

File No. 101055

Committee Item No. 5
Board Item No. 19

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee CITY OPERATIONS AND
NEIGHBORHOOD SERVICES

Date 11/14/11

Board of Supervisors Meeting

Date 11/22/11

Cmte Board

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

(Use back side if additional space is needed)

<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____

Completed by: Gail Johnson
Completed by: [Signature]

Date 11/10/11
Date 11/17/11

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document is in the file.

1 [Environment Code - Checkout Bags and Checkout Bag Charge]

2
3 **Ordinance amending the San Francisco Environment Code by: 1) amending**
4 **Section 1702 to extend the restrictions on checkout bags from supermarkets and chain**
5 **pharmacies to all retail establishments and food establishments in the City, and clarify**
6 **terms; 2) adding Section 1703.5 to require stores to add a checkout bag charge of 10**
7 **cents, rising to 25 cents, if they provide a customer with a checkout bag; 3) setting an**
8 **operative date of July 1, 2012; and, 4) making environmental findings.**

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

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

15 Section 1. Environmental Findings. The Planning Department has determined that the
16 actions contemplated in this ordinance comply with the California Environmental Quality Act
17 (Cal. Pub. Res. Code §§ 21000 et seq.). Said determination is on file with the Clerk of the
18 Board of Supervisors in File No. 101055 and is incorporated herein by reference.

19 Section 2. Findings.

20 1. The City and County of San Francisco has adopted citywide goals of 75 percent
21 landfill diversion by 2010 and zero waste by 2020.

22 2. The broad use of single-use checkout bags and their typical disposal creates an
23 impediment to achievement of San Francisco's landfill diversion goals.

24 3. Plastic checkout bags are difficult to recycle and contaminate material that is
25 processed through San Francisco's recycling and composting programs.

1 4. Single-use checkout bags create significant litter problems in San Francisco's
2 neighborhoods, and also litter parks, community beaches, sewer systems, and the San
3 Francisco Bay.

4 5. The production and disposal of single-use checkout bags has significant
5 environmental impacts, including the contamination of the environment, the depletion of
6 natural resources, use of non-renewable polluting fossil fuels, and the increased clean-up and
7 disposal costs.

8 6. Of all single-use checkout bags, plastic checkout bags have the greatest impacts on
9 litter and marine life.

10 7. Governments in several countries have placed fees on bags, including the Republic
11 of Ireland, which achieved a 90 percent decrease in the use of single-use plastic checkout
12 bags due to the fee.

13 8. Studies document that banning plastic checkout bags and placing a mandatory
14 charge on paper checkout bags will dramatically reduce the use of both types of bags and
15 increase customers' use of reusable bags.

16 9. Reusable bags are readily available with numerous sources and vendors for these
17 bags. Many stores in San Francisco and throughout the Bay Area already offer reusable bags
18 for sale at a price as low as 25 cents.

19
20 Section 3. The San Francisco Environment Code is hereby amended by amending
21 Section 1702 and adding Section 1703.5, to read as follows:

22 **SEC. 1702. DEFINITIONS.**

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

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

4 (b) "Compostable Plastic Bag" means a plastic Checkout Bag bag that ~~(1)~~ conforms to at
5 least the minimum standards of California labeling law (Public Resources Code Section 42355 et
6 seq.), and meets which requires meeting the current ASTM D6400 Standard Specifications for
7 compostability; ~~(2) is certified and is~~ labeled as meeting the ASTM Standard by a recognized
8 third-party independent verification entity, such as the Biodegradable Product Institute, and is
9 labeled "Compostable" on both sides of the bag either in green color lettering that is at least one inch
10 in height, or as otherwise specified, or within a green color band that is at least one inch in height in
11 order to be readily and easily identifiable. ~~;~~ ~~(3) conforms to requirements to ensure that the renewable~~
12 ~~based product content is maximized over time as set forth in Department of the Environment~~
13 ~~regulations;~~ ~~(4) conforms to requirements to ensure that products derived from genetically modified~~
14 ~~feedstocks are phased out over time as set forth in Department of the Environment regulations;~~ and ~~(5)~~
15 ~~displays the phrase "Green Cart Compostable" and the word "Reusable" in a highly visible manner on~~
16 ~~the outside of the bag.~~

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

19 (1) Bags used by consumers inside stores to: (A) package bulk items, such as fruit,
20 vegetables, nuts, grains, candy, or small hardware items; (B) contain or wrap frozen foods, meat, or
21 fish, whether prepackaged or not; (C) contain or wrap flowers, potted plants, or other items where
22 damage to or contamination of other goods placed together in the same bag dampness may be
23 a problem; or (D) contain unwrapped prepared foods or bakery goods; or,

24 (2) Bags provided by pharmacists to contain prescription drugs; or,
25

1 (3) (2) Newspaper bags, door-hanger bags, laundry-dry cleaning bags, or bags sold in
2 packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags.

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

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

5 (f) "Food Establishment" means a "food preparation and service establishment" as defined in
6 Health Code Section 451 and permitted under Health Code Section 452.

7 "Highly visible manner" means (1) for compostable plastic bags, displaying both of the following in
8 green lettering contrasting with the bag's background color that is at least two inches high: (i) the
9 phrase "Green Cart Compostable" either on the front and back of the bag together with a solid green
10 band at least one half inch thick circling the circumference of the bag, or repeatedly, as a band of text
11 or text alternating with solid stripe, circling the circumference of the bag, and (ii) the word "Reusable"
12 displayed on the front and/or back of the bag; and (2) for recyclable paper bags, displaying the words
13 "Reusable" and "Recyclable" on the front and/or back of the bag in blue lettering contrasting with the
14 bag's background color that is at least two inches high, and (3) for both compostable plastic bags and
15 recyclable paper bags, as otherwise required by Department of the Environment regulations.

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

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

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

1 (i) ~~(f)~~ "Recyclable Paper Bag" means a paper *Checkout Bag bag* that meets all of the
2 following requirements: (1) is 100 % recyclable, using the standards for San Francisco's
3 available curbside recycling collection program contains no old-growth fiber; (2) is made of
4 100% recycled content, including recyclable overall and contains a minimum of 40% post-
5 consumer recycled content; ~~and~~ (3) is labeled displays the word ~~words~~ "Reusable" and
6 "Recyclable" on the front and/or back of the bag in blue lettering contrasting with the bag's
7 background color, in lettering that is at least one inch in height in a highly visible manner on
8 the outside of the bag; and, (4) is labeled with the percentage of post-consumer recycled content in
9 an easy-to-read size font.

