

Disposable Food Ware Ordinance Exemption Application Frequently Asked Questions

This document is intended to provide additional information and guidance for completing the Disposable Food Ware Ordinance Exemption Application.

For Food Vendor Applicants (ROH Section 41-27.3(a)):

1. Why might there be no reasonable alternatives to the use of a non-compliant product available to a food vendor or business?

A business or food vendor may find that there is no reasonable compliant alternatives in situations where it is necessary to:

- Safely contain food that is of significantly high or low temperature.
- Impact to Hazard Analysis and Critical Control Points plan applicable to a food vendor.
- Have specific transportation requirements or safeguards.

2. What constitutes significant hardship for a business or food vendor?

A business or food vendor may experience significant hardship when in situations including, but not limited to:

- There is no affordable compliant alternative, such that it causes economic hardship to the applicant. An affordable compliant alternative is a compliant alternative that is competitive in price within the marketplace, provides the same quality of intended services as a compliant product, and is reasonably priced to purchase by the majority of similar users.
- A business or food vendor is for any reason unable to offset the cost of a compliant alternative.
- Compliance deprives an individual of a legally protected right.

3. What documentation can a business or food vendor include in their application to demonstrate significant hardship?

As stated on the form, there is certain documentation the applicant *must* provide to support the case application for the requested exemption. These include:

- Documentation that shows the cost of the non-compliant products at issue.
- Documentation that shows the cost of compliant products at issue.
- Bid invoices/statements from at least three suppliers that demonstrate the cost of the compliant alternative is not affordable or competitive within the marketplace. If official documents are not available, please state the reason why, and provide the price quotes and distributor contact information.

Additionally, applicants *may* submit additional documentation to support the case application for the requested exemption. These include but are not limited to:

- Certified profit/revenue loss statement(s).
- Other financial statement(s) that demonstrate(s) financial hardship or an inability to offset the cost of a compliant alternative.

4. When can exemption applications be submitted for the regulations that are effective January 1, 2022?

Applications can be submitted to ENV at any time, but it is recommended that applications contain information that will still be applicable through January 1, 2022.

For Industry Applicants (ROH Section 41-27.3(b)):

1. Who can apply for an Industry Exemption?

Any entity who represents the food service industry. This exemption is not meant for individual food vendors.

2. What constitutes a hardship for the food service industry?

Situations that might cause a hardship for the food service industry include, but are not limited to:

- Situations where there are no acceptable alternatives. An acceptable alternative is a product that attains or approximates the compliant product's objectives, meets the intended usage as recommended by the manufacture for the industry, and may not become a safety hazard if used as intended.
- Situations where acceptable alternatives are not readily available. An acceptable alternative may be readily available if it is consistently obtainable and can be provided by the majority of suppliers without interruptions of 30 days or more.