



*A place where families and businesses thrive.*

|                                |                               |
|--------------------------------|-------------------------------|
| <i>CITY RECORDER USE ONLY:</i> |                               |
| AGENDA ITEM #:                 | <u>7.</u>                     |
| MEETING DATE:                  | _____                         |
| FINAL ACTION:                  | First Reading<br>May 23, 2016 |

**CITY COUNCIL STAFF REPORT**

---

**TO:** *City Council*

**FROM:** *Jesse VanderZanden, City Manager*

**MEETING DATE:** *May 23, 2016*

**PROJECT TEAM:** *Jon Holan, Community Development Director; and Brandi Walstead, Program Coordinator*

**SUBJECT TITLE:** *Plastic Bag Ordinance*

**ACTION REQUESTED:**

|                                     |           |                          |            |                          |        |                          |               |
|-------------------------------------|-----------|--------------------------|------------|--------------------------|--------|--------------------------|---------------|
| <input checked="" type="checkbox"/> | Ordinance | <input type="checkbox"/> | Resolution | <input type="checkbox"/> | Motion | <input type="checkbox"/> | Informational |
|-------------------------------------|-----------|--------------------------|------------|--------------------------|--------|--------------------------|---------------|

*X all that apply*

**ISSUE STATEMENT:** The Sustainability Commission has proposed Ordinance 2016-12 for Council consideration to prohibit the use of plastic carryout bags.

**BACKGROUND:** Over the past year, the Sustainability Commission has developed and solicited comments from the public on a proposed amendment to the City Code to prohibit the use of plastic bags for carry out. The reason for the proposed code is to reduce the amount of plastic bags entering the City's waste stream. Plastic carryout bags do not decompose and has ended up in the environment. It is also intended to encourage people to use recyclable bags rather than relying on the use of paper bags. Paper bags do require energy to manufacture and while it does decompose, it is a lengthy process and adds waste to a landfill. To help implement this ordinance if adopted, funding has been provided to distribute one recyclable bag to each household in the community.

Key elements of the code are as follows:

1. **Application:** The code would ban the use of plastic bags for carry-out of products from a store or at all City sponsored events such as city facilities, farmers market and other city permitted events (see Section 7.910). That is, when you purchase your goods from Safeway or goods from a vendor at the Farmer's Market, for example, the store or vendor must place your purchased goods into either paper or recyclable bags.
2. **Exemptions:** It would not apply to plastic bags used for bulk items, wrapping foods, protection from dampness such as flowers, unwrapped prepared foods or bakery good or prescription bags, dry cleaning or bags sold in packages (e.g. garbage bags) (see Section 7.905 – definition of "carry-out bags").
3. **Charge:** If you do not bring in your own bag(s) (preferably recyclable), then the store would use paper bags and charge you 5¢ for each paper bag used. The ordinance requires stores (not

vendors) to include the 5¢ charge on receipts. Stores with 10 full-time equivalent employees or less would be exempt to having charge the 5¢ per bag. (Sections 7.915 and 7.920a.)

4. Penalties: Section 7.930 establishes the penalties which are similar to the penalties for noise and junk and debris nuisance enforcement, except the amount after the first violation is lower for plastic bags.

The Sustainability Commission sought comments on the proposed ordinance during 2015. Attachment 1 is a summary of the Commission's outreach efforts prepared by the Commission for their work session with the Council on February 8<sup>th</sup>. Attachment 2 is minutes from a public meeting held by the Commission on March 26, 2015. Attachment 3 is written comments from table discussions and voting results from the public forum on the ordinance conducted by CCI. The forum was held on September 2, 2015.

Comments on the proposed code are as follows:

1. Plastic Bag Prohibition: There is no technical issue with the question of whether to prohibit plastic carryout bags. This is a policy question for the Council. Four communities in Oregon including Portland, Eugene, Corvallis and Ashland do prohibit carryout bags. A survey performed by Earth Policy Institute (Attachment 4) indicates that nationally 163 jurisdictions have adopted some form of a plastic bag ban.

Some of the public comments received in opposition expressed concerns about whether this is an appropriate role for the City to establish such a requirement. Suggestions included a voluntary effort to encourage the use of recyclable bags and to recycle plastic bags.

2. Charge for Paper Bags: The single biggest comment received on the Ordinance was pertaining to the 5¢ per bag charge for paper bags. The Economic Development Commission (EDC) at their April 7, 2016 meeting, while unanimously supporting the Ordinance, voted 6-3 in opposition to the charge. Members of EDC suggested an incentive rather than punitive approach would be more appropriate. That is, prohibit the use of plastic bags, but provide a credit where recyclable bags are used. This is the approach used at WinCo.

The Chamber of Commerce expressed concern about smaller businesses having to charge for the paper bags. They were concerned that the charge would be creating a negative impact on many of these establishments, particularly those involved with tourist activities. As a result, the Sustainability Commission modified the proposed Ordinance not to require establishments with 10 or less full-time equivalent employees to charge for the bags.

The Sustainability Commission prefers the nickel charge to create a disincentive to use paper bags and encourage the use of recyclable bags. By eliminating the charge, there is no disincentive to use paper bags.

3. Enforcement: A significant staff concern is the ability to enforce the Code, particularly the nickel charge for bags. Section 7.915 c) requires that the charge be included with the receipt of any transaction charging the nickel. Staff does not have the capacity to audit transactions, even on a random basis, to determine compliance with the charge. Further, there is no authority for the store to provide a copy of receipts to the City to perform an audit. Any enforcement would be done on a complaint basis.

The City of Corvallis has a plastic bag ban. Mr. Scott Dybvad, Sustainability Coordinator with the City of Corvallis is responsible for the enforcement of the code. The following is input received from Mr. Dybvad. Enforcement in Corvallis is also on a complaint basis. Mr. Dybvad indicated they do not require stores to indicate a charge for bags on receipts. He also indicated the City does not audit or have inspections of stores. He indicated that non-compliance has been due to being uninformed. Thus, the City has a program to educate store operators and cashiers about the program. As a result, after about the first month, he indicated that he has received very little complaints and spends very little time on this program. He also indicated that they do not use the fine provision in their code. Working with the store operators and providing education has been a successful approach in that community.

Based on the Corvallis experience, staff does not anticipate a significant enforcement issue although initial implementation will require extensive staff time. The City would likely use the approach taken by Corvallis.

It should be noted that both Eugene and Corvallis included a section in their ordinance to phase in enforcement of the ban and imposition of any charges. For Eugene, it was six months for all businesses. For Corvallis, it was six months for stores with 50 or more employees and one year for smaller businesses.

**FISCAL IMPACT:** Initially there would be the need for staff to develop and implement an educational program. Additional costs in terms of printing materials would also be anticipated.

**STAFF RECOMMENDATION:** Staff recommends the City Council open the public hearing and take appropriate action on Ordinance Number 2016-12. Such action may be:

1. Adopt the ordinance as proposed;
2. Adopt the ordinance with modifications. Such modifications may include:
  - a. Remove the fee;
  - b. Allow the store the option to either charge for paper bag or provide an incentive (i.e. rebate) to use recyclable bags;
  - c. Phase-in enforcement; and/or
  - d. Other modifications as accepted by the Council;
3. Refer the ordinance back to the Sustainability Commission with specific direction for reconsideration; or
4. Deny the ordinance.

**ATTACHMENT(s):** Attachment 1 - Plastic Bag Ordinance 2015 Outreach and Education Summary  
Attachment 2 - Minutes from a public meeting held by the Commission on March 26, 2015.  
Attachment 3 - Written comments from table discussions and voting results from the public forum on the ordinance conducted by CCI. The forum was held on September 2, 2015  
Attachment 4 – Survey of communities in United States that have adopted plastic bag bans – prepared by Earth Policy Institute



*A place where families and businesses thrive.*

---

## **NOTICE OF PUBLIC HEARING PROPOSED ORDINANCE AMENDING CITY OF FOREST GROVE CITY CODE, CHAPTER 7, BUSINESS REGULATIONS**

**NOTICE IS HEREBY GIVEN** that the Forest Grove City Council will hold a Public Hearing on **Monday, May 23, 2016, at 7:00 p.m.** or thereafter, in the Community Auditorium, 1915 Main Street, Forest Grove, to consider adopting an ordinance amending Forest Grove City Code, Chapter 7, Business Regulations, Prohibiting Single-Use Plastic Carryout Bags. The proposed ordinance, if enacted by the City Council, would take effect 30 days immediately after enactment unless City Council declares an emergency.

This hearing is open to the public and interested parties are encouraged to attend. A copy of the report and proposed ordinance are available for inspection before the hearing at the City Recorder's Office or by visiting the City's website at [www.forestgrove-or.gov](http://www.forestgrove-or.gov). Written comments or testimony may be submitted at the hearing or sent to the attention of the City Recorder's Office, P. O. Box 326, 1924 Council Street, Forest Grove, OR 97116, prior to the hearing. For further information, please call Anna Ruggles, City Recorder, at 503.992.3235

Anna D. Ruggles, CMC, City Recorder  
City of Forest Grove

**Published NewsTimes ~ Wednesday, May 18, 2016**

## ATTACHMENT 1

### Plastic Bag Ordinance 2015 Outreach and Education Summary Prepared by the Sustainability Commission

**Outreach and Education.** The following is a list of public outreach and education we did in 2015 and in particular, since our last work group session on June 8, 2015. We will also summarize our outreach to businesses and a meeting we had with the Chamber of Commerce Executive Director and President.

- Wrote articles for *News Times, Leader*; plastic bag articles appeared about 5 times
- Wrote successful CEP grant for reusable bags
- Placed two articles regarding plastic bags on the City of FG Sustainability Commission website
- Took public comment at two First Wednesday Farmers' Markets
- Held an Open Forum at FG Community Auditorium in collaboration with CCI; 50 participants
- Discussed ordinance with Economic Development Commission on April 2, 2015; EDC expressed no opposition to plastic bag ban (but not the 5-cent charge for paper)
- Spoke with about 60 local business owners in Forest Grove regarding ordinance
- Included two informational write-ups in utility bill inserts; responded to residents who emailed after reading the inserts
- Decided on a title for the reusable bag campaign: ***City of Forest Grove-Sustainability is in the Bag!*** (overwhelming choice of survey at Farmers' Markets)
- Spoke with business owners about advertising on reusable bags
- Conducted educational effort at FG High School, including a fall survey
- Conducted outreach to Washington County, Cornelius, Hillsboro, Partners for a Sustainable Washington County Committee
- Spoke with major retailers in Forest Grove

**Proposed Change to Ordinance.** A majority of individuals and businesses in Forest Grove support a ban on plastic bags. The only major controversial piece is the proposed charge of 5 cents for paper bags. The Economic Development Commission, the Chamber Board of Directors, many business owners, and about half of the participants at the Open Forum expressed concern about the proposed 5-cent charge. In a meeting we had with the Chamber Director and President, they said that the Chamber Board was not opposed to the plastic bag ban if small businesses could avoid charging 5 cents for paper. Consequently, the Sustainability Commission took up a proposal to recommend to the City Council that the proposed ordinance be changed so that businesses with 10 or fewer full-time-equivalent employees would be given the option to charge or not to charge for paper but not be required to do so. The commission voted unanimously for this recommendation.

The commission strongly feels that the 5-cent charge for paper remain for larger businesses because use of paper is not great for the environment, and consumers need some incentive to use reusable bags. In addition, the National Grocers Association supports plastic bag bans if a 5-cent charge for paper is included.

**Summary of Outreach to Businesses.** We have contacted about 60 Forest Grove businesses about the proposed plastic bag ban. Of the 45 that have indicated an opinion, 70% supported the ban. An additional 7 have said that they might support the ban, while 6 more are still considering it. Some businesses that we contacted early on did not support the ban because of the 5-cent charge for paper, which has now changed for small businesses.

**Summary and Recommendation.** Single-use plastic checkout bags are very harmful for the environment and, as the most used consumer item, serve as a symbol of a throwaway society. The Sustainability Commission and, indeed, most residents and businesses in Forest Grove believe that it is time to enact an ordinance banning single-use bags.

We believe that we have done due diligence in providing more education and getting public input and feedback. We would like to submit this ordinance for council's approval at this time. We hope that you would consider putting this on an upcoming Council meeting.

# Attachment 2

**CITY OF FOREST GROVE  
SUSTAINABILITY COMMISSION  
COMMUNITY AUDITORIUM**

**THURSDAY, March 26, 2015 – 6:00 P.M.**

Councilor Victoria Lowe

Elaine Cole  
Deke Gundersen  
Hope Kramer  
Robin Lindsley  
Brian Schimmel  
Diane Taniguchi-Dennis  
Edgar Fausto

Dale Feik  
John Hayes  
Leslie Applegate Lanzar  
Karin Pfeiffer-Hoyt  
Mitch Taylor  
Hailey Jongeward

All public meetings are open to the public and all persons are permitted to attend any meetings except as otherwise provided by ORS 192:

→ Citizen Communications – Anyone wishing to speak on an issue not on the agenda should sign in for Citizen Communications prior to the meeting. The presiding officer will call the individual or group by the name given on the sign in form. Each person must state his or her name and give an address for the record.

All public meetings are handicap accessible. Assistive Listening Devices (ALD) or qualified sign language interpreters are available for persons with impaired hearing or speech. For any special accommodations, please contact the City Recorder, at (503) 992-3235, at least 48 hours prior to the meeting.

## **CALL TO ORDER:**

**Sustainability Commission Present:** Brian Schimmel, Robin Lindsley, John Hayes, Mitch Taylor, Edgar Fausto, Dale Feik, Deke Gundersen, Hailey Jongeward, Karin Pfeiffer-Hoyt, Diane Taniguchi-Dennis

**Absent:** Leslie Applegate Lanzar, Elaine Cole, Hope Kramer

**Council Present:** Victoria Lowe

**Staff Present:** Jon Holan, Community Development Director; George Cress, Director of L&P

**Guests:** Robert Dean, Dean Kampfer, Waste Management; Dillon Pilanget; Forest Grove leader

**REGULAR MEETING:** Chair Schimmel called the meeting to order at 6:03 PM.

**2. COMMUNITY COMMUNICATIONS:** Chair Schimmel introduced Shannon Perry from the Community School, she is here tonight to talk about a project that the Commission might want to endorse. Ms. Perry teaches Level 4 at the Community School, I'm here tonight to discuss a student initiated project from the 7<sup>th</sup> grade students called Project Citizen. The one rule we have for student initiatives are, they must affect public policy in some way, and they must become activist. Our first and second graders identified a problem; provide healthy food, food that is free for the community, to make gardens more accessible to those who don't have access to a garden. Our level 1 students identified an initiative from Austin Texas; food is free for the community not for us to eat, where students would construct raised gardens in public right-of-way. My students wanted to undertake this idea as a project here and found out from the City that they couldn't grow raised gardens in the right-of-way. My students wanted to know how

policy actually works and if they could change it to allow raised gardens or at the very least be able to grow gardens in the space without raised beds. My students heard about the Commission's Sustainability Action Plan and their work in encouraging community gardens. The students gave the project a name, Take a Bite, Please Enjoy the Food. We are asking the Commission to publicly endorse our project for growing food gardens in the public right-of-way.

Commissioner Feik made a motion to publicly endorse this project, seconded by Commissioner Lindsley. I'm excited for the opportunity to affect public policy. This is a good charter for public schools to follow. Commissioner Lindsley offered a raised garden space at the Senior Center for their project. Chair Schimmel made mention that if the Commission is making an endorsement for the Council to consider we should have member (s) present for the Council meeting to answer questions and show support for the topic. Commissioner Gundersen volunteered to be present for the Council meeting when this item is discussed. After a brief discussion the motion was changed to; the Commission supports the Community School's endeavors for the Take a Bite Food for Free program. Motioned passed unanimously.

**3. CONSENT AGENDA:** Chair Schimmel asked for approval of the Consent Agenda including the minutes. Commissioner Lindsley asked to change the wording of "manning" the (Sustainability Booth) to "staffing the booth". Commissioner Pfeiffer-Hoyt mentioned correcting the wording for the motion to only retile the Social Equity Plan to Social Equity & Environmental Justice Plan and not changing the Plan. Commissioner Pfeiffer-Hoyt made a motion to approve the Consent Agenda including the edits to the minutes. Commissioner Feik seconded the motion. Motion passed.

#### **4. PUBLIC MEETING:**

**a. Plastic Bag ordinance:** Commissioner Hayes began the public meeting by presenting a summary of activities to date. The Commission gave Mr. Holan the ordinance to be formatted for suitable review and presentation to City Council. The language of the proposed ordinance is very similar to other city's adopted ordinances.

The Forest Grove ordinance prohibits the use of single-use carryout plastic bags at retail establishments, any city facilities, city managed concessions, city sponsored events and /or city permitted events. It does not prohibit their use for carrying out nuts and bolts at Ace Hardware. It does not prohibit the use for plastic bags for items that are wet, for carrying flowers, produce, meats, fish, pharmacy prescriptions and other similar items. The ordinance requires charging \$.05 for a paper bag and we encourage the use of recyclable bags.

