

District Disposable Food Service Ware Requirements
Frequently Asked Questions

Frequently Asked Questions: Single-use Straws and Stirrers

Businesses and organizations selling or serving food or beverages in the District are no longer allowed to provide single-use plastic straws or stirrers to consumers. Here are important dates to remember:

October 29, 2018: The Mayor's List of Recyclables and Compostables was updated to exclude plastic straws and stirrers from the list of allowable items.

January 1, 2019: Businesses must no longer use plastic straws or stirrers to serve customers. DOEE will be inspecting businesses for compliance and issuing unofficial warnings.

July 1, 2019: DOEE will begin issuing official warnings and fines to businesses and organizations still providing plastic straws and stirrers.

What are the new single-use straw and stirrer requirements?

Effective January 1, 2019, businesses and organizations that sell or serve food or beverages in the District must no longer use single-use plastic straws or stirrers when serving their customers.

Where are these new requirements coming from?

[The Sustainable DC Omnibus Amendment Act of 2014](#) requires District businesses and organizations selling or serving food to only use recyclable or compostable food service ware. DOEE defines recyclable and compostable according to the [Mayor's List of Recyclables and Compostables](#), first published in December 2016. The Mayor's List was updated October 2018 to exclude plastic straws and stirrers from the list of allowable items. Entities regulated by the law must now only use straws and stirrers considered compostable.

Hasn't the recyclable and compostable requirement been effective since 2017? Why weren't plastic straws and stirrers banned then?

The first Mayor's List of Recyclables and Compostables included an exemption for small plastic items made of recyclable materials that could not be processed in typical materials recycling facilities but may be recyclable through special programs. This exemption included plastic straws and stirrers. The exemption for plastic straws and stirrers was removed in 2018 during DPW's mandated biannual review of the Mayor's List, as research showed growth in the variety and availability of compostable and reusable straw and stirrer alternatives, allowing businesses and customers to choose products based on their needs.

What kinds of straws or stirrers can I provide instead of plastic?

You can provide any type of straw that's made of material on the [Mayor's List of Compostables](#). This includes paper straws, hay straws, and PLA straws that are BPI certified as compostable. Stirrers made of wood are also allowed. Check out our Compliant Vendor's List for help finding vendors that sell compliant straws and stirrers.

Reusable straws and stirrers made of metal, glass, silicone, bamboo, and other materials are not regulated by this law and are also acceptable to use when serving consumers.

Wouldn't it be better for the environment if DOEE only allowed biodegradable straws? Why is DOEE allowing compostable straws?

The Sustainable DC Omnibus Amendment Act of 2014 specifically requires food service ware to be recyclable or compostable. While biodegradable straws and stirrers that end up in District waterways could have less impact, there is currently no standard for certifying biodegradable materials. DOEE would have no way to determine accuracy of straw and stirrer products labeled as biodegradable.

Further, allowing compostable items lets business owners with current composting contracts to continue to use products accepted by local composting facilities, while also preparing the District for curbside composting-- a project currently underway at the Department of Public Works. It is important for compost facilities to have products made of certified, compostable materials to ensure they can be composted.

Compliant straws are more expensive than plastic, what can I do to offset these new costs?

Businesses are encouraged to only provide compliant straws upon request, as many beverages do not need straws at all for consumption. Distributing straws by request can reduce costs as demand for straws decreases. The District supports the [Our Last Straw coalition](#) to eliminate single-use plastic straws. Businesses can also offset costs by passing some or all of the additional expense on to the customer.

What about items like prepackaged juice boxes with straws? Are those banned?

Any food or beverage packaged outside of the District is exempt from the requirements of the law, so juice boxes and similar items with plastic straws attached can still be served.

What happens if I keep serving customers plastic straws?

If DOEE receives a tip about your business or randomly inspects your business between January 1 and July 1, 2019, and finds you providing plastic straws or stirrers, they will issue a warning letter making you aware that you were inspected and out of compliance with the new requirements on single-use straws and stirrers. If you are found to still be using plastic straws or stirrers after July 1, 2019, DOEE will begin issuing official violations and fines. Typically, DOEE issues a Notice of Violation for the first violation. Any additional violations found after that first official warning will incur fines ranging between \$100-\$800. DOEE has the authority to issue fines for each plastic straw observed by inspectors to be distributed, potentially yielding fines much higher than \$100-\$800.

