



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Lee Price, MMC  
City Clerk

**SUBJECT: REDUCTION OF SINGLE-USE  
CARRYOUT BAGS**

**DATE:** 09-10-09

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## **RECOMMENDATION**

As referred by the Community and Economic Development Committee on August 24, 2009 and outlined in the attached memo previously submitted to the Community and Economic Development Committee:

- (a) Direct staff to return to Council with an ordinance to prohibit the use of single-use carryout plastic and paper bags.
- (b) The ordinance shall:
  - (1) Apply to all retailers but exclude restaurants;
  - (2) Exempt non-profit and social service organizations;
  - (3) Exempt the use of "green" paper bags, containing at least 50% recycled content and direct staff to work with retail industry and return to Council with a recommendation on whether a .10 or .25 cent fee for retailers to cover additional costs of "green" paper is appropriate;
  - (4) Be effective no earlier than December 31, 2010, to allow for sufficient consumer education and "ramp-up" time;
  - (5) If the California legislature passes legislation relating to a fee or ban on single-use bags before the date of December 31, 2010, this item should return to Council to determine whether to maintain, alter, or eliminate the municipal ordinance;
  - (6) Exempt bulk or off the shelf purchases of plastic or paper bags.
- (c) Direct staff to continue to support legislation that would implement a state-wide program that would significantly reduce use of single-use carryout bags.
- (d) Direct staff to continue its aggressive outreach campaign to promote the use of reusable bags in collaboration with similar regional initiatives prior to the implementation of the ordinance.



# Memorandum

**TO:** Community & Economic Development Committee

**FROM:** Vice Mayor Judy Chirco  
Councilmember Sam Liccardo  
Councilmember Kansen Chu  
Councilmember Nora Campos

**SUBJECT:** REDUCTION OF SINGLE-USE CARRYOUT BAGS

**DATE:** August 24, 2009

**APPROVED:**

*Judy Chirco*  
*Sam Liccardo*

*Nora Campos*  
*Kansen Chu*

8/24/09

## RECOMMENDATION

- 1) Direct staff to return to the full City Council with an ordinance to prohibit the use of single-use carryout plastic and paper bags.
- 2) The ordinance shall:
  - a. Apply to all retailers, but exclude restaurants.
  - b. Exempt non-profit and social service organizations.
  - c. Exempt the use of "green" paper bags, containing at least 50% recycled content. Direct staff to work with retail industry and return to Council with a recommendation on whether a .10 to .25 cent fee for retailers to cover additional costs of "green" paper is appropriate.
  - d. Be effective no earlier than December 31, 2010, to allow for sufficient consumer education and "ramp-up" time.
  - e. If the California legislature passes legislation relating to a fee or ban on single-use bags before the date of December 31, 2010, this item should return to council to determine whether to maintain, alter, or eliminate the municipal ordinance.
  - f. Exempt bulk or off the shelf purchases of plastic or paper bags.
- 3) Direct staff to continue to support legislation that would implement a state-wide program that would significantly reduce use of single-use carryout bags.
- 4) Direct staff to continue its aggressive outreach campaign to promote the use of reusable bags in collaboration with similar regional initiatives prior to the implementation of the ordinance.

## BACKGROUND

Environmental concerns have grown over the use of disposable bags, particularly as we've learned more about their adverse effects on human health, global warming, resource and energy consumption, terrestrial and marine ecosystems, and solid waste management. All of these impacts require significant public funding to manage or mitigate, such as the \$375 million that California public agencies annually spend on litter cleanup. With the San Francisco Bay Regional Water Quality Control Board's recent declaration that three San Jose waterways—the Guadalupe River, Silver

Creek, and Coyote Creek—are severely “trash-impacted,” and with the pending need to comply with Municipal Regional Water Permit requirements, the time for action has arrived.

Our concerns appear hardly novel, as cities and nations around the globe have sought to ban or tax single-use bags to discourage their use. Several California cities, including Los Angeles, San Francisco, and Palo Alto, have already taken action.

A world without free plastic disposable bags doesn't give rise to the doomsday that some might have us believe. Many shoppers already routinely rely on canvas bags; in several foreign countries, they do so without exception. Several popular retailers no longer offer single-use plastic bags. Moreover, those who might want plastic bags for trash liners or pet cleanup could still acquire them—they would need to buy them in bulk, as with trash bags.

The plastics industry lobby, led by the American Chemistry Council (ACC) has urged that we refrain from acting proactively, because merely educating consumers will suffice to convince them to recycle plastic bags. The ACC (formerly the “Chemical Manufacturers Association”) and its member companies, such as Dow Chemical and ExxonMobil, have spent millions of dollars throughout the country to defeat municipal efforts to regulate plastic bags. They have much to spend because they have much at stake: this \$1 billion industry produces 90 billion plastic bags in the United States alone.

The ACC's proffered alternative—an education campaign to promote recycling and litter abatement--amounts to “green-washing.” Nationally, fewer than 1% of all plastic bags are recycled, a rate not even exceeded in environmentally-conscious San Francisco in 2007. Even if successful, *tripling* the 1% rate of recycling—a considerable feat, as any recycling expert will assert—would do little to stem the environmental harms posed by the product.

Several reasons both explain the current lack of plastic bag recycling, and suggest that future futility of this option in this context. First, it's not easy for consumers to know which kinds of plastic can be recycled. Many bags cannot be recycled, such as Type 7 bags, or many dark-colored plastic bags, or those with handles or drawstrings. Food debris and other contaminants also hinder recycling, making it painstaking and largely uneconomical.

Like consumers, recyclers also have little enthusiasm for recycling plastic bags. As reported in the *Christian Science Monitor* (March 29, 2007, “Seldom Recycled”), “it costs \$4,000 to process and recycle one ton of plastic bags, which can then be sold on the commodities market for \$32.” In other words, there's little market for the plastic, and where it occurs, it's usually heavily subsidized by taxpayers.

Moreover, public education programs come at a cost. As the staff report demonstrates (at page 12), without funding in excess of \$4 million for a city of the size of San José, a public education campaign alone will do little to alter consumer behavior.

The ACC and its lobbyists have marshaled contrary arguments, but we should listen warily. In April of 2008, the Energy and Commerce Committee of the U.S. House of Representatives launched an investigation of the industry lobby group, with key House leaders expressing concern about the extent to which the ACC has misled the public and the federal Environmental Protection Agency about the

safety of some of its products. Richard Wiles, the Executive Director of the nonprofit Environmental Working Group, concurrently issued a press release noting that his organization has “collected thousands of internal chemical industry documents showing that for decades the chemical industry has worked to corrupt the scientific process and deceive the American public about the...risks of their products....”

The approach we suggest bans not just plastic, but paper single-use bags, due to the excessive water, energy, and natural resource consumption associated with the paper bag manufacturing process. We do not pretend to know whether a ban or fee best effectuates the various goals that we seek to accomplish; each has its advantages and drawbacks. We have settled upon a ban of paper and plastic because it constitutes the simplest approach, particularly in a recessionary period when consumers understandably detest the imposition of new fees and taxes. While we suggest an exemption for high-recycled-content paper bags (“green bags”), we do so warily, mindful that this likely represents only a transitional step until consumers and retailers have completely adjusted to a world of reusable bags.

During the suggested “ramp-up” period prior to ordinance implementation, the City and environmental advocates must engage in a campaign to inform consumers of the looming changes, and to continue to widely distribute reusable bags. Focusing our efforts in poorer communities, and among non-English speakers, appears crucial. By providing consumers and retailers with a lengthy time to prepare their shift to a “reusable-bag world,” we will minimize burdens on both consumers and businesses.