

BOARD of SUPERVISORS



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MEMORANDUM

LAND USE AND ECONOMIC DEVELOPMENT COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Scott Wiener, Chair
Land Use and Economic Development Committee

FROM: Andrea Ausberry, Committee Clerk

DATE: March 3, 2014

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, March 4, 2014

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, March 4, 2014. This item was acted upon at the Committee Meeting on March 3, 2014, at 1:30 p.m., by the votes indicated.

Item No. 27 File No. 131207

Ordinance amending the Environment Code to restrict the sale or distribution on City property of drinking water in plastic bottles of 21 ounces or less, set City policy to increase the availability of drinking water in public areas, and bar the use of City funds to purchase bottled water; and making environmental findings.

RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor Scott Wiener - Aye
Supervisor Jane Kim - Aye
Supervisor Malia Cohen - Aye

c: Board of Supervisors
Angela Calvillo, Clerk of the Board
Rick Caldeira, Deputy Legislative Clerk
Jon Givner, Deputy City Attorney

File No. 131207

Committee Item No. 2

Board Item No. 27

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date March 3, 2014

Board of Supervisors Meeting

Date March 4, 2014

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
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Completed by: Andrea Ausberry Date February 27, 2014

Completed by: AA Date 3-3-14

FILE NO. 131207

ORDINANCE NO.

[Environment Code - Bottled Water]

1
2 **Ordinance amending the Environment Code to restrict the sale or distribution on City**
3 **property of drinking water in plastic bottles of 21 ounces or less, set City policy to**
4 **increase the availability of drinking water in public areas, and bar the use of City funds**
5 **to purchase bottled water, and making environmental findings.**

6 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
7 **Additions to Codes** are in *single-underline italics Times New Roman font*.
8 **Deletions to Codes** are in ~~italics Times New Roman font~~.
9 **Board amendment additions** are in double-underlined Arial font.
10 **Board amendment deletions** are in ~~Arial font~~.
11 **Asterisks (* * * *)** indicate the omission of unchanged Code
12 subsections or parts of tables.

13 Be it ordained by the People of the City and County of San Francisco:

14 Section 1. Environmental Findings. The Planning Department has determined that the
15 actions contemplated in this ordinance comply with the California Environmental Quality Act
16 (California Public Resources Code Section 21000 et seq.). Said determination is on file with
17 the Clerk of the Board of Supervisors in File No. 131207 and is incorporated herein by
18 reference.

19 Section 2. Findings.

20 (a) The City and County of San Francisco has a duty to protect the natural
21 environment, the economy, and the health of its citizens. San Francisco is renowned as an
22 environmental leader as a result of the City's adoption of cutting edge policies and its smart
23 and strategic implementation of those policies. Policies such as Plastic Bag Reduction
24 Ordinance enacted in March 2007, the City's zero waste policy, and the requirement that new
25

1 buildings install water fountains capable of filling reusable bottles, among others, all
2 demonstrate the City's leading role in reducing waste.

3 (b) Americans currently buy half a billion bottles of water every week, enough to circle
4 the globe twice. We consume more bottles of water than any other nation. An estimated
5 2 million tons of plastic water bottles end up in landfills each year. In San Francisco,
6 Recology collects 10-15 million single-use plastic water bottles a year, and this number does
7 not include bottles that go to redemption centers or landfill. It is likely that tens of millions of
8 single-use plastic water bottles from San Francisco end up in our recycling stream or landfill
9 on an annual basis.

10 (c) A plastic bottle in a landfill takes centuries to decompose. While advances by
11 water bottle producers have reduced the amount of packaging and weight of bottle containers
12 that ultimately reach the City's waste facilities, alternatives to plastic bottles, such as reusable
13 bottles, drinking fountains, and water stations produce an insignificant amount of waste in
14 comparison.

15 (d) Almost all this plastic is made from petroleum, requiring nearly 17 million gallons of
16 crude oil annually. Aside from their manufacture, single-use bottles have significant
17 environmental impacts throughout their lifecycle. The bottles require significant energy to
18 transport and often take a long journey to U.S. markets. In 2006, the equivalent of 2 billion
19 half-liter bottles arrived in U.S. ports, according to the Natural Resources Defense Council.
20 Fiji shipped 18 million gallons of bottled water to California, releasing about 2,500 tons of
21 transportation-related pollution. When incinerated, rather than being left to decompose, a
22 plastic bottle releases chlorine gas and heavy metal ash.

23 (e) Many plastic water bottles contain chemicals called phthalates that it has been
24 shown can leach into the water. Phthalates are known to disrupt testosterone and other
25 hormones, which can lead to infertility, cancer, miscarriages and other health problems.

1 (f) The City has repeatedly demonstrated its commitment to reducing this type of
2 waste. The Mayor's 2007 executive order barring the purchase of bottled water by City
3 Departments with City funds is widely recognized as an example of San Francisco's
4 exemplary policies and demonstrates the City's longstanding commitment to environmental
5 sustainability. And while significant strides have been made by City Departments in carrying
6 out this directive, much more remains to be done in connection with City-sponsored and City-
7 authorized events and activities on City property.

8 (g) The Port Commission recently showed great leadership in adopting the balanced
9 and thoughtful "Policy for Zero Waste Events and Activities," restricting plastic bottles on Port
10 property at events with over 5,000 attendees.

11 (h) Many people drink bottled water because they believe it to be of a higher quality,
12 cleaner and better-tasting, but that perception not necessarily accurate. In the United States,
13 public water is regulated by the Environmental Protection Agency (EPA), which requires
14 multiple daily tests for bacteria and makes results available to the public. The Food and Drug
15 Administration, which regulates bottled water, only requires weekly testing and does not share
16 its findings with the EPA or the public.

17 (i) The City's own supply of tap water is one of the cleanest and best tasting in the
18 country. The San Francisco Public Utilities Commission delivers pristine drinking water
19 through the Hetch Hetchy Reservoir in Yosemite National Park and Hetch Hetchy Regional
20 Water System, which meets or exceeds all federal and state criteria for drinking water quality
21 and is tested over 100,000 times per year. The system also uses gravity to transport water to
22 the municipality, while bottled water uses less environmentally-friendly means for
23 transportation.

24 (j) Bottled water is more expensive than tap water for the average consumer. Bottled
25 water cost consumers an average of \$1.30 per gallon (\$11.8. billion/9.1 billion gallons); San

1 Francisco's municipal water from Hetch Hetchy costs about \$0.03 per gallon. Yet bottled
2 water is often filled right from the tap. It is estimated that one third of all bottled water sold in
3 the United States is repackaged tap water. Some companies that are filling their bottles from
4 underwater sources are taking so much that there are nearby communities worried that their
5 own wells will run dry.

