



May 8, 2020

The Honorable Governor Gavin Newsom  
1303 10th Street, Suite 1173  
Sacramento, CA 95814

**SUBJECT: GUIDANCE FOR REOPENING FOOD ESTABLISHMENTS**

Dear Governor Newsom,

On behalf of the undersigned Clean Seas Lobbying Coalition organizations and their thousands of members across California, we would like to thank you, the Administration and the Legislature for your leadership and decisive action in protecting the health and well-being of Californians across the state. We take seriously the threat of the COVID-19 pandemic and acknowledge the importance of California's action to protect public health and address this crisis. As California moves into phase two of reopening businesses, including food establishments, we would like to provide you with the best-known evidence for issuing the most appropriate and safest guidance since we appreciate that you have been making your recommendations based on sound science and data.

The plastics and petrochemical industries are fear-mongering in a time of crisis in order to sell more single-use plastic. It is an attempt to further their agenda to demonize safer, more sustainable reusable alternatives and refillable systems and to continue profiting at the expense of human, animal and environmental health. They have managed to get our federal government in their back pockets and are trying to influence CDC guidelines for reopening food establishments in their favor.

In California, we have always been ahead of the curve with regards to curbing plastic pollution, while concurrently protecting public health. Most recently, The Clean Seas Lobbying Coalition helped to pass [AB 619 \(Chiu\)](#) in 2019 to pave the way for reusables in California by removing the mandate for temporary food facilities to use single-use disposables in the California Retail Food Code, and providing guidance for temporary food facilities and restaurants to use reusable foodware in a safe way, including for customer-owned containers. Additionally, we have been working diligently with Senator Ben Allen, Senator Nancy Skinner, and Assembly Member Lorena Gonzalez to pass [SB 54](#) and AB 1080, to reduce the amount of waste from single-use packaging and products; legislation which we know you strongly support.

We have already seen an uptick in the amount of single-use foodware increase as a result of food establishments having to move to to-go pick-up and/or food delivery. As restaurants begin to open back up for on-site dining, it we hope you will consider the following when issuing guidance:

**Disposable foodware and products provide no better protection against virus transmission.** COVID-19 can be found on both disposable and reusable materials. Plastic is one of the materials on which COVID-19 it survives longest. **A recent study from the National Institutes of Health showed that [the virus lasts up to 24](#)**

[hours on paper and cardboard and between 2-3 days on plastic and stainless steel.](#)<sup>1</sup> Another study shows that SARS-CoV-1, a similar strain of coronavirus, can last up to 9 days on plastic.<sup>2</sup> On polystyrene, SARS-CoV-1 can last more than 6 days.<sup>3</sup> Another study showed the SARS-CoV-1 can last on polypropylene fabric far longer than on paper or cloth.<sup>4</sup> In theory, any object brought into a public space either by customers or workers could have the virus on it. Customer's purses, wallets, credit cards and clothing also touch surfaces. This points to the inconsistencies, and also lack of rationale and science, which are driving restrictions on bringing customer-owned reusable cups and bags.

**Standard operating procedures (SOPs) to prevent transmission of the virus via surface contact are not evidence based; they make people feel safer and reflect “an abundance of caution” approach.** According to the [US Centers for Disease Control and Preventions \(CDC\)](#), “The virus is thought to spread mainly from person-to-person...between people who are in close contact with one another, through respiratory droplets produced when an infected person coughs, sneezes or talks.” In addition, “It may be possible that a person can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose, or possibly their eyes.”<sup>5</sup> But [the CDC](#) also states that [transmission of the virus from surface contact has never been documented.](#)<sup>6</sup> Dr. Ben Locwin, an epidemiologist and consultant to the CDC says, “You really are almost at nil risk of getting a surface contact transmission of COVID-19.”<sup>7</sup>

**Single-use food service items could present a greater risk to customers and food servers.** Single-use products like plastic cups, plastic-wrapped utensils, or plastic bags are handled by several retail workers before reaching the customer. Whereas, reusable products provided by a retailer, like plates, cups, utensils, and to-go containers, must be adequately cleaned and sanitized according to AB 619 and our state's food safety regulations.

**Agencies charged with ensuring worker and consumer health suggest that reusable foodware is safe.** To protect workers and customers in restaurants and bars, [current recommendations from CDC defers to the FDA.](#)<sup>8</sup> The [FDA Guidance](#) on Best Practices for Retail Food Stores, Restaurants, and Food Delivery Services during the COVID-19 Pandemic focuses on social distancing, foodware washing and sanitizing, cleaning and sanitizing, and personal protective equipment (PPE) for workers.<sup>9</sup> [No mention is made of any threats posed by reusable bags, cups, or cutlery or other reusable products.](#)<sup>10</sup>

- The California Department of Public Health (CDPH) states: “The CDC, FDA and CDPH are not aware of any reports at this time that suggest COVID-19 can be transmitted by food or food packaging.”<sup>11</sup>
- The National Restaurant Association's Guide to Reopening re: COVID-19 adheres to FDA guidance, focusing on cleaning, disinfecting, and social distancing. [They don't promote single-use products.](#) The only mention of reusable products is a suggestion to clean reusable menus.<sup>12</sup>

