



# SINGLE-USE CUTLERY AND CONDIMENTS TAKE OUT/DELIVERY FOOD ORDERS

## Total Plastic Waste in the U.S.

**36**

million tons

## Amount that goes to the landfill

**27**

million tons

## Percentage of plastic waste that is recycled

**8.5%**

(Source EPA, 2018)

## And the market for online restaurant delivery in the U.S. is booming:

**2019: \$31 billion**

**2020: \$44 billion**

(projected)

**2024: \$77 billion**

(projected)

(Source Morgan Stanley  
Research)

The Wall Street Journal  
January 16-17, 2021

**Goal:** Reduce the amount of waste generated by single-use items with take-out/delivery orders, **change customer habits regarding single-use items**, and help restaurants reduce costs for unneeded items.

**How:** Legislation requiring restaurants and 3<sup>rd</sup> party delivery services to ask customers to opt-in for cutlery, straws, condiments, etc.

### How will this ordinance work?

Instead of automatically providing single-use accessories in take-out/delivery orders, restaurants or third-party delivery companies must provide an option to the customer to opt-in for these items.

### What items are being considered?

Straws, stirrers, drink stoppers, utensils, chopsticks, condiments and portion cups, napkins, and serving utensils for family style meals.

### What items are excluded?

Self-service dispensers in restaurants and prepackaged food and beverages.

### Why not just ban these items?

State Law (C.R.S. 25-17-104) prohibits municipalities from banning single-use plastics. Additionally, the measure is aimed at saving restaurants money. Currently cups and other items made with plastic alternatives are more expensive. The ultimate goal though is to change behavior by making the consumer think about the choices they are making.

### What about compostable items?

Compostable items are preferable to single-use plastic however, until customers have more realistic options for composting their waste, there is limited benefit at this time. Additionally, some compostable items like forks are not easily composted even in commercial facilities.

### How will restaurants and third-party delivery companies comply?

Rather than restaurants automatically providing the items, the new default will be not to provide them. For in-person and phone orders, employees can simply ask customers if they want the items or not. For online orders, customers can check what items they want included.

*In late 2020, Grubhub conducted an opt-in pilot for cutlery in New York and New Jersey. Eighty percent (80%) of their customers opted-out of receiving cutlery and Grubhub received no complaints. That is 120,000 fewer forks!*

 DOORDASH



Uber Eats, Postmates and Doordash currently ask their customers to opt-in for single-use items!

**Items Included in the  
Top 20 During a  
Recent Denver Litter  
Audit**

**Food  
Wrappers**

**Straws**

**Lids**

**Cups**

**Plastic  
Cutlery**

**To-Go  
Containers**

**Number #2  
“Branded” Litter  
Item (slightly behind  
cigarettes)**

**McDonalds**

*Source: trashblitz Denver  
2020, Final Report by Into  
the Sea, Inland Ocean  
Coalition, 5 Gyres Science  
to Solutions  
Audit conducted on  
October 25, 2020*

**Has this type of ordinance been implemented anywhere else?**

San Francisco, Los Angeles, New York City, Portland and Eugene

**What is the timeline?**

If passed, the law will go into effect after the Office of Climate Action, Sustainability & Resiliency (CASR) concludes rulemaking. CASR will oversee implementation and enforcement.

**How will this be enforced?**

The city will not proactively enforce, but rather will educate restaurants and delivery companies, accept customer complaints and offer opportunities to cure before any sort of citation or fine. The goal, again, is simply to reduce use and waste, not to punish restaurants.

**What stakeholders have been engaged?**

Colorado Restaurant Association

Eat Denver

Email to 2600+ Restaurant Owners in Denver

Third Party Delivery Companies

City-wide Constituent Survey ([92% Support](#))

Office of Climate Action, Sustainability & Resiliency

Office of Human Rights & Community Partnerships, Commission for People with Disabilities

Neighborhood Equity and Stabilization, Denver Economic Development & Opportunity

Eco-Cycle

A-1 Organics

CoPIRG

The Inland Ocean Coalition

BIDS & Associations

Santa Fe BID

Downtown Denver BID

East Evans Business Association

Central Park Business Association

Cherry Creek North BID

Colfax BID

Baker Broadway Merchants

South Pearl Street Association

Cherry Creek Business Alliance

Denver North Business Association

Old South Gaylord BID

RINO BID

Colfax Mayfair BID

Bluebird BID

West Colfax BID

Federal BID

Grass Roots Organizations

Thomas Jefferson High School Sustainability Club

Congress Park Green Team

Youth 4 a Future