

The Honorable Nancy Pyle
Chair, Community and Economic Development Committee
200 East Santa Clara Street
San Jose, CA 95113

August 19, 2009

Dear Council member Pyle:

The undersigned organizations are writing to express our opposition to the enactment of local ordinances that would ban or tax fully recyclable plastic grocery bags. Instead, we would support – and have advocated for – collaborative approaches to recycle and reuse these bags, including through public education and by expanding the collection infrastructure. In fact, one of our coalition members – the American Chemistry Council – has submitted to the City Council a comprehensive suggested approach that incorporates many anti-litter and recycling elements that we believe can have an impact on reducing bag litter and disposal.

Other communities that have considered bag tax policies -- including Los Altos and Milpitas – have rejected the idea, and many others communities have shown similar disinterest. The Santa Clara County Board of Supervisors recently rejected a bag tax proposal in favor of a public education program, with at least one Supervisor publicly opposing the RWRC recommendation to ban plastic and place a fee on paper bags. Her letter to the editor is attached.

More recently, voters in Seattle soundly rejected a tax on both paper and plastic bags. One recommendation before you includes the option to ban plastic bags outright and implement a fee on paper bags. This would have the perverse effect of banning the more environmentally sustainable bag, but also impose what citizens living on fixed incomes would experience as a regressive tax.

In our view, the implications of a policy calling for a ban on plastic and a fee on paper bags are significant:

- California's landmark law, AB 2449, requires all large grocery stores and pharmacies to provide a recycling bin for plastic bags, and to provide reusable bags for purchase. The bins provide a statewide consumer infrastructure that captures plastic grocery, newspaper, dry cleaning, toiletry, and other bags and film. According to AB 2449, *if plastic bags are banned, the stores in affected jurisdictions could simply opt out of providing and servicing the bins and thus an infrastructure would cease to exist.* As an example, a recent study done by the independent www.use-less-stuff.com found that after the City of San Francisco banned plastic bags, *plastic recycling bins had been removed from many stores after the ban took effect.*

Important markets exist for post-consumer bags and film collected in these bins, as evidenced by the attached letter from Trex, Co. Trex recycles plastic bags and other plastics into popular outdoor decking, fencing, and park benches which are sold nationwide.

- This policy recommendation shifts bag preference from plastic to paper, which would likely increase business costs significantly and would result in often overlooked environmental consequences. Please consider the following:
 - Paper bags cost stores 5 to 10 times more than plastic bags to purchase. Under the ordinance, businesses would see their costs rise by moving to paper.
 - Paper bags have a significant environmental footprint compared to plastic:
 - Paper bags consume significantly more energy to manufacture – 70% more – than paper bags.¹
 - For every seven trucks needed to deliver paper bags, only one truck is needed for the same number of plastic bags, helping to save energy and reduce emissions.
 - It takes 91% less energy to recycle a pound of plastic than it takes to recycle a pound of paper.²
 - 2,000 plastic bags weigh 30 lbs; 2,000 paper bags weigh 280 lbs. Plastic bags take up a lot less space in a landfill.²

¹ Boustead Consulting & Associates Ltd. *Life Cycle Assessment for Three Types of Grocery Bags – Recyclable Plastic; Compostable, Biodegradable Plastic; and Recycled, Recyclable Paper.* 2007. See: http://www.americanchemistry.com/s_plastics/doc.asp?CID=1106&DID=7212

² U.S. Environmental Protection Agency. *Questions about Your Community Shopping Bags: Paper or Plastic.* See: <http://web.archive.org/web/20060426235724/http://www.epa.gov/region1/communities/shopbags.html>

- Plastic bags generate 80% less waste than paper bags.²
- Plastic grocery and retail bags make up a tiny fraction (less than 0.5 percent) of the U.S. municipal solid waste stream.³
- Plastic bags generate only 50% of the greenhouse gas (GHG) emissions of composted paper bags.¹
- The production of plastic bags consumes less than 6 percent of the water needed to make paper bags.¹

Studies analyzing the effects of bag regulation are scarce, but those that have been conducted have produced some interesting results. The City of San Francisco passed a plastic bag ban ordinance (without regulation of paper bags), and concluded from their 2008 *Streets Litter Re-Audit* that:

- Plastic bag litter remained the same before and after the ban at only 0.6%.
- Total bag litter increased 1.5%.
- 51% of the litter composition is fiber-based, thus debunking the notion that plastic bags are a serious litter problem.

If the goal is to reduce the use of plastics, then the experience in Ireland should be considered. Following the enactment of a plastic bag tax several studies found that while sales of plastic grocery bags to stores declined 90% after the law was enacted, the purchase of other additional plastic bags to take the place of reused grocery bags skyrocketed 400%.

It's also worth noting that if local governments adopt the RWRC recommendation, they would incur increased fiscal costs for enforcement; lower sales tax revenue; a reduced capacity for passing another tax increase on a fatigued citizenry when more meaningful and urgent needs arise; an image of having passed an anti-business ordinance; and the risk of having consumers shop in other cities which do not have bag regulation, thus putting their businesses at a competitive disadvantage.

