



June 2014

Sustainable Organics Recycling

CARB Adopts the AB 32 Scoping Plan First Update

The California Air Resources Board (CARB) adopted the AB 32 Scoping Plan in 2008 and enacted over 100 measures to reduce GHGs to 1990 levels by 2020, in an effort to implement the goals of AB 32, the Global Warming Solutions Act of 2006.

California is on track to meet the AB 32 goals which included the Low Carbon Fuel Standard, Renewable Energy Standard, Cap-and-Trade Program, and Mandatory Commercial Recycling. The First Update of the Scoping Plan was adopted by CARB on May 22, 2014 as the nation and the world watched. Obama's new Climate Action Plan which makes multiple references to California's leadership role was unveiled on June 2, 2014 by Federal EPA and will depend heavily on states devising individual approaches to meeting goals set in the nation's capital. The president plans to reduce carbon dioxide emissions from U.S. power plants, many of which are coal-fired, by 30 percent from 2005 levels by 2030, where California is ahead of the game.

This First Update looks beyond the 2020 goal towards the mid-term period (2030 - 2035) in order to set a pathway to reduce GHGs by 80% of 1990 levels by 2050, as set by the governor's executive order. The First Update includes strengthening the Low Carbon Fuel Standard, increasing the use of different waste alternative technologies such as anaerobic digestion (AD), a push towards achieving Net Zero greenhouse gas emissions by the mid-term, and

addressing the global warming potential of short-lived climate pollutants such as methane. CARB will develop a comprehensive strategy for mitigation of methane by 2015, where the global warming potential could increase from 28 times carbon dioxide to 84 times carbon dioxide, where the focus on methane could increase four times. Absent any legislation in 2014 regarding mandatory commercial organics collection, CARB has existing authority under

AB 32 to adopt direct regulations in concert with CalRecycle to prohibit/phase out landfilling of organic materials with the goal of requiring initial compliance actions in 2016, in order to reduce methane emissions.

CCC has been active at CARB over the last two years in developing the Scoping Plan First Update and to justify \$15 million of Cap-and-Trade revenue towards the compost and AD infrastructure, with a grant program to be implemented by CalRecycle for at least the next two years. Whereas the legislature is now fighting over how to allocate this money in the 2014-2015 budget (see article on page 2), CalRecycle is confident that there will be grant funding this year.

CCC will continue to push to prohibit/phase out landfilling of organic materials starting in 2016, validate Net Zero facility attainment by 2020, focus on methane mitigation, promote carbon negative fuel from the AD infrastructure, and will continue to assist in the deployment of carbon neutral bioenergy technologies. The AB 32 Scoping Plan First Update will change our industry forever.

The First Update of the Scoping Plan was adopted by CARB May 22, 2014 as the nation and the world watched.

2014-2015 California Budget –

Whereas the governor's budget proposal (in January) and May revise had allocated \$30 million of Cap-and-Trade auction proceedings toward waste diversion activities – in the form of a CalRecycle grant and loan program designed to fund infrastructure development for recyclable and organic materials diversion programs – this funding was absent in either legislative budget proposal released at the end of May.

While there remains the potential for CalRecycle to receive funding from Cap-and-Trade revenue under the legislative budget scenarios, it would seemingly be delayed as CalRecycle would find itself in a competitive process with other programs that would take additional time and provide a lesser certainty of success. CalRecycle has taken a very aggressive approach to securing this funding, having already developed and established an Organics Grant Program, releasing a Notice of Funds Available and grant application documents, with submittal deadline of July 1, 2014, leaving potential applicants in a state of flux until the June 15 budget deadline.

CCC, along with numerous other industry, environmental, and local government allies will be working diligently during the immediate budget negotiations to restore the specific funding the governor has proposed.

AB 1594 (Williams) – would eliminate the solid waste diversion credit for green waste used as Alternative Daily Cover (ADC) at a solid waste landfill. CalRecycle regulations (Title 14) contain an approved list of ADC materials, which includes processed green material. Jurisdictions currently receive landfill diversion credit for the use of green materials as ADC, which is a major barrier to compost facility development due to its low cost and reduction of available feedstock supply.