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1 Section 3. The San Francisco Environment Code is hereby amended by adding
2 Chapter 24, Sections 2401 through 2409, to read as follows:

3 **Chapter 24: Bottled Drinking Water**

4 Sec. 2401. Title.

5 Sec. 2402. Definitions.

6 Sec. 2403. Sale Or Distribution Of Bottled Water on City Property Restricted.

7 Sec. 2404. New Leases, Permits, And Agreements; Mobile Food Facilities.

8 Sec. 2405. Barring Use Of City Funds For Purchase Of Bottled Water.

9 Sec. 2406. Waivers and Exclusions.

10 Sec. 2407. Implementation.

11 Sec. 2408. Enforcement And Penalties.

12 Sec. 2409. Increasing the City's Commitment to Providing Public Water.

13
14 **SEC. 2401. TITLE.**

15 The title of this Chapter shall be the San Francisco Bottled Water Ordinance.

16
17 **SEC. 2402. DEFINITIONS.**

18 For purposes of this Chapter.

19 "Bottled Water" means drinking water in a sealed Rigid Plastic Bottle having a capacity of
20 21 fluid ounces or less.

21 "City Property" means real property, including any buildings thereon, owned or leased by the
22 City and County of San Francisco ("City"), and in the City's possession or in the possession of a
23 public or private entity under contract with the City to perform a public purpose, including but not
24 limited to the following property: recreational and park property including but not limited to Golden
25 Gate Park, the San Francisco Zoo, and San Francisco's parks and playgrounds, plazas including but

1 not limited to United Nations Plaza and Hallidie Plaza, community centers such as Ella Hill Hutch
2 Community Center, and property of the Department of Recreation and Parks, the Port, and the Public
3 Utilities Commission. "City Property" includes a "City Street."

4 "City Funds" means all monies or other assets received and managed by, or which are
5 otherwise under the control of, the Treasurer, and any notes, bonds, securities, certificates of
6 indebtedness or other fiscal obligations issued by the City and County.

7 "City Street" means the public right-of-way owned by the City, including any area across,
8 along, on, over, upon, and within the dedicated public alleys, boulevards, courts, lanes, roads,
9 sidewalks, streets, and ways within the City.

10 "Event" means any gathering held on City Property, including a City Street, and subject to a
11 City permit, where more than 100 people attend or participate.

12 "Mineral water" means drinking water containing more than 500 milligrams per liter of total
13 dissolved solids and/or one or more chemical constituents in excess of the concentrations listed in the
14 Federal Bottled Water Quality Standards (Title 21, Code of Federal Regs., Sec. 165.110).

15 "Participant Athletic Event" means an athletic event in which a group of people collectively
16 walk, jog, run, or bicycle or otherwise participate in a sport on City Property, including a City Street.

17 "Rigid Plastic Bottle" means any formed or molded container comprised predominantly of
18 plastic resin, having a relatively inflexible fixed shape or form, having a neck that is smaller than the
19 container body, and intended primarily as a single service container. "Rigid Plastic Bottle" includes a
20 compostable plastic bottle meeting these criteria.

21 "Water" includes: natural spring or well water; water taken from municipal or private utility
22 systems or other sources; distilled, deionized, filtered, or other purified water; or any of the foregoing
23 to which chemicals may be added. "Water" does not include: mineral water; carbonated or sparkling
24 water; soda, seltzer, or tonic water; or flavored water, also marketed as fitness water, vitamin water,
25 enhanced water, energy water, or other similar products. "Water" does not include those food

1 ingredients that are listed in ingredient labeling as "water," "carbonated water," "disinfected water,"
2 or "filtered water."

3
4 **SEC. 2403. SALE OR DISTRIBUTION OF BOTTLED WATER ON CITY PROPERTY**

5 **RESTRICTED.**

6 (a) Starting October 1, 2014, no person may sell or distribute Bottled Water at an Event held
7 indoors on City Property.

8 (b) Starting October 1, 2014, no person may sell or distribute Bottled Water at an Event held
9 outdoors on City Property, including a City Street, where the permitting officer, department, or agency
10 (collectively, "department") allows the Event sponsor access to reliable on-site potable water
11 connections adequate to meet the hydration needs of the Event participants or attendees. By July 1,
12 2014, departments that issue permits for Events on their properties and in their facilities shall, in
13 consultation with the San Francisco Public Utilities Commission ("SFPUC"), determine which
14 properties that are frequently used for Events have a reliable on-site supply of drinking water that
15 could be used by Event sponsors.

16 (c) Starting October 1, 2016, no person may sell or distribute Bottled Water at an Event held
17 outdoors on City Property, including a City Street.

18 (d) The provisions of this Section 2403 shall not apply to the sale or distribution of Bottled
19 Water to participants in a Participant Athletic Event. The provisions of this Section 2403 shall not
20 apply where the City grants the general public access to enter or use City Property in question,
21 including a City Street, without requiring issuance of a permit.

22 (e) This Section 2403 shall not apply to an event held prior to January 1, 2018 that is
23 sponsored by a not-for-profit entity and that has over 250,000 attendees or participants.

24 / / /

1 **SEC. 2404. NEW LEASES, PERMITS, AND AGREEMENTS; MOBILE FOOD FACILITIES.**

2 (a) Starting October 1, 2014, all new leases, permits, management agreements or other
3 agreements awarded by the City allowing any person to use City Property, including a City Street, for
4 purposes that contemplate or would allow the sale or distribution of beverages (collectively,
5 "permits") shall specifically require that the permittee comply with this Chapter. This requirement
6 shall also apply to any such permit renewed, extended, or materially amended after October 1, 2014

7 (b) Starting October 1, 2014, no City officer or department shall issue a bid proposal or
8 solicitation, request for bid or proposal, or contract for vendors or concessions to be operated on City
9 Property that would require or permit the sale or distribution of Bottled Water on such property.

10 (c) This Section 2404 does not apply to concessions/vendors at San Francisco Airport facilities.
11 This Section 2404 does not apply to permits for the use of City Property, including a City Street, for a
12 Participant Athletic Event, if the permit provides that the Event sponsor may only sell or distribute
13 Bottled Water, or allow the sale or distribution of Bottled Water, to participants in the Participant
14 Athletic Event and not to any other persons. This Section 2404 will not apply to concessions/vendors at
15 the Moscone Center facility until (1) the City Administrator certifies to the Board of Supervisors that
16 the first phase of the expansion of the facility, the plans for which include installation of bottle filling
17 stations, has been completed, or (2) January 1, 2018, whichever is sooner.

18 (d) Starting October 1, 2016, all Mobile Food Facility permits issued or renewed under
19 Article 5.8 of the Public Works Code shall specifically provide that the permittee shall not sell or
20 distribute or allow the sale or distribution of Bottled Water as part of the operation of the Facility.

21
22 **SEC. 2405. BARRING USE OF CITY FUNDS FOR PURCHASE OF BOTTLED WATER.**

23 (a) No City officer, department, or agency (collectively, "department") shall use City Funds to
24 purchase Bottled Water for its own general use. A department may use City Funds to purchase Bottled
25 Water for uses specifically exempted from or allowed under this Chapter.

1 (b) It shall be City policy not to have drinking water systems in City offices or facilities that use
2 plastic water bottles of any size where satisfactory alternatives exist and are feasible at the location
3 under consideration. It shall further be City policy to conform drinking water systems in City offices or
4 facilities to this goal where reasonable by the end of 2016.

5
6 **SEC. 2406. WAIVERS AND EXCLUSIONS.**

7 (a) A City officer, department, or agency (collectively, "department") responsible for
8 permitting an Event on or issuing a lease for City Property may waive the requirements of
9 Sections 2403 and 2404 in full or in part if the Event sponsor or lessee demonstrates to the satisfaction
10 of the department that strict application of the requirement would not be feasible, would create an
11 undue hardship or practical difficulty, or that circumstances otherwise warrant granting of the waiver.
12 The department's decision to grant a waiver shall be in writing and shall be final.

13 (b) The provisions of Sections 2403 and 2404 shall not apply where the department finds that
14 the inclusion or application of such provisions would violate or be inconsistent with the terms or
15 conditions of a grant, subvention or contract with an agency of the State of California or the United
16 States or the instructions of an authorized representative of any such agency with respect to any such
17 grant, subvention or contract.

18 (c) The provisions of Sections 2403, 2404, and 2405(a) shall not apply where the department
19 finds that relying on Bottled Water is necessary in a given situation to protect the public health, safety
20 and welfare, and no reasonable alternative to Bottled Water will serve the same purpose.

21 (d) Departments shall annually report all waivers granted under subsection (a) and
22 determinations of non-applicability made under subsections (b) and (c) to the Director of the
23 Department of the Environment, and include the reason for each waiver.

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1 **SEC. 2407. IMPLEMENTATION.**

2 (a) This Chapter shall not apply to an Event held on City Property, including a City Street,
3 where the sponsor applied for or received the permit prior to July 1, 2014. Nothing in this Chapter
4 shall be construed to impair a contract, lease, management agreement or other legally-binding
5 agreement to which the City is a party on the effective date of this Chapter.

6 (b) The Department of the Environment and the Public Utilities Commission shall take
7 appropriate steps to educate and inform City departments about the requirements of this Chapter.

8 (c) The Director of the Department of the Environment shall submit an annual report to the
9 Mayor and the Board of Supervisors on the implementation of this Chapter. The report shall include
10 the number of waivers granted by City officers or departments under Section 2406(a) and
11 determinations of non-applicability made under Section 2406(b) and (c), and a brief explanation of the
12 justifications for the same.

13
14 **SEC. 2408. ENFORCEMENT AND PENALTIES.**

15 (a) Any person who violates any provision of Section 2403 or of an administrative regulation
16 adopted under this Article to implement that Section may be punished by administrative fines imposed
17 by the Director of the Department of the Environment in the amount of:

18 (1) Up to \$500 for the first violation;

19 (2) Up to \$750 for a second violation within a twelve-month period; and

20 (3) Up to \$1,000 for a third and subsequent violations within a twelve-month period.

21 (b) Except as provided in subsection (a), setting forth the amount of administrative fines,
22 Administrative Code Chapter 100, "Procedures Governing the Imposition of Administrative Fines," as
23 may be amended from time to time, is hereby incorporated in its entirety and shall govern the
24 imposition, enforcement, collection, and review of administrative citations issued by the Director to
25 enforce this Article or any administrative regulation adopted under this Article.

1 **SEC. 2409. INCREASING THE CITY'S COMMITMENT TO PROVIDING PUBLIC WATER.**

2 (a) It shall be City policy to increase the availability of clean, free drinking water in public
3 areas. City departments shall take all reasonable and appropriate steps to promote and facilitate
4 achievement of the goals and policies of this Chapter, including helping Event sponsors and other City
5 departments to meet the requirements of this Chapter.

6 (b) The SFPUC, in consultation with the Department of Public Health and other appropriate
7 City departments, shall investigate standards and procedures for allowing Event sponsors to access
8 additional City-controlled or -operated water supplies. The SFPUC shall report its findings and
9 recommendations to the Board of Supervisors by July 1, 2014.

10 (c) The SFPUC, in consultation with appropriate City departments, shall investigate installing
11 backflow preventers and related plumbing equipment on existing potable water systems, to facilitate
12 public access to such potable water in the park sites most frequently used for special events. The
13 SFPUC shall report its findings and recommendations to the Board of Supervisors by July 1, 2014.

14 (d) It shall be City policy that any City department undertaking a capital improvement in a
15 park, plaza, playground, or other public space shall install bottle-filling stations, drinking fountains,
16 and or potable water hook-ups for public use, if the department finds that the installation is proximate
17 and feasible with the scale and scope of the capital improvement.

18 (e) It shall be City policy to encourage the inclusion of bottle-filling stations or drinking
19 fountains for public use in Privately-Owned Public Open Spaces as defined in Planning Code
20 Section 135(a), as amended.

21
22 Section 4. Effective Date. This ordinance shall become effective 30 days after
23 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
24 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
25 of Supervisors overrides the Mayor's veto of the ordinance.

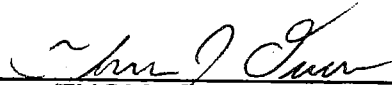
1 Section 5. Severability. If any section, subsection, sentence, clause, phrase, or word
2 of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any
3 court of competent jurisdiction, such decision shall not affect the validity of the remaining
4 portions of the ordinance. The Board of Supervisors hereby declares that it would have
5 passed this ordinance and each and every section, subsection, sentence, clause, phrase, and
6 word not declared invalid or unconstitutional without regard to whether any other portion of
7 this ordinance would be subsequently declared invalid or unconstitutional.

8
9 Section 6. Undertaking for the General Welfare. In enacting and implementing this
10 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
11 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
12 is liable in money damages to any person who claims that such breach proximately caused
13 injury.

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1 Section 7. No Conflict with Federal or State Law. Nothing in this ordinance shall be
2 interpreted or applied so as to create any requirement, power, or duty in conflict with any
3 federal or state law.

4
5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

7
8 By: 
9 THOMAS J. OWEN
Deputy City Attorney

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LEGISLATIVE DIGEST
(Amended in Committee, 2/24/2014)

[Environment Code - Bottled Water]

Ordinance amending the Environment Code to restrict the sale or distribution on City property of drinking water in plastic bottles of 21 ounces or less, set City policy to increase the availability of drinking water in public areas, and bar the use of City funds to purchase bottled water, and making environmental findings.

Existing Law

The City has no laws specifically regulating the sale or distribution of bottled water at events held on City property.

Amendments to Current Law

The proposal is an ordinance that would amend the Environment Code to add a new Chapter 24, the "San Francisco Bottled Water Ordinance." "Bottled Water" would mean drinking water in a sealed rigid plastic bottle having a capacity of 21 fluid ounces or less.

Events on City Property

Starting October 1, 2014, no person would be allowed sell or distribute Bottled Water at an indoor event held on City property, or an outdoor event held City property, including a City street, where the City allowed the sponsor to use an on-site water supply. Starting October 1, 2016, no person would be allowed to sell or distribute Bottled Water at an outdoor event held on City property.

These restrictions would only apply to events where more than 100 people attended or participated. These restrictions would not apply to public athletic events held on City property, to events where the City grants the general public access to enter or use the property without a permit, or to events held on City property where the sponsor applied for or received the permit prior to July 1, 2014. And the restrictions would not apply to an event held before January 1, 2018 that was sponsored by a not-for-profit organization and that had over 250,000 attendees or participants.

A City officer or department responsible for an event or the property to be used for an event could waive these requirements in full or in part if the event sponsor demonstrated that strict application of the requirement would be not feasible, would create an undue hardship or practical difficulty, or that circumstances otherwise warranted granting of the waiver. The

restrictions would not apply where the officer or department found that using Bottled Water was necessary in a particular situation to protect the public health safety and welfare, and that no reasonable alternative to Bottled Water would serve the same purpose.

Permits and Leases; Food Trucks

Starting October 1, 2104, all new permits or leases allowing any person to use City property for purposes that included the sale or distribution of beverages would have to specifically require that the permittee comply with the Chapter. This requirement would also apply to any such permit or lease renewed, extended, or materially amended after that date. Starting October 1, 2014, no City officer or department would be allowed to issue a bid proposal or solicitation, request for bid or proposal, or contract for vendors or concessions to be operated on City property that would require or permit the sale or distribution of Bottled Water on such property. These restrictions would not apply to concessions/vendors at San Francisco Airport facilities. These restrictions also would not apply to the Moscone Center until January 1, 2018, or completion of the first phase of the current expansion of the facility, whichever occurs sooner.

Starting October 1, 2016, all Mobile Food Facility (food truck) permits issued or renewed under Article 5.8 of the Public Works Code would have to specifically provide that the permittee shall not sell or distribute Bottled Water as part of the operation of the Facility.

Policy to Increase the Availability of Clean, Free Drinking Water in Public Areas

The proposal would make it City policy to increase the availability of clean, free drinking water in public areas. In particular, it would be City policy that any City department undertaking a capital improvement in a park, plaza, playground, or other public space ensure that the space includes bottle-filling stations or drinking fountains for public use, if reasonable and appropriate. And it would be City policy to encourage the inclusion of bottle-filling stations or drinking fountains for public use in Privately-Owned Public Open Spaces.

Use of City Funds to Purchase Bottled Water

The ordinance would prohibit City officers and departments from using City funds to purchase Bottled Water for their own general use. It would be City policy not to have drinking water systems in City offices or facilities that use plastic water bottles of any size where satisfactory alternatives exist and are feasible at the location under consideration. And it would further be City policy to conform drinking water systems in City offices or facilities to this goal where reasonable by the end of 2016.

Penalties

Any person who violated the Chapter could be punished by administrative fines imposed by the Director of the Department of the Environment in the amount of up to \$500 for a first violation, up to \$750 for a second violation within a year, and up to \$1,000 for a third and subsequent violations within a year.

* * *

The legislation on file, dated 2/11/2014, provides that the ordinance would not apply to events held on City property by not-for-profit entities until January 1, 2018.

The amendment of the whole, dated 2/14/2014, would provide that the ordinance would not apply to events held on City property by not-for-profit entities until January 1, 2018, if the event had over 250,000 attendees or participants.

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CITY AND COUNTY OF SAN FRANCISCO



DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

THOMAS J. OWEN
Deputy City Attorney

Direct Dial: (415) 554-4679
Email: thomas.owen@sfgov.org

MEMORANDUM

TO: Hon. David Chiu
President, Board of Supervisors

FROM: Thomas J. Owen
Deputy City Attorney

DATE: February 24, 2014

RE: Sale or Distribution of Bottled Water at Events held on City Property
Amendment of the Whole, dated 2/24/2014
(Board File No. 131207; Our File No. 1300366)

Enclosed are a signed original and two copies, dated February 24, 2014, of the amendment of the whole you requested.

The legislation on file, dated 2/11/2014, provides that the ordinance would not apply to events held on City property by not-for-profit entities until January 1, 2018. The amendment of the whole would provide that the ordinance would not apply to events held on City property by not-for-profit entities until January 1, 2018, if the event had over 250,000 attendees or participants. (See page 7, lines 22-23, of the legislation.)

I will send you an electronic copy of the legislation today, and a revised legislative digest later today or tomorrow.

Encl.

cc (by e-mail): Sup. Eric Mar
Jon Givner
Catherine Rauschuber
Paul Zarefsky
Melissa Millsaps



SMALL BUSINESS COMMISSION
OFFICE OF SMALL BUSINESS



CITY AND COUNTY OF SAN FRANCISCO
EDWIN M. LEE, MAYOR

February 27, 2014

Ms. Angela Calvillo, Clerk of the Board
Board of Supervisors
City Hall Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File No. 131207 [Environment Code - Bottled Water]

Small Business Commission Recommendation: **No Action Taken**

Dear Ms. Calvillo:

At its meeting of February 10, 2014, the Small Business Commission heard Board of Supervisors (BOS) File No. 131207 [Environment Code - Bottled Water]. The Commission took no action on this item largely as a result of its concerns about the proposed legislation's scope and its likelihood to cause unintended consequences. Several of the Commission's concerns are interrelated, and I have summarized them below:

Mobile Food Facility (MFF) Compliance

MFF operators, which include both food trucks and pushcarts, are expected to face unique challenges to compliance with the proposed legislation. Unlike vendors operating at fixed locations on City property or special events with substantial behind-the-scenes logistics, MFFs are spread throughout the city and often operate along streets or sidewalks in locations lacking access to potable water infrastructure for refilling containers. Furthermore, practical limitations on space within food trucks or on food carts will present difficult challenges for such operators attempting to ensure they meet customer demand for drinking water. Bulky water containers are much more difficult to fit and to transport than smaller packages of bottled water. It is likely this will lead to one of the following unintended consequences for MFF operators:

- a) Water shortages, resulting in an inability to meet customer demand;
- b) Overestimation of customer demand to prevent shortages, resulting in water waste; or,
- c) Customers purchasing other bottled alternatives (juices or sodas) since grab-and-go customers are unlikely to carry an open cup of water.

While the modification made to the legislation to delay implementation for MFFs until October 1, 2016, was appreciated, the Commission expressed a desire to exempt on-street and on-sidewalk MFFs from the proposed legislation entirely.

Juices and Sodas

The Commission was curious about the decision to exclude from regulation the sale of plastic containers of juice and soda. These beverage types are sold in plastic bottles the same as bottled water, causing very similar waste generation. Yet, these types of beverages were not included in the proposed

SUBJ: File No. 131207 [Environment Code - Bottled Water] (2/27/2014)

legislation. The Commission was concerned about this as it is likely to result in a greater share of customers purchasing less healthy bottled juices and sodas rather than a bottled water alternative.

Plastic Cup Waste

Most businesses complying with the proposed legislation are expected to utilize non-compostable plastic cups to provide water to customers since they are the most widely available and inexpensive option for serving water. Yet, use of these cups will simply shift plastic waste from bottled water itself to the proposed alternative service method, undermining a major goal of the legislation. The Commission felt it was important for the proposed legislation to prescribe environmentally-appropriate cup types that will avoid the creation of a different form of plastic waste.

Glass and Metal Water Containers

Omitting glass and metal water containers from the ban was difficult for the Commission to understand given their own unique environmental impacts. Both production and recycling of glass and metal beverage containers is energy intensive, and it is unclear that the City's waste hauler is equipped to handle a potential uptick in these types of waste generated in response to the proposed legislation. There are likely to be practical challenges for collection due to the larger mass and volume, and incompressibility, of glass and metal container waste.

In choosing to take no action, the Commission hoped to provide an opportunity for the legislative sponsor to further research many of the important – yet unanswered – questions raised during the hearing. It welcomed the legislative sponsor to present to the Commission again in hopes of garnering its support, and offered to partner in the development of a more comprehensive legislative proposal. The Commission and the Office of Small Business staff look forward to improving this proposal and protecting the environment.

I thank you for considering the Small Business Commission's comments on this legislation. Please feel free to contact me should you have any questions.

Sincerely,



Regina Dick-Endrizzi
Director, Office of Small Business

cc: Jason Elliot, Mayor's Office
Catherine Rauschuber, Office of Supervisor David Chiu
Andrea Ausberry, Office of the Clerk of the Board

Dear Chair Wiener:

At its meeting of February 10, 2014, the Small Business Commission heard Board of Supervisors (BOS) File No. 131207 [Environment Code - Bottled Water]. The Commission took no action on this item largely as a result of its concerns about the proposed legislation's scope and its likelihood to cause unintended consequences. Several of the Commission's concerns are interrelated, and I have summarized them below:

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Mobile food facility (MFF) operators, which include both food trucks and pushcarts, will face unique challenges to compliance with the proposed legislation. Unlike vendors operating at fixed locations on City property, MFFs are spread throughout the city and often operate along streets or sidewalks in locations lacking access to potable water infrastructure for refilling containers. Furthermore, practical limitations on space within food trucks or on food carts will present difficult challenges for such operators attempting to ensure they meet customer demand for drinking water. Bulky water containers are much more difficult to fit and to transport than smaller packages of bottled water. It is likely this will lead to one of the following unintended consequences for MFF operators:

- a) water shortages, resulting in an inability to meet customer demand;
- b) overestimation of customer demand to prevent shortages, resulting in water waste; or,
- c) customers purchasing other bottled alternatives (juices or sodas) since grab-and-go customers are unlikely to carry an open cup of water.

The Commission expressed a desire to exclude on-street and on-sidewalk MFFs from the proposed legislation.

Juices and sodas

The Commission was curious about the decision to exclude from regulation the sale of plastic containers of juice and soda. These beverage types are sold in plastic bottles the same as bottled water, causing very similar waste generation. Yet, these types of beverages were not included in the proposed legislation. The Commission was concerned about this as it is likely to result in a greater share of customers purchasing less healthy bottled juices and sodas rather than a bottled water alternative.

Plastic cup waste

Most businesses complying with the proposed legislation are expected to utilize non-compostable plastic cups to provide water to customers since they are the most widely available and inexpensive option. Yet, use of these cups will simply shift plastic waste from bottle water itself to the proposed alternative service method, undermining the major goal of the legislation. The Commission felt it was important for the proposed legislation to prescribe environmentally-appropriate cup types that will avoid the creation of a different form of plastic waste.

Glass and metal water containers

Omitting glass and metal water containers from the ban was difficult for the Commission to understand given their own unique environmental impacts. Both production and recycling of glass and metal beverage containers is energy intensive, and it is unclear that the City's waste hauler is equipped to handle a potential uptick in these types of waste generated in response to the proposed legislation.

Small Business Commission Response – File No. 131207

There are likely to be practical challenges for collection due to the larger mass and volume, and incompressibility, of glass and metal container waste.

In choosing to take no action, the Commission hoped to provide an opportunity for the legislative sponsor to further research many of the important – yet unanswered – questions raised during the hearing. It welcomed the legislative sponsor to present to the Commission again in hopes of garnering its support, and offered to partner in the development of a more comprehensive legislative proposal. The Commission and Office of Small Business staff look forward to improving this proposal and protecting the environment.

Christian Murdock | *Acting Commission Secretary and Policy Analyst*

San Francisco Small Business Commission and

Office of Small Business

City Hall, Room 110

1 Dr. Carlton B. Goodlett Place | San Francisco, CA 94102

main: 415-554-6134 | direct: 415-554-6407 | fax: 415-558-7844

christian.murdock@sfgov.org | www.sfgov.org/osb

www.sfgov.org/osb | www.facebook.com/sfosb | www.twitter.com/sfosb

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Christian Murdock, Commission Secretary
Small Business Commission, City Hall, Room 448

FROM: Andrea Ausberry, Clerk, Land Use and Economic Development
Committee Board of Supervisors

DATE: January 6, 2014

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use & Economic Development Committee

The Board of Supervisors' Land Use and Economic Development Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 131207

Ordinance amending the Environment Code to restrict the sale or distribution on City property of drinking water in plastic bottles of 21 ounces or less, set City policy to increase the availability of drinking water in public areas, and bar the use of City funds to purchase bottled water; and making environmental findings.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

___ **No Comment**

___ **Recommendation Attached**

Chairperson, Small Business Commission

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

January 6, 2014

File No. 131207

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On December 17, 2013, Supervisor Chiu introduced the following legislation:

File No. 131207

Ordinance amending the Environment Code to restrict the sale or distribution on City property of drinking water in plastic bottles of 21 ounces or less, set City policy to increase the availability of drinking water in public areas, and bar the use of City funds to purchase bottled water; and making environmental findings.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "A. Ausberry".

By: Andrea Ausberry, Assistant Clerk
Land Use & Economic Development Committee

Attachment

c: Monica Pereira, Environmental Planning
Nannie Turrell, Environmental Planning

*Not a project per CEQA
Guidelines Section
15060(c)(2).*

*Nannie R Turrell
January 9, 2014*

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Mohammed Nuru, Director, Department of Public Works
Melanie Nutter, Director, Department of the Environment
Joyce Kane, Director, Entertainment Commission
Monique Moyer, Director, Port
Harlan Kelly, General Manager, Public Utilities Commission
Barbara Garcia, Director, Department of Public Health
Phil Ginsburg, Director, Recreation and Parks Department

FROM: Andrea Ausberry, Clerk, Land Use and Economic Development Committee
Board of Supervisors

DATE: January 6, 2014

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by Supervisor Chiu on December 17, 2013:

File No. 131207

Ordinance amending the Environment Code to restrict the sale or distribution on City property of drinking water in plastic bottles of 21 ounces or less, set City policy to increase the availability of drinking water in public areas, and bar the use of City funds to purchase bottled water; and making environmental findings.

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c:

Frank Lee, Department of Public Works
Monica Fish, Department of the Environment
Crystal Stewart, Entertainment Commission
Colleen Chawla, Department of Public Health
Juliet Ellis, Public Utilities Commission
Donna Hood, Public Utilities Commission
Sarah Ballard, Recreation and Parks Department

File 1-1207

Nature of Request: * **Request for Service**

*c: BOS-11, cpage
orig LU clerk*

ADDITIONAL REQUEST DETAILS:

Additional Request
Details: *

I just want to make a comment to the BOS. The BOS is trying to ban SF from buying water in plastic bottles. We live in earthquake area. During emergencies, if this is going to happen, because of political correctness ...there will be busted pipes. For emergency purposes the City should keep buying water in plastic bottles. If we have a big earthquake there will be no water at all. If they do pass the ordinance they should take that into consideration.

