

Action Item - September 27, 2011 Council Meeting

Public Hearing and Second Reading of an Ordinance establishing a Fee for Single Use Bags used in Grocery Stores in Basalt

Requested by: Basalt Green Team

Staff Assistance: Susan Philp AICP, Planning Director

Purpose:

The purpose of the Agenda item is for the Council to consider adopting an ordinance on second reading that would place a 20 cent fee on each disposable single-use bag that a customer uses during a purchase at a Grocer.

Background Summary and Previous Actions:

Several communities in this valley are working together on a program called Waste Free Roaring Fork. Their efforts are geared toward reducing waste in the Roaring Fork Valley. The Basalt Green Team has been an active participant in this effort and they requested earlier this year that the Town Council consider an ordinance to establish a fee for the use of single-use bags by grocers – both paper and plastic. The Basalt Green Team feels that voluntary approaches to bags have not been sufficient to drastically reduce the use of disposable bags over time.

The Council held a worksession on this subject at their June 28th meeting. A major item of discussion at that meeting was the regional effort that was occurring. At that time CORE was scheduling a meeting to include representatives from towns in the valley and that meeting has since been held. The goal of that meeting was to determine on which points the communities could agree so that this could be a regional effort. At the June Worksession, the Councilors expressed a strong desire for the regional approach, but several Councilors indicated they wanted to move forward if those efforts did not materialize.

The Council approved Ordinance No. 19 on first reading on August 23rd. The continued public hearing and second reading was scheduled for September 27th partially to have the benefit of hearing what the City of Aspen and the Town of Carbondale did on their ordinances regarding single-use bags. In summary, the City of Aspen has continued their discussion to allow consideration of an ordinance banning plastic bags at grocers only and lowering the fee for each paper bag (potentially to 10 cents). The City of Aspen wants to wait until May 1st to implement the program instead of interrupting the ski season. The Town of Carbondale also discussed implementing a ban on paper bags but is talking about the applying it to all retail establishments. Aspen has continued their discussion to Tuesday, October 11th (as their normal Monday meeting day is a holiday) and Carbondale has continued their discussion to Tuesday, October 25th. The Council approved a second motion on August 23rd to support the general public outreach program for the bag ordinance; to continue the public outreach and make an asserted effort to work with the grocers and the public.

The ordinance in the packet includes the ordinance as approved on first reading.

Options for the Town Council to Consider:

1. Approve the ordinance on second reading
2. Make modifications to the ordinance and adopt it. Staff recommends that if the Council wishes to adopt the current provisions that they make slight modifications to the ordinance.

3. Continue the ordinance to another meeting either to ask for more information or to wait until Aspen and/or Carbondale have had more discussions or
4. Deny the Ordinance.

Additional information is attached.

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Agenda Item	Public Hearing and Second Reading of an Ordinance establishing a Fee for the Single Use Bags used in Grocery Stores in Basalt
Meeting Date	September 27, 2011
Presented by	Basalt Green Team CORE Susan Philp, Planning Director
Procedural Steps	<ol style="list-style-type: none"> 1. Staff or Mayor reads Ordinance by Title and number 2. Introduction & Summary Comments 3. Mayor opens Public Hearing 4. Public Comment 5. Mayor closes the public hearing 6. Discussion of Ordinance 7. Motion
Primary Backup Materials	<ol style="list-style-type: none"> 1. Ordinance No. 19, Series of 2011 adopted at 1st Reading 2. Correspondence from Citizens 3. Council Minutes from 1st Reading 4. More Information on Plastic Bags 5. City of Aspen and Carbondale Discussions 6. Staff Recommended Changes if Ordinance is adopted on September 27th <p style="text-align: center;"><i>See also materials provided for August 23, 2011 Council meeting on 1st reading of the Ordinance.</i></p>
Key Policy Implications (Master Plan, River Master Plan, etc)	<ol style="list-style-type: none"> 1. The Town has adopted the following Goal and objectives from the 2007 Basalt Master Plan: <ul style="list-style-type: none"> <i>Goal: Protect and enhance the natural environment, recognizing that it is the source of the community's physical and economic health. Minimize the adverse impacts associated with solid waste disposal, wastewater disposal, water and energy use, and noise and light pollution. Maintain the ecological integrity of the natural landscape, streams, surface waters and wildlife habitat areas, riparian areas, big game migration corridors and critical habitats such as critical winter range and production areas.</i> 4.8.1 Establish policies and programs designed to address point and non-point source pollution and support the Roaring Fork Conservancy's efforts in this area; 4.8.5 Support the Roaring Fork Conservancy, CDOW and other entities that establish public education programs that foster the value of the river and wildlife lands (from CDOW), that promote ways to prevent pollution and minimize the impacts of human activities on water quality, wildlife corridors and that address the benefits of wise product use, disposal and recycling. 4.8.7 Aggressively pursue improvements to the recycling program, including relocation of the collection bins. Examine ways to increase the participation of commercial and curbside residential pick up, with the

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	<p>goal to recycle 30% of the total solid waste generated in the community;</p> <p>2. Regional coordination - In addition, Waste Free Roaring Fork – is part of regional efforts, particularly by Carbondale, Basalt, and Aspen to reduce waste in the Roaring Fork Valley.</p>
<p>Other/Explanation</p>	<p>1. Amount of Fee and portion Retained by the Grocer and Town. The Ordinance establishes a fee of 20 cents for each single-use disposable bag. The Basalt Ordinance approved on first reading allows grocers to retain up to \$100 per month the first year and \$25 per month thereafter. Representatives from both City Market and Clark's have stated that five cents for each disposable bag that needs to be tracked through their system is more reflective of actual costs. See emails to Keli McGannon, King Soopers provided in the Council's August 23rd packet for this item. Basalt Staff would support the grocers retaining 5 cents of the 20 cent bag fee if additional documentation was provided by the Grocers to the Town of Basalt justifying their costs. Staff's recommended changes include allowing grocers to keep \$100 per month or 5% whichever is higher and allowing the establishment of a grant program using the fees collected where grocers can receive more funds when those funds are used for waste reduction efforts.</p> <p>2. Use the Fee by the Town. See Section 7-190 of the Ordinance which explains the programs the Town would engage in to reduce waste in the Town of Basalt.</p> <p>3. Implementation Date. Grocers indicate they don't like start new programs after October 1st because of the busy holiday shopping season. Aspen Councilors have indicated that they think it would be preferable to start implementation after the ski season ends instead of in the middle of the season. The Basalt Green Team had expressed earlier the desire to implement the fee as soon as possible. Earlier drafts of Basalt's Ordinance showed an Implementation date of 6 months from the effective date of the Ordinance.</p> <p>CORE recently indicated to the Basalt Green Team that they thought coordinating the effective date among Aspen, Carbondale, and Basalt was of key importance in successfully implementing this program. Basalt Staff recommends that if the Council approves the ordinance on September 27th that the effective date be the later of Aspen or Carbondale implementation date with the Town's program being implemented by May 1st if that does not occur. The Ordinance also gives the Town Manager discretion to delay implementation of the Fee for an additional three month if the Town Manager finds that the delay is necessary to provide a smooth transition into implementation of the Fee and will not unduly hinder regional efforts to reduce waste in the Roaring Fork Valley. See Section D of Page 3 of the Ordinance. If there are computer programming issues for the grocer that make the transition difficult or if there has been a delay in obtaining the reusable bags that will</p>

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	<p>be given out to the public as part of the Outreach effort, it would be helpful to allow the Town Manager discretion to delay implementation. Also this could help in coordinating effective dates among the communities.</p> <p>4. Public Outreach and Education – The Basalt Green Team identified that education and outreach were essential for success of the program. The chosen Tag line is “Waste Free Roaring Fork” and includes the valley communities – currently Aspen, Basalt and Carbondale. Waste Free Roaring Fork was chosen because it will address a wide variety of waste issues – not just plastic bags (water bottles, recycling, composting, etc.). Funds will be used for: signs in parking lots (“Remember your bags”); signs in store and at the register, information to be handed out by store clerk; free bags at inception of program and education programs.</p> <p>The Webpage www.wastefreeroaringfork.org provides information on what other communities are doing and information on the environmental impacts and waste involved with plastic bags. CORE will advance funds for Outreach and Education with the idea that Basalt would pay back funds once they were collected.</p> <p>The Council approved a second motion on August 23rd to support the general public outreach program for the bag ordinance; to continue the public outreach and make an asserted effort to work with the grocers and the public.</p> <p>6. Required Signage – The Ordinance includes the language similar to that proposed by Ashley Cantrell, City of Aspen, on Thursday August 18th in response to comments made by Kelli McGannon, King Soopers. The Clark’s Store Manager was very supportive of signs funded by the Town that would let customer’s be informed that the Fee was a Town initiative and not that of Clark’s.</p>
<p>Environmental Implications/Green Principles</p>	<p>The issue of paper and plastic bag is well documented. Data is available from several sources. The Basalt Green Team has noted that it is well known that disposable plastic bags have significant environmental impacts, including the energy for processing and transporting and that disposable paper bags are not environmentally sound alternatives to plastic carry out bags. The Green Team feels that the use of disposable, single use bags has a significant impact on the local environment, including contributing to litter on the streets, sidewalks, and public spaces and polluting waterways. Information on this issue is included in the section of this packet titled, “Information on Plastic and Paper Bags” and on webpage for Waste Free Roaring Fork that is found at www.wastefreeroaringfork.org. The Green Team asked CORE for additional information on the issues associated with plastic bags following the City of Aspen’s and Town of Carbondale’s discussions on implementing a ban on plastic bags. See information provided by CORE in this packet.</p>