In lieu of a formal staff report, Mr. Holan handed out comments that were received today by Councilor Lowe from a Mindy MeBane from the American Progressive Bag Alliance. She expressed some concerns about the ordinance. I received comments concerning the required pass through costs, are these costs appropriate, prevention of using a plastic bag should be sufficient. Mr. Holan, typically the City usually doesn't impose a requirement on a business unless it involves the use of a public right-of way or similar item. Other comments received concerns the potential impact at the Farmers Market. Mr. Holan asked Commissioner Pfeiffer-Hoyt to check with Adelante Mujeres if they had comments concerning service issues for their farmers.

**Public Testimony:** Chair Schimmel asked for comments from members of the audience. Joanna Hilderman offered her support for the ban and use of reusable bags.

Dean Kampfer from Waste Management wanted to introduce himself and stated he wanted to work with the City. Mr. Kampfer did not offer any testimony.

Robert Dean, resident, thought the recent newspaper article in the Forest Grove Leader was slanted in favor of the ban. Mr. Dean expressed his concern over the Commission voting on the ordinance before any public testimony was given. He felt it was presumptuous for the Commission to vote to recommend the ban on to the City Council. Pass the bill before you know what's in it. I will wait to provide more testimony at Council hearing. Commissioner Feik, what is it you don't like, is it the process, lack of public comment or the ban. Mr. Dean, I'm opposed to the ordinance for lots of reasons.

Commissioner Hayes, we will forward the comments on to the Council that we hear tonight. Mr. Holan, based on the testimony you hear tonight, you may want to change the ordinance. Commissioner Pfeiffer-Hoyt, will the Council take public testimony or offer a hearing on the ordinance. Mr. Holan, the process moving forward is similar to the tobacco ban. Before a formal submission, the Council would like the ordinance to go through a vetting process by the Commission. Part of the vetting process is to take public comment.

Commissioner Feik asked Mr. Dean why he's opposed to the ban. Mr. Dean, going to the store you have a choice of bags; this ordinance would limit that choice. I personally use paper bags. What research have you done, have you talked to any volunteers who pick up trash, have you talked to the waste haulers on how much volume or space do plastic bags take up at a landfill, not very much. A ban would affect everybody in this City, young or old; I think this ban is an overreaction, everybody uses plastic bags. I used live in a small town and I volunteered to pick up trash. I don't remember picking up a lot of plastic bags, the one thing I did find out was, who the popular take out restaurant is in town. How many plastic bags per mile do the folks who clean up the public beaches find, I think this is an overreaction.

Chair Schimmel asked for group discussion. Commissioner Hayes, plastic bags are not a dominate mass in landfills. Plastic bags require less energy than paper bags to make. We ought to recommend using reusable bags. The ordinance requires merchants to charge for paper bags this encourages folks to use reusable bags. Plastic bags clog up recycling machines and cause problems for recyclers. People do throw out plastic bags and the wind blows them around, they blow all over the place. I fish on the Columbia and Willamette Rivers and find plastic bags floating on to the ocean. There are environmental reasons to enact the ban, we as a community need to send a message about the environment. It sends an example about our concerns for being a throwaway society.

Commissioner Feik, there are concerns over protection for marine life. Plastic bags are a major concern. Commissioner Lindsley, plastic bags around young children are a hazard. Eliminating plastic bags are one way of eliminating chemicals in our society. Commissioner Feik, maybe I have to change my behavior for using plastic bags for garbage containers and other uses around

my home. Group discussion brought up the issue of decomposing plastic disposable wipes. Commissioner Taniguchi-Dennis, this is a philosophical choice, it requires a mind shift for how we want to live on this planet. Individuals have choices to make; we use more resources on this earth than any other society. We need to have these discussions on impacting the environment; these are all choices we have to make.

Councilor Lowe, I would like to mention the opportunity for an educational example. I lost a family member to a death caused by a plastic bag. I'm very sensitive to this issue. Any Tupperware that you bought is still in existence. Marketing efforts by companies to buy plastic is over whelming. You have to take a step to realize your own behavior in using plastic bags. Maybe that next step you make you may not decide to use a plastic bag. I support this effort.

Chair Schimmel asked Mr. Holan is there a schedule for the Council to decide on this ordinance. The Council is currently busy with the City budget and other issues; they may have room on their schedule in May.

Councilor Lowe, made an additional comment on the price question, should the requirement for charging for the bags be a must. I have a problem as a Councilor mandating someone to charge for something. We don't mandate charging for things, normally only for fees or fines. I'm concerned over the requirement for the charge for the bags. Commissioner Hayes, other communities have required the charge. In Ireland they mandated a charge at checkout which is much higher than \$.05. They didn't think it would work but it works well, they have reduced the amount of plastic bags in their society. If we don't require a charge you lose the incentive to use recyclable bags and I'm not in favor of this ordinance without a charge.

Chair Schimmel, I'm not a fan of plastic bags, I'm concerned over the added cost to low income people that worries me. I would support getting reusable bags out into the community. I don't want anything to onerous to low income folks. Mr. Dean offered a further comment about killing trees to make paper bags, companies use pulp and chips to make paper. Tree farms grow trees specifically for making paper, it all a matter of economics.

Commissioner Gundersen, Costco uses cardboard boxes instead of bags and it works well.

Commissioner Feik made a motion to move the ordinance banning plastic bags forward for approval by City Council. Chair Schimmel asked for further discussion, hearing none closed the hearing.

## **5. PRESENTATIONS:**

**a. RETITLE SUSTAINABILITY PLAN TOPIC AREA:** Chair Schimmel, at the last meeting there was a motion to retitle the Social Equity Plan. Commissioner Feik made the motion to change the Social Equity Plan to Social Equity & Environmental Justice Plan. Commissioner Lindsley asked why should there be a retitle to the Social Equity and not Natural Resources. Commissioner Pfeiffer-Hoyt, the Social Equity subcommittee met to discuss the proposed language to Social Equity Topic Area and additional target area for a "Good Neighbor Agreement". This target area would be for companies willing to commit to emission standards.

I feel the Environmental Justice might be better suited to natural resources than to the topic area of Social Justice. Environmental justice is not specific enough to address social inequities.

Chair Schimmel, Commissioner Feik made a motion for the Commission to approve an amendment to the Action Plan. I want to get the motion out on the table for making a decision. Commissioner Feik, I feel the environmental justice equity impacts low income folks more. I have a concern about incorporating a good neighbor agreement in this topic area. You have to have a group that is powerful enough that can negotiate with an entity like an Intel that is damaging the environment. I question if the Commission is that group that can take on causes like this. Chair Schimmel, do you want the subcommittee to take another look at this issue again. Commissioner Feik, I'm not in any big hurry to take a vote on this now.

Commissioner Pfeiffer-Hoyt will take it back to the subcommittee for review. The subcommittee would like to propose a change to Target Area 1d. of the Social Equity Plan to read:

Target Area 1: Support equitable access to opportunities, civic engagement, and the distribution of resources.

a. Target Area 1d currently states: Improve access to affordable health care by supporting the marketing of local health care services such as the Virginia Garcia Memorial Health Clinic. Replace with: Prioritize and integrate equity in city-wide decision-making, budgeting, and programs.

b. Action: Annual review of City actions in terms of social, environment and economic factors.

Commissioner Pfeiffer-Hoyt made a motion to approve the changes to the Target Area 1d as stated above in the prior paragraph. The motion was seconded by Commissioner Lindsley. Vote taken, motion passed to recommend amending the Plan and submitting the changes to City Council. Mr. Holan will submit the the proposed changes to the Plan for Council approval.

Commissioner Taniguchi-Dennis made comment as to her support of Commissioner's Feik comments regarding the Good Neighborhood Agreements. We need to focus on outcomes.

**6. SUSTAINAINABILITY PLAN TASKS:** Chair Schimmel, last meeting we assigned leads for each Topic Areas. We have this time scheduled for members to report on any activity since the last Commission meeting.

**Energy Conservation & Green Building:** Commissioner Hayes, no activity,

**Materials Management:** Mr. Holan announced that Commissioner Lanzar has resigned from the Commission, Commissioner's Kramer & Cole are absent from the meeting,

**Natural Resources:** Commissioner Gundersen, I've been working with a Pacific University student who's working on restoration projects in the Forest Grove area. I've produced a spreadsheet with the projects and I will make the list available to Mr. Holan for distribution to members.

**Transportation:** Commissioner Jongeward, I've met with Out Door Pursuits from Pacific University to discuss their activities and will meet with them again after spring break on how we can involve the community with the bike program.

**Food:** Commissioner Fausto, I wrote my first column for the News Times spotlighting Jerry Anderson a local master gardener. Commissioner Lindsley, I got a letter from the lunch lady and cook at the visitation school. They are interested in building a greenhouse for a school garden. We are interested in getting free food to the local schools from leftover food from the Farmers Market. Again we are refurbishing the raised beds at the Senior Center.

**Social Equity:** Commissioner Pfeiffer-Hoyt, our Pacific University student is graduating in May so we are working on a replacement. We are also working on a community summit to be held in May. We are inviting the Latino community to come and share their ideas we want them to identify barriers and discuss their needs for what they would like to see. Prior to the summit we'll be meeting with women in the adult education program from Adelante Mujeres. They will be part of a small focus group to discuss ideas from the Latino community.

**Sustainable Schools and Education:** Chair Schimmel, in late January a group of us met with John O'Neil and the school district to get them on board for forming a partnership for sustainability projects. The district is going to give us a list of teachers and programs so we can develop a baseline of what's available. Also, we've been working with Don Schweitzer from Pacific University to identify a student to work with and the administrative process for selecting a student to work with us. In the next couple of months our objective is to develop a baseline that we would propose to the school district that is cost neutral that can enhance what they're already doing. We want to offer an alternative that's better to what they already have for developing a curriculum and a plan for supplies and human resources by August in time for the next school year.

Chair Schimmel I wanted to give Commissioner Gundersen some time to give his thoughts on what we do here as a commission. Commissioner Gundersen, after meeting with Don Schweitzer, I've asked Chair Schimmel for some time to discuss my ideas on sustainability. When the Commission first formed I made a request for members to provide their definition of sustainability; that was not what I really wanted I wanted the dialog to be on major environmental problems. Commissioner Gundersen presented a brief power point asking the questions how sustainable are we, and the relationship of the economy, society and the environment and it fits for Forest Grove. What is it going to take to change people's ideas on the environment, what are the things that are practical for change I want to generate discussion on these environmental problems. Mr. Holan will save the presentation and provide the slides via email to the Commission.

Commissioner Taniguchi-Dennis liked the presentation, I think Forest Grove is the right size to try the principals of sustainability. I believe we are in a funnel we are going to hit the wall with climate change and peak oil. The question is; how does Forest Grove stay ahead of the funnel. I'm a natural step believer, I can help develop strategies in dealing with this.

Commissioner Schimmel, these are important topics I would like members to be prepared to deliberate on at future meetings.

Commissioner Lindsley introduced the book 10 Ways for Sustainable Happiness.

**7. CEP GRANT REQUESTS:** Chair Schimmel asked Mr. Holan on the timing for the program. Mr. Holan, it's my understanding that Metro is still working through some issues. I will keep the Commission informed as to any progress. Chair Schimmel asked members for projects. Commissioner Hayes would support a grant request for purchasing reusable bags. Commissioner Lindsley, I would support a grant for the planting and gleaning program. We need to develop a model for planting more fruit and nut trees. Chair Schimmel a potential for sustainable schools. Commissioner Lindsley, a potential project to provide solar panels for the Senior Center.

Chair Schimmel, let's talk more on this at a future meeting, it looks like we have some more time to work on this.

**8. STAFF UPDATE:** Mr. Holan introduced Dean Kampfer from, Waste Management. Mr. Downey has been meeting with Waste Management and Nature's Needs in North Plains. There is a problem with Nature's Needs being located outside of Metro. We are working to solve that problem. Another matter is the cost per ton to deliver to North Plains, \$15 per ton to Corneilus versus North Plains at \$40 per ton. White Paper is being developed to look at these issues. We are working through the budget process for funding staff.

**9. COUNCIL LIAISON:** Councilor Lowe, I participated in the planting of 2700 trees at Fernhill Wetlands in the rain. Good job by Clean Water Services. August 22, Birds and Brew; come on out and help the Wetlands. Metro purchased a parcel of land near Gaston for more bird and critter habitat.

**10. COMMISSIONER COMMUNICATIONS:** Commissioner Hayes asked for public document that list the meeting dates for the Commission. Mr. Holan will get that information along with time sensitive issues. Commissioner Pfeiffer-Hoyt mention the CSA ad for the Salsa Share an upcoming event.

**11. Future Agenda Items:** Chair Schimmel, next meeting we will discuss Topic Areas as well as major environmental issues that Commissioner Gundersen introduced. **NEXT MEETING:** Next meeting will be held on April23, 2015

**12. ADJOURNMENT:** The meeting was adjourned at 8:04 P.M.

Respectfully Submitted  
George Cress, Director  
Light & Power  
Folder 5.1

This page is intentionally blank.

# **Attachment 3**

**Written Comments from Table Discussions**

**and**

**Voting Results**

**From**

**Plastic Bag Forum**

**September 2, 2015**

## PLASTIC BAG FORUM

### Written Comments From Table Discussions

September 2, 2015

“What I believe about the ban is that it will make people more thoughtful about their use of plastic.”

Make me ... “More thoughtful and less of what is easy for me.”

There is no “away”. We are all on this planet, and so is our trash.

The bigger point here is to get people thinking about when there are no harmful disposables.

Is my small convenience worth billing or harming other lives?

Don't kill my future.

Concerned about adding 5 cent addition. Make change would be a problem. A nickel would upset their sale. Making change would be difficult.

Jerry: Ambivalent

Lisa: Uses recyclable bags. Resource conserve. Would do it if she could.

Chips come in a bag. Why do I need or; wants to see it reduced blight or landscape. Gales Creek.

Charlie: Works for environment One Grassroots

It would be good to make the reusable bags from sustainability commission voluntary or optional, recognizing that many people have multiple reusable bags.

Plastic bags still are around when there's a ban.

Not a huge impact but a great way to raise awareness about plastic use.

Plastic is made from non-renewable resources; paper is made from renewable sources.

Until the plastics industry addresses the recycling issues, we need to change our practices.

We need to consider the dense mess of plastic that is threatening our ocean and our future. We need to take steps to deal with all plastics. McMinnville is here to observe because citizens are interested in doing that.

From Hawaii and ship yard worker - lots of other plastic in ocean as well as bags. Interesting—reusable are best of two evils but need to reduce all waste and educate.

Consider there are other alternatives in addition to plastic versus paper. Need to think more broadly about options for carrying groceries in any type of disposable container.

The number can be reduced.

Don't want government legislating our use of bags. Where does the 5 cents for paper go? To grocer or government?

For and against.

Ok to ban. Not a big deal.

Too much government. People should have a choice. Would hurt local business.

What about an ordinance requiring retailers who distribute plastic bags to provide pick up for recycling? Bins or curbside.

Just ban them. Get creative with other options. Reduce, reuse, recycle.

Can Waste Management provide recycle option for plastic films of all sorts? Curbside or take it there?

Would be a non-issue if plastics were made from bio-degradable hemp.

Boy Scouts: Carry in – carry out. Leave, no trade.

Survey households by way of utility bills. Ask PU if they will conduct an environmental study of the impact of plastic bags.

It's a start of a much larger problem.

Do not like charges for options.

Want a bag that is: Robust, handled, prevalent, cost neutral, autonomous.

Want to get groceries out of car into house in rain without bag failure.

Do not want city to increase my grocery bill.

