

# **Final Environmental Impact Report**

## **County of Mendocino Single-Use Carryout Bag Ordinance**

SCH #2012012008

Due to the graphic nature of certain images contained in this document, some information has been redacted. A complete, unedited copy of the FEIR is available with the Clerk of the Board.

Prepared by:  
Mendocino Solid Waste Management Authority  
for the County of Mendocino

March, 2012

## Section 1: Introduction

On January 3, 2012, the County of Mendocino issued a Notice of Preparation of a Draft Environmental Impact Report for a proposed ordinance regulating the distribution of single-use carryout bags at the point of sale. The Board of Supervisors authorized the preparation of an environmental impact report on the ordinance.

The proposed ordinance would amend the County Code to prohibit the free distribution of single-use carryout paper and plastic bags at the point of sale (i.e., check-out) for all commercial retail businesses in the unincorporated County. Certain amendments to the original draft ordinance have been proposed by County staff, as noted in the response to comments below.

An exception in the ordinance is made for paper bags containing at least 40 percent recycled content, which can be provided to customers for a minimum store charge not less than the store's actual cost of providing the bag, which is assumed to be a minimum of \$.10 per bag, unless the store documents a lesser figure.

The business is required to charge for the exempt paper bags so that the cost of carryout bags is no longer hidden in the price of the merchandise, and the customer can *choose* whether to pay or not to pay the cost of the bag.

The ordinance would exclude plastic or paper bags that are used by customers or the store to protect or contain meat, fresh produce, food prepared at the establishment, or other goods that must be protected from moisture, damage, or contamination, and that are typically placed inside a carryout bag at the point of sale.

In addition to grocery stores, the ordinance as proposed would apply to all other businesses that put purchases into single-use carryout bags, either paper or plastic, at the point of sale. This includes department stores, clothing stores, liquor stores, book stores, specialty stores, drug stores, convenience stores, etc. This ordinance does not distinguish among types of plastic or types of plastic bags beyond their ability to be reused multiple times. Single-use plastic bags provided free to customers at the check-out stand for the purpose of holding the customer's purchases are prohibited by the ordinance. Plastic bags are allowed if the bags are intended and identified as reusable and meet the ordinance's definition of reusable bags. The requirement for a minimum charge for paper carryout bags would not apply to bags smaller than 250 cubic inches capacity or for restaurant takeout bags smaller than 440 cubic inches.

The State Clearinghouse assigned number 2012012008 and distributed the Notice of Preparation to agencies for review.

A Notice of Availability of the draft EIR was issued by the County on February 10, 2012, and the draft EIR was delivered to the State Clearinghouse for circulation.

Following publication of a Notice of Public Hearing on the draft EIR, the public hearing was held before the Board of Supervisors on March 27, 2012. The public comment period on the draft EIR ended on March 27, 2012.

Three citizens made comments at the public hearing. The specific public hearing comments are listed in Section 2, together with responses where appropriate.

Three written comments were received on the draft EIR: (1) Save the Plastic Bag Coalition dated February 14, 2012, (2) California Regional Water Quality Control Board dated January 9, 2012, and (3) Ukiah High School Environmental Club delivered March 27, 2012. Five email comments were received. The specific comments are listed in Section 3, together with responses where appropriate. The entire text of the comment letters and emails appear in Section 5.

The names of persons and organizations which provided comments are:

Save the Plastic Bag Coalition  
California Regional Water Quality Control Board  
Mary Anne Landis  
Mary Misseldine  
Lindsay Maurer  
Ukiah High School Environmental Club  
Judy Williams  
Dan Morosi  
Harmony Susalla  
Bernard Harrison

## **Section 2: Public Hearing Comments**

Comment 1 [Mary Anne Landis, Mayor of Ukiah]: Supports ordinance and noted that there are no negative environmental impacts and positive impact on ocean pollution. Described store-to-store visits on this issue that showed much positive feedback.

Response: None required.

Comment 2 [Mary Misseldine]: Supported ordinance and cited environmental need for it, as one way to deal with habitual waste.

Response: None required.

Comment 3 [Lindsay Maurer]: Supports ordinance and believes there has been a shift in public opinion on the issue.

Response: None required.

Supervisors McCowen, Pinches, Brown and Smith also discussed the ordinance but those remarks are considered deliberative and not as comments on the draft EIR.

## **Section 3: Written Comments**

Comment 4 [Save the Plastic Bag Coalition]: Since the ordinance sets a charge of 10 cents for paper bags but allows stores to charge less if a full cost accounting is submitted

annually that shows a smaller total cost, the fee required to be charged by stores for paper bags could be as low as two cents or as high as 10 cents. This invalidates the EIR.

Response: Under the ordinance, the purchase price of the carryout bag is only part of the full cost accounting. In addition, there is shipping, sales tax, storage, and handling. As shown by the examples provided by the Save the Plastic Bag Coalition (SPBC), the purchase price alone for a full-sized kraft paper carryout bag is at least eight cents. This conforms with information provided to the County by a local supermarket, which states its paper carryout bags are purchased for ten cents each. The addition of other cost factors will substantially add to the actual total cost of bags.

The very smallest paper bags (250 cubic inches or less) are exempted under the ordinance from the charge. For intermediate sized bags, it is possible that a store could submit a full-cost accounting that would show a cost less than 10 cents per bag.

If the County wishes to remove any uncertainty regarding the minimum charge for bags, the option of a full-cost accounting should be removed from the ordinance, leaving 10 cents per bag as the mandatory minimum charge.

Comment 5 [SPBC]: There have been instances where customers of takeout restaurants suffered burn injuries from hot liquids. Plastic carryout bags are better able to contain liquid spills.

Response: None of the instances cited by SPBC, or known to the County, involve cases where a customer was injured by a spill that occurred while the purchased item was still inside a carryout bag. Rather, the customer had already removed the item from any carryout bag. Therefore it is irrelevant whether the carryout bag was paper or plastic. No evidence exists that a paper carryout bag wouldn't provide sufficient containment to prevent a burn from a hot liquid that spills out of its own container. The use of paper carryout bags by major takeout vendors such as McDonalds and Starbucks shows that paper functions adequately, given that any hot liquid beverage or soup must have its own sealed container.

Comment 6 [SPBC]: Local regulation of restaurant carryout bags is preempted by the State Health & Safety Code.

Response: This is a legal question which is not relevant to environmental impacts.

Comment 7 [SPBC]: The definition of "Reusable Grocery Bag" in the ordinance is different than the definition made in AB 2449.

Response: There is no requirement that the County ordinance use the same definition of reusable bag as AB 2449. The definitions are similar, except the County includes a standard of durability that is missing from AB 2449.

Comment 8 [California Regional Water Quality Control Board]: The ordinance is a common sense approach to reducing the discharge of trash to waters of the State.

Response: None required.

Comment 9 [Ukiah High School Environmental Club]: Supports ordinance for the benefit of the environment and people of Mendocino County.

Response: None required.

Comment 10 [email, Judy Williams]: Supports ban on plastic bags.

Response: None required.

Comment 11 [email, Don Morosi]: Paper bags should be produced from wildland brush.

Response: Consideration of an alternative method of producing paper bags is beyond the scope of the EIR and not a potential environmental impact of the ordinance.

Comment 12 [email, Don Morosi]: Charging a fee for bags is just another way of increasing the cost to the consumer of buying products and will not result in lowering the cost of purchased items.

Response: A customer won't incur an increase in cost if he/she brings her own bags. Reduced use of single-use carryout bags will result in a significant decrease in the store's costs, which may or may not be passed onto the customers as lower prices, depending on competitive circumstances.

Comment 13 [email, Mary Misseldine]: Noted several findings of the draft EIR and states that single-use bags are wasteful and the ordinance needs to change a habit.

Response: None required.

Comment 14 [email, Harmony Susalla]: Noted several findings of the draft EIR and supports ordinance.

Response: None required.

Comment 15 [email, Bernard Harrison]: The reuse of any type of bag is unsanitary.

Response: Any person who is concerned about the cleanliness of their reusable bags can wash them. There is no potential sanitary issue regarding reusable bags unless (1) the bag has become contaminated with a leaking substance such as juices from fresh meat and (2) unwrapped consumables are placed in the bag so as to come into contact with a contaminated surface. There has been enormous use of reusable bags around the U.S. and the world, and no instance of illness traceable to reusable bags is known to the preparer of this EIR. There is extensive discussion of the potential for contamination of reusable bags in Section 3.7.5 of the draft EIR.

Comment 16 [email, Bernard Harrison]: Grocery clerks have seen cockroaches, ants and other contaminated bugs in them [reusable bags].

Response: No such instance is known to the preparer of this EIR. In the absence of a citation, this appears to be an unreliable claim.

Comment 17 [email, Bernard Harrison]: Recycling plastic bags is simple. Drop-in boxes are conveniently located at grocery stores.

Response: The draft EIR notes at Section 6.3 that recycling of plastic bags has been minimal and that the recycling/education alternative won't achieve significant results

## **Section 4: Draft EIR**

The Draft EIR, dated January 2012, is incorporated by reference, including appendices. The electronic copy of the Draft EIR accompanies this Final EIR.

## **Section 5: Comment letters & emails**

### **Save the Plastic Bag Coalition [letter plus attachments]**

#### **SAVE THE PLASTIC BAG COALITION**

350 Bay Street, Suite 100-328

San Francisco, CA 94133

Phone: (415) 577-6660

Fax: (415) 869-5380

E-mail: [savetheplasticbag@earthlink.net](mailto:savetheplasticbag@earthlink.net)

Website: [www.savetheplasticbag.com](http://www.savetheplasticbag.com)

February 14, 2012

County of Mendocino  
c/o Mendocino Solid Waste Management  
Authority  
101 W. Church Street #9  
Ukiah, CA 95482

Via e-mail: [sweeney@pacific.net](mailto:sweeney@pacific.net)

Charlie Stump  
Director of Planning and Community  
Development  
Ukiah Civic Center  
300 Seminary Avenue  
Ukiah, CA 95482

Via e-mail: [cstump@cityofukiah.com](mailto:cstump@cityofukiah.com)

RE: Single-use carry-out bag ordinances: CEQA objections to approval of projects; CEQA objections to Draft EIRs and proposed ordinances; legal objection based on state law preemption (Retail Food Code); ***notice of intent to litigate***

## **INTRODUCTION**

Pursuant to Pub. Res. Code §21177(b), the Save the Plastic Bag Coalition (“STPB”) hereby objects to the Mendocino County and City of Ukiah Draft EIRs (“DEIR”) and approval of the proposed carryout bag ordinances.