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<p>Discussion Points</p>	<p>The following discussion points have been identified for this meeting:</p> <ol style="list-style-type: none"> 1. Regional Cooperation & Coordination with Grocers <ol style="list-style-type: none"> A. Recent discussions by Aspen and Carbondale to have a ban on plastic bags B. Amount of the Fee C. Amount Retained by Grocer and Amount retained by Town D. Use of the Fee E. Implementation – Date 2. Public Outreach 3. Other items of concern from August 23rd Council discussion
<p>Financial Implications</p>	<ol style="list-style-type: none"> 1. CORE has agreed to front funds for the Public Outreach Efforts needed to start the program successfully. 2. Grocers have expressed concern that they are able to retain enough of the fee so that they do not have to pass on costs to the customer. 3. The fees retained by the Town are used for a variety of efforts designed to reduce waste.
<p>Other Town Boards</p>	<p>The Basalt Green Team asked the Council to consider the ordinance to implement the bag fee. The Basalt Green Team feels that voluntary approaches to bags have not been sufficient to drastically reduce the use of disposable bags over time.</p>
<p>Options</p>	<p>Options for the Town Council to Consider re. Ordinance:</p> <ol style="list-style-type: none"> 1. Approve the ordinance on second reading 2. Make modifications to the ordinance and adopt it. Staff recommends that if the Council wishes to adopt the current provisions that they make slight modifications to the ordinance. 3. Continue the ordinance to another meeting either to ask for more information or wait until Aspen and Carbondale have had more discussions, or 4. Deny the Ordinance.

**Town of Basalt
Ordinance No. 19
Series of 2011**

**ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO,
APPROVING AMENDMENTS TO THE MUNICIPAL CODE OF THE TOWN OF
BASALT, COLORADO AMENDING CHAPTER 7, HEALTH, SANITATION,
AND ANIMALS BY CREATING A NEW ARTICLE ENTITLED RECYCLING
AND WASTE REDUCTION; ESTABLISHING A FEE FOR SINGLE USE BAGS
TO BE KNOWN AS THE WASTE REDUCTION BAG FEE; AND AMENDING
THE TOWN'S FEE SCHEDULE**

RECITALS

A. The Town of Basalt ("Town") acting by and through its Town Council has the power to amend the Municipal Code of the Town of Basalt ("Town Code") pursuant to state statutes, Section 1.3, Home Rule Charter, and Section 1-58, Town Code, and all such amendments shall become a part of the Town Code.

B. Pursuant to Section 2-381 et seq., Municipal Code of the Town of Basalt ("Town Code"), the Town Council of the Town of Basalt may approve fines, penalties and administrative fees as recommended by the Town Manager based on input from the head of the respective departments of the Town of Basalt government.

C. The Basalt Green Team has held several meetings and has heard testimony on the environmental impacts of both plastic and paper bags and has recommended the adoption of an ordinance that includes measures to discourage the use of such paper and plastic bags and a fee to implement their findings.

D. At a public hearing on August 23, 2011, the Town Council approved this Ordinance on first reading and continued and set a public hearing and second reading for this Ordinance for September 27, 2011 for a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

E. At a public hearing and second reading on _____, _____ the Town Council heard evidence and testimony as offered by the Town Staff, the Applicants, and members of the public.

F. The Town Council finds and determines it is in the best interests of

the Town to amend the Town Code and adopted the attached regulations as provided herein.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Basalt, Colorado, as follows:

A. Findings. The Town hereby conclusively finds and concludes as follows:

1. The Town has adopted the following Goal and objectives from the 2007 Basalt Master Plan:

Goal: Protect and enhance the natural environment, recognizing that it is the source of the community's physical and economic health. Minimize the adverse impacts associated with solid waste disposal, wastewater disposal, water and energy use, and noise and light pollution. Maintain the ecological integrity of the natural landscape, streams, surface waters and wildlife habitat areas, riparian areas, big game migration corridors and critical habitats such as critical winter range and production areas.

- 4.8.1 Establish policies and programs designed to address point and non-point source pollution and support the Roaring Fork Conservancy's efforts in this area;
- 4.8.5 Support the Roaring Fork Conservancy, CDOW and other entities that establish public education programs that foster the value of the river and wildlife lands (from CDOW), that promote ways to prevent pollution and minimize the impacts of human activities on water quality, wildlife corridors and that address the benefits of wise product use, disposal and recycling.
- 4.8.7 Aggressively pursue improvements to the recycling program, including relocation of the collection bins. Examine ways to increase the participation of commercial and curbside residential pick up, with the goal to recycle 30% of the total solid waste generated in the community;

2. The Town wishes to further the implementation of the Basalt Master Plan by adopting regulations which address recycling and reducing waste anticipated by the Town of Basalt Master Plan.

3. The use of disposable, single use bags has a significant impact on the local environment, including contributing to litter on the streets, sidewalks and public spaces, and polluting waterways; and

4. The use and disposal of paper and plastic disposable bags into the Town of Basalt, Eagle County, and Pitkin County waste stream creates a burden on the waste disposal resources available to the Roaring Fork Valley; and

5. It is documented and known that disposable plastic bags have significant environmental impacts, including the use of energy for processing and transporting; and

6. It is known and documented that disposable paper bags made from virgin materials are not environmentally sound alternatives to plastic carryout bags because the production of these types of bags contributes to natural resource depletion, greenhouse gas emissions, and waterborne wastes; and

7. The Basalt Town Council believes that residents and visitors should use reusable bags instead of single use bags when shopping, and that a fee on the distribution of paper and plastic bags by stores is appropriate to fund the Town's cleanup efforts and efforts to educate residents, businesses, and visitors about the impact of single use items on the Town's environmental health; and

8. The fee imposed by this act is necessary to reduce the environmental, public health, economical, and societal costs resulting from the production, use, and discard of single-use, disposable carryout bags.

9. Despite recycling and voluntary solutions to control pollution from disposable carryout bags, very few disposable carryout bags are recycled, and take up valuable landfill space or are discarded in the environment.

B. Article IX, of Chapter 7 Health, Sanitation, and Animals of the Town Code titled *Recycling and Waste Reduction* is hereby added to the Town Code as included in Exhibit "A".

C. In accordance with Section 2-381, the Fee Schedule for the Police Department is amended as shown on Exhibit "B".

D. The Town Manager shall be responsible for implementing the Waste Reduction Bag Fee. The Town Manager also is granted the authority to establish administrative procedures to implement this ordinance, including but not limited to establishing a time period for providing free bags. The Town Manager shall have the authority to delay implementation of the Fee for up to three months from the Implementation Date of the Fee as shown in on the bottom of Exhibit B, if the Town Manager finds that the delay is necessary to provide a smooth transition into implementation of the Fee and will not unduly hinder regional efforts to reduce waste in the Roaring Fork Valley.

E. The Town Manager shall be responsible for monitoring the effectiveness of the recycle and waste reduction measures adopted by this ordinance and shall recommend to the Town Council any changes for their consideration which the Town Manager feels would better meet the goals of the Town. The Town

Manager may obtain advice from any Town Committee, such as the Basalt Green Team, valley environmental groups, staff or consultants hired by the Town. Possible changes he could recommend for future action include but not be limited to: extending the requirements regarding bags to businesses beyond grocers, including provisions for compostable bags and methods of addressing compositing, and increasing, decreasing or eliminating the bag fee.

F. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance and the Town Council hereby declares it would have passed this Ordinance and each part, section, subsection, sentence, clause or phrase thereof regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

G. This Ordinance shall be effective 14 days after final publication of the Ordinance in accordance with the Town Home Rule Charter.

READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON September 27, 2011 by a vote of 5 to 1 on August 23, 2011.

READ ON SECOND READING AND ADOPTED, by a vote of ___ to ___ on _____, 2011.

TOWN OF BASALT

By: _____
Leroy Duroux, Mayor

ATTEST:

Pamela Schilling, Town Clerk

Ord19-Waste Free Roaring Fork Bag Ordinance

First Publication: Thursday, September 21, 2011

Final Publication: Thursday, _____

Effective Date: Thursday, _____

The following language is proposed to be added to the Town Code

Exhibit A

Article IX Recycling and Waste Reduction.

Sec 7-185. Definitions.

For purposes of this Article, the following terms shall have the meanings ascribed to them:

Waste Reduction Bag Fee: The term Waste Reduction Bag Fee means a Town fee imposed and required to be paid by each consumer making a purchase from a Basalt business subject to the fee for each disposable carryout bag used during the purchase.

Disposable Carryout Bag. The term Disposable Carryout Bag means a bag of any material, commonly plastic or paper, which is provided to a consumer at the point of sale to carry purchases. Disposable Carryout Bag does not mean:

- (1) A reusable carryout bag.
- (2) Bags used by consumers inside stores to:
 - (A) Package bulk items, such as fruit, vegetables, nuts, grains, candy or small hardware items;
 - (B) Contain or wrap frozen foods, meat, or fish;
 - (C) Contain or wrap flowers, potted plants, or other items where dampness may be a problem; and,
 - (d) Contain unwrapped prepared foods or bakery goods;
- (3) Bags provided by pharmacists to contain prescription drugs;
- (4) Newspaper bags, door-hanger bags, laundry-dry cleaning bags, or bags sold in packages containing multiple bags labeled for use as garbage, pet waste, or yard waste bags.