Some customers need a plastic straw to help them eat or drink. Is there anything I can do to accommodate them?

DOEE recognizes that some customers with disabilities require plastic straws as a reasonable accommodation to consume food or beverages and regulated entities must keep a limited stock of plastic straws available upon request to meet these needs and remain compliant with local and federal disability rights law. DOEE will not enforce against plastic straws offered to consumers with disabilities who require these products.

Frequently Asked Questions: General

Where do the food service ware material requirements come from?

The [Sustainable DC Omnibus Amendment Act of 2014](#) bans the use of expanded polystyrene (foam) as well as nonrecyclable and noncompostable food service ware items. The law was passed in order to reduce the amount of trash pollution in the District's waterways, particularly the Anacostia River.

Why did the District of Columbia ban foam food service products?

The foam ban is an important part of the overall effort to restore District waterbodies so that residents can enjoy them for fishing, swimming, and boating and so that fish and wildlife will have healthy habitat where they can grow and thrive. Foam food and beverage containers are one of the most common types of litter found in [trash traps](#) in the Anacostia River. Since foam is lightweight, wind and rain carry it from streets and sidewalks into storm drains where it goes directly into rivers and streams. Once in the water, foam breaks into small pieces that pollute the District's waterbodies, adhering to harmful toxics that bioaccumulate in the food chain when wildlife mistake the foam for food. Not only is foam litter unsightly, it has harmful effects on the health of the District's waterbodies, wildlife, and citizens.

Why does the District require food service ware to be compostable or recyclable?

Both the foam ban and recyclable and compostable requirements will help the District attain its goal of 80% waste diversion by 2032 while also reducing trash pollution in District communities and waterways. In 2014 alone, Americans generated over 13 million tons of plastic waste, with only 14% being recycled¹. Meanwhile, scientists estimate over 5.25 trillions of plastic debris currently pollute the earth's oceans². The District's transition to recyclable and compostable food service ware allows for more sustainable disposal of used food service products, either through recycling or private composting, preventing pollution from entering District communities, waterways, or waste streams.

Is the District the only jurisdiction with food service ware material requirements?

More than 80 jurisdictions across 9 states have passed some form of a ban on foam, including San Francisco, CA, Portland, OR and Seattle, WA. Neighboring jurisdictions of Montgomery County, MD and Prince George's County, MD in the Anacostia River watershed are also working to reduce foam litter through foam bans that took effect in 2016. Many of these jurisdictions, including San Francisco, Seattle, and Montgomery County, MD, also have recyclable and compostable requirements for businesses and organizations distributing food and beverages to the public.

Who is impacted by this law?

Any business or organization located in the District of Columbia that sells or provides food or beverages at any time is regulated by the ban, including, but not limited to, the following:

¹ Data from [EPA's Advancing Sustainable Materials Management: 2014 Fact Sheet](#)

² Eriksen M, Lebreton LCM, Carson HS, Thiel M, Moore CJ, Borerro JC, et al. (2014) Plastic Pollution in the World's Oceans: More than 5 Trillion Plastic Pieces Weighing over 250,000 Tons Afloat at Sea. PLoS ONE 9(12): e111913. <https://doi.org/10.1371/journal.pone.0111913>

- Restaurants
- Cafes and delis
- Carryouts
- Convenience stores
- Grocery stores
- Bakeries
- Coffee shops
- Bars and pubs
- Food trucks
- Farmer's markets
- Cafeterias
- Faith-based organizations that serve food
- Non-profit organizations that serve food
- Government agencies

What types of products are regulated?

- Cups
- Bowls
- Plates
- Trays
- Clamshells
- Sandwich/ deli wraps
- Straws and stirrers
- Food service accessories (cutlery, napkins, etc.)
- Any other food service products designed for one time use

What products are exempt from this law?