AB 1594 passed off of the Assembly Floor on May 29 on a 57-21 party

line vote and moves to the Senate Environmental Quality Committee, where it is yet to be scheduled, but could be heard as early as June 18. Local governments, who had voiced concerns over the \$1.40 disposal fee to which ADC green materials would be subject when no longer counted as diversion, were able to amend the bill in Assembly Appropriations, where it would have died sans amendments. There are remaining concerns voiced among opposition with timeline conflicts that may arise with the approval of AB 1826.

AB 1826 (Chesbro) – would establish a mandatory commercial organic waste diversion program, requiring businesses that generate a specified quantity of organic waste to arrange for recycling services. CCC has maintained a Support, if amended position in an effort to reduce current bill language thresholds for program enrollment – currently 8 cubic yards of organic waste in 2016, and 4 cubic yards in 2017, with a final goal of 1 cubic yard in 2019.

Our solid waste clients have advised us that the 8 and 4 cubic yard thresholds are too high, disallowing any significant increase in organic waste volume due to the limited number of businesses who produce that level of organic waste which are not already enrolled in some kind of program, thus restricting the potential revenue generation necessary to fund new or expanding programs. We will continue to push for a 2 cubic yard threshold in 2016. The Solid Waste Industry Group (SWIG) has been looking for amended bill language which seeks to set a 2019 deadline for businesses which generate 1 cubic yard of organic waste and 4 cubic yards of MSW.

AB 1826 passed off of the Assembly Floor on April 28 on a 54-22 party line vote and moves to the Senate Environmental Quality Committee, where it is yet to be scheduled, but could be heard as early as June 18.

AB 1594 (Williams)

TOPIC: Solid waste: recycling: diversion: green material. ADC

STATUS: 5/29/14 – Read third time. Passed. Ordered to Senate

LOCATION: In Senate. Read first time. To Com. on RLS. for assignment.

CALENDAR: TBD (1st and 3rd Wednesdays), State Capitol, Room 4203, Senate Environmental Quality, Hill, chair.

CO-SPONSORS: CCC/CAW

> SUPPORT

AB 1826 (Chesbro)

TOPIC: Solid waste: organic waste

STATUS: 5/22/14 - Referred to Committee on E.Q.

LOCATION: 5/22/14 Senate Environmental Quality.

CALENDAR: TBD (1st and 3rd Wednesdays), State Capitol, Room 4203, Senate Environmental Quality, Hill, chair.

> SUPPORT, if amended

AB 2390 (Muratsuchi)

TOPIC: Low Carbon Fuel Standard; Green Credit Reserve

STATUS: 5/29/14 – Read third time. Refused passage.

LOCATION: Assembly Floor

> WATCH

SB 498 (Lara)

TOPIC: Solid waste: biomass conversion.

STATUS: 4/24/14 - Referred to Committees on Natural Resources and Environmental Safety & toxic Materials.

LOCATION: 4/24/14 Assembly Natural Resources

> WATCH

Revision to Compostable Materials and Transfer/Processing Regulations

For nearly three years, CalRecycle has undertaken efforts to update the existing Title 14/27 regulations regarding compostable materials and transfer/processing facilities in order to address the changing nature of organic waste handling throughout California, as well as safely enable the needed growth in diversion of this waste stream to meet their Strategic Directive 6.1 and the sustainability goals of the state. In this quest, CalRecycle staff and stakeholders have identified more than 15 issues, of varying levels of importance, with formal rulemaking to begin this summer.

Of particular note, the following two key issues continue to be contentious, with stakeholders either still unable to fully define the parameters of the issue or a lack of any consensus on solutions: allowable contamination of outgoing compost or chipped/ground green material to be applied to land, and a refined definition of “food material”. Current proposed language will be prohibitively costly and unachievable for a majority of composting operators and the jurisdictions they serve.

Limits on contamination of outgoing materials have been the victim of “scope creep”. When outbound chipping and grinding products were proposed to be limited to 0.1% – mimicking a Ventura County ordinance that was adopted to limit land application there – it seemed reasonable. But when those same 0.1% green material contamination limits were used in draft regulations for compost from food waste (or mixed waste), it was not immediately recognized as a problem. Well...it is a HUGE problem; mixed waste compost cannot currently be processed below 1% contamination (of mainly glass and plastic) given available technology and a lack of standards for incoming feedstocks.

Even the best processing equipment

available will not make the grade. Now the debate over what is an acceptable level of contamination for compost has shifted. Many operators believe that it should remain a market decision, as it has been heretofore, but CalRecycle believes it needs to set limits. We believe there cannot be an achievable limit on outbound compost contamination until there is a limit on inbound food material contamination. You know the old saying, “Garbage In, Garbage Out”.

Statewide – in an effort to maximize diversion on the path towards “Zero Waste” – programs are underway where recyclables or other contaminants may (with limited effort or success) be separated from the MSW generated, with the remaining organics-laden material being considered source-separated, and meeting the current Title 14 definition. In some cases, over 40% of the so-called “source-separated” food material is contaminants.

We think a reasonable definition of food materials would allow no more than 10% contamination, or require further processing at a permitted material recovery facility to remove contaminants and recyclable commodities, prior to acceptance at the composting operations. Other stakeholders are concerned that placing restrictions on food materials will only serve to slow down their increased diversion, or unfairly impact their current program.

Processors and jurisdictions will need considerably more robust generator education and compliance programs over the next several years to clean up our organics material stream in order to “close the loop” and create more marketable products with widespread acceptance, as we expand landfill diversion efforts with mandatory commercial organic collection.

TITLE 14/27

TOPIC: Revision to Compostable Materials & Transfer/Processing Regulations

CalRecycle is updating regulations to address a broad list of topics, mainly related to the expanding diversion of organic materials from landfills. Addition of new language regarding anaerobic digestion, and feedstock definitions, odors, permitting tiers, etc. at composting facilities. Allowable contamination in compost and mulch products remains the largest remaining unresolved issue.

STATUS: Final draft regulations have been published in October 2013. Economic analysis is underway.

Formal rulemaking is expected to be undertaken in the next few months and concluded by the end of 2014.

WDRs

TOPIC: Formal rulemaking has begun by the State Water Resources Control Board (SWRCB) to implement statewide Waste Discharge Requirements (WDRs) for composting facilities.

SWRCB intends to adopt a general order that would assist their regional boards in the regulation of composting facilities, which they have deemed a substantial threat to water quality.

STATUS: Final draft regulations have been published in August 2013. Economic analysis has been completed. The EIR process is underway, with release of a DEIR and General Order expected in August 2014.

AB 32 SCOPING PLAN FIRST UPDATE

TOPIC: Greenhouse Gas Reductions

STATUS: AB 32 Scoping Plan was adopted in 2008 to reduce GHGs to 1990 levels by 2020

LOCATION: California Air Resources Board

CALENDAR: Approved on 5/22/2014.

Meet Justin Malan - CCC's Legislative Advocate

The California Compost Coalition (CCC) is a registered Lobbying Coalition with the Fair Political Practices Commission (FPPC), created in 2002 by a group of compost operators in response to demands for increased recycling of organic materials and production of clean compost and bioenergy.

The California Compost Coalition represents member organic material recyclers and compost operators with a unified statewide voice on many issues: product safety and standards, government regulations, environmental planning, trade, and marketing.

Members

Agromin
California Wood Recycling
Cold Canyon Compost
Mt. Diablo Recycling
Napa Recycling Compost
Northern Recycling Compost
Organic Waste Solutions
Phoenix Energy
Quackenbush Mt. Compost
Rainbow Environmental Services
Sonoma Compost
Tracy Delta Compost
Upper Valley Recycling
Zanker Road Resource Management
Z-Best Compost Facility

Executive Committee

Bill Camarillo
Agromin
Greg Kelley
Northern Recycling Compost
Will Bakx
Sonoma Compost
Christy Pestoni Abreu
Upper Valley Recycling
Michael Gross
Z-Best Compost

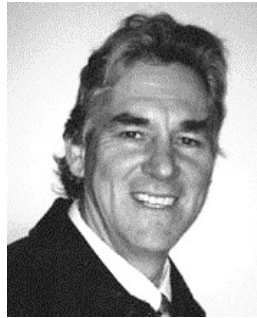
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Monica White, Sustainability Advisor
Rita Athanacio, Communications

Legislative Affairs

Justin Malan, EcoConsult
Neil Edgar, Edgar & Associates Inc.

www.californiacompostcoalition.org



Justin Malan's environmental consulting and advocacy firm, Ecoconsult, currently has an diverse group of "green" clients in addition to the California Compost

Coalition, including the US Green Building Council-California; Environmental Health Administrators; StopWaste.Org; Community Alliance with Family Farmers; Heal The Bay; CleanTech Advocates; the California Climate and Agriculture Network; and the California Natural Gas Vehicle Coalition.

Ecoconsult's vision is to integrate their work with their clients to create synergy in a long-term vision of transformation to an environmentally, economically, and socially more sustainable future in California and beyond. To this end, he sees compost as an important catalyst in this change – enabling the replacement of high-energy and contaminating fertilizers, promoting soil health and water retention, and facilitating the move away from landfilling organic waste.

Justin was born and raised in Cape Town, South Africa. He graduated from the University of Cape Town with a Bachelor's Degree in Law and Public Administration and a Masters Degree in Environmental Studies. He and his wife sailed a circuitous route to the USA in their home-built sloop, settling in California in 1986 where they've been living ever since.

Justin has managed a large coastal resources grant program for the state, served as a senior environmental consultant to the legislature for four years and from 1994 to present has been an environmental consultant - serving as executive director to several associations including the California Conference of Directors of Environmental Health (CCDEH), the California Ocean Science Trust and the California Aquaculture Association. In this capacity he has worked extensively with the California legislature, public interest groups and state regulatory agencies. Justin has served on numerous state-wide committees and task-forces dealing with a wide array of resource management and environmental health issues.

Despite having firmly set his roots in the valley, Justin, his wife Sue and his three "big kids" find every opportunity to hike the Sierras or sail, surf, dive, or gaze at the ocean. The Malan bucket list is long, but some awesome trips like a recent expedition up Mount Kilimanjaro and a year-long transpacific sailing odyssey keep the family ties strong, bodies healthy and minds alive.

It is with a keen sense of purpose and optimism for our future that Justin joins CCC in advancing its mission and making our planet a better place – one scoop of compost at a time!

You can contact Justin at:

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We look forward to seeing you in Monterey at the CRRC Convention!



MANDATORY COMMERCIAL ORGANICS COLLECTION

INFORMATION SHEET – JUNE 5, 2014

This **Information Sheet** was prepared by the California Compost Coalition to provide analysis of the mandatory commercial collection threshold amounts for organic waste in relation to current legislation (AB 32 and AB 341) and proposed legislation (AB 1826). AB 1826 uses threshold amounts in relation to the amount of organic waste generated per week from businesses to be phased in, while the current commercial solid waste collection system is based upon the amount of municipal solid waste (MSW) that is generated per week. As proposed, medium-size restaurants of less than 60 employees and the typical franchised fast food outlet would still not qualify for mandatory collection until 2019 under the current AB 1826 language. The mandatory commercial collection system should dovetail into the current AB 341 system and be based on the amount of MSW generated starting with 4 cubic yards per week in 2016, and decreasing to 2 cubic yards per week in 2019, and would be consistent with programs being implemented in some eastern states.

More states in the northeast portion of America (Connecticut-2011, Vermont-2012, and Massachusetts-2013,) as well as New York City in 2013, are banning organic waste from landfills. Exemptions are generally allowed for businesses that generate less than 1 ton of organic waste per week. Table 1 below compares the current northeastern state laws with AB 1826 based on food waste collection thresholds and possible changes to AB 1826 that would be based on MSW thresholds to fit into the current AB 341 accounting program for mandated commercial recycling.

TABLE 1 – COLLECTION THRESHOLDS AND EXEMPTIONS

Case Studies	Weekly Collection Exemption	Annual Collection Exemption
Connecticut - 2011 Vermont - 2012 Massachusetts – 2014 New York City - 2013	<ul style="list-style-type: none"> • 1 ton per week exemption 	<ul style="list-style-type: none"> • 52 tons per year exemption
AB 1826 – based on organics collected per week <ul style="list-style-type: none"> • 8 CYD in 2016 • 4 CYD in 2017 • 1 CYD in 2019 	<ul style="list-style-type: none"> • 4 tons per week exemption • 2 tons per week exemption • 0.5 ton per week exemption 	<ul style="list-style-type: none"> • 200 tons per year exemption • 100 tons per year exemption • 25 tons per year exemption
AB 1826 – based on MSW collected per week <ul style="list-style-type: none"> • 4 CYD in 2016 • 2 CYD in 2019 	<ul style="list-style-type: none"> • 1.2 tons per week exemption • 0.6 ton per week exemption 	<ul style="list-style-type: none"> • 60 tons per year exemption • 30 tons per year exemption

The AB 32 Scoping Plan First Update was adopted by the California Air Resource Board (CARB) on May 22, 2014. Absent any legislation in 2014 regarding mandatory commercial organics collection, CARB retains existing authority to adopt direct regulations in concert with CalRecycle to prohibit/phase out landfilling of organic materials with the goal of requiring initial compliance actions in 2016. The Scoping Plan First Update includes diverting 5.0 to 7.5 million tons of organic waste by 2020 towards composting and anaerobic digestion, increasing the use of different waste alternative technologies such as AD, and addressing the global warming potential of short-lived climate pollutants such as methane. CARB will develop a comprehensive strategy for mitigation of methane by 2015, where the global warming potential could increase from 28 times carbon dioxide to 84 times carbon dioxide, where the focus on methane could increase four times. Prohibiting organic materials from landfilling will mitigate methane generation.

The purpose of this **Information Sheet** is to relate the proposed service thresholds for mandatory commercial organics collection with the typical businesses that generate organic waste in the fast food, sit-down restaurant, and retail food store establishments. Food waste generation rates were extrapolated from a 2005 CalRecycle-commissioned study: *Targeted Statewide Waste Characterization Study: Waste Disposal and Diversion Findings for Selected Industry Groups*. Using waste audits and disposal sampling at business sites of selected industry groups within California, this study provided detailed information on the types and amounts of waste disposed and diverted by these groups in 2005; it includes 22 tables and 15 graphs. To view the executive summary or the tables and figures separately, follow the internet link below.

<http://www.calrecycle.ca.gov/Publications/Detail.aspx?PublicationID=1184>

AB 1826 using proposed organic waste threshold amounts:

AB 1826 (Chesbro) proposes that businesses that generate organic waste to arrange for collection and recycling services for that material on the following schedule:

- a) Starting in 2016, a business that generates 8 CYD or more of organic waste per week, or about 200 tons per year, would apply only to large generators, like Safeway or other grocery stores, which typically already have programs in place.
- b) Starting in 2017, a business that generates 4 CYD of organic waste per week, or about 100 tons per year, would add collection from the typical larger franchised sit-down restaurants of greater than 60 employees, such as a Denny's.
- c) In 2019, a business that generates 1 CYD or more of organic waste per week or about 25 tons per year, would add collection from sit down restaurants of less than 60 employees and all fast food restaurants with more than 22 employees.

Referencing Table 2 and Table 3 below, at 8 cubic yards (CYD) per week of collection, the typical Safeway would be included, generating about 200 tons per year of organic waste. The 8 CYD per week threshold would apply to large quantity generators, which typically already have an existing organic recycling program in place, as many retail grocers do. At 4 CYD per week, the typical, large sit-down restaurant of more than 60 employees, such as Denny’s, would be included, generating as much as 100 tons per year of organic wastes. **However, at less than 4 CYD per week collection of organic waste, the medium size restaurants of less than 60 employees and the typical franchised fast food outlet would still not qualify for mandatory collection until 2019.** At 1 CYD per week, or about 25 tons per year (TPY), most fast food restaurants with more than 22 employees would qualify for collection.

TABLE 2 - SERVICE VOLUMES CONVERTED TO TONS PER YEAR OF ORGANIC WASTE

Threshold	8 CYD/week	4 CYD/week	2 CYD/week	1 CYD/week
Weight	At 1,000 pounds per CYD of food waste picked up 52 times per year			
Tons Per Year (TPY)	200 TPY	100 TPY	50 TPY	25 TPY
Typical Generator	Grocery Stores (greater than 125 employees)	Large Sit down Restaurants (greater than 60 employees)	Medium Sit down Restaurants (greater than 30 employees)	Fast Food Restaurants (greater than 22 employees)

2006 Waste Disposal and Diversion Findings for Selected Industry Groups

CalRecycle’s referenced waste generation study entailed quantifying and characterizing the material that is disposed, as well as the material that is recycled or otherwise diverted. A total of 371 commercial sites belonging to 14 industry groups participated in the study. Sites were recruited in the heavily urbanized areas of Los Angeles, Sacramento, San Diego, and San Francisco. Table 3 below summarizes the study results for the identified business types, in relation to AB 1826 proposed thresholds.

AB 1826 using AB 341 MSW accounting system:

AB 1826 (Chesbro) should dovetail into the current AB 341 system and be based on the amount of MSW generated starting with 4 cubic yards per week in 2016, and decreasing to 2 cubic yards per week in 2019. At 4 cubic yards (CYD) per week of MSW collection or at greater than 60 TPY, most grocery stores, chain sit down restaurants, and chain fast food restaurants with more than 26 employees would qualify for mandatory collection of organics starting in 2016 as shown in Table 4 below. At 2 cubic yards (CYD) per week of MSW collection or at greater than 30 TPY, most all grocery stores, chain sit down restaurants, and chain fast food restaurants with more than 15 employees would qualify for mandatory collection of organics starting in 2019.

TABLE 3 – FOOD WASTE GENERATION

	Grocery Stores	Full Services Restaurants	Fast Food
Pounds per Employee disposed	4,754 pounds/year	4,403 pounds/year	4,262 pounds/year
Food percentage	65.0%	66.5%	52.5%
Pounds of food for employee per year	3,090 pounds/year	2,928 pounds/year	2,238 pounds/year
Average employee per store	125 at Safeway	80 at Denny's	35 at McDonalds
Tons per year	200 tons per year of food waste per Safeway	120 tons per year of food waste per Denny's	40 tons per year of food waste per McDonald's
AB 1826 proposed start date	2016	2017	2019
AB 1826 Collection starts	<ul style="list-style-type: none"> 8 CYD/week in 2016 or 200 TPY 4 CYD/week in 2017 or 100 TPY 1 CYD/week in 2019 or 25 TPY 	<ul style="list-style-type: none"> Large Grocery Stores of over 125 employees in 2016 Grocery Stores of between 60 and 125 employees in 2017 Grocery Stores of over 16 employees in 2019 	<ul style="list-style-type: none"> Few Large Restaurants over 135 employees in 2016 Large Restaurants over 60 employees in 2017 Restaurants over 15 employees in 2019
			<ul style="list-style-type: none"> No Fast Food in 2016 No Fast Food in 2017 Fast Food with over 22 employees in 2019

TABLE 4 – MSW SERVICE VOLUMES CONVERTED TO TONS PER YEAR

Threshold	4 CYD/week	2 CYD/week
Weight	At 600 pounds per CYD picked up 52 times per year	
Tons Per Year (TPY) of MSW	60 TPY of MSW	30 TPY of MSW
Tons Per Year (TPY) of Food Waste	40 TPY of food waste	20 TPY of food waste
Typical Generator	Generators with more than 26 employees Starting in 2016 <ul style="list-style-type: none"> Most grocery stores Most chain sit down restaurants Most chain fast food 	Generators with more than 15 employees Starting in 2019 <ul style="list-style-type: none"> Most sit down restaurants Most fast food Excludes small single-store generators of less than 15 employees

2006 Waste Disposal and Diversion Findings for Selected Industry Groups

CalRecycle’s referenced waste generation study entailed quantifying and characterizing the material that is disposed, as well as the material that is recycled or otherwise diverted. A total of 371 commercial sites belonging to 14 industry groups participated in the study. Sites were recruited in the heavily urbanized areas of Los Angeles, Sacramento, San Diego, and San Francisco. Table 2 summarizes the study results for the identified business types, in relation to AB 1826 proposed thresholds.

TABLE 5 – MSW GENERATION

	Grocery Stores	Full Services Restaurants	Fast Food
Pounds of MSW per Employee disposed	4,754 pounds/year	4,403 pounds/year	4,262 pounds/year
Food percentage	65.0%	66.5%	52.5%
Average employee per store	125 at Safeway	80 at Denny’s	35 at McDonald’s
Tons per year of MSW	300 tons per year of MSW per Safeway	176 tons per year of MSW per Denny’s	75 tons per year of MSW per McDonalds
Start date	2016	2016	2016
Mandatory Collection starts based on MSW:			
<ul style="list-style-type: none"> • 4 CYD/week in 2016 or 62 TPY • 2 CYD/week in 2019 or 31 TPY 	<ul style="list-style-type: none"> • Grocery Stores over 26 employees in 2016 • Grocery Stores over 13 employees in 2019 	<ul style="list-style-type: none"> • Restaurants over 26 employees in 2016 • Restaurants over 13 employees in 2019 	<ul style="list-style-type: none"> • Chain Fast Food over 26 employees in 2016 • Fast Food over 15 employees in 2019