10 (i) ~~(f)~~ "Reusable Bag" means a *Checkout Bag bag* with handles that is specifically
11 designed and manufactured for multiple reuse and meets all of the following requirements:

12 (1) Has a minimum lifetime capability of 125 or more uses carrying 22 or more pounds
13 over a distance of at least 175 feet;

14 (2) Is capable of being washed so as to be cleaned and disinfected at least
15 100 times hot water machine-washable;

16 (3) If made of plastic, is at least 2.25 mils thick and contains at least 60 percent
17 recycled content, including a minimum of 30 percent post-consumer recycled content;

18 (4) Meets the standards of the California Toxics in Packaging Prevention Act (Cal.
19 Health & Safety Code §§ 25214.11-25214.26), as amended, or any successor legislation;

20 (5) Meets any standards for minimum recycled content established by
21 regulation adopted by the Department, based upon environmental benefit and market
22 availability.

23 (6) Garment bags that meet the above criteria shall be considered reusable
24 even if they do not have handles.

1 (5) ~~Is labeled "Reusable" on the front and/or back of the bag in lettering at least~~
2 ~~one inch in height; and,~~

3 (6) ~~Has printed on the bag, or on a tag that is permanently affixed to the bag,~~
4 ~~the name of the manufacturer, the country where the bag was made, and the percentage of~~
5 ~~post-consumer recycled material used, if any, in the manufacture of the bag.~~

6 (k) ~~(4)~~ "Store" means the following:

7 (1) Until July 1, 2013, "Store" shall mean a retail establishment located within the
8 geographical limits of the City and County of San Francisco. A "retail establishment" includes
9 any public commercial establishment engaged in the sale of personal consumer or household items to
10 the customers who will use or consume such items. that meets either of the following requirements:

11 (2) Beginning July 1, 2013, "Store" shall also include any Food Establishment located
12 within the geographical limits of the City and County of San Francisco.

13 (1) ~~Is a full line, self-service supermarket with gross annual sales of two million dollars~~
14 ~~(\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some~~
15 ~~perishable items. For purposes of determining which retail establishments are supermarkets, the City~~
16 ~~shall use the annual updates of the Progressive Grocer Marketing Guidebook and any computer~~
17 ~~printouts developed in conjunction with the guidebook; or~~

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

20
21 **SEC. 1703.5. CHECKOUT BAG CHARGE.**

22 (a) **Imposing a Checkout Bag Charge.**

23 (1) Beginning July 1, 2012, no Store shall provide a Recyclable Paper Bag or Reusable
24 Bag to a customer at the point of sale, unless the Store charges the customer a Checkout Bag Charge of
25 at least ten cents (\$0.10) per bag.

1 (2) Beginning July 1, 2013, no Store, including a Food Establishment, shall provide a
2 Compostable Plastic Bag to a customer at the point of sale, unless the Store charges the customer a
3 Checkout Bag Charge of at least ten cents (\$0.10) per bag.

4 (3) Beginning July 1, 2014, no Store, including a Food Establishment, shall provide a
5 Recyclable Paper Bag, Reusable Bag, or Compostable Plastic Bag to a customer at the point of sale,
6 unless the Store charges the customer a Checkout Bag Charge of at least twenty-five cents (\$0.25) per
7 bag.

8 (4) No Food Establishment shall be required to charge its customers a
9 Checkout Bag Charge for a bag provided for a customer's left-over food from sit-down
10 restaurant dining.

11 (b) Checkout Bag Charge to be Separately Stated on Receipt. The amount charged pursuant
12 to subsection (a) shall be separately stated on the receipt provided to the customer at the time of sale
13 and shall be identified as the Checkout Bag Charge. Any other transaction fee charged by the Store in
14 relation to providing a Checkout Bag shall be identified separately from the Checkout Bag Charge.

15 (c) Exemptions.

16 (1) A Store shall not charge the Checkout Bag Charge required under subsection (a)
17 where providing a Checkout Bag to a customer as part of a transaction paid for in whole or in
18 part through to a customer participating in the Special Supplemental Food Program for Women,
19 Infants, and Children (Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division
20 106 of the Health and Safety Code), or a customer participating in the State Department of Social
21 Services Food Stamp Program.

22 (2) A Store shall not charge the Checkout Bag Charge required under
23 subsection (a) for a Reusable Bag which meets the requirements of this Chapter and which is
24 distributed to a customer without charge during a limited duration promotional event, not to
25 exceed seven days per year.

1 (d) Waivers. Any owner or operator of a Store may petition the Director of the Department of
2 the Environment for a full or partial waiver of the requirements of this Section, for a period of up to
3 one year, if the owner or operator can (1) demonstrate that application of this Section would
4 create undue hardship or practical difficulty for the Store not generally applicable to other
5 stores in similar circumstances, or (2) establish that the business as a whole cannot, under the
6 terms of this Section, generate a return that is commensurate with returns on investments in
7 other enterprises having corresponding risks and is sufficient to attract capital a fair rate of
8 return on investment under the terms of this Section.

9 (e) Violations. Violations of this Section may be punished under the provisions of
10 Section 1705. Collection of the Checkout Bag Charge shall not excuse any violation of any other
11 provisions of this Chapter 17.

12
13 Section 4. Additional Uncodified Provisions.

14 (a) Operative Date. The provisions of this ordinance shall be operative on July 1,
15 2012, except as specifically provided otherwise in Section 1703.5(a)(2) and (3).

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.

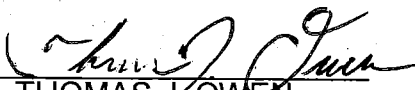
21 (c) Conflict with State or Federal Law. This ordinance shall be construed so as not to
22 conflict with applicable federal or State laws, rules or regulations. Nothing in this ordinance
23 shall authorize any City agency or department to impose any duties or obligations in conflict
24 with limitations 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 (e) Amendments. In enacting this Ordinance, the Board intends to amend only those
7 words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts,
8 diagrams, or any other constituent part of the Environment Code that are explicitly shown in
9 this legislation as additions, deletions, Board amendment additions, and Board amendment
10 deletions in accordance with the "Note" that appears under the official title of the legislation.
11

12 APPROVED AS TO FORM:
13 DENNIS J. HERRERA, City Attorney

14 By:


15 THOMAS J. OWEN
16 Deputy City Attorney

LEGISLATIVE DIGEST
(Amendment of the Whole, dated 11/14/2011)

[Environment Code – Checkout Bags; Checkout Bag Charge]

Ordinance amending the San Francisco Environment Code by: 1) amending Section 1702, to extend the restrictions on checkout bags from supermarkets and chain pharmacies to all retail establishments and food establishments in the City, and clarify terms; 2) adding Section 1703.5, to require stores to add a checkout bag charge of 10 cents, rising to 25 cents, if they provide a customer with a checkout bag; 3) setting an operative date of July 1, 2012; and, 4) making environmental findings.

Restrictions on Checkout Bags

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.

