

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

FOR YOUR INFORMATION SEE THE ATTACHED LEGISLATION

DATE SENT: August 12, 2010

FILE #: 101055

DESCRIPTION: Plastic Bag Reduction

- FROM:
- Budget & Finance
 - City Operations & Neighborhood Services
 - City & School District Select
 - Government Audit & Oversight
 - Land Use & Economic Development
 - Rules
 - Public Safety

The meeting to hear this file will be held on: _____ URGENT

(response needed within one week) OR: No date set yet

Hearing or Legislation referred to:

- Building Inspection Commission *Charter Section D3.750-5*
- Ethics Commission *Campaign & Governmental Conduct Code Section 1.103*
- Historic Preservation Commission *Charter Section 4.135*
- Planning - Code Amendment *Planning Code Section 302(b) and 306(a) (90 days to respond)*
- Planning - Environmental review - 30 days to respond
- Planning - Environmental review (fees) *CEQA CA Public Resources Code § 21000 et seq - 10 days to respond*
- Planning - Interim Controls *Planning Code Section 306.7(c)*
- Retirement Board *Campaign & Governmental Code or Elections Code*
- Small Business Commission *M01-33*
- Youth Commission *Charter Section 3.720-2; Charter Section 4.124 (12 day to respond)*
- FYI - Department of the Environment

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August 12, 2010

File No. 101055

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

Dear Mr. Wycko:

On August 3, 2010, Supervisor Mirkarimi introduced the following proposed legislation:

File No. 101055 Ordinance amending the San Francisco Environment Code by amending Section 1702, to extend the mandatory use of recyclable and compostable checkout bags from supermarkets and chain pharmacies, currently covered by Chapter 17, to all retail establishments in the City, and clarify the definitions of "checkout bag," "recyclable paper bag," and "reusable bag," setting an operative date of March 1, 2011, and making environmental findings.

The legislation is being transmitted to you for environmental review, pursuant to Planning Code Section 306.7(c).

Angela Calvillo, Clerk of the Board

A handwritten signature in black ink, appearing to read "Victor Young".

By: Victor Young, Committee Clerk
City Operations and Neighborhood Services

Attachment

cc: Nannie Turrell, Major Environmental Analysis
Brett Bollinger, Major Environmental Analysis

Environmental Review Referral

*Not a project per
CEQA Guidelines
Section 15060(a)(2).
Nannie Turrell
August 29, 2010
7/23/09
2010.0744E*

1 [Plastic Bag Reduction]

2
3 **Ordinance amending the San Francisco Environment Code by amending Section 1702,**
4 **to extend the mandatory use of recyclable and compostable checkout bags from**
5 **supermarkets and chain pharmacies, currently covered by Chapter 17, to all retail**
6 **establishments in the City, and clarify the definitions of "checkout bag," "recyclable**
7 **paper bag," and "reusable bag," setting an operative date of March 1, 2011, and making**
8 **environmental findings.**

9 NOTE: Additions are *single-underline italics Times New Roman*;
10 deletions are ~~*strike-through italics Times New Roman*~~.
11 Board amendment additions are double-underlined;
12 Board amendment deletions are ~~strikethrough normal~~.

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
15 the actions contemplated in this ordinance are in compliance with the California
16 Environmental Quality Act (Cal. Pub. Res. Code §§ 21000 et seq.). Said determination is on
17 file with the Clerk of the Board of Supervisors in File No. _____ and is incorporated
18 herein by reference.

19 Section 2. The San Francisco Environment Code is hereby amended by amending
20 Section 1702, to read as follows:

21 **SEC. 1702. DEFINITIONS.**

22 For the purposes of this Ordinance, the following words shall have the following
23 meanings:

24 (a) "ASTM Standard" means the American Society for Testing and Materials (ASTM)'s
25 International Standard Specification for Compostable Plastics D6400 ~~standard D6400 for~~
~~compostable plastic~~, as that standard may be amended from time to time.

1 (b) "Compostable Plastic Bag" means a plastic bag that (1) conforms to California
2 labeling law (Public Resources Code Section 42355 et seq.), which requires meeting the
3 current ASTM-Standard Specifications for compostability; (2) is certified and labeled as
4 meeting the ASTM-Standard by a recognized verification entity such as the Biodegradable
5 Product Institute; (3) conforms to requirements to ensure that the renewable based product
6 content is maximized over time as set forth in Department of the Environment regulations; (4)
7 conforms to requirements to ensure that products derived from genetically modified
8 feedstocks are phased out over time as set forth in Department of the Environment
9 regulations; and (5) displays the phrase "Green Cart Compostable" and the word "Reusable"
10 in a highly visible manner on the outside of the bag.

11 (c) "Checkout bag" means a carryout bag that is provided by a store to a customer at
12 the point of sale. "Checkout bag" does not include:

13 (1) Bags used by consumers inside stores to: (A) package bulk items, such as fruit,
14 vegetables, nuts, grains, candy, or small hardware items; (B) contain or wrap frozen foods, meat, or
15 fish, whether prepackaged or not; (C) contain or wrap flowers, potted plants, or other items where
16 dampness may be a problem; or (D) contain unwrapped prepared foods or bakery goods;

17 (2) Newspaper bags, door-hanger bags, laundry-dry cleaning bags, or bags sold in
18 packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags;

19 (3) Specialty retail merchandise bags; or

20 (4) Reusable carryout bags.

21 (d) "Department" means the Department of the Environment.

22 (e) "Director" means the Director of the Department of the Environment.

23 (f) "Highly visible manner" means (1) for compostable plastic bags, displaying both of
24 the following in green lettering contrasting with the bag's background color that is at least two
25 inches high: (i) the phrase "Green Cart Compostable" "either on the front and back of the bag

1 together with a solid green band at least one-half inch thick circling the circumference of the
2 bag, or repeatedly, as a band of text or text alternating with solid stripe, circling the
3 circumference of the bag, and (ii) the word "Reusable" displayed on the front and/or back of
4 the bag; and (2) for recyclable paper bags, displaying the words "Reusable" and "Recyclable"
5 on the front and/or back of the bag in blue lettering contrasting with the bag's background
6 color that is at least two inches high, and (3) for both compostable plastic bags and recyclable
7 paper bags, as otherwise required by Department of the Environment regulations.

8 (g) "Person" means an individual, trust, firm, joint stock company, corporation,
9 cooperative, partnership, or association.

10 (h) "Pharmacy" means a retail use where the profession of pharmacy by a pharmacist
11 licensed by the State of California in accordance with the Business and Professions Code is
12 practiced and where prescriptions (and possibly other merchandise) are offered for sale,
13 excluding such retail uses located inside a hospital.

14 (i) "Recyclable" means material that can be sorted, cleansed, and reconstituted using
15 San Francisco's available recycling collection programs for the purpose of using the altered
16 form in the manufacture of a new product. Recycling does not include burning, incinerating,
17 converting, or otherwise thermally destroying solid waste.

18 (j) "Recyclable Paper Bag" means a paper bag that meets all of the following
19 requirements: (1) contains no old growth fiber, (2) is 100% recyclable overall and contains a
20 minimum of 40% post-consumer recycled content, and (3) displays the words "Reusable" and
21 "Recyclable" in a highly visible manner on the outside of the bag.

22 (k) "Reusable Bag" means a bag with handles that is specifically designed and
23 manufactured for multiple reuse and is either (1) made of cloth or other machine washable
24 fabric, and/or (2) made of durable plastic that is hot water machine-washable and at least 2.25
25 mils thick.

1 (l) "Store" means a retail establishment located within the geographical limits of the
2 City and County of San Francisco. A retail establishment includes any public commercial
3 establishment engaged in the sale of personal consumer or household items to the customers who will
4 use or consume such items. that meets either of the following requirements:

5 (1) ~~Is a full line, self service supermarket with gross annual sales of two million dollars~~
6 ~~(\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some~~
7 ~~perishable items. For purposes of determining which retail establishments are supermarkets, the City~~
8 ~~shall use the annual updates of the Progressive Grocer Marketing Guidebook and any computer~~
9 ~~printouts developed in conjunction with the guidebook; or~~

10 (2) ~~Is a retail pharmacy with at least five locations under the same ownership within the~~
11 ~~geographical limits of San Francisco.~~

12
13 **Section 3. Additional Provisions.**

14 (a) **Operative Date.** The provisions of this ordinance shall be operative on March 1,
15 2011.

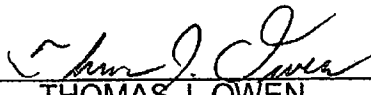
16 (b) **General Welfare.** In adopting and implementing this ordinance, the City and
17 County of San Francisco is assuming an undertaking only to promote the general welfare. It is
18 not assuming, nor is it imposing on its officers and employees, an obligation for breach of
19 which it is liable in money damages to any person who claims that such breach proximately
20 caused injury.

21 (c) **Conflict with State or Federal Law.** This ordinance shall be construed so as not
22 to conflict with applicable federal or State laws, rules or regulations. Nothing in this ordinance
23 shall authorize any City agency or department to impose any duties or obligations in conflict
24 with limitations on municipal authority established by State or federal law at the time such
25 agency or department action is taken.

1 (d) **Severability.** If any of the provisions of this ordinance or the application thereof to
2 any person or circumstance is held invalid, the remainder of those provisions, including the
3 application of such part or provisions to persons or circumstances other than those to which it
4 is held invalid, shall not be affected thereby and shall continue in full force and effect. To this
5 end, the provisions of this ordinance are severable.

6
7
8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA, City Attorney

10
11 By:


THOMAS J. OWEN
Deputy City Attorney

FILE NO.

LEGISLATIVE DIGEST

[Plastic Bag Reduction Ordinance.]

Ordinance amending the San Francisco Environment Code by amending Section 1702, to extend the mandatory use of recyclable and compostable checkout bags from supermarkets and chain pharmacies, currently covered by Chapter 17, to all retail establishments in the City and clarify the definitions of "checkout bag" and "durable plastic" reusable bag, and making environmental findings.

Existing Law

City law currently states that supermarkets and chain pharmacies may only provide three kinds of checkout bags to customers: recyclable paper bags, compostable plastic bags, and reusable bags. Supermarkets and chain pharmacies may not provide customers with any other kinds of single-use disposable checkout bags, whether the bags are made of paper or plastic.

Amendments to Current Law

The proposal would amend the Environment Code to extend these requirements to all retail establishments in the City, beginning March 1, 2011. The proposal would also clarify the definitions of "checkout bag" and "durable plastic" reusable bag.