<sup>1</sup> <https://www.nejm.org/doi/full/10.1056/NEJMc2004973>- Retrieved May 1, 2020

<sup>2</sup> Chan, K.H., Peiris, J.S., Lam, S.Y., Poon, L.L., Yuen, K.Y., and Seto, W.H. The effects of temperature and relative humidity on the viability of the SARS Coronavirus. *Adv Virol.* 2011; 734690

<sup>3</sup> Rabenau, H.F., Cinatl, J., Morgenstern, B., Bauer, G., Preiser, W., and Doerr, H.W. Stability and inactivation of SARS coronavirus. *Med Microbiol Immunol.* 2005; 194: 1–6-

<sup>4</sup> M.Y.Y. Lai, P.K.C.Cheng, W.W.L. Lim, Survival of Severe Acute Respiratory Syndrome Coronavirus, *Clinical Infectious Diseases* (2005) 41:7 e67-e71. <https://academic.oup.com/cid/article/41/7/e67/310340>

<sup>5</sup> <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html>- Retrieved May 1, 2020

<sup>6</sup> <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cleaning-disinfection.html>- Retrieved May 1, 2020

<sup>7</sup> Dr. Benjamin Locwin - statements made during April 30, 2020 webinar-

<https://www.youtube.com/watch?v=xKGDRAwlxPw&feature=youtu.be>

<sup>8</sup> <https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html>

<sup>9</sup> <https://www.fda.gov/food/food-safety-during-emergencies/best-practices-retail-food-stores-restaurants-and-food-pick-updelivery-services-during-covid-19#operations>.

<sup>10</sup> <https://www.fda.gov/food/food-safety-during-emergencies/best-practices-retail-food-stores-restaurants-and-food-pick-updelivery-services-during-covid-19#operations>.

<sup>11</sup> <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/RetailFoodBeverageandOtherRelatedServiceVenues.aspx>

<sup>12</sup> <https://restaurant.org/Downloads/PDFs/business/COVID19-Reopen-Guidance.pdf>

**Restaurants and retail food service are among the most highly regulated businesses in terms of public health.** Existing state food safety codes are based on FDA Guidance to States.<sup>13</sup> State food safety codes require extensive ware washing and sanitizing at high heat that meets the level of hygiene and disinfection required by the FDA and CDC. Tom Szaky, CEO of Terracycle/Loop cites their reusable container washing system, “*We are protecting for other pathogens and concerns that are way more potent than Covid.*”<sup>14</sup>

**Retail food worker protection is paramount.** Systems in which there is no contact between the customer’s reusable cup, container or bag and retail surface areas protect workers, and are consistent with the abundance of caution approach to addressing COVID-19 transmission. AB 619 provides procedures that allow businesses to safely fill a customer’s reusable cup or container so as to prevent cross-contamination. See the attached AB 619 reference guide. For customer’s reusable bags, [California’s Occupational Safety and Health Administration \(CalOSHA\)’s guidance for infection prevention in grocery stores](#) recommends, “*When customers bring their own bags, employees should be instructed:*

*Not to touch or place groceries in customer brought bags.  
Ask customers to leave their own bags in the shopping cart.  
Ask customers to bag their own groceries.”*

Thus, reusable plates, bowls, cups, utensils, etc. that are properly cleaned and sanitized are no less safe than disposable items with regards to COVID-19, and may in fact be safer. Additionally, businesses, who have already been hit hard financially by the crisis, have been proven to save money when choosing reusables over disposables.<sup>15</sup> We hope that any guidance you issue for re-opening food service facilities is based on the science we refer to in this letter, and not on unfounded industry claims that single-use plastics are the best material choice for preventing COVID-19 transmission.

Sincerely,



Genevieve Abedon, on behalf of:

Miriam Gordon



Program Director  
UPSTREAM

Anna Cummins



Co-Founder and Deputy Director  
The 5 Gyres Institute

Christopher Chin



Executive Director  
The Center for Oceanic Awareness, Research, and Education (COARE)

<sup>13</sup> <https://www.fda.gov/food/retail-food-protection/fda-food-code>

<sup>14</sup> Tom Szaky - statements made during April 30, 2020 webinar - <https://www.youtube.com/watch?v=xKGDRAwIxPw&feature=youtu.be>

<sup>15</sup> <https://www.rethinkdisposable.org/>

Dianna Cohen



Chief Executive Officer  
Plastic Pollution Coalition

Katherine O'Dea



Executive Director  
Save Our Shores

Leslie Mintz Tamminen



Director  
Seventh Generation Advisors

Emily Parker



Coastal and Marine Scientist  
Heal the Bay

Mati Waiya



Executive Director  
Wishtoyo Chumash Foundation

Ruth Abbe



President  
Zero Waste USA

David Krueger



President  
Northern California Recycling Association

Julie Andersen



Global Executive Director  
Plastic Oceans International

