Received At Council Meeting
Meeting Date:
Agenda Item: Plastic 3
Received by: Charlie Plubon
From:
KK

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 followings 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 packages 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.

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

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.

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.

Charlie Plybon
Oregon Policy Manager
Surfrider Foundation
CPIybon@Surfrider.org
(541)961 8143
Po Box 719
South Beach, OR 97366

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

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Received At C	ouncil	Meeting	
Meeting Date:	al	10/18	
Agenda Item:	4.13		
Received by:	KL		
From: T	M.		

This plastic bag is 100% biodegradable



Indonesia has a massive problem with discarded plastic waste. Image: REUTERS/Beawiharta

04 May 2018

Alex Gray
Formative Content

A company in Indonesia has created a plastic bag so eco-friendly you can eat it.

It's made out of cassava, the vegetable root which is a staple in the diets of many in Africa, Latin America and Asia, but which can also be used in manufacturing.

The company, Avani Eco based in Bali, has created a bag that they say looks and feels like plastic, but is completely degradable and compostable.

It also dissolves in water, so if animals eat it, it won't cause any harm. They say it's so

safe, in fact, that humans could even swallow it.



Image: AvaniEco

Indonesia has a massive plastic pollution problem. Discarded plastic is choking its rivers and smothering its previously pristine beaches. "Our country is drowning in plastic" says Kevin Kumala, Chief Green Officer at the company.

The problem has become so acute that the army has been drafted in to help clear the waste. But it's an uphill struggle. As they clear the waste, more appears.

The global plastics problem

Plastic pollution is a problem all over the world.

Each year, at least 8 million tonnes of plastics find their way into the ocean, the equivalent of dumping the contents of one garbage truck into the ocean every minute.

Sea life and birds die from eating it or getting tangled in it. The plastic is also broken down in the ocean, becoming small enough to enter the food chain.

Only 14% of plastic packaging is collected for recycling, while most plastic packaging is used only once. In addition, 95% of the value of plastic packaging material, worth between \$80 billion and \$120 billion annually, is lost to the economy.

It's a massive problem, but one that has prompted many to try and find a solution.

Three strategies to transform the global plastic packaging market



World Economic Forum and Ellen MacArthur Foundation, with analytical support from SYSTEMIQ The New Plastics Economy - Catalysing action (2017, www.newplasticseconomy.org).





The New Plastics Economy

The New Plastics Economy, an initiative by the Ellen MacArthur Foundation, brings together key players including innovators and manufacturers, to rethink and redesign the future of plastics, starting with packaging.

The basic idea is to turn plastic's linear economy - use it and discard it - into a circular one, where the plastic can be either reused or recycled.

One of the Foundation's major projects is a \$2m New Plastics Economy Innovation Prize. The prize is split into two parts, The Circular Design Challenge, which invites ideas on how to change the way packaging is designed, and the the Circular Materials Challenge, which invites ideas on how to replace plastic with other materials.

New solutions for plastic



Image: TrioCup

Among the winners of the design challenge is one that attempts to solve the take-away coffee problem.

More than 100 billion disposable coffee cups are sold globally every year, yet hardly any are recycled.

US-based start-up Trio-Cup has designed a disposable paper cup with an origami-like

technique that removes the need for a plastic lid. It's made from a 100% compostable material.



Image: VTT Technical Research Centre of Finland

Among the winners of the materials challenge is VTT Technical Research Centre of Finland, with packaging that looks and feels like plastic, but is made from wood.

The substance is a compostable multi-layer material sourced from agricultural and forestry by-products, which could be used to package products like muesli, nuts, and cheese. In theory, this type of packaging could replace up to 15% of the current plastic barrier film market.

Plastic waste clogging up Jakarta's waterways is the inspiration for the materials challenge design by Evoware.

The company has designed a solution to the single use food wrappings, such as sauce sachets and food wraps, that are so small that they escape collection and end up on beaches, in rivers, or the ocean.

It has made food wrappings and sachets out of a seaweed-based material that can be dissolved in water or eaten. It can even feed plants - it's 100% biodegradable and contains vitamins and minerals, making it a natural fertilizer for plants.

The winners of the innovation prize will join a 12 month accelerator programme, in collaboration with Think Beyond Plastic, working with experts to make their innovations marketable at scale.

However, while the winning innovations represent the type of solutions we need to build a plastics system that works, these entrepreneurs cannot drive the transition alone, says the Ellen MacArthur Foundation. Businesses, policy makers, and investors too, need to make clear commitments and collaborate towards a circular economy for plastics.