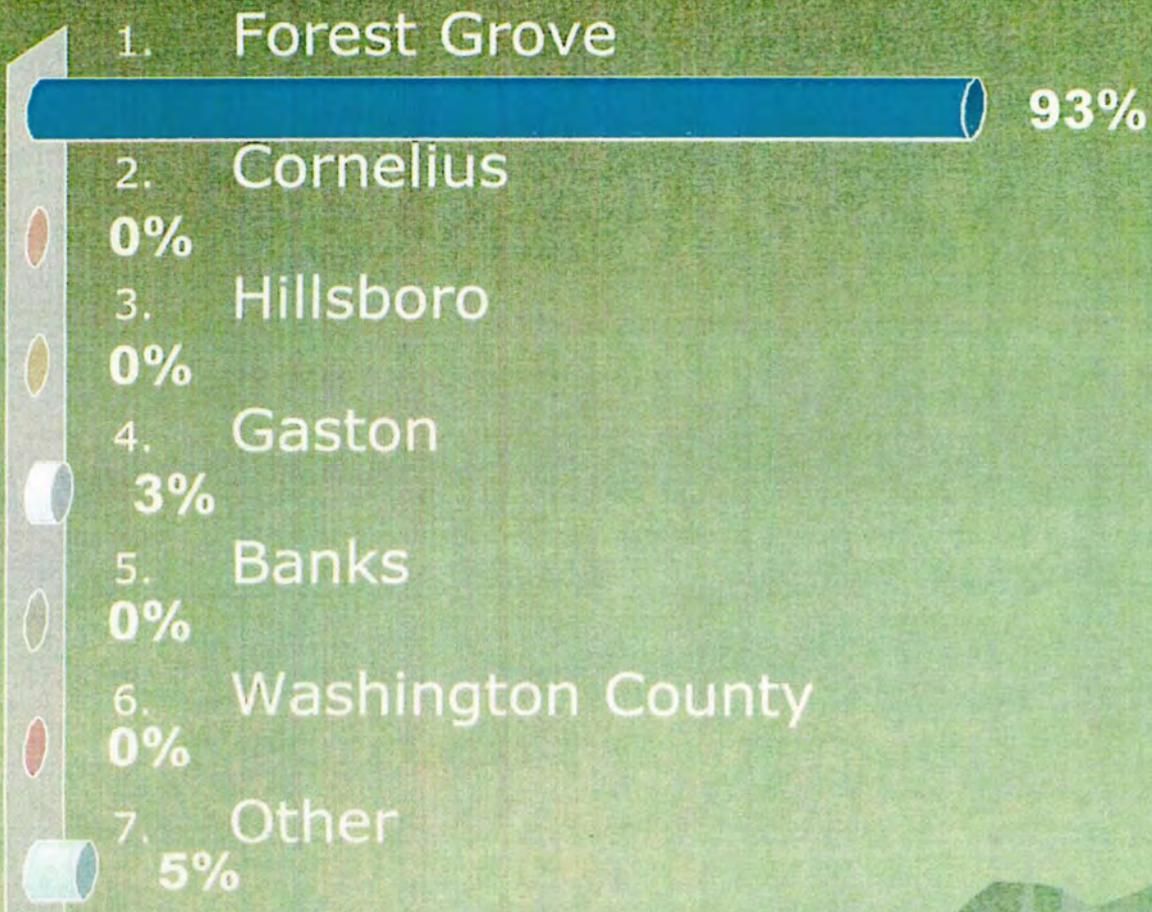
Out of control of voters because the Council wants it.<sup>9</sup>

**Voting Results**  
**From**  
**Plastic Bag Forum**  
**September 2, 2015**

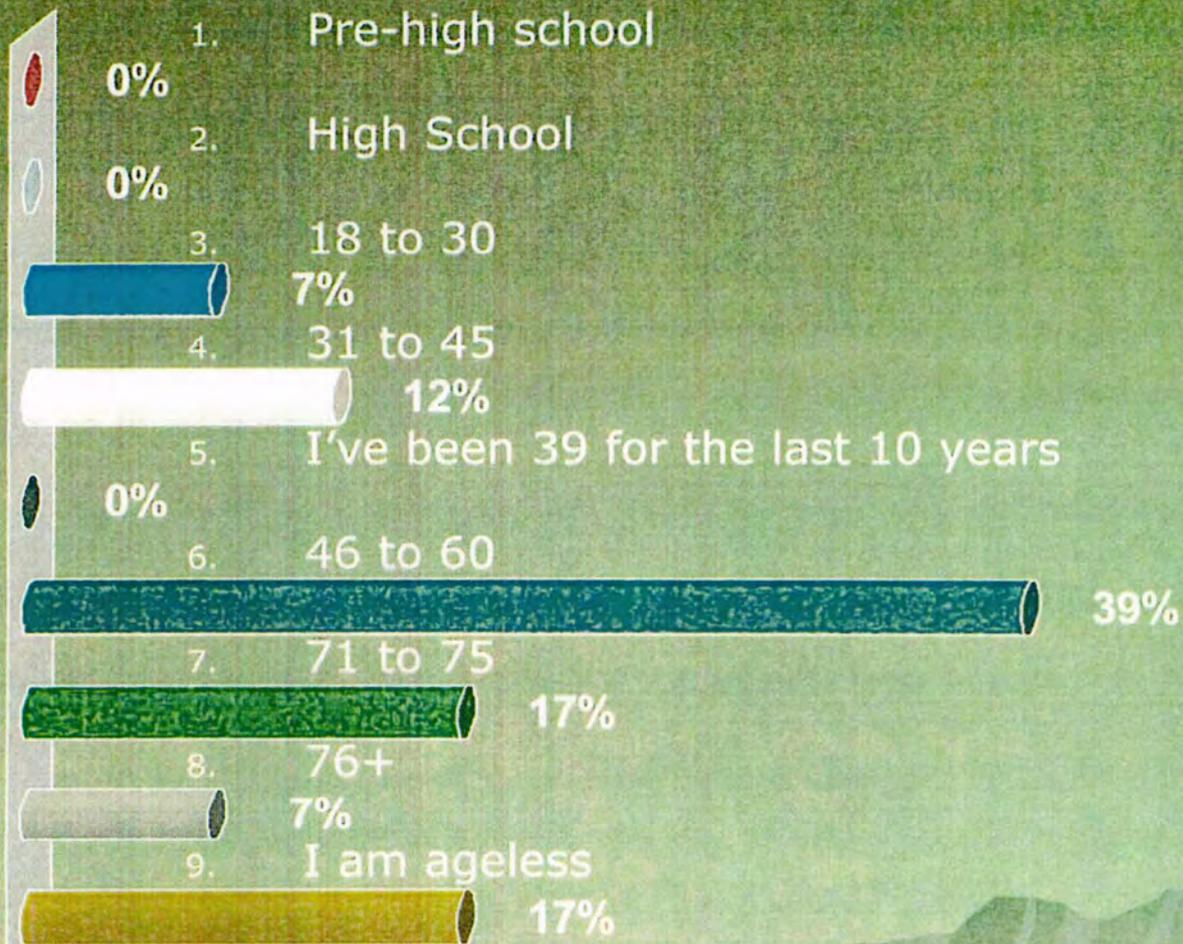


Plastic Checkout Bag  
Ordinance Forum  
September 2, 2015

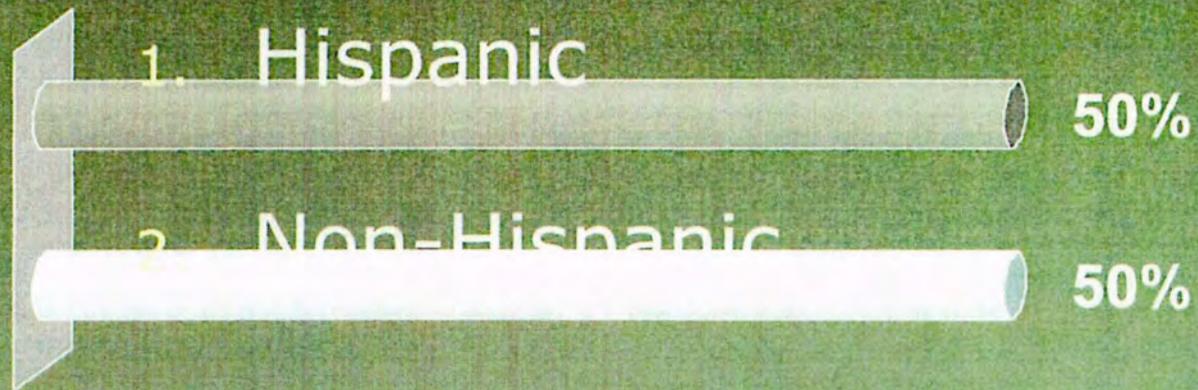
# 1. Where is your primary residence?



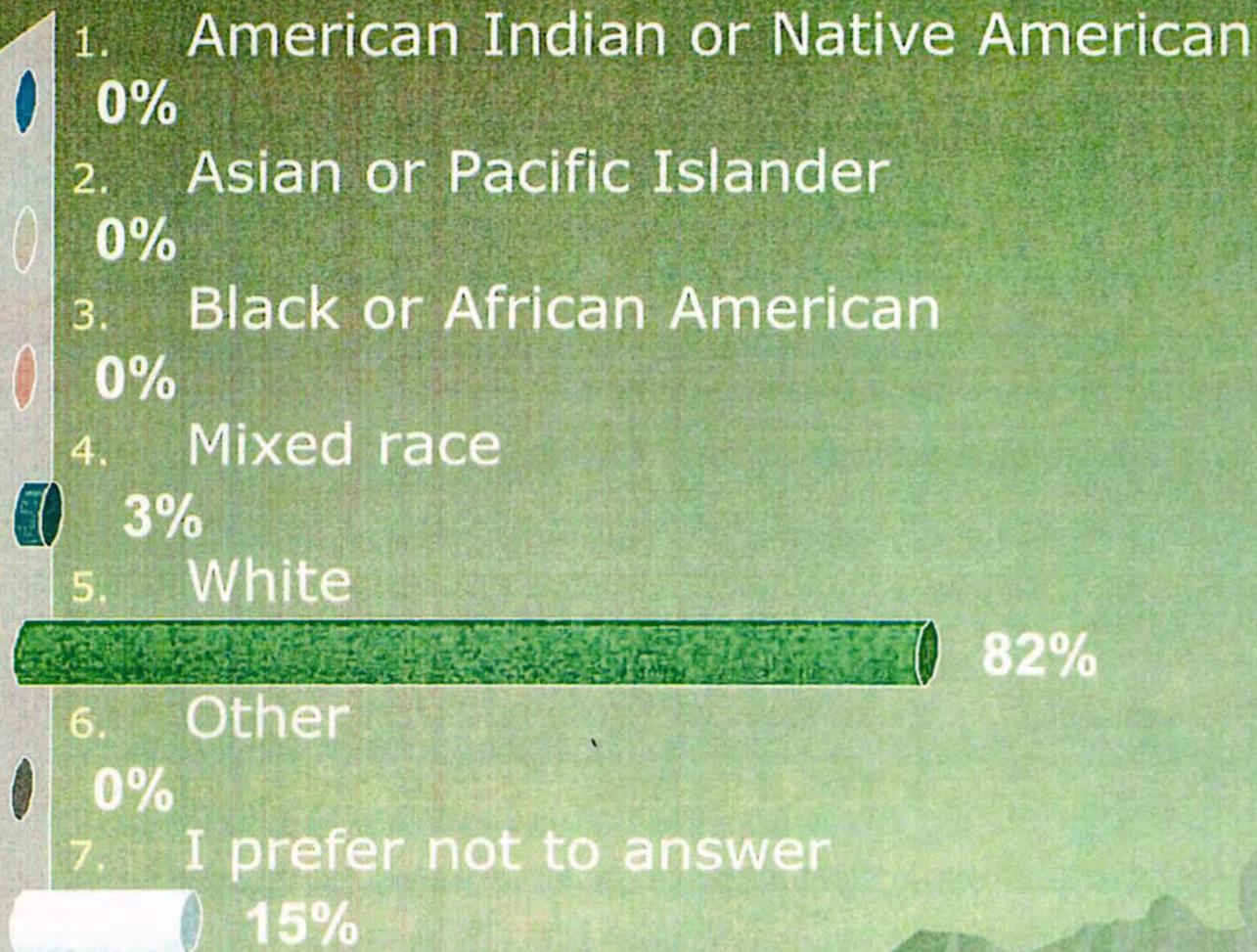
## 2. In what age range do you fall?



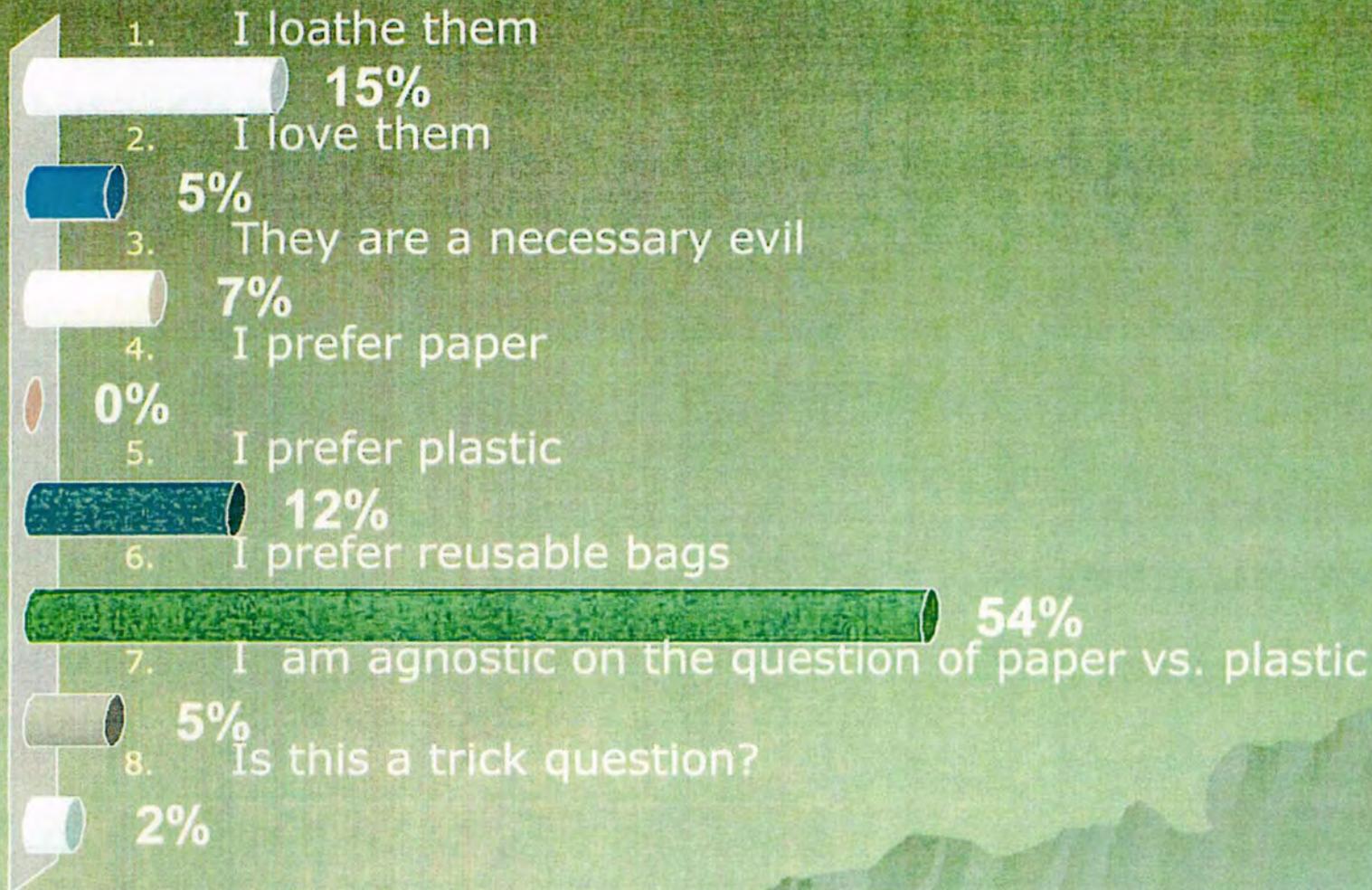
### 3. How would you describe your ethnicity?