- Food service ware products sold at stores for home/personal use.
- Packaging for raw meat, poultry, or seafood that will be consumed off premise.
- Packaging for food or beverages that was filled and sealed outside of the District.

Food items and products not intended for immediate consumption (grocery store produce sections, uncooked pastas and grains, etc.) are exempt from the compostable and recyclable requirements but NOT the foam ban.

How does the District define compostable and recyclable?

Both compostable and recyclable are defined according to the [Mayor's List of Recyclables and Compostables](#), a single comprehensive list of recyclable and compostable materials for District residents and businesses developed by the Department of Public Works. DOEE's decision to define compostable and recyclable food service ware according to the Mayor's List unifies messaging to both residents and the regulated community on recycling requirements in the District.

What items are banned from use according to the law?

DOEE inspectors will issue violations for the following:

- Expanded polystyrene (foam)
- Plastic straws and stirrers
- Products made of mixed materials (paper-lined foil deli or sandwich wraps, paper bread or cookie bags with a plastic window)

If mixed material items are banned, can I still use paper products with a thin plastic coating, like coffee cups or plastic-lined paper to-go containers?

The Mayor's List considers paper products with a thin plastic lining to be recyclable and paper products with a thin wax coating to be compostable. Both items are okay to use under the compostable and recyclable food service ware requirements.

The Mayor's List says that rigid plastics are recyclable. What about other plastics, like saran wrap or plastic bags?

Plastic films, wraps, and bags are not recyclable in standard recycling facilities and should not be placed in your recycling bin. Plastic bags can instead be recycled through private programs at [participating businesses](#) in the District. While plastic bags and films are effectively banned from use for packaging prepared foods according to the compostable and recyclable food service ware requirements, DOEE is currently prioritizing other items for enforcement (see banned items above). DOEE will notify businesses and other regulated entities if or when plastic films and bags become a priority for enforcement.

Please also note that plastic bags used to carry already packaged food and beverages (clamshells, bowls, other to-go containers, etc.) are not regulated under the compostable and recyclable food service ware requirements and are therefore still okay to use.

How does DOEE pick which items will be prioritized during enforcement?

DOEE is currently prioritizing enforcement against items that have readily available and cost-effective compostable or recyclable alternatives. Priority items may change over time, especially as top priority items are phased out of use. DOEE will notify the regulated community if new items are added to the priority enforcement list.

Is food service ware still recyclable if it's dirty?

Food service ware must be relatively clean in order to be recycled. We recommend rinsing plastic and paper products to get most food residue off the container before recycling. Heavily soiled containers must be thrown out.

What if an item I use is not listed on the DOEE website, or if I am unsure whether an item is compliant?

You can contact DOEE at (202) 671-0080 for any questions regarding compliance of the food service ware item in question. Program staff are available for compliance assistance and direction.

How often will the Mayor's List be updated?

The Mayor's List will be reviewed at a minimum biannually to determine if materials should be added or removed. DOEE will conduct outreach and notify the regulated community of any changes to the Mayor's List that will impact the compostable and recyclable food service ware requirements.

Where can I purchase compliant compostable and recyclable products?

Ask your current supplier for a list of alternative products. It is likely that they already offer food and beverage containers made of paper, rigid plastic, aluminum, or plant-based resins. DOEE's website also has a [list of vendors](#) that carry recyclable and compostable alternatives.

Are compliant recyclable and compostable products more costly?

Many compliant materials, such as paper and rigid plastics products, are readily available with competitive pricing. Though some compliant products may cost more than foam alternatives, the difference in price is typically a very small percentage of the total cost of the food being served. Costs also depend on the type of product, supplier, and quantity ordered.

How will the law be enforced?

DOEE conducts random inspections and responds to tips from the public. In addition to providing compliance assistance, DOEE will issue warnings and fines to food service providers using noncompliant products.

How do I report a business using foam or another noncompliant product?

You can report tips to DOEE's [Food Service Ware tip line or](#) on the DC 311 website or app, or call (202) 671-0080.

Who can I contact with more questions?

You can contact DOEE program staff at (202) 671-0080.