS ACT OF 2020

## Utensils By Request

- The Utensils etc. by Request requirement has 2 parts;
- Effective January 1, 2022, all District restaurants, and food-serving entities are **prohibited** from automatically including small disposable food service items in customer orders. Entities must keep small disposable items either:
  - Behind the counter to give to customers who request them or
  - In a self-service area for customers to take on their own
- The new requirements apply to in-person, online, and mobile orders.
- Third-party food ordering platforms and delivery apps (Uber Eats, Grub Hub, etc) must update platforms so that customers can affirmatively request disposable items for their order.

**What if I'm having trouble finding  
compliant products?**

# Troubleshooting

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- Be proactive!
  - Fines for non-compliance start at \$100 per regulated item
- Check out our list of compliant food service ware products at:
  - <https://doee.dc.gov/foodserviceware>
  - We highly encourage the use of reusable products!
- Talk to us

# Questions and Comments?

**\*\*\* ZERO WASTE DC**

**STRAWS AND STIRRERS NEW REQUIREMENTS**

Enforcement Begins January 1, 2019

Effective October 29, 2018, the Mayor's List of Recyclables and Compostables requires the use of compostable and/or reusable straws and stirrers when serving and selling food or beverages in the District.

**COMPLIANT PRODUCTS FOR USE IN THE DISTRICT INCLUDE BUT ARE NOT LIMITED TO:**  
- PAPER - BAMBOO - HAY - STAINLESS STEEL - GLASS - PLA (BPI-CERTIFIED)

To reduce waste and cut costs, the District advocates for businesses to only offer compliant straws by request. DOEE recognizes some customers with disabilities require plastic straws as a reasonable accommodation to consume food or beverages.

Regulated entities must keep a limited stock of plastic straws available to meet these needs and remain compliant with local and federal disability rights laws.

**HOW TO GET & STAY IN COMPLIANCE**

**Why is this happening?**

Banning plastic straws and stirrers will help reduce plastic waste and litter that pollutes District communities and waterways. Plastic straws and stirrers are easily blown and washed into local waterways, where they can remain for

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