

CITY OF SALEM

Written Testimony

City Council

555 Liberty St SE
Salem, OR 97301

Monday, September 10, 2018 6:00 PM

Council Chambers

4.d. [18-415](#) Public hearing on Ordinance Bill No. 20-18, restricting use of single-use plastic bags

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation:

Hold a public hearing, and advance to second reading for enactment Ordinance Bill No. 20-18, restricting use of single-use plastic bags.

Attachments:

[Ordinance Bill No. 20-18](#)

[Ordinance Bill No. 20-18 Exhibit A](#)

[Public Comment](#)

[Public Comment Addition for August 27, 2018](#)

[Public Comment after August 27, 2018](#)

[Additional Public Comment Received by 5:00 p.m. 9-5-18](#)

[Public Comment received through 9:30 a.m. 9-10-2018](#)

[Public Comment received to 5:00 p.m. 9-10-18](#)

Add - Written Testimony.

Amy Johnson

From: Carlene Benson <bensonwc@mac.com>
Sent: Monday, September 10, 2018 9:38 AM
To: CityRecorder
Cc: Tom Andersen
Subject: Plastic bag ban

We are in support of banning single use plastic bags from the City of Salem.

Carlene and Wally Benson
545 Leslie St. SE, Salem

Amy Johnson

From: john cochran <jcvictor2003@yahoo.com>
Sent: Monday, September 10, 2018 10:47 AM
To: CityRecorder
Subject: Plastic bags ban at City Council 9-10-18 meeting comments

Mayor and Councillors

My wife and I disagree with the ban on plastic bags at carryout in Salem Oregon.

We live in the county and shop in Salem.

This is Oregon. It rains here.

Paper sacks fall apart when they get wet, but plastic sacks stay intact and keep groceries dry.

Charging 5¢ a bag is unfair. Some people are exempt and the rest of us must pay. It's like a tax.

Plastic bags are more economical for the grocery as well as the customer.

The material or cloth bags aren't even made in the USA.

How does that help Oregon's economy?

Plastic bags get reused more than paper bags for many practical purposes, such as disposal of messy garbage such as meat bits or poop.

There's room for technologies to fix the downstream problems of plastic-- some innovations are already being deployed to clean up the mess.

This gesture is a burden on the average citizen.

Please vote No.

Thank you

John and Beverly Cochran

[Sent from Yahoo Mail on Android](#)

RECEIVED
SEP 10 2018

CITY OF SALEM
MAYOR/CITY MANAGER'S OFFICE

Re: The Proposed Ban on [claimed single-use] Plastic Bags
To Salem City Counselors:

We oppose the ban on plastic bags. Such bags are convenient, free of germs when dispensed, strong for multiple items even if wet, useful for other applications, and protect the environment.

We do not see plastic bags strewn about. We do see beverage cans and cups, paper litter, cigarette butts, single-use floss tools, and even tennis shoes strewn around. A ban on plastic bags is not helpful. We suspect it was proposed only on the flimsy purpose of attracting attention.

Making a law against plastic bags will not prevent the irresponsible from making litter. The ban will prevent shoppers having strong, convenient packaging for multiple grocery and sundry items. The ban will prevent the choice of additional uses of the plastic bags, sometimes requiring the additional expense of new plastic containers.

We recycle our plastic bags. Responsible retailers supply recycling deposit receptacles. Most often our 'recycling' means another use is made for the bag. Organizations that provide food for the poor rely on donated bags to deliver the food items. A ban on this multi-use item will simply add costs, be unsanitary, limit choices for retailers and consumers and be an added burden on the poor. We strongly oppose this foolish ban possibly proposed simply to follow the misinformed actions of other cities and for bragging rights. It is useless to any real purpose.

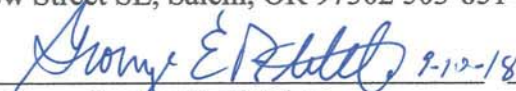
The truth, should anyone care: [1] Plastic bags were introduced because environmentalists claimed less tree felling for paper pulp for paper bags would be a good thing. [2] The U.S. does not contribute most of the plastic in the ocean. This nonsense originated in a typo in the New York Times, for which they've apologized. The originally intended word was 'fishing nets.' [3] Ethane, a bi-product of the petroleum industry, is used to make plastic bags. The University of Colorado at Boulder has made a study in which they lament the uptick in atmospheric ethane. More domestic uses to stabilize this product should be encouraged, not less as in the proposed ban. [4] In the absence of a market for the plastic bags, excess ethane will either be shipped to Asian countries where most of the ocean bags originate, be burned adding to the greenhouse mess, or leaked out also contributing to the supposed greenhouse problem. Banning plastic bags for responsible consumer use is a loss to the environment in every way except in publicity to ignorant feel-gooders. [Source: <https://wattsupwiththat.com/2016/06/15/californias-plastic-bag-ban-may-be-aiding-an-increase-in-the-greenhouse-gas-ethane/> with internal supporting links]

We, the undersigned, urge city counselors to responsibly vote against the unscientific folly that would ban the multi-useful and environmentally-friendly plastic bag.