The proposal would amend the Environment Code to extend these requirements to all retail establishments (in July 2012) and all food establishments (in July 2013) in the City. It would also modify various definitions used in the Chapter.

Checkout Bag Charge

Current City law does not require stores to collect any sort of charge for checkout bags that they provide to customers. California Public Resources Code Section 42254(b)(2) generally prohibits a city or county from imposing a plastic carryout bag fee. Section 42254 will expire by operation of law on January 1, 2013, unless the Legislature acts to extend it.

Beginning July 1, 2012, the amendment would require all stores to add a Checkout Bag Charge of ten cents for each recyclable paper or reusable checkout bag they provide to a customer. (These stores may only provide recyclable paper, compostable plastic, or reusable checkout bags to customers. As noted above, the City may not impose a fee on the compostable plastic bags prior to 2013.) The stores would keep the money that they collected.

Beginning July 1, 2013, the amendment would require all stores, now including food establishments, to add a Checkout Bag Charge of ten cents (\$0.10) for compostable plastic checkout bags as well as for recyclable paper or reusable checkout bags.

Beginning July 1, 2014, the Checkout Bag Charge for all stores, including food establishments, would increase to twenty-five cents (\$0.25) for each recyclable paper, compostable plastic, or reusable checkout bag they provide to a customer.

Stores would have to show the Checkout Bag Charge as a separate charge on the customer's receipt.

Stores would not collect a Checkout Bag Charge when providing a Checkout Bag to a customer as part of a transaction paid for in whole or in part through the Special Supplemental Food Program for Women, Infants, and Children, or the State Department of Social Services Food Stamp Program.

The owner or operator of a store could petition the Director of the Department of the Environment for a full or partial waiver of these requirements, for up to one year, under limited circumstances.

The City could punish violations of these requirements with administrative fines.

* * *

The amendment of whole, dated 11/14/2011, makes a number of relatively minor changes to the legislation on file, dated 11/1/2011:

- The amendment of the whole further revises the definitions of "Checkout Bag," "Recyclable Paper Bag," and "Reusable Bag."*
- It exempts "doggy bags," used to transport a customer's left-over food from sit-down restaurant dining, from the requirement to collect the Checkout Bag Charge.*
- It exempts Reusable Bags from the requirement to collect the Checkout Bag Charge when they are provided by a store to a customer without charge, during a limited duration promotional event, not to exceed seven days per year.*
- It authorizes the Department to provide full or partial waiver of the requirements of the chapter, for up to one year at a time, for unique hardship.*



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.: 2011.1150E
Project Title: Expansion of Plastic Bag Reduction Ordinance
Zoning/Plan Area: All zoning districts that allow retail uses
Block/Lot: Varies
Lot Size: Varies
Project Sponsor: Supervisor Ross Mirkarimi
415-554-7630
Staff Contact: Wade Wietgreffe – (415) 575-9050
Wade.Wietgreffe@sfgov.org

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION:

The proposed project is a City and County of San Francisco (San Francisco) Board of Supervisors proposed ordinance amending the San Francisco Environment Code by amending Chapter 17 to expand the scope of the City's existing plastic bag ban to cover all retailers and food establishments in San Francisco and impose a modest store charge for recycled-content paper, compostable, and reusable checkout bags. In addition, the proposed project proposes a community outreach program to increase reusable bag use.

[continued on next page]

EXEMPT STATUS:

Categorical Exemption, Class 7 & 8 [State CEQA Guidelines Sections 15307 & 15308]

DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and Local requirements.


Bill Wycko
Environmental Review Officer

November 10, 2011
Date

cc: Jack Macy, Department of Environment
Robert Selna, Supervisor Mirkarimi's office

Supervisor Ross Mirkarimi, District 5
Virna Byrd, M.D.F.

PROJECT DESCRIPTION (CONTINUED):***Background on Existing Plastic Bag Reduction Ordinance***

In April 2007, the San Francisco Board of Supervisors adopted the Plastic Bag Reduction Ordinance, which required all "stores" to provide only the following as checkout bags to customers: "compostable plastic bags," and/or "recyclable paper bags," and/or "reusable bags." Under the existing ordinance, a "store" is defined as a retail establishment as either "a full-line, self-service supermarket with gross annual sales of two million dollars, or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items ...; or a retail pharmacy with at least five locations under the same ownership within San Francisco." "Compostable plastic bag," "recyclable paper bag," and "reusable bag" are defined in the ordinance to distinguish among the types of bags and provide minimum requirements for their product content (i.e., the materials the bag is made out of) and labeling. In addition, fines are established for violations of the ordinance. The ordinance became effective at supermarkets in October 2007 and at pharmacies in April 2008.

Proposed Amendments to the Plastic Bag Reduction Ordinance

The proposed project would amend the definition of "store", thereby expanding the scope of the existing ordinance's applicability and provide a charge for checkout bags starting July 1, 2012. A "store" would be redefined as a retail establishment that includes "any public commercial establishment engaged in the sale of personal consumer or household items to the customers who will use or consume such items" thus removing the limitation that the ban only applies to establishments with gross annual sales of two million dollars or more. This definition would expand the scope of the plastic bag ban and eliminate the distinction of supermarket and pharmacies within the existing ordinance. This definition would become effective July 1, 2012. In addition, effective July 1, 2013, "store" would also expand to "include any Food Establishment located within the geographical limits of the City and County of San Francisco." Food Establishment would be defined as "a food preparation and service establishment as defined in Health Code Section 451 and permitted under Health Code Section 452."

The proposed project would also amend the definitions of "checkout bag," "compostable plastic bag," "recyclable paper bag," and "reusable bag" to include new product content and labeling requirements for the three types of checkout bags and clarify what is a checkout bag. In particular, reusable bags would be required to have a minimum lifetime capability of 125 or more uses carrying 22 or more pounds over a distance of at least 175 feet, among other requirements. Checkout bags would not include "bags used by consumers inside stores" prior to the point of sale or "newspaper bags, door-hanger bags, laundry-dry cleaning bags, or bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags."

Additionally, the proposed project would add checkout bag charge requirements in a new Section, 1703.5, as follows:

- "Beginning July 1, 2012, no Store shall provide a Recyclable Paper Bag or Reusable Bag to a customer at the point of sale, unless the Store charges the customer a Checkout Bag Charge of at least ten cents (\$0.10) per bag.

- Beginning July 1, 2013, no Store, including a Food Establishment, shall provide a Compostable Plastic Bag to a customer at the point of sale, unless the Store charges the customer a Checkout Bag Charge of at least ten cents (\$0.10) per bag.
- Beginning July 1, 2014, no Store, including a Food Establishment, shall provide a Recyclable Paper Bag, Reusable Bag, or Compostable Plastic Bag to a customer at the point of sale, unless the Store charges the customer a Checkout Bag Charge of at least twenty five cents (\$0.25) per bag.”

