

Waiver Application Form

9.165.040 Disposable Foodware Standards

No person shall sell or distribute disposable foodware and disposable foodware accessories that **do not comply with City of Santa Barbara municipal compost collection programs and are not free of all intentionally added fluorinated chemicals**, as certified by the Biodegradable Product Institute (BPI) or other independent third party certifying organization or agency recognized by the City, except that non-compostable foil wrappers that are accepted in the City of Santa Barbara recyclable collection program may be used for burritos, wraps, and other items that require foil to contain and form the food item.

To obtain an exemption or extension for a disposable foodware or disposable foodware accessories item, the food provider or beverage provider must demonstrate that:

1. No disposable foodware or disposable foodware accessories exist with substantially similar size, performance and/or utility that conforms with the disposable foodware standards.
2. Food providers and beverage providers must provide documentation of good faith efforts to obtain a substantially similar compliant item.
3. Records of attempts to obtain a compliant item may include emails, letters or other correspondence with vendors that furnish disposable foodware or disposable foodware accessories, seeking the compliant item and a timeline for compliance.

9.165.050 Reusable Foodware for Dining on the Premises.

Prepared food or raw food or beverages served for consumption on the premises of food providers and beverage providers **shall only be served using reusable foodware**, except that disposable paper food wrappers, sleeves and bags; foil wrappers; paper napkins; straws and paper tray- and plate-liners shall be allowed for dining on the premises, so long as they meet the disposable foodware standards in Section 9.165.040.

To obtain an extension or exemption, the prepared food vendor must demonstrate an inability to comply due to insurmountable space constraints, undue hardship and/or other extraordinary, insurmountable circumstances.

1. Extensions for reusable foodware may be granted for a specified term of up to 2 years.
2. Under extraordinary circumstances, should a food vendor demonstrate that, at the close or expiration of a granted extension term, and with diligent efforts to become compliant, compliance remains infeasible, additional waivers of up to 2 years each may be granted.
3. Notwithstanding the 2 year maximum term for extensions set forth for reusable foodware, in certain limited and unique circumstances where the food vendor demonstrates diligent efforts to comply but, due to insurmountable space and/or other unique and extraordinary circumstances, may never be reasonably able to comply, the Sustainability and Resilience Director may grant an extension for a longer specified term.

9.165.090 Required Use of Reusable Beverage Cups at Special Events.

Any person providing food or beverage at a special event subject to Chapter 15.17 of this Code **must ensure that at least 10% of beverages served at the event are served in reusable beverage cups.**

An applicant for a special event permit may request a full or partial waiver of the requirements of this Section if

1. The applicant can demonstrate an inability to obtain reusable beverage cups for the special event.
2. The applicant can demonstrate that the application of this Section would create undue hardship or practical difficulty for the applicant.

The Special Event Coordinator shall obtain the approval of the Sustainability and Resilience Department before including a waiver in a special event permit.

Application Information

Applicant Name: _____

Phone Number: _____

Email Address: _____

Mailing Address (If different from business address):

City, State, Zip Code: _____

If applicable, list the names and email address of any other parties or decision-makers who should be cc'd in correspondence about this application.

Business Information

Business Name: _____

Business Address: _____

Exemption Request

What category are you requesting an exemption for?

- Compostable Disposable Foodware Requirement
- Reusable Foodware On-Site "For-Here" Requirement
- Reusable Beverage Cups at Special Events Requirement

Briefly describe your reason for applying.

If applicable, list the product(s) that you are requesting an exemption for. (Ex: Plastic cups, plastic utensils, plastic clamshells)

If you have any additional questions, please contact DRosales@SantaBarbaraCA.gov or (805) 991-7741.