Reusable Carryout Bag. Reusable Carryout Bag means a bag that is intended for multiple reuse. Typically a reusable carryout bag can be washed or cleaned without destroying the integrity of the bag. A reusable carryout bag can be made of a number of materials, including but not limited to: cloth or fiber, a heavy grade plastic, treated grain bag, wire or natural basket.

Grocer means a retail establishment or business located within Basalt Municipal limits in excess of 6,000 square feet in a permanent building, operating year round, that is a

self-service market and which sells a variety of staple foodstuffs, meats, produce, dairy products or other perishable items and typically sells household items. Grocer does not mean:

- a) Temporary vending establishment for fruits, vegetables, packaged meats and dairy.
- b) Vendors at farmer's markets or other temporary events.
- c) Location where foodstuffs is not the majority of sales.

Sec. 7-186-187 Reserved.

Sec. 7-188 Establishment of a Waste Reduction Bag Fee for Disposable Carryout Bags

There is hereby imposed a fee to customers who are provided with a disposable carry out bag, also to be referred to as the Waste Reduction Bag Fee (Fee) to be collected by grocers and other businesses subject to the Fee as follows:

(a) a customer making a purchase from a grocer or other business subject to the Fee, shall pay at the time of purchase the Fee as shown on the Town's adopted fee schedule for each disposable carryout bag provided to that customer. (*Note see Exhibit B.*)

(b) Grocers and any other business subject to the Fee shall record the number of disposable carryout bags provided and the total amount of Fee charged for the disposable carryout bags, on the customer transaction receipt.

(c) A grocer and any other business subject to the Fee shall not refund to the customer any part of the Fee, nor shall the grocer advertise or state to customers that any part of the Fee will be refunded to the customer.

(d) A grocer shall not exempt any customer from any part of the Fee for any reason.

(e) Any other store or business with a Town of Basalt business license may voluntarily opt in and apply the Fee to its business by applying with the Town of Basalt Town Clerk.

Sec. 7-189 Retention, remittance, and transfer of the Fee

(a) A grocer or business, whether mandated or under the voluntary bag fee, may retain funds as shown in the Town's adopted fee schedule.

(b) The retained percentage is intended for use by the business to

- (1) Provide educational information to customers;

- (2) Train staff in the implementation and administration of the Fee; and
 - (3) Improve or alter infrastructure to allow for the implementation, collection and administration of the Fee.
- (c) The funds retained by a business under this code provision shall:
- (1) Not be classified as revenue for the purposes of calculating sales tax;
 - (2) Be excluded from the definitions of a retail sales tax as defined under the Town of Basalt Municipal Code Section Article IV, Chapter 4.
- (d) The remaining amount of each fee collected by a grocer shall be paid to the Town of Basalt Finance Department. The administration of the revenues and expenditures of the remaining amount of the fees is hereby vested in the Finance Director. The Finance Director shall prescribe forms and administrative procedures for the ascertainment, assessment, and collection of the Fee not inconsistent with this Article and for the enforcement of this Article. The fees collected by the Town shall be accounted for as restricted revenues.
- (e) The Town shall have the right to recover all sums due under the terms of this Article by judgment and execution thereon in a civil action in any court of competent jurisdiction. Such remedies shall be cumulative with all other remedies provided herein for the enforcement of this Article.
- (f) If payment of any amounts to the Town is not received on or before the applicable due date, as established by administrative procedures developed by the Finance Department, penalty and interest charges shall be added to the amount due.

Sec. 7-190 Establishment of General Fund Item and Waste Reduction and Recycling Program

- (a) There is established a line item or department within the General Fund to be known as Waste Reduction and Recycling for the purpose of accounting for the expenditures consistent with this Article.
- (b) Fees collected by the Town shall be used for the following projects:
- (1) Programs conducted by the Town of Basalt to:
 - (A) Educate residents, businesses, and visitors about the impact of trash on the Town's environmental health, the importance of reducing the number of disposable carryout bags entering the waste stream, and the impact of disposable carryout bags on the waterways and the environment; and
 - (B) Establish partnerships to provide reusable carryout bags to residents and visitors; and
 - (C) Provide reusable carryout bags to residents and visitors.
 - (2) Ongoing programs from the effective date conducted by the Town of

Basalt to:

- (A) Provide reusable bags to both residents and visitors; and
 - (B) Create public educational campaigns to raise awareness about waste reduction and recycling;
- (3) Funding programs and infrastructure that allows the Basalt community to reduce waste and recycle.
 - (4) Purchasing and installing equipment designed to minimize trash pollution, including, recycling containers, and waste receptacles;
 - (5) Funding community cleanup events and other activities that reduce trash;
 - (6) Maintaining information on a public website that educates residents on the progress of waste reduction efforts;
 - (7) Paying for the administration of the program.
- (e) No fees deposited into the Fund, or any interest earned on those funds, shall revert to the unrestricted fund balance of the General Fund at the end of the fiscal year, or at any other time, and all fees shall be continually available for the uses and purposes set forth in this Article.

Sec. 7-191 Required Signage for Grocers.

Every business subject to the collection of the Fee shall display a sign letting customers know about the fee either inside the store or prior to entry stating that "The Town of Basalt encourages the use of Reusable Carryout Bags in all instances. If a customer does not have a Reusable Bag or chooses not to purchase one, a disposable carryout bag is available subject to the Waste Reduction Bag Fee."

Sec 7-192 Audits and Penalties for violations

(a) Each business subject to the Fee shall maintain accurate and complete records of the fees collected, the disposable carryout bags bought and provided to all customers, the form and recipients of any notice required pursuant to this Article, and any underlying records, including any books, accounts, invoices, or other records necessary to verify the accuracy and completeness of such records. It shall be the duty of such business to keep and preserve all such documents and records, including any electronic information, for a period of three (3) years from the end of the calendar year of such records.

(b) If requested, each grocer shall make its records available for audit by the Town Manager during regular business hours in order for the Town to verify compliance

with the provisions of this Article. All such information shall be treated as confidential commercial documents under the provisions of the Colorado Open Records Act.

(c) In accordance with Section 2-381, Any business found to be in violation of this Section shall be punished in accordance with Article I, Article IV, Section 1-82 and 1-84 of this Code. Each violation shall constitute a separate offense.

Exhibit B

Excerpt from Fee Schedule

Language underlined is being added to the Town Code. Language with ~~strikethrough~~ shows language being deleted from the Town Code.

<i>Code Section</i>	<i>Subject</i>	<i>2011 Fee</i>
<u>Section -187</u>	<u>Waste Reduction Bag Fee (Fee)*</u>	<u>\$.20 per bag for Grocers as defined in the Town Code. Grocers may retain \$100 per month the first year of implementation of the Fee and \$25 per month thereafter.</u>
...

* Fee to be implemented ("Implementation Date) the later of:

1. The effective date of this ordinance
2. November 15, 2011
3. The date that a bag fee is implemented in Aspen; however, Basalt will implement the Fee on January 15, 2012 if this has not occurred by that date.
4. The date that a bag fee is implemented in Carbondale; however, Basalt will implement the Fee on January 15, 2012 if this has not occurred by that date

Note: In addition, the Town Manager may delay implementation pursuant to Ordinance No. ___ Series of 2011

2. Correspondence from Citizens

For September 27th Meeting

Pam Schilling

From: "Jon Fox-Rubin" <jon@foxrubin.com>
To: "Pam Schilling" <pams@basalt.net>
Sent: Tuesday, August 23, 2011 7:18 PM

Dear City Council:

Thank you for taking the lead on this important issue around the environment. I fully support the fee for plastic bags and hope that you continue to take action on environmental issues. This fee should send the right price signal to the market and help educate the community about the true cost of our lifestyle choices.

Jon Fox-Rubin, PhD | President & CEO

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The contents of this message, including attachments, are confidential and proprietary.

Pam Schilling

From: "Chris Lane" <clane@xanterra.com>
To: <pams@basalt.net>
Sent: Tuesday, August 23, 2011 5:03 PM
Subject: grocery bag fee

Pam:

I fully support a fee on grocery bags (but it should be larger - 30-50 cents). This is "environmental management 101" - charging a fee to appropriately pay for the environmental impact of a waste stream. It's full-cost accounting and capitalism at its best.

I hope the Town will follow through with this fee and be the leader I know we are.

Thanks,

Chris Lane
Basalt, Southside
303-810-2873

Sally Ferren

From: "JODY NOBLE" <jnoble99@msn.com>
To: <sallyf@basalt.net>; <mail@aspentimes.com>
Sent: Wednesday, August 24, 2011 11:48 AM
Subject: Letter regarding plastic bags vs the environment

I am sick of people spouting on about the plastic bag issue and the impact on the environment. There are no actual statistics of how large a waste stream plastic bags create, as they are lumped in the "other" category of wastes produced nationwide annually. This is just another statistic of too much government.

