

Memorandum



CITY OF DALLAS

DATE August 16, 2013

TO The Honorable Mayor and Members of the City Council

SUBJECT **Update on Dealing with Carryout Bags**

On Wednesday, August 21, 2013, the City Council will be briefed on an Update on Dealing with Carryout Bags. The briefing materials are attached for your review.

Please let me know if you have questions or need additional information.

A handwritten signature in blue ink that reads "Jill Jordan".

Jill A. Jordan, P.E.
Assistant City Manager

c: A.C. Gonzalez, Interim City Manager
Thomas P. Perkins, City Attorney
Rosa A. Rios, City Secretary
Judge Daniel F. Solis, Administrative Judge
Craig D. Kinton, City Auditor
Ryan S. Evans, Interim First Assistant City Manager
Forest E. Turner, Assistant City Manager
Joey Zapata, Assistant City Manager
Charles M. Cato, Interim Assistant City Manager
Theresa O'Donnell, Interim Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Frank Libro, Public Information Office
Elsa Cantu, Assistant to the City Manager – Mayor and Council

UPDATE ON DEALING WITH CARRYOUT BAGS

Dallas City Council

August 21, 2013



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PURPOSE

- Present snapshot of litter issues in Dallas.
- Summarize other municipalities' single-use carryout bag reduction strategies.
- Provide options for dealing with single-use carryout bags.

THE ISSUE

- Single-use carryout bags:
 - provide a convenience for customers
 - affect community aesthetics
 - become part of the litter stream
 - impact the environment
 - can harm wildlife and consume resources
 - cost considerations

INTRODUCTION

- Paper bags have been around since the 1850s.
 - provide a convenience to customers
- Paper bags came under scrutiny in the 1970s for their environmental impact.
 - made from trees prior to sustainable forestry efforts
 - “double bagging” requires more resources
- Plastic carryout bags introduced to the supermarket industry in 1977.
 - replaces paper bags to provide a more economical, lighter-weight , and convenient means of carrying groceries away
- Plastic carryout bag market share goes from 4%, in 1981, to 80%, in 1996*.
 - plastic bags have since come under scrutiny for their environmental impacts.

* <http://www.bagmonster.com/2011/05/history-of-the-plastic-bag.html>

COMPARISON OF ENVIRONMENTAL IMPACTS

	PAPER CARRYOUT BAGS	PLASTIC CARRYOUT BAGS
PROS	<ul style="list-style-type: none">• Biodegradable.• Made from renewable resources.	<ul style="list-style-type: none">• Requires less energy and water to manufacture and transport.• Made from waste by-products of the gas industry.
CONS	<ul style="list-style-type: none">• Require more energy and water to manufacture and transport.• Can be littered.	<ul style="list-style-type: none">• Not biodegradable/persistent.• Harmful to wildlife.• Highly visible, easily wind-blown litter.

See Appendix, slide 63 for details.

VOLUNTARY EFFORTS

- Some Dallas retailers have implemented voluntary reduction and recycling programs; others have not.
 - bag bins for collecting plastic bags and films
 - selling reusable bags
 - signs to remind shoppers to bring reusable bags
 - incentives offered for bringing own bags
- Voluntary strategies succeed when there is consumer buy-in, acceptable bag alternatives, and collective commitments to product stewardship¹.
- Usually led by governments in the form of sustained programs or short-term activities (e.g. China began the “No Plastic Bag Day” on the first Tuesday of each month which led to a 40% reduction in plastic bag use between April and December 2006)².

1) <http://www.allaboutbags.ca/reduction.html#2>

2) <http://en.beijing2008.cn/96/33/article212063396.shtml>

VOLUNTARY EFFORTS (continued)

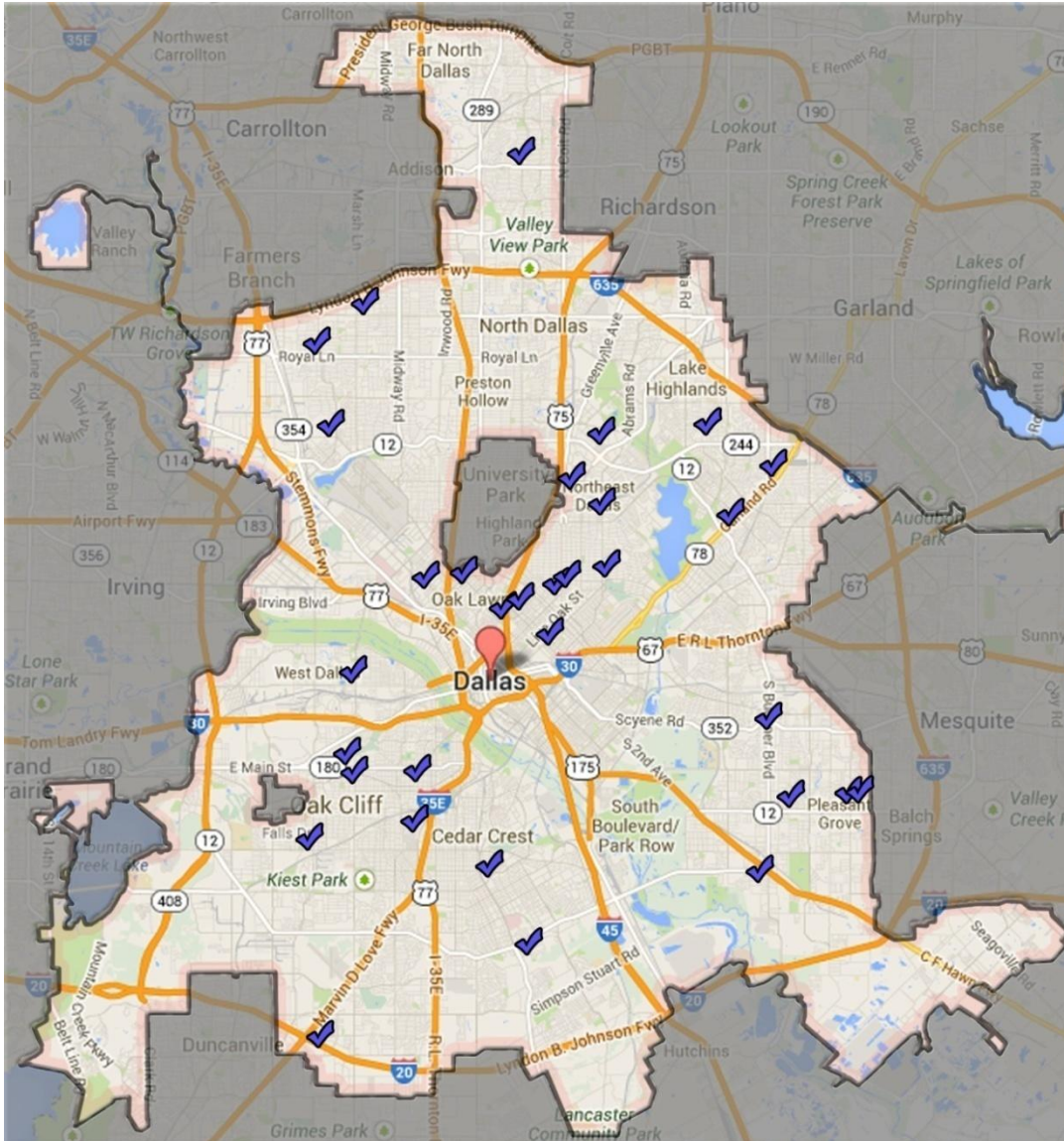
- Australia 2003-2005:
 - goal of 50% reduction/50% recycling
 - resulted in 45% reduction/14% recycling
- Los Angeles County 2008-2010:
 - goal of 30% reduction
 - results inconclusive; only 8 stores met minimum participation levels
- Chicago 2008-2012:
 - goal of increase in store participation in reuse/recycling
 - resulted in increase in businesses reporting they did not recycle any bags (95 stores → 486 stores)
- San Francisco 2005-2006:
 - goal of reduction by 10 million
 - results inconclusive; only 1 store reported results

<http://www.surfrider.org/coastal-blog/entry/voluntary-plastic-bag-reductions-dont-work>

VOLUNTARY EFFORTS (continued)

- Informal survey of Dallas grocers conducted to determine which stores are offering voluntary reduction strategies.
 - 10 of 32 have signs posted reminding shoppers to bring their reusable bags
 - 14 of 32 offer plastic bag recycling bins on-site
 - 23 of 32 sell reusable bags
 - 9 of 32 offer incentives for customers for bringing and using their own bags

VOLUNTARY EFFORTS (continued)



Locations of randomly selected, informally surveyed stores in Dallas for voluntary reduction efforts.

STORE	ADDRESS	SIGNS TO REMIND SHOPPERS?	BAG BINS FOR BAG RECYCLING?	SELL REUSABLE TOTE BAGS?	INCENTIVE OFFERED FOR OWN BAGS?
Albertson's	10203 E Northwest Hwy.	ON DOOR		\$1.00 +	5¢ REBATE
Albertson's	320 Casa Linda Plaza	ON DOOR		\$1.00 +	5¢ REBATE
Albertson's	7007 Arapaho Rd.	INSIDE		\$1.00 +	5¢ REBATE
Aldi Grocery Stores	4120 Gaston Ave.	INSIDE (BAG FEE)		\$1.99	
Central Market	5750 E. Lovers Ln.	IN LOT		\$0.79 +	
El Rio Grande Supermarket	10325 Lake June Rd.				
Fiesta Supermarket	11445 Garland Rd.				
Fiesta Supermarket	2951 South Buckner Blvd.			\$1.99 +	
Fiesta Supermarket	3030 S Lancaster Rd.			\$1.00 +	
Fiesta Supermarket	3434 W Illinois Ave.			\$1.00 +	
Fiesta Supermarket	9727 Webb Chapel Rd.			\$0.99	
Foodland	8411 Lake June Rd.				
Hunt Food Store	7932 S. Loop 12				
Jerry's Supermarket	532 W Jefferson Blvd.				
Kroger	4142 Cedar Springs Rd.	IN LOT		\$1.00	
Kroger	4901 Maple Ave.	IN LOT		\$0.99	
Kroger	752 Wynnewood Village	IN LOT		\$1.99	
Minyard's Food Stores	10121 Lake June Rd.				
Minyard's Food Stores	2111 Singleton Blvd.				
Minyard's Food Stores	2130 E. Ledbetter Dr.				
Save-A-Lot	2627 W. Jefferson Blvd.			\$0.99	
Sprouts Farmers Market	11722 Marsh Ln.	ON DOOR		\$0.99	5¢ REBATE
Sprouts Farmers Market	1800 N. Henderson Ave.			\$1.49 +	5¢ REBATE
Super Plaza	10909 Webb Chapel Rd.				
Target	2417 N. Haskell Ave.			\$4.99	5¢ REBATE
Tom Thumb	315 S. Hampton Rd.			\$0.99	
Tom Thumb	6333 E. Mockingbird Ln.			\$2.99	5¢ REBATE
Trader Joe's	2005 Greenville Ave.			\$0.99	RAFFLE DRAWING
Walmart	3155 W Wheatland Rd.			\$1.00 +	
Walmart Neighborhood	2305 N Central Expy.			\$1.00 +	
Walmart Supercenter	6185 Retail Rd.	ON DOOR		\$1.00 +	
Whole Foods	2118 Abrams Rd.			\$1.29 +	5¢ – 10¢ REBATE

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YES/PRESENT



NO/ABSENT

VOLUNTARY EFFORTS (continued)

- OTHER RETAILER STRATEGIES

- SAM'S CLUB: No bags available except for bulk item/meat barrier bags. Used boxes available for loose items.
- COSTCO: No bags available except for bulk item/meat barrier bags. Used boxes available for loose items.
- IKEA: No free bags available. Large, reusable bags available for sale.
- ALDI: No free bags available except for bulk item/produce bags. Shoppers are encouraged to bring their own bags; otherwise, plastic and paper bags available for sale.
- TRADER JOE'S: No free plastic bags available except for bulk items/produce/meat bags.