BACK

OFFICE USE *****

Source

**Agency
Request
Number:**

Responsible

**Agency
Request
Number:**

**Service
Request
Work**

Status:

**Work
Status**

Updated:

Media URL:

Submit Cancel

Date/ Time: 2013-12-18 13:08:06.52

Service Request
Number: 3178937

Request for City Services

CUSTOMER CONTACT INFORMATION:

Name: **David Lee**
Phone: **415-613-8936**
Address:
Email: **dleejr1948@yahoo.com**

DEPARTMENTS:

Department: * **Board of Supervisors (BOS)**
Sub-Division:* **Clerk of the Board**

PROPERTY ADDRESS:

Point of Interest:
Street Number:
Street Name:
Street Name 2:
City:
ZIP Code:
X coordinate:
Y coordinate:
Latitude:
Longitude:
CNN:
Unverified Address:

ADDITIONAL LOCATION INFORMATION:

Location Description:

(e.g. 600-block of Market St. or in front of Main Library entrance)

REQUEST DETAILS:



1700 Diagonal Road, Suite 650
Alexandria, VA 22314
Ph: 703-647-4616
Fax 703-683-4074
Web: www.bottledwater.org

File
131207

**City and County of San Francisco Board of Supervisors
Land Use and Economic Development Committee
Public Hearing on File #131207
February 24, 2014**

Testimony

**James P. Toner, Jr.
Director of Government Relations
International Bottled Water Association**

Members of the Land Use and Economic Development Committee, I am James Toner, Director of Government Relations for the International Bottled Water Association (IBWA). IBWA is the trade association representing all segments of the bottled water industry, including spring, artesian, mineral, sparkling, well, groundwater and purified bottled waters. IBWA members include bottled water bottlers, distributors and suppliers throughout the United States, including several small, medium and large size companies doing business in California and San Francisco.

I am here today to express our concerns about File #131207, which would prohibit the sale and distribution of bottled water in plastic bottles of less than 21 ounces on city and county property. This legislation is not in the public interest and IBWA would urge the committee not to support it. IBWA opposes this legislation because:

- efforts to restrict access to bottled water hinder individuals searching for a healthier beverage alternative
- bottled water has the lowest environmental footprint of any packaged beverage
- being strictly regulated by the U.S. Food and Drug Administration as a food product makes bottled water a safe choice for consumers

Bottled Water's Role in Healthy Hydration

For those who want to eliminate or moderate calories, sugar, caffeine, artificial flavors or colors, and other ingredients from their diet or simply wish to opt for a convenient beverage with refreshing taste, reliable quality, and zero calories choosing water is the right choice – no matter what the delivery method. Bottled water is a smart decision and a healthy choice when it comes to beverage options. Efforts to eliminate or reduce access to bottled water such as this legislation only hinder attempts to encourage people to choose healthier drink options.

In fact, since 1998, approximately 73% of the growth in bottled water consumption has come from people switching from carbonated soft drinks, juices, and milk to bottled water. One of the simplest changes a person can make is to switch to drinking water instead of other beverages that

are heavy with sugar and calories. According to the Institute of Medicine and the American Journal of Preventative Medicine, two-thirds of American adults are overweight with one-third of those individuals being obese, and over the last 30 years, children's obesity rates have climbed from 5% to 17%. Drinking zero-calorie beverages, such as water, instead of sugary drinks is regularly cited as a key component of a more healthful lifestyle, and promoting greater consumption of water from all sources, including from bottled water, can only benefit those efforts.

In today's on-the-go society, most of what we drink comes in a package. Attacks on bottled water only help to promote less healthy options among other packaged beverages, like juices and soda, which have *more packaging, more ingredients, and greater environmental impacts* than bottled water. Research shows that if bottled water isn't available, 52% of people will choose soda or another sugared drink – not tap water.

Bottled Water Industry as an Environmental Steward

Just like the bottled water industry, California prides itself on being proactive when it comes to environmental stewardship and recycling. The state's mandatory bottle deposit program (California Beverage Container Recycling and Litter Reduction Act), in effect for nearly 26 years, was specifically implemented to address the recycling of a wide array of beverage containers, including those for bottled water. According to CalRecycle, the 2011 overall redemption rate for the program reached 84%, while polyethylene terephthalate (PET) containers, most commonly used for single-serve beverages, including bottled water, achieved a 67% redemption rate.

According to the U.S. Environmental Protection Agency (EPA), throughout the U.S. plastic water bottles make up less than 0.03% of all municipal solid waste. All bottled water containers are one-hundred percent recyclable. New data from the National Association for PET Container Resources (NAPCOR) and the Beverage Marketing Corporation (BMC) show the bottled water industry continuing to reduce its environmental footprint through significant increases in recycling and the use of less plastic in single-serve PET bottled water containers.

According to a January 2013 NAPCOR study, the national recycling rate for PET plastic bottled water containers jumped dramatically in 2011 to 38.6 percent, representing an increase of nearly 20 percent over the previous year's rate of 32.25 percent. The recycling rate for single-serve PET plastic bottled water containers has more than doubled in the last seven years. In its study, NAPCOR states that in 2011 there were approximately 1.3 billion pounds of PET plastic water bottle containers available for recycling in the United States, of which 500 million pounds (38.6%) was reclaimed for recycling. And, PET plastic bottled water containers are the most frequently recycled PET beverage container in curbside recycling programs.

Additionally, data released by BMC in January 2013 shows that between 2000 and 2011, the average weight of a 16.9-ounce (half-liter) PET plastic bottled water container has declined 47.8 percent. This has resulted in a savings of 3.3 billion pounds of PET resin since 2000. The significant increase in the recycling rate of PET plastic bottled water containers, coupled with the continuing decrease in container weight, underscores the consistent drive of the bottled water

industry to improve recycling programs and reduce its overall environmental footprint. While this is encouraging news, it is also a reminder that more needs to be done to expand recycling efforts and collection methods across the country for all packaged goods, including bottled water.

In 2009, IBWA commissioned a life cycle inventory (LCI) by Franklin Associates to determine the environmental footprint of the United States bottled water industry. The results indicate that bottled water has a very small environmental footprint. In fact, the PET small pack and Home Office Delivery (HOD) bottled water industries combined emit 6.8 million tons of CO₂ eq. a year, which is equivalent to 0.08 percent of total United States emissions. The production, packaging, and transportation of HOD and small pack bottled water consumed in the U.S. in 2007 required 107.4 trillion BTU. Thus, process and transportation energy use for the bottled water industry was 0.07 percent of total U.S. primary energy consumption. The LCI also states, at 1.08 million tons, bottled water packaging discards account for 0.64 percent of the 169 million tons of total U.S. municipal solid waste discards in 2007.

Additionally, the bottled water industry is a strong supporter of our environment and our natural resources. In fact, a life cycle assessment conducted by Quantis in 2010 shows bottled water's environmental footprint is the lowest of *any* packaged beverage. Key findings of this study show that water is the least environmentally impactful beverage option and that bottled water is the most environmentally responsible packaged drink choice. The study also found that:

- Sports drinks, enhanced waters and soda produce nearly 50% more carbon dioxide emissions per serving than bottled water
- Juice, beer and milk produce nearly three times as many carbon dioxide emissions per serving than bottled water
- Milk, coffee, beer, wine and juice together comprise 28% of a consumer's total beverage consumption but represent 58% of climate change impact

Bottled Water is a Safe Choice

Bottled water companies produce a safe, healthy, and convenient packaged food product that is comprehensively and stringently regulated by the U.S. Food and Drug Administration (FDA) under the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. § 301 et seq., and applicable sections of Title 21 of the Code of Federal Regulations (CFR). Bottled water must meet the FDA's general food regulations, as well as standards of identity, standards of quality, good manufacturing practices and labeling requirements specifically promulgated for bottled water. By federal law, the FDA regulations governing the safety and quality of bottled water must be as stringent as the EPA regulations governing tap water. And, in some very important cases like coliform bacteria and E. coli, bottled water regulations are substantially more stringent.

All bottled water products – whether from groundwater or public water sources – are produced utilizing a multi-barrier approach. From source to finished product, a multi-barrier approach helps prevent possible harmful contamination to the finished product as well as storage, production, and transportation equipment. Measures in a multi-barrier approach may include one

or more of the following: source protection, source monitoring, reverse osmosis, distillation, micro-filtration, carbon filtration, ozonation, and ultraviolet (UV) light.

Claims regarding chemicals leaching from plastic water bottles are inaccurate, misleading and only serve to create unnecessary alarm among consumers. Bottled water containers, as with all food packaging materials, must be made from substances approved by the FDA for food contact. Plastic containers that are used for bottled water products (which are made from the same materials used in other food product containers) have undergone FDA scrutiny prior to being available for use in the market place. The FDA has determined that the containers used by the bottled water industry are safe for use and do not pose a health risk to consumers.

The bottled water industry supports a strong public water system, which is important for providing citizens with clean and safe drinking water. In fact, many bottled water companies use public water sources for their products. This source water is then treated, using many of the methods described in the multi-barrier approach above, and bottled under sanitary conditions. Moreover, the water from public water systems is often compromised after emergency situations or natural disasters (e.g., hurricanes, floods, tornados, fires, or boil alerts). During these times, bottled water is a necessary and reliable alternative to deliver clean, safe drinking water.

California Health and Safety Code Section 111071(b) requires that all those licensed to bottle water for sale and distribution in California prepare an annual bottled water quality report and make it available to consumers, upon request. These annual bottled water quality reports must include a brief description of the treatment process; information on the levels of unregulated substances, if any, for which water bottlers are required to monitor pursuant to state or federal law or regulation; certain statements about contaminants that might be found in bottled water at legally acceptable levels; and the bottled water company's address and telephone number that enables customers to obtain further information concerning contaminants and potential health effects. Section 111170(f) of the California Health and Safety Code requires each container of bottled water sold at retail or wholesale in California to include on its label a clear and conspicuous statement that informs consumers about how to obtain from the bottler or brand owner the bottled water quality report required by Section 111071(b). Additionally, California has adopted all federal labeling requirements for bottled water.

Conclusion

IBWA hopes that this information has provided you with better insight into the bottled water industry and the importance of access to bottled water for the citizens of San Francisco and California. For these reasons, we would ask that the Committee oppose File #131207. We appreciate this opportunity to offer these comments and are available at any time to discuss information on the industry and the important products we provide.

CG Roxane LLC

Crystal Geyser® Alpine Spring Water®, Bottled at the Source

February 24, 2014
Land Use and Economic Development Committee
City and County of San Francisco Board of Supervisors
City Hall, Committee Room 263
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Dear Supervisors Cohen, Kim and Wiener,

CG Roxane LLC, producer of Crystal Geyser Alpine Spring Water, appreciates the opportunity to provide comments on the Board of Supervisors File 131207 (restricting the sale of bottled water on City property) as introduced by Supervisor David Chiu. This proposed ordinance seeks to amend the San Francisco Environment Code by amending Chapter 24, Sections 2401 through 2409. We understand the City's efforts to reduce the number of beverage containers in the solid waste stream but believe that targeting only small packaged bottled water is not the right step to solving a complex problem.

Crystal Geyser Alpine Spring Water has been part of the City of San Francisco for over 22 years. From our sponsorships in the Bay to Breakers, San Francisco Symphony, SF Museum of Modern Art, Exploratorium and Pier 39, we have been an integral member of this community. Today hundreds of locations throughout the City sell Crystal Geyser Alpine Spring Water, providing unique refreshment to the citizens of San Francisco. Statewide and in Northern California, consumers have made Crystal Geyser Alpine Spring Water the #1 brand of bottled water under 2 liters, per AC Nielsen Grocery sales trend 52 weeks ending December 28, 2013.

What makes Crystal Geyser Alpine Spring Water a product unique? We only bottle it at the mountain's spring source. Whereas "purified" water is reprocessed and packaged tap water. The differences between these two products could not be greater. Crystal Geyser Alpine Spring Water is never trucked or chlorinated. We capture and bottle mountain spring water as close to the water's source as possible. And we're clear about where that source is. Every bottle of Crystal Geyser Alpine Spring Water has a graphic image specifying the location of our protected spring source. This effort makes our water's remarkable characteristics of purity, quality and taste a unique beverage in today's marketplace. We believe that natural, mountain spring waters' differentiation from bottled tap water is so significant, that we request an exemption in this ordinance. Pure natural, mountain spring water cannot be man-made and is as unique as sparkling mineral water which is exempted in this legislation. Pure, natural, mountain spring water is the bottled water industry's equivalent of organic sourcing. Crystal Geyser Alpine Spring Water is as pure, safe, clean and unique as one can get.

Attacks against bottled water should not be used as selling points for the City's drinking water, or for Supervisor Chiu's proposed ordinance to reduce solid waste.

We appreciate this opportunity to provide comments on the proposed ordinance and are available to discuss it further at any time.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn M. Fitzpatrick". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Shawn Fitzpatrick
Vice President of Marketing
CG Roxane, LLC

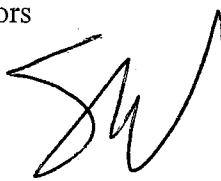
Member, Board of Supervisors
District 8



*LU Comm Clerk
Leg Dep, COB*
City and County of San Francisco

SCOTT WIENER
威善高

DATE: February 24, 2014
TO: Angela Calvillo
Clerk of the Board of Supervisors
FROM: Supervisor Wiener
Chairperson
RE: Land Use and Economic Development Committee
COMMITTEE REPORT



RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2014 FEB 24 PM 4:46

Pursuant to Board Rule 4.20, as Chair of the Land Use and Economic Development Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on March 4, 2014, as a Committee Report:

131207 Environment Code - Bottled Water
Ordinance amending the Environment Code to restrict the sale or distribution on City property of drinking water in plastic bottles of 21 ounces or less, set City policy to increase the availability of drinking water in public areas, and bar the use of City funds to purchase bottled water; and making environmental findings.

This matter will be heard in the Land Use and Economic Development Committee on March 3, 2014, at 1:30 p.m.