Each year EPA produces a report of municipal solid waste production (see their website). In the 2009 report, it was reported that Americans produced about 243 million tons of municipal solid waste, or about 4.3 pounds of waste per person per day. The report shows the percentage different materials contribute to the municipal solid waste stream:

Paper: 28.2%
 Food Scraps: 14.1%
 Yard Trimmings: 13.7%
 Plastics: 12.3%
 Metals: 8.6%
 Rubber, Leather, and Textiles: 8.3%
 Wood: 6.5%
 Glass: 4.8%
 Other: 3.5%

The report also states that the recycling breakdown rates are:

Auto Batteries: 95.7%
 Office Type Papers: 74.2%
 Steel Cans: 66.0%
 Yard Trimmings: 59.9%
 Aluminum Beer and Soft Drink Cans: 50.7%
 Tires: 35.3%
 Glass Containers: 31.1%
 HDPE Natural (White Translucent) Bottles: 28.9%
 PET Bottles and Jars: 28.0%

So, where are the statistics on the impact plastic bags have to our landfills? Obviously the EPA doesn't feel that of the nationwide 3.5% waste reported in the "other" category enough plastic bags were landfilled to rank high enough a waste stream to create its own category. The Colorado Department of Public Health and Environment does not differentiate municipal solid waste streams in its annual municipal solid waste summary report. In the 2008 State of Garbage in America survey conducted by BioCycle and EEC, Colorado reported an estimated 8.7 million tons of municipal solid waste were landfilled, recycling only 481,000 tons.

The largest impact an ordinance of this type will have is on the tourist, who is less likely to create any reduction in the "other" category waste stream. With weight restrictions on every airline, who wants to carry reusable bags in their luggage? How about considering a plastic bottle return policy instead, where impact statistics can actually be tracked and programs already created. There would be no reinventing the wheel for implementing, enforcing, etc., thereby costing tax payers less and reducing wasted time and energy on ordinances that have a greater impact on our greatest tax base, the tourist.

People of the Roaring Fork Valley stand up and pay attention to this issue. How far will you let government go to create and enforce an issue that has no statistics and cannot actually be reported on, yet will create a new General Ledger line item to tax payers. Check out your neighborhood recycling containers. They all specify "NO" plastic bags. Why, because there are no plastic bag recycling facilities in Colorado. Just check out the Colorado recycleyourplasticbag.com website. The only current way to recycle your plastic bag is to send it to an out-of-state recycler. Impact you say, fuel, carbon monoxide, etc., etc., etc. Your plastic bag waste stream will ultimately end up in a Colorado landfill because it is too expensive to recycle. I urge each and everyone of you to become truly informed before making a decision of this magnitude. The issue is not whether to charge 20 cents to dissuade us from using plastic bags, but how can we, as individuals, create less of an impact to our environment. Choose your recycled waste streams wisely. Get informed. PS - It took less than an hour to report on these statistics using on-line data. Making an informed decision is not a daunting task.

Jody Noble, Basalt

People o

Pam Schilling

From: "River Morgan" <rivermorgan@hotmail.com>
To: <pams@basalt.net>
Sent: Monday, September 12, 2011 8:35 PM
Subject: RE:

Hi Pam,

I already sent this to you for the last hearing, but Nathan recommended sending it to you again for the next one.

Thanks!

River Morgan

>
> >
> > To Whom it May Concern,
> > I grew up in Woody Creek, and now I live in Aspen with my son and
> > partner. I am completely in support of a single use bag fee. I am
> > surprised Aspen and Basalt have not already adopted an ordinance
> > years ago, but I am pleased to see that it is seriously being
> > considered. A fee on single-use bags is a great step in the right
> > direction! Sincerely, River Morgan
> >
> >
>
>

Pam Schilling

From: "Will Roush" <wroush@gmail.com>
To: <ashley.cantrell@ci.aspen.co.us>; <jason@aspencore.org>; <pams@basalt.net>
Sent: Wednesday, September 14, 2011 10:36 AM
Subject: Support for bags ordinance

Dera Ashley, Jason and Pam,

I am writing to voice my strong support for a ban on plastic bags at all towns in the Roaring Fork Valley. While I support a bag fee as well, I think an outright ban will have a far greater impact on reducing the presence of harmful plastic bags in the environment and prefer an outright ban to a fee.

Sincerely,

-Will

Will Roush
(h) 970.920.2602
(w) 970.963.3977
(c) 206.979.4016
710 Castle Creek Drive
Aspen, CO 81611

3. Council Minutes from 1st Reading

For September 27th Meeting

Leroy Duroux asked if 1 year would be a sufficient extension, or would the representatives be back asking for another extension. Chris Heaphy said it would depend on how quickly the property sold and building permits obtained. James Lindt noted that the Town Manager had the potential to extend the approvals period for 6 months beyond the one year approval.

M/S COUNCILORS FREEDMAN AND WHITSITT TO APPROVE ORDINANCE NO. 18, SERIES OF 2011 ON FIRST READING: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, GRANTING AN EXTENSION OF APPROVALS ESTABLISHED IN ORDINANCE NO. 10, SERIES 2009 FOR INDUSTRIAL AND COMMUNITY HOUSING DEVELOPMENT AT 237 PARK AVENUE, LOT 30, BASALT INDUSTRIAL PARK, BASALT COLORADO; AND TO SET THE PUBLIC HEARING AND SECOND READING FOR SEPTEMBER 27, 2011. THE MOTION CARRIED 6-0.

A 5 minute recess was called. Council reconvened at 7:11 p.m.

9. Public Hearing and First Reading of Ordinance No. 19, Series of 2011: An Ordinance of the Town Council of Basalt, Colorado, Approving Amendments to the Municipal Code of the Town of Basalt, Colorado Amending Chapter 7, Health, Sanitation and Animals by Creating a New Article Entitled Recycling and Waste Reduction; Establishing a Fee for Single Use Bags to be Known as the Waste Reduction Bag Fee; and Amending the Town's Fee Schedule

Planning Director Susan Philp introduced herself to the gathered crowd and noted that she served as the facilitator of the Green Team meetings. The Green Team has been working with the Waste Free Roaring Fork effort in the valley which has the goal of reducing waste in Pitkin and Eagle counties. Susan then outlined the agenda for the discussion this evening including the Waste Reduction Bag Fee and Green Team members to explain the proposed fee; CORE (Colorado Office of Resource Efficiency) involvement and public outreach; public comment; Council questions; additional discussion items; motion, if appropriate.

Green Team members Tripp Adams, Gerry Terwilliger and Phil Freedman were introduced.

Tripp Adams made a statement to the Council in support of the proposal before Council (a copy of which is included in the permanent agenda packet). His statement explained the Green Team's work to reduce the consumption of thick film plastic bags and paper bags. He listed some of the benefits of reduced use and listed some facts about paper bags versus plastic bags. He closed with successful efforts worldwide to reduce bags and listed various cities and counties in the US that have initiated various efforts including bag taxes or outright bans of the single use plastic bag.

Susan Philp introduced Nathan Ratledge, Director of CORE (Colorado Office of Resource Efficiency) to discuss the public outreach piece. CORE had taken a leadership role in the outreach effort and had met with local governments and local grocers. Nathan gave a history of the voluntary efforts beginning in 2008 with the Aspen/Telluride bag challenge, to raise awareness of the issue. The great response to that program spurred the CAST (Colorado Association of Ski Towns) bag challenge which included 32 communities in 4 states across the west. Basalt won that challenge. As the winning community, Basalt received a set of PV (photo-voltaic) panels which were installed on the elementary school. After that, communities and citizens began asking CORE where the bag issue would go from there. In continuing the bag reduction discussions, people said they wanted the communities to work together and they

wanted uniformity in the rules. CORE processed a lot of information from various communities who had gone through this process. Consensus was to start the outreach early, do it often and continue the outreach after the process. Many local civic groups, community Chambers, etc, were reached as part of this outreach. As part of the outreach, CORE began to utilize some of the more effective outreach methods from other communities. A website was put in place: wastefreeroaringfork.org. The website outlines some of the basics of the program and answers some of the bigger questions to the issues Tripp discussed in his statement. Signage at stores will be integral as well as traditional advertising mechanisms. Information can be distributed at various community events, and through social media. With the help of Ashley Cantrell, Environmental Health Specialist with the City of Aspen, CORE has been able to talk to hotels and the Chamber, property managers and other community groups so they are aware of what is going on. It will be integral for CORE to have staff time and follow through. It is important to continue to meet with groups, but also to make sure the grocers are not taking the hit and people are there to answer questions. In addition, every group that has gone through this before indicated that free bags need to be made available, especially to particular groups, i.e., the elderly, low income, hotels for the tourist community, to help insure there is no surprise factor. The final step was integration into the community in an easy way. The Aspen Thrift Store offered their help to serve as a recycle center for reusable bags; they would like to offer the bags for free or low cost to the community. This would be one way to help make the transition as smooth as possible.

Susan Philp outlined the discussion items:

1. Voluntary versus a fee-based approach
2. Regional cooperation and coordination with grocers
 - Amount of the fee
 - Amount to be retained by the grocer
 - Use of the fee collected by the community
 - Required signage
 - Second reading date
 - Implementation date
3. Public outreach

Staff sought a motion from council to approve the bag ordinance, and a second motion to approve the outreach plan, if council chose to move forward on this item.

Mayor Leroy Durox opened the public hearing at 7:40 p.m.

Gerry Terwilliger, member of the Green Team, explained that that the outreach and education toward a voluntary program had not worked to reduce plastic bag use; voluntary is what we have now and only 1 to 5% of the bags are recycled. Mr. Terwilliger said he didn't use plastics anymore; it was easy to take your reusable bags one you got used to it. Gerry felt that the argument that this could be hard on the tourists wasn't necessarily true; the tourists come here because of the environment. Gerry said he couldn't help but think this would help plant a seed in the tourists for them to take these ideas home and spread the word.

Polly Pollard, 235 E. Homestead, thought the bag fee was a great idea. She suggested putting a bin inside the front door of the store for people to leave their extra reusable bags for others to use. She said that Vitamin Cottage had successfully done away with plastic bags and offered their customers a box if they didn't bring a bag. Food Bank of the Rockies has been in the area

3 times. Their only requirement was that you bring a bag, basket or box to carry your groceries home.

Greg Shugars brought a reusable bag to the meeting filled with 2.5 plastic bags that were filled to make the argument that 2.5 bags (at the present recommended fee of .20 each) would cost .50. A reusable bag sold at City Market would cost \$1.00. Mr. Shugars felt that if City Market were to lower their price to only .50 for the reusable bag, the cost argument could be eliminated, and more people would buy the reusable bags since they would cost the same, but could be used again. Mr. Shugars also felt the tourists would feel like .50 was a good deal for a bag they could take home with them. Greg said City Market told him the reusable bag cost them .50; he thought the store could lower the cost to the consumer. Mr. Shugars pointed out, however, that the reusable bag tag said it was “made in China”. He thought that was a bummer and asked if maybe they could find a US manufacturer. Greg Shugars said the bag fee was a good idea; we should go for it.

Roy Chorbajian, Basalt resident, valley resident of 42 years. Mr. Chorbajian said he watched a program where a CORE representative said the reusable bags from the store weren't working; that only about 5% of people were using them. Mr. Chorbajian thought the reason people didn't buy and use reusable bags was because they were re-using their paper and plastic bags. He thought the big problem was mostly excess packaging. Mr. Chorbajian said his experience has been to use paper bags which he re-uses in his garbage can. He said if the ordinance passes, he would have buy a reusable bag and then have to buy plastic bags for his garbage which would take longer to degrade and he didn't see the benefit. Mr. Chorbajian said the Waste Free Roaring Fork website answered questions that said disposable bags were not used properly and the bags you buy from the store were used properly; these statements were made without documentation on that. Mr. Chorbajian said he lived in his present residence for 14 years. He had one large paper bag full of plastic bags he eventually finds a use for; he didn't throw them out or take them to the river. Mr. Chorbajian felt this ordinance was treating people as very irresponsible and most people were not irresponsible. Mr. Chorbajian said this proposal was based on a study of Washington DC which didn't compare to this area at all. San Francisco started banning bags in 2007 and it moved down the coast. The City of Long Beach is being fought by a plastic bag manufacturer. Mr. Chorbajian said there was a lot of junk science on both sides of this. Mr. Chorbajian said it had been pointed out that x number of sea animals were being destroyed annually; but the National Oceanic and Atmospheric Administration determined it was fishing nets. Mr. Chorbajian said he previously sent out some information about global warming to the Council, where a number of well known experts had said global warming was very complex with billions of variables. Granted we shouldn't throw a lot of dirt into the atmosphere, but to say global warming can be caused by plastic bag manufacturing was a stretch. Also, since natural gas was now cheaper, 80% of bags were being made with natural gas.

Mr. Chorbajian referred to an Aspen Times article on whether a surveyed group of Chamber members supported charging customers for plastic and paper bags; 70% voted no. He felt this regulation was selective enforcement was very discriminatory. Mr. Chorbajian felt this was picking at low hanging fruit to feel good; it was easy picking with an out-of-state grocery owner.

Mr. Chorbajian said this wasn't going to make the world better or worse; his biggest problem was government intervention. He asked “Can't we live as partners rather than adversaries; not put a sledgehammer to problems.” Mr. Chorbajian wondered if bags were a problem in the river, what about the McDonald's wrappers and cigarette butts, etc. Mr. Chorbajian asked if we would start taxing those too. Mr. Chorbajian advocated for voluntary compliance saying most

people were responsible and suggested putting up 'don't litter' signs to help remind people not to litter. Mr. Chorbajian felt government intervention was killing this country citing high grocery costs, difficulty obtaining building permits or starting a small business. Mr. Chorbajian felt another level of bureaucracy was paid parking. The outlaw of wood burning fireplaces due to PM10 particles (though it was later determined it was ground up road gravel causing the breathing problems). Mr. Chorbajian wanted to know where it would end. He said Mr. Chorbajian he lived by two principles: keep it simple and be more tolerant.

Ashley Cantrell, City of Aspen, thanked Council for considering this ordinance and working with them and the Town of Carbondale. She urged Council to move forward on this noting that regional collaboration would be extremely valuable and there could be a huge impact if addressed valley-wide. Aspen City Council passed their ordinance 4 to 1. They were in support of Basalt and Carbondale moving forward as well.

Peggy Adams, resident of 35 years, thanked Council for hearing the concerns and comments. Peggy made a statement to the Council in support of the ordinance (a copy of which is included with the permanent set of minutes). She said she understood there were a lot of different opinions about this ordinance; no one likes to be told what to do. Peggy spoke of this generation's obligation to do the right thing; opposition to the ordinance didn't make sense fueled, as it were, "almost solely by inconvenience". Ms. Adams felt the action had a chance of making a difference, and it was the right thing to do. She felt this form of government intervention was "another form of tough love". She spoke of the opposition by people who insist they reuse their bags, and felt it was not the grocery store nor planet that should bear the burden of personal habits. She thought people should get creative and use things such as the plastic wrap of the toilet paper or bags inside cereal and cracker boxes. Peggy Adams thought that the concern about lost revenues from those who say they would drive to Glenwood to do their shopping to avoid a .20 bag fee was ludicrous. Ms. Adams closed by encouraging Council to make a difference and pass the ordinance.

Auden Schendler said it felt like if we can't pass this, we should fire up the diesel margarita blender and give up. Mr. Schendler felt it should be passed so we could move on with some important issue. He felt this issue should get off the table; it wasn't even radical any more and it was behind the curve now.

Matt Jay, Southside resident, said he supported the bag fee. He said he used plastic more than he should and this would probably be the last great incentive to get him to break that bad habit.

Jeanne Wilder said she like the educational possibilities this could create for our young children, especially if the collection of the fee would go toward education. Jeanne said most everyone else had covered her other concerns, but she wanted to insure she did support the initiative and felt it was a small sacrifice for the overall good.

Andrew Light, Sopris Drive, supported the ordinance; he thought it was the right thing to do. Mr. Light thought it would provide a good branding opportunity for the Roaring Fork Valley, and an opportunity to be on the leading edge of history.

Garrett Brandt thought the goal of this was very laudable; we should all be very conscious of the waste we create. Mr. Brandt said his opposition to this ordinance stems from where it would lead rather than where it would sit right now. He felt that if Council and every future council would never impose another measure, he would get up and walk out. The problem was he felt it was a slippery slope and wondered what the next thing would be to be banned or taxed in the

name of the right thing. Mr. Brandt said he believed we should reduce trash and waste, but didn't believe it was the governments' place to step in and tell people what to do. He asked if the next thing would be he could only drive a car that gets 30+ miles to the gallon. He said he couldn't idle his car in Basalt for more than 2 minutes "because it was the right thing to do"; or build a house over 5,000 sf in Basalt, because it's the right thing to do. Mr. Brandt said we've already passed these laws and the next thing will be the next little incremental encroachment on what we can and cannot do. Mr. Brandt felt the Council would sit up there and tell him if he makes the wrong choice he's a bad person; that's what it was feeling like.

Garret Brandt asked how much they thought the bag fee would raise; he said the anticipated collection was thought to be \$435,000 in Aspen. Mr. Brandt said it would be an ongoing revenue stream they would never get rid of. If the community counts on that money and 70% of the bags are removed from the stream, you can't fund the education, the containers, and the equipment, you'll dig into our pockets to fund these things. Mr. Brandt wondered what the cost would be to the grocers since they would have to put up signs, train employees, comply with government forms, etc. Mr. Brandt said the grocers would get \$1,200 the first year to implement the forms, training, audits, etc., then \$300 per year after that. Garret said the ordinance wouldn't even allow an incentive by refunding the money. Mr. Brandt said he was opposed to the government telling a business what they can and can't do with their money.

Mr. Brandt thought the suggestion to use cereal box liners, etc. for trash collection could be the next target. He pointed out that the website was "Waste Free Roaring Fork" – are we going to tax everything. Lastly, Mr. Brandt said if the plastic in the bags was so bad, why does the Town give away the same kind of plastic in the form of dog-poop bags which end up in the landfill no matter what; plus they go inside of a great big plastic bag that goes in the landfill. Mr. Brandt said he was nervous that this was the first step down a very steep, slippery slope, and asked Council not to approve the ordinance.

