



San José Plastic Bag Ordinance Development

1. *What is being proposed in San José regarding plastic bags?*

On September 22, 2009, the San José City Council directed staff to develop an ordinance to ban disposable carryout bags at all retailers. Carryout bags are those shopping bags provided by stores at the cash register as customers check out and bag their purchases. Council direction to staff was as follows:

- All single-use plastic carryout bags would be banned.
- Most paper carryout bags would be banned, but a “green” paper bag (with 40% post-consumer recycled content) would still be allowed.
- The ban would go into effect no earlier than January 1, 2011.
- Some exemptions would be allowed, such as:
 - “Green” paper carryout bags made of 40% post-consumer recycled content;
 - Plastic bags used to separate fruit, vegetables, and meat from other items;
 - Paper and plastic bags used for sandwiches and other food prepared at the store;
 - Paper and plastic bags used for bulk goods such as hard candies or nuts and bolts;
 - Paper and plastic bags used to protect items such as stamps, greeting cards, and glass bottles from damage in the carryout bags.
- Restaurants and food establishments would not be subject to the ban.
- Non-profit and social service organizations, such as Salvation Army and Goodwill, would not be subject to the ban.
- Return to Council with a recommendation on whether a 10 – 25 cent fee for retailers to cover additional costs of “green” paper bag is appropriate.

2. *Why is this ordinance being proposed?*

Grocery stores and other retailers in the United States annually provide 38 billion single-use paper and plastic carryout bags to their customers. While many of the bags do get recycled, many more are disposed of as trash and many find their way into the country’s rivers, oceans, and highways as unsightly litter. These bags represent an unnecessary waste of resources that can easily be avoided through the use of reusable bags.

3. *Are plastic bags a problem for local creeks?* In San José, the Guadalupe River, Coyote Creek and Silver Creek will likely be declared ‘impaired by trash’, and thereby in violation of the federal Clean Water Act. Litter in waterways is a huge problem in almost every community in the Bay Area. San José and other Bay Area cities will be required to reduce litter in waterways in order to comply with state and federal regulations. Plastic bags are one source of plastic litter

with a simple alternative – a reusable bag. We can greatly reduce plastic litter if we switch to reusable bags.

4. *Why not just ban plastic bags?* Banning plastic bags alone has the direct effect of encouraging the use of paper bags. Paper bags require much more energy and water to produce and require the cutting of trees to manufacture. They are also quite expensive for the stores.
5. *Why not charge a fee on all paper and plastic bags?* Current State regulations on plastic bags (AB 2449) forbid a plastic bag fee on the store.
6. *Why consider a store charge on paper bags?* In cities where stores have banned plastic bags, consumers simply revert to paper bags because they are not yet in the habit of bringing their reusable bag. But if all consumers do this, in addition to the large environmental impact, store costs increase dramatically because consumers are accustomed to receiving free paper bags. San José is proposing that stores pass on their paper bag cost to the consumer. If stores charge for paper bags, consumers will change their behavior, and the impact on stores is reduced. No new revenues will be generated for the City by this store charge for bags. The retailer would retain the full amount of the charge. Essentially, stores would not be allowed to give away free paper carryout bags.
7. *Which stores will have to comply?* All retail stores, large and small, will have to comply with the ordinance. Restaurants and other food service establishments are not included. Non-profit and social service organizations are not included.
8. *Why are non-profit and social service organizations exempt from the ban?* The reuse operations of Goodwill and Salvation Army thrift stores help the City achieve its Zero Waste goals. Salvation Army has established a very aggressive campaign to encourage use of reusable bags, offering a 25-cent credit every time a customer uses one of the store's reusable bags.
9. *Why are restaurants and food establishments exempt?* Restaurants and food establishments would not be subject to the ban for public health reasons. Reusable bags are considered impractical for these purposes.
10. *Why not just offer customers an incentive to bring their own bags?* Most grocery stores do currently offer a small incentive to customers who bring in their own bag, usually 3 – 5 cents per bag. While admirable, these programs have not significantly reduced the number of bags consumed.
11. *Why not just encourage customers to recycle their bags at stores?* California law currently requires all large stores to provide in-store opportunities for bag recycling. Data available indicates that only a small fraction of the plastic bags distributed are recycled in the stores.
12. *Why not include shopping bags in curbside recycling programs?* Almost all cities include paper bags in their curbside program. Very few include plastic bags. Unfortunately, plastic bags are very difficult to recycle once they've been commingled in a recycling system and a significant percentage of them are ultimately disposed of instead of being recycled. San José is no longer accepting plastic bags in curbside recycling. Instead San José is encouraging residents to take plastic bags back to the stores for recycling.

13. *Why not just require biodegradable plastic bags?* Biodegradable plastic bags currently only biodegrade in large composting operations. Littered plastic bags will not easily decompose even if they are made of biodegradable plastic.

14. *Is the bag ordinance being driven by the County?* The Santa Clara County Recycling and Waste Reduction Commission (RWRC) has recommended that all cities in the County adopt a similar ordinance, i.e. to ban plastic bags and require a charge on paper bags. Each city must decide whether to adopt an ordinance, though many Santa Clara County cities are faced with increased state and federal regulations to prevent litter in local creeks.

15. *What if San José adopts an ordinance and a neighboring city doesn't? Won't San José will be at a competitive disadvantage?* Neighboring cities have expressed support for this effort, as litter in one jurisdiction ultimately impacts neighboring jurisdictions. On September 22, 2009, prior to San José City Council's decision to develop an ordinance, the mayor of Milpitas, and the Vice-mayors of Campbell, Santa Clara, and Morgan Hill held a press conference with San José Mayor Chuck Reed and San José Councilmembers Campos, Chirco, Chu and Liccardo to emphasize the need for a regional solution to prevent litter in local creeks.

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