



THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED: October 23, 2013 REPORT NO: 13-080
ATTENTION: Rules and Economic Development Committee
SUBJECT: Plastic Bag Reduction Ordinance Update
REFERENCE: N/A

REQUESTED ACTION:

An update from the Environmental Services Department (ESD) per direction given at the meeting of the R&ED Committee on September 11, 2013.

STAFF RECOMMENDATION:

Staff recommends that ESD and the City Attorney's Office move forward with finalizing the attached draft ordinance and preparing an environmental document. Upon completion, both documents will be presented to the full City Council for action.

EXECUTIVE SUMMARY OF ITEM BACKGROUND:

Introduction:

This report is an update on the recommendations made by the Rules and Economic Development (R&ED) Committee on September 11, 2013, on a plastic bag reduction ordinance. This report will address direction given at that meeting, and subsequent actions taken, relating to acquiring additional stakeholder feedback; determining the best course of action for environmental review; and drafting ordinance language based on the recommendations of ESD, comments made at the September 11 meeting, and additional stakeholder feedback.

Background:

At the September 11, 2013 R&ED Committee meeting, ESD recommended implementing a plastic bag reduction ordinance following the models of the City of Los Angeles, Los Angeles County, the recent proposed state bill (SB405), and many other California municipalities. Details on the proposed ordinance are described in the motion from the meeting (see below). Public comment was made at the meeting largely in favor of the ordinance, with a few people speaking in opposition. Comments in support of the ordinance mainly focused on the

environmental benefits of the ordinance and the proven track record of many similar ordinances in other jurisdictions. Comments in opposition included a request to exempt small markets and a concern over cross contamination. Other comments included support of the exemption of restaurants, and a presentation on the positive effects of bag ordinances in other jurisdictions.

A motion was made by Councilmember Emerald, seconded by Councilmember Alvarez, and voted in favor unanimously, requesting the following:

- ESD staff to work with the City Attorney's Office to craft an ordinance reducing plastic bag use. This ordinance is to include recommendations provided to the Committee by ESD staff. ESD staff recommendations, as outlined in the staff's presentation, include:
 - o Stores subject to ordinance:
 - Retail stores with annual sales of \$2 million selling food and non-food goods, and a line of dry grocery, canned goods, or nonfood items and some perishable items
 - Stores with at least 10,000 square feet of retail space with a pharmacy
 - Drug stores, pharmacies, supermarkets, grocery stores, convenience food stores, foodmarts, or other entities selling a limited line of goods that includes milk, bread, soda, and snack foods
- Mandate charge of \$0.10 per paper bag and at least \$0.10 per reusable bag provided
- Exemptions for restaurants, non-profits, WIC and Supplemental Food Program recipients, produce/product bags
- Stores shall keep records, no requirements regarding reporting, and enforcement to be complaint-based
- Staff will include a focus on education/outreach and reusable bag distribution
- The Committee requested that staff explore including a provision that all retail stores with one-time use bags be subject to the ordinance, and suggested that a dollar amount threshold for reusable bags be considered
- ESD staff to begin appropriate environmental review
- ESD staff to present an informational item to the Community Planners Committee and the BID Council for feedback. Staff to conduct additional community outreach to groups such as the Neighborhood Market Association, and other key stakeholders, to be coordinated with the assistance of the Mayor's Office
- ESD staff to return to the Committee with recommendations for enforcement
- ESD staff to return to the October 23, 2013 R&ED Committee meeting with a status report

Discussion:

Stakeholder process

On September 24, 2013, ESD made a presentation to the Community Planners Committee on the plastic bag reduction ordinance. Comments were made both in favor of and in opposition to the ordinance. The Committee opted not to take a position on the ordinance at that time, but would like to have input after a draft ordinance is developed.

On September 26, 2013 ESD made a presentation to the Business Improvement District (BID) Council. ESD responded to questions regarding how the ordinance would work, the types of bags to be covered versus exempted, and how the ordinance would be enforced. The BID Council was told that ESD is available to do presentations to any of the individual BIDs if requested.

On September 27, 2013, a stakeholder meeting was hosted by ESD, the Mayor's Office, and Council District 1 that included the following stakeholders: the American Forest and Paper Association, AT&T, San Diego County Taxpayers Association, California Restaurant Association San Diego Chapter, San Diego Regional Chamber of Commerce, Neighborhood Market Association, Equinox Center, Sea World, Surfrider Foundation, and California Grocers Association.

Primary feedback included:

- Request that ordinance record keeping requirements allow at least a few days for stores to compile data upon request by the City
- Request that periodic reporting be required by stores to ensure compliance
- Request that there should not be a charge on paper bags because they are highly recyclable
- Request that stores be allowed not to charge for paper bags if they choose
- Statement that if there is no charge on paper bags, paper bag distribution and costs to stores would soar; and that not charging for paper bags would result in the CEQA analysis showing significant impacts which would increase the City's legal risk
- Request that ESD study the sources of plastic bags in the community to ensure the ordinance targets the largest contributing stores
- Request that ESD begin giving out reusable bags as soon as possible to see if voluntary efforts would negate the need for an ordinance
- Statement that voluntary efforts both locally and in other jurisdictions have seen little to no results as compared to ordinances

There was also a discussion of types of outreach done in other cities prior to and after ordinances have passed. A number of ideas were presented such as bag giveaways, website information, parking lot signs, webinars for stores owners, and making signage available to stores.

Additional stakeholder meetings included a presentation at the local Solid Waste Technical Advisory Committee (October 3, 2013) and the San Diego Regional Chamber of Commerce (October 4, 2013).

Environmental Review

The proposed ordinance is subject to review pursuant to the California Environmental Quality Act. The Environmental Services Department will retain the services of a consultant to assist with environmental document preparation. The Environmental Document will be prepared according to the City standards, as administered by the City's Environmental Analysis Section.

Draft ordinance

After considering the feedback from the R&ED Committee and stakeholders, ESD recommends a plastic bag reduction ordinance similar to that brought forward on September 11 that follows the models in the City and County of Los Angeles. It was determined that an ordinance covering all retail stores would not be supported by stakeholders at this time. ESD proposes to evaluate the effectiveness of the ordinance 24 months after implementation, and bring forward any updates that may be appropriate at that time. ESD is working with the City Attorney's Office in drafting ordinance language.

Conclusion:

ESD's proposed plastic bag reduction ordinance is a conservative approach with proven effectiveness and acceptance in a number of California jurisdictions.

During the environmental review process, ESD will begin education and outreach on plastic bag reduction and reusable bag use and begin distributing reusable bags community-wide, concentrating distribution in low-income areas, which will supplement current efforts of other groups such as Surfrider Foundation and the City's Transportation and Stormwater Department who are already distributing reusable bags in the community.

FISCAL CONSIDERATIONS:

N/A

EQUAL OPPORTUNITY CONTRACTING INFORMATION (if applicable)

N/A

PREVIOUS COUNCIL and/or COMMITTEE ACTIONS:

ESD sought feedback on crafting a plastic bag reduction ordinance at the September 11, 2013 Rules and Economic Development meeting.

COMMUNITY PARTICIPATION AND OUTREACH EFFORTS:

Outreach is ongoing but recent stakeholder meetings included:

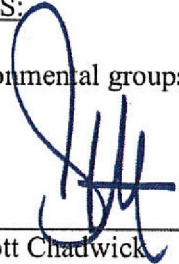
- September 24, 2013 – Community Planners Committee
- September 26, 2013 – Business Improvement District (BID) Council
- September 27, 2013 – Stakeholder meeting hosted by Mayor's Office
- October 3, 2013 – Solid Waste Technical Advisory Committee
- October 4, 2013 – San Diego Regional Chamber of Commerce

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

City residents, businesses, trade associations, and environmental groups as described in the report above.



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Environmental Services Department



Scott Chadwick
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