



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

Cover Memo

File #: RPT 15-060, **Version:** 1

DATE: December 10, 2015

TO: Council Sustainability Committee

FROM: Director of Utilities and Environmental Services

SUBJECT

Reusable Bag Ordinance - Potential Expansion

RECOMMENDATION

That the Committee reviews and comments on this report.

BACKGROUND

In January 2012, the Alameda County Waste Management Authority, also known as StopWaste, adopted a reusable bag ordinance. On February 28, 2012, the Hayward City Council opted into the County-wide ordinance that became effective on January 1, 2013. The ordinance applies to grocery stores, supermarkets, convenience stores, liquor stores, pharmacies, drug stores or other entities that sell milk, bread, soda AND snack foods (all four items) and/or alcohol. Under the ordinance, reusable bags or bags made of recycled content paper may be provided, but only if the store charges a minimum price of 10 cents per bag.

According to a September 11, 2014 report to the StopWaste Board, as of June 2014, all affected stores had been inspected and 84% were found compliant with ordinance requirements. The report also states that the Bay Area Stormwater Management Agencies Association (BASMAA) found a 44% decrease in plastic bags found in storm drains between 2011 and 2014.

DISCUSSION

As detailed in a July 16, 2015 report to the StopWaste Board, a possible expansion of the current reusable bag ordinance is under consideration. Three outreach meetings targeted to retailers were held in Pleasanton, Union City, and Oakland in October 2015 (see Attachment I). Results of the meetings will be presented to the StopWaste Board on December 16, 2015.

The expanded ordinance may apply to restaurants and all retail establishments including clothing and electronics stores. The current ordinance applies to approximately 7,000 stores in the County and the expanded ordinance could apply to up to 12,000 additional businesses.

StopWaste has provided the following schedule for the possible ordinance expansion:

| | |
|--|--------------------------|
| Countywide stakeholder engagement | September- November 2015 |
| Compile database of affected stores | August - December 2015 |
| Develop ordinance parameters and options | January-February 2016 |
| Present Draft Ordinance | April 2016 |
| CEQA Analysis | May - July 2016 |
| Possible Adoption of Ordinance | October 2016 |
| Ordinance Effective | Earth Day, April 2017 |

In order for staff to take an informed position and make a recommendation to the Committee, additional information is needed, such as the feedback from StopWaste outreach meetings with the affected retailers, data on actual impact on the environment of the remaining plastic bags from these businesses, and how this ban can impact take out food from restaurants. Barring specific information to the contrary, staff is of the view that the challenges can be addressed and is, in general, supportive of the expansion.

State-Level Activities - In September 2014, Governor Brown signed SB 270 to ban the use of single-use plastic bags state-wide. The law would also prohibit new local ordinances; however, the Alameda County Reusable Bag Ordinance is not and will not be affected as SB 270. The law does not impact city or county ordinances adopted prior to September 1, 2014.

Soon after the signing of SB 270, the American Progressive Bag Alliance began collecting signatures to qualify a referendum for the November 2016 ballot. The current referendum to repeal the statewide plastic bag ban does not affect the Alameda County Reusable Bag Ordinance.

As described in Attachment II, plastic bag manufacturers recently filed another initiative related to the statewide bag ban. The "Environmental Fee Protection Act" would require grocers to charge at least ten cents for every paper or thicker plastic bag and would require grocers to deposit those fees into an account for environmental improvement projects. According to the American Progressive Bag Alliance, the Act is intended to redirect bag fees, currently retained by grocers to offset the cost of paper bags, to the California Wildlife Conservation Board, which will use the funds to provide environmental grants. According to the article in Attachment II, bag manufacturers are hoping that grocers will oppose this initiative, and by doing so confuse voters.


NEXT STEPS

Staff will closely follow StopWaste's activities and provide updates to the Committee.

Prepared by: Erik Pearson, Environmental Services Manager

Recommended by: Alex Ameri, Director of Utilities and Environmental Services

Approved by:



Fran David, City Manager

Attachments:

Attachment I
Attachment II

StopWaste Flyer Regarding Potential Expansion
Article Regarding Statewide Bag Ban