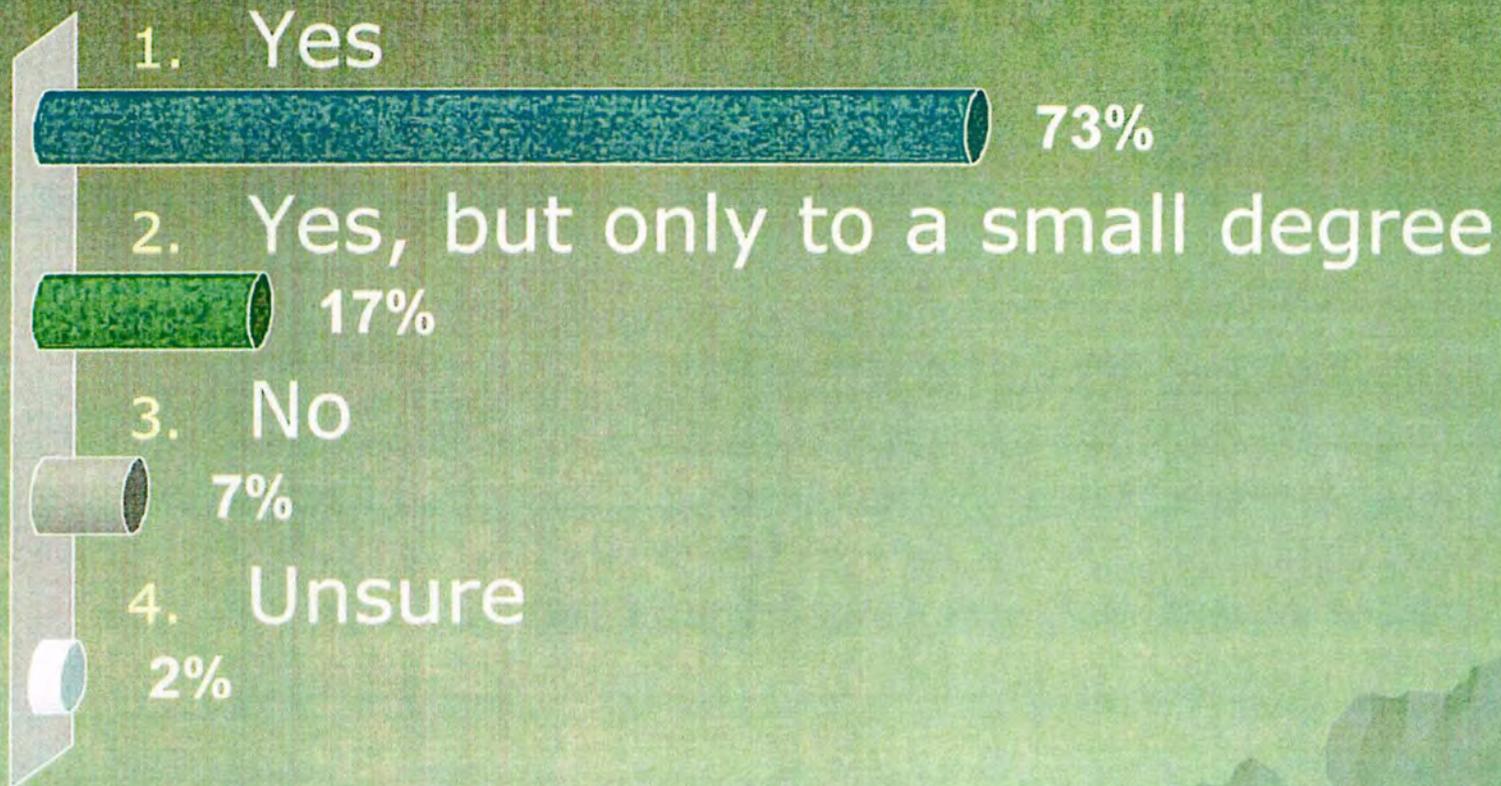
## 4. And your race?



## 5. What are your feelings about plastic checkout bags?



## 6. Do you believe plastic checkout bags are harmful to the environment?



7. Considering the full lifecycle (natural gas drilling/tree harvesting, manufacturing, transporting, using, disposing, recycling rates) which do you think has the more adverse impact on our environment?

1. Paper checkout bags



2. Plastic checkout bags



3. Both about the same

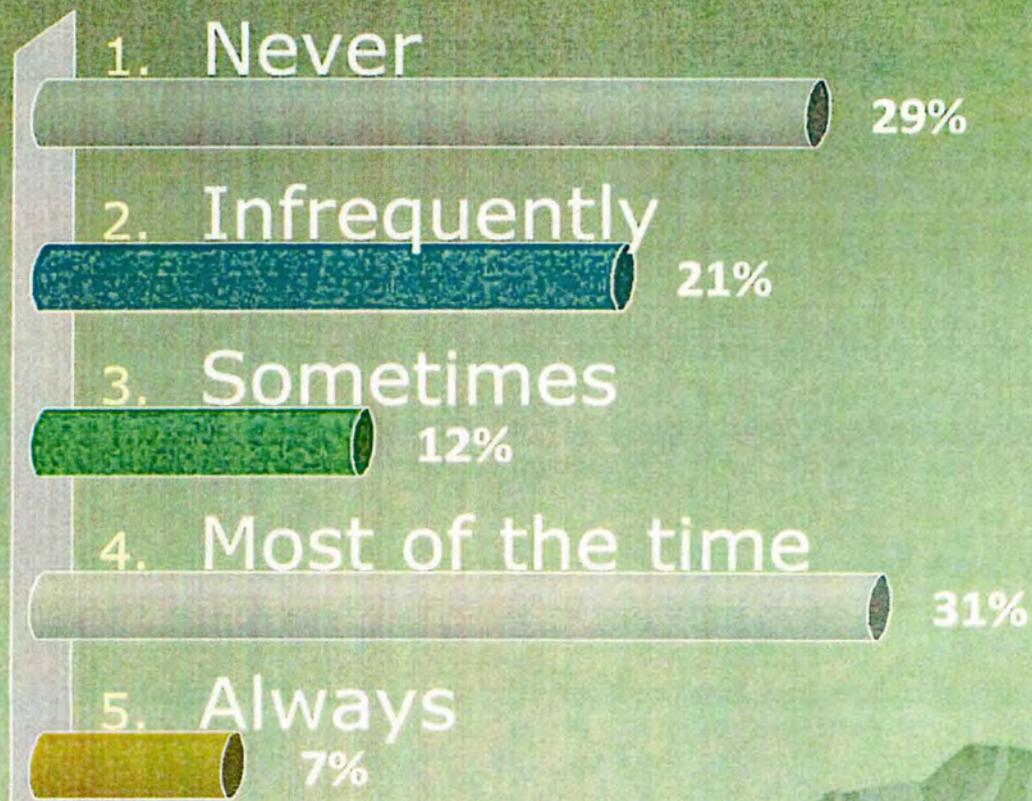


4. Unsure



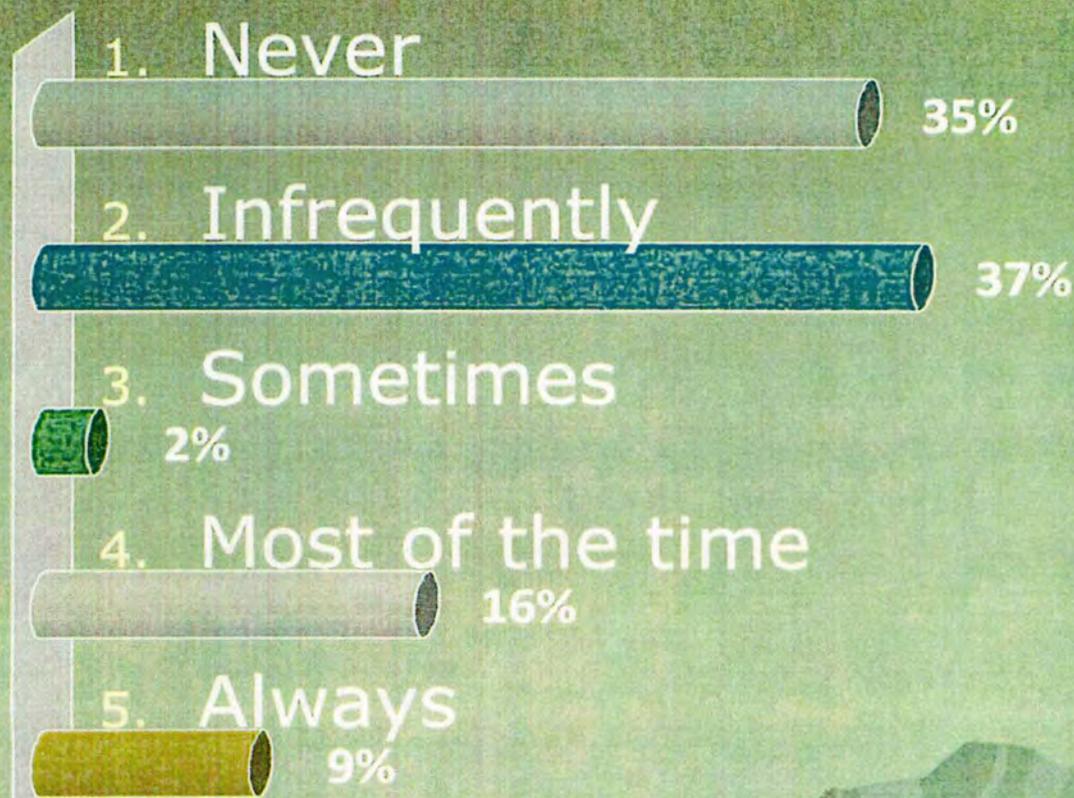
## 8. Paper vs. Plastic:

When at the checkout counter, how often do you choose paper (if it's available)?



## 9. Paper vs. Plastic:

When at the checkout counter, how often do you choose plastic?

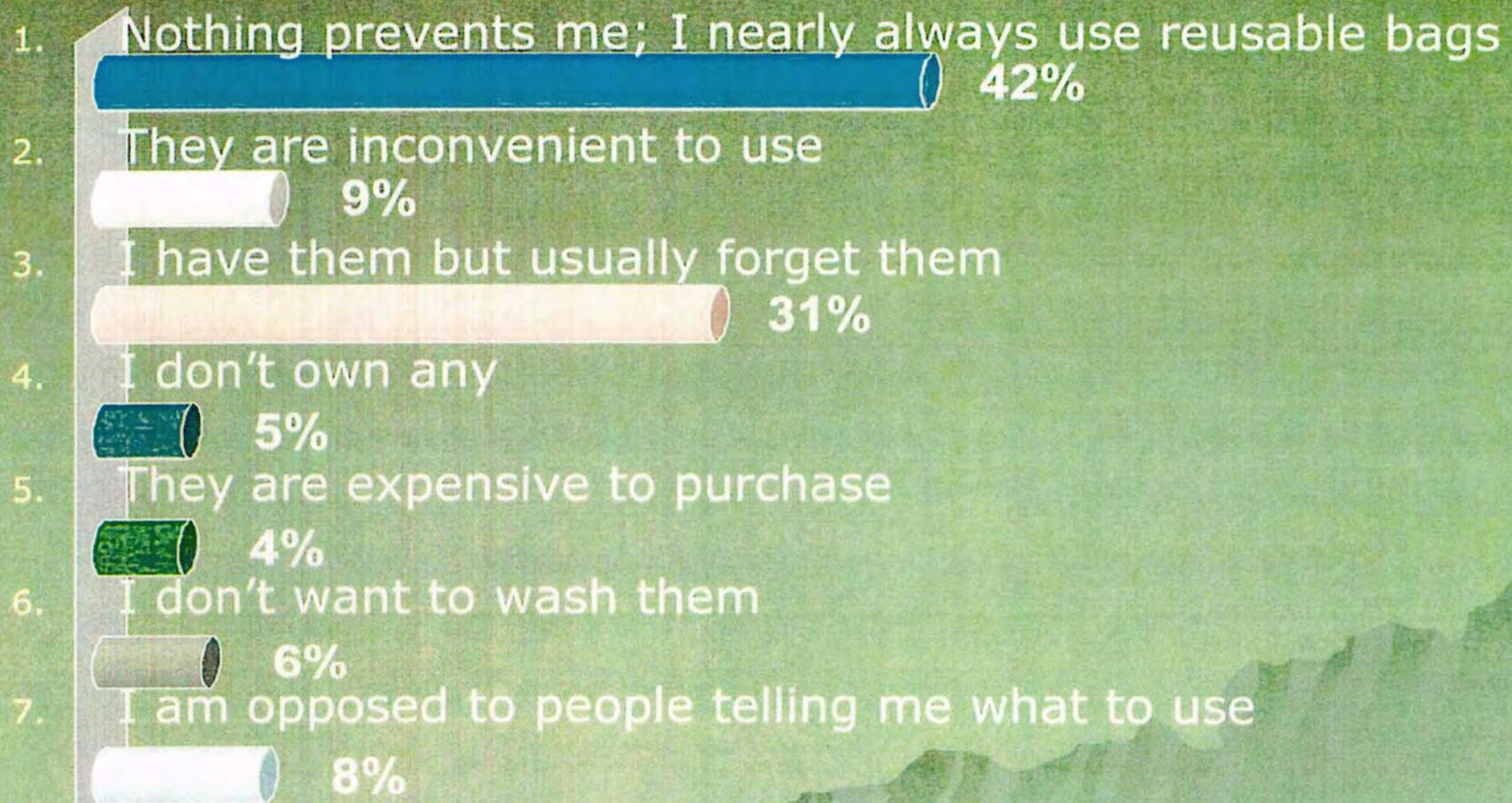


## 10. Paper vs. Plastic:

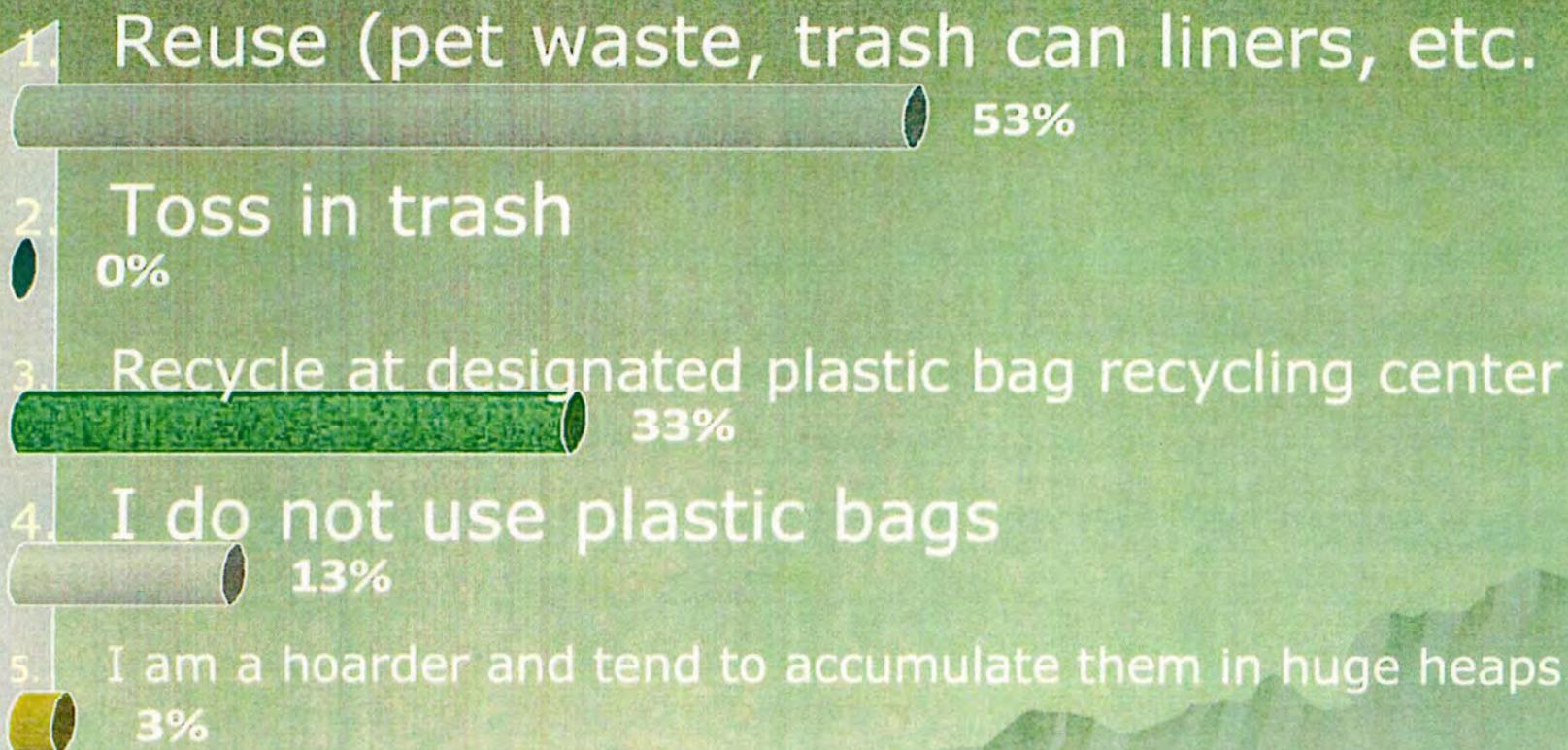
When at the checkout counter, how often do you choose a reusable bag?



