Seattle Public Utilities

Director's Rule

Title	Number	Rev. no.
Temporary Exceptions to Food Service Ware and Packaging Products	SW-500.1	0
Responsibility	**Supersedes**	**Pages**
Solid Waste Division	DR-2011-008	2
SPU Director's Approval	**Effective Date**	
Ray Hoff	July 1, 2012	

This Director's Rule extends and supersedes DR-2011-008 for one year to end June 30, 2013.

1. BACKGROUND

Seattle Ordinance 122751 banned the use of expanded polystyrene (EPS), sometimes called Styrofoam, on January 1, 2009. It also required that by July 1, 2010, all food service businesses operating in the City of Seattle replace all single-use throw-away food service ware with products that are compostable or recyclable. Leading up to this deadline, Seattle Public Utilities worked extensively with restaurant industry stakeholders and businesses in the food service packaging industry.

Through this process, which included restaurant industry comment and reports on in-use testing of various products, SPU determined that there were several types of products for which compostable or recyclable alternatives meeting acceptable performance standards or recyclability did not at the time exist. Since then, through SPU's Food+ outreach program, the Solid Waste Division has continuously monitored the reported performance of compostable and recyclable single-use food service products to determine if new products meeting acceptable performance standards have reached the market, warranting changes in the list of types of products deemed exempt from regulation.

2. AUTHORITY

The Director of Seattle Public Utilities has general authority to promulgate rules in accordance with the City's Administrative Code, SMC Chapter 3.02. Further, Ordinance 123307, effective June 19, 2010, authorizes the Director to issue rules for the "purposes of interpreting and clarifying the requirements of this section [SMC 21.36.086]. Such rules may provide temporary waivers or other relief that apply for an initial period of up to one year from July 1, 2010, with the option for an up to one year extension to expire no later than June 30, 2012. Such waivers or relief should be granted only for circumstances where commonly used recycling and composting technology cannot process the food service ware, or where suitable alternative products that meet performance and food health and safety standards are unavailable."

Subsequently, on finding that there remain among products for food service ware and packaging items that can neither be properly composted nor effectively recycled yet are essential for the food industry to serve customers, the City Council passed Ordinance 123880 effective June 15, 2012, "providing the Director of Seattle Public Utilities additional rulemaking authority to grant waivers and other relief from requirements relating to single-use food service

ware and packaging." Ordinance 123880 allows the Director annually to revise by rule the list of those food service products for which compliance with Ordinance 122751 shall be waived.

3. RULE

A. Temporary Waivers—Extension

Waivers scheduled to expire June 30, 2012, are extended for a period of one year beginning July 1, 2012 and ending June 30, 2013 and; therefore, the requirement that all single-use food service ware be either compostable or recyclable shall not apply to:

- Cutlery/utensils
- Drinking straws, cocktail straws, cocktail picks
- Metal foil-faced papers and engineered composite papers used to wrap hot food such as hamburgers and burritos.
- Portion cups (two ounces and under), if used for hot foods or requiring lids.

B. Petitions for Changes to the List of Temporary Waivers

Any person may petition the Director requesting that:

- Additional single-use food service products be granted temporary waivers
- Products already under waiver have their waiver period extended
- Products already under waiver have their waiver period shortened or ended

C. Petitions for Waivers to Collection Requirements Due to Limited Space

Food service businesses or their landlords may petition for exemptions from compostable and/or recyclable materials collection requirements in cases where their buildings do not have space for storage of wheeled carts (toters) or dumpsters designated for these materials.

Petitions should include building location, description of the problem and contact information for a responsible person who can provide a tour of the site for SPU staff. Staff will evaluate space problems, including possible downsizing of garbage dumpsters that may result from increased separation of compostable and recyclable materials in the affected building.

Where applicable, SPU will apply the waste-container space standards set out in Ordinance 119836 for buildings constructed or remodeled in 2000 and later, and will provide a response within a reasonable time following the site visit.

D. How to Petition for Changes or Waivers

Petitions should be in the form of a letter stating the petitioner's request and reasons supporting the proposed rule change or waiver. Correspondence should be addressed to:

Director, Seattle Public Utilities
Attn: Single-use food service ware regulation program
P.O. Box 34018
Seattle, WA 98124-4018

FILED
CITY OF SEATTLE

2012 JUN 29 PM 1:51

CITY CLERK