DENNIS J. HERRERA
City Attorney

THOMAS J. OWEN
Deputy City Attorney

Direct Dial: (415) 554-4679
Email: thomas.owen@sfgov.org

MEMORANDUM

TO: Hon. David Chiu
President, Board of Supervisors

FROM: Thomas J. Owen
Deputy City Attorney

DATE: December 17, 2013

RE: Sale or Distribution of Bottled Water at Events held on City Property
(Our File No. 1300366)

Enclosed are a signed original and two copies, dated December 17, 2013, of the proposed legislation, as well as a legislative digest.

I will also send you electronic copies of the documents.

Encl.

cc (by e-mail): Sup. Eric Mar
Jon Givner
Catherine Rauschuber
Paul Zarefsky
Melissa Millsaps

Ausberry, Andrea

From: David W Haskell [david@deltaverde.com]
Sent: Friday, February 28, 2014 11:45 AM
To: Ausberry, Andrea; Avalos, John; Breed, London; Campos, David; Cohen, Malia; Farrell, Mark; Kim, Jane; Tang, Katy; Wiener, Scott; Yee, Norman (BOS)
Subject: Sierra Club Zero Waste Chairman Urges Support to Think Outside the Bottle

Dear Supervisor(s)

Single-use plastic bottled water that is wrong. It's a nasty waste in every way.

As the **California Sierra Club Zero Waste Chairman**, I urge you to support Board of Supervisors President Chiu's bottled water free ordinance.

San Francisco is our nation's leading environmental progressive city. What you do today others will follow. It is really quite simple – we have beautiful quality water in San Francisco – it is abundant and pure. There is a simple very low-cost zero waste alternative to single use plastic containers - be they for water or any other beverage. Drinking fountains and re-usable water bottles are the best ways for us to encourage waste free life styles.

I especially want to thank Supervisor Chiu for his leadership. I also want to commend the many young adults from the Center for Corporate Responsibility for bring this simple – easy to accomplish – “bite size campaign” to the public's attention.

You can do this With literally billions of plastic water bottles ending up in all the wrong places – on our beaches and in our landfills – Now is the time to say enough is enough. We can only lead by example so ban the sale of plastic bottled water at all SF City/Count sponsored events and facilities.

Thank you for your consideration

David W Haskell

Sierra Club Zero Waste Chairman, California



“Helping Make the Shift”

Contacts:

David W Haskell, Senior Partner

Email: david@deltaverde.com

Telephone: Office 415-485-0542 Cell - 415-342-8123

Office: Falkirk House, 1408 Mission Avenue, Suite 202, San Rafael, CA 94901

Mailing Address: PO Box 1822, Ross, CA. 94957

11

From: Board of Supervisors
To: BOS-Supervisors
Subject: File 131207: Eliminate bottled Water sales in SF

From: Restore Hetch Hetchy [<mailto:kasi@hetchhetchy.org>]
Sent: Thursday, February 27, 2014 3:55 PM
To: Board of Supervisors
Subject: Eliminate bottled Water sales in SF

Dear Supervisors,

As Office Manager of the Bay Area non-profit Restore Hetch Hetchy and a San Francisco resident , I urge you to support Board of Supervisors President Chiu's bottled water free ordinance. San Francisco should continue to lead the way in reducing the use of bottled water by eliminating the sale of bottled water on municipal property, while simultaneously increasing access to the city's pristine tap water. This ordinance will keep tens of thousands of plastic bottles out of our landfills each year and increase residents' ability to access safe, healthy drinking water—it is good for the environment and the public, and I ask you to vote yes.

Best,

Kasi Craddock
Office Manager
Restore Hetch Hetchy
www.hetchhetchy.org

LU

From: Board of Supervisors
To: BOS-Supervisors
Subject: File 131207: Please support Supervisor Chiu's bottled-water-free ordinance

-----Original Message-----

From: Karen Brant [mailto:karen_brant@hotmail.com]
Sent: Thursday, February 27, 2014 7:55 PM
To: Board of Supervisors
Subject: Please support Supervisor Chiu's bottled-water-free ordinance

Dear Supervisors,

As a San Francisco resident, I urge you to support Board of Supervisors President Chiu's bottled-water-free ordinance. San Francisco should continue to lead the way in reducing the use of bottled water by eliminating the sale of bottled water on municipal property, while simultaneously increasing access to the city's pristine tap water. This ordinance will keep tens of thousands of plastic bottles out of our landfills each year and increase residents' ability to access safe, healthy drinking water. It is good for the environment and the public, and I ask you to vote yes.

Best,

Karen Brant
1112 Cole Street
San Francisco, CA 94117

Ausberry, Andrea

13/209

From: Denise D'Anne [ddanne1@sbcglobal.net]
Sent: Wednesday, February 26, 2014 12:37 PM
To: Ausberry, Andrea
Subject: Please support Supervisor Chiu's bottled-water-free ordinance

Dear Supervisors,

As a San Francisco resident, I urge you to support Board of Supervisors President Chiu's bottled-water-free ordinance. San Francisco should continue to lead the way in reducing the use of bottled water by eliminating the sale of bottled water on municipal property, while simultaneously increasing access to the city's pristine tap water. This ordinance will keep tens of thousands of plastic bottles out of our landfills each year and increase residents' ability to access safe, healthy drinking water. It is good for the environment and the public, and I ask you to vote yes.

In many cases our tap water is siphoned off and sold as some kind of "Spring Water". Why pay twice for the same water.

Best,

Denise D'Anne
351 Guerrero Street
San Francisco, CA 94103

Ausberry, Andrea

From: Claudia Lehan [claudia.lehan@gmail.com]
Sent: Wednesday, February 26, 2014 9:57 PM
To: Ausberry, Andrea
Subject: Please support Supervisor Chiu's bottled-water-free ordinance

Dear Supervisors,

I'm proud to be a San Francisco resident! We're one of the greenest cities in the U.S., and we continue to lead the way in reducing waste. I urge you to help us be even cleaner and greener and support Board of Supervisors President Chiu's bottled-water-free ordinance.

Bottled water is a convenience that we've become accustomed to, but not at all a necessity. We have high-quality, healthy drinking water readily available in our taps; likely much healthier than the water being sold to us in these plastic bottles.

Eliminating the sale of bottled water on municipal property, while simultaneously increasing access to the city's pristine tap water is a great idea. It is good for the environment and the public, and I ask you to please vote yes.

Best,

Claudia Lehan
80 Duncan St. #1
San Francisco, CA 94110

Ausberry, Andrea

From: Diana Goodman [dianavestg@yahoo.com]
Sent: Wednesday, February 26, 2014 1:14 PM
To: Ausberry, Andrea
Subject: Please support Supervisor Chiu's bottled-water-free ordinance

Dear Supervisors,

As a San Francisco resident, I urge you to support Board of Supervisors President Chiu's bottled-water-free ordinance. San Francisco should continue to lead the way in reducing the use of bottled water by eliminating the sale of bottled water on municipal property.

I'm not sure we should supply free water. I don't think we have it.

Best,

Diana Goodman
123 Mendosa Avenue
San Francisco, CA 94116

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee:
- An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee:
- 4. Request for letter beginning "Supervisor inquires"
- 5. City Attorney request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No.
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:


- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a different form.

Sponsor(s):

Subject:

The text is listed below or attached:

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: