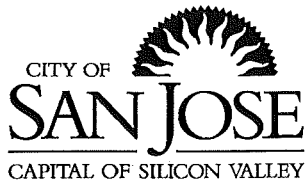


SENT TO COUNCIL:

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City Manager's Office



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Kerrie Romanow,  
Acting Director, ESD

**SUBJECT: BRING YOUR OWN BAG  
ORDINANCE UPDATE**

**DATE:** March 14, 2012

Approved

Date

3/15/12

## INFORMATION

On January 1, 2012, retailers and consumers in San José implemented one of the most comprehensive plastic bag bans in the nation. Phone calls and emails received by the Environmental Services Department (ESD) in the last five months have been primarily retailers requesting clarification on the ordinance with a very small percentage of these calls and emails expressing complaints about the program. Prior to the start of the ordinance, 95% of businesses randomly called by ESD staff said they were aware of the ordinance and the need to comply. There have been less than 30 enforcement reports since the start of the ordinance. The few stores that have been visited by enforcement staff have been highly cooperative and show a genuine interest in complying. Additional detail about the start of the ordinance and next steps are discussed in this report.

### **Public Response to Ordinance**

Between October 2011 and February 2012, ESD staff responded to over 638 phone calls and emails, with a peak of 275 in December. Of these calls and emails, 75% were retailers and 25% were consumers. Most were calling to request clarification on bag requirements and types of businesses required to comply with the ordinance. ESD received only 25 calls that expressed concerns, or had an unfavorable comment about the ordinance.

### **Ongoing Retailer Assistance and Enforcement**

Consistent with other stormwater inspection programs, the City's enforcement approach emphasizes retailer education. The retailer has the opportunity to either confirm that they are meeting ordinance requirements, or make needed adjustments to get their business into compliance.

When a formal complaint is received, the City's initial enforcement response is to contact the retailer by phone to confirm the accuracy of the complaint, inform the retailer on the correct ordinance requirements, and send the retailer a response packet. The packet includes: (1) a report summarizing the issue, (2) an easy-to-read brochure that outlines the ordinance (available in English, Spanish, or Vietnamese), and (3) a self-certification form for the retailer to complete and return certifying they will comply with the ordinance. There have been 16 verified

complaints received by the City by the end of January, and an additional 11 in February for a total of 27.

Inspectors will conduct a bag inspection at the retail location if a store continues to have compliance issues or gets multiple complaints. City inspectors coordinate with the retail business only and do not involve customers.

### **Monitoring Litter and Waste**

GreenWaste Recovery, a residential solid waste and recycling collection hauler for the City, has already reported a 10 percent reduction in film plastic being processed at their Materials Recovery Facility. This amounts to an immediate reduction of approximately 1,380 pounds per day of film plastics since the start of the City's ordinance. Staff will continue to monitor data from hauler quantities of film plastics collected and processed.

The successful implementation of the bag ordinance is also a significant credit towards litter reduction goals associated with the City's stormwater permit. ESD is also planning several data collection and monitoring methods to evaluate the impact of the new ordinance. Analysis will begin after the start of the ordinance through 2013. All methods have baseline data from previously conducted analysis.

- Clean-Up Event Results – Staff will tally the single use plastic bags collected during creek and river clean-up events, and event volunteers will be asked to tally the single use plastic bags at the annual Great American Litter Pick-up event which occurs in March every year. During the 2010 Great American Litter Pick-up, 2,820 bags were reported as collected in San José. In 2011, over 1,300 “plastic grocery bags” were collected at 10 hot spot locations in San José; this is approximately 8.2 percent of the litter. The upcoming counts will be compared to previous clean-ups to determine if there is a reduction. Clean-up events usually occur annually in the spring and fall.
- Storm Drain Inlets - Trash in a sampling of storm drain inlets will be sorted to determine number of plastic bags found, and compared to data prior to the effective date of the ordinance.
- Observational Surveys – Visual surveys of shoppers leaving stores will be conducted periodically to determine if use of reusable bags increases and purchasing of recycled content paper bags decreases. Surveys conducted at grocery and retail locations in 2009 and 2010 showed reusable bag use to be between 3% to 4%.

### **Future Outreach**

The ordinance currently includes a provision that the minimum charge requirement for a recycled content paper bag will increase from 10 to 25 cents beginning January 1, 2014. ESD will conduct outreach in 2013 – 2014 to inform retailers and consumers.

### **California Cities and Counties Bag Ordinance Adoption**

All major news media outlets in the South Bay covered the Bring Your Own Bag (BYOB) ordinance the week prior to its start. Shortly after San José's successful implementation, the following cities and counties made progress on developing similar ordinances:

- **San Francisco** – Expanded their ordinance to include all retail starting in October 2012. Restaurants are included starting July 2013. Their new ordinance sets a 10 cent price requirement on all paper, compostable, and reusable bags (such as cloth or thicker plastic bags designed for multiple reuse). San Francisco first banned single-use plastic bags at chain pharmacies and supermarkets in 2007.
- **Alameda County** – Starting January 2013, all supermarkets, convenience stores, and large pharmacies can no longer provide single-use plastic bags, and will require stores to charge 10 cents for recycled content paper bags and reusable bags. This applies to unincorporated Alameda County as well as the 14 incorporated cities of Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro and Union City.
- **San Mateo County** – A “working group” has been formed to draft an ordinance similar to San José's so that a uniform regional approach to single-use bags can be developed. San Mateo County includes the cities of San Carlos, San Mateo, South San Francisco, Foster City and Milbrae. Milbrae recently adopted a single-use bag ordinance effective in September 2012.
- **San Luis Obispo** – Starting September 2012, convenience stores, large stores, all pharmacies, and supermarkets can no longer provide single-use carryout plastic bags. Stores will be required to charge 10 cents for paper bags.
- **West Valley Solid Waste Management Authority** – The Authority voted unanimously to recommend banning plastic bags in the cities of Campbell, Los Gatos, Monte Sereno and Saratoga. Each city will then decide whether to take action.
- **Mountain View** – Council approval was given to begin drafting an ordinance that would ban single-use carryout plastic bags and add a 10 to 15 cent charge for paper bags. Approval also included development of a ban on expanded polystyrene take-out food containers.

The following ordinances were approved in 2011 and will be effective over the next year: Santa Cruz (March 2012), City of Monterey (June 2012), City of Pasadena (July 2012) and the City of Sunnyvale (March 2013).

### **San José Partners**

Several public agencies, non-profit organizations, and other City departments provided outreach assistance, including: the Silicon Valley Council of Non-Profits, Second Harvest Food Bank, CommUniverCity, Our City Forest, and the Guadalupe River Conservancy. The Santa Clara County Office of Integrated Waste Management and the Bay Area Recycling and Outreach Coalition both conducted regional outreach encouraging the use of reusable bags. The Girl Scouts Troops 61650 and 60929 from Evergreen and the Mi Pueblo Food Center also partnered with the City to host special bag awareness days at Downtown Ice during the busy holiday season.

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Numerous commercial property managers assisted the City with informing their retailers. Many retailers put the City's posters in store windows and used the tent cards at their cash registers; several stores allowed City staff to conduct outreach to their customers at their businesses.

The Parks, Recreation and Neighborhood Services Department's Anti-Litter Program supported the ordinance by distributing reusable bags and information about the ordinance at events and store locations; the City's Code Enforcement Division did the same at their neighborhood clean-up events. The Housing Department provided materials to their homebuyer program workshops and events, and the Library hosted bag information tables and distributed bags at San José branch locations. The Office of Economic Development and ESD partnered on outreach to promote both the ordinance and the Shop San José initiative. The Fire Department informed station personnel to begin using their reusable bags to model the behavior in the community. Key stakeholders who provided valuable input throughout implementation also included the California Grocers Association, Clean Water Action, and Save The Bay.

/s/

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For more information, contact Jennifer Garnett, Communications Manager, at (408) 535-8554.