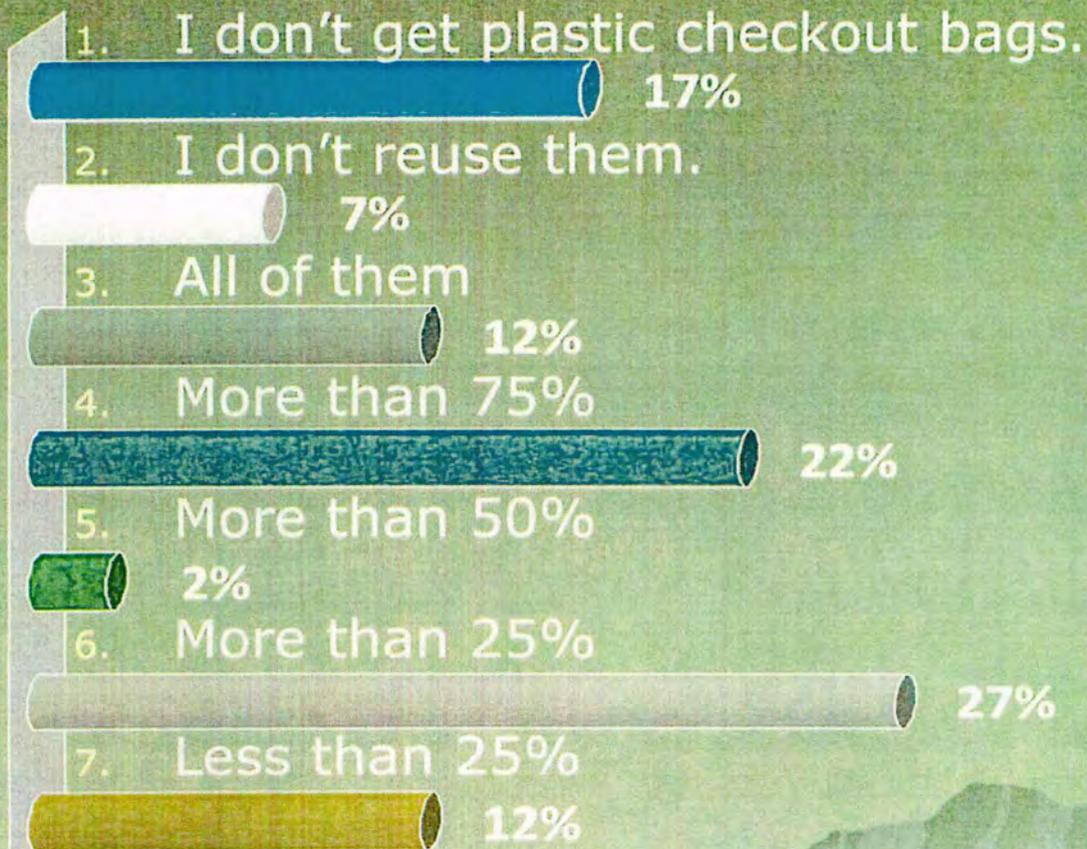
# 11. What, if anything, prevents you from using reusable checkout bags when shopping? (choose up to 3)



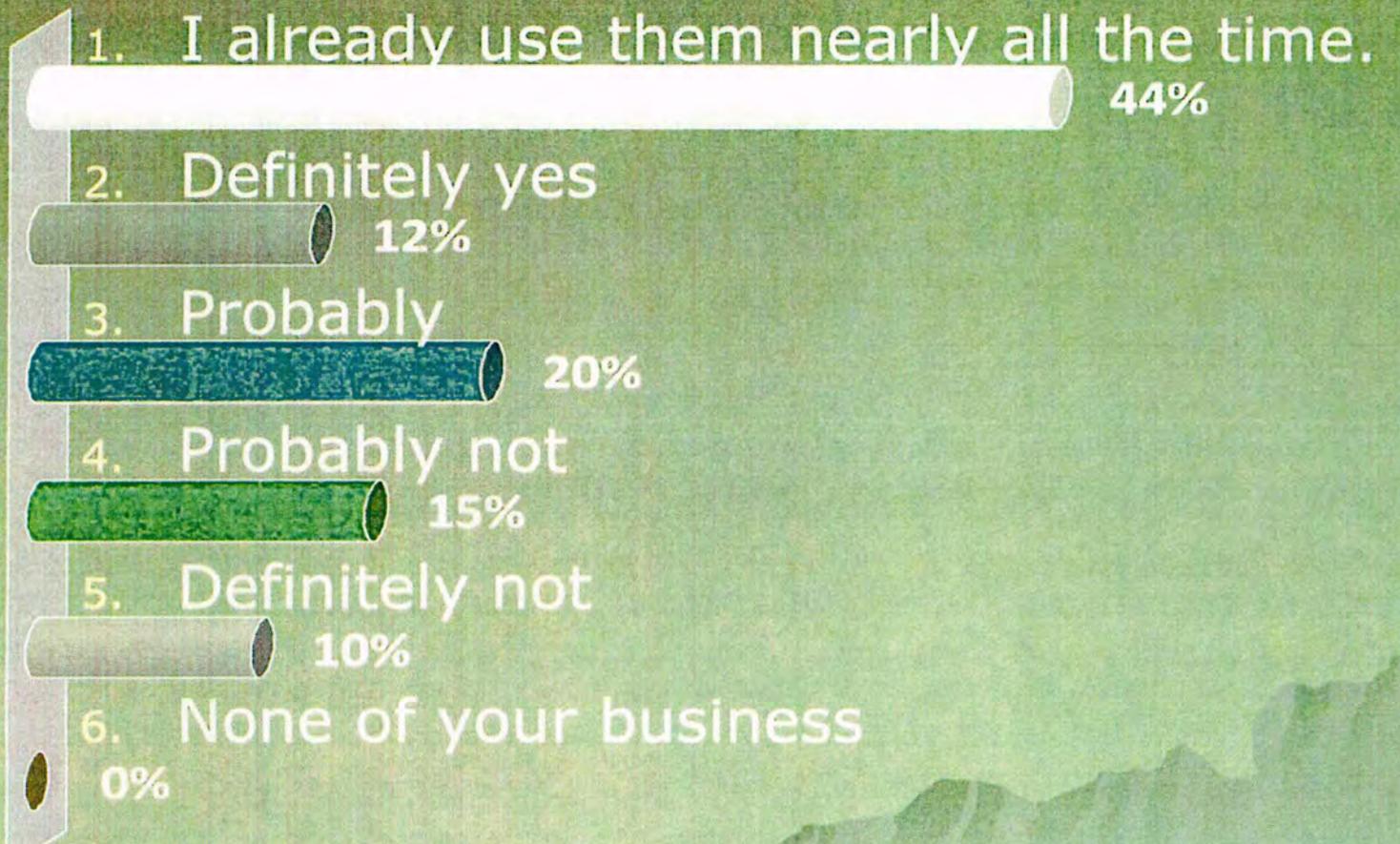
## 12. If you use single-use plastic checkout bags, what do you do with them afterwards?



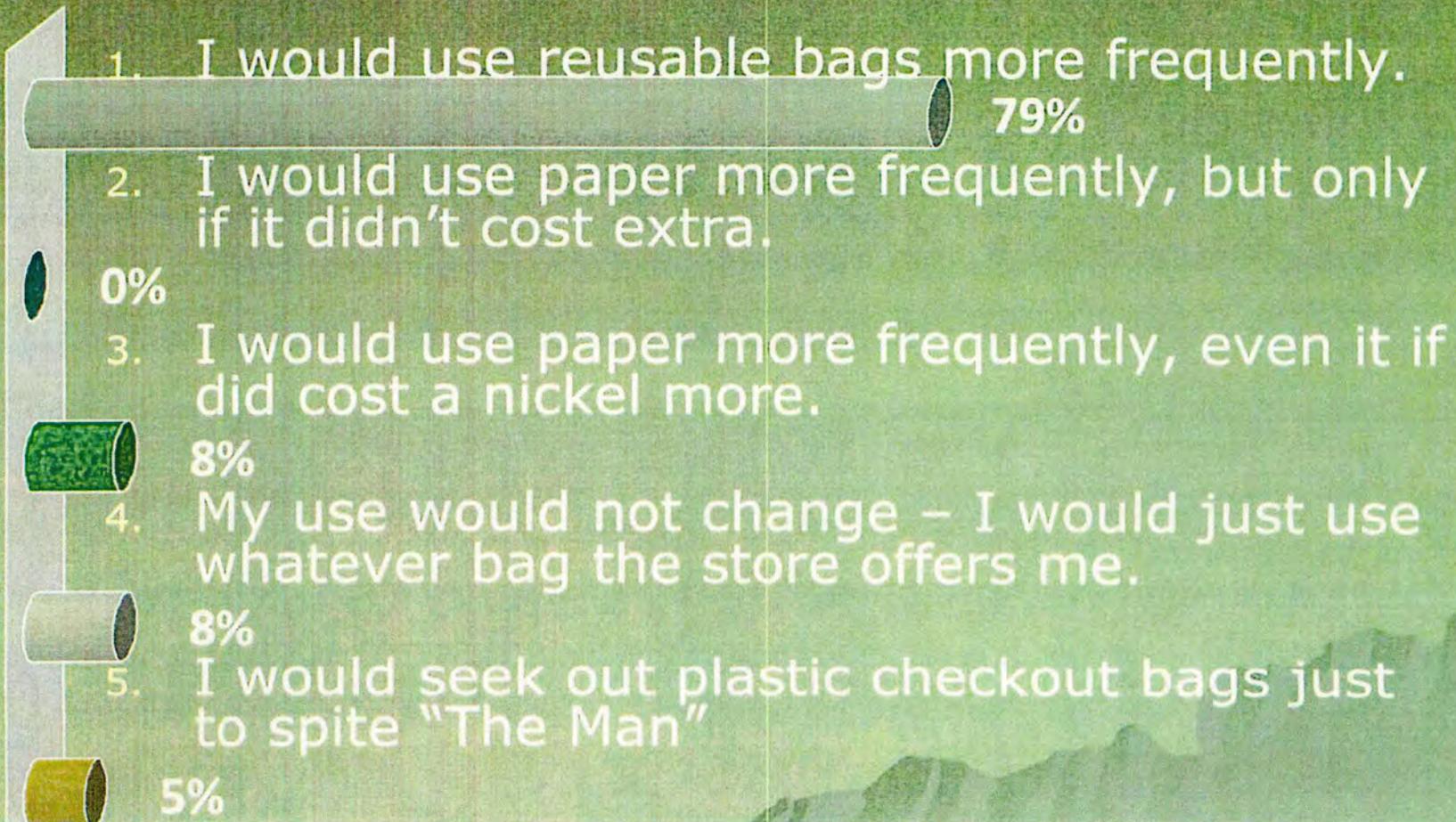
13. If you routinely reuse them, approximately what percent actually get reused? Now, come on, be honest...



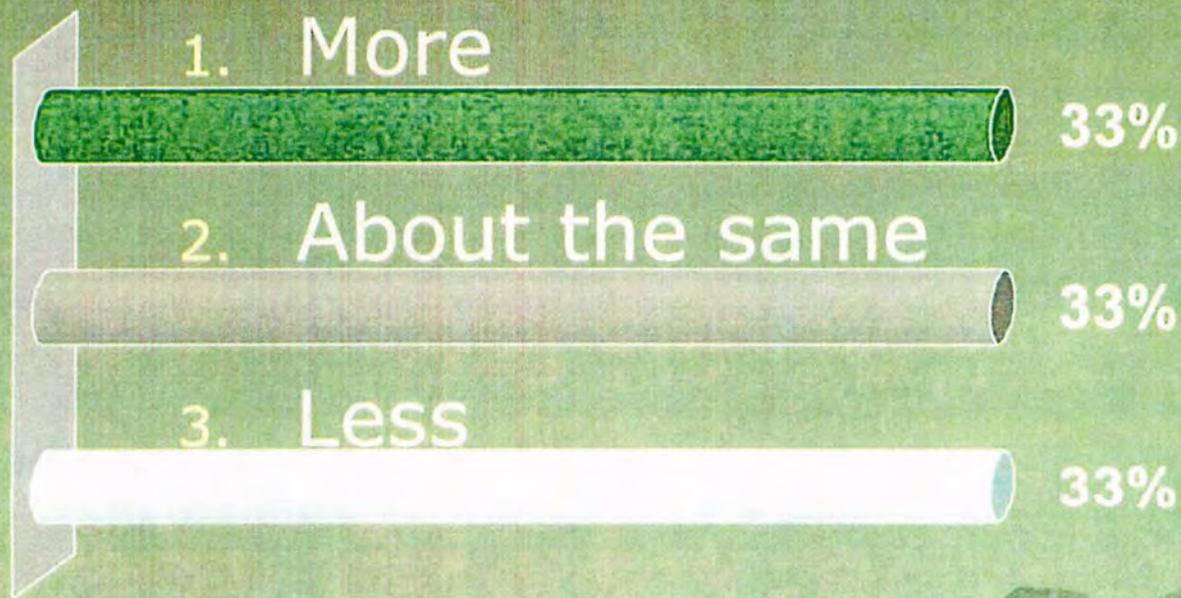
14. Assuming for a moment that Forest Grove does NOT enact a plastic checkout bag ban, would you use reusable bags more frequently in the near future?



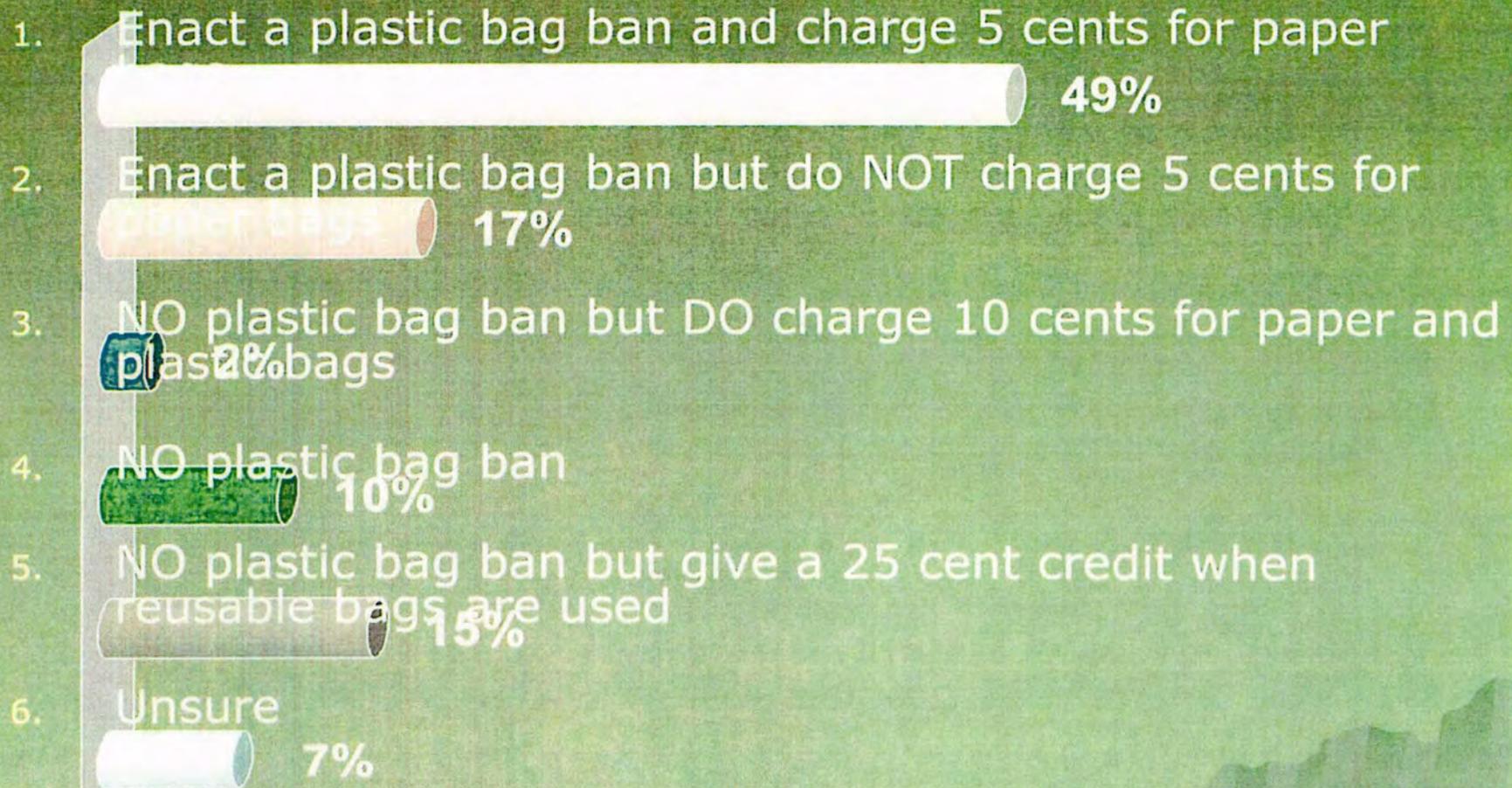
# 15. If Forest Grove enacted a plastic checkout bag ban, how do you think your use of checkout bags would change?



16. If Forest Grove enacted a plastic checkout bag ban, would you be more or less inclined to shop in Forest Grove?



# 17. What should Forest Grove do?



## 18. Did you find this forum useful?



This page is intentionally blank.

