



PUBLIC WORKS DEPARTMENT
Solid Waste Management Division

November 17, 2009

To: Berkeley Merchants and Merchant Associations

From: Andy Schneider – Recycling Program Manager

Subject: Proposed Bag Reduction Ordinance

Dear Berkeley Business Owner or Association,

This is an outline and discussion item on Berkeley's proposed Bag Reduction Ordinance. We want to give you as much background and information possible so that we can move together towards a practical ordinance that achieves the City's environmental goal, with the smallest impact possible on our merchants.

Although plastic bags have well documented issues, paper bags also have environmental considerations. Our goal is to reduce single-use bags in general, and continue the trend toward reusable bags wherever possible.

Please review our proposal, and let us know what you think. If you have concerns about this ordinance, what could we do to make it work for you?

Plastic Bag Issues:

- Over 19 Billion plastic single-use bags are given out annually in California - 3.8 billion each year in the Bay Area alone.
- Only 4% are actually recycled.
- Because they are aerodynamic, plastic bags tend to fly away, even when properly disposed of. Estimates are 1 million bags per year enter the Bay.
- Plastic bags have become a persistent litter & wildlife hazard in our storm drains, creeks, bay & ocean. They do not degrade in the open environment and can entangle or kill wildlife.
- The California Coastal Clean-up collected 3500 bags in the Berkeley Marina area in three hours this year.

Paper Bag Issues:

- Paper bags, while easily recyclable at the curb, actually have higher energy and resources consumed in their production.
- Paper bags do not have the same environmental issues if they become litter.

History & Process:

- In 2007 Council asked the Zero Waste Commission (ZWC) to research and draft an ordinance to address the environmental problems with single-use plastic checkout bags. The ZWC conducted merchant surveys and researched other cities' ordinances to build the draft ordinance. Many of the merchants surveyed responded that they were willing to stop using plastic bags. They wanted the ordinance to be easy to administer, and apply to all retail stores.
- Other cities successfully banned plastic bags, but were sued by the plastic bag industry for not addressing the shift to paper bags.
- The ZWC considered all of this, and has drafted a Bag Reduction Ordinance that attempts to address all possible environmental issues surrounding bag use.
- City staff are currently talking with merchants to be sure we have dealt with all possible impacts of the ordinance, and to request feedback and support.

Elements of the proposed Ordinance:

1. Plastic Bag Ban:

- Prohibits the distribution of single-use plastic checkout bags at all retail stores in Berkeley. Checkout bags are defined as bags offered at the cash register to hold the customer's purchases. The ordinance does not apply to plastic bags used within the store, such as for produce, meat or bulk goods.
- Plastic checkout bags are allowed for take-out food, because many reusable bags do not serve that function well.
- Compostable plastic checkout bags are also banned because they do not decompose in the marine environment. They are designed to decompose in well-managed compost piles.

2. Paper Bag Fee:

- Paper bags will be allowed, but stores will be required to charge a fee for each paper checkout bag. The total bag fee must be shown on the sales receipt. Customers using subsidized payment methods such as WIC or food stamps are exempt from paying the fee.
- The current draft ordinance calls for a 25-cent fee, but lower amounts are being considered. Ideally, the amount should cover retailers' cost of shifting to paper bags and implementing the ordinance, and be an incentive for customers to bring their own bags.
- All paper checkout bags covered by the ordinance must contain 40% post consumer fiber. This requirement was first implemented in San Francisco, and is

included in most proposed ordinances. Bags meeting this requirement are in common use. There is no requirement for printing on the bags.

- After receiving public comment, staff recommends applying the fee only to paper carry-sacks, and exempting the flat “merchandise” bags typically used by a card shop or stationary store. Over 80% of retail paper bags would still be covered, but consumers would not have to pay for small bags for small purchases.
- The proposed ordinance allows retailers to keep the bag fee for administrative simplicity, and to offset the cost of switching to paper bags, which are more expensive than plastic bags. Ideally the stores would use the fees to subsidize reusable bags, but that is not currently required.

3. Implementation:

- Large retail stores will implement the ordinance 6 months from adoption, and smaller retail stores will implement within 12 months. Large retail stores are defined in the draft ordinance as occupying more than 10,000 square feet or earning revenue of over \$2 million/year. This applies mostly to supermarkets and large pharmacies, but also includes stores like Office Depot, REI, and Orchard Supply Hardware.
- City staff will provide a progress report to Council after a year of full implementation in order to review effectiveness of the Ordinance.

4. Education Program

- Outreach will continue to City commissions, community groups, environmental organizations and merchants. City staff will work with these groups to plan and implement outreach to their merchant and resident constituencies in the pre-implementation phase.
- The City will produce a poster or other attractive material to post in each store.
- The City is discussing what other help to provide, such as graphics, cooperative bulk buys of reusable bags, and public education.

Merchant Feedback:

- Do you like this concept, in general?
- What do you do now about providing bags? How would your customers react?
- Would you have additional financial costs or benefits? What are they?
- Currently there is no reporting requirement. We would like to have before-and-after data on number of bags you use. Would you consider reporting this voluntarily?

Comments and questions to:

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