Finally, the proposed project would add new Sections 1703.5(b), (c), and (d) to require a separate checkout bag charge to be displayed on receipts, allow exemptions to certain customers to the checkout bag charge, and allow waivers by owners or operators of a store to the checkout bag charge, respectively.

Proposed Public Outreach

Implementation of the proposed project by San Francisco Department of Environment would also include partnering with local non-profit environmental groups in a public awareness campaign promoting reusable bags. The campaign may include reusable bag giveaways, developing lesson plans for school children, and targeted outreach to low income and elderly communities.

REMARKS:

Background on Checkout Bags

In California, single-use plastic bags (i.e., point of sale plastic bags) account for approximately 0.13% of California’s total waste stream.¹ Single-use plastic bags are typically made out of thin, lightweight high-density polyethylene (HDPE) or low-density polyethylene (LDPE). Single-use plastic bags are currently allowed at all businesses in San Francisco except those defined as “stores” in the existing San Francisco Plastic Bag Reduction Ordinance. Single-use plastic bags typically weigh between 5-9 grams. Because most recycling facilities reject single-use plastic bags because they get caught in recycling machinery, causing malfunction, only approximately 5% of single-use plastic bags are recycled in California and nationwide.² Single-use plastic bags biodegradability rate varies, with estimates ranging from a few years to several hundreds of years.³

In California, single-use paper bags (i.e., bags and sheets made from kraft paper, includes point of sale paper bags) account for approximately 0.4% of California’s total waste stream.⁴ Single-use paper bags are currently allowed at all businesses in San Francisco except those defined as “stores” in the existing San

¹ CEQA Environmental Review Initial Study/Mitigated Negative Declaration, Single Use Bag Reduction Ordinance, Santa Cruz County, February 10, 2011, p. 11.

² According to the US EPA’s 2009 Municipal Waste Characterization Study, the recycling rate for plastic HDPE films (plastic bags, sacks, & wraps), which is generally what plastic bags are made from, was 6.1%. This statistic is artificially high when used as a reference point for plastic carryout bag recycling (by proponents of plastic bag manufacturing industry) because it includes all wraps and packaging, like “industrial stretch films” used in shipping, not just plastic bags. See United States Environmental Protection Agency, Municipal Solid Waste in the United States, 2009 Facts and Figures at 53; see also CEQA Environmental Review Initial Study, Santa Cruz County, p. 11.

³ See Rhian Tough, “Plastic Shopping Bags: Environmental Impacts and Policy Options,” October 2007, p. 30 where the author analyzed a variety of studies done on the biodegradability of plastic bags.

⁴ CEQA Environmental Review Initial Study/Mitigated Negative Declaration, Single Use Bag Reduction Ordinance, Santa Cruz County, February 10, 2011, p. 12.

Francisco Plastic Bag Reduction Ordinance. However, the stores subject to the ordinance are currently required to provide 100% recyclable overall, 40% post-consumer recycled content, paper bags. Single-use paper bags are heavier than single-use plastic bags, typically weighing between 50 – 100 grams. Single-use paper bags also have higher recycling rates than single-use plastic bags, with an estimated paper recycling rate of 37% nationwide, and 60% in San Francisco.⁵

Single-use compostable plastic bags were not accounted for in California's most recent study of total waste stream.⁶ Single-use compostable plastic bags are currently allowed at all businesses in San Francisco. Compostable plastic bags have a weight similar to single-use plastic bags, typically weighing between 5-18 grams.⁷ Compostable plastics are a subset of biodegradable plastics that are defined according to American Society for Testing and Materials (ASTM) D6400 standards as those biodegradable plastics that will decompose during composting at a rate consistent with other known compostable materials and leave no visible distinguishable or toxic residue.⁸ With this standard, compostable plastic bags have been incorporated into San Francisco's food scraps collection program. Compostable plastic bags cannot be recycled with other single-use plastic bags. If they enter the recycling material stream, they could contaminate the resulting recycled material, making it unusable.⁹

Reusable bags were not accounted for in California's most recent study of total waste stream,¹⁰ likely because the intent is to reuse the bags hundreds of times before disposing them. Reusable bags are being used more and more, as evident by businesses routinely selling them at checkout and government agencies adopting regulations to discourage single-use bags. Reusable bags are made of various materials including polyethylene, plastic, polypropylene plastics, multiple types of cloth, and recycled plastic beverage containers among others. Reusable bags typically weigh 10 times more than a single-use plastic bag and 2 times more than a single-use paper bag, and require greater material consumption on a per bag basis than single-use plastic bags. It is unknown of how many reusable bags are recycled, or what the biodegradation time of reusable bags is, because no comprehensive California-specific life-cycle study has been conducted of the reusable bags commonly used in the state.¹¹

Background on Charging for Single-use Checkout Bags and User Choice

Varying studies from different locations indicate a substantially different mix of bag use among customers depending on whether or not there is a charge for single-use carryout bags. Several studies focus on the impacts of charges for single-use plastic bags only. These studies have indicated a reduction

⁵ See CEQA Environmental Review Initial Study/Mitigated Negative Declaration, Single Use Bag Reduction Ordinance, Santa Cruz County, February 10, 2011, p.12.

⁶ California Integrated Waste Management Board, California State Waste Characterization Study, August 2009.

⁷ www.ecoproducts.com, "Plastic" grocery bags, accessed October 14, 2011.

⁸ See CEQA Environmental Review Initial Study/Mitigated Negative Declaration, Single Use Bag Reduction Ordinance, Santa Cruz County, February 10, 2011, p. 13.

⁹ Ibid, p. 14.

¹⁰ California Integrated Waste Management Board, California State Waste Characterization Study, August 2009.

¹¹ See CEQA Environmental Review Initial Study/Mitigated Negative Declaration, Single Use Bag Reduction Ordinance, Santa Cruz County, February 10, 2011, p.15.

in single-use plastic bag use and a reduction in single-use bag use overall.¹² Because the Expansion of the Plastic Bag Reduction Ordinance would not allow single-use plastic bags and other single-use bags and eventually charge for all single-use bags, including recycled-content paper and compostable bags, at “stores”, it is difficult to determine the effects on user choice from these studies. Additional studies have projected consumer behavior from fees on single-use plastic and paper bag fees, but these projections have not been verified with actual consumer behavior following the implementation of the single-use plastic and paper bag fees.¹³ However, the following studies do provide an applicable comparison.