## Plastic Bag Bans and Charges in the United States

| City or County                  | State | Area Affected | Policy | Enforcement Date | Paper Bag Fees                     | Details  | Population    |
|---------------------------------|-------|---------------|--------|------------------|------------------------------------|--|---------------|
| Bethel                          | AK    | City          | Ban    | September 2010   | No fee mandated.                   | This ban does not apply to biodegradable bags, but does apply to foam containers. Environmental coordinator Bernard Murran has been quoted as saying, "(When) women go pick berries or wild greens, they encounter many of these plastic shopping bags across the tundra." Anchorage Daily News quotes advocate Kathy Hanson as saying, "It's throughout our food chain now. It's in the bottom of the Pacific Ocean, it's in the plankton." | 6,371         |
| Hooper Bay                      | AK    | City          | Ban    | July 2009        | No fee mandated.                   |  | 1,093         |
| Various Alaskan Villages        | AK    |               |        |                  |                                    | Concerns about the damage plastic bags were doing to rivers, wildlife, and the broader landscape led the villages of Galena, Kotlik, and Emmonak to ban the bag. News reports indicate that at least 30 Alaskan villages have done so.   | not available |
| Bisbee                          | AZ    | City          | Ban    | April 2014       | 5c                                 | Of the five cents charged per bag, stores keep some to recover costs and remit the rest to the city. The city will use its portion of the fee to cover costs for reusable cloth bags, to support the city's recycling program, and to educate residents on recycling.  | 5,498         |
| Alameda City                    | CA    | City          | Ban    | January 2013     | 10c                                | Covered under the Alameda County ban.  | 75,641        |
| Alameda County                  | CA    | County        | Ban    | January 2013     | 10c                                | Alameda hopes it will reduce the costs of cleaning up litter and unclogging storm drains, amounting to \$24 million a year.  | 1,554,720     |
| Alameda County (Unincorporated) | CA    | County        | Ban    | January 2013     | 10c                                | Covered under the Alameda County ban.  | 132,409       |
| Albany                          | CA    | City          | Ban    | January 2013     | 10c                                | Covered under the Alameda County ban.  | 18,969        |
| Arcata                          | CA    | City          | Ban    | February 2014    | 10c (starting August 2014)         |  | 17,726        |
| Arroyo Grande                   | CA    | City          | Ban    | October 2012     | 10c                                | Covered under San Luis Obispo County ban.  | 17,543        |
| Atascadero                      | CA    | City          | Ban    | October 2012     | 10c                                | Covered under San Luis Obispo County ban.  | 28,814        |
| Belmont                         | CA    | City          | Ban    | April 2013       | 10c (rises to 25c in January 2015) | Adopted San Mateo County ordinance.  | 26,491        |
| Berkeley                        | CA    | City          | Ban    | January 2013     | 10c                                | Covered under the Alameda County ban.  | 115,403       |
| Brisbane                        | CA    | City          | Ban    | April 2013       | 10c (rises to 25c in January 2015) | Adopted San Mateo County ordinance.  | 4,282         |
| Burlingame                      | CA    | City          | Ban    | April 2013       | 10c (rises to 25c in January 2015) | Adopted San Mateo County ordinance.  | 29,660        |

|                    |    |      |     |                |   |   |         |
|--------------------|----|------|-----|----------------|---|---|---------|
| Calabasas          | CA | City | Ban | July 2011      | 10c   | Supermarkets affected July 2011, more store types affected January 2012.  | 23,954  |
| Campbell           | CA | City | Ban | January 2014   | 10c (rises to 25c in January 2015)                    |   | 40,272  |
| Capitola           | CA | City | Ban | April 2013     | 25c   |   | 10,012  |
| Carmel-by-the-Sea  | CA | City | Ban | February 2013  | No fee mandated.                                      | Mayor Jason Burnett, in an email to a newspaper, said: "When I worked at EPA, these same [pro-plastic groups] argued against our work on greenhouse gas regulations, saying the federal government should defer to local government. Now they are arguing against local government. Guess what, chemical companies? You can't have it both ways." | 3,722   |
| Carpinteria        | CA | City | Ban | October 2012   | Ban for large stores; no ban or fee for small stores. | Larger stores affected October 2012; smaller stores affected April 2013.  | 13,231  |
| Chico              | CA | City | Ban | January 2015   | 10c   | The city's ordinance is expected to pass a final vote by the City Council in May 2014. Implementation begins in January 2015 for certain retailers; all stores affected by January 2016.  | 87,714  |
| Cloverdale         | CA | City | Ban | September 2014 | 10c   | Covered under Sonoma County ban.  | 8,695   |
| Colma              | CA | Town | Ban | April 2013     | 10c (rises to 25c in January 2015)                    | Adopted San Mateo County ordinance.   | 1,792   |
| Cotati             | CA | City | Ban | September 2014 | 10c   | Covered under Sonoma County ban.  | 7,360   |
| Culver City        | CA | City | Ban | December 2013  | 10c   | Large retailers affected December 2013; small retailers affected June 2014.   | 39,313  |
| Cupertino          | CA | City | Ban | October 2013   | 10c (rises to 25c in January 2015)                    |   | 60,009  |
| Daly City          | CA | City | Ban | April 2013     | 10c (rises to 25c in January 2015)                    | Adopted San Mateo County ordinance.   | 103,690 |
| Dana Point         | CA | City | Ban | April 2013     | No fee mandated.                                      | The City Council passed a ban in March 2012. It came into effect on April 1, 2013 for businesses that generate over \$4 million in annual sales and became effective October 1, 2013 for all other businesses. Restaurants are exempted, as they are in many cities with ban ordinances.  | 34,048  |
| Davis              | CA | City | Ban | July 2014      | 10c   |   | 65,993  |
| Desert Hot Springs | CA | City | Ban | October 2014   | 10c   |   | 27,745  |
| Dublin             | CA | City | Ban | January 2013   | 10c   | Covered under Alameda County ban.   | 48,775  |
| East Palo Alto     | CA | City | Ban | October 2013   | 10c   | Adopted San Mateo County ordinance.   | 28,867  |

|                  |    |      |     |                |   |   |           |
|------------------|----|------|-----|----------------|---|---|-----------|
| El Cerrito       | CA | City | Ban | January 2014   | 5c (rises to 10c in 2016)                   |   | 24,048    |
| Emeryville       | CA | City | Ban | January 2013   | 10c   | Covered under Alameda County ban.   | 10,335    |
| Fairfax          | CA | Town | Ban | May 2009       | 10c   | The Town Council adopted a ban in 2007, but made it voluntary because of a threatened lawsuit. Citizens made this issue a ballot initiative and a mandatory ban passed with 79 percent support in November 2008.  | 7,534     |
| Fort Bragg       | CA | City | Ban | December 2012  | 10c   | Larger stores affected December 2012; smaller stores affected December 2013.  | 7,252     |
| Foster City      | CA | City | Ban | April 2013     | 10c (rises to 25c starting in January 2015) | Adopted San Mateo County ordinance.   | 32,129    |
| Fremont          | CA | City | Ban | January 2013   | 10c   | Covered under Alameda County ban.   | 221,986   |
| Glendale         | CA | City | Ban | July 2013      | 10c   | Larger stores affected July 2013; smaller stores affected January 2014.   | 194,478   |
| Grover Beach     | CA | City | Ban | October 2012   | 10c   | Covered under San Luis Obispo County ban.   | 13,342    |
| Half Moon Bay    | CA | City | Ban | April 2013     | 10c (rises to 25c in January 2015)          | Adopted San Mateo County ordinance.   | 11,653    |
| Hayward          | CA | City | Ban | January 2013   | 10c   | Covered under Alameda County ban.   | 149,392   |
| Healdsburg       | CA | City | Ban | September 2014 | 10c   | Covered under Sonoma County ban.  | 11,440    |
| Huntington Beach | CA | City | Ban | November 2013  | 10c   |   | 194,708   |
| Indio            | CA | City | Ban | December 2014  | 10c   | The City Council voted 4-1 to approve the ordinance in mid-April. The ordinance is expected to pass the "second reading" vote it needs in order to become official.   | 79,302    |
| Laguna Beach     | CA | City | Ban | January 2013   | 10c   |   | 23,176    |
| Livermore        | CA | City | Ban | January 2013   | 10c   | Covered under Alameda County ban.   | 83,547    |
| Long Beach       | CA | City | Ban | August 2011    | 10c   | Large stores affected August 2011; smaller stores affected January 2012.  | 467,892   |
| Los Altos        | CA | City | Ban | July 2013      | 10c (rises to 25c in January 2015)          | Adopted San Mateo County ordinance.   | 29,929    |
| Los Angeles City | CA | City | Ban | January 2014   | 10c   | In June 2013, the City Council of Los Angeles voted to ban stores from providing plastic carryout bags to customers, as well as to require stores to charge 10 cent for paper bags. Large retailers are affected in January 2014; smaller retailers are affected in July 2014. The city was spending \$2 million a year cleaning up plastic bags. | 3,857,799 |

|                                     |    |        |     |                |                                    |   |           |
|-------------------------------------|----|--------|-----|----------------|------------------------------------|---|-----------|
| Los Angeles County (Unincorporated) | CA | County | Ban | July 2011      | 10c                                | In July 2011, a ban on plastic bags in large stores took effect in the unincorporated area of Los Angeles County, home to 1.1 million people. In January 2012, that ban expanded to include small stores, like pharmacies and convenience marts. Nearly 800 retail stores are affected. This was the first in California to add a 10 cent charge for paper bags; since its enactment, all other California municipalities have included a paper bag charge. In December 2013, the Department of Public Works announced that the ordinance had resulted in a sustained 90 percent reduction in single-use bag use at large stores.   | 1,103,260 |
| Los Gatos                           | CA | Town   | Ban | February 2014  | 10c (rises to 25c in January 2015) | The ban was part of the town's Sustainability Plan, adopted in 2012.  | 30,141    |
| Malibu                              | CA | City   | Ban | November 2008  | No fee mandated.                   |   | 12,832    |
| Manhattan Beach                     | CA | City   | Ban | January 2012   | No fee mandated.                   | After passing a plastic bag ban in 2008, the city became the first to be sued by the Save the Plastic Bag Coalition—a group of plastic bag manufacturers and distributors—for not preparing an environmental impact report as required under the California Environmental Quality Act. The Coalition claimed a shift from plastic to recycled paper bags would harm the environment. Two lower courts sided with the Coalition and ruled that a report was required, but in 2011, on appeal, the California Supreme Court said that any increased use of paper bags in a small city like Manhattan Beach would have negligible environmental impact and therefore a report was unnecessary. This precedent allowed many California cities to proceed with banning plastic bags without such a report. | 35,738    |
| Marin County (Unincorporated)       | CA | County | Ban | January 2012   | 5c                                 | The ordinance was passed in 2011. The Save the Plastic Bag Coalition sued the county but lost in September of that year. The Coalition appealed the decision, but the First District Court of Appeal ruled in favor of Marin County in 2013.  | 67,427    |
| Mendocino County (Unincorporated)   | CA | County | Ban | January 2013   | 10c                                | Large retailers affected January 2013; small retailers affected January 2014.   | 59,156    |
| Menlo Park                          | CA | City   | Ban | April 2013     | 10c (rises to 25c in January 2015) | Adopted San Mateo County ordinance.   | 32,881    |
| Mill Valley                         | CA | City   | Ban | January 2014   | 5c                                 |   | 14,159    |
| Millbrae                            | CA | City   | Ban | September 2012 | 10c                                |   | 22,078    |
| Monterey                            | CA | City   | Ban | July 2012      | 25c                                | This city's fee on paper bags increased from 10 cents (effective July 2012) to 25 cents (effective January 2013).   | 29,003    |
| Morgan Hill                         | CA | City   | Ban | April 2014     | 10c                                |   | 39,420    |
| Morro Bay                           | CA | City   | Ban | October 2012   | 10c                                | Covered under San Luis Obispo County ban.   | 10,370    |

|                |    |      |     |                |  |   |         |
|----------------|----|------|-----|----------------|--|---|---------|
| Mountain View  | CA | City | Ban | April 2013     | 10c (rises to 25c in January 2015)                         |   | 76,621  |
| Newark         | CA | City | Ban | January 2013   | 10c  | Covered under Alameda County ban.   | 43,621  |
| Oakland        | CA | City | Ban | January 2013   | 10c  | The city originally passed a plastic bag ban in 2007 but was sued by the Coalition to Support Plastic Bag Recycling on the grounds that the ban would lead to a "shift in consumer use from one environmentally damaging product to another" (i.e. paper bags). The Alameda County Superior Court decided in favor of the Coalition in 2008, a decision that the Save the Plastic Bag Coalition cited in suing other California cities and counties. Oakland was subsequently covered under the Alameda County bag ban. | 400,740 |
| Ojai           | CA | City | Ban | July 2012      | 10c  |   | 7,558   |
| Pacifica       | CA | City | Ban | April 2013     | 10c (rises to 25c in January 2015)                         | Adopted San Mateo County ordinance.   | 38,189  |
| Palm Desert    | CA | City | Ban | April 2015     | 10c  | The City Council approved the ordinance unanimously in early April. The ordinance is expected to pass the "second reading" vote it needs in order to become official. Larger stores affected April 2015; smaller stores affected October 2015.  | 50,013  |
| Palm Springs   | CA | City | Ban | October 2014   | 10c  | Large stores affected October 2014; small stores affected April 2015.   | 45,907  |
| Palo Alto      | CA | City | Ban | September 2009 | 10c  | A 2013 ordinance, which expands the 2009 ban on single-use plastic bags in large grocery stores to include all other retail stores and restaurants, is expected to lead to a reduction of 20 million single-use plastic and paper bags per year.  | 66,363  |
| Pasadena       | CA | City | Ban | July 2012      | 10c  | Larger stores affected July 2012; smaller stores affected December 2012.  | 138,547 |
| Paso Robles    | CA | City | Ban | October 2012   | 10c  | Covered under San Luis Obispo County ban.   | 29,793  |
| Petaluma       | CA | City | Ban | September 2014 | 10c  | Covered under Sonoma County ban.  | 58,921  |
| Piedmont       | CA | City | Ban | January 2013   | 10c  | Covered under Alameda County ban.   | 10,893  |
| Pismo Beach    | CA | City | Ban | October 2012   | 10c  | Covered under San Luis Obispo County ban.   | 7,785   |
| Pittsburg      | CA | City | Ban | January 2014   | 10c first year, 15c second year, 25c third year and beyond |   | 65,664  |
| Pleasanton     | CA | City | Ban | January 2013   | 10c  | Covered under Alameda County ban.   | 72,338  |
| Portola Valley | CA | Town | Ban | April 2013     | 10c  | Adopted San Mateo County ban.   | 4,462   |

|   |    |                 |     |                |                                    |   |         |
|---|----|-----------------|-----|----------------|------------------------------------|---|---------|
| Redwood City                            | CA | City            | Ban | October 2013   | 10c (rises to 25c in January 2015) | Adopted San Mateo County ban.   | 79,009  |
| Richmond                                | CA | City            | Ban | January 2014   | 5c (rises to 10c after 2 years)    |   | 106,516 |
| Rohnert Park                            | CA | City            | Ban | September 2014 | 10c                                | Covered under Sonoma County ban.  | 41,232  |
| San Bruno                               | CA | City            | Ban | April 2013     | 10c (rises to 25c in January 2015) | Adopted San Mateo County ban.   | 42,165  |
| San Carlos                              | CA | City            | Ban | July 2013      | 10c (rises to 25c in January 2015) | Adopted San Mateo County ban.   | 29,092  |
| San Francisco                           | CA | City and County | Ban | December 2007  | 10c                                | San Francisco was the first U.S. city to regulate plastic bags. The original ordinance, which was adopted in April 2007, banned non-compostable plastic bags at all large supermarkets and chain pharmacies. In October 2012 the law was applied to all stores, and in October 2013 the law expanded to restaurants. The Save the Plastic Bag Coalition sued the city, contesting the extensions to the ban, but those were upheld by the First District Court of Appeal in December 2013. In April 2014, the Supreme Court of California denied the Coalition's first appeal, allowing the city to keep its bag ban. | 825,863 |
| San Jose                                | CA | City            | Ban | January 2012   | 10c                                | The plastic bag ordinance dovetails with an ordinance aimed at phasing out foam containers, beginning in 2014.  | 982,765 |
| San Leandro                             | CA | City            | Ban | January 2013   | 10c                                | Covered under Alameda County ban.   | 86,890  |
| San Luis Obispo                         | CA | City            | Ban | October 2012   | 10c                                | Covered under San Luis Obispo County ban.   | 45,878  |
| San Luis Obispo County                  | CA | County          | Ban | October 2012   | 10c                                | All parts of the county, including incorporated cities, are required to comply with the ordinance.  | 274,804 |
| San Luis Obispo County (Unincorporated) | CA | County          | Ban | October 2012   | 10c                                | Covered under San Luis Obispo County ban.   |         |
| San Mateo                               | CA | City            | Ban | June 2013      | 10c                                | Adopted San Mateo County ban.   | 99,670  |
| San Mateo County (Unincorporated)       | CA | County          | Ban | April 2013     | 10c                                |   | 61,222  |
| San Pablo                               | CA | City            | Ban | January 2014   | 5c (rises to 10c after 2 years)    |   | 29,720  |
| San Rafael                              | CA | City            | Ban | September 2014 | 10c                                |   | 58,502  |
| Santa Barbara                           | CA | City            | Ban | May 2014       | 10c                                | Large retailers affected May 2014; small retailers affected November 2014.  | 89,639  |
| Santa Clara County (Unincorporated)     | CA | County          | Ban | January 2012   | 15c                                |   | 89,960  |

|                                    |    |        |     |                |                                    |  |         |
|------------------------------------|----|--------|-----|----------------|------------------------------------|--|---------|
| Santa Cruz                         | CA | City   | Ban | April 2013     | 10c                                |  | 62,041  |
| Santa Cruz County (Unincorporated) | CA | County | Ban | March 2012     | 25c                                | "Second generation" ordinances require a charge for paper bags. Santa Cruz County's was the first such ordinance to include restaurants.   | 132,643 |
| Santa Monica                       | CA | City   | Ban | September 2011 | 10c                                | Santa Monica has banned plastic bags from all retailers since September 2011. Grocery, liquor, and drug stores may offer paper bags for 10 cents each, while department stores and restaurants may provide paper bags for no fee. Because the Save the Plastic Bag Coalition had sued other cities for not conducting an environmental impact review prior to the announcements of their bag bans, Santa Monica conducted a review and thus avoided a lawsuit. Plastic bags for carryout food items from restaurants and reusable bags made from polyethylene are allowed. | 91,812  |
| Santa Rosa                         | CA | City   | Ban | September 2014 | 10c                                | Covered under Sonoma County ban.   | 170,685 |
| Sausalito                          | CA | City   | Ban | September 2014 | 5c                                 |  | 7,037   |
| Sebastopol                         | CA | City   | Ban | September 2014 | 10c                                | Covered under Sonoma County ban.   | 7,525   |
| Solana Beach                       | CA | City   | Ban | August 2012    | 10c                                | In early 2008, the city prohibited the use of plastic bags in door-to-door advertising. Later that year, the city began a voluntary recycling program for plastic bags, which was eventually followed by the ban for stores in 2012. Grocers and food vendors affected August 2012; other stores affected November 2012.   | 13,154  |
| Sonoma                             | CA | City   | Ban | September 2014 | 10c                                | Covered under Sonoma County ban.   | 10,849  |
| Sonoma County                      | CA | County | Ban | September 2014 | 10c                                | The Sonoma County Waste Management Authority adopted a countywide ban on plastic bags in February 2014. Enforcement starts in September 2014.  | 491,829 |
| Sonoma County (Unincorporated)     | CA | County | Ban | September 2014 | 10c                                | Covered under Sonoma County ban.   | 147,978 |
| South Lake Tahoe                   | CA | City   | Ban | January 2014   | No fee mandated.                   | The plastic bag ban took effect for grocery stores and food vendors (including farmers markets) in January 2014. The ban will expand to all retail stores in October 2014.   | 21,286  |
| South San Francisco                | CA | City   | Ban | April 2013     | 10c (rises to 25c in January 2015) | Adopted San Mateo County ordinance.  | 65,547  |
| Sunnyvale                          | CA | City   | Ban | June 2012      | 10c                                | Large stores affected June 2012; smaller stores affected March 2013.   | 146,197 |
| Truckee                            | CA | Town   | Ban | June 2014      | 10c                                |  | 16,156  |

|                |    |      |           |                |                  |  |         |
|----------------|----|------|-----------|----------------|------------------|--|---------|
| Ukiah          | CA | City | Ban       | January 2013   | 10c              | Large retailers affected January 2013; small retailers affected January 2014.  | 15,907  |
| Union City     | CA | City | Ban       | January 2013   | 10c              | Covered under Alameda County ban.  | 71,763  |
| Walnut Creek   | CA | City | Ban       | September 2014 | 10c              | Plastic bags will be banned from all stores starting in September 2014; restaurants will need to comply starting in December 2014. The minimum paper bag fee—all of which is kept by the retailer—may be raised to as much as 25 cents to further disincentivize paper bag consumption.  | 65,695  |
| Watsonville    | CA | City | Ban       | September 2012 | 25c              | After the first year, the fee on paper bags was raised as planned from 10 cents to 25 cents.   | 51,881  |
| West Hollywood | CA | City | Ban       | February 2013  | 10c              | Large stores affected February 2013; small stores affected August 2013.  | 34,781  |
| Windsor        | CA | Town | Ban       | September 2014 | 10c              | Covered under Sonoma County ban.   | 27,144  |
| Aspen          | CO | City | Ban       | May 2012       | 20c              | After a number of largely unsuccessful voluntary programs encouraging reusable bag use, Aspen passed its plastic bag ban for grocery stores in October 2011. The city had collected almost \$45,000 via the paper bag fee as of September 2013, \$20,000 of which was used to cover implementation costs and public outreach.  | 6,680   |
| Boulder        | CO | City | Fee (10c) | July 2013      | 10c              | Boulder grocery stores charge 10 cents for plastic and paper bags. The city's reasons for applying the fee to both were that plastic bags are difficult to recycle and paper bag production is also energy- and water-intensive. Stores keep 4 cents and the rest of the money goes to the city to cover administrative costs, to provide residents with free reusable bags, and to otherwise minimize the impacts of bag waste. Just six months after the fee began in 2013, the city announced that bag use had dropped by 68 percent. | 101,808 |
| Breckenridge   | CO | Town | Fee (10c) | October 2013   | 10c              |  | 3,406   |
| Carbondale     | CO | Town | Ban       | May 2012       | 20c              |  | 6,489   |
| Telluride      | CO | Town | Ban       | March 2011     | 10c              | The ban applies to all grocers in town. Half of the paper bag fee is kept by the grocery, and half goes to the town for use in public outreach and education on the environmental importance of trash reduction.   | 2,325   |
| Westport       | CT | Town | Ban       | March 2009     | No fee mandated. | First Connecticut town to ban plastic bags.  | 26,391  |

|                                  |    |        |             |                                   |                  |  |         |
|----------------------------------|----|--------|-------------|-----------------------------------|------------------|--|---------|
| Washington                       | DC | City   | Tax (5c)    | January 2010                      | 5c (tax)         | In January 2010, Washington, DC, began requiring a 5 cent charge for plastic and paper carryout bags at all retailers that sell food or alcohol. Businesses keep a portion of the fee, and the remainder goes to The Anacostia River Clean Up and Protection Fund. A survey conducted in early 2013 found that four out of five District households are using fewer bags since the tax came into effect. Almost 60 percent of residents reported carrying reusable bags with them "always" or "most of the time" when they shop. Two thirds of District residents reported seeing less plastic bag litter since the tax came into effect. One half of businesses reported saving money because of the fee. | 632,323 |
| Hawaii County                    | HI | County | Fee --> Ban | Jan 2013 (fee);<br>Jan 2014 (ban) | No fee mandated. | Hawaii County's ordinance was approved in 2012. In 2013, businesses were allowed to provide checkout bags for a fee. Starting January 17, 2014, businesses are banned from providing single-use plastic bags.  | 189,191 |
| Honolulu County                  | HI | County | Ban         | July 2015                         | No fee mandated. | The approval of this ban completes a de facto statewide ban in Hawaii.   | 976,372 |
| Kauai County                     | HI | County | Ban         | January 2011                      | No fee mandated. | Kauai banned plastic bags because they were found to be a significant source of litter, a burden to landfills, and hazardous to marine life.   | 68,434  |
| Maui County                      | HI | County | Ban         | January 2011                      | No fee mandated. |  | 158,226 |
| Marshall County (Unincorporated) | IA | County | Ban         | April 2009                        | No fee mandated. | Marshall County banned non-compostable plastic bags at all retailers in the unincorporated county; Marshalltown City decided not to follow suit, so the ban applies only to two small stores.  | 7,452   |
| Brookline                        | MA | Town   | Ban         | December 2013                     | No fee mandated. | The town has also banned foam food and beverage containers.  | 58,732  |
| Great Barrington                 | MA | Town   | Ban         | March 2014                        | No fee mandated. |  | 7,082   |
| Manchester-by-the-Sea            | MA | Town   | Ban         | July 2013                         | No fee mandated. |  | 5,286   |
| Nantucket                        | MA | Town   | Ban         | 1990                              | No fee mandated. | Nantucket, a small seasonal tourist town, banned non-biodegradable plastic bags in 1990. Facing a growing waste disposal problem, the town envisioned building a facility where as much material as possible could be diverted from the landfill to be recycled or composted; such a facility would only be able to accept biodegradable bags.   | 7,446   |
| Chestertown                      | MD | Town   | Ban         | January 2012                      | No fee mandated. |  | 5,368   |

|                      |    |         |          |               |                   |   |           |
|----------------------|----|---------|----------|---------------|-------------------|---|-----------|
| Montgomery County    | MD | County  | Tax (5c) | January 2012  | 5c (tax)          | Montgomery County mandated a 5¢ charge for plastic and paper bags beginning in January 2012 at all retailers in an attempt to reduce the profusion of plastic bag litter in county streams and stormwater ponds. Safeway grocery stores in the county reported more than a 70 percent decrease in plastic bag use from 2011 to 2012. Local groups have observed a drop-off in bags collected in stream cleanups. The county includes cities Gaithersburg, Rockville, and Takoma Park. | 1,004,709 |
| Santa Fe             | NM | City    | Ban      | February 2014 | 10c fee repealed. | Like many cities enforcing a plastic bag ban or fee, Santa Fe is giving away reusable bags. The day before the law took effect, the City Council voted to drop the 10-cent charge after legal advisors for the city determined that it would be an "impermissible tax" under state law.   | 69,204    |
| East Hampton         | NY | Village | Ban      | February 2012 | No fee mandated.  |   | 1,388     |
| Larchmont            | NY | Village | Ban      | October 2013  | No fee mandated.  |   | 5,915     |
| Mamaroneck (Village) | NY | Village | Ban      | April 2013    | No fee mandated.  |   | 19,112    |
| Rye                  | NY | City    | Ban      | June 2012     | No fee mandated.  |   | 15,868    |
| Southampton Village  | NY | Village | Ban      | November 2011 | No fee mandated.  |   | 3,109     |
| Ashland              | OR | City    | Ban      | November 2014 | 10c               | The City Council voted 5-1 to approve the ordinance in mid-April. The ordinance is expected to pass the "second reading" vote it needs in order to become official.   | 20,366    |
| Corvallis            | OR | City    | Ban      | January 2013  | 5c                | Large stores affected January 2013; small stores affected July 2013.  | 54,998    |
| Eugene               | OR | City    | Ban      | May 2013      | 5c                |   | 157,986   |
| Portland             | OR | City    | Ban      | October 2011  | No fee mandated.  | At first, only major grocers and some big-box stores were covered. As of October 2013, plastic bags are now banned in all retail stores and restaurants. A survey conducted one year after the initial ban found that the use of reusable checkout bags quadrupled and recyclable paper checkout bag use grew nearly six-fold.  | 603,106   |
| Barrington           | RI | Town    | Ban      | January 2013  | No fee mandated.  | Barrington's plastic bag ban will expire in early 2015 unless the Town Council votes to renew it. A survey in late 2013 showed that most residents support the ordinance and prefer to use reusable bags over paper ones now that plastic bags are banned.  | 16,310    |
| Austin               | TX | City    | Ban      | March 2013    | No fee mandated.  | The people of Austin use an estimated 263 million plastic bags a year, costing the city over \$850,000 annually for garbage collection and disposal; litter cleanup and street sweeping; and removing the bags from recycling equipment.  | 842,592   |

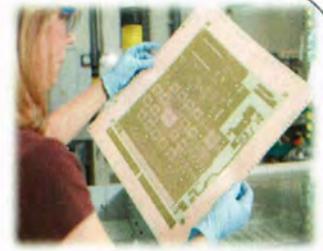
|                    |    |      |   |                |                  |  |           |
|--------------------|----|------|---|----------------|------------------|--|-----------|
| Brownsville        | TX | City | Officially ban, but enforced as fee (\$1 per transaction) | January 2011   | No fee mandated. | Although Brownsville officially has a ban on the books, consumers can pay a \$1 fee per transaction for an unlimited number of plastic bags. The revenue generated from the fee has gone up, suggesting an increase in bag use.  | 180,097   |
| Corpus Christi     | TX | City | Ban   | February 2015  | No fee mandated. | As part of a broader litter ordinance, the City Council banned the provision of plastic bags on city property and at city-sponsored events. The ban takes effect in February 2015, one year after the ordinance was passed.  | 312,195   |
| Dallas             | TX | City | Fee (5c)  | January 2015   | 5c               | Plastic bags and bottles make up about 40 percent of all the trash in the Trinity River that provides water to over half of all Texans, including those living in Dallas-Fort Worth and Houston, according to estimates by Peter Payton, Executive Director of Groundwork Dallas, a group that does monthly cleanups in the watershed. In March 2014, a 5 cent fee on plastic and paper bags at all grocery and retail stores, along with a ban on plastic bags at all city events, facilities, and properties, was approved by the City Council. It will go into effect in January 2015. Nine tenths of the revenue generated from bag sales will go to the city. | 1,241,162 |
| Fort Stockton      | TX | City | Ban   | September 2011 | No fee mandated. | According to the Sierra Club's Alamo Group, both the Fort Stockton and Kermit bans were motivated in part by cattle deaths from eating plastic bags.   | 8,344     |
| Freer              | TX | City | Ban   | June 2013      | No fee mandated. |  | 2,818     |
| Kermit             | TX | City | Ban   | November 2013  | 10c              |  | 5,886     |
| Laguna Vista       | TX | Town | Ban   | January 2013   | No fee mandated. |  | 3,117     |
| Laredo             | TX | City | Ban   | January 2015   | No fee mandated. | The current ordinance passed in August 2013 is written to institute a ban, but the City Council intends to make changes to the ordinance, possibly instituting a fee instead.  | 244,731   |
| South Padre Island | TX | City | Ban   | January 2012   | No fee mandated. |  | 2,816     |
| Sunset Valley      | TX | City | Ban   | September 2013 | No fee mandated. | Sunset Valley's ban was inspired by Austin's.  | 749       |
| Bainbridge Island  | WA | City | Ban   | November 2012  | 5c               |  | 23,263    |
| Bellingham         | WA | City | Ban   | August 2012    | 5c               |  | 82,234    |
| Edmonds            | WA | City | Ban   | August 2010    | No fee mandated. |  | 40,400    |
| Issaquah           | WA | City | Ban   | March 2013     | 5c               | A group opposed to the ban, West Seattle-based Save Our Choice, collected enough signatures to put it on the February 2014 ballot. Voters let the ban stand. Large retailers affected March 2013; small retailers affected July 2014.  | 32,633    |
| Lacey              | WA | City | Ban   | July 2014      | 5c               | Lacey adopted the language of Thurston County's ban.   | 43,860    |

|                                  |                |           |     |               |                         |   |         |
|----------------------------------|----------------|-----------|-----|---------------|-------------------------|---|---------|
| Mukilteo                         | WA             | City      | Ban | January 2013  | No fee mandated.        |   | 20,605  |
| Olympia                          | WA             | City      | Ban | July 2014     | 5c                      | Olympia adopted the language of the Thurston County ban.  | 47,698  |
| Port Townsend                    | WA             | City      | Ban | November 2012 | 5c                      |   | 9,117   |
| Seattle                          | WA             | City      | Ban | July 2012     | 5c                      | In July 2008 the Seattle government approved a 20 cent charge on all paper and plastic checkout bags, but opponents collected enough signatures to put the ordinance up for a vote on the August 2009 primary ballot. The Coalition to Stop the Seattle Bag Tax—consisting of the American Chemistry Council's Progressive Bag Affiliates, 7-Eleven, and the Washington Food Industry—spent \$1.4 million on the referendum campaign (15 times more than fee supporters), and voters chose to reject the ordinance. It took until July 2012 for the city to enact its current ban on plastic bags and place a 5 cent fee on paper bags. Seattle residents are largely in favor of the ban, and attempts to gather signatures to repeal it have not been successful. | 634,535 |
| Shoreline                        | WA             | City      | Ban | February 2014 | 5c                      | Shoreline modeled its ban after Seattle's.  | 54,352  |
| Thurston County (Unincorporated) | WA             | County    | Ban | July 2014     | 5c                      |   | 135,123 |
| Tumwater                         | WA             | City      | Ban | July 2014     | 5c                      | Tumwater adopted the language of Thurston County's ban.   | 18,102  |
| American Samoa                   | N/A            | Territory | Ban | February 2011 | No fee mandated.        | Out of concern for the damage plastic bags do to marine life, American Samoa banned all stores from giving away petroleum-based plastic bags that are not biodegradable or compostable.   | 55,519  |
| Rincón                           | PR (Territory) | City      | Ban | February 2015 | Fee amount unspecified. | In early 2014, Rincon became the first city in Puerto Rico to ban plastic bags. Mayor Carlos López cited the harm done to a nearby marine reserve as a motivating factor in mandating the ban.  | 15,200  |

**Note:** This table aims to give a sense of the geographical spread and nature of plastic bag regulations in the United States as of April 2014. Voluntary initiatives and recycling ordinances are not included. Dates given are for the start of required compliance, which often lags the passing of an ordinance. Descriptions include information that may be unique to a location, but some common threads exist. For example, cities that allow paper bags generally expect them to be of 40 percent or greater recycled content. Some cities allow biodegradable plastic bags to be used, and most have allowances for bags to hold meat or produce. Some apply their regulations only to bags of certain thicknesses. In many cases where plastic or paper bag charges exist, the money goes directly to retailers and none is collected by the government. Washington, DC, Boulder, CO, and Montgomery County, MD, do have a portion of the bag charge go to the government.