We absolutely agree that efforts are needed to reduce litter of all types, to increase recycling, and to improve the overall environmental landscape. Being successful will require the active participation of industry, government, non-profit groups, and consumers. While this issue has been debated for several months, ACC is proud of its ongoing efforts to enhance recycling and reduce litter. You may be interested to know that ACC has partnered with Keep California Beautiful, local grocers and others to implement KCB's "Got Your Bags?" campaign. This effort is a public education and outreach program aimed at increasing Californians' awareness of the recyclability of plastic bags and statewide access to locations for recycling plastic bags and wraps, as well as increasing Californians' use of reusable bags. This public-private partnership and campaign – that promotes recycling and use of reusable bags - is a good example of what our organization has been suggesting as a better policy approach not only for the environment but for consumers and businesses alike. We have taken the liberty of enclosing a one-page fact sheet about this campaign.

Thank you for your consideration of our views. Please feel free to contact us should you have any immediate questions.

Sincerely,

Samantha Dabish
Vice President – Government Relations
Neighborhood Market Association

Amalia Chamorro
Director, Local Government Affairs
California Restaurant Association

Ted Costa
Chief Executive Officer
People's Advocate, Inc.

John Handley
Government Relations Director
California Independent Grocers Association

Keith Jones
Senior Director, Government Affairs
7-Eleven Convenience Stores

Ryan Kenny
Manager, State Affairs
Progressive Bag Affiliates of the American Chemistry Council

cc: Honorable Members of the Community and Economic Development Committee

³ U.S. Environmental Protection Agency. *Municipal Waste in the United States: 2006 Facts and Figures*. See: <http://www.epa.gov/epaoswer/non-hw/muncpl/msw99.htm>

First educate public on reusable bags

An article (Page 1A, April 25) regarding single-use carryout bags and the Waste Reduction Commission's suggestions may confuse people about the "county" decision on single-use bags.

In March, the Santa Clara County Board of Supervisors considered, but did not support, a fee or ban of single-use carryout bags. Many factors brought forth the decision to first implement public education to increase the use of reusable bags. I acknowledge that if use cannot be curtailed through education, further actions may be warranted. But let's give outreach and education an opportunity.

Liz Kniss

President Santa Clara County Board of Supervisors



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August 18, 2009

American Chemistry Council
Attn: Judith Dunbar

Dear Judy,

The Trex Company continues to pursue additional direct sources of grocery sack material. Trex supports the recycling efforts of grocers and retailers by paying market price for recyclable Polyethylene film. Trex is in constant need of raw material for its manufacturing plants in Winchester Virginia and Fernley Nevada. Trex continues to support its purchases from existing direct vendors and is interested in bringing on new direct vendors.

Warmest Regards,

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Campaign Overview

The “Got Your Bags?” campaign is a public education and outreach effort aimed at increasing Californians’ awareness of the recyclability of plastic bags and statewide access to locations for recycling plastic bags and wraps, as well as increasing Californians’ use of reusable bags.

The campaign originated as a grassroots effort with the Mariposa County Public Works Department (MCPWD) and the Mariposa County Unified School District, who worked together on a pilot stenciling project in local supermarket parking lots. MCPWD staff created the “Got Your Bags?” slogan and logo stencil design. The stencil painting was then incorporated into a lesson plan on recycling for summer school students.

Keep California Beautiful (KCB) is now taking this campaign statewide by uniting non-profit, business, community and government organizations around the common goal of promoting the three R’s as they relate to bags – reduce, reuse and recycle.

- **Reduce:** Many California grocers and retailers sell inexpensive reusable bags and shoppers can always decline a bag at checkout (is a bag really necessary for one small item?).
- **Reuse:** More than 90 percent of consumers reuse their grocery bags at home for an infinite number of purposes – right, dog owners?
- **Recycle:** State law requires most large supermarkets and pharmacies to set up recycling bins so every Californian can return shopping bags, dry-cleaning bags, bread bags, wraps from paper towels, bathroom tissue, napkins, diapers – even the plastic bag that delivers the newspaper. Recycling these bags and wraps allows them to have a second life as new products including backyard fencing and decking, home building products, shopping carts, and of course, new bags.

The “Got Your Bags?” campaign is actively seeking partners to ensure these important environmental messages reach as many Californians as possible. Partners are contributing to the campaign in different ways – from distributing educational materials to conducting in-store events and giveaways.

All campaign partners are invited to participate in a series of “Got Your Bags?” launch events that will take place in San Diego, Los Angeles, San Jose and Sacramento over the next several months.

In addition to Keep California Beautiful, other current campaign partners include Albertsons, the California Integrated Waste Management Board, Lucky, Save Mart, SUPERVALU, the Progressive Bag Affiliates of the American Chemistry Council and Roplast Inc.

Everyone can play an important role in reducing trash, preventing litter and putting the three R’s to use! The “Got Your Bags?” campaign is working to make California the cleanest and most beautiful state in the nation.