In Australia, a study from September to November 2007 was conducted of approximately 800 retail sale exit observations at a range of locations: inner city, suburban, and regional; and retail sectors: supermarket, other food and liquor, general merchandise and apparel, fast food, convenience and service station, and other retail. The observations included a comparison between retail outlets that charge a fee for single-use bags and those that do not. In stores where single-use bags (HDPE, LDPE, or paper) were available for free, more than two-thirds of customers chose single-use bags as the method to transport goods out of the store. In contrast, only one-third of customers chose single-use bags in stores where a charge existed for each single-use bag (Table 1).¹⁴

Table 1
Distribution of Bags at Checkout – Australia

	Supermarket/Grocery Stores		All Retail Outlets	
	No Charge for Single-Use Bag	Charge a fee for Single-Use Bag	No Charge for Single-Use Bag	Charge a fee for Single-Use Bag
Single-use carryout bag	67%	31%	72%	27%
Reusable bag	16%	31%	13%	33%
No bag*	17%	39%	15%	40%

*No bag transactions include no bag, and bags and containers other than purpose-built reusable shopping bags, such as shopping trolleys, back packs, and handbags.

Source: Environment Protection and Heritage Council, “Plastic Retail Carry Bag Use, 2006 and 2007 consumption, final report,” February 7, 2008, Tables 6-13 and 6-14.

In Washington D.C., a \$0.05 fee went into effect January 1, 2010 for all businesses selling food or alcohol for each single-use paper or plastic carryout bag. City officials estimated that in 2009, residents used approximately 270 million single-use bags. For 2010, city officials estimated residents were on pace to

¹² Examples include Ireland and Toronto, Canada, where a government imposed single-use plastic bag fee resulted in a 94% and 70% reduction in single-use plastic bag use and a similar reduction in overall single-use bags overall, respectively. See Metropolitan Washington Council of Governments, “Plastic Bag Report,” October 14, 2009.

¹³ An example includes San Jose, California, where a government imposed single-use plastic and paper bag fee is estimated to result in 65% of customers using reusable bags and 35% paper (40% recycled content) bags, respectively. See CEQA Environmental Review Initial Study/Negative Declaration, Single-Use Carryout Bag Ordinance, Santa Clara County, October 8, 2010, p.12. Also, see Herrera et al, 2008, “Alternatives to Disposable Shopping Bags and Food Service Items,” January 2008.

¹⁴ Environment Protection and Heritage Council, “Plastic Retail Carry Bag Use, 2006 and 2007 consumption, final report,” February 7, 2008, Tables 6-13 and 6-14.

use approximately 55 million single-use bags, an approximately 81% decrease.¹⁵ A telephone survey of 600 randomly selected D.C. residents and one-on-one interviews with 51 D.C. based businesses conducted by a non-profit organization provided similar estimates. On the resident survey, approximately 75% of D.C. residents answered they reduced their plastic bag usage, approximately 21% said they had not reduced their plastic bag usage, and approximately 4% said they never use bags or were unsure about their bag usage since the ordinance went into effect. On the business survey, estimates of the reduction in bag usage by their own customers ranged from just a few percentage points to 80% lower, with a majority of the businesses who offered an estimate saying their consumption of bags is at least 50% lower.¹⁶

Businesses in the United Kingdom have also voluntarily imposed fees at their own stores. IKEA found that a 10 pence (~ \$0.15 in US 2010 dollars) charge on all single-use bags result in a 95% drop in consumption, whereas Marks & Spencer realized an 80% drop in consumption after implementing a 5 pence (~\$0.07 in 2010 US dollars) charge.¹⁷

Environmental Impacts Associated with Single-Use Plastic Bags and the Proposed Project

A number of CEQA documents, life-cycle analyses, and other studies have studied the environmental impacts of the carryout bags addressed by the proposed project. A Master Environmental Assessment (MEA) was completed in 2010 on the subject of carryout bags.¹⁸ The analysis below largely uses this MEA and other information cited above.

Aesthetics

Litter can substantially degrade the existing visual character or quality of the site and its surroundings in San Francisco. Single-use plastic bags are a major source of litter in San Francisco Bay. One study in 2007, removed approximately 25,000 plastic bags in one day from San Francisco Bay.¹⁹ Litter impacts can occur when single-use plastic bags are not properly disposed (i.e., not recycled or sent to a landfill). Regardless of whether single-use plastic bags are or are not properly disposed, these bags may be blown away from receptacles or landfills due to their light weight and slow biodegradability time. Single-use plastic bags are currently allowed at all businesses in San Francisco except those defined as "stores" in the existing San Francisco Plastic Bag Reduction Ordinance. The proposed project would expand the definition of stores, thereby eliminating single-use plastic bags from retail and food establishments. This would protect the environment and associated aesthetic impacts from single-use plastic bag litter.

By eliminating single-use plastic bag use at more "stores" covered by the ordinance, the proposed project would result in greater use of single-use paper bags, single-use compostable bags, and reusable bags. An increase in single-use paper bags and reusable bags would result in fewer impacts to aesthetics from litter because these bags are heavier and/or more recyclable and/or more reusable than single-use plastic bags.

¹⁵ The Washington Post, "District businesses not harmed by bag tax," February 24, 2011.

¹⁶ Opinion Works, "Public Perceptions and Willingness to Address Litter in the District of Columbia," February 15, 2011, p. 6.

¹⁷ See AEA Consulting, "Welsh Assembly Government, Single Use Bag Study," August 26, 2009, Table 6.

¹⁸ Green Cities California, "Master Environmental Assessment on Single-Use and Reusable Bags," March 2010.

¹⁹ Save the Bay, "Save the Bay Launches Campaign to Eliminate Plastic Bag Pollution in California," April 14, 2009, http://www.savesfbay.org/sites/default/files/SAVETHEBAYRELEASE_4.14.09_FINAL.PDF.

An increase in single-use compostable plastic bags would result in similar impacts as single-use plastic bags because consumers may improperly dispose of them believing them to biodegrade quickly in a non-composting environment, their light weight may lead them to blow away, and recycling facilities cannot currently handle them. However, single-use compostable plastic bags would biodegrade at a considerably faster rate than single-use plastic bags, thereby reducing the amount of time in the litter stream. In addition, the proposed project would impose a fee on all allowable single-use bags, including recycled-content paper and compostable bags, and studies have shown that establishing a fee results in an increase in reusable bag and no bag use and a decrease in single-use bag use.²⁰ Lastly, the proposed project would include a public education campaign aimed at promoting reusable bags to further reduce impacts from single-use carryout bags. Therefore, the proposed project would result in a beneficial impact to aesthetics from less litter.

Air Quality and Greenhouse Gas Emissions

Carryout bag manufacture, transport, and disposal all result in greenhouse gas (GHG) emissions, criteria air pollutant, and ground level ozone formation. GHG emissions contribute to the global problem of climate change, whereas criteria air pollutants and ground-level ozone generally creates air pollution problems in a local air basin. A number of life-cycle assessments have been conducted concerning the air quality and GHG emissions resulting from carryout bags.²¹ The parameters used in the assessments varied; therefore, the results of the amount of emissions for each type of carryout bag differed. However, the assessments did commonly conclude that the manufacture, transport, and disposal of single-use plastic bags do result in a substantial amount of emissions.²² Single-use plastic bags are currently allowed at all businesses in San Francisco except those defined as "stores" in the existing San Francisco Plastic Bag Reduction Ordinance. The proposed project would expand the definition of stores, thereby eliminating single-use plastic bags from retail and food establishments. This would protect the environment and associated climate change and air pollution impacts from single-use plastic bag manufacture, transport, and disposal.

As stated above, the proposed project would eliminate single-use plastic bags and as a result, the proposed project would result in greater use of single-use paper bags, single-use compostable bags, and reusable bags. The aforementioned life-cycle assessments commonly concluded that the manufacture, transport, and disposal of single-use paper and compostable bags result in more emissions than single-use plastic bags, while reusable bags result in fewer emissions. However, these assessments did not address the strict requirements for paper bag or compostable bag use content and reusable bag durability as proposed by the project, therefore the studies may not accurately represent the actual emission factors represented by the proposed project.

²⁰ Refer to "Background on Charging for Single-Use Checkout Bags and User Choice" section above for studies.

²¹ See for example Boustead Consulting and Associates Ltd, "Life Cycle Assessment for Three Types of Grocery Bags – Recyclable Plastic; Compostable, Biodegradable Plastic; and Recycled, Recyclable Paper," 2007; Environment Australia, "Plastic Shopping Bags – Analysis of Levies and Environmental Impacts," December 2002; or ExcelPlas Australia, Centre for Design at RMIT, and NOLAN-ITU, "The Impacts of Degradable Plastic Bags in Australia," 2004; or Hyder Consulting, "Comparison of existing life cycle analyses of plastic bag alternatives," 2007.

²² See for example Boustead Consulting and Associates Ltd, "Life Cycle Assessment for Three Types of Grocery Bags – Recyclable Plastic; Compostable, Biodegradable Plastic; and Recycled, Recyclable Paper," 2007, Tables 14A, 14B, 14C, and 14D; or Environment Australia, "Plastic Shopping Bags – Analysis of Levies and Environmental Impacts," December 2002, Table 4-3.

A switch to reusable bags is predicted to result in decreased transport-related emissions due to less bag manufacturing and collection at disposal. However, because single-use plastic bags have substantially lower volume than paper or reusable bags, a switch from single-use plastic may result in short-term increase in transportation and local air quality emissions. However, this increase would be insignificant, as any additional trucks would be spread throughout San Francisco and the day. Therefore, the proposed project would not result in any significant impacts to air quality.

The impacts of this proposed project in terms of GHG emissions are both indirect and difficult to predict. San Francisco has adopted a number of policies over the past decade to reduce GHG emissions. These policies are comprehensively provided in the San Francisco's *Strategies to Address Greenhouse Gas Emissions*. The policies have proven to be successful as measured by a number of things: San Francisco GHG emissions levels in 2005 were lower than in 1990, San Francisco has met and exceeded State Assembly Bill 32 GHG reduction goals for the year 2020, current and probable future state and local GHG reduction measures will continue to reduce San Francisco's contribution to climate change, and *Strategies to Address Greenhouse Gas Emissions* has been determined to be a "Qualified GHG Reduction Strategy" by the Bay Area Air Quality Management District, the air district which adopted GHG thresholds of significance for the San Francisco air basin. Because these policies have proven and are projected to continue to be successful, projects in San Francisco would be subject to these policies and therefore would not have a cumulative considerable impact to GHG emissions.

The proposed project would impose a fee on all allowable single-use bags, including recycled-content paper and compostable bags, and studies have shown that establishing a fee results in an increase in reusable bag and no bag use and a decrease in single-use bag use.²³ Lastly, the proposed project would include a public education campaign aimed at promoting reusable bags to further reduce impacts from single-use carryout bags. Therefore, any additional greenhouse gas impacts that may result from the proposed project (i.e., consumers switching from single-use plastic bags to single-use paper or compostable bags instead of reusable bags) would not be cumulatively considerable.

Hydrology and Water Quality

Single-use carryout bags can have substantial impacts on hydrology and water quality inside and outside of San Francisco. Hydrology is impacted when litter blocks waterways (primarily storm drains) resulting in contamination and changes in waterflow to surrounding areas. As mentioned above, single-use plastic bags are a major source of litter. Water quality is impacted when litter enters water bodies and from the manufacturing of single-use plastic bags causing eutrophication (e.g., nitrate and phosphate emissions into water that stimulate excessive growth of algae and other aquatic life). The proposed project would expand the definition of stores, thereby eliminating single-use plastic bags from retail and food establishments. This would protect the environment and associated hydrological and water quality impacts from single-use plastic bag manufacture and litter.

As stated above, the proposed project would eliminate single-use plastic bags and as a result, the proposed project would result in greater use of single-use paper bags, single-use compostable bags, and

²³ Refer to "Background on Charging for Single-Use Checkout Bags and User Choice" section above for studies.

reusable bags. An increase in single-use paper bags and reusable bags would result in fewer hydrological impacts than single-use plastic bags because these bags would result in less litter and less potential time blocking a waterway than single-use plastic bags. An increase in single-use compostable plastic bags would result in similar hydrological impacts as single-use plastic bags because of similar litter impacts. However, single-use compostable plastic bags would biodegrade at a considerably faster rate than single-use plastic bags, thereby reducing the potential time a bag would block a waterway.

An increase in single-use paper bags and compostable bags would result in no impact to water quality because even though the manufacturing of these bags would result in greater eutrophication than single-use plastic bags, impacts would be similar to single-use plastic bags because of the lesser potential for litter entering surface waters from single-use paper and compostable bags than single-use plastic bags. An increase in reusable bags would have a beneficial impact on water quality because of the reusability of the bag and small potential for these bags entering surface waters.

The proposed project would impose a fee on all allowable single-use bags, including recycled-content paper and compostable bags, and studies have shown that establishing a fee results in an increase in reusable bag and no bag use and a decrease in single-use bag use.²⁴ As a result, any impacts would be reduced to insignificant levels. Lastly, the proposed project would include a public education campaign aimed at promoting reusable bags to further reduce impacts from single-use carryout bags. Therefore, the proposed project would not result in a significant impact to hydrology and water quality.