Exhibits are submitted herewith via e-mail for inclusion in the administrative record in support of these objections.

## **THE COALITION**

Save The Plastic Bag Coalition (“STPB”) was formed in 2008. STPB’s membership includes (but is not limited to) companies and individuals engaged in the manufacture and distribution of plastic carryout bags and polyethylene reusable bags. They manufacture plastic carryout bags and polyethylene reusable bags that are marketed, sold, and distributed in the unincorporated and incorporated parts of Mendocino County and the City of Ukiah, including but not limited to plastic carryout bags provided to consumers by supermarkets, grocery stores, and food establishments (including but not limited to restaurants).

In *Save the Plastic Bag v. City of Manhattan Beach* (2011), the California Supreme Court in a unanimous decision granted STPB standing to legally challenge plastic bag bans. The court stated:

Corporate purposes are not necessarily antithetical to the public interest.... Corporations [may] have particular expertise and thus may have an enhanced understanding of the public interests at stake.

STPB believes and contends that some environmental groups seeking to have plastic bags banned have used environmental myths, misinformation, exaggerations, and false statistics, and selective photography to promote their goal. Such groups are often driven by ideological motives excessive “green” zeal, rather than the facts.

Note: STPB is not, and has never been, connected with or financed by the American Chemistry Council.

### **CEOA OBJECTION**

The country and the city are proposing flexible fees for paper bags. The store could charge less than 10 cents per bag if it submits an accounting showing a lesser actual cost to the Store for each bag.

The DEIR assumes that the fee will be 10 cents. However, it is impossible to determine based on the proposed language what the amount of the paper bags fee will be. It will vary from store to store and possibly year by year. It could be as low as two cents and as high as 10 cents or more.

Here are some costs of paper bags based on research on the Internet:

- **Exh. MU1:** Duro bag kraft brown paper bags are available for \$42.95 for 500 bags. That is 8.59 cents per bag.
- **Exh. MU2:** Hardware paper bags are available for between \$5 and \$20 for 250 bags depending on size, based on a bundle of 10. That is between 2 cents and 8 cents per bag.
- **Exh. MU3:** 30 lb flat paper merchandise bags are available for between \$18 and \$68 for 1,000 bags depending on size, based on a bundle of 10. That is between 1.8 cents and 6.8 cents per bag.
- **Exh. MU4:** Grocery paper bags are available for \$9 to \$67 for 500 bags, depending on size and weight, based on a bundle of 10. That is 1.8 cents to 13 cents per bag.
- **Exh. MU5:** Duro bag natural paper bags are available for \$42.97 for 500 bags. That is 9 cents per bag.

Based on the foregoing, STPB objects to the assumption in the DEIR that the paper bag fee will be 10 cents. This critically important incorrect assumption completely invalidates the DEIR.

**OBJECTION BASED ON STATE LAW PREEMPTION**  
**(RETAIL FOOD CODE)**

The county and the city are proposing to ban plastic bags at restaurants.

The California Retail Food Code preempts any local regulation or ban of plastic bags at restaurants and other “food facilities.” Save The Plastic Bag Coalition (“STPB”) will sue any city or county that adopts an ordinance that regulates or bans plastic bags at any restaurant or “food facility.”

STPB sued Santa Cruz County for banning plastic bags at restaurants. In response to the lawsuit, the county *repealed* the ban.

San Francisco has adopted an ordinance banning plastic bags at restaurants. STPB is filing a lawsuit to invalidate the ordinance. The City of Manhattan Beach banned plastic bags at restaurants. STPB plans to file a lawsuit to invalidate that ordinance regarding restaurants.

All other jurisdictions that have banned plastic bags have exempted restaurants, including Alameda County, Los Angeles County, Marin County, Santa Clara County, the City of Long Beach, the City of San Jose, and the City of Santa Monica. The City of Santa Monica explained its restaurant exemption as follows:

Restaurants and other food vendors may provide single-use plastic carryout bags to customers only for the transportation of take-out food and liquids intended for consumption off of the food provider’s premises. This exemption is included as a public health safeguard based on input from restaurant owners who expressed concern that some hot and liquid foods could leak from take-out containers and potentially cause paper bags to weaken and fail.

[http://www.smgov.net/uploadedFiles/Departments/OSE/Business/Bag\\_Ban\\_Summary.pdf](http://www.smgov.net/uploadedFiles/Departments/OSE/Business/Bag_Ban_Summary.pdf).

Restaurants sell freshly cooked foods that may contain extremely hot liquid, grease, oil, sauce, or soup. Oil is heated in fryers to 375 degrees. Hot soup and other foods may be served at 180 degrees or more. Plastic is obviously safer than paper for transporting such foods.

- ☐ Plastic is a waterproof and greaseproof material. Paper is not.
- ☐ Plastic bag handles can be tightly tied. Paper bags cannot be tied at the top. Liquids are far less likely to seep out of tied plastic bags. Chinese food is often placed in cardboard containers that are placed in plastic carryout bags that are tied at the top to prevent hot soups and juices from spilling and causing scalding or burns.
- ☐ When liquids spill inside a paper bag, the bag can break. That does not happen to a plastic bag.

- Plastic bags may be transparent. Paper bags cannot be transparent. It may be important for consumers to be able to see what is inside a bag without opening it, especially if there are hot liquids or grease that could cause scalding or burns.
- Some types of containers do not fit well in paper bags, which create a spillage risk if the container is ill-fitted to the bag. Whereas plastic bags conform to the size of the container, paper bags do not. The bottom of paper bags is generally rectangular shaped which doesn't work when you have a standard, large square container.
- Checkout bags from food establishments are often opened in moving vehicles, so proper packaging is essential. One can imagine the impact on a young child of hot liquid or hot oil seeping or spilling from a paper bag in a vehicle onto his or her lap or legs.

The Burn Center at the University of Florida states: **(Exh. MU7)**

Examples of hot liquids which can cause burns include hot water, coffee, grease and hot soup.

The Burn Center at Saint Francis Memorial Hospital in San Francisco states as follows on its website: **(Exh. MU8)**

Hot liquids can cause life threatening burn injuries and are the leading cause of burn injuries in children under the age of 4 years. The experts in burn treatment at Saint Francis Memorial Hospital's Both Burn Center want you to know:

Coffee, tea, soup and hot tap water can be hot enough to cause serious burn injury...

60-70% of all pediatric patients seen in the Bothin Burn Center have a scald injury.

The lady who sued in the McDonald's hot coffee case was burned so severely that her doctors didn't think she would live. If you watch the full movie about the hot coffee case, you will see horrific photographs of her injuries. <http://hotcoffeethemovie.com/>. **Photographs of the Plaintiff's injuries in the McDonald's hot coffee case are contained in Exhibit MU6. They may cause distress to people sensitive to such images.**

The plaintiff's cotton sweatpants absorbed the coffee and held it against her skin, scalding her thighs, buttocks, and groin. She suffered third-degree burns on 6% of her skin and lesser burns over 16%. She remained in the hospital for eight days while she underwent skin grafting. During this period, she lost 20 pounds (nearly 20% of her body weight), reducing her down to 83 pounds. Two years of medical treatment followed.

From 1982 to 1992, McDonald's received more than 700 reports of people burned by its coffee.

Another incident is related in the following news story: **(Exh. MU9.)**

A Miami-Dade woman says that the soup she bought from Subway scalded her thigh, hip, and buttocks so extensively that she had to rush to the hospital -- and undergo emergency treatment for second-degree burns, according to a recently filed lawsuit.

On July 30, Claudia Vargas purchased soup and a sub from the Hollywood sandwich store, located at 6582 Taft St.

When she returned to her car, she tried to take the soup out of the bag. But the container was too full and the lid was not attached correctly, so the soup spilled on her lap, Vargas says.

Because the soup was extremely hot, 23-year old Vargas says that she suffered from second-degree burns that will leave her with permanent scarring.

Richard Lydecker, the lawyer representing Subway, says that his client did nothing wrong.

"The investigation is still ongoing, but this soup was not any hotter than soup served normally," Lydecker tells the Pulp. "There was nothing special about this soup."

Lydecker insists that the soup was cooked and served at a reasonable temperature.

"I mean, soup is hot. And people want their soup hot. You're not supposed to spill it on yourself. My client just wanted to serve a good tasting, hot soup. He looks forward to exonerating himself in court."

Still, Vargas stands by her claim, and insists that Subway was negligent in how it prepped, marketed, and served her the soup.

Medical records furnished to the Pulp by Vargas' representative confirm that Vargas had to go to the emergency room after the accident, where she was given antibiotics, a tetanus shot, and topical ointment for the wounds.

Vargas thinks that this could have been avoided if Subway hadn't served overly hot soup -- or if she'd had some kind of warning that the soup would be scalding and hazardous.

Vargas is suing Subway, in hopes of getting money for her medical bills.

A plastic surgeon who examined Vargas shortly after the accident has said that chances for full recovery are grim: The burns will take at least 6 months to heal. And, “despite laser intervention, the patient will always have some residual scarring,” medical documents note.



**Claudia Vargas's burns**

A restaurant owner has the legal right and duty to take all reasonable steps to prevent such injuries. It is for the restaurant owner, not a governmental entity, to decide whether plastic or paper is the safest for its food. Denying restaurant owners the discretion to determine the safest option for a particular type of food could have disastrous consequences.

It just takes one tragic incident!

The State of California regulates food safety in the California Retail Food Code. (Health and Safety Code Div. 104, Part 7.) Health and Safety Code § 113705 states as follows:

**Legislative intent to preempt local standards**

The Legislature finds and declares that the public health interest requires that there be uniform statewide health and sanitation standards for retail food facilities to assure the people of this state that the food will be pure, safe, and unadulterated. Except as provided in Section 113709, it is the intent of the Legislature to occupy the whole field of health and sanitation standards for retail food facilities, and the standards set forth in this part and regulations adopted pursuant to this part shall be exclusive of all local health and sanitation standards relating to retail food facilities.

