



**Prince George's Group  
Maryland Chapter**

March 16, 2022

Prince George's County Council  
Wayne K. Curry Administration Building  
1301 McCormick Drive  
Largo, MD 20774

Dear Chairman Hawkins and Members of the County Council,

**RE: Support for CB-14-2022, "Accessory Disposable Food Service Ware"**

**The Sierra Club enthusiastically supports CB-14-2022, "Accessory Disposable Food Service Ware," and we urge you to pass it.** This bill addresses a problem that many households have faced during the covid-19 epidemic, if not before -- the provision of unwanted single-use disposable utensils, condiments, straws, and other items in their takeout and delivered food orders. Most of us have reusable utensils and condiments at home; providing them to every order is a waste of resources, contributing to litter and more trash at the landfill.

CB-14-2022 would require that food service businesses provide straws, utensils, condiment cups and packets, cup sleeves, splash sticks, stirrers, and napkins only upon request by the customer or at a self-service dispenser. Businesses would have to provide options for customers to request these items across all ordering platforms (digital, telephone, in-person, whether for on-site dining, takeout, or delivery, and on a third-party food-ordering platform). The bill would be enforced as of February 1, 2023. The bill does not ban anything; it just requires that single-use, non-recyclable items not be provided when the customer doesn't request them.

**The bill would bring many benefits to the County and its businesses:**

- It would reduce waste and litter of items that people don't want and that can't be recycled. Nearly 80% of disposable food ware is from take-out, drive-through, and delivery<sup>1</sup> -- all of these contingencies are covered in the bill, including on-line orders and third-party platforms.
- It would reduce plastic pollution. When littered and exposed to sunlight, these items break down into tiny pieces on land and in the water, pieces that are impossible to clean up and permeate the environment.<sup>2</sup> One study found that 94 percent of U.S. drinking water systems sampled contained microplastics.<sup>3</sup>

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<sup>1</sup> Gordon, Miriam. 2021. *Reuse Wins: The Environmental, Economic and Business Case for Transitioning from Single-Use to Reuse in Food Service*. Upstream Policy Institute, p. 18. (<https://upstreamolutions.org/reuse-wins-report>)

<sup>2</sup>Hale,R.C., M.E. Seeley, M. LaGuardia, L. Mai, and E.Y. Zeng. 2020. "A global perspective on microplastics," *Journal of Geophysical Research: Oceans* 125.

<sup>3</sup> Tyree, Chris, and Dan Morris. 2018. "Invisibles: The Plastics Inside Us." An Investigative Report. Orb Media, March 15. [https://orbmedia.org/stories/Invisibles\\_plastics](https://orbmedia.org/stories/Invisibles_plastics)

- It would support the County Executive's beautification campaign by reducing litter at its source, and would enhance the County's efforts to reduce trash in the Anacostia River, per the trash total maximum daily load (TMDL) on that waterway.
- It would reduce contamination of the recycling stream, since people continue to discard these unwanted items in their recycling bins, even though they can't be recycled.
- It would save money for businesses and taxpayers. One study from a California city found that an "on request" bill for straws reduced their use by 40%.<sup>4</sup> Less plastic waste and litter brings savings to local governments and taxpayers, who pay for waste disposal and litter clean-ups.

**CB-14-2022 is well-written and consistent with legislation that went into effect in Washington, D.C. in January 2022.** This will avoid confusion to customers and food service businesses that serve both jurisdictions, and facilitate an education campaign. The bill is especially well crafted, as it:

- Requires that the customer ask for the item, *as opposed to weaker bills that allow businesses to offer the items.*
- Requires that on-line orders and third-party platforms provide customers the ability to request only the accessory food service ware that they want, something that's easy to confirm.
- Includes drive-through restaurants, the source of much of the litter from these items.

**Enforcement should not be overly burdensome, especially with a good education campaign and rollout.** Compliance of the on-line and third-party delivery ordering -- in terms of updating their ordering platforms -- is easy to verify from their websites. Many restaurants already have queries on line about whether the customer needs utensils (e.g., Olive Garden, Applebee's, Panera Bread). All chain restaurants in the County that also operate in DC and in states that have passed similar legislation,<sup>5</sup> will be in a position to follow suit. Enforcement of non-compliant behavior can be complaint-driven via the 311 system, as has been done for the styrofoam ban.

We recommend two amendments to further strengthen the bill – moving up the date for compliance of on-line and third-party platforms and prohibiting the “bundling” of accessory disposable food service ware. These are detailed in an Annex to our testimony.

In sum, CB-14-2022 is low-hanging fruit for reducing waste, litter, contamination of the recycling stream, and costs to businesses and taxpayers. We respectfully request that you support it.

Sincerely,

Janet Gingold, Chair  
Prince George’s Sierra Club Group  
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Annex: Proposed Amendments to CB-14-2022

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<sup>4</sup>Wagner, Travis P., and Patti Toews. 2018. “Assessing the Use of Default Choice Modification to Reduce Consumption of Plastic Straws,” *Detritus* 4:113-121.

<sup>5</sup> Many local jurisdictions across the country have enacted “on request” legislation. More recently, statewide bills have been enacted in California (effective June 2022) and Washington state (effective January 2022).

## Annex: Proposed Amendments to CB-14-2022

1. The current bill requires that third-party platforms provide customers the ability to affirmatively request these items by August 1, 2023 – six months after the bill goes into effect – which effectively delays the bill’s effectiveness. The DC bill, in contrast, set the date for third-party platforms six months before the bill went into effect. We recommend that the deadline for third-party platforms be moved up by a year, from August 1, 2023 to August 1, 2022 (or at least no later than the effectiveness date for the bill), and that on-line ordering platforms for restaurants adhere to the same timing.

Page 2, line 19:

“(c) By August 1, 2023~~2~~, on-line and third-party food ordering platforms shall provide customers the ability to affirmatively request accessory disposable food service ware, including the ability to select the specific items they need.”

2. This amendment would prohibit food service businesses from “bundling” accessory food service ware. The language is taken from the bill from Washington state.

Insert on page 2, after line 14:

“(b) Accessory disposable food service ware provided by a food service business for use by customers may not be bundled or packaged in plastic in such a way that a customer is unable to take only the type of single-use accessory disposable food service ware desired without also taking a different type or types of single-use accessory disposable food service ware.”

On line 15, replace “(b)” with “(c).”

On line 19, replace “(c)” with “(d).”