Sincerely yours,

George E. and Roberta J. Fletcher, home owners,
2055 Yew Street SE, Salem, OR 97302 503-851-6568

Signed:


George E. Fletcher


Roberta J. Fletcher

Amy Johnson

From: Eric Bradfield <ebradfield@gmail.com>
Sent: Monday, September 10, 2018 2:29 PM
To: citycouncil
Cc: Samuel Skillern; Christopher Bechtel; Jeanne and Corbey Boatwright
Subject: Grant NA Supports Plastic Bag Ban

Councilors and Mayor,

The Grant Neighborhood Association voted at our September 6th meeting to support the plastic bag ban. At the meeting, 8 people that voted in support of the ban, one opposed, and one abstained. Our vote didn't include recommendations or concerns.

Thank you,
Eric Bradfield
Grant Neighborhood Association, Co-Chair
C: 503-508-7576

Amy Johnson

From: Kate Kangas <kate.kangas@gmail.com>
Sent: Monday, September 10, 2018 2:03 PM
To: CityRecorder
Subject: PLEASE pass plastic bag restriction

Dear City Council,

As a working mom and homeowner in this fair city, I ask that you PLEASE pass the ordinance limiting single use plastic bags.

Yes my life is busy, and yes I love convenience, but I also care about the health and welfare of our environment. There is just too much research out there documenting the devastating effects of plastic bags to ignore it.

As you know, all of these bags end up in a landfill or as litter, and

- *choke/poison/contribute to the malnourishment of wildlife, marine life, and livestock

- *poison our soil and water with toxic petro-polymers

- *block up water ways and sewer systems

- *and are such a disgusting, disgraceful addition to our local landscapes.

All of which have lots of terrible direct and indirect consequences for all species, including us.

Council members, it is time we align our default modes of operation with our values! Changing the way we all take home our groceries is one of those small things that can make a big difference. Yes, we can do this on a individual scale, but working as a team will accomplish so much more. Please! Make it easy on us to reduce our waste and impact on the environment .

I am hopeful that an ordinance like this will encourage stores to provide shoppers with their discarded cardboard boxes. Costco and Natural Grocers already do this, but it's time for the others to follow suit.

Thank you so much for caring for our city, council members. I appreciate all that you put into making Salem (and planet Earth) a great place to live.

Sincerely,

Kate Kangas
1950 Church Street NE
Salem, Oregon

Sent from my iPhone

Amy Johnson

From: webmaster@cityofsalem.net
Sent: Monday, September 10, 2018 1:19 PM
To: CityRecorder
Subject: Contact: cityrecorder@cityofsalem.net

Email from the City Contact form app.

Message Type: Contact: cityrecorder@cityofsalem.net

Details:

- From: Sherry Lintner at: sherry_lintner@yahoo.com
- Phone:
- Message Body: I would like to register my support of a city wide ban of single use plastic bags. There is no compelling reason to continue the pervasive use of single use bags. Citizens will grump at first, like they always do (remember the outrage when big blue recycling bins were introduced). Before long, bringing your own reusable bags will become 2 nature. I hope council members will seriously consider implementing the ban.

Amy Johnson

From: Dinah Humphrey <dinahclaire86@yahoo.com>
Sent: Monday, September 10, 2018 2:48 PM
To: CityRecorder
Subject: Ban single use plastic bags

Dear City Counsel,

I'm writing in support of banning single use plastic bags in Salem. Even those, like myself, who try to avoid using and accepting them end up accumulating an astonishing amount due to their ubiquity. There are very limited opportunities to reuse them because of their poor quality. They are to be used once, but to exist forever as a blight on our land, and an encumbrance to our systems. Their excessive use is really unconscionable and a ban would be a relief. Please, please take this practical step in limiting our plastic use together.

Thank you,
Dinah Mattson, stay-at-home mother
dinahclaire86@yahoo.com

[Sent from Yahoo Mail for iPhone](#)

Amy Johnson

From: Charlie Plybon <cplybon@surfrider.org>
Sent: Monday, September 10, 2018 4:22 PM
To: CityRecorder
Subject: Support for City of Salem Plastic Bag Ordinance
Attachments: Surfrder_comments_ord20_18_salem.docx

To whom it may concern,

On behalf of our entire Oregon membership and our many members, supporters and volunteers in the City of Salem, the Surfrider Foundation would like to express our strong support for the City of Salem's recommended ordinance to reduce single use plastic bag distribution and encouraging the use of reusable bags. Please find the attached comments, which I hope to provide this evening in person - (I may be late tonight).

Cheers,

Charlie Plybon | Oregon Policy Manager | [Surfrider Foundation](https://www.surfrider.org/)
541-961-8143 | cplybon@surfrider.org | tw: @oregonsurfrider

Mayor Bennett:



Re: Salem Single Use Plastic Bag Ordinance: Bill No. 20-18

On behalf of our entire Oregon membership and our many members, supporters and volunteers in the City of Salem, the Surfrider Foundation would like to express our strong support for the City of Salem's recommended ordinance to reduce single use plastic bag distribution and encouraging the use of reusable bags. Surfrider Foundation has worked through supporting development and implementation of this policy in hundreds of cities around the nation through our grassroots volunteer network of chapters. Over the past decade, we've learned what makes a strong policy that actually meets the intended environmental, litter and waste management goals set forth by cities such as Salem.

As with any policy, plastic bag ordinances have evolved both in Oregon and more broadly across the nation to better meet these intended goals, eliminate loopholes, and avoid un-intended consequences. For example, Portland's Policy in 2011 without a fee deterrence on paper bags resulted in the unintended consequence and environmental impact of increasing paper bag use by 491%¹. With the City of Salem's intended policy goal to *protect the environment, animal and human health, and to reduce litter* in mind and our experience developing and partnering on policy implementation throughout Oregon, we offer the following comments and considerations to the ordinance. Most of the comments and considerations that follow are to provide clarity for implementation or administration and do not result in substantive changes to the policy itself.

Surfrider comments to draft ordinance

CHAPTER 48 –SINGLE-USE PLASTIC BAGS

48.010. – Purpose.

The purpose of this Chapter is to protect the environment, animals and human health, and reduce litter by limiting the use of single-use plastic carryout bags at retail establishments, City facilities, City managed concessions, City sponsored events, and City permitted events.

48.020. – Definitions.

¹ <https://www.portlandoregon.gov/bps/article/419700>

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Carryout bag means 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:

- (a) Bags used by consumers inside retail establishments to:
 - (1) Package bulk items, such as fruit, vegetables, nuts, grains, candy, or small hardware items;
 - (2) Contain or wrap meat, fish, or frozen foods, whether packaged or not;
 - (3) Contain or wrap flowers, potted plants, or other items where dampness may be a problem;
 - (4) Contain unwrapped prepared foods or bakery goods; or
 - (5) Pharmacy prescription bags.
- (b) 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; or
- (c) Product or produce bags.

City sponsored event means any event organized or sponsored by the City, Urban Renewal Agency of the City of Salem, or Housing Authority of the City of Salem.

Customer means any person obtaining goods from a retail establishment.

Food provider means any entity in the city that provides prepared food for public consumption on or off its premises.

Grocery store means any retail establishment that sells groceries, fresh, packaged, canned, dry, prepared, or frozen food or beverage products and similar items.

Pharmacy means a retail establishment where a pharmacist licensed by the State of Oregon’s Board of Pharmacy practices pharmacy and where prescription medications are offered for sale.

Product or produce bag means any bag without handles provided to a customer for use

Commented [CP1]: Prepared food might need to be defined (most policies are moving in the direction of defining this for clarity).

within a retail establishment to assist in the collection or transport of products to the point of sale.

Recyclable paper bag means a paper bag that is 100% recyclable and contains a minimum of 40% post-consumer recycled content.

Retail establishment means any store or vendor located within or doing business within the geographic limits of the City that sells or offers for sale goods at retail.

Reusable bag means a bag made of machine washable cloth, woven synthetic fiber, or other non-plastic material with handles that is specifically designed and manufactured for long-term multiple reuses.

Single-use plastic carryout bag means any 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 bags, biodegradable bags, and thicker plastic bags (e.g., 2.25 mils or 4.0 mils), but does not include reusable bags, recyclable paper bags, or bags exempted from the definition of carryout bag.

Undue hardship means circumstances or situations unique to the particular retail establishment that results in no reasonable alternatives to the use of single-use plastic carryout bags or which results in the inability to collect a recyclable paper bag pass-through cost.

Commented [CP2]: While we understand the intent, the inclusion of this language is a little nebulous. We would be ok with this "eg., 2.25 mils or 4.0 mils being removed.

Commented [CP3]: This phrase is defined but not actually used in the ordinance.

48.030. – Single-Use Plastic Carryout Bags Prohibited.

Except as otherwise provided in this chapter:

- (a) No retail establishment will provide or make available to a customer a single-use plastic carryout bag; and
- (b) No person will distribute or provide a single-use plastic carryout bag at any City facility, City managed concessions, City sponsored event, or City permitted event.

48.040. – Permitted Bags.

All retail establishments shall provide or make available to a customer only recyclable paper carryout bags or reusable bags for the purpose of carrying away goods or other materials from the point of sale, subject to the terms of this Chapter. Nothing in this Chapter

prohibits customers from using bags of any type that they bring to the retail establishment themselves or from carrying away goods that are not placed in a bag, in lieu of using bags provided by the retail establishment.

48.050. – Pass-Through Cost.

(a) Except as otherwise provided in this chapter, 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, the retail establishment will:

- (1) Charge the customer a reasonable pass-through cost of not less than five cents per recyclable paper bag provided to the customer; and not rebate or otherwise reimburse any customer any portion of the pass-through cost; and
- (2) Indicate on the customer's transaction receipts the total amount of the recyclable paper bag pass-through charge.

(b) Retail establishments may offer reusable bags for sale. When retail establishments offer reusable bags for sale, the retail establishment will:

- (1) Charge the customer a reasonable pass-through cost of no less than fifty-cents (\$.50) per reusable bag, and not rebate or otherwise reimburse any customer any portion of the pass-through cost; and
- (2) a retail establishment may offer reusable bags to customers without charge during a limited duration promotional event, which said limited duration promotional events shall not exceed twelve (12) days total per year.

48.060. – Exemptions.

Notwithstanding any other provision of this Chapter:

- (a) Retail establishments with 10 or fewer full-time-equivalent employees may charge for provided recyclable 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 pass-through 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 prepared take-out foods and prepared liquids intended for

Commented [CP4]: Generally speaking, we're learning after many cities have implemented various policies that it's important to provide a section on what bags are actually permitted. This helps provide clarity to a retailer and avoids potential loopholes. This is just one recommendation for how that could be included.

Commented [CP5]: This language would support the language above for permitted bags and appropriate pass through costs as well as provides for opportunities for promotional events (bag giveaways).

Commented [CP6]: Insert "recyclable" since this is what we define.

consumption away from the food provider's premises.

- (c) A retail establishment may 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:

- (1) A voucher issued under the Women, Infants and Children (WIC) program established in the Oregon Health Authority under ORS 413.500; or
- (2) An Electronic Benefits Transfer (EBT) card, such as an Oregon Trail Card, to access Supplemental Nutrition Assistance Program (SNAP) benefits.

- (d) Vendors at retail fairs such as farmers markets or holiday fairs are not subject to indicating on the customer's transaction receipt the total amount of the recyclable paper bag pass-through charge.

48.070. – Promotion of Reusable Bags.

- (a) Retail establishments may distribute product bags, and may make reusable bags available to customers pursuant to the terms of Section 48.050(b).
- (b) Retail establishments are encouraged to educate their staff to promote reusable bags and to post signs encouraging customers to use reusable bags.

48.080. – Violations and Penalties.

- (a) Any person who violates the provisions of this chapter shall be guilty of an infraction, punishable pursuant to SRC 1.070.
- (b) The penalty for violations of this chapter shall be:
 - (1) No more than \$50 for the first violation;
 - (2) No more than \$150 for the second violation within a calendar year; and
 - (3) No more than \$250 for any subsequent violation.
- (c) No more than one citation will be issued to any single location of a retail establishment within a seven-day period.

Commented [CP7]: May consider broader "undue hardships" to allow for those who may need assistance otherwise - given it was in the definitions

Commented [CP8]: I think this should be a business not a person – it's not uncommon to refer to business in this fashion sometimes in policy but I would recommend being explicit about this with respect to penalty impacting the business, not the server/employee