Anna Naeser, Homestead Drive, said she had been thinking about how to express her support for this ordinance. She had attended a national parks conservation program last week where Peter McBride did a program with his photographs of the Colorado River. She said she realized that the issues that they are facing in parks are water issues were enormous things, mostly these issues are not created by people who decide they purposely want to destroy the world. She didn't think that using disposable plastic bags would have done that; but now if you use a plastic bag, you add to the world's problem. Anna said she saw a connection and remembered the cliché – "Think globally, act locally" and was very proud of Peter McBride who was doing very important work, and sitting on Council and working on a local small town basis to keep things running. Ms. Naeser said she hoped this was the beginning of going down that slippery slope; of getting some of these things under control. A lot of habits we have gotten used to can be really hard to change. Ms. Naeser thought we had to try. It was a small thing that we could do; we were not doing it as individuals. Anna said she understood this was not so much a tax as an incentive. If we have to pay for something, we tend to take better care of it than if it were free. She saw the fee as an incentive to help us take better care of one little thing.

Another issue for Anna Naeser was a friend going through a hardship right now who was getting help through the local Lift Up and Food Bank. This woman kept her bags at the ready. That was an issue that needed attention; the people who don't have much disposable income. For Anna, .20 was a nominal amount to pay given what was spent on coffee, driving alone to the store, driving a large SUV, etc. Anna said she supported the ordinance and hoped Council would pass it.

Karen Baxter of the Roaring Fork Club, said the Club had a history of being environmentally supportive. The Club supported the Roaring Fork Conservancy and done several initiatives within the Club, and was the first recipient of a Green Team award. She indicated she was in support of this initiative and wanted to relay a story to Council relayed a story with a similar beginning and, hopefully, a similar consequence. Ms. Baxter said in 2008, one of the employees pointed out that the bottled water program was very wasteful; in that one year, they had generated 80,000 pieces of plastic trash. She then decided the next season, we were going to take away the bottled water. You could still buy it, but we decided to give people reusable bottles, similar to the reusable bags. There was some push-back in the beginning. It took about a month, but then it became very popular to refill your reusable water bottle. Karen said they have lots of water stations. Ms. Baxter thought this was similar. She said her point was the program was successful in the long run, and thought the people of the Club were very proud of the accomplishment and gets national attention. Ms. Baxter said she would be proud to part of a community that would embrace it.

Dan Sadowski, Cerise Ranch resident. Mr. Sadowski thanked Council for considering this encouraged them to push ahead with this. He said there were lots of things the government makes one pay for; and there were lots of choices. Mr. Sadowski said Council would hear the objection that grocery stores were being singled out. He did not think so; they make more trash because they give out more plastic bags than the small businesses in town. Hopefully the small businesses will join in and people will start bringing in their tote bags. He pointed out that in Mexico and Europe, people have carried around their own carts and bags. Italy has a plastic bag ban in place. He felt there would be some yelling and screaming and then it would be over. Dan Sadowski wondered what should be done with the money and felt there should be plenty of discussion about what to do with that fund. He thought Council would hear suggestions for education, food banks, community compost heap. Dan suggested the Town try to get conversation with City Market to do what other grocery chains have done and create their own industrial compost place. Mr. Sadowski said grocery stores pay about \$4 billion per year to buy plastic and paper bags. He said "think of all the oil we could save if we brought our own bags." He suggested the fee be kept high enough to keep people using their reusable bags.

There were no further comments and the public hearing was closed at 8:27 p.m.

Susan Philp entered letters into the record – those included in the agenda packet, and letters received since the packet had been distributed.

Questions from Council:

Katie Schwoerer asked how the reduction would be monitored. Ashley Cantrell said that right now, the grocers were not willingly giving up the number of bags they give out every year, but they have given us an informal commitment to give us percent reductions; letting us know what percentage of change there has been in bag usage. We can audit grocers and compare bags purchased, bags given out and the percentage in reductions.

Peter McBride suggested the fees collected could be used to buy down the cost of the reusable bags. Nathan Ratledge they had been discussing low cost alternatives, and debating what would be more effective – to buy down the reusable bags, or simply provide low or no cost bags to people.

Jacque Whitsitt asked Gerry Terwilliger what he uses for his pet waste. Gerry Terwilliger said 'the Town provides' - the biodegradable plastic dog bags provided by the Town.

Peter McBride said Garret made a very good point; we should be sure that the dog bags are absolutely compostable.

Anne Freedman said her husband had been researching the availability of compostable bags in the valley. Nathan Ratledge said there were highly available. Anne Freedman felt there was a fundamental difference in philosophy here in the terms of the role of government. Anne used the example of government regulations on smoking and the difference it had made in our lives and health. She felt this was similar; it was small step, we were not pioneers, but it was something we could do toward making a movement.

Glenn Rappaport said he thought these were the kinds of social issues that come out with a lot of feeling on both sides. Glenn said he didn't feel like he was big government – these social issues that come up are generally raised by citizens. We talk about them, an opposition forms, then we mitigate between the groups. Rarely do these come from some place where we decided as a group to do something to these people. Glenn felt local government could function very differently from the national government. We all have our stories of where local government went to far, but sometimes, there can be a symbolic gesture to send a message. It may not make a whole lot of different, but little gestures help. Glenn felt this was not big government and this wouldn't ride down a slippery slope.

Peter McBride thought the single use bags were a bad habit and government telling us what to do was the best way to handle this issue. Peter said he would love to see it be voluntary, but he didn't think that was working. He saw Whole Foods had banned bags, but he didn't see any of the other stores following suit. He was fine with the fee amount and thought the communities should collaborate on the timing and fees, though the use of fees may be different in each community. Peter thought Basalt's collected fees should go for education and he agreed with Garret that ultimately, the goal would be that fee would disappear. That fee could be used for signage and giving out bags. Peter felt that implementation would best be handled during off season. Peter McBride said he endorsed Council approving this with the public outreach piece. Peter said not too long ago, it was a good idea to smoke cigarettes in an airplane, and didn't think the ban of that was such a tremendous thing for most people.

Katie Schwoerer asked if Basalt was doing the same thing as Aspen with the fees to be retained by the grocers. Susan Philp said that was what was in the ordinance tonight. She said that after discussions with King Soopers/City Market, she didn't think staff was prepared to recommend anything different tonight. She thought there was something to make it cost neutral for the grocers and staff might be able to bring some options next time. One dilemma in that decision is not knowing how Carbondale will be moving forward.

Jacque Whitsitt said it sounded like there were some proprietary issues with how many bags. Jacque said she would like to know how much money the bags would generate. Susan Philp said staff could throw out a lot of numbers, but probably needed to work on it a little bit. Susan said staff came up with about 1/5 of what Aspen thought they would pull in; but added that you want that number to go away. It would greatly reduce if this were a successful program.

Nathan Ratledge said that on the amount retained by the grocer, conversations with the grocers have included what should be reimbursed versus those which aren't necessarily related to bags. We anticipate a better number at the next reading. Aspen was very much in favor of making this a cost neutral program for the grocers. Nathan said they were also taking a conservative

approach on the rapidity of bag use; so the revenue fees vary widely depending on whether you were talk about 65% or 80% reduction. He hoped to have better numbers by second reading.

Gerry Terwilliger suggested keeping it simple; don't make the bookkeeping difficult.

Bill Kane thought the philosophical foundation for this was that government intervenes when private markets fail to perform. If the goal is to get the grocers to accept more and more responsibility, there seems to be a pretty strong logic for returning more to the grocer. The ordinance is designed with us doing a lot of the monitoring and audits. The ideal model is for the industry to take ownership for this program. Bill said he would like us to explore the possibility of actually returning more to the grocer to fund a self-sustaining internalized program. The more money we keep, the more responsibility we retain.

Jacque Whitsitt thought the costs needed to be transparent. Nathan Ratledge said there were some costs that were tangible and some were more subjective. A list could be made of what should be reimbursed. Nathan said, philosophically, he agreed with Bill about not being shy about returning more of those funds to the grocer. Staff said they would follow up on the costs and numbers.

Anne Freedman agreed with Pete's comments, and felt that another important point was to keep the accounting of the funds separate; she didn't want the Town to become dependent on it. Anne said the goal was to make the fund go away. She agreed it should not be a burden on the grocers.

Leroy Duroux wondered would monitor the cashiers to be sure they were writing down every bag they sold. There's nothing that says they can disregard people taking bags out, to be fair to everybody. Leroy said he wasn't saying the Clerks would do that, but it was a possibility.

Leroy Duroux said there was also a letter from a woman concerned about the sanitation of the reusable bags. Was there to be an inspector to check the bags to see if they were sanitary or not. A woman in line actually had rodent droppings in her bag and they got on the conveyor belt.

Leroy Duroux asked 'why only grocery bags?'. He said it seemed like a 35 gallon Hefty bag was better or safer for the environment. He wondered if having to buy alternative trash bags would be any better for the environment. Leroy asked what the cost was of the reusable bags when one figured in the manufacture, transportation and use of resource; he said everyone is assuming they create no impacts. Leroy received a letter that said in a study done in the UK, 40% of the bags were reused only once. An unwashed cotton bag would have to be reused 173 times to drop the global warming contribution of the plastic. Also, if 100% of the plastic bags were reused once, the unwashed cotton bag would need to be reused 327 times. No one has really brought forth any information on how long one of these reusable bags going to last; how many times can it be reused. The bag Greg brought in is a prime example; made it China, how much did it cost to get here. Leroy wondered why we were concentrating on one item instead of trying to address a whole lot of other items. Leroy said there needed to be alternatives offered to people before we tell them they can't use this or use that.