Written by

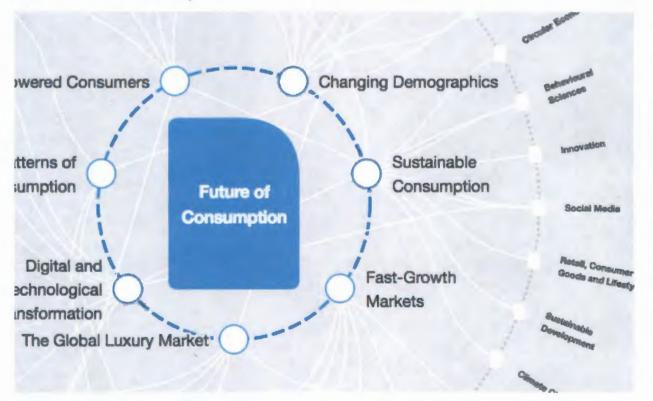
Alex Gray, Formative Content

The views expressed in this article are those of the author alone and not the World Economic Forum.

Explore context



Future of Consumption



Explore the latest strategic trends, research and analysis



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We all need to work together to solve this problem.

Many cities in Oregon, including Portland, Eugene, Corvallis, Ashland and others, have already banned the single use plastic bag and it's time for Salem to join the effort. Please support a ban on single use plastic bags.

Dear Mayor, City Manager and City Councilors,

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Meeting Date:

April 2018

From poisoning and injuring marine life to disrupting human hormones, from littering our beaches and landscapes to clogging our waste streams and landfills, the exponential growth of plastics is now threatening the survival of our planet. Scientists predict that if nothing changes in our plastic consumption habits, by 2050 there will be more plastic in the oceans than there are fish (by weight).

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- fram West Salem

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810 17th

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Sunwood D-NW

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Salem, OV 97502

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willow Ct SE 97302

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Respectfully, Larry Nelson 97302

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High Street SE

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COTTONWOOD ST NE 97317

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Chemilota St. NE

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We need to do this NOW

How lane do you want Selem to be?

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Respectfully, _//

448 Sunwood DV NW

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Respectfully, Gary & Hally Miller

Salen OR

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Respectfully, ___

Willamette Dr N

PATRICIA HISHER

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97302

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Respectfully, William FARMER

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Lambert Street Ntd, Salem OR

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Commercial SE

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Respectfully, Kathryn Lederer

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Respectfully, Maryann Beirne
1911 Park Ave NF

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Respectfully, Anita J. Owen
1795 Summer St. SE.
Salem 97302

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2130 Holiday 155
Salem, OR 97302

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Respectfully, Shelley Kaplan

20 in Arole 5.

Salene 97306

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Oak Dr SE

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Respectfully, Samuel Phillips

900 State Street

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Salen OR 97304

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SHATE STREET

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NNOLLOW AVE. NE.

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5705 Colver Dr 2

(4-17-18)

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FRANCES (tEMPANDEE)

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Solens 8497362

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Rockway 5TSZ

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Respectfully, Karen Mahoner

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Jayne Ha

502 Sussey AV

Solom, OR 97306

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Twin Ock Pl NW

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Respectfully, HENRY MOORE

119 FISKE ST.

SILVERTON, OR

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3024 Wenslow way N

Salem. N. 9734

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Respectfully, Mina Barrett Smily
Bair Rd NE

Keyer 97303

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Respectfully, Avery Pueil 588 Rival Ave-5 566m, ON 97302

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Oakcrest West Salem

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Respectfully, Loraine S. Stuart
U. Lavis ta Ct., NW
Salem, OR 97304

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Respectfully, Mary L. Kampyo

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Respectfully, Sarah Mask

Cedar Drive, Lebanon, OR

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Respectfully, Frank & Cynthia Gyurgyik

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Respectfully, Michael & Elizabeth Tardif 19th St. NE Salem 97301

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Respectfully, Jessica Ramey
2055 Summer St SE, Salam OR 97302

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Dilla, OR.

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Respectfully, Jill Tonkin

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BOLTON TERRACES

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12:80 Elser Ct. SE Sqlem of 97802

Simons & 4besmall & com

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Respectfully, Brenda Russell

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Respectfully, LISa Krigbaum

226 olson Rd Silverton, or 9738

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Respectfully, JOEL ROSENGLING Z208 Jophn Ct. 5: , Solar 97362

rosenblatie mswacom

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