Water Usage

Single-use carryout bags can have substantial impacts on water usage inside and outside of San Francisco. As with air quality and GHG emissions, a number of life-cycle assessments have been conducted concerning the water usage resulting from carryout bags.²⁵ The parameters used in the assessments varied; therefore, the results for each type of carryout bag differed. However, the assessments did commonly conclude that the manufacture of single-use plastic bags do result in a substantial amount of water usage.²⁶ Single-use plastic bags are currently allowed at all businesses in San Francisco except those defined as "stores" in the existing San Francisco Plastic Bag Reduction Ordinance. The proposed project would expand the definition of stores, thereby eliminating single-use plastic bags from retail and food establishments. This would protect the environment and associated water usage impacts from single-use plastic bag manufacture.

As stated above, the proposed project would eliminate single-use plastic bags and as a result, the proposed project would result in greater use of single-use paper bags, single-use compostable bags, and reusable bags. The aforementioned life-cycle assessments commonly concluded that the manufacture of single-use paper and compostable bags result in more water usage than single-use plastic bags, while

²⁴ Ibid.

²⁵ See for example Boustead Consulting and Associates Ltd, "Life Cycle Assessment for Three Types of Grocery Bags – Recyclable Plastic; Compostable, Biodegradable Plastic; and Recycled, Recyclable Paper," 2007; or Hyder Consulting, "Comparison of existing life cycle analyses of plastic bag alternatives," 2007.

²⁶ See for example Boustead Consulting and Associates Ltd, "Life Cycle Assessment for Three Types of Grocery Bags – Recyclable Plastic; Compostable, Biodegradable Plastic; and Recycled, Recyclable Paper," 2007, Tables 12A and 12B.

reusable bags result in less water used. However, these assessments did not address the strict requirements for paper bag and compostable bag use content and reusable bag durability as proposed by the project, therefore the studies may not accurately represent the actual water consumption represented by the proposed project.

The impacts of this proposed project on water consumption in areas in and outside San Francisco are both indirect and difficult to predict. If production were to increase for single-use paper or compostable bags, manufacturing facilities in California may need to expand or additional facilities may need to be constructed and an increase in water used in manufacturing could result to meet the demand generated by San Francisco; however, the expansion or addition of these facilities would be subject to environmental review, including an evaluation of impacts to groundwater and water supply. Such expansion is speculative, and even if it were to occur, any resulting impacts are not reasonably foreseeable at this time. Moreover, the proposed project would impose a fee on all allowable single-use bags, including recycled-content paper and compostable, and studies have shown that establishing a fee results in an increase in reusable bag and no bag use and a decrease in single-use bag use.²⁷ As a result, any impacts would be reduced to insignificant levels. Lastly, the proposed project would include a public education campaign aimed at promoting reusable bags to further reduce impacts from single-use carryout bags. Therefore, the proposed project would not result in a significant impact to water consumption.

Biological Resources

Litter can have important impacts on biological resources inside and outside of San Francisco. As stated above, single-use plastic bags are a major source of litter. Impacts occur when single-use plastic bags are not properly disposed or recycled, and, regardless if single-use plastic bags are or are not properly disposed of, these bags may be blown away from receptacles or landfills due to their light weight and slow biodegradability time. When single-use plastic bags enter the environment as this litter, plastic debris can negatively impact wildlife species. Over 260 species of wildlife, including invertebrates, turtles, fish, seabirds, and mammals, have been reported to ingest or become entangled in plastic debris. The results include impaired movement and feeding, reduced reproductivity, lacerations, ulcers, and death. Single-use plastic bags are currently allowed at all businesses in San Francisco except those defined as "stores" in the existing San Francisco Plastic Bag Reduction Ordinance. The proposed project would expand the definition of stores, thereby eliminating single-use plastic bags from retail and food establishments. This would protect the environment and associated biological resource impacts from single-use plastic bag litter.

As stated above, the proposed project would eliminate single-use plastic bags and as a result, the proposed project would result in greater use of single-use paper bags, single-use compostable bags, and reusable bags. An increase in single-use paper bags and reusable bags would result in fewer biological resource impacts than under existing circumstances because these bags would result in less litter than single-use plastic bags and paper bags may be chewed and digested effectively by many animals. An increase in single-use compostable plastic bags would result in similar impacts as single-use plastic bags because of litter. However, single-use compostable plastic bags would biodegrade at a considerably faster rate than single-use plastic bags, thereby reducing the potential exposure time to wildlife species. In

²⁷ Refer to "Background on Charging for Single-Use Checkout Bags and User Choice" section above for studies.

addition, the proposed project would impose a fee on all allowable single-use bags, including recycled-content paper and compostable, and studies have shown that establishing a fee results in an increase in reusable bag and no bag use and a decrease in single-use bag use.²⁸ Lastly, the proposed project would include a public education campaign aimed at promoting reusable bags to further reduce impacts from single-use carryout bags. Therefore, the proposed project would result in a beneficial impact to biological resources.

Summary of Environmental Impacts

Single-use plastic bags have known environmental impacts to aesthetics, air quality and GHG emissions, hydrology and water quality, water usage, and biological resources. The proposed project would eliminate single-use plastic bags at "stores" within San Francisco, thereby protecting the environment from the impacts associated with single-use plastic bags. By eliminating single-use plastic bag use at more "stores" covered by the ordinance, the proposed project would result in greater use of single-use paper bags, single-use compostable bags, and reusable bags. Single-use paper bags and compostable bags have greater environmental impacts on air quality and GHG emissions and water usage than single-use plastic bags and reusable bags (or no bag at all) have lesser environmental impacts in all categories than single-use plastic bags. Studies have shown that banning single-use bags and imposing a mandatory charge on single-use paper and compostable bags results in an increase in reusable bag and no bag use and a decrease in single-use bag use. Because the proposed project would ban single-use plastic bags and impose a mandatory charge on single-use paper and compostable bags at all "stores" in San Francisco and the proposed project would include a public education campaign aimed at promoting reusable bags, the proposed project would protect the environment and not have a significant impact on the environment.

Exempt Status and Conclusion

The California Environmental Quality Act (CEQA) Guidelines Section 15307, or Class 7, provides for the exemption from environmental review the "actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment." Alternatively, CEQA Guidelines Section 15308, or Class 8, provides for the exemption from environmental review the "actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment." Therefore, the proposed adoption of the Expansion of the Plastic Bag Reduction Ordinance would be exempt under Classes 7 and 8.

CEQA State Guidelines Section 15300.2 states that an environmental exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. No unusual circumstances surrounding the current proposal exist that would suggest a reasonable possibility of a significant effect. The proposed project would be exempt under the above-cited classifications. For the above reasons, the proposed project is appropriately exempt from environmental review.

²⁸ Ibid.



SFEnvironment

San Francisco Bag Policy Fact Sheet

THE PROBLEM

Single-use checkout bags are a problem because they:

- Use dwindling natural resources, and create pollution during their production and distribution;
- Create significant litter, and disrupt drainage and sewer systems;
- Are perceived and often used as single-use products; and
- Impede San Francisco's landfill diversion or zero waste goals.

Additionally, conventional plastic checkout bags:

- Harm marine life and degrade aquatic ecosystems;
- Are difficult to recycle, are not accepted in curbside recycling, are not compostable; and
- Are major and costly contaminants in San Francisco's recycling and composting programs.

BACKGROUND

The San Francisco Board of Supervisors has adopted goals of 75 percent landfill diversion by 2010, and zero waste by 2020. To achieve these goals, the Zero Waste section of San Francisco's Department of the Environment (SFE) promotes waste prevention, recycling and composting programs and policies.

San Francisco enacted a ban on single-use plastic checkout bags at all supermarkets and chain pharmacies starting in 2007. San Francisco's ban has been very effective in reducing plastic bag consumption and disposal, visibly reducing plastic bag litter and contamination. Numerous cities locally and worldwide have followed San Francisco's lead in banning plastic checkout bags, and that movement is gaining momentum.

THE SOLUTION

The San Francisco Board of Supervisors is now considering legislation that would further reduce single-use checkout bag use in San Francisco and encourage the use of reusable bags. This legislation would:

- Expand the ordinance to include all retail stores in San Francisco starting July 1, 2012;
- Expand the ordinance to include all restaurants in San Francisco starting July 1, 2013; and
- Require a 10-cent minimum charge on allowable checkout bags, to increase to 25 cents in 2014.

Checkout bags allowed under the ordinance:

- Certified compostable plastic bags;
- Paper bags with 100% recycled content (40% post-consumer); and
- Reusable bags that are designed for at least 125+ uses.

The plastic bag ban and checkout bag charge does not apply to:

- bags used inside stores for bulk items, produce, or meat;
- newspaper bags; and
- laundry-dry cleaning bags.

Frequently Asked Questions about San Francisco's Proposed Bag Policy

What is the purpose of the legislation?

The San Francisco bag legislation will reduce unnecessary waste, contamination in recycling and composting programs, litter, and harm to marine life.

What types of businesses does the legislation apply to?

This legislation applies to all retail establishments located within the geographical limits of the City and County of San Francisco, including convenience stores. The legislation also applies to restaurants starting July 1, 2013.

How will the legislation affect the poor and elderly in San Francisco?

Everyone currently pays the true cost of bags regardless of how many one uses. Low-income people and seniors will be able to avoid hidden bag costs by bringing their own bags to the store. SFE will partner with grocers and local non-profit environmental groups in a public awareness campaign promoting reusable bags, including reusable bag giveaways targeting low and fixed-income San Franciscans. Customers participating in WIC or food stamp programs are exempt from the charge.

How will you educate San Franciscans about this new policy?

SFE will work with retailers to provide multi-lingual information to help implement the legislation. An intensive campaign will be conducted months before the expanded policy takes effect to ensure that shoppers are aware of the program and prepared to bring their own bag.

What will dog owners use to clean up after their pets?

Dog owners will still have multiple options to clean up their pet waste. They can use paper or paper bags, compostable plastic bags or other plastic bags such as from the newspaper, produce or bread.

Where will the money be spent?

Stores keep the entire checkout bag charge. This helps off set potential additional costs of providing acceptable bags.

Does the checkout bag charge apply to compostable plastic bags?

Compostable plastic bags will not be subject to the checkout bag charge until July 1, 2013. However, since compostable plastic bags are more expensive than traditional plastic bags, stores may choose to impose a similar charge on compostable plastic bags.

How can shoppers avoid the charge?

Shoppers can avoid the charge by bringing their own bags whenever they shop or by refusing a bag when they make a small purchase that is easy to carry without a bag.

How will the fee be monitored?

The checkout bag charge must be itemized separately on the customer's receipt.

Where can I buy reusable bags?

Reusable bags come in a variety of shapes and sizes. Some reusable bags are specially designed to fit inside a purse or a pocket and are available at a variety of price points. SFE will help retailers identify ordinance-compliant reusable bag suppliers.

Can retailers charge more than 10-25 cents for reusable bags at checkout?

Yes, the Checkout Bag Charge is just a minimum charge and stores may sell reusable bags at checkout for an amount over 10-25 cents to cover costs.



SMALL BUSINESS COMMISSION
OFFICE OF SMALL BUSINESS



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

November 17, 2011

Ms. Angela Calvillo, Clerk of the Board
Board of Supervisors
City Hall room 244
1 Carlton B. Goodlett Place
San Francisco, CA 94102-4694

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 NOV 17 PM 1:43
ABC

Re: File No. 101055 [Environment Code - Checkout Bags and Checkout Bag Charge]

Small Business Commission Recommendation: Approval with two specifications

Dear Ms. Calvillo:

On November 14, 2011, the Small Business Commission (SBC) heard and recommended approval of Board of Supervisors File No. 101055 by a 5-0 vote.

The SBC finds that this legislation is a reasonable expansion of the Plastic Bag Reduction ordinance and re-enforces San Francisco as a leader in sustainable environmental policies. The Commission commends Supervisor Mirkarimi for structuring this fee so that it is retained by retailers, which will result in easier adoption of the ordinance. By phasing in this ordinance over several years and allowing specific exemptions for bag types in which there are no practical plastic alternatives, this ordinance demonstrates that important environmental initiatives can also be sensitive to small business interests.

In implementing this policy, the Commission is confident that the Department of the Environment will provide exceptional outreach and reasonable enforcement, similar to the commendable job the department did with the City's Styrofoam ban. The SBC also offers outreach assistance by the Office of Small Business, both through our direct counseling services at the Small Business Assistance Center and by outreach mediums such as our monthly newsletters.

The Commission requests that the Department of the Environment review the impact of the ordinance after one year to determine if the fee structure and fee increase plans are meeting the environmental goals of the ordinance. This will provide benchmarks for future review of the ordinance. The Commission also asks that the Department of the Environment allow for businesses to use alternate means to report the bag fee on receipts in the cases of businesses that use old or outdated cash registers.

The Commission is concerned about the applicability of the increased \$.25 fee for the smallest of bags, such as those used at convenience stores and sandwich shops where purchases may only be a few dollars. The Commission requests that policy makers and the Department of the Environment consider allowing a lower fee for these bags and will be asking the Department of the Environment to review this in one year.

The Commission thanks Supervisor Mirkarimi and his staff for their informative presentations to the Commission.



SMALL BUSINESS COMMISSION
OFFICE OF SMALL BUSINESS



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

Sincerely,

A handwritten signature in cursive script, which appears to read "Regina Dick-Endrizzi".

Regina Dick-Endrizzi
Director, Office of Small Business

cc. Supervisor Mirkarimi
Jason Elliott, Mayor's Office
Melanie Nutter, Department of the Environment

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

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 20, 2010
7/23/09
2010.0744E*