Nathan Ratledge said he appreciated all the concerns raised by Leroy; they had been running into these challenges over the past years and they are valid and should be addressed.

Nathan said on the sanitation issue, if you looked at the banned-bag or fee-bag programs, or in cities where reusable bags have always been the culture, the truth is there is very little actual evidence showing that the bags are not sanitary. We couldn't find evidence where there was cause to be concerned about the sanitary issue.

Nathan thought that these single use plastic bags had been centered on in this community is because they are so prevalent. As an organization, CORE deals with building and energy waste, but there are a lot of important habit and conscience reminders in going shopping and thinking about waste reduction. That is really CORE's interest and goal, is that paradigm shift away from being a consumptive society, and this is an easy way to illustrate that. That is why there are so many communities across the nation focused on this type of program.

As for the cost of reusable bags, Nathan said he was familiar with the UK study cited by Leroy. He said cotton bags do take more energy to produce. The recycle bags we are looking at, are recycled plastic, so they have been used once. They say if you use a reusable bag between 10 and 20 times it has a carbon offset versus a standard plastic bag, so you do have to reuse them for it to make sense. Wal-Mart has committed to reduce their plastic bag use by 1/3 by 2013. The bags they are using are not as robust as we'd like to use, but they anticipate their bags are good for 75 uses. As for the bags made in China, they were right, we should be buying more USA made products. It would be better for all of us. So, the goal is to find a more resilient product manufactured in the USA.

Leroy Duroux said there were a number of people who had expressed these opinions to him who were not here tonight. He felt it boiled down to a bunch of elected official telling him what he could and could not do. It's probably the right thing to do, but why aren't the businesses being encouraged to adopt business plans such as Whole Foods and Costco. Why aren't we working it that way rather than by government.

Tripp Adams said that's what government does – they pass ordinances. He didn't see how this would be any different. Leroy Duroux said this wasn't dealing with a specific request, but with a more global issue with unintended consequences.

Jacque Whitsitt said she understood where he was coming from and felt if people didn't believe it was an issue of public safety and welfare, then they just didn't believe it and there would be no arguing it. She thought some of us disagree a little bit; they were all representing their constituents to the best of their ability.

Leroy Duroux said these questions were pertinent to him and hopefully, second reading would have some more definite information about that. Leroy wanted to know the impacts the ordinance would have on the Town's finance director, and if the town manager was comfortable with his duties assigned to this. Leroy thought it was onerous to take one for 2 people in this organization.

Anne Freedman thought if it proved to be a burden, then help could be hired.

Peter McBride thought Leroy was making a lot of great points; many brought up in Aspen last night. Peter said the goal was for the funds to go away. If people don't change their habits, then we need to look at that.

Glenn Rappaport noted a statement in one of the letters that said the signage doesn't work.

Susan Philp explained the signage issue was to help remind people to bring their bags into the store, the other was to help the grocers so people would know it was not the grocery store imposing the fee, but the Town.

Glenn Rappaport agreed with Bill Kane that if this program was a success, it would revert back to having the market take complete control over the program.

M/S COUNCILORS WHITSITT AND SCHWOERER TO APPROVE ORDINANCE NO. 19, SERIES OF 2011, ON FIRST READING: AN ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO, APPROVING AMENDMENTS TO THE MUNICIPAL CODE OF THE TOWN OF BASALT, COLORADO AMENDING CHAPTER 7, HEALTH, SANITATION AND ANIMALS BY CREATING A NEW ARTICLE ENTITLED RECYCLING AND WASTE REDUCTION; ESTABLISHING A FEE FOR SINGLE USE BAGS TO BE KNOWN AS THE WASTE REDUCTION BAG FEE; AND AMENDING THE TOWN'S FEE SCHEDULE. THE MOTION CARRIED 5-1 WITH MAYOR DUROUX OPPOSED.

M/S COUNCILORS MCBRIDE AND SCHWOERER TO SUPPORT THE GENERAL PUBLIC OUTREACH PROGRAM FOR THE BAG ORDINANCE; TO CONTINUE THE PUBLIC OUTREACH AND MAKE AN ASSERTED EFFORT TO WORK WITH THE GROCERS AND THE PUBLIC. THE MOTION CARRIED 6-0.

M/S COUNCILORS MCBRIDE AND FREEDMAN TO ENTER EXECUTIVE SESSION FOR THE PURPOSE OF A CONFERENCE WITH OUR ATTORNEY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS IN ACCORDANCE WITH C.R.S. 24-6-402(4)(B). THE MOTION CARRIED 6-0.

M/S COUNCILORS WHITSITT AND SCHWOERER TO ADJOURN THE EXECUTIVE SESSION. THE MOTION CARRIED 6-0.

M/S COUNCILORS WHITSITT AND FREEDMAN TO ADJOURN THE COUNCIL MEETING. THE MOTION CARRIED 6-0.

The meeting adjourned at 9:20 p.m.

The minutes of the August 23, 2011 meeting were read and approved this 13th day of September, 2011.

Basalt Town Council

Attest:

By: _____
Leroy Duroux, Mayor

Pamela Schilling, Town Clerk

As a result of the City of Aspen's and Town of Carbondale's interest in banning plastic bags, the Basalt Green Team asked CORE to provide additional information on plastic bag bans for the Council's consideration. Nathan Ratledge, Executive Director of CORE, provided the attached list of web accessible documents. He indicated the following four as the best links. The first one is the land page of the EPA website, but it gives good basic information on plastics. The next three are articles. Excerpts from the four links are included in this packet.

- 1 <http://www.epa.gov/osw/conserva/materials/plastics.htm>
- 2 <http://www.nytimes.com/2009/11/10/science/10patch.html>
- 3 <http://www.scientificamerican.com/article.cfm?id=plastic-not-so-fantastic>
- 4 <http://documents.latimes.com/la-county-plastic-bag-ban/>

Staff also includes excerpts from "Leading the Way Toward a Clean Ocean: Communities Around the World Take Action Against Single-Use Plastic Bags" provided to the Town earlier by CORE. It provides an easy to read summary about the world-wide issues associated with single-use bags and what communities around the globe are doing.

4. More Information on Plastic Bags

For September 27th Meeting

Published Papers and Articles on the Effects of Plastic Bags

Impacts on Wildlife/ Environments/ Marine Health:

- <http://www.nytimes.com/2009/11/10/science/10patch.html>
 - o Floating trash
 - o Marine degradation
- http://water.epa.gov/type/oceb/marinedebris/md_impacts.cfm
 - o EPA Website
 - o Overview of marine debris impacts
 - o Website also includes laws and regulations, monitoring, and basic info
 - o Economic impacts and human health
- <http://www.academicjournals.org/jtehs/abstracts/abstracts/abstracts2011/August/Adane%20and%20Muleta.htm>
 - o Research Paper on Environmental impacts of plastic bags in SW Ethiopia
 - o 2011 Journal of Toxicology and Environmental Health
- <http://www.5gyres.org/>
 - o Non-profit research organization that is studying the plastics in the 5 ocean Gyres
 - o Very informative website including plastic facts, global research and their mission
- <http://news.bbc.co.uk/2/hi/science/nature/8534052.stm>
 - o N. Atlantic debris

Waste:

- <http://www.epa.gov/osw/consERVE/materials/plastics.htm>
 - o Plastic Facts and waste facts from US EPA
- <http://www.npr.org/2011/04/19/135245835/our-toxic-love-hate-relationship-with-plastics>
 - o Article of Susan Freinkel's book – Plastic: A Toxic Love Story
 - o Details on plastic industries side and interview highlights with the author

Human Health Impacts:

- <http://www.scientificamerican.com/article.cfm?id=plastic-not-so-fantastic>
 - o Harmful impacts on environmental and human health
 - o Explains effects on humans (phthalates & BPA's)
 - o Impacts and disturbances on marine life
- <http://www.ecologycenter.org/factsheets/plastichealtheffects.html>
 - o Ecology center of Berkeley, CA
 - o Adverse health effects of plastics – including a chart of particular plastics , their common uses and their known health effects

Consumer Behavior:

- http://works.bepress.com/alice_baker/1/
 - o Altering Consumer Behavior by Taxing Environmentally Damaging Choices by Alice Baker Vermont Law School

Bag Proposals/ Bans:

- <http://www.nytimes.com/2010/05/21/us/21sfplastic.html>
 - o Paper Bags or Plastic Bags? Save The Bay Bag Ordinance
- <http://documents.latimes.com/la-county-plastic-bag-ban/>
 - o County of LA Department of Public Works Ordinance
 - o Has Public works document, easily navigable a lot of info
- <http://www.npr.org/templates/story/story.php?storyId=89135360>
 - o Has a great column on plastic bag laws history in the world

Basic Facts:

- <http://www.reuseit.com/learn-more/top-facts/impact-on-oceans>
 - o Although this is a reusable bag website it has a great compilation of facts from many different cited sources.
- <http://www.plasticdebris.org/bibliography.html>
 - o Bibliography website, tons of research cited - it is from a Marine research foundation and the California Coastal Commission.
- <http://www.washingtonpost.com/wp-dyn/content/graphic/2007/10/03/GR2007100301385.html?referrer=email-link>
 - o A good depiction of paper vs. plastic and the harms of both, how each are made and the processes.
- <http://www.npr.org/templates/story/story.php?storyId=127600685>
 - o Environmental effects



http://www.epa.gov/osw/conservation/materials/plastics.htm

Last updated on Thursday, September 22, 2011

Wastes - Resource Conservation - Common Wastes

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[Plastics](#)

Plastics

- [Just the Facts](#)
- [How Plastics Are Made](#)
- [Plastics Recycling](#)
- [Markets for Recovered Plastics](#)
- [Source Reduction](#)



Plastics play an important role in almost every aspect of our lives. Plastics are used to manufacture everyday products such as beverage containers, toys, and furniture. The widespread use of plastics demands proper end of life management. Plastics make up more than 12 percent of the municipal solid waste stream, a dramatic increase from 1960, when plastics were only one percent of the waste stream. The largest category of plastics are found in containers and packaging (e.g., soft drink bottles, lids, shampoo bottles), but they also are found in durable (e.g., appliances, furniture) and nondurable goods (e.g., diapers, trash bags, cups and utensils, medical devices). The recycling rate for different types of plastic varies greatly, resulting in an overall plastics recycling rate of only 7 percent, or 2.1 million tons in 2009. However, the recycling rate for some plastics is much higher, for example in 2009, 28 percent of PET bottles and jars and 29 percent of HDPE bottles were recycled.

Just the Facts

- 30 million tons of plastic waste were generated in 2009, representing 12.3 percent of total MSW.
- In 2009, the United States generated 13 million tons of plastics as containers and packaging, almost 11 million tons as durable goods, such as appliances, and almost 7 million tons as nondurable goods, for example plates and cups.
- Only 7 percent of the total plastic waste generated in 2009 was recovered for recycling.
- In 2009, the category of plastics which includes bags, sacks, and wraps was recycled at 9 percent.
- Plastics also are found in automobiles, but recycling of these materials is counted separately from the MSW recycling rate.

How Plastics Are Made

Plastics can be divided in to two major categories:

[More Plastics](#)



thermosets and thermoplastics. A thermoset solidifies or "sets" irreversibly when heated. They are useful for their durability and strength, and are therefore used primarily in automobiles and construction applications. Other uses are adhesives, inks, and coatings.

A thermoplastic softens when exposed to heat and returns to original condition at room temperature. Thermoplastics can easily be shaped and molded into products such as milk jugs, floor coverings, credit cards, and carpet fibers.

Plastics Recycling

According to the American Chemistry Council, about 1,800 US businesses handle or reclaim post-consumer plastics. Plastics from MSW are usually collected from curbside recycling bins or drop-off sites. Then, they go to a material recovery facility, where the materials are sorted into broad categories (plastics, paper, glass, etc.). The resulting mixed plastics are sorted by plastic type, baled, and sent to a reclaiming facility. At the facility, any trash or dirt is sorted out, then the plastic is washed and ground into small flakes. A flotation tank then further separates contaminants, based on their different densities. Flakes are then dried, melted, filtered, and formed into pellets. The pellets are shipped to product manufacturing plants, where they are made into new plastic products.

Resin Identification Code

The resin identification coding system for plastic, represented by the numbers on the bottom of plastic containers, was introduced by SPI, the plastics industry trade association, in 1988. Municipal recycling programs traditionally target packaging containers, and the SPI coding system offered a way to identify the resin content of bottles and containers commonly found in the residential waste stream. Plastic household containers are usually marked with a number that indicates the type of plastic. Consumers can then use this information to determine whether or not certain plastic types are collected for recycling in their area. Contrary to common belief, just because a plastic product has the resin number in a triangle, which looks very similar to the

Information

For more information, visit the websites for the American Chemistry Council (ACC) [\[EXIT Disclaimer\]](#) and The Society of the Plastics Industries, Inc. (SPI) [\[EXIT Disclaimer\]](#). APC is a trade association for the United States plastics industry, representing the nation's largest manufacturers of plastics. APC also includes seven business units and an affiliated trade association. SPI is the trade association representing the entire plastics industry supply chain, including processors, machinery and equipment manufacturers and raw material suppliers.

recycling symbol, it does not mean it is collected for recycling.

SPI Resin Identification Codes	
1	PET
2	HDPE
3	Vinyl
4	LDPE
5	PP
6	PS
7	OTHER

Markets for Recovered Plastics

Markets for some recycled plastic resins, such as PET and HDPE, are stable and even expanding in the United States. Currently, the US has the capacity to be recycling plastics at a greater rate. The capacity to process post-consumer plastics and the market demand for recovered plastic resin exceeds the amount of post-consumer plastics recovered from the waste stream. The primary market for recycled PET bottles continues to be fiber for carpet and textiles, while the primary market for recycled HDPE is bottles, according to the American Chemistry Council.



Looking forward, new end uses for recycled PET bottles might include coating for corrugated paper and other natural fibers to make waterproof products like shipping containers. PET can even be recycled into clothing, such as fleece jackets. Recovered HDPE can be manufactured into recycled-content landscape and garden products, such as lawn chairs and garden edging.

Source Reduction

Source reduction is the process of reducing the amount of waste that is generated. The plastics industry has successfully been able to reduce the amount of material needed to make packaging for consumer products. Plastic packaging is generally more lightweight than its alternatives, such as glass, paper, or metal. Lighter weight materials require less fuel to transport and result in less material in the waste stream.



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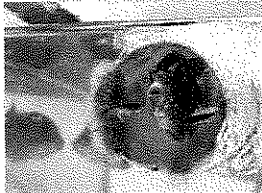
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Afloat in the Ocean, Expanding Islands of Trash

By LINDSEY HOSHAW
Published: November 9, 2009

ABOARD THE ALGUITA, 1,000 miles northeast of Hawaii — In this remote patch of the Pacific Ocean, hundreds of miles from any national boundary, the detritus of human life is collecting in a swirling current so large that it defies precise measurement.

Enlarge This Image



Lindsey Hoshaw for The New York Times

A spotted gray trigger fish was just big enough to fit inside a caulk tube, and became highly protective of its tiny habitat, snapping at approaching fish.

Researchers removed the tube from the garbage patch in September and placed it in an aquarium for observation. More Photos »

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Rubbish in the Pacific

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Light bulbs, bottle caps, toothbrushes, Popsicle sticks and tiny pieces of plastic, each the size of a grain of rice, inhabit the Pacific garbage patch, an area of widely dispersed trash that doubles in size every decade and is now believed to be roughly twice the size of Texas.

But one research organization estimates that the garbage now actually pervades the Pacific, though most of it is caught in what oceanographers call a gyre like this one — an area of heavy currents and slack winds that keep the trash swirling in a giant whirlpool.

Scientists say the garbage patch is just one of five that may be caught in giant gyres scattered around the world's oceans. Abandoned fishing gear like buoys, fishing line and nets account for some of the waste, but other items come from land after washing into storm drains and out to sea.

Plastic is the most common refuse in the patch because it is lightweight, durable and an omnipresent, disposable product in both advanced and developing societies. It can float along for hundreds of miles before being caught in a gyre and then, over time, breaking down.

But once it does split into pieces, the fragments look like confetti in the water. Millions, billions, trillions and more of these particles are floating in the world's trash-filled gyres.

PCBs, DDT and other toxic chemicals cannot dissolve in

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'Slow Drips,' From Trash to CO2

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Mario Aguilera

DISPOSED Rubbish in the Pacific, where Charles Moore found a large trash patch by accident 12 years ago. More Photos >

Enlarge This Image



Lindsey Hoshaw for The New York Times

Mr. Moore holds a bottle covered with barnacles and algae, indicating it had been in the water for a long time. More Photos >

Readers' Comments

Readers shared their thoughts on this article. Read All Comments (68) »

water, but the plastic absorbs them like a sponge. Fish that feed on plankton ingest the tiny plastic particles. Scientists from the [Algalita Marine Research Foundation](#) say that fish tissues contain some of the same chemicals as the plastic. The scientists speculate that toxic chemicals are leaching into fish tissue from the plastic they eat.

The researchers say that when a predator — a larger fish or a person — eats the fish that eats the plastic, that predator may be transferring toxins to its own tissues, and in greater concentrations since toxins from multiple food sources can accumulate in the body.

Charles Moore found the Pacific garbage patch by accident 12 years ago, when he came upon it on his way back from a sailing race in Hawaii. As captain, Mr. Moore ferried three researchers, his first mate and a journalist here this summer in his 10th scientific trip to the site. He is convinced that several similar garbage patches remain to be discovered.

"Anywhere you really look for it, you're going to see it," he said.

Many scientists believe there is a garbage patch off the coast of Japan and another in the Sargasso Sea, in the middle of the Atlantic Ocean.

Bonnie Monteleone, a [University of North Carolina](#), Wilmington, graduate student researching a master's thesis on plastic accumulation in the ocean, visited the Sargasso Sea in late spring and the Pacific garbage patch with Mr. Moore this summer.

"I saw much higher concentrations of trash in the Pacific garbage patch than in the Sargasso," Ms. