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Public Comments – August 21, 2019

TO: City of Madison Economic Development Committee

FR: Susan Quam, Executive Vice President

RE: Creating Section 23.61 and amending Section 1.08(3)(a) of the Madison General Ordinances to regulate the distribution of plastic straws in the City of Madison and establish a bail deposit for violation thereof

Thank you for the opportunity to provide comment on the proposed ordinance relating to the distribution of plastic straws. The Wisconsin Restaurant Association represents over 7,000 restaurant locations in the state, including hundreds in the city of Madison and Dane County. Our core members are independent restaurants with 1-3 locations, however our members span in size from seasonal drive-ins, large restaurant groups, franchisors/franchisees to hotels/resorts.

Restaurants are the cornerstones of their neighborhoods and communities. They are where people gather to celebrate, commiserate, and mourn or just have a fine meal on a night they do not wish to cook. Restaurants are many times the first to respond in times of crisis and are donor or host to many charitable endeavors. Restaurant owners are proud of what they do and most times do not promote their community support to the public.

WRA only weighs in on local issues when our members ask us to engage. Public debate can become very divisive, especially at the local level. When it comes to local issues, restaurant owners ask us to represent the industry, because they do not want their name or restaurant name to be the target of public discussion or retaliation by elected officials or city employees. This statement may seem outlandish to some, but it is the unfortunate truth our industry faces in cities across our state and nationwide.

We have concerns regarding the proposed ordinance on the distribution of plastic straws. We feel there is not a need for it in the first place. Restaurants are well aware of consumers desire to reduce waste of all kind, whether it is straws, take out containers, plastic bags or food. Many restaurants have voluntarily changed to more environmentally friendly, but more expensive single-use consumables. Due to consumer demand, many have already implemented a policy of straws upon request or non-plastic alternatives.

We believe this ordinance, with all good intentions, goes too far in interfering with a restaurant's ability to operate in a manner which works best for its employees and customers. We appreciate the effort to exempt self-service stations and drive-throughs, but the remainder of the ordinance targets table service restaurants and their employees. Many front of the house restaurant employees in Madison are either high school or college students. We are at historic low unemployment rates and every business, including restaurants, are short of employees. This makes for very fast-paced, high stress service times during lunch and dinner hours at table service restaurants. Most who work in our industry enjoy that fast paced environment, but it does also increase the possibility that mistakes can be made. That includes accidentally not

waiting for a customer to ask for a straw. This ordinance does not only affect the service of soft drinks at a table; it also affects the use of cocktail straws in all bar service. As a former 20-year bartender and friend of many career bartenders who work in Madison, this ordinance would add considerable time and work for employees during busy times. Mistakes will happen – folks not wait for the consumer to ask and put in a straw and now be open to fines, or they will forget a straw and have to go get one for the customer and then slow down service for other customers.

I know this sounds like it should not be a big deal and this should be an easy training issue in a restaurant. As mentioned earlier, we are in the middle of a workforce shortage, which means that employees, especially young employees, move from job to job at a rapid pace. That turnover makes training on these types of issues difficult. Remember that not all restaurants in the Madison area are within the city of Madison. There are many islands, such as Maple Bluff, that are not subject to Madison ordinances.

We have also heard that supporters of the ordinance feel that restaurant operators will save money as this is implemented. Our members have reported nominal savings when they implement straws on demand. The range has been \$75-150 per year. Those who have switched to alternatives, such as paper straws and wooden cocktail stirrers have incurred an increase in costs.

In closing, we are also greatly concerned over the proposed fines and enforcement of the ordinance. A \$200 - \$750 fine is not acceptable for what will be in the majority of cases be an employee mistake. What happens if the employee asks the customer if they want a straw instead of waiting for the customer to ask? Is that a violation? Asking a question or accidentally putting a straw in a drink is not a health or safety hazard! To rely on customers to make complaints exposes restaurants the risk of customers making false claims against an employee and restaurant. Yes, false claims will happen!

What agency will be charged with following up on reports? We have heard speculation that it would be Public Health Madison Dane County's Environmental health inspectors. I have also heard the Madison Police Department. I would challenge that the public employees of both of these entities have far more important public health and safety priorities.

We hope that you will consider all of the ramifications and unintended consequences of this ordinance and vote not move it forward. The restaurant industry is at the table to be part of the solution for reducing waste – but mandating actions that both cause disruption for employees and will not significantly reduce waste in public places is not helpful in this cause.

Thank you for your time.