



Frequently Asked Questions

New Rules for Single-Use Food Service Products in 2022

The single-use foodservice items regulations adopted by the City Council amended [Chapter 8.24 \(Use of Nonbiodegradable Packaging Materials\)](#) of the Municipal Code. These changes go into effect on January 1, 2022.

Please note that City staff will work to interpret the municipal code and provide as much clarity as possible in response to questions about these changes. Questions regarding these changes can be directed to Autumn Salamack at asalamack@bainbridgewa.gov. This document will be updated as new questions are received.

1. What changes go into effect on January 1, 2022?

A retail food establishment may provide the following single-use food service products only upon a customer's affirmation for the below item or items:

- Utensils*
- Straws
- Condiment in packaging
- Beverage cups
- Beverage cup lids

The products listed above may not, for any reason, be available to customers in cylinders, bins, dispensers, containers, or other means on a self-service basis.

A retail food establishment may provide beverage cup lids without a customer's affirmation for:

- Hot beverages
- Beverages provided through delivery service, drive-thru, or curbside pickup

**"Utensil" means a product designed to be used by a consumer to facilitate the consumption of food or beverages, including knives, forks, spoons, cocktail picks, chopsticks, splash sticks, and stirrers. "Utensil" does not include plates, bowls, cups, bottles, and other products used to contain food or beverages.*

- 2. Are napkins permitted to remain out on counters in dispensers?**
The code does not specifically refer to napkins as a food service product that requires a customer's affirmation, so they can remain out. However, any food and beverage containers must comply with 8.24.010 of the code (requiring biodegradable materials), unless eligible for an exemption under 8.24.015.
- 3. Are hot beverage cup cozies/sleeves permitted to remain out on counters in dispensers?**
The code does not specifically refer to cup cozies/sleeves as a food service product that requires a customer's affirmation, so they can remain out. However, any food and beverage containers must comply with [BIMC 8.24.010](#) (requiring biodegradable materials), unless eligible for an exemption under [BIMC 8.24.015](#).
- 4. Are wooden stir sticks permitted to remain out on the counters in dispensers?**
No. Stir sticks are included in the [definition of a utensil](#), and thus cannot remain out on the counter, regardless of the material type.
- 5. Are chopsticks permitted to remain out on the counters in dispensers?**
No. Chopsticks are included in the [definition of a utensil](#), and thus cannot remain out on the counter, regardless of the material type.
- 6. Are the following allowed in 2022?**

 - An individual soy sauce packet placed inside a grab-and-go packaged container of sushi.
 - An individual salad dressing packet inside a grab-and-go packaged salad.
 - An individual condiment packet placed inside a grab-and-go packaged sandwich.

Yes, they are allowed. [BIMC 8.24](#) does not explicitly prohibit this type of condiment packet from inclusion within food packaging, as noted in the examples above.
- 7. Are individual serving cups to hold condiments dispensed from a bulk container allowed?**
Yes. However, any food and beverage containers must comply with [BIMC 8.24.010](#) of the code (requiring biodegradable materials), unless eligible for an exemption under [BIMC 8.24.015](#).
- 8. Is there a process for businesses to request an exemption for implementing the requirements outlined in [BIMC 8.24.025](#)?**
No exemption process is defined in the municipal code regarding Section 8.24.025. Thus, all retail food establishments must comply with BIMC 8.24.025. Please note that the city will emphasize education and outreach rather than enforcement to achieve compliance with the requirements of Chapter 8.24 of the municipal code.
- 9. Are cold beverage cups and lids required to be biodegradable?**
No.

10. Are products in plastic containers, such as bottled water, allowed for sale at retail food establishments?

Yes.

11. Are beverages in aluminum cans allowed for sale at retail food establishments?

Yes.

12. Are Styrofoam to-go containers allowed?

No.

13. How do we calculate the 10% by total volume limit, per the exemption noted in Section [8.24.015-8](#)?

- *“Any foods sold by a retail food establishment packaged by a wholesale distributor, manufacturer, processor, bakery, or similar wholesaler whose premises is located outside the city; provided, that not more than 10 percent of the total volume of food sold at the retail food establishment is packaged in nonbiodegradable packaging.”*

“Nonbiodegradable packaging” – as defined in the code – only refers to those materials made in whole or in part of polystyrene plastic (i.e., Styrofoam). The specific language under [8.24.015-8](#) refers to food, which does not include beverages, and does not define “total volume.” Thus, you could use total sales for those foods packaged in nonbiodegradable packaging compared to your overall food sales to determine if you are exceeding the 10% threshold. However, keep in mind that these requirements are set to change in 2023, and the City will continue to emphasize education and outreach rather than enforcement of the requirements of Chapter 8.24 of the municipal code.

Learn more at www.bainbridgewa.gov/climateaction.

Last updated: January 19, 2022