Health and Safety Code § 113709 states as follows:

**Authority to establish local requirements**

This part does not prohibit a local governing body from adopting an evaluation or grading system for food facilities, from prohibiting any type of food facility, from adopting an employee health certification program, from regulating the provision of consumer toilet and handwashing facilities, or from adopting requirements for the public safety regulating the type of vending and the time, place, and manner of vending from vehicles upon a street pursuant to its authority under subdivision (b) of section 22455 of the Vehicle Code.

Health and Safety Code § 113789 defines a “food facility” as follows:

(a) “Food facility” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, including, but not limited to, the following:

(1) An operation where food is consumed on or off the premises, regardless of whether there is a charge for the food.

(2) Any place used in conjunction with the operations described in this subdivision, including, but not limited to, storage facilities for food-related utensils, equipment, and materials.

(b) “Food facility” includes permanent and nonpermanent food facilities, including, but not limited to, the following:

- (1) Public and private school cafeterias.
- (2) Restricted food service facilities.
- (3) Licensed health care facilities.
- (4) Commissaries.
- (5) Mobile food facilities.
- (6) Mobile support units.
- (7) Temporary food facilities.
- (8) Vending machines.
- (9) Certified farmers' markets, for purposes of permitting and enforcement pursuant to Section 114370.
- (10) Farm stands, for purposes of permitting and enforcement pursuant to Section 114375.

[§ 113789(c) contains exclusions from the above definition.]

Only the state Legislature, not a city or county, may enact a law regarding whether restaurants and other food facilities can take actions that affect whether the way food is served and provided is “sanitary” or “safe” or “healthy.”

**Health and Safety Code § 113914 defines “single-use” articles as including single-use “carry-out utensils” and “bags” and “wrappers.” The statute uses the word “bags,” leaving no room for doubt.**

- ☐ § 114081 states: “Single-use articles [including bags] shall not be **reused**.”
- ☐ § 114130.2 states: “**Materials** that are used to make single-use articles [including bags] shall not allow the migration of deleterious substances or impart colors, odors, or tastes to food, and shall be safe and clean.”

As we can see, the Retail Food Code regulates the “material” from which bags are made and their “reuse.”

The Retail Food Code also regulates how food is wrapped. For example, § 114063(c) states that “French style, hearth-baked, or hard-crust loaves and rolls shall be considered properly wrapped if contained in an open-end bag of sufficient size to enclose the loaves or rolls.”

By banning plastic bags at restaurants, the city would be implicitly and effectively determining that eliminating such bags is a sanitary, safe, and healthy food practice. **This determination is preempted by the Retail Food Code.** It is not covered by any of the exemptions in § 113709.

In *California Grocers Assn. v. City of Los Angeles* (2011) 52 Cal.4th 177, the Supreme Court decided a case concerning the Retail Food Code preemption section. The court stated as follows:

Express field preemption turns on a comparative statutory analysis: What field of exclusivity does the state preemption clause define, what subject matter does the local ordinance regulate, and do the two overlap?

(*Id.* at 188.)

Purpose alone is not a basis for concluding a local measure is preempted. While we and the Courts of Appeal have occasionally treated an ordinance's purpose as relevant to state preemption analysis, we have done so in the context of a nuanced inquiry into the ultimate question in determining field preemption: whether the **effect** of the local ordinance is in fact to regulate in the very field the state has reserved to itself.

(*Id.* at 190, emphasis added, footnote and citations omitted.)

While the **purpose** of the proposed plastic bag ban at restaurants may be to protect the environment, the **effect** is to intrude into an area that the State of California has reserved to itself.

The Supreme Court stated that “food transportation, storage, and preparation” and “food display and service” are among the subject matters preempted by the Retail Food Code. (*Id.* at 189.)

Based on the foregoing, the banning of plastic bags at restaurants is preempted and invalid.

### **OBJECTION TO PROPOSED REUSABLE BAG DEFINITION**

The county's and city's ordinances would define as reusable bag as follows:

REUSABLE GROCERY BAG. A bag with handles that is specifically designed and manufactured for multiple reuse, does not contain lead, cadmium, or any other heavy metal in toxic amounts, and is either:

A. Made of cloth or other machine washable fabric, or

B. Made of durable plastic that is at least 2.25 mils thick and is specifically designed for multiple reuse, meaning manufactured to carry a minimum of 22 pounds for at least 125 times over a distance of at least 175 feet.

In Northern California, including the City of San Jose, the prevailing definition is as follows: (**Exh. MU10.**)

“Reusable Bag” means either a bag made of cloth or other machine washable fabric that has handles, or a durable plastic bag with handles that is at least 2.25 mil thick and is specifically designed and manufactured for multiple reuse.

The San Jose definition is consistent with the statewide definition in AB 2449, specifically Pub. Res. Code §42250(d):

(d) "Reusable bag" means either of the following:

(1) A bag made of cloth or other machine washable fabric that has handles.

(2) A durable plastic bag with handles that is at least 2.25 mils thick and is specifically designed and manufactured for multiple reuse.

STPB objects to the county’s and city’s proposed definition, as it is inconsistent with the preemptive statewide definition. The county and city should adopt the statewide definition as San Jose has done.

We are pressing for identical definitions in Northern California jurisdictions, as they are part of the same distribution network. Indeed, the City of Monterey recently changed its definition to conform to the San Jose definition at our request. It would be impractical, confusing, unduly burdensome, and unconstitutional to adopt different definitions.

### **NOTICE OF INTENT TO LITIGATE**

STPB hereby notifies Mendocino County and the City of Ukiah that STPB will file a petition for writ of mandate in the Mendocino County Superior Court or other appropriate court to enforce CEQA in the public interest, based on the objections herein, if the proposed ordinance or a similar ordinance is adopted. STPB will ask the court to invalidate the ordinance.

STPB further notifies Mendocino County and the City of Ukiah that STPB will file a complaint in the Mendocino County Superior Court or other appropriate court to invalidate the proposed ordinance if it adopted, based on Retail Food Code preemption.

**ADMINISTRATIVE RECORD**

STPB is submitting herewith, by e-mail, copies of documents cited herein or which otherwise support the objections herein. STPB requests that all such documents be made part of the administrative record.

STPB requests that the documents submitted by STPB be numbered and indexed in the administrative record in accordance with STPB's numbering system: MU1, MU2, etc.

**REQUEST FOR NOTICES**

I request that you send me by e-mail and regular mail any future public notices regarding the proposed ordinance and any public hearings, including but not limited to any and all CEQA documents.

**CONTACT PERSON**

I am the designated contact person for the Save The Plastic Bag Coalition.

**CONCLUSION**

Mr. Sweeny of Mendocino County has advised STPB that the City Councils and Board of Supervisors in the Mendocino County jurisdictions will consider amending their draft carryout bag ordinances to delete the "full cost accounting" of actual bag cost instead of a flat 10-cents minimum fee and the inclusion of restaurants among the stores covered by the ordinance.

**Please note that the ordinance must exempt all restaurants and "food facilities" as defined by the Retail Food Code, not just "restaurants."**

The fact that particular parts of the DEIRs are not mentioned or objected to herein does not mean that STPB accepts their accuracy or validity. No rights or duties are waived by any statement or omission herein. Strict compliance with all the applicable provisions of CEQA and other laws is hereby demanded.

All rights are reserved.



STEPHEN L. JOSEPH  
Counsel, Save The Plastic Bag Coalition



**Toll Free**  
**1-888-898-8079**

Customer Service  
Help  
Stores  
Shipping Times

Order Status  
Sign In Wish  
List  
Order Guide

**Cart - 0 items**  
Subtotal: \$0.00  
View Cart  
Checkout Now

[Specials](#) [Equipment](#) [Bar Supplies](#) [Catering](#) [Kitchen Supplies](#) [Dining Room](#) [Concession](#) [Furniture](#) [Janitorial](#)

Search for:

**Search**



**Duro Bag****Recently Viewed Products****Duro Bag**

Kraft Brown Paper Bag, Case of 500

**Kraft Brown Paper Bag, Case of 500**ITEM NO: **BAGBRN1/6BBL****Ships Free** with Orders Over \$400!**\$42.95**

53 ITEMS AVAILABLE

**Qty****Add to Cart**

★ Add to Wish List

**Product Rating**

(0 Ratings)

Write a Review

**Product Details**

One-sixth barrel size brown Kraft paper grocery bag is tested up to 57 lbs.

**Features****Overview**

Unit of Measure	Case of 500
Dimensions	12" w. x 7" d. x 17" h.
Weight (lbs)	52.2
Color	Brown

**Manufacturing Information**

Manufacturer	Duro Bag Manufacturing
Manufacturer SKU	80076

**REVIEW SNAPSHOT®** by PowerReviews

Be the first to review this product. Write a Review

**Customers who purchased Kraft Brown Paper Bag, Case of 500 also purchased the following:**

**Estimate Shipping**

Select State

Zip Code

**Calculate****You May Also Like****Solo**

Lid for 1-1/2 oz. and 2 oz. Souffle Cups, Pack of 100

**\$1.95****Solo**

Lid for 3/4 oz. and 1 oz. Souffle Cups, Pack of 100

**\$1.45****Solo**

2 oz. Translucent Plastic Souffle Cups, Pack of 250

**\$3.75**

- Tall Translucent Wrapped Straws, Box of 300 **\$3.95**
- Jumbo Translucent Wrapped Straws, Box of 500 **\$2.75**
- Lid for 3/4 oz. and 1 oz. Souffle Cups, Pack of 100 **\$1.45**

**Solo**

1 oz. Translucent  
Plastic Souffle Cups,  
Pack of 250

**\$3.75**

### Can we make this page better?

If we are missing any information on this item that might make your purchase easier or if you encountered anything confusing or in error, please let us know. Your comments are appreciated.

We are not able to respond to comments entered above.