IMPACTS OF LITTER

- *Keep America Beautiful 2009 National Litter Survey:*
 - 5% of plastic bags are “littered” (not disposed of properly);
 - plastic bags are the fifth most common litter in retail areas; and,
 - plastic bags comprise 0.9% of litter at storm drains while comprising about 0.6% of all litter*.

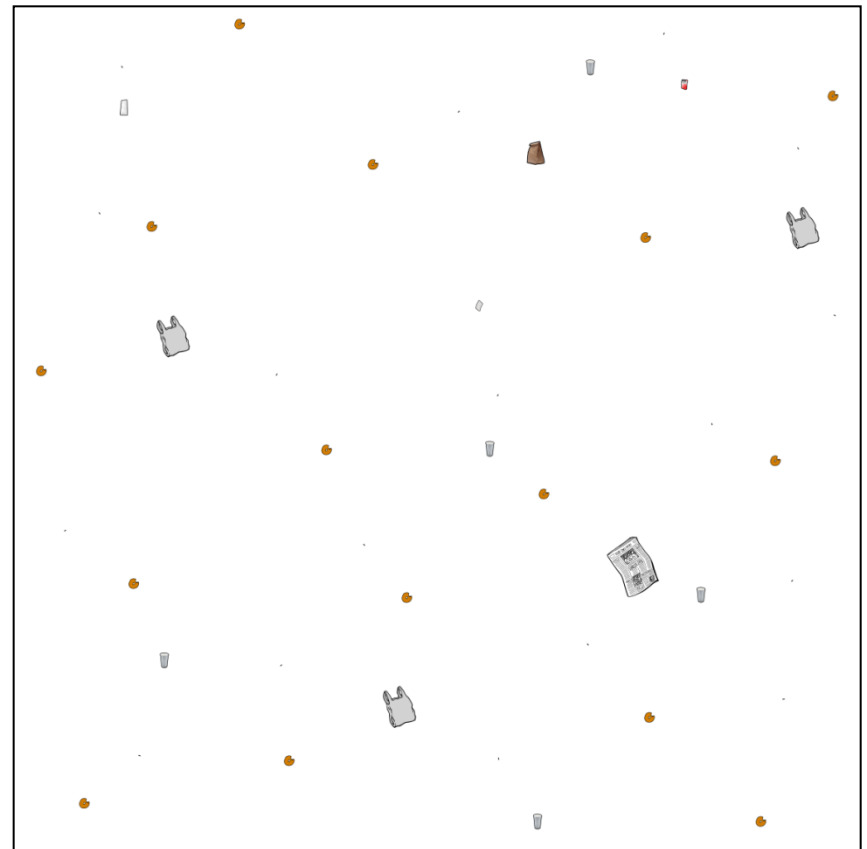
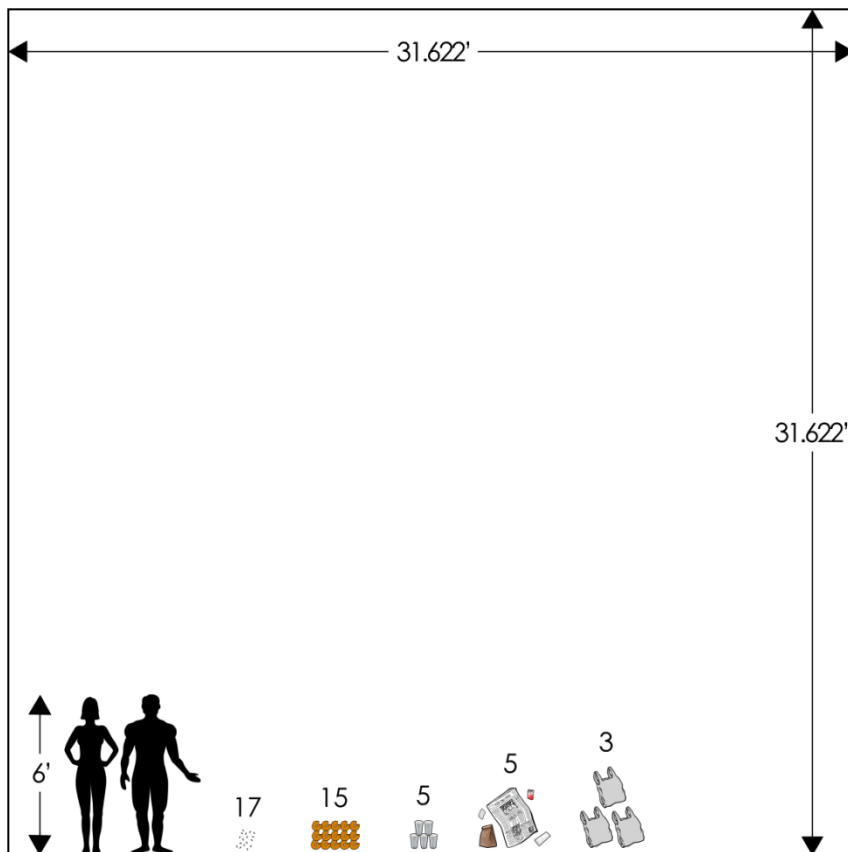
Top Five Littered Items in Retail Areas (count)

Cigarette Butts (17)	Food Scraps (15)	Fast-Food Paper Items (5)	Other Paper Items (5)	Plastic Bags (3)
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* http://www.kab.org/site/DocServer/Final_KAB_Report_9-18-09.pdf?docID=4561

IMPACTS OF LITTER (continued)

Representation of litter in retail areas using Keep America Beautiful
2009 National Litter Survey report



IMPACTS OF LITTER (continued)

The Anacostia Watershed Trash Reduction Plan
(December, 2008):

% of Litter Observed	Streams	Anacostia River	Land
Plastic Bags	47%	21%	4%
Paper Bags	1%	5%	26%
Food Wraps	25%	26%	26%

IMPACTS OF LITTER (continued)

- Keep America Beautiful *2009 National Litter Survey*:
 - 93% of homeowners: an unkempt neighborhood would influence home buying decisions;
 - 36% of prospective businesses: litter has an impact on their decision to move or relocate;
 - 18% of prospective businesses: litter is often associated with blight and presents a negative picture of local government; and,
 - 55% of real estate agents: litter would decrease their assessment of a home's value*.
- Litter in a community decreases property values by 7.4% according to National Association of Home Builders*.

* http://www.kab.org/site/DocServer/Final_KAB_Report_9-18-09.pdf?docID=4561

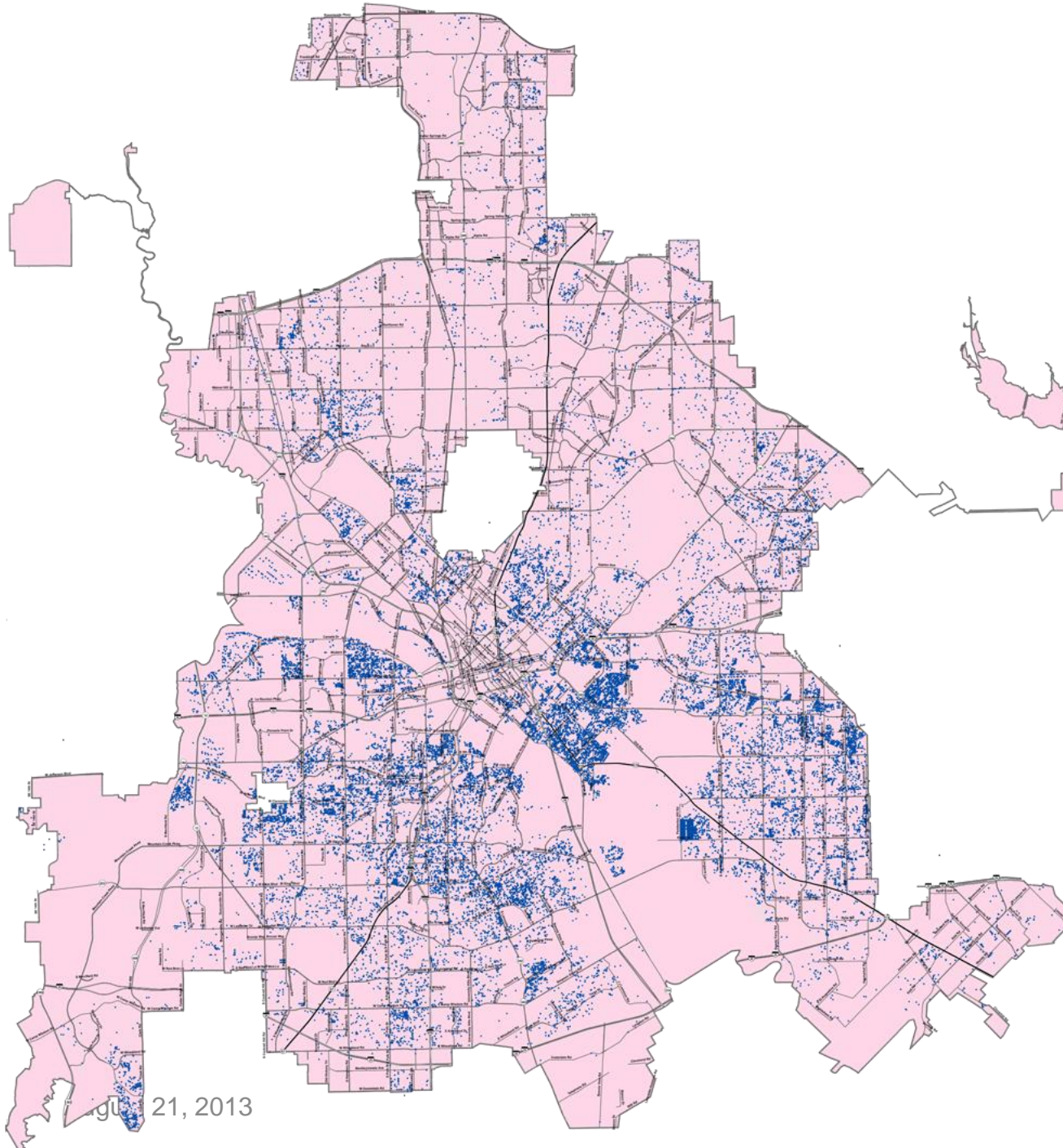
CURRENT CITY OF DALLAS LITTER EFFORTS

- Litter abatement continues to be a priority for the Dallas City Council to ensure a clean, healthy environment¹.
- Over the last five years, 311 has received approximately 20,000 litter complaints per year.
- Operation Beautification resulted in:
 - 24 groups collected about 10 tons of trash and brush in May 2012; and,
 - 21 groups collected about 17 tons of trash and brush in November 2012².
- City of Dallas spends approximately \$4 million on litter abatement, annually.