Locations are mapped at: <https://goo.gl/maps/bhKnx>

**Source:** Compiled by Savina Venkova and J. Matthew Roney, Earth Policy Institute, [www.earth-policy.org](http://www.earth-policy.org), April 2014.



# Proposed Plastic Bag Ordinance

Public Hearing  
City Council  
May 23, 2016

*A place where families and businesses thrive.*

# History

- February, 2015 – Sustainability Commission develops a draft plastic bag ordinance. (Subsequently converted to a codified form by staff.)
- Placed on City's Website
- March 26, 2015 – Sustainability Commission conducted public meeting (meeting minutes attached) on proposed ordinance
- April 2, 2015 – Economic Development Commission (EDC) reviewed proposed ordinance
- June 8, 2015 – City Council held work session with Sustainability Commission on proposed ordinance – directed Commission to continue to gather more public input
- June, 2015 to January, 2016 – Sustainability Commission continued public input effort
- September 2, 2015 – CCI held a forum on the proposed ordinance (written comments from table discussion and voting results from meeting attached)
- February 8, 2016 – City Council held second work session with Sustainability Commission on reviewing public input efforts
- March, 2016 – Utility Bill insert summarized ordinance
- April 7, 2016 – EDC conducted second review of proposed ordinance
- May 9, 2016 – Staff presentation to City Council on proposed ordinance

## Proposed Ordinance

- Ban the use of plastic bags for carry-out of products
- Applies to all business or organization selling food or other goods to a customer
- Ban applies to all City facilities and City sponsored events (this would include, for example, vendors selling products at a farmers market or other city permitted event)
- Not apply to plastic bags used for bulk items, wrapping foods, protection from dampness, unwrapped prepared foods or bakery goods, prescription bags, dry cleaning or bags sold in packages (e.g. garbage bags)
- If you do not bring in your own bag(s), then the store would use paper bags and charge 5¢ to cover the cost of the bag
- Stores with 10 full time equivalent employees or less are exempt from having the charge the 5¢
- Enforcement would be a warning and then progressively increased fines of \$100, \$250 and \$500.

# Issues

- Plastic Bag Prohibition: Comments received about whether this is an appropriate role for the City. This is a policy question for the Council.
- Charge for Paper Bags: Single biggest comment received. Included as a disincentive to use paper bags and encourage use of recyclable bags. Others disagree with the punitive approach and should consider an incentive approach. Other comments were concerned with smaller businesses having to charge for the paper bags and ordinance was modified by the Commission to address that concern.
- Enforcement: As noted above, the ordinance includes penalty provisions. Penalties based on progressive fine increase structure in the current City Code although amount for second and subsequent violations is lower. Other fine options provided by City Code could be considered.  
Ordinance would be difficult to enforce to assure no bags are used or that the 5¢ charge is made. Any enforcement would be based on a complaint basis.

# Comments

- Economic Development Commission – April 7<sup>th</sup> meeting
  - Unanimously voted in support the ordinance.
  - Opposes the 5¢ charge for bags and prefers a different approach such as an incentive (6-3 vote).
  - Recommends softer violations and penalties language and focus more on education.
- Public Comments
  - Reported to the Council by the Sustainability Commission at the February 8<sup>th</sup> work session and is included in the packet.

This page is intentionally blank.

**Anna Ruggles**

---

**From:** Lisa Nakajima [REDACTED]  
**Sent:** Sunday, May 08, 2016 8:59 PM  
**To:** Anna Ruggles  
**Subject:** City of Forest Grove Proposed Code Amendments 7.00-7.930 Single- Use Plastic Carryout Bags

Dear Mayor Truax and Forest Grove City Councilors,

I am writing in opposition to 7.915- 7.920 and 7.93 of the Proposed Code amendments regarding Plastic / Recyclable bag fees and fines. As part owner of ACE Hardware, Forest Grove we have historically offered only paper bags (except parts bags) for our customer's purchases **because they are bio-degradable**. We provide bags to customers as a service and I oppose a mandatory fee for this courtesy. Forest Grove already experiences considerable retail leakage to other jurisdictions (Estimated to be 48% by Jerry Johnson, Johnson Economics in a memorandum March 31, 2015). Imposing a bag fee places more disincentive to shop in Forest Grove. Consider the commuter who realizes they've forgotten their recyclable bag(s) so they stop in Hillsboro for groceries so they won't have to pay a bag fee. A fee makes me feel like I'm chiding the customer like a small child for not remembering their bag.

There are practical complications to the fee. Consider for example: the customer's purchases are rung up; they decline a bag; the transaction is completed and the customer changes their mind and requests a bag. Put yourself in the shoes of the cashier.

There is no customer service in the bag fee scenario.

In 2007-2008 recyclable bags became popular fueled by education efforts to encourage environmentally friendly practices. Those efforts were successful. Our customers regularly decline a bag if they only have a few items. We also have those who bring their own bags. I support public education to share ways we can all be more environmentally conscious. Education efforts are far more productive than a mandatory fee for a bag because they lead everyone to consider **all** aspects of their daily lives not just bag usage. I support the existence of the sustainability committee but feel that these proposed code amendments requiring a bag fee are not right for Forest Grove.

Thank you for your careful consideration of the amendments before you.

Sincerely,

Lisa Nakajima

[REDACTED]  
ACE Hardware #661  
3602 Pacific Ave / PO Box 308  
Forest Grove, OR 97116  
503.357.3164 / FAX 503.357.3165

**From:** David Morelli [REDACTED] >  
**Sent:** Tuesday, May 10, 2016 12:40 AM  
**To:** Anna Ruggles  
**Subject:** Public comment on the proposal to ban plastic bags

At tonight's meeting a draft text of a proposed ban on plastic bags was presented to council. The mayor said that public comment would reach the council if sent to you.

Members of the City Council,

While something may need to be done about single trip plastic bags, I disagree with the offered solution.

I am working from a principle that "those who introduce a product into commerce should include the cost of removing it from the environment in the selling price". That allows the free market to function efficiently. Where the suppliers fail to include the cost of removal in their pricing, the government has a proper function to require that cost be included.

Those locations that provide single trip bags should be required to accept post consumer bags, and the bag distributors should be required to collect those bags, and the bag manufacturers should be required to provide a means to reprocess the bags into reusable materials. And to some degree this is already done. It is not sufficient.

In the case of single trip bags, the cost of collecting discarded bags and processing them back to usable material is a cost, and it should be added to the selling price through a retail "Sales Tax" on the bag. The size of the tax should be sufficient to collect enough money to fully fund the collection and processing of the discarded bags, including roadside trash pickup. Presume for the sake of discussion that it costs a nickel a bag to fund the cleanup of plastic bags, so the sales tax would need to be at least \$.05 per bag. If the merchant needs to recover the cost of collecting the tax (and they should) they may easily add a selling price to the bag as well. For example the old "free" plastic bag might now cost thirteen cents with a nickel going to the City and eight cents going to the merchant.

With an across the board \$.05 sales tax on plastic bags, it isn't necessary to distinguish between food merchants and grocery stores, between small businesses or large businesses. You do not even need to address advertising bags as a separate category, if it is reused the customer avoids the tax, if not then it is truly a single trip bag and part of the described problem.

This is Oregon, and Oregonians don't like a sales tax. Good! If the financial incentive is labeled as a Sales Tax it will be perceived as more onerous and more likely to encourage behaviors that avoid or minimize paying the tax. Behavior like, bringing in reusable bags rather than accepting single trip bags.

David Morelli  
[REDACTED]  
Forest Grove, OR 97116

**ORDINANCE NO. 2016-12****ORDINANCE AMENDING FOREST GROVE CITY CODE CHAPTER 7  
BY ADDING NEW CODE SECTIONS 7.900 TO 7.930 PROHIBITING  
THE USE OF SINGLE-USE PLASTIC CARRYOUT BAGS**

**WHEREAS**, there has been a proliferation of plastic bags that has resulted in environmental degradation;

**WHEREAS**, it is in the public interest that the City of Forest Grove minimize the proliferation of plastic bags from entering into the City's waste stream through the use of recyclable bags;

**WHEREAS**, the Sustainability Commission in 2015 developed a proposed amendment to ban plastic carryout bags;

**WHEREAS**, the Sustainability Commission conducted substantial outreach on the subject throughout much of 2015 including, but not limited to, holding a public hearing on the matter at a Sustainability Commission meeting on March 26 and a forum on September 2;

**WHEREAS**, the City Council held a duly-noticed Public Hearing on May 23 and continued the hearing on June 13, 2016, on the proposed ordinance.

**NOW, THEREFORE, THE CITY OF FOREST GROVE ORDAINS AS FOLLOWS:**

**Section 1.** Forest Grove City Council hereby amends Forest Grove City Code Chapter 7 by adding new Code Sections 7.900 to 7.930 prohibiting the use of "Single-Use Plastic Carryout Bags", as set forth in the attached Exhibit A.

**Section 2.** This ordinance shall be effective 30 days following its enactment by the City Council.

**PRESENTED AND PASSED** the first reading the 23<sup>rd</sup> day of May, 2016.

**PASSED** the second reading this 13<sup>th</sup> day of June, 2016.

\_\_\_\_\_  
Anna D. Ruggles, City Recorder

**APPROVED** by the Mayor this 13<sup>th</sup> day of June, 2016.

\_\_\_\_\_  
Peter B. Truax, Mayor

This page is intentionally blank.

Exhibit A

ORDINANCE NO. 2016-12

CHAPTER 7 – BUSINESS

CITY OF FOREST GROVE CODE AMENDMENTS

NEW CODE SECTIONS 7.900 – 7.930

SINGLE-USE PLASTIC CARRYOUT BAGS

**7.900** Purpose. The purpose of Code Sections 7.900 – 7.930 is to prohibit use of single-use plastic carryout bags at retail establishments, any city facilities, city managed concessions, city sponsored events and/or city permitted events, and requires retailers to charge at least five cents for a paper bag.

**7.905** Plastic Bag Use; Definitions.  
For purposes of Code Sections 7.900 – 7.930, the following terms are defined as follows:

ASTM standard. The American Society for Testing and Materials (ASTM)'s International D-6400.

Carryout bag. Any bag that is provided by a retail establishment at the point of sale to a customer for use to transport or carry away purchases, such as merchandise, goods or food, from the retail establishment.

"Carryout bag" does not include:

- (1) Bags used by consumers inside retail establishments to:
  - a) Package bulk items, such as fruit, vegetables, nuts, grains, candy or small hardware items;
  - b) Contain or wrap frozen foods, meat, fish, whether packaged or not;
  - c) Contain or wrap flowers, potted plants, or other items where dampness may be a problem;
  - d) Contain unwrapped prepared foods or bakery goods;  
or
  - e) Pharmacy prescription bags;
- (2) Laundry-dry cleaning bags or bags sold in packages containing multiple bags intended to be used for home food storage, garbage waste, pet waste, or yard waste;
- (3) Product bags.

City sponsored event. Any event organized or sponsored by the city or any department of the city.

Customer. Any person obtaining goods from a retail establishment or from a vendor.

Food provider. Any person in the City that provides prepared food for public consumption on or off its premises and includes, without limitation, any retail establishment, shop, sales outlet, restaurant, grocery store, delicatessen, or catering truck or vehicle.

Grocery store. Any retail establishment that sells groceries, fresh, packaged, canned, dry, prepared or frozen food or beverage products and similar items and includes supermarkets, convenience stores, and gasoline stations.

Pharmacy. A retail use where the profession of pharmacy by a pharmacist licensed by the State of Oregon's Board of Pharmacy is practiced and where prescription medications are offered for sale.

Product or produce bag. Any bag without handles provided to a customer for use within a retail establishment to assist in the collection or transport of products to the point of sale within the retail establishment. A product or produce bag is not a carryout bag.

Recyclable paper bag. A paper bag that meets all of the following requirements:

- a) Is 100% recyclable and contains a minimum of 40% post-consumer recycled content;
- b) Is capable of composting consistent with the timeline and specifications of the ASTM Standard D6400 as defined in this section.

Retail establishment. Any store or vendor located within or doing business within the geographical limits of the city that sells or offers for sale goods at retail.

Reusable bag. A bag made of cloth or other material with handles that is specifically designed and manufactured for long-term multiple reuses and meets all of the following requirements:

- a) If cloth, is machine washable; or
- b) If plastic, has a minimum plastic thickness of 4.0 mils; and
- c) Does not contain lead, cadmium, or any other heavy metal in toxic amounts as defined by applicable state and federal standards and regulations for packaging or reusable bags.

Vendor. Any retail establishment, shop, restaurant, sales outlet or other commercial establishment located within or doing business within the geographical limits of the City that provides perishable or nonperishable goods for sale to the public.

Single-use plastic carryout bag. Any plastic carryout bag made predominately of plastic, either petroleum or biologically based, and made available by a retail establishment to a customer at the point of sale. It includes compostable and biodegradable bags but does not include reusable bags, recyclable paper bags, or product or produce bags.

Undue hardship. Circumstances or situations unique to the particular retail establishment such that there are no reasonable alternatives to single-use

plastic carryout bags or a recyclable paper bag pass-through cannot be collected.

**7.910**      **Plastic Bag Use - Regulations.** Except as exempted in Section 7.920 of this Code:

- a) No retail establishment shall provide or make available to a customer a single-use plastic carryout bag;
- b) No person shall distribute or provide a single-use plastic carryout bag at any city facility, city managed concession, city sponsored event, or city permitted event.

**7.915**      **Plastic Bag Use - Cost Pass-Through.** When a retail establishment with more than 10 full-time-equivalent employees makes a recyclable paper bag available to a customer at the point of sale pursuant to section 7.920(b) of this code, the retail establishment shall:

- a) Charge the customer a reasonable pass-through cost of not less than 5 cents per recyclable paper bag provided to the customer; and
- b) Not rebate or otherwise reimburse any customer any portion of the pass-through cost; and
- c) Except for the exemption in 7.920(d), indicate on the customer's transaction receipts the total amount of the recyclable paper bag pass-through charge.

**7.920**      **Plastic Bag Use - Exemptions.** Notwithstanding Sections 7.910 and 7.915 of this Code:

- a) Retail establishments with 10 or fewer full-time-equivalent employees may charge for provided paper bags but are not required to do so. If such establishments do charge for paper bags, they are exempt from the requirement to note the cost on receipts.
- b) Single-use plastic carryout bags may be distributed to customers by food providers for the purpose of safeguarding public health and safety during the transportation of hot prepared take-out foods and prepared liquids intended for consumption away from the food provider's premises.
- c) Retail establishments may distribute product bags and make reusable bags available to customers whether through sale or otherwise.
- d) A retail establishment shall provide a reusable bag or a recyclable paper bag at no cost at the point of sale upon the request of a customer who uses a voucher issued under the Women, Infants and Children Program established in the Oregon Health Authority under ORS 413.500.
- e) Vendors at retail fairs such as a farmers' market or holiday fair are not subject to indicating on the customer's transaction receipt the total amount of the recyclable paper

bag pass-through charge required in section 7.915(b) of this Code.

- f) The City Manager or the designee may exempt a retail establishment from the requirement set forth in sections 7.910 – 7.915 of this Code for a period of not more than one year upon the retail establishment showing, in writing, that this Code would create an undue hardship or practical difficulty not generally applicable to other persons in similar circumstances. The decision to grant or deny an exemption shall be in writing, and the City Manager's or designee's decision shall be final.

**7.925**      **Promotion of Reusable Bags.** Retail establishments and vendors are strongly encouraged to educate their staff to promote reusable bags and to post signs encouraging customers to use reusable bags.

**7.930**      **Violations and Penalties.**

(1) Any retail establishment or vendor violating Sections 7.900 – 7.920 is subject to:

- A. Upon the first violation, the Enforcement Officer shall issue a warning notice to the retail establishing or vendor that a violation has occurred.
- B. Upon subsequent violations, the following penalties shall apply:
  - a. \$100 for the first violation after the written warning in a calendar year;
  - b. \$200 for the second violation in the same calendar year; and
  - c. \$500 for any subsequent violation within the same calendar year.
- C. No more than one penalty shall be imposed upon any single location of retail establishment or vendor within a 7-day period.

(2) Upon making determination that a violation of this code or regulations has occurred, the Enforcement Officer will send a written notice of the violation by mail to the retail establishment or vendor specifying the violation and the applicable penalty as set forth in subsection 1.

(3) Any retail establishment or vendor receiving a notice of violation must pay to the City the stated penalty or appeal the finding of a violation in accordance with the procedures set forth in Code Section 1.090.