

ORDINANCE No. 184759 *As Amended*

- * Amend Code to promote reusable checkout bags and reduce use of single-use plastic checkout bags (Ordinance; add Code Chapter 17.103)

The City of Portland ordains:

Section 1. The Council finds:

1. Since 1990, Portland has restricted the use of polystyrene foam (PSF) containers for commercially prepared food. Portland City Code (PCC) 17.102.300 through PCC 17.102.340. In adopting the code provisions, the Council cited the following concerns:
 - Foam products are not biodegradable.
 - The nature of the material makes it a major contributor to litter.
 - When littered, the material is detrimental to wildlife that ingests it.
 - Recycling of PSF containers is not practical.
2. Subsequent to the Council's adoption of the PSF container regulations, the Oregon Court of Appeals upheld the ordinance, concluding that the City's decision to eliminate waste by prohibiting the use of PSF was not inconsistent with state policy of recycling solid waste. Denton Plastics, Inc. v. City of Portland, 105 Or App 302 (1991)
3. In 1994, the Council adopted Resolution No. 35338, Sustainable City Principles, accepting the City's responsibility to:
 - Support a stable, diverse and equitable economy
 - Protect the quality of the air, water, land and other natural resources
 - Conserve native vegetation, fish, wildlife habitat and other ecosystems
 - Minimize human impacts on local and worldwide ecosystems.
4. In 2006, City Council adopted the Watershed Management Plan. Resolution No. 36384. The Plan establishes watershed health goals including protecting and improving surface water and groundwater quality to protect public health and support native fish and wildlife populations and biological communities. Plastic bags fragment into increasingly smaller particles but never completely disappear, persisting in ecosystems for decades and degrading watershed health. Plastic pollution is a hazard for wildlife populations and negatively affects surface water and groundwater quality in Portland watersheds, making it more difficult to achieve the goals of the Watershed Management Plan.
5. In 2006, the Council adopted Resolution No. 36423 establishing goals for the City's solid waste and recycling system. These goals included:
 - Promoting sustainability of the solid waste and recycling system that includes maximum efficiency, equity and economic vitality, improved worker safety and reduced environmental and human health impacts over the entire life cycle of the materials.
 - Minimizing the impact of harmful wastes by targeting toxicity.
 - Reducing *per capita* waste generation below 2005 levels by the year 2015.
 - Increasing recovery of all waste with a target of 75 percent by the year 2015 and

promote highest value use of the recovered materials.

6. In 2009, the Council adopted the City's Climate Action Plan. Resolution No. 36748. The City's 2030 goals under the Action Plan include the following:
 - Reducing total solid waste generated by 25 percent.
 - Recovering 90 percent of all waste generated.
7. Plastic shopping bags have significant environmental impacts each year, including the use of over 12 million barrels of oil for bag production in the United States. Nationwide, the Environmental Protection Agency estimates that only 9.4% of plastic bags, sacks and wraps are recovered from the solid waste stream. Oregonians use an estimated 1.7 billion single use plastic bags each year. The extensive usage of single-use plastic shopping bags and their typical disposal creates an impediment to the City's waste reduction and recycling goals. Although some facilities in Portland recycle plastic bags, the Department of Environmental Quality (DEQ) estimates the recycling rate is 11 percent, with much of that commercially generated plastic film (e.g., shrink wrap). The actual recycling rate for single-use plastic shopping bags is significantly lower. According to the DEQ, residential recycling of plastic bags would substantially increase sorting costs, rendering this effort cost prohibitive. The economics of recycling plastic bags are only logical for large commercial volumes such as those generated by warehouses, not for single-use plastic shopping bags. Many of the plastic shopping bags end up in landfills. A significant number are "unaccounted for" — lost into the environment, washed into streams and rivers and ultimately the oceans.
8. Plastic bags are not accepted in Portland's residential curbside recycling collection program. Even so, bags are mistakenly placed into the recovery stream and cause significant problems for local material recovery facilities (MRFs). At the MRFs, plastic bags clog the sorting equipment. Removal of the bags costs time and money, reducing the efficiency of the recycling system. Far West Fibers, which handles a significant amount of the recycling from the Portland metropolitan region, estimates that 25 to 30 percent of total labor costs are spent on shutting down the recycling machinery and manually removing the jammed plastic bags and film. Far West Fibers has indicated that this process is the primary contributing cause of job-related injuries. Other estimates identify that plastic bags cost local MRFs between \$30,000 and \$40,000 every month. In addition to clogging the equipment, the shopping bags often contaminate recovered materials (e.g., paper bales), reducing the quality and market value of the materials. Finally, because plastic bags are extremely lightweight, flyaway bags litter parks and enter storm drains. At MRFs, transfer stations, and landfills blowing bags require special efforts, such as fences and cleanup crews, to prevent the bags from blighting neighboring properties.
9. Governments in several countries have banned or discouraged the use of plastic bags. Ireland has achieved a 90% decrease in shopping bag use. China has banned plastic bags since 2008. In 2011, Italy banned single use plastic shopping bags. In 2007, San Francisco became the first American city to adopt a ban on plastic shopping bags. Since then, other cities such as Malibu, Long Beach, Oakland, San Jose, Santa Monica and Palo Alto, California; Westport, Connecticut; Telluride, Colorado; Bellingham and Edmonds, Washington; and Brownsville, Texas have followed suit by adopting plastic bag regulations. The Los Angeles County Board of Supervisor's adopted a plastic bag ban that

went into effect on July 1, 2011. San Francisco's regulations have helped to eliminate the dissemination of plastic checkout bags at a number of stores with national operations, including Walgreens, Rite Aid, Safeway, Kroger and affiliated corporations.

10. In 2010, the City Council adopted Resolution No. 36804, acknowledging that members of the Oregon State Legislature would be undertaking efforts in the 2011 legislative session to regulate single-use plastic shopping bags. The 2011 legislative session concluded without passing legislation in this area.
11. The City, through the Bureau of Planning and Sustainability, encourages the use of reusable bags instead of accepting single-use bags at stores. Since 2007, the City has distributed more than 35,000 durable, reusable bags to Portland residents. The Bureau of Planning and Sustainability (BPS) will continue to distribute reusable bags and "bring-your-own-bag" reminders throughout Portland, with a focus on working with service providers that assist seniors and low-income households. Within this focus, BPS shall, in response to household requests, provide up to one reusable bag per person in households confirmed as receiving the City's low-income discount for water and sewer services. BPS shall also conduct an outreach campaign to notify potentially affected businesses of the City Code amendment, offering guidance and direction on compliance.
12. It is in the public interest to restrict the proliferation of single-use plastic shopping bags. In the absence of statewide regulation, the Council finds it necessary to enact these regulations within the City of Portland.

NOW, THEREFORE, the Council directs:

- a. The City Code is amended by adding a new Chapter 17.103, **Single-Use Plastic Checkout Bags**, attached as an exhibit to this ordinance. Chapter 17.103 shall be in effect on and after October 15, 2011 to allow the public and affected businesses time for the necessary transition.
- b. Within one year after the effective date of this ordinance, the Director of the Bureau of Planning and Sustainability shall return to Council with a report regarding the results of the enactment of this Ordinance, and making recommendations as to any potential expansion of the program.

Section 2. The Council declares an emergency exists because the on-going use of single-use plastic shopping bags is harmful to the public welfare; therefore this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: JUL 21 2011

Mayor Sam Adams

Prepared by: MArmstrong/BWalters

Date Prepared: July 13, 2011

LaVonne Griffin-Valade

Auditor of the City of Portland

By

Deputy

Susan Larson

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Agenda No.
ORDINANCE NO.
 Title

184 759 As Amended

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INTRODUCED BY Commissioner/Auditor: Mayor Sam Adams	CLERK USE: DATE FILED <u>JUL 15 2011</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland By: <u>[Signature]</u> Deputy ACTION TAKEN:
BUREAU APPROVAL Bureau: Mayors Office Bureau Head: Mayor Sam Adams	
Prepared by: Lisa Libby Date Prepared: July 14, 2011	
Financial Impact & Public Involvement Statement Completed ☒ Amends Budget ☐	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes ☐ No ☒	
Council Meeting Date July 21, 2011	
City Attorney Approval <u>[Signature]</u> <u>Tom</u>	

AGENDA TIME CERTAIN ☒ Start time: 3:45pm Total amount of time needed: 45mins (for presentation, testimony and discussion)
CONSENT ☐
REGULAR ☐ Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	