Sanitation Services	Stormwater Management	Reverse Litter Campaign	Park and Recreation	Street Services
\$200,000	\$195,000	\$300,000	\$2,800,000	\$490,000

1) <http://www.dallascityhall.com/pdf/cmo/StrategicPlan.pdf>

2) http://dallascityhall.com/committee_briefings/briefings1212/QOL_FallCitywideCleanupReport_121012.pdf
August 21, 2013



Location of
litter service
requests
between
10/01/2010
and
09/30/2012.

CURRENT CITY OF DALLAS LITTER EFFORTS (continued)



Mowing
contractors
removing litter.

CURRENT CITY OF DALLAS LITTER EFFORTS (continued)

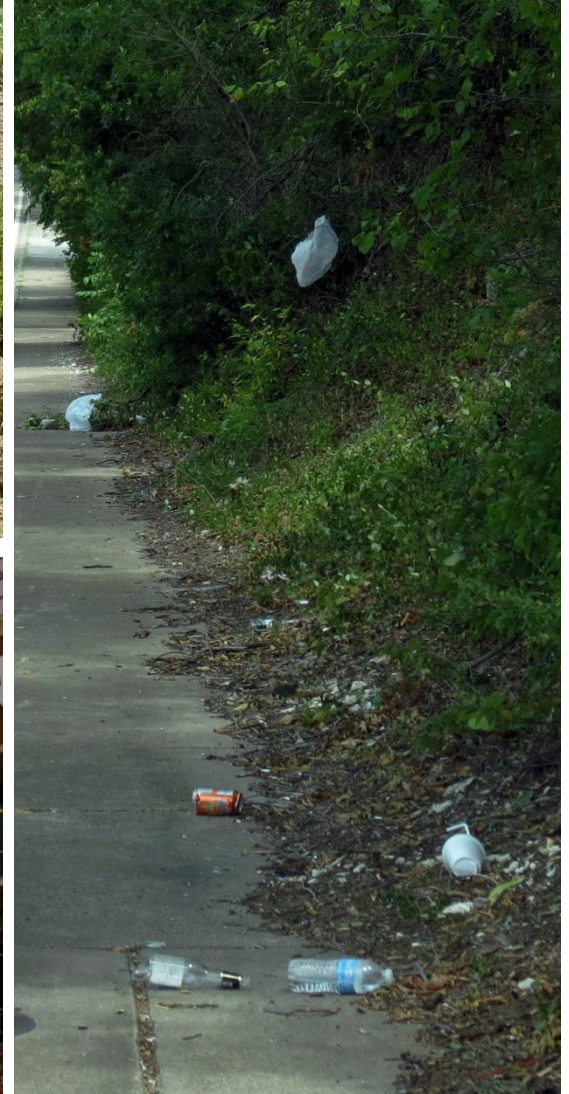
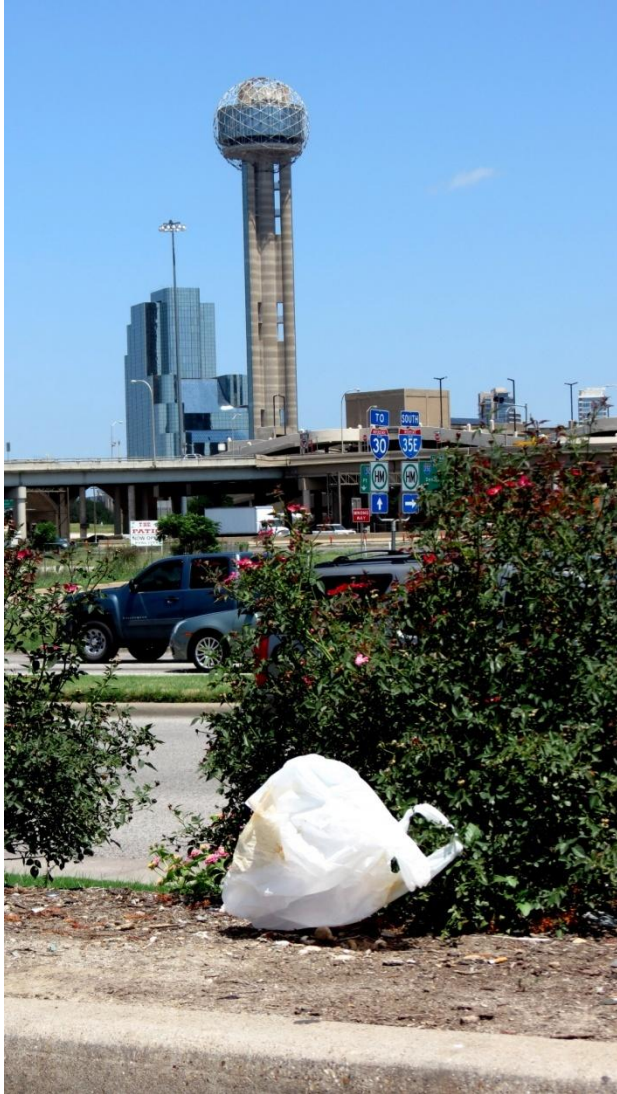


- Trinity Watershed Management conducted informal litter collection study.
 - asked to find costs associated with removing plastic bags from waterways: equipment, work hours, supplies, *et cetera*
 - determined the problem of bags in waterways was getting to the bags
 - four 100 foot linear areas were surveyed
 - costs include cleaning, trimming and removing plastic bags
 - 84 cubic yards of debris were collected
 - average cost of removal per bag: \$8.26

No.	Area	Cost per Area	Approximate # of Plastic Bags
1	Lined Channel Clean Up	\$ 1,279.36	200
2	Earthen Channel Clean Up	\$ 1,919.04	300
3	East River Bank Clean Up	\$ 3,212.88	400
4	Santa Fe Trail Outlook Clean Up	\$ 4,333.33	400

- note: ideal clean up time is winter when foliage is absent

MOTIVATION



August 21, 2013

MOTIVATION: FIVE MILE CREEK



August 21, 2013

MOTIVATION: FIVE MILE CREEK



August 21, 2013

MOTIVATION: LEDBETTER DRIVE



MOTIVATION: GARLAND ROAD @ NW HIGHWAY



MOTIVATION: LAKE CLIFF



LEGISLATIVE EFFORTS

- Multiple legislative actions statewide and nationwide to reduce single-use carryout bag litter, including eight passed in Texas¹.
 - Austin – single-use plastic and paper bags are banned
 - Brownsville – \$1.00 fee per transaction for plastic or paper checkout bags
 - Freer – non-compostable plastic carryout bags are banned²
 - Fort Stockton – single-use plastic bags banned
 - Kermit – plastic checkout bags will be banned and a 10¢ fee will be placed on paper bags; passed July 2013, effective October 2013³
 - Laguna Vista – non-compostable plastic carryout bags are banned⁴
 - South Padre Island – single-use plastic bags banned

1) <http://www.surfrider.org/pages/plastic-bag-bans-fees>

2) http://www.ci.freer.tx.us/index.php?option=com_content&view=article&id=356:ordinance-2012-05-plasticbags&catid=122:ordinances&Itemid=63

3) http://www.kermittexas.us/re-klaim_kermit/plastic_bags_q_and_a.php

4) http://www.uniflexbags.com/assets/baglaws/texas_laguna_vista.pdf

5) http://www.sunsetvalley.org/vertical/Sites/%7B8963FD9D-CEFE-410A-A38B-1611D53E7AA1%7D/uploads/Council_Minutes_02-19-2013.pdf

LEGISLATIVE EFFORTS (continued)



<http://www.factorydirectpromos.com/plastic-bag-bans>

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LEGISLATIVE EFFORTS (continued)

- 2008: Office of Environmental Quality briefed Transportation and Environment Committee on proposed plastic bag ban.
 - TEC preferred voluntary reduction efforts instead of a ban
 - 2008, December: Stakeholders brought together under goal to: “develop a fun, effective, positive initiative aimed at reducing plastic bag waste and increasing plastic bag recycling”

LEGISLATIVE EFFORTS (continued)

- 2012, summer: OEQ gathered information on plastic bags at CMO request.
 - interns in IGS helped compile data
 - results presented in Appendix
- 2013, February: Plastic bag proliferation study promised.
- 2013, March: Council member requested DRAFT carryout bags ordinance.

LEGISLATIVE EFFORTS (continued)

- 2013, June
 - OEQ briefed Quality of Life Committee
 - OEQ briefed Transportation and Environment Committee
 - both Committees asked for briefing to full Council

STRATEGIES FROM OTHER CITIES

Austin, TX	bans plastic bags <4.0 mil
South Padre Island, TX	bans all plastic bags
Brownsville, TX	ban and fee for plastic bags <4.0 mil
Corpus Christi, TX (proposed)	fee for plastic bags <2.0 mil
Washington, DC	fee for plastic bags >2.5 mil, bans plastic bags ≤2.5 mil
County of Los Angeles, CA	bans plastic bags <2.25 mil, fee for paper bags
Los Angeles, CA	bans plastic bags <2.25 mil, fee for paper bags
Georgetown, TX	collects plastic bags

AUSTIN, TX

- By ordinance, banned single-use bags.
- Began effort in 2007.
- Ordinance passed March 1, 2012 and became effective March 1, 2013.
- Defines reusable carryout bags allowed under ordinance.
- Provides signage requirements, language requirements, exemptions, and public education campaign.

