



**Public Works Department
City of Bellingham**

MEMORANDUM

TO: ALL BUSINESS ESTABLISHMENTS COVERED BY BMC 9.32
FROM: ERIC JOHNSTON, PUBLIC WORKS DIRECTOR
CC: MAYOR SETH FLEETWOOD, CITY COUNCIL, AND CITY ATTORNEYS
SUBJECT: SINGLE USE FOOD SERVICE PRODUCTS
DATE: JANUARY 1, 2024

The City adopted Ordinance No. 2021-05-003 in 2021 to limit the use of single-use plastic food service products in Bellingham. The ordinance was codified as a new Chapter 9.32 of the Bellingham Municipal Code.

BMC 9.32.030(A) established a "limited time exemption" for the following products:

1. Produce bags;
2. Catering trays;
3. Clear food wrap and shrink wrap;
4. Containers for uniquely shaped foods, e.g., deviled eggs and cupcakes;
5. Flexible plastic packaging used to preserve moisture and freshness such as for cookies;
6. Containers or trays for hot meat items such as for ribs or rotisserie chicken;
7. Small absorbent pads put under meat or seafood to absorb liquids in the package.

The foregoing exemption was valid through January 1, 2023, subject to extension by the public works director. It was determined then criteria had been met to extend the exemption through December 31st, 2023.

BMC 9.32.030(B) provides that the public works director may extend the foregoing exemptions for one or more of the listed products for additional periods of time not to exceed one year in duration (per authorization) when the director determines as follows:

1. There are not at least two suitable and readily commercially available compostable alternatives to the single use plastic food service product for which the exemption is being extended; or

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2. There are not at least two vendors that make commercially available a suitable compostable alternative to the single use plastic food service product for which the exemption is being extended; or
3. For hot meat items there is not a commercially viable and equally safe alternative form of packaging that is readily commercially available.

In consultation with Sustainable Connections of Bellingham, I find that there are not at least two suitable and readily commercially available compostable alternatives to single use plastic food service products listed in BMC 9.32.030(A)(1)-(7). Accordingly, as public works director, I hereby extend the exemption for those products for an additional year period (ending December 31, 2024) as authorized by BMC 9.32.030(B).

This memorandum shall be posted on the City's official website as notice to the public in accordance with BMC 9.32.030(D).

Eric Johnston, P.E.
Public Works Director

