



INTERNAL MEMO

CITY OF BEND

TO: CITY COUNCIL

FROM: GILLIAN OCKNER, SENIOR POLICY ANALYST

DATE: AUGUST 7, 2018

RE: PLASTIC BAG BAN ORDINANCE

I conducted a preliminary review of regulations prohibiting distribution of single-use plastic carryout bags in Oregon (Ashland, Corvallis, Eugene, and Portland), Washington (Bellingham and Port Townsend) and California (San Francisco and Los Angeles). I have provided the following summary of the key components of a plastic bag ban ordinance for your consideration in preparation for a discussion of a plastic bag ban ordinance for Bend at the work session on August 15, 2018.

1. What/who would the City regulate?

WHAT: Distribution of **single-use plastic carryout (or checkout) bags** at point of sale to customers for use to transport or carry away purchases, such as merchandise, goods or food.

WHO: **All retail establishments** including any store or vendor located within or doing business within the geographical limits of the City that sells or offers for sale to the public perishable or non-perishable goods.

TO CONSIDER: Inclusion of City facilities, city managed concessions, city sponsored events, and city special events permit activities.



2. What/Who is exempt?

WHAT - examples:

Plastic bags used inside retail establishments (without handles) for bulk items, unwrapped prepared foods (deli or bakery goods), frozen foods, meat, fish, pharmacy prescriptions, flowers and other items where dampness may be a concern.

Plastic covers designed to protect garments on a hanger (**dry cleaning** bags or laundry bags), or **newspaper** bags.

Plastic bags sold in packages containing multiple bags intended for use for garbage waste, pet waste, or yard debris waste.

WHO - examples:

Food providers issuing plastic for the purpose of safeguarding **public health and safety** during transportation of hot prepared, **take-out** foods, or “doggy bags” for consumption away from provider’s premises.

Limited exemption (e.g., one year) for those retail establishments or vendors that show the regulation would create **undue hardship** (no reasonable alternative to single-use plastic carryout bags). (Ashland, Eugene)

Some cities **phase in** regulation based on retail establishment’s number of employees (Corvallis), type of stores with certain gross annual sales and/or square footage and/or types of goods (Portland).

TO CONSIDER: Pilot phase with report on impacts like Portland did.

3. What are acceptable alternatives?

Recyclable paper bags consistently defined by all cities as 100% recyclable and containing a minimum of 40% post-consumer recycled content and capable of composting (ASTM Standard).

Compostable bags that are certified and labeled as such (San Francisco).



Reusable bags with handles made of either durable plastic (some use thickness - 2.25 mils thick in San Francisco and Bellingham, 4 mils thick in Portland; thicker = reusability) or machine washable material (cloth). Designed to carry a minimum of 22 pounds over a distance of at least 175 feet for at least 125 uses.

4. How will City enforce regulation?

Outreach and education to businesses first (San Francisco)

Warning for first violation (Portland)

Penalties or fines for each violation - Corvallis \$200 for each and every violation; Portland has increasing fines with each violation after written warning (1st \$100, 2nd \$200, 3rd \$500); San Francisco \$100-\$500.

Limit number of penalties imposed on single location of retail establishment within a designated period (Portland – 7 days).

5. What is the cost (e.g., increased manufacturing and transport costs for paper v. plastic?) and who is impacted by this cost?

Paper bags, compostable bags and washable bags cost more than single-use plastic bags to manufacture and transport. Cost to vendor or retail establishment can be offset by charging a **pass-through charge** for recyclable paper bags they issue. This is typically between 5 and 10 cents per bag and some cities specify the bag size that have a charge (Corvallis –barrel sized). Retailers must indicate on customer transaction receipts the total amount of pass-through charge. Retailers keep the money.

Vendors at retail fairs such as farmer's markets or festivals are not required to collect the pass through charge (Eugene, Ashland, Bellingham, and Port Townsend).

OTHER COST CONCERNS:

Environmental costs - There is research that plastic bags may have lower carbon footprint than paper bags when the life cycle is evaluated; however there are pros and



cons to both¹. Reusable bags are preferred overall as reusing bags reduces environmental impacts and can reduce cost to the consumer.

Staff time – develop ordinance, conduct business outreach, implementation and ongoing code enforcement

Local economy - risk of people choosing to shop at retail establishments in adjacent communities where plastic bags are unregulated.

6. Equity concerns?

Most cities include exemption from pass-through cost with appropriate food stamp, WIC, SNAP or other appropriate voucher. Unbag Bend movement has set up free reusable bag stations at local grocery stores where low income populations are known to shop.

7. What are the benefits?

Prevent waste by decreasing consumption of single-use plastic carryout bags and increasing use of reusable carryout bags (and recyclable bags help with recycling). Waste Reduction is the first priority for collection, handling, and management of solid waste.

NOTE: Avoided costs of the transfer station and landfill cleanup required daily related to pick up things that blow out of the landfill. According to research conducted by Unbag Bend, Heart of Oregon Corps currently has a \$170k annual contract to clean around Deschutes County waste facilities.

Decrease environmental pollution by preventing disposal of plastic bags that blow outside the waste management systems and end up in waterways, trees, etc.

Decrease contamination of recyclables as plastic bags are often mistakenly placed with recyclables in collection totes. Decreasing contamination increases the value of the recyclables collected. Marion County reported that within first year of the bag ban they saved \$200K in avoided equipment repair costs for the recyclable sorting.

¹ Sources: <https://cascade.uoregon.edu/fall2012/expert/expert-article/>
<https://ecomylths.org/2014/05/27/myth-paper-bags-are-greener-than-plastic/>



Increase consumer awareness of opportunities to prevent waste and their impact on environmental protection and effective materials management practices. Could lead to other waste reduction behaviors.

8. Links to City Codes and Ordinances on Single-Use Plastic Bags

OREGON

Ashland - <https://ashland.municipal.codes/AMC/9.21>

Corvallis -

https://library.municode.com/or/corvallis/codes/code_of_ordinances?nodeId=TIT8BU_C H8.14SIEPLCABA

Eugene - <https://www.eugene-or.gov/2060/Plastic-Bags> includes link to ordinance

Portland - <https://www.portlandoregon.gov/citycode/56750>

WASHINGTON

Bellingham -

<https://www.codepublishing.com/WA/Bellingham/html/Bellingham06/Bellingham0647.html>

Port Townsend -

<http://www.codepublishing.com/WA/PortTownsend/html/PortTownsend06/PortTownsend0626.html#6.26>

CALIFORNIA

Los Angeles - http://clkrep.lacity.org/onlinedocs/2011/11-1531_ord_182604.pdf

San Francisco - <https://sfenvironment.org/checkout-bag-ordinance>