AUSTIN, TX (continued)

- Texas Retailers Association v. City of Austin
 - February 25, 2013, lawsuit filed in the District Court of Travis County
 - lawsuit seeks a declaratory judgment that the Austin ordinance violates the Solid Waste Act, in particular the Texas Health and Safety Code: “Sec. 361.0961. RESTRICTIONS ON AUTHORITY OF LOCAL GOVERNMENT OR OTHER POLITICAL SUBDIVISION: (a) *A local government or other political subdivision may not adopt an ordinance, rule, or regulation to: (1) prohibit or restrict, for solid waste management purposes, the sale or use of a container or package in a manner not authorized by state law*”
 - the lawsuit is currently in the discovery phase and there have been no court rulings

SOUTH PADRE ISLAND, TX

- By ordinance, banned single-use plastic bags.
- Began voluntary reduction in 2011.
- Regulation of plastic bags became mandatory January 2012.
- Defines recyclable paper bags.
- Provides language requirements and exemptions.

BROWNSVILLE, TX

- By ordinance, imposed a per transaction fee on single-use plastic bags.
- Began effort in 2009 with voluntary ban on plastic bags in 2010.
- Retailers are prohibited from providing plastic checkout bags unless requested by the customer, effective January 2011.
- Defines reusable carryout bags allowed under ordinance and provides provisionary surcharge fee of \$1.00 per transaction for plastic bags otherwise banned.
- Provides reporting/remitting requirements for retailers.
- Retailers may keep up to 5% of fee to offset administrative costs; remaining fee to City for environmental initiatives.

CORPUS CHRISTI, TX

- Presented to City Council July 30, 2013; vote expected August 2013.
- Proposed ordinance would require retailers that provide plastic bags to charge for the bags or stop using the bags.
- Allows stores to choose between environmental recovery fee of 10¢ per bag or \$1.00 per transaction for plastic bags.
- Retailers may keep up to 5% of collected fees to offset administrative costs; remaining fee to City for environmental initiatives.
- Stores may choose to participate in *Green Star Program* to reduce environmental recovery fee for consumers and reporting/remitting requirements for retailers.

CORPUS CHRISTI, TX

- *Green Star Program*

- participating businesses may become certified and entitled to charge, collect and remit to the City the plastic bag checkout fees at reduced rates equal to one-half specified.
- participants prepare a work plan in a format specified by the City that:
 - demonstrates a 60% reduction in plastic checkout bags provided to customers;
 - provides trash receptacles outside the business for customer use;
 - performs daily cleaning of parking lots, rear loading docks, areas around dumpsters and adjacent public areas where trash accumulates;
 - provides signage at store entrances and checkout stands encouraging customers to use reusable bags;
 - displays reusable bags at the entrance to the business; and,
 - maintains a training program for employees at checkout counters to encourage the use of reusable bags.

WASHINGTON, DC

- By Act, businesses must charge customers five cents for every disposable paper or plastic carryout bag.
- “Anacostia River Cleanup and Protection Act of 2009” passed after trash study completed in 2008.
- Defines disposable carryout bag under “Skip the Bag, Save the River.”
- Provides language requirements, exemptions and reporting/remitting requirements for retailers.
- Retailers may keep up to 3¢ of the fee collected based on level of engagement to reduce disposable bag use to offset administrative costs as defined in Act.

COUNTY OF LOS ANGELES, CA

- By ordinance, banned single use plastic carryout bags at stores in the County unincorporated areas, while requiring retailers charge 10¢ for each paper carryout bag sold to a customer.
- Passed in 2012, effective January 2012.
- Defines plastic carryout bags and recyclable paper carryout bags.
- Retailers may keep all fees collected.
- Provides signage and staff training suggestions, language requirements, reporting requirements for retailers, and activities for which retailers may use collected fees.

LOS ANGELES, CA

- By ordinance, bans plastic single-use carryout bags and imposes a 10¢ fee on recyclable paper carryout bags.
- Passed June 2013, effective January 2014.
- Defines plastic carryout bags and recyclable paper carryout bags.
- Retailers may keep all fees collected.
- Provides signage and staff training suggestions, language requirements, reporting requirements for retailers, and activities for which retailers may use collected fees.

GEORGETOWN, TX

- By vendor initiative, implemented “Bag The Bag” program
 - new recycling carts, informational tags, and yellow bags distributed to residents of Georgetown by Texas Disposal Services (TDS); replacements can be obtained for 25¢ per bag
 - bag is stuffed with single use plastic bags by consumers at home, tied off, and placed in recycling cart for collection
 - bag color, thickness, and air hole placement decided based on visibility and compression factors to allow bags to smash and fill with air at the material recovery facility to aid with removal prior to mechanical sorting
 - plastic bags and films are then bundled and sold as commodity



RESULTS OF OTHER CITIES' EFFORTS

- Washington, DC
 - plastic bag use dropped from an average 22.5 million bags to 3.3 million bags in the first month, down 19.2 million that month
 - 75% of District residents polled indicate that they have reduced bag use since fee introduced in January 2010¹
 - majority of businesses said bag consumption dropped at least 50% as a result of the fee¹
 - 58% of business owners and managers said the bag fee has not affected their business at all while 20% said it has affected them positively¹
- Brownsville, TX
 - eliminated more than 350,000 plastic bags per day²
- South Padre Island, TX
 - plastic bag litter markedly reduced
 - 95% of businesses are supportive
 - success realized by keeping the message focused on the benefits of keeping the beaches clear and protection of marine life through the **banning of plastic carryout bags**

1) <http://fergusonfoundation.org/wp-content/uploads/2012/12/AFF-DC-Research-Memo-2-15-11.pdf>

2) http://www.nytimes.com/2011/05/08/us/08ttbags.html?_r=0

CONSIDERATIONS

What you might hear...

- *Plastic bags are only a fraction of the litter stream –*
 - plastic bags are light in weight and therefore a small fraction of the litter stream by weight but they are a higher percentage by surface area, higher by count, and even higher by percentage when compared to all items that are caught in trees
- *Reusable bags can carry bacteria –*
 - studies have confirmed this but the same studies also confirm that normal washing of the bags in the laundry or by hand removes >99.9% of that bacteria
 - DRAFT ordinance allows plastic bags for meat and bulk items; like all items that touch food, wash bags regularly to avoid contamination risk
- *Plastic bags are new and clean inside and keep food clean –*
 - the inside of the bag may be clean; however, consider how many other customers have touched the grocery items being placed in those bags (stocking clerks, curious shoppers, children admiring the packaging)
- *Plastic bags can be used to pick up pet waste –*
 - plastic pet waste bags are exempted and available for sale through retailers
 - several Dallas parks have waste bag stations for pet owners

CONSIDERATIONS (continued)

You might also hear...

- *Paper bags have a larger environmental footprint than plastic bags –*
 - paper bags require more energy and more water than polyethylene plastic bags during production and recycling (see slide 17), however, when loose in the environment, paper bags compost and return to nature while plastic bags stay snagged on branches and fences
- *Some reusable bags cannot be recycled –*
 - much like with plastic bags and films which are currently recycled by manufacturers in North Texas, industry may discover how reusable bags can be recycled at their end of life
- *If the City passes a single-use carryout bag ordinance, will bread bags, laundry bags, and other plastic wraps still be recycled?*
 - it is hoped that recycling programs currently in place to collect plastic bags and films will remain in place to provide recycling options to Dallas residents and consumers
- *People can hide things in the reusable bags and raise the incidence of shop-lifting –*
 - a quick check of bags at the check-out lane before filling or exiting will determine if anything has been hidden in the bags
 - existing anti-theft devices will still be effective with reusable bags

OPTIONS FOR DALLAS

1. Perform a litter proliferation study to determine the nature of litter in Dallas (see Appendix, slide 67);
2. Explore implementing a “Bag The Bag” program like Georgetown’s program (see slide 42);
3. Lobby for legislation to confirm a City’s authority to impose a fee;
4. Rely on Dallas retailers to voluntarily implement plastic bag reduction and recycling programs;
5. Set up a “Green Star Program” like Corpus Christi for Dallas retailers (see slide 38);
6. Pass an ordinance banning single-use bags in Dallas (see slides 48 and 49);
7. Some combination of the above.

OPTION 5: SET UP “GREEN STAR PROGRAM” FOR DALLAS

- Dallas could require all stores that distribute or use plastic bags to:
 - register with the City and annually submit data on pounds of plastic bags distributed and collected;
 - have signs in the parking lot and on entrance doors reminding customers to bring their reusable bags;
 - sell reusable bags;
 - have bins for collecting and recycling plastic carryout bags and films;
 - develop and implement an anti-litter and recycling public education program which includes signage at checkout stands reminding public not to litter and to recycle;
 - train staff on carryout bag reduction strategies including not using bags for single items; and,
 - perform daily cleaning of lots or install litter catchers in storm inlets on property (see Appendix).

OPTION 6: BAN CERTAIN TYPES OF BAGS

- DRAFT Dallas ordinance, Chapter 9C “CARRYOUT BAGS”:
 - defines terms (§9C-1);
 - prohibits businesses from using or distributing single-use carryout bags (§9C-2,a-b);
 - provides exemptions and variances (§9C-2,c);
 - provides standards for reusable carryout bags (§9C-3);
 - allows designated Director the discretion to approve alternative bag options and methods (§9C-4);
 - requires signage and provides guidance for said signage (§9C-5);
 - allows designated Director the discretion to grant variances from a requirement in Chapter 9C (§9C-6);
 - offers guidance on alternative bag options and methods (§9C-7) and appeals (§9C-8); and,
 - provides violation penalty information (§9C-9).

OPTION 6: BAN CERTAIN TYPES OF BAGS (continued)

- Ban single-use carryout bags.
- Reusable carryout bags must have handles (except paper bags with height less than 14 inches and width less than 8 inches) and be constructed of:
 - cloth or other washable fabric or durable material woven or non-woven;
 - recyclable plastic greater than 4 mil (0.004 inch) in thickness; or,
 - recyclable paper with a minimum of 40% recycled content on the date of ordinance effectiveness.
- Reusable carryout bag must display language describing the bag's ability to be reused and recycled.
- Businesses must provide prominently displayed signage in English and Spanish.
- Single-use bags exempted from this ordinance include:
 - laundry and garment bags; door hangers; newspaper bags; garbage bags; prescription and medical supply bags; recyclable paper bags at restaurants; single-use plastic bags at restaurants for moisture control; bulk food bags; plastic wraps; moisture barriers; and, bags used by non-profits or other charity to distribute items.
 - Prior to effective date, City commits to engage in public education campaign.
 - staff recommends one year implementation period beginning upon adoption

POLICY QUESTIONS

- What is the overall objective?
 - continue status quo for convenience?
 - reduce litter/improve aesthetics?
 - protect wildlife and natural resources?
 - promote sustainability with a balanced solution?
- What happens if nothing is done?
- Should the ban be for only plastic or both plastic and paper?
- Are exemptions adequate to allow for consumer needs?
- Should 4 mil (0.004 in) thick plastic be allowed as a reusable bag?
 - thick plastic in storm sewer system could cause blockages and lead to localized flooding
- Should public education campaign include distribution of reusable non-woven bags?
 - 600,000 bags cost about \$372,000 and could be distributed by City

NEXT STEP

- City Council consideration of options.

Questions?

APPENDICES

- 54** DRAFT Carryout Bags Ordinance
- 63** Environmental Impacts Of Bags
- 64** Current Bag Usage In Dallas
- 65** Shopping Bags And Pricing
- 66** Paper Bags
- 67** Litter Proliferation Study
- 71** Comparison Of Sampled Ordinances
- 72** Detailed City Ordinances

DRAFT CARRYOUT BAGS ORDINANCE

ORDINANCE NO. _____

An ordinance adding CHAPTER 9C, "CARRYOUT BAGS," to be composed of Sections 9C-1 through 9C-9, to the Dallas City Code, as amended; defining terms; prohibiting business establishments from using or distributing single-use carryout bags; providing for exemptions and variances; providing standards for reusable carryout bags; requiring signage; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city of Dallas has a duty to protect the natural environment, the economy, and the health of its citizens; and

WHEREAS, the use of single-use carryout bags has a significant impact on the environment such as contributing to unsightly litter on the streets, sidewalks, trees, bushes, and vacant lots; clogging sewers and drainage systems; and polluting the landscape; and

WHEREAS, single-use carryout bags have significant environmental impacts each year, including hundreds of volunteer hours removing single-use carryout bags from trees, lots, bushes, and roadways; and

WHEREAS, single-use carryout bags have caused the death of well over 100,000 migrating wildlife; and

WHEREAS, it is in the best interests of the health, safety, and welfare of the residents of the city of Dallas to protect the environment by banning the use of single-use carryout bags; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the Dallas City Code is amended by adding a new CHAPTER 9C, "CARRYOUT BAGS," to read as follows:

“CHAPTER 9C

CARRYOUT BAGS

SEC. 9C-1. DEFINITIONS.

In this chapter:

(1) BUSINESS ESTABLISHMENT means any commercial enterprise that provides carryout bags to its customers, including sole proprietorships, joint ventures, partnerships, corporations, or any other legal entity whether for profit or not for profit, and includes all employees of the commercial enterprise and any independent contractors associated with the commercial enterprise.

(2) CARRYOUT BAG means a bag provided by a business establishment to a customer typically at the point of sale for the purpose of transporting purchases.

(3) DEPARTMENT means the department designated by the city manager to enforce and administer this chapter.

(4) DIRECTOR means the director of the department designated by the city manager to enforce and administer this chapter and includes representatives, agents, or department employees designated by the director.

(5) REUSABLE CARRYOUT BAG means a carryout bag that is specifically designed and manufactured for multiple reuse and meets the requirements of Sections 9C-3(b) through (d) of this chapter.

(6) SINGLE-USE CARRYOUT BAG means a carryout bag that is not a reusable carryout bag.

SEC. 9C-2. SINGLE-USE CARRYOUT BAGS.

(a) Beginning (effective date of ordinance), no person may provide single-use carryout bags at any city facility, city-sponsored event, or any event held on city property.

(b) Beginning (effective date of ordinance), a business establishment may not provide single-use carryout bags to its customers or to any person.

(c) This section does not apply to the following:

(1) Laundry dry cleaning or garment bags, door-hanger bags, newspaper bags, or packages of multiple bags intended for the disposal of garbage, pet waste, or yard waste.

(2) Recyclable paper bags provided by pharmacists or veterinarians to contain prescription drugs or other medical necessities.

(3) Recyclable paper bags used by restaurants to take away prepared food.

(4) Single-use plastic bags used by restaurants to take away prepared food only where necessary to prevent moisture damage, such as for soups, sauces, salads with dressing, and liquids.

(5) Bags used by a consumer inside a business establishment to:

hardware items:
(A) contain bulk items, such as produce, nuts, grains, candy, or small

packaged:
(B) contain or wrap frozen foods, meat, or fish, whether or not pre-

moisture damage to other purchases; or
(C) contain or wrap flowers, potted plants, or other items to prevent

(D) contain unwrapped prepared foods or bakery goods.

(6) Bags used by a non-profit corporation or other charity to distribute food, grocery products, clothing, or other household items.

SEC. 9C-3. REUSABLE CARRYOUT BAG STANDARDS.

(a) A business establishment may provide or sell reusable carryout bags to its customers or any person. A person may provide or sell reusable carryout bags at any city facility, city-sponsored event, or any event held on city property.

(b) A reusable carryout bag must display in a highly visible manner on the bag's exterior, language describing the bag's ability to be reused and recycled.

(c) A reusable carryout bag must have a handle, except that a handle is not required for a reusable carryout bag constructed out of recyclable paper with a height of less than 14 inches and a width of less than eight inches.

(d) A reusable carryout bag must be constructed out of:

non-woven:
(1) cloth, other washable fabric, or other durable materials whether woven or

(2) recyclable plastic, with a minimum thickness of 4.0 mil; or

(3) recyclable paper that contains a minimum of 40 percent recycled content.

SEC. 9C-4. ALTERNATIVE BAGS AND METHODS.

(a) The director may approve an alternative to the required reusable carryout bag if the director finds that:

(1) the proposed alternative bag provides reusability and durability that is equivalent to or better than the required bag;

(2) the proposed alternative bag meets the minimum reuse testing standard of 100 reuses carrying 16 pounds; and

(3) the manufacturer or distributor documentation of the minimum testing standards provided by the applicant are found sufficient by the director to support the alternative compliance.

(b) The director may approve an alternative compliance method proposed by the applicant to provide emergency access to carryout bags if the method proposed meets the criteria of Subsection (c) and the director finds that:

(1) the applicant has demonstrated a need for an alternative method of compliance;

(2) the proposed alternative method meets the intent of the city council in adopting this chapter, including the elimination of single-use carryout bags; and

(3) documentation of the findings provided by the applicant is found sufficient by the director to support the alternative compliance method.

(c) An alternative compliance method proposed under Subsection (b) must:

(1) be restricted to a time period not to exceed three years, with an annual renewal request and observation;

(2) provide control measures and a corresponding reporting process to prevent continued consumer reliance on the alternative compliance method;

(3) provide a smooth transition to full compliance with this chapter by the end of the alternative compliance time period;

(4) provide signage to clarify consumer options; and

(5) include monthly reporting to the director regarding the effectiveness of the alternative compliance method, including the total alternative bags distributed.

(d) A request for approval of an alternative bag or method must be submitted on a form provided by the director. An application for approval of an alternative bag or method must contain the information required by Section 9C-7 of this chapter.

(e) The applicant has the burden of proof to establish the necessary facts to warrant favorable action by the director.

(f) The director shall evaluate all applications on a case-by-case basis.

(g) The director shall render a decision on a request to use an alternative bag or method no later than 60 days after the request is submitted.

(h) The director shall prepare written findings to support the grant or denial of a request to use an alternative bag or method.

SEC. 9C-5. SIGNAGE AND OTHER REQUIREMENTS.

(a) Beginning (effective date of ordinance), a business establishment must provide prominently displayed signage in accordance with this section.

(b) Required signs must be displayed in both English and Spanish.

(c) The specific language on a required sign may be chosen by the business establishment as long as the signs include language explaining all of the following:

(1) The business establishment no longer offers single-use carryout bags in compliance with this chapter.

(2) The options available for carrying purchases from the business establishment.

(3) The benefits of reducing, reusing, and recycling.

(d) An interior sign must be posted no further than six feet from each point of sale.

(e) A business establishment that owns, leases, or controls its customer parking areas shall post and maintain exterior signs with the following requirements:

(1) The signs must include language that reminds customers to bring their own reusable bags.

(2) The signs must be at least 11 inches by 17 inches in area and readable by walking customers.

(3) The signs must be posted so that they are visible to customers with a minimum of one sign for every 50 parking spaces.

(4) If a business establishment requires fewer than 50 parking spaces, it must post one sign at the exterior of the customer entrance, visible to customers entering the business establishment.

(f) The city does not provide the signs required to be posted by this section. It is the responsibility of the business establishment to produce and erect the signs.

SEC. 9C-6. VARIANCE.

(a) The director may grant a variance from a requirement of this chapter only after determining that application of this chapter would:

- (1) cause undue hardship based on unique circumstances; or
- (2) deprive a person or business enterprise of a legally-protected right.

(b) A request for a variance must be submitted on a form provided by the director. An application for a variance must contain the information required by Section 9C-7 of this chapter.

(c) The applicant has the burden of proof to establish the necessary facts to warrant favorable action on the variance request.

(d) The director shall evaluate all applications on a case-by-case basis.

(e) A variance granted under this section must be the minimum departure necessary to address the hardship.

(f) The director shall render a decision on a variance request no later than 60 days after the request is submitted.

(g) The director shall prepare written findings to support the grant or denial of a variance request.

SEC. 9C-7. APPLICATION INFORMATION.

An application for an alternative bag or method under Section 9C-4 of this chapter or a variance under Section 9C-6 of this chapter must contain the following information:

- (1) The applicant's name, address, and telephone number.
- (2) The name and address of the business establishment.
- (3) Whether the request is for an alternative bag or method or a variance.

(4) If the application is for an alternative bag or method, the proposed alternative bag or method, and the duration of use of the proposed alternative bag or method.

(5) If the application is for a variance:

(A) a description of the alleged hardship and a demonstration that the hardship is above and beyond the general transition and conversion issues encountered by other business establishments; or

(B) a description of the legally-protected right of which the business establishment claims to be deprived.

SEC. 9C-8. APPEALS.

If the director denies an application for a variance or an alternative bag or method, the decision is final unless the applicant files an appeal with the permit license and appeals board in accordance with Section 2-96 of this code.

SEC. 9C-9. VIOLATIONS; PENALTY.

(a) A person who violates any provision of this chapter, or fails to perform an act required by this chapter, commits an offense. A person commits a separate offense each day or part of a day during which the violation is committed, continued, or permitted.

(b) An offense under this chapter is punishable by a fine not to exceed \$500.

(c) The culpable mental state required for the commission of an offense under this chapter is governed by Section 1-5.1 of this code.”

SECTION 2. That prior to the effective date of this ordinance, the city will engage in a public education campaign to inform business establishments and citizens of the requirements regarding carryout bags.

SECTION 3. That the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 5. That this ordinance will take effect on _____, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By _____
Assistant City Attorney

Passed _____

CB/DCC/00004

DRAFT

ENVIRONMENTAL IMPACTS OF BAGS

	PLASTIC (PE – POLYETHYLENE, C – COMPOSTABLE)	PAPER
Aesthetics:	Catch on fences, trees, and other stationary objects. Light enough to float on the breeze at altitude. Can collect water and provide mosquito breeding ground.	Catch on fences, trees, and other stationary objects. Generally blow along ground due to weight but can be carried aloft.
Wildlife Impact:	Over 260 species of wildlife have been reported to ingest or become tangled in plastic debris. Plastic is the most frequently reported material in encounters between debris and marine organisms ¹ .	Paper 0.64% of marine debris ¹ . Paper composts ² and poses no threat to wildlife and the environment.
Stormwater Impacts:	Plastic bags can block storm inlets and snag on objects in waterways.	Paper decomposes easily when wet but can cause blockages if present in high amounts at inlets.
Natural Resources:	About 72.5% of the plastic bags in the United States are made in the United States from polyethylene. In the United States, ethylene is made from ethane, a waste by-product of natural gas refining ² . Plastic bags and film can be recycled into plastic bags.	Made from trees (paper) and corn (glue) which are replanted and re-grown, creating a need to preserve forest land. A typical acre of trees will capture 5,880 pounds of CO ₂ each year. Trees provide more than 65% of the energy needed to create paper ³ .
Solid Waste:	81.2% of plastic bags are landfilled ⁴ .	65.4% of paper bags are landfilled ⁴ .
Energy use for production, use, and disposal of 1,000 grocery bags ⁴ .	457 M joules (PE) – 1,219 M joules (C)	922 M joules
Gross energy use for production, fuel, transport, and feedstock of 1,000 grocery bags ⁴ .	509 M joules (PE) – 1,380 M joules (C)	2,622 M joules
	PER 1,000 BAGS	PER 1,000 BAGS
Weight ⁵ :	15 pounds	140 pounds
Diesel used to ship ⁵ :	0.06 gallons	0.58 gallons
Air emissions ⁵ :	1.62 pounds	3.225 pounds
Petroleum used ⁵ :	1.62 pounds	3.67 pounds
BTUs required ⁵ :	649,000	1,629,000
	PER 1,500 BAGS	PER 1,000 BAGS
Greenhouse Gas Emissions (CO ₂ e) ⁶ :	0.04 tons (PE) – 0.18 tons (C)	0.08 tons (30% recycled fiber)
Fresh Water Usage ⁶ :	58 gallons (PE) – 1017 gallons (C)	1004 gallons (30% recycled fiber)

1) <http://www.thegef.org/gef/sites/thegef.org/files/publication/cbd-ts-67-en.pdf> 2) <http://www.savetheplasticbag.com/ReadContent667.aspx>

3) <http://www.internationalpaper.com/documents/EN/IPG/PaperVsPlastics.pdf>

4) <http://www.plasticbagfacts.org/PDFs/Life-Cycle-Assessment-for-Three-Types-of-Grocery-Bags.pdf>

5) <http://www.interplas.com/packaging-earth-friendly-recyclable-plastic-bags> 6) <http://www.sanjoseca.gov/DocumentCenter/View/2215>

CURRENT BAG USAGE IN DALLAS

Carryout bags at other retailers (not an exhaustive list of Dallas retailers)

7-11	Plastic	Dollar Tree	Plastic	PotBelly	Paper
American Hero	Paper	Family Dollar	Plastic	QuikTrip	Plastic
Arby's	Paper	Home Depot	Plastic	RaceTrac	Plastic
Baker Bros.	Plastic	In 'n Out	Paper	Rudy's	Paper
Big Lots!	Plastic	Jack In The Box	Paper	Sonic	Paper
Boston Market	Plastic	Jimmy John's	None	Subway	Plastic
Burger King	Paper	KFC	Plastic	Taco Bell	Plastic
Cane's	Plastic	Kohl's	Plastic	Taco Bueno	Plastic
Chili's	Both	Lenny's	Plastic	Taco Cabana	Plastic
Chipotle	Paper	Long John Silver's	Plastic	Taco Casa	Both
Church's	Plastic	Lowe's	Plastic	Talbot's	Both
Circle K	Plastic	McDonald's	Paper	Target	Both
Corner Bakery	Both	Macy's	Both	Walmart	Plastic
Dairy Queen	Paper	On The Border	Plastic	Wendy's	Both
Del Taco	Paper	Panda Express	Plastic	Whataburger	Both
Dillard's	Both	Pei Wei	Plastic	Which Wich	Paper
Dollar General	Plastic	Popeye's	Plastic	Williams Chicken	Plastic



SHOPPING BAGS AND PRICING

- There are 42 “Bag Suppliers” within 50-miles of 75201 zip code.
- Sampling of size and pricing of bags that would comply with DRAFT ordinance (subject to changing):
 - 10”x5”x13” 4 mil plastic bag is \$0.42¹ per unit;
 - 16”x6”x15” 4 mil plastic bag is \$0.476² to \$0.53¹ per unit;
 - Bring Back Bag (Austin ordinance compliant) \$0.11 to \$0.13 per wave top unit (order minimum 100,000) and, \$0.22 to \$0.25 per soft loop handle unit (order minimum 15,000)³;
 - 12”x7”x17” 70 lb. paper bag (40% recycled content, glued handles) is \$0.15 to \$0.12 per unit⁴;
 - 12”x8”x14” reusable non-woven polypropylene shopping bag, \$1.30 to \$1.45 per unit⁵;
 - 13”x15”x10” reusable non-woven polypropylene shopping bag, \$1.19 to \$1.69 per unit⁶;
 - 16”x6”x12” reusable non-woven polypropylene shopping bag, \$1.30 to \$2.15 per unit⁷; and,
 - 12.625”x13”x8.75” reusable non-woven polypropylene shopping bag, \$0.86 to \$4.29 per unit⁸.

1) Innovative Packaging Group; 2) Uline; 3) Roplast Industries; 4) PaperMart; 5) Associated Bag; 6) Logo Expressions, Inc.;
7) Big Promotions!; 8) Discount Mugs

PAPER BAGS

- Paper shopping bags were randomly collected from nine Dallas grocers in July 2013.
 - eight had bags with ordinance compliant language
 - six had bags with ordinance compliant recycled content for the first year (40%)
 - four had bags with ordinance compliant handles

Store	Location	Language	Content	Handles	 Icon	 SFI
Super Plaza	10909 Webb Chapel	Yes	Not given	No	Yes	Yes
Minyard's	2111 Singleton Blvd	No	Not given	No	Yes	Not shown
Tom Thumb	6333 E. Mockingbird Lane	Yes	40%	No	Yes	Yes
Kroger	4901 Maple Avenue	Yes	Not given	No	Yes	Yes
Aldi	4120 Gaston Avenue	Yes	40%	No	Yes	Not shown
Albertson's	7007 Arapaho Road	Yes	40%	Yes	Yes	Not shown
Sprout's	1800 N. Henderson Avenue	Yes	40%	Yes	Yes	Yes
Central Market	5750 E. Lovers Lane	Yes	40%	Yes	No	Not shown
Trader Joe's	2005 Greenville Avenue	Yes	40%	Yes	Yes	Yes

LITTER PROLIFERATION STUDY

- Characterize forms of litter found in study zones in Dallas.
 - type, composition, source, amount
- Solicit stakeholder suggestions on abatement practices for the litter characterized in the study.
- Provide data to decision makers working to reduce pollution in Dallas and the Trinity River watershed.
- Identify trends that may be impacting litter amounts.
 - include activities which create, move, collect, and remove litter from our landscape, such as events, weather, and civic, church, and youth group clean up efforts

LITTER PROLIFERATION STUDY: NEXT STEPS

- The Office of Environmental Quality will lead this effort.
- The litter proliferation study timeline will be announced publicly.
- Partner with an academic institution to secure guidance on methodology and provide third-party objectivity.
- Stakeholders will be sought to help provide information, data, and input.

LITTER PROLIFERATION STUDY: TIMELINE

- Office of Environmental Quality will announce litter proliferation study timeline, fall 2013.
- City staff will solicit and identify stakeholders, June – September 2013.
- Determine survey and litter characterization methods with academic partner, September – October 2013.
- Identify study zones, September – October 2013.

LITTER PROLIFERATION STUDY: TIMELINE

(continued)

- Initiate surveys of study zones, fall 2013.
 - repeat surveys at regular intervals
 - conduct litter characterization after each survey
- Conduct stakeholder meetings at regular intervals.
- Conclude surveys and litter characterizations, fall 2014.
- Solicit and compile stakeholder positions, fall 2014.
- Present information to City Manager, fall 2014.

City	Plastic (thickness in mils)			Bulk	Product	Paper	Eater y	Credi t	Details
	<2.5	<4.0	>4.0						
CA, Calabasas						10¢ *	Paper	Up to retailers	Low-income exemption. Store keeps fee. * NOG, 40PC, 100R, LANG.
CA, Long Beach						10¢ *			Store keeps fee. * NOG, 40PC, 100R, 100C, LANG.
CA, Los Angeles						10¢ *			Low-income exemption. Store keeps fee. Reusable may be plastic ≥2.25 mil. * 40PC, 100R, NOG, LANG
CA, San Francisco	<2.25	10¢ ‡	10¢ ‡			10¢ *	◇ Oct 2013		Low-income exemption. Store keeps fee. ‡ >125 uses, 22#, 175 ft, cleanable x100, LANG. * 100R, NOG, 40PC, LANG. ◇ Take-out orders only; not dine-in “doggy” bag.
DC, Washington		5¢ ‡	5¢ ‡			5¢ *	Paper		Skip the Bag, Save the River program. Stores eligible to keep up to 3¢ of fee; 1¢ outright, 2¢ if rebate offered, 3¢ if in-store campaign. ‡ 100R, LANG. * 40PC, 100R, LANG.
OR, Corvallis						5¢ *	Both		Low-income exemption. Store keeps fee. * 40PC, 100R, 100C.
TX, Austin			*			*	Both *		Retailers <u>may</u> set fee for reusable. * 100R, LANG.
TX, Brownsville	\$1.00 ◇	\$1.00◇				*	Paper‡		Resaca waterways program involved. LANG city-wide. ◇ 5% to retailer; rest to City environmental programs. * NOG, 40PC, 100R, 65#. ‡ non-reusable plastic okay.
TX, South Padre						*			* NOG, 40PC, 100R, LANG.

40PC = 40% post consumer content 100R = 100% recyclable 100C = 100% compostable NOG = No Old Growth LANG = Language on bag/in store

WA, Seattle 21, 2013 2.25
■ Allowed ■ Fee ■ Banned

AUSTIN: CARRYOUT BAGS ORDINANCE

- 2007, April 19: Austin City Council passed Resolution No. 20070419-026
 - directed the City Manager to evaluate and recommend strategies for limiting the use of non-compostable plastic bags and promote the use of compostable and reusable checkout bags
- 2008, April 10: Austin City Council passed Resolution No. 20080410-048
 - adopted a voluntary plastic bag reduction plan in lieu of an ordinance banning plastic bags to reduce the number of plastic bags entering the City's solid waste stream by half (50%) within 18 months
 - the TRA reported a 74% increase in recycling of plastic bags and film and a 20% decrease in the amount of plastic bags purchased by retailers in the time period
 - Austin Solid Waste Services Department tasked with implementing a pilot program to offer customers the opportunity to recycle plastic bags at curbside; discontinued the 5,000 household pilot after 3 months citing low participation rates, increased collection costs, low volumes of material, limited potential for adequate return on investment, and presence of easily accessible recycling drop-off sites available to the community
- 2010, June 24: Austin City Council passed Resolution No. 20100624-079
 - directed the City Manager to determine the cost to Austin taxpayers of processing plastic bags in the waste stream and report the information to City Council on or before September 23, 2010
- 2011, August 4: Austin City Council passed Resolution No. 20110804-021
 - directed the City Manager to draft, process, and bring forward for Council consideration by November 2011, an ordinance providing a comprehensive phase-out of single-use bags offered at retail check-outs within the city limits of Austin
 - the City Manager was further directed to engage retail stakeholders and concerned citizens in the development of the draft ordinance
 - resolution cited that the data collected at the conclusion of the pilot program showed that the voluntary plan reduced the use of plastic bags by approximately 20%, failing to reach the goal of a 50% reduction

AUSTIN: CARRYOUT BAGS ORDINANCE

(continued)

- Ordinance adopted by the City of Austin on March 1, 2012, and effective March 1, 2013.
- Reusable carryout bags must have handles (except paper bags with height less than 14 inches and width less than 8 inches) and be constructed of:
 - cloth or other washable fabric or durable material woven or non-woven;
 - recyclable plastic greater than 4 mil (0.004 inch) in thickness; or,
 - recyclable paper with a minimum of 40% recycled content on March 1, 2013, and a minimum of 80% recycled content by March 1, 2014.
- Single-use bags are bags not meeting the reusable carryout bag definition.
- Reusable carryout bag must display language describing the bag's ability to be reused and recycled.
- Businesses must provide prominently displayed signage in English and Spanish.
- Single-use bags exempted from this ordinance include:
 - laundry bags; door hangers; newspaper bags; garbage bags; pet waste bags; yard waste bags; prescription and medical supply bags (if recyclable within City of Austin residential recycling program); recyclable paper bags at restaurants (if recyclable within City of Austin residential recycling program); single-use plastic bags at restaurants for moisture control; bulk food bags; plastic wraps; moisture barriers; and, bags used by non-profits or other charity to distribute items
- Austin program administered by Austin Resource Recovery (formerly Solid Waste Services).
- One year period between adoption date and effective date for full implementation of Ordinance in which Austin spent \$850,000 on public education campaign.
 - <http://www.kvue.com/news/Final-informational-meetings-on-bag-ban-190172541.html>

<http://www.austinbagban.com/index.html>

http://www.bringitaustin.com/sites/default/files/uploads/docs/Carryout%20Bags%20rules%20FINAL%202011-8-12_ScrivenerRevision.pdf

August 21, 2013

SOUTH PADRE ISLAND: PLASTIC BAGS

- 2011, all year: Voluntary plastic bag regulation to reduce impacts on the environment.
- 2012, January: Regulation of Plastic Bags became mandatory.
 - bans distribution of plastic bags at the point of sale
 - allows distribution of recyclable paper bags
 - contains no old growth fiber; 100% recyclable; contains minimum of 40% post-consumer recycled content; displays words “reusable” and/or “recyclable” and/or universal recycling symbol on outside of bag; and, provides documentation to show compliance
 - exempted from this Ordinance:
 - paper bags at restaurants; paper prescription and medical supply bags; paper bags for carry-out beverages or liquor sales; garment or laundry bags; and, plastic bags provided to effect food safety
- No legal action noted to date.

BROWNSVILLE: PLASTIC BAGS ORDINANCE

- 2009, December: Passed Ordinance 2009-911-E prohibiting the use of plastic bags in the City and creating an Environmental Advisory Committee, a stakeholder group.
 - EAC comprised of four Brownsville grocers, four Brownsville committees, one Brownsville shopping center, one Brownsville City Commissioner, and, one other Brownsville business
 - met once a week until the Ordinance became effective in January 2011
- 2010, all year: Voluntary ban on plastic shopping bags in preparation for mandatory ban of plastic bags on January 5, 2011.
- 2011, January: Business establishments are prohibited from providing plastic bags and shall only provide reusable bags.
 - exempted from this Ordinance:
 - paper bags at convenience stores; paper bags at restaurants; prescription and medical supply bags; paper bags for carry-out beverages or liquor sales; garment or laundry bags; plastic bags provided to effect food safety; and, plastic bags provided in exchange for provisionary surcharge fee of \$1.00 per transaction

BROWNSVILLE: PLASTIC BAGS ORDINANCE (continued)

- Provisionary surcharge fee included in ordinance as a means to allow consumers who may have forgotten their reusable bag or who prefer single-use bags to purchase carryout bags for transport of goods from retailers. Fee is \$1.00 per transaction whether one bag is needed for a few items or multiple bags are needed for several items.
- Fees that are collected by retailers are remitted to the City. The retailers are allowed to keep up to 5% of each \$1.00 fee to help offset administrative costs.
- The “BYOB – Bring Your Own Bag” program has generated \$1.4 million in provisionary surcharge fees since January 2011 which have been used toward environmental programs, recycling, and clean-up initiatives.
- No legal action to date.

CORPUS CHRISTI: DRAFT PLASTIC CHECKOUT BAGS

- Re-presented to Corpus Christi City Council July 30, 2013.
- Council is set to vote on the ordinance at the end of August 2013*.
- Plastic checkout bag is defined as:
 - any bag that is 2 mils (0.002 inches) or thinner; and,
 - provided by a business to a customer typically at point of sale for the purpose of transporting goods after shopping.
- Reusable bag is specifically designed and manufactured for multiple reuse and is made of:
 - cloth or other washable fabric;
 - other durable material suitable for reuse; or,
 - durable plastic more than 2 mils (0.002 inches) thick.
- Corpus Christi program administered by Solid Waste Department.
- An environmental recovery fee will be established for customers making purchases from businesses utilizing plastic checkout bags.
 - fee shall be either 10¢ per plastic bag or \$1.00 per transaction
 - fee shall be reduced by one-half if business is certified in *Green Star Program*
 - fees shall not be charged for plastic checkout bags used for unprepared meat, poultry, or fish
- The fees imposed by this ordinance shall take effect on April 1, 2014.
- The City shall maintain a telephone hotline for persons to report violations of this ordinance. The City shall also audit businesses for compliance.

* <http://www.kristv.com/news/plastic-bag-debate-continues/>

CORPUS CHRISTI: DRAFT PLASTIC CHECKOUT BAGS (continued)

- *Green Star Program* shall be established by the Director of the Solid Waste Department wherein participating businesses may become certified and entitled to charge, collect and remit to the City the plastic bag checkout fees at reduced rates equal to one-half specified.
 - participants prepare a work plan in a format specified by the City and approved by the Director of Solid Waste Operations that:
 - demonstrates a 60% reduction in plastic checkout bags provided to customers;
 - provides trash receptacles outside the business for customer use;
 - performs daily cleaning of parking lots, rear loading docks, areas around dumpsters and adjacent public areas where trash accumulates;
 - provides signage at store entrances and checkout stands encouraging customers to use reusable bags;
 - displays reusable bags at the entrance to the business; and,
 - maintains a training program for employees at checkout counters to encourage the use of reusable bags.
- Businesses utilizing plastic checkout bags, whether or not certified in Green Star Program, shall register with the Solid Waste Department prior to collecting fees required under ordinance.
- Each business shall make an election of either the per bag fee or the per transaction fee at the time of registration. If no election is made, the per bag fee will apply. Businesses may request to change collection election in writing with conditions.
- Fees shall be paid by the customer and collected by the business at the time of purchase. Total amount of any fees charged for plastic checkout bags will be reflected on the customer receipt.

CORPUS CHRISTI: DRAFT PLASTIC CHECKOUT BAGS (continued)

- Fees collected during each calendar month shall be remitted to the Solid Waste Department by the 20th day of the following calendar month unless that business collects less than \$250 each month and elects to file quarterly at which time such fees will be remitted by the 20th day of the month following the calendar quarter.
 - businesses may deduct and retain an administrative fee equal to 5% of the fees collected to offset the costs incurred under the program
 - each remittance shall be accompanied by a report in the form required by the City stating the total number of plastic checkout bags sold or the total number of transactions if fee assessed per transaction, the volume of plastic checkout bags purchased, and the number of reusable bags sold during the period
 - a late fee of \$100 shall be assessed for each month the fees are unremitted past the due date
- Fees remitted to the City under this ordinance may be used for:
 - giveaways of free reusable bags; public education on reducing plastic checkout bag use; hiring of more code enforcement officers and other City employees to enforce City ordinances; cleanup programs of shorelines, storm drains, streets, parks, and dumping areas; reduction of residential solid waste/garbage pickup charges; payment of the administrative fee to participating retailers; and any other use approved by the City Council.
- Any violations shall be subject to punishment as follows:
 - first violation: written warning shall be issued, no fine;
 - subsequent violations: \$100 first violation in a calendar year; \$200 for second violation in the same calendar year; or, \$500 for each additional violation in the same calendar year;
 - no more than one citation shall be issued to a business within a 7-day period; and
 - a violation under this subsection is a Class C misdemeanor.

WASHINGTON, DC: BAG LAW

- 2009: “Anacostia River Cleanup and Protection Act of 2009” (“Bag Law”) passed.
 - resulted from a trash study done on the Anacostia River that indicated that disposable plastic bags were one of the largest sources of litter in the Anacostia River; and,
 - aims to reduce pollution in District of Columbia waterways while raising funds to clean and protect them.
- 2009: “Anacostia River Cleanup and Protection Clarification Emergency Amendment Act of 2009” passed.
 - allowed retail establishments a grace period to deplete existing stock of nonconforming plastic and paper disposable carryout bags
- 2010, January: “Skip the Bag, Save the River” campaign goes into effect.

WASHINGTON, DC: BAG LAW (continued)

- Disposable carryout bags made of plastic must:
 - be 100% recyclable;
 - be made from high-density polyethylene code 2 or low-density polyethylene code 4; and,
 - display language to the effect of “please recycle this bag” in a highly visible manner on the bag exterior.
- Disposable carryout bags made of paper must:
 - be 100% recyclable;
 - contain a minimum of 40% post-consumer recycled content; and,
 - display language to the effect of “please recycle this bag” in a highly visible manner on the bag exterior.
- A consumer making a purchase from a retail establishment shall pay at the time of purchase a fee of 5¢ for each disposable carryout bag. Fees retained shall not be classified as revenue and shall be tax-exempt.
- Retailers shall keep 1¢ of the 5¢ fee; provided the establishment offers a reusable bag credit to consumers (of no less than 5¢ per bag), it shall retain an additional 1¢. Remaining amount of each fee shall be paid to the Office of Tax and Revenue and deposited in the Anacostia River Cleanup and Protection Fund.
- Bags exempted from this Ordinance include:
 - laundry bags; door hangers; newspaper bags; garbage bags; pet waste bags; yard waste bags; prescription and medical supply bags; paper bags at restaurants; reusable carryout bags; bags for carrying a partially consumed bottle of wine

COUNTY OF LOS ANGELES: PLASTIC & RECYCLABLE PAPER CARRYOUT BAG LAW

- Ordinance revised by the Board of Supervisors of the County of Los Angeles on November 16, 2010, and effective for all on January 1, 2012.
- Ordinance adds a chapter to Los Angeles County Code and regulates the use of plastic carryout bags and recyclable paper carryout bags and promotes the use of reusable bags within unincorporated areas of the County of Los Angeles at:
 - full-line self-service retail stores with gross annual sales of \$2,000,000 or more that sells a line of dry grocery, canned goods, or non-food items and some perishable items; stores of at least 10,000 square feet of retail space that generates sales or use tax and that has a pharmacy licensed pursuant to Chapter 9 of Division 2 of the Business and Professions Code; or, a drug store, pharmacy, supermarket, grocery store, convenience food store, foodmart, or other entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control.
- Plastic carryout bags, as defined, may not be distributed and recyclable paper carryout bags carry a 10¢ charge.
- Plastic carryout bags are defined as any bag made predominantly from petroleum or biologically based sources like corn or other plant sources.
 - includes compostable and biodegradable bags but **does not include** reusable bags, and produce or product bags (any bag without handles used exclusively to carry produce, meats, or other food items to the point of sale inside a store or to prevent such foods from coming into direct contact with other purchased items).
- Recyclable paper carryout bags are defined as any bag meeting the following requirements:
 - contains no old growth fiber; 100% recyclable and contains a minimum of 40% post-consumer recycled material; capable of composting per American Society of Testing and Materials (ASTM) standard D6400; acceptable in curbside programs in the County; displays the name of the manufacturer, the country of manufacture, and percentage of post-consumer recycled material used; and, displays the word “Recyclable” in a highly visible manner on the outside of the bag.

COUNTY OF LOS ANGELES: PLASTIC & RECYCLABLE PAPER CARRYOUT BAG LAW (continued)

- Reusable carryout bags must:
 - have handles and be manufactured for multiple reuse and has a minimum lifetime of 125 uses meaning capable of carrying 22 pounds 125 times over a distance of 175 feet; has a minimum volume of 15 liters; is machine washable or made from material that can be cleaned or disinfected; does not contain lead, cadmium, or any other heavy metal in toxic amounts as defined by state and federal laws; has printed on the bag or a tag permanently affixed the name of the manufacturer, the country of manufacture, a statement that the bag does not have lead, cadmium, or any other heavy metal in toxic amounts, and the percentage of post-consumer recycled material used; and, if made of plastic is at least 2.25 mil (0.00225 inch) in thickness.
- Any store that provides a recyclable paper carryout bag to a customer must charge the customer 10¢ for each bag provided, except as otherwise provided in the chapter.
- No store shall rebate or otherwise reimburse a customer any portion of the 10¢ charge, except as otherwise provided in the chapter.
- All stores must indicate on the customer receipt the number of recyclable paper carryout bags provided and the total amount charged for the bags.
- All monies collected by a store will be retained by the store and may be used only for any of the following:
 - costs associated with complying with the requirements of the chapter; actual costs of providing recyclable paper carryout bags; or, costs associated with a store's educational materials or educational campaign encouraging the use of reusable bags, if any.
- All stores must report quarterly to the Director of Public Works the total number of recyclable paper carryout bags provided; the total amount of monies collected for providing recyclable paper carryout bags; and, a summary of any efforts the store has undertaken to promote the use of reusable bags in the prior quarter. Fines may apply if reporting is not done timely.

COUNTY OF LOS ANGELES: PLASTIC & RECYCLABLE PAPER CARRYOUT BAG LAW (continued)

- All stores must provide reusable bags to customers either for sale or at no charge.
- No part of the chapter prohibits customers from using bags of any type that they bring to the store themselves or from carrying away goods that are not placed in a bag in lieu of using bags provided by the store.
- Each store is encouraged to educate its staff to promote reusable bags and to post signs encouraging customers to use reusable bags.
- All stores must provide at point of sale, free of charge, either reusable bags or recyclable paper carryout bags or both, at the store's option, to any customer participating in either the California Special Supplemental Food Program for Women, Infants, and Children pursuant to Article 2 of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code or in the Supplemental Food Program pursuant to Chapter 10 of Part 3 of Division 9 of the Welfare and Institutions Code.
- The Director of Public Works has primary responsibility for enforcement of this chapter. The Director is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this chapter, including, but not limited to, investigating violations, issuing fines and entering the premises of any store during business hours. The Director of the Department of Agricultural Commissioner/Weights and Measures and the Director of Public Health may assist with this enforcement responsibility by entering the premises of a store as part of their regular inspection functions and reporting any alleged violations to the Director of Public Works.
- Stores that violate or fail to comply after a written warning notice has been issued for that violation shall be guilty of an infraction. If a store has subsequent violations that are similar in kind to the violation addressed in the written warning notice, the following penalties will be imposed:
 - a fine not exceeding \$100 for the first violation; a fine not exceeding \$200 for the second violation; or a fine not exceeding \$300 for the third and subsequent violations after the written warning notice is given.

http://ladpw.org/epd/aboutthebag/pdf/BagOrdinance_final.pdf

LOS ANGELES: PLASTIC & RECYCLABLE PAPER CARRYOUT BAG LAW

- Ordinance passed on June 25, 2013 by the Council of the City of Los Angeles applying to retail establishments within the City of Los Angeles and shall become operative on January 1, 2014 for full-line self-service retail stores with gross annual sales of \$2,000,000 or more that sells a line of dry grocery, canned goods, or non-food items and some perishable items and, stores of at least 10,000 square feet of retail space that generates sales or use tax and that has a pharmacy licensed pursuant to Chapter 9 of Division 2 of the Business and Professions Code; and operative on July 1, 2014 for any drug store, pharmacy, supermarket, grocery store, convenience food store, foodmart, or other entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control.
- Ordinance seeks to increase waste diversion from landfills, promote recycling, and reduce litter.
- Plastic carryout bags, as defined, may not be distributed and recyclable paper carryout bags carry a 10¢ charge.
- Plastic carryout bags are defined as any bag made predominantly from petroleum or biologically based sources like corn or other plant sources.
 - includes compostable and biodegradable bags but does not include reusable bags, and produce or product bags (any bag without handles used exclusively to carry produce, meats, or other food items to the point of sale inside a store or to prevent such foods from coming into direct contact with other purchased items)
- Recyclable paper carryout bags are defined as any bag meeting the following requirements:
 - contains no old growth fiber; 100% recyclable and contains a minimum of 40% post-consumer recycled material; displays the name of the manufacturer, the country of manufacture, and percentage of post-consumer recycled material used; and, displays the word “Recyclable” in minimum 14-point type.

LOS ANGELES: PLASTIC & RECYCLABLE PAPER CARRYOUT BAG LAW (continued)

- Reusable carryout bags must:
 - have handles and be manufactured for multiple reuse and has a minimum lifetime of 125 uses meaning capable of carrying 22 pounds 125 times over a distance of 175 feet; has a minimum volume of 15 liters; is machine washable or made from material that can be cleaned or disinfected; does not contain lead in an amount greater than 89 ppm nor total heavy metals (lead, hexavalent chromium, cadmium, and mercury) in any amount greater than 99 ppm, unless lower heavy metal limits are imposed by state and federal laws; has printed on the bag or a tag permanently affixed the name of the manufacturer, the country of manufacture, a statement that the bag does not have lead, cadmium, or any other heavy metal in toxic amounts, the percentage of postconsumer recycled material used, if any, and bag care and washing instructions; and, if made of plastic is at least 2.25 mil (0.00225 inch) in thickness.
- Any store that provides a recyclable paper carryout bag to a customer must charge the customer 10¢ for each bag provided, except as otherwise provided in the article.
- All stores must indicate on the customer receipt the number of recyclable paper carryout bags provided and the total amount charged for the bags.
- All monies collected by a store will be retained by the store and may be used only for any of the following:
 - costs associated with complying with the requirements of the article; actual costs of providing recyclable paper carryout bags; and, costs associated with a store's educational materials or educational campaign encouraging the use of reusable bags, if any.
- All stores must report quarterly to the Director of Public Works the total number of recyclable paper carryout bags provided; the total amount of monies collected for providing recyclable paper carryout bags; and, a summary of any efforts the store has undertaken to promote the use of reusable bags in the prior quarter. Quarterly reports must be filed no later than thirty days from the end of the quarter for which the report is made.

LOS ANGELES: PLASTIC & RECYCLABLE PAPER CARRYOUT BAG LAW (continued)

- All stores must provide reusable bags to customers either for sale or at no charge.
- No part of the article prohibits customers from using bags of any type that they bring to the store themselves or from carrying away goods that are not placed in a bag in lieu of using bags provided by the store.
- Each store is urged to educate staff to promote reusable bags and to post signs encouraging customers to use reusable bags.
- All stores must provide at point of sale, free of charge, either reusable bags or recyclable paper carryout bags or both, at the store's option, to any customer participating in either the California Special Supplemental Food Program for Women, Infants, and Children pursuant to Article 2 of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code or in the Supplemental Food Program pursuant to Chapter 10 of Part 3 of Division 9 of the Welfare and Institutions Code.
- The Department of Public Works has primary responsibility for enforcement of this article. The Department is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this article, including, but not limited to, investigating violations, issuing fines and entering the premises of any store during business hours. If the Department determines that a violation has occurred, it will issue a written notice that a violation has occurred and the potential penalties that will apply for future violations.
- Stores that violate any requirement of the article after a written warning notice has been issued the following penalties will be imposed:
 - a fine not exceeding \$100 for the first violation; a fine not exceeding \$200 for the second violation; or a fine not exceeding \$500 for the third and subsequent violations after the written warning notice is given.

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