**My Account**

Login/Register  
My Account  
View Cart Order  
Guide  
Order History

**Help**

Customer Service  
Frequently Asked Questions  
Returns  
Shipping Policies

**Company Info**

About Us  
Store Locator  
Testimonials  
Careers

**Tools & Resources**

Affiliates  
Terms of Use  
Privacy Policy  
Links  
Leasing

Hello, [Sign in Here](#) | [Cart/Checkout: \\$0.00](#)

[HOME](#) [MY ACCOUNT](#) [ABOUT US](#) [CONTACT US](#) [HELP](#)

[Home](#) > [Retail Bags / Packaging](#) > [Retail Bags - Paper](#) > Hardware Bags



### Hardware Bags

Heavy-duty kraft paper bags hold metal parts like screws and nails without puncturing or tearing.

- Made of durable 50-57 lb. paper. Expandable side gussets.
- Can also be used to wrap industrial items for protection from dust and dirt.

[Larger Text](#)

MODEL NO.	SIZE W x D x H	BASIS WEIGHT	QTY./ BNDL.	PRICE PER BUNDLE			LBS./ BNDL.	ADD TO CART	
				2	5	10+			
<a href="#">S-6910</a>	4 5/16 x 2 7/16 x 7 7/8" (2)	50 lb.	250	\$7	\$6	\$5	4	<input type="text" value="2"/>	<a href="#">ADD</a>
<a href="#">S-9750</a>	4 3/4 x 2 15/16 x 8 9/16" (3)			8	7	6	5	<input type="text" value="2"/>	<a href="#">ADD</a>
<a href="#">S-6911</a>	5 x 3 1/4 x 9 3/4" (4)			9	8	7	6	<input type="text" value="2"/>	<a href="#">ADD</a>
<a href="#">S-8530</a>	5 1/4 x 3 7/16 x 10 15/16" (5)			10	9	8	7	<input type="text" value="2"/>	<a href="#">ADD</a>
<a href="#">S-6912</a>	6 x 3 5/8 x 11" (6)			11	10	9	8	<input type="text" value="2"/>	<a href="#">ADD</a>
<a href="#">S-7630</a>	6 1/8 x 4 1/6 x 12 7/16" (8)	57 lb.	250	13	12	11	11	<input type="text" value="2"/>	<a href="#">ADD</a>
<a href="#">S-6913</a>	6 5/16 x 4 1/8 x 13 3/8" (10)			14	13	12	12	<input type="text" value="2"/>	<a href="#">ADD</a>
<a href="#">S-6914</a>	7 1/8 x 4 1/2 x 13 3/4" (12)			16	15	14	14	<input type="text" value="2"/>	<a href="#">ADD</a>
<a href="#">S-8531</a>	7 3/4 x 4 3/4 x 16" (16)			18	17	16	17	<input type="text" value="2"/>	<a href="#">ADD</a>
<a href="#">S-8532</a>	8 1/4 x 5 5/16 x 16 1/8" (20)			19	18	17	19	<input type="text" value="2"/>	<a href="#">ADD</a>
<a href="#">S-7631</a>	8 1/4 x 5 1/4 x 18" (25)			22	21	20	20	<input type="text" value="2"/>	<a href="#">ADD</a>

[Home](#)  
[Contact Us](#)  
1-800-958-5463

[Shop Uline](#)  
[Site Map](#)  
[Product Index](#)

[Jobs](#)  
[Shipping Boxes](#)  
[Plastic Bags](#)

[Request Catalog](#)  
[Privacy / Terms](#)  
[Uline.ca](#)

Home > Bags, Poly / Plastic > Retail Bags - Paper > Flat Merchandise Bags

Flat Merchandise Bags

Package greeting cards, magazines and other lightweight items.

- Easy-to-open serrated end.



Larger Text

FLAT MERCHANDISE BAGS

KRAFT							FDA COMPLIANT		
MODEL NO.	SIZE W x L		BASIS WEIGHT	QTY./ CTN.	PRICE PER CARTON			LBS./ CTN.	ADD TO CART
					1	5	10+		
<a href="#">S-12491</a>	5 x 7 1/2"	(5)	30 lb.	1,000	\$22	\$20	\$18	7	1 <a href="#">ADD</a>
<a href="#">S-6915</a>	6 1/4 x 9 1/4"	(6)			23	21	19	11	1 <a href="#">ADD</a>
<a href="#">S-6916</a>	7 1/2 x 10 1/2"	(7)			29	27	25	14	1 <a href="#">ADD</a>
<a href="#">S-6917</a>	8 1/2 x 11"	(8)			32	30	28	16	1 <a href="#">ADD</a>
<a href="#">S-6918</a>	10 x 13"	(10)			43	41	38	21	1 <a href="#">ADD</a>
<a href="#">S-6919</a>	12 x 15"	(12)			51	48	44	29	1 <a href="#">ADD</a>
<a href="#">S-8537</a>	14 3/4 x 18"	(15)	35 lb.	500	41	39	36	21	1 <a href="#">ADD</a>
<a href="#">S-11623</a>	17 x 21"	(17)			49	46	43	32	1 <a href="#">ADD</a>
<a href="#">S-8538</a>	12 x 3 x 18"	(16)			41	39	36	25	1 <a href="#">ADD</a>
<a href="#">S-11624</a>	14 x 3 x 21"	(17)			49	46	43	35	1 <a href="#">ADD</a>
<a href="#">S-8539</a>	17 x 4 x 24"	(21)			80	75	68	46	1 <a href="#">ADD</a>

WHITE							FDA COMPLIANT		
MODEL NO.	SIZE W x L		BASIS WEIGHT	QTY./ CTN.	PRICE PER CARTON			LBS./ CTN.	ADD TO CART
					1	5	10+		
<a href="#">S-8540</a>	6 1/4 x 9 1/4"	(6)	30 lb.	1,000	\$29	\$27	\$25	11	1 <a href="#">ADD</a>
<a href="#">S-8541</a>	8 1/2 x 11"	(8)			44	42	39	16	1 <a href="#">ADD</a>
<a href="#">S-12492</a>	10 x 13"	(10)			57	54	51	21	1 <a href="#">ADD</a>
<a href="#">S-8498</a>	12 x 15"	(12)			69	66	62	29	1 <a href="#">ADD</a>
<a href="#">S-14250</a>	14 3/4 x 18"	(15)	35 lb.	500	53	51	48	21	1 <a href="#">ADD</a>

BLACK									
MODEL NO.	SIZE W x L		BASIS WEIGHT	QTY./ CTN.	PRICE PER CARTON			LBS./ CTN.	ADD TO CART
					1	5	10+		
<a href="#">S-14252</a>	8 1/2 x 11"	(8)	30 lb.	1,000	\$66	\$64	\$61	16	1 <a href="#">ADD</a>
<a href="#">S-14253</a>	10 x 13"	(10)			80	78	75	24	1 <a href="#">ADD</a>
<a href="#">S-14254</a>	12 x 15"	(12)			101	98	94	34	1 <a href="#">ADD</a>



## Grocery Bags

Use these paper bags to pack sandwiches, food orders or retail purchases.

- **S-7084 and S-8536** – Popular sandwich bag size: 6 1/8 x 4 x 12 3/8".

- FDA compliant.

### FLAT HANDLE GROCERY BAG

Provide added convenience for your buyers.

- Comfortable reinforced handles.
- Folds flat for storage.

[Larger Text](#)

### KRAFT GROCERY BAGS

S-9826 and S-9827: pinch bottom bags. S-11540: satchel bottom bag.

MODEL NO.	SIZE W x D x H	BASIS WEIGHT	QTY./ BNDL.	PRICE PER BUNDLE			LBS./ BNDL.	ADD TO CART	
				2	5	10+			
<a href="#">S-9826</a>	3 3/4 x 2 1/4 x 11 1/2" (Pint)	35 lb.	500	\$18	\$17	\$16	7	<input type="text" value="2"/>	<a href="#">ADD</a>
<a href="#">S-9827</a>	4 1/2 x 2 1/2 x 16" (Quart)			24	23	22	10	<input type="text" value="2"/>	<a href="#">ADD</a>
<a href="#">S-13236</a>	3 x 1 7/8 x 5 7/8" (1/2)	11		10	9	3	<input type="text" value="2"/>	<a href="#">ADD</a>	
<a href="#">S-11538</a>	3 1/2 x 2 3/8 x 6 7/8" (1)	12		11	10	4	<input type="text" value="2"/>	<a href="#">ADD</a>	
<a href="#">S-13237</a>	4 5/16 x 2 7/16 x 7 7/8" (2)	12		11	10	5	<input type="text" value="2"/>	<a href="#">ADD</a>	
<a href="#">S-13238</a>	4 3/4 x 2 15/16 x 8 9/16" (3)	13		12	11	6	<input type="text" value="2"/>	<a href="#">ADD</a>	
<a href="#">S-7082</a>	5 x 3 1/4 x 9 3/4" (4)	13		12	11	7	<input type="text" value="2"/>	<a href="#">ADD</a>	
<a href="#">S-13239</a>	5 1/4 x 3 7/16 x 10 15/16" (5)	14		13	12	10	<input type="text" value="2"/>	<a href="#">ADD</a>	
<a href="#">S-7083</a>	6 x 3 5/8 x 11" (6)	16		15	14	11	<input type="text" value="2"/>	<a href="#">ADD</a>	
<a href="#">S-7084</a>	6 1/8 x 4 x 12 3/8" (8)	18		17	16	13	<input type="text" value="2"/>	<a href="#">ADD</a>	
<a href="#">S-7085</a>	6 5/16 x 4 1/8 x 13 3/8" (10)	20		19	18	15	<input type="text" value="2"/>	<a href="#">ADD</a>	
<a href="#">S-7086</a>	7 1/8 x 4 1/2 x 13 3/4" (12)	24		23	22	18	<input type="text" value="2"/>	<a href="#">ADD</a>	
<a href="#">S-8533</a>	7 3/4 x 4 3/4 x 16" (16)	28		26	24	23	<input type="text" value="2"/>	<a href="#">ADD</a>	
<a href="#">S-13240</a>	8 1/4 x 5 5/16 x 16 1/8" (20)	33		31	29	26	<input type="text" value="2"/>	<a href="#">ADD</a>	
<a href="#">S-13241</a>	8 1/4 x 5 1/4 x 18" (25)	33		31	29	29	<input type="text" value="2"/>	<a href="#">ADD</a>	
<a href="#">S-13242</a>	8 1/4 x 5 15/16 x 13 3/8" (20 SH)	33		31	29	25	<input type="text" value="2"/>	<a href="#">ADD</a>	
<a href="#">S-13243</a>	8 1/4 x 6 1/8 x 15 7/8" (25 SH)	34		32	30	27	<input type="text" value="2"/>	<a href="#">ADD</a>	
<a href="#">S-9621</a>	12 x 7 x 17" (1/6 BL)	57 lb.			\$39 per bundle			58	<input type="text" value="2"/>
<a href="#">S-9751</a>	12 x 7 x 17" (1/6 BL)	66 lb.	500	53	48	45	59	<input type="text" value="2"/>	<a href="#">ADD</a>
<a href="#">S-11539</a>	12 x 7 x 21 3/4" (1/4 BL)		250	75	71	67	39	<input type="text" value="2"/>	<a href="#">ADD</a>
<a href="#">S-11540</a>	17 x 6 x 29" (1/4 BL)	52 lb.	250	70	66	62	35	<input type="text" value="2"/>	<a href="#">ADD</a>

### WHITE GROCERY BAGS

<a href="#">S-14148</a>	3 1/2 x 2 3/8 x 6 7/8" (1)	30 lb.	500	\$13	\$12	\$11	4	<input type="text" value="2"/>	<a href="#">ADD</a>
<a href="#">S-8534</a>	5 x 3 1/4 x 9 3/4" (4)			16	15	14	7	<input type="text" value="2"/>	<a href="#">ADD</a>
<a href="#">S-8535</a>	6 x 3 5/8 x 11" (6)	20		19	18	10	<input type="text" value="2"/>	<a href="#">ADD</a>	
<a href="#">S-8536</a>	6 1/8 x 4 x 12 3/8" (8)	23		22	21	13	<input type="text" value="2"/>	<a href="#">ADD</a>	
<a href="#">S-12364</a>	7 1/8 x 4 1/2 x 13 3/4" (12)	40 lb.		31	30	29	18	<input type="text" value="2"/>	<a href="#">ADD</a>

<a href="#">S-11541</a>	7 3/4 x 4 3/4 x 16"	(16)			36	35	34	23	<input type="text" value="2"/>	<a href="#">ADD</a>
<a href="#">S-15883*</a>	12 x 7 x 17"	(1/6 BL)	57 lb.		68	64	60	58	<input type="text" value="2"/>	<a href="#">ADD</a>

\* SHIPS FROM ULINE CHICAGO

FLAT HANDLE GROCERY BAG										
<a href="#">S-13244</a>	12 x 7 x 15 3/4"	(1/7 BL)	65 lb.	250	\$80	\$73	\$65	38	<input type="text" value="2"/>	<a href="#">ADD</a>

Home

Contact Us

1-800-958-5463

Shop Uline

Site Map

Product Index

Jobs

Shipping Boxes

Plastic Bags

Request Catalog

Privacy / Terms

Uline.ca

D

## 57# 1/6 Size Natural Paper Grocery Bag, 500/Bundle

Direct Ship  
Item #: 680751    Model #: BAG SK1657  
Manufacturer: [Paper Bags & Sacks](#)  
Sold As: per Case of 1    Quantity:   
\$42.97

\$68.20 Regular Price  
**\$25.23** You Save

[Add to Wish List](#)

(No reviews)

**Q&A**    Ask Questions, share answers

Be the first to [Write a Review](#)

[0 Questions](#) | [0 Answers](#)  
[Ask a Question](#)

Description    Specifications    Literature    Reviews    Q & A

### Duro 57# 1/6 Size Natural Paper Grocery Bag, 500/Bundle

This kraft brown 57# 1/6-size paper bag features gussets and self-opening thumb notches, plus a square bottom for better stability.

- Gussets and Self-Opening Thumb Notches
- Square Bottom
- 500 Bags/Bundle
- Size: 57#
- Height: 17"
- Width: 12"
- Depth: 7"
- Model #: BAG SK1657

<b>Product Name</b>		Duro 57# 1/6 Size Natural Paper Grocery Bag, 500/Bundle								
<b>Short Product Description</b>		C- 1/6 BBL 57#-NATURAL 5								
<b>Product ID</b>		680751								
<b>Manufacturer Name</b>		Paper Bags & Sacks								
<b>Model Number</b>		BAG SK1657								
<b>Length</b>		0.0 in	<b>Width</b>	0.0 in	<b>Height</b>	0.0 in	<b>Weight</b>	55.0 lb	<b>Cross Reference ID</b>	BAGSK1657
<b>H</b>										
<b>a</b>										
<b>z</b>										
<b>m</b>										
<b>at</b>										
<b>N</b>										
<b>O</b>										
<b>v</b>										
<b>er</b>										
<b>si</b>										
<b>z</b>										

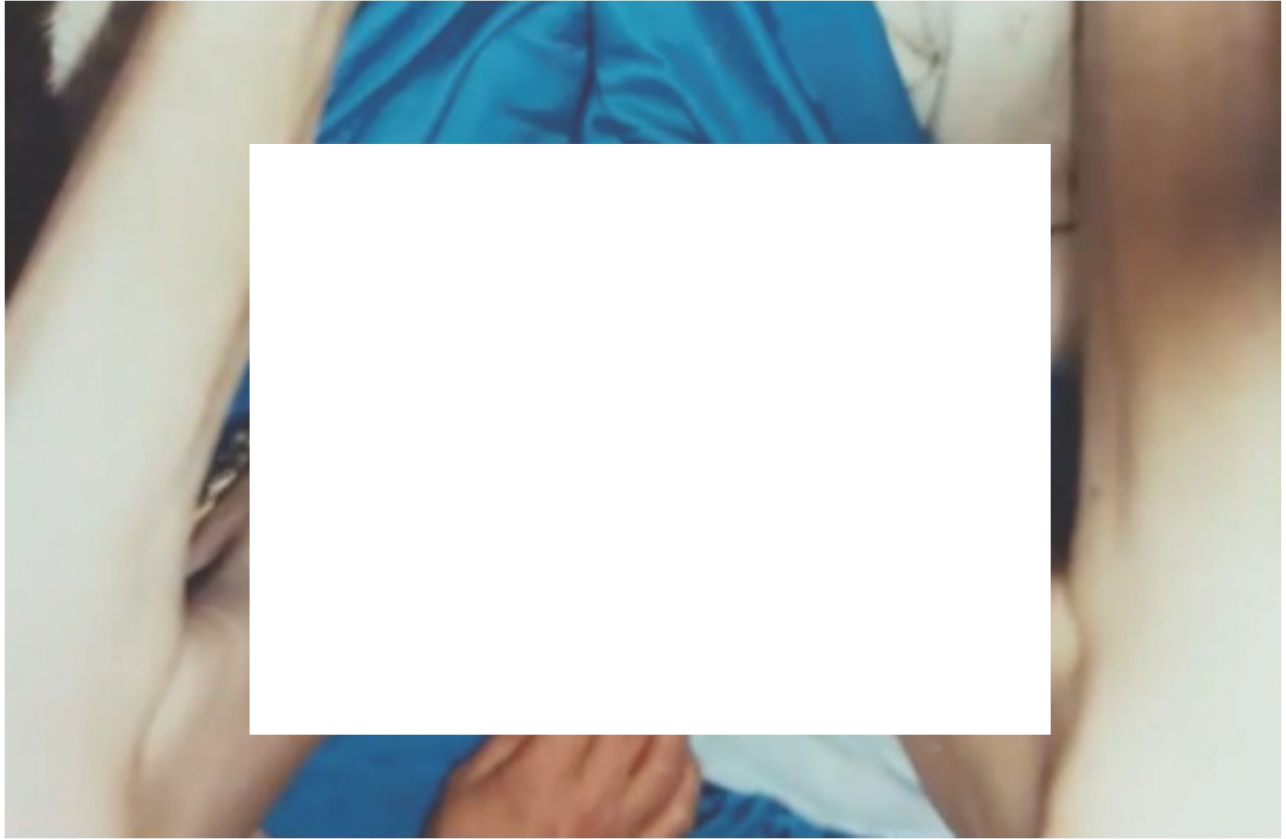
e  
N  
R  
e  
t  
u  
r  
n  
T  
o  
M  
a  
n  
u  
f  
a  
c  
t  
u  
r  
e  
r  
Y

Mfg Part #	BAG SK1657		
Material	Paper	Color	Brown
Each Height	17	Each Weight	0.11
Each Width	12		
Each Depth	7		
Ship UPS or FedEx	N		

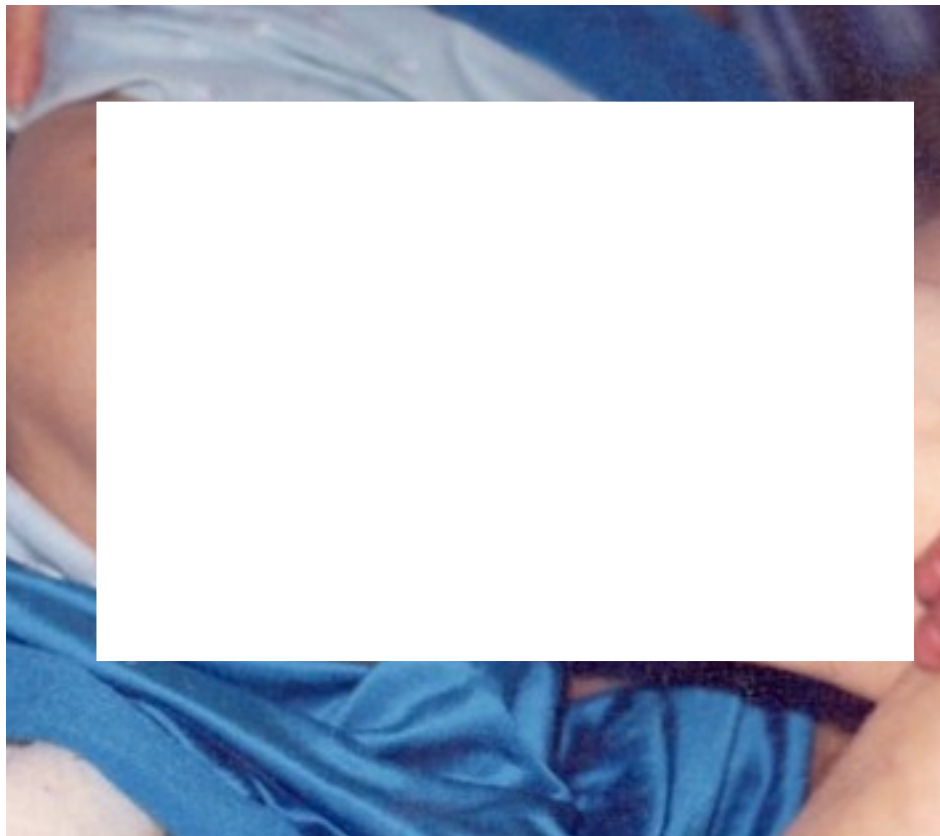
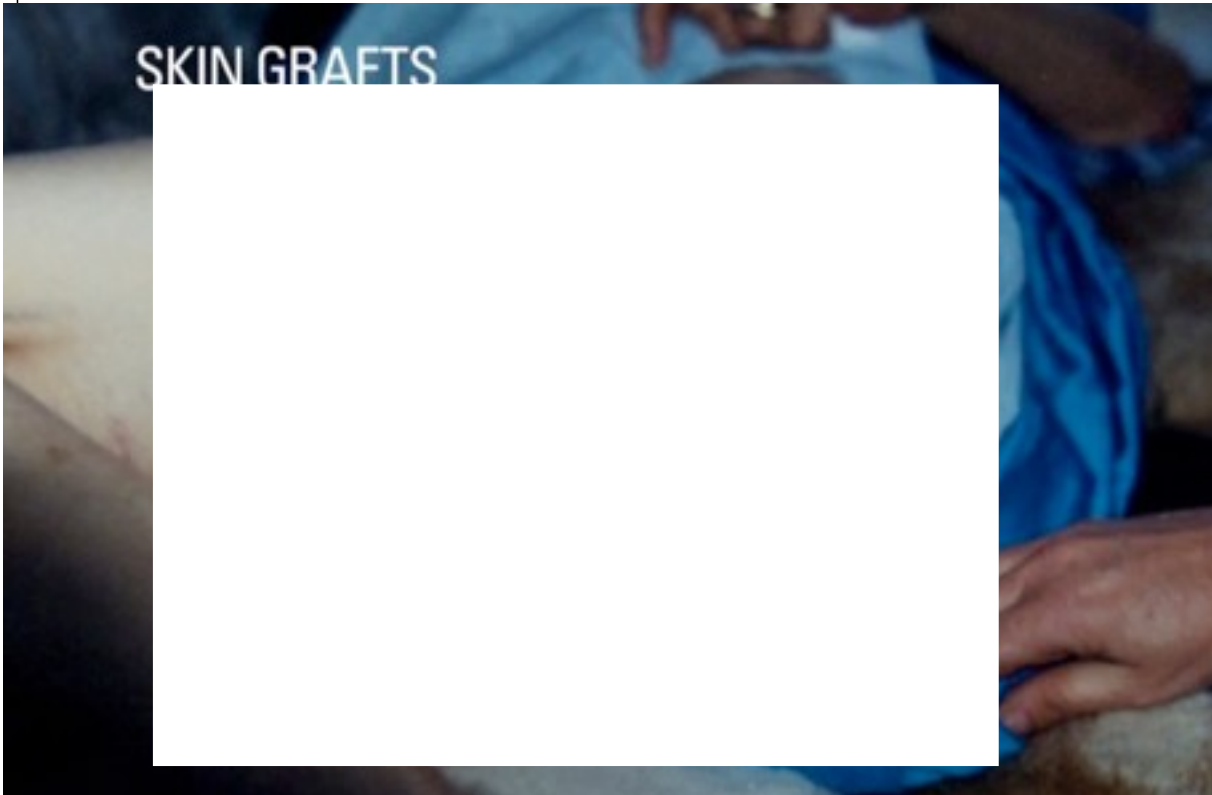
## WARNING

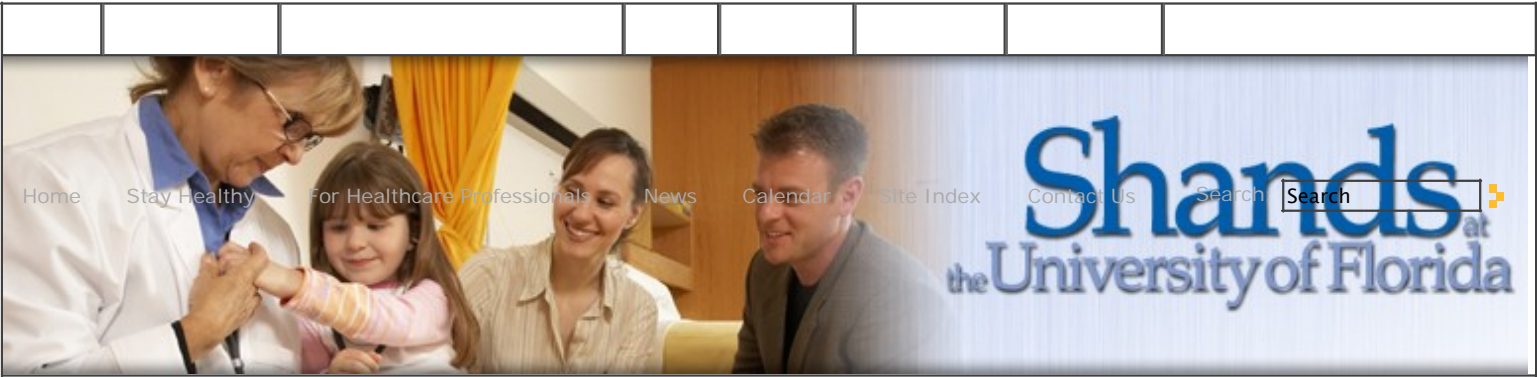
**THE FOLLOWING PAGES  
CONTAIN PHOTOGRAPHS  
OF THE PLAINTIFF'S  
INJURIES IN THE HOT  
COFFEE CASE. THEY ARE  
DISTURBING AND MAY**

**CAUSE DISTRESS TO PEOPLE  
SENSITIVE TO SUCH  
IMAGES.**









<div><div>Find a Doctor</div><div>Shands at UF Healthcare Services</div><div>For Patients &amp; Public</div><div>Giving</div><div>Careers</div></div> <div><h1>Types of Burns</h1><p>The following are common types of burns:</p><ul style="list-style-type: none"><li>chemical burns</li><li>electrical burns</li><li>thermal burns</li></ul><h2>Chemical burns</h2><p>Chemical burns are tissue damage caused by exposure to a strong acid or alkali, such as phenol, creosol, mustard gas or phosphorus.</p><p>Chemical burns result from the conversion of chemical energy to thermal energy. Emergency treatment includes washing the surface of the wound with large amounts of water to remove the chemical. As long as the chemical is in contact with the skin, the burn usually continues to progress.</p><p><a href="#">back to top</a></p><h2>Electrical burns</h2><p>An electrical injury occurs when an electrical current from an external source runs through the body as heat. Electrical burns are the result of tissue damage from heat of up to 5,000 degrees Celsius generated by an electric current. The heat causes extensive damage and usually follows the current, but it can damage other structures such as muscle and bone. This electrical current usually flows along the blood vessels and nerves.</p><p>This type of electrical current can cause the following three burns:</p><ul style="list-style-type: none"><li>contact burn injury</li><li>flash burn</li><li>flame burn</li></ul><p>The points of entrance and exit on the skin are burned, along with the muscle and subcutaneous tissues through which the current passes. It is</p></div>	<div><h2>Burn Center Navigation</h2><ul style="list-style-type: none"><li>Admissions</li><li>Burn Injuries</li><li>Contact us</li><li>Degrees of Burns</li><li>Employment</li><li>First Aid</li><li>Skin and Wound Healing</li></ul><hr/><ul style="list-style-type: none"><li>Research at the Burn Center</li><li>Southeast Burn Foundation</li><li>Types of Burn Injuries</li></ul><h2>Make an Appointment</h2><p>To make a new patient appointment or find out more information about the Burn Center at Shands at the University of Florida, please call 352.265.0943 .</p><p>You may also email our <a href="mailto:consult@shands.ufl.edu">Consultation Center (consult@shands.ufl.edu)</a> or use our secure online <a href="#">form</a>.</p></div>
--	--

possible that fatal cardiac arrhythmia may result. In this situation contact your local burn center or emergency room immediately.

[back to top](#)

### Thermal burns

Thermal burns are the most common types of burns. These often occur from residential fires, automobile accidents, playing with matches, improperly stored gasoline, space heaters, electrical malfunctions, or arson.

**Flame burns** are often deep burns, causing partial- to full-thickness burns.

**Hot liquid burns** are not as deep as flame burns, but they can still produce deep burns. Examples of hot liquids which can cause burns include hot water, coffee, grease and hot soup.

Burns from **touching hot objects** vary in depth, since people's reflexes cause them to react quickly. These burns can be caused by touching a stove, skillet or grill.

**Flash injuries** are burns that involve exposed parts of the skin and vary in depth depending on the proximity on the flash and the intensity. Automobile, gas tank and airplane explosions are causes of flash burns.

**Sunburns** can be extremely painful, but the pain is relieved as the wound is soothed and injury progression is stopped. Sunburns are usually superficial burns or first-degree burns.

[back to top](#)



© 2006 Shands HealthCare. All rights reserved. | [Terms](#)

1600 S.W. Archer Road • Gainesville, FL 32608 • 352.265.0943

For questions or assistance call: 1-866-634-8927, ©2011 Wasserstrom Restaurant Supply.

Monday, March 14, 2011



## Safety Facts on Scalding Injuries

### Hot Liquids Burn Like Fire

Hot liquids can cause life threatening burn injuries and are the leading cause of burn injury. The experts in burn treatment at Saint Francis Memorial Hospital's Both Burn Center want to help you prevent these injuries.

Scalds and burn accidents frequently occur when parents or caregivers are in a hurry.

Coffee, tea, soup and hot tap water can be hot enough to cause serious burn injury.

Scald and steam burns are often associated with microwave oven use.

<http://www.shands.org/hospitals/UF/service/burn/types.asp>

When tap water reaches 140 degrees Fahrenheit, it can cause a third degree (full

Hot tap water accounts for 17% of all childhood scald hospitalizations

60-70% of all pediatric patients seen in the Bothin Burn Center have a scald injury

The Bothin Burn Center staff recommends you take the following steps to prevent scald i

Provide continuous supervision of children in the kitchen and bathroom

Keep all hot liquids at a safe distance from children - keep pot handles turned toward Test all heated liquid/food before giving it to a child or placing it within his/her reach Never hold a child while drinking a hot liquid

Purchase appliances with short cords, and keep all cords from dangling over counter Before placing a child into the bath or getting into the tub yourself, test the temperature rapidly through the water for several seconds. The temperature should not exceed delicate skin burns more quickly than an adult's).

Never leave a child unattended in the bathroom or tub

Use extreme caution bathing a child in a kitchen sink with a single-lever faucet - then

Adjust your thermostat setting on your water heater to produce a water temperature

#### **HOT WATER CAUSES THIRD DEGREE BURNS:**

in 1 second at 156 degrees in 2 seconds at 149 degrees in 5 seconds at 140 degrees

in 15 seconds at 133 degrees

If you have questions regarding burn care or treatment, call the Bothin Burn Center staff

[▼ Browse Voice Nation](#) | [Most Popular](#) | [Most Recent](#)
[Sign up ▼](#) | [Log in ▼](#)


## Blogs

**H.D.  
BUTTERCUP**


**Need a DRINK? Introducing "Happy Hours" Mobile App from the NewTimes**


# The Pulp

**YOUR DAILY DOSE OF NEWS FROM  
BROWARD AND PALM BEACH**
**TOP  
blog  
STORIES**

**Morning Poll  
Rick Scott  
Predicts  
"Obamacare"  
Will Be a Loser ...**

By Matthew Hendley


**Allen West  
Broward Poll:  
Allen West Less  
Favorable Than  
Debbie**

By Matthew Hendley


**Crime  
Vietnam Veteran,  
Killed Inside His  
Fort Lauderdale  
Home**

By Matthew Hendley


**Election Herman  
Cain Makes a  
Stop in Broward**

By Matthew Hendley

## Law

## Subway Soup Severely Burns Woman, Lawsuit Claims

By Victoria Bekiempis Sat., Sep. 10 2011 at 10:15 AM

Categories: [Law](#)

Comments (15)

Share

Like

2

0

3 retweet

118

digg



**Claudia Vargas, 23, says she was burned by soup.**

A Miami-Dade woman says that the soup she bought from Subway scalded her thigh, hip, and buttocks so extensively that she had to rush to the hospital -- and undergo emergency treatment for second-degree burns, according to a recently filed lawsuit.

On July 30, Claudia Vargas purchased soup and a sub from the Hollywood sandwich store, located at 6582 Taft St.

When she returned to her car, she tried to take the soup out of the bag. But the container was too full and the lid was not attached correctly, so the soup spilled on her lap, Vargas says.

Because the soup was extremely hot, 23-year old Vargas says that she suffered from second-degree burns that will leave her with permanent scarring.

The Pulp has acquired a photo of Vargas' injuries, but has posted it after the jump because of the disturbing nature of the image.

## Most Popular Stories

Viewed

Commented

Recent

[Atheist Group's New Florida Billboards About to Piss Off a Whole Bunch of Jesus Fans](#)
[Allen West Says He Was in a "White Supremacist Motorcycle Gang"](#)
[Florida DOT's Method of Increasing Pedestrian Safety: Video of People Being Nailed by Cars](#)
[Oba Chandler Executed; Left Behind a Sheisty Last Statement](#)
[Casey Anthony Probation Update: Still No Job or Money, Now Says She Hasn't Been Boozing](#)
[More Most Popular...](#)

## TODAY'S DEAL IN BROWARD



**\$30 for Registration  
to Warrior Dash  
(reg. \$60)**

[GET IT NOW](#)

### Vargas' burns.

Richard Lydecker, the lawyer representing Subway, says that his client did nothing wrong.

"The investigation is still ongoing, but this soup was not any hotter than soup served normally," Lydecker tells the Pulp. "There was nothing special about this soup."

Lydecker insists that the soup was cooked and served at a reasonable temperature.

"I mean, soup is hot. And people want their soup hot. You're not supposed to spill it on yourself. My client just wanted to serve a good tasting, hot soup. He looks forward to exonerating himself in court."

Still, Vargas stands by her claim, and insists that Subway was negligent in how it prepped, marketed, and served her the soup.

Medical records furnished to the Pulp by Vargas' representative confirm that Vargas had to go to the emergency room after the accident, where she was given antibiotics, a tetanus shot, and topical ointment for the wounds.

A plastic surgeon who examined Vargas shortly after the accident has said that chances for full recovery are grim: The burns will take at least 6 months to heal. And, "despite laser intervention, the patient will always have some residual scarring," medical documents note.

Vargas thinks that this could have been avoided if Subway hadn't served overly hot soup -- or if she'd had some kind of warning that the soup would be scalding and hazardous.

Vargas is suing Subway, in hopes of getting money for her medical bills.

Follow *The Pulp* on [Facebook](#) and on [Twitter](#): [@ThePulpBPB](#).

**Tags:**  
[lawsuit](#), [sandwiches](#), [soup](#), [stew](#), [Subway](#)

[Comments \(15\)](#)   [Write Comment](#)   [Email to Friend](#)   [Print Article](#)   [Like](#)   2

### Related Content

[Florida Ranks Very High in Economic Study; Unfortunately, It's About People Being Poor](#) October 4, 2011

[Veterans Hunt Gators to Heal War Wounds \(Video\)](#) November 11, 2011

[Florida Democratic Party's New Fundraising Technique: Identifying the "Rickpublicans"](#) October 25, 2011

[The Justin Bieber Meat Mask: Eat His Face Off](#) November 16, 2011

[Allen West: Occupy Movement Is a Commie "Gang" Full of "the Bad People"](#) October 21, 2011

**More About:**  
[Claudia Vargas](#)

[The Pulp](#) on Facebook

[Like](#)

316 people like [The Pulp](#).

Tommy   Tony   April   Charlie   Daniel  
Facebook social plugin

**Sign up for free stuff, news info & more!**

enter email

## Broward/Palm Beach Classifieds

<a href="#">buy, sell, trade (8,740)</a>	<a href="#">musician (1,104)</a>
<a href="#">rentals (2,995)</a>	<a href="#">jobs (1,532)</a>
<a href="#">personals (1,261)</a>	<a href="#">adult entertainment (14,927)</a>

## Slideshows

[Harry Potter Night by Art Nouveau @ Respectable Street](#)

[Hermain Cain Makes a Stop in Broward](#)

Like



## CITY OF SAN JOSE., CALIFORNIA

Office of the City Clerk  
200 East Santa Clara Street  
San Jose, California 95113  
Telephone (408) 535-1260  
FAX (408) 292-6207



STATE OF CALIFORNIA)  
COUNTY OF SANTA CLARA)  
CITY OF SAN JOSE)

I, Dennis Hawkins, City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 28877**", the original copy of which is attached hereto, was passed for publication of title on the **14th day of December, 2010**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **11th day of January, 2011**, by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE, ROCHA; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **11th day of February, 2011**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this 19<sup>th</sup> day of January, 2011.

(SEAL)

DENNIS HAWKINS, CMG  
CITY CLERK & EX-OFFICIO  
CLERK OF THE CITY COUNCIL

/rmk

**ORDINANCE NO. 28877**

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING  
CHAPTER 9.10 OF TITLE 9 OF THE SAN JOSE  
MUNICIPAL CODE TO ADD A NEW PART 13 TO BAN  
SINGLE-USE CARRYOUT BAGS, AND PROHIBIT THE  
FREE DISTRIBUTION OF RECYCLED PAPER BAGS, BY  
RETAIL ESTABLISHMENTS, TO BE EFFECTIVE  
JANUARY 1, 2012**

**WHEREAS**, on November 17, 2010, the Planning Commission of the City of San Jose, pursuant to the provisions of the California Environmental Quality Act of 1970, together with guidelines promulgated pursuant thereto and Title 21 of the San Jose Municipal Code, all as amended to date, certified that certain environmental impact report prepared for a Single-Use Carryout Bag Ordinance, under File No. PP-09-193 (the "EIR"); and

**WHEREAS**, on December 14, 2010, the City Council of the City of San Jose conducted an administrative hearing on an Appeal of the Planning Commission's certification of the EIR for the Single-Use Carryout Bag Ordinance, under File No. PP-09-193, to add Part 13 to Chapter 9.10 of Title 9 of the San Jose Municipal Code to ban single-use carryout bags, and prohibit the free distribution of recycled paper bags by retail establishments; and

**WHEREAS**, the City Council of the City of San Jose is the decision-making body for the approval and adoption of this Ordinance; and

**WHEREAS**, this Council has adopted Resolution No. 75688 setting forth the findings of the decision-making body in connection with the environmental impacts identified in the EIR in connection with the approval and adoption of this Ordinance;

**NOW, THEREFORE**, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Chapter 9.10 of Title 9 of the San Jose Municipal Code is hereby amended by adding a new Part to be numbered and entitled and to read as follows:

**Part 13**  
**Single-Use Carryout Bag**

**9.10.2010 Definitions**

The definitions set forth in this Section shall govern the application and interpretation of this Part 13.

- A. "Customer" means any Person obtaining goods from a Retail Establishment.
- B. "Nonprofit Charitable Reuser" means a charitable organization, as defined in Section 501(c)(3) of the Internal Revenue Code of 1986, or a distinct operating unit or division of the charitable organization, that reuses and recycles donated goods or materials and receives more than fifty percent (50%) of its revenues from the handling and sale of those donated goods or materials.
- C. "Person" means any natural person, firm, corporation, partnership, or other organization or group however organized.
- D. "Prepared Food" means foods or beverages which are prepared on the premises by cooking, chopping, slicing, mixing, freezing, or squeezing, and which require no further preparation to be consumed. Prepared Food does not include any raw, uncooked meat product or fruits or vegetables which are chopped, squeezed, or mixed.
- E. "Recycled Paper Bag". means a paper bag provided at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the establishment that contains no old growth fiber

and a minimum of forty percent (40%) post-consumer recycled content; is one hundred percent (100%) recyclable; and has printed in a highly visible manner on the outside of the bag the words "Reusable" and "Recyclable," the name and location of the manufacturer, and the percentage of post-consumer recycled content.

- F. "Public Eating Establishment" means a restaurant, take-out food establishment, or any other business that receives 90% or more of its revenue from the sale of Prepared Food to be eaten on or off its premises.
- G. "Retail Establishment" means any commercial establishment that sells perishable or nonperishable goods including, but not limited to, clothing, food, and personal items directly to the Customer; and is located within or doing business within the geographical limits of the City of San Jose. Retail Establishment does not include Public Eating Establishments or Nonprofit Charitable Reusers.
- H. "Reusable Bag" means either a bag made of cloth or other machine washable fabric that has handles, or a durable plastic bag with handles that is at least 2.25 mil thick and is specifically designed and manufactured for multiple reuse.
- I. "Single-Use Carryout Bag" means a bag other than a Reusable Bag provided at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment. Single-Use Carryout Bags do not include bags without handles provided to the Customer (1) to transport produce, bulk food or meat from a produce, bulk food or meat department within a store to the point of sale; (2) to hold prescription medication dispensed from a pharmacy; or (3) to segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a Reusable Bag or Recycled Paper Bag.

**9.10.2020 Single-Use Carryout Bag**

- A. No Retail Establishment shall provide a Single-Use Carryout Bag to a Customer, at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment except as provided in this Section.
- B. On or before December 31, 2013, a Retail Establishment may make available for sale to a Customer a Recycled Paper Bag for a minimum charge of ten cents (\$0.10).
- C. On or after January 1, 2014, a Retail Establishment may make available for sale to a Customer a Recycled Paper Bag for a minimum charge of twenty-five cents (\$0.25).
- D. Notwithstanding this Section, no Retail Establishment may make available for sale a Recycled Paper Bag unless the amount of the sale of the Recycled Paper Bag is separately itemized on the sale receipt.
- E. A Retail Establishment may provide a Customer participating in the California Special Supplement Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code; and a Customer participating in the Supplemental Food Program pursuant to Chapter 10 (commencing with Section 15500) of Part 3 of Division 9 of the California Welfare and Institutions Code, with one (1) or more Recycled Paper Bags at no cost through December 31, 2013.

**9.10.2030 Recordkeeping and Inspection**

Every Retail Establishment shall keep complete and accurate record or documents of the purchase and sale of any Recycled Paper Bag by the Retail Establishment, for a minimum period of three (3) years from the date of purchase and sale, which record

shall be available for inspection at no cost to the City during regular business hours by any City employee authorized to enforce this Part. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be available at the Retail Establishment address. The provision of false information including incomplete records or documents to the City shall be a violation of this Section.

SECTION 2. This ordinance shall be effective on January 1, 2012.

PASSED FOR PUBLICATION of title this 14TH day of December, 2010, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, HERRERA, KALRA,  
LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: CONSTANT.

ABSENT: NONE.

DISQUALIFIED: NONE.

ATTEST:



CHUCK REED.  
Mayor

## California Regional Water Quality Control Board

January 9, 2012

Mr. Charley Stump, Director  
City of Ukiah, Planning and Community Development  
300 Seminary Drive  
Ukiah, CA 95482

Mr. Mike Sweeney, General Manager  
Mendocino Solid Waste Management Authority  
101 West Church Street  
Ukiah, CA 95482

Dear Mr. Stump and Mr. Sweeney:

**Subject:** Comments on the City of Ukiah Single Use Carry-Out Bag Ordinance project, SCH No. 2011122033

Thank you for the opportunity to comment on the City of Ukiah Single Use Carry-Out Bag Ordinance project (project). The North Coast Regional Water Quality Control Board (Regional Water Board) is a responsible agency for this project, with jurisdiction over the quality of ground and surface waters (including wetlands) and the protection of the beneficial uses of those waters.

The proposed project consists of the city of Ukiah adopting an ordinance to regulate the distribution of single-use carryout bags at the point of sale. We support this ordinance. We commend the City and believe that this ordinance provides a common sense approach to reducing the discharge of trash to waters of the State. This ordinance will also improve the City's implementation of their municipal storm water program.

***California Environmental Protection Agency***

 Recycled Paper

Mr. Stump and Mr. Sweeney  
2012

-2-

.January 9.

If you have any questions or comments, please contact me at (707) 570-3761  
or [mdougherty@waterboards.ca.gov](mailto:mdougherty@waterboards.ca.gov).

Sincerely,

Mona Dougherty  
Senior Water Resources Control Engineer

120109\_MA\_Response\_CityofUkiah\_SingleUseCarryOutBagOrdinance

cc: Scott Morgan, State Clearinghouse, P.O. Box, 3044, Sacramento, CA 95812  
Re: SCH No. 2011122033

## Ukiah High School Environmental Club

Lindsay Maurer Erica Luke

Dear Board of Supervisors,  
 We support the County-wide  
 bag ban, for the benefit  
 of the environment and the  
 people of Mendocino County.

Sincerely,  
 UHS Environmental Club

## Judy Williams email

>>> <thewillieburgs@pacific.net> 3/15/2012 4:58 PM >>>  
 I TOTALLY SUPPORT THE BAN ON PLASTIC BAGS.  
 THANK YOU,  
 JUDY WILLIAMS

## Don Morosi email

>>> <DMorosi@aol.com> 3/26/2012 6:00 PM >>>

3-22-12 (Mendocino Co. - re: Draft Ordinance on Shopping Bags - Alternative Suggestion)

Dear Bd. of Supervisors:

My I suggest that Mendocino Co. support a measure to use recycled "wildland" brush from our voluminous countrywide areas to both produce biomass energy that also can the be used to produce paper bags which can ultimately be recycled or composted.

Mendocino County has untold thousand of acres of brush which is increasingly growing and becoming a major fire hazard; and ultimately a large pollution and health hazard when a massive fire occurs. Paper bags can be reused, recycled or composted. They can be manufactured in a manner so as to deteriorate with time. They serve as a great convenience to customers in transporting their purchases.

The production of such bags in this county can lead to jobs and income. Stores presently include the cost of furnishing bags wether paper or plastic as a percentage cost of doing business. Charging a fee for

bags is just another way of increasing the cost to the consumer of buying products and will not result in lowering the cost of purchased items. Being able to generate the energy to produce the bags via biomass will decrease the manufacturing process of having to rely on electricity produced by other means. As` one who lives in a rural heavy brush environment, and has experienced the effects of multiple fires over the years, we must find a suitable way to reduce fire hazards. A biomass energy producing facility that the helps dispose of brush (manzanita, dead trees, etc.) in an environmentally friendly manner, while creating a useful product, will create beneficial results for all. We must find ways to reduce our ever growing fire hazard. Biomass energy and bag production can be a start. Continued education of all of us to recycle and properly dispose bags items is also a priority.

Sincerely,

Don Morosi

(Laytonville - 707-621-2801)

## Harmony Susalla email

>>> Harmony Susalla <Harmony@HarmonyArt.com> 3/23/2012 11:18 PM >>>

Dear Board of Supervisors,

PLEASE do the right thing and pass the Single-Use plastic bag ban!

It is insanity that we are solving a temporary problem (transporting our purchases) by creating a MUCH, MUCH more difficult to solve problem (polluted land and water).

It is estimated that the single-use plastic bag is used on average for all of 12 minutes! Most are not recycled and many pollute our waterways, litters our roads, and are poisoning sea life. The bags do not decompose but rather photo-degrade into smaller and smaller pieces which still poison the planet and become even more difficult to pick up/collect.

A fabric bag can be reused over and over and over and over again for years and years. After it is no longer reusable, if it is made of cotton, it can be safely composted. It is a very simple solution and one everyone can easily do.

The Green Bag Lady [www.greenbaglady.org](http://www.greenbaglady.org) has GIVEN away over 19,000 fabric bags to people around the USA and the globe who have promised to use fabric instead of paper or plastic. We are in the planning phase of an earth day fabric bag giveaway in Gualala, CA in conjuncture with the Green Bag Lady.

It is time to stop the nonsense. Ban the insanity. Re-use fabric bags. It's simple. It's easy. It's the right thing to do.

thank you,  
harmony

PS I agree with your report that the ideal option would be organic cotton fabric bags... but in the meantime, conventional cotton is at least a very do-able step in the right direction.

Harmony Susalla

Harmony Art

[www.harmonyart.com](http://www.harmonyart.com)

PO Box 892

Gualala, CA 95445

707-884-3347

## Bernard Harrison email 3/27/12

I feel that banning plastic bags is the wrong direction to take. While I agree that they are a problem, I also know that more and more people are becoming aware of the environment. The reuse of any type of bag for groceries is unsanitary. They have been contaminated with anything from rotten vegetables, leaking meat packages, dirty diapers, and who knows what else. Grocery clerks have seen cockroaches, ants, and other contaminated bugs in them. It is only a matter of time before they will be declared a public health issue. Recycling plastic bags is simple. Drop-in boxes are conveniently located at grocery stores. It is easy to keep a plastic bag hanging in an area in your home to store the bags. When these bags are recycled they are made into other plastic items that save the oil that was originally used in the manufacture of the bags. I sincerely hope you will seriously consider these issues before banning them. Respectfully, Bernard Harrison

Page: <http://www.co.mendocino.ca.us/bos/index.html>

Browser: Mozilla/4.0 (compatible; MSIE 8.0; Windows NT 6.1; WOW64; Trident/4.0; SLCC2; .NET CLR 2.0.50727; .NET CLR 3.5.30729; .NET CLR 3.0.30729; Media Center PC 6.0; HPDTRDF; BRI/1; .NET4.0C; BRI/2)

IP: 71.141.103.175, DT: 2012-03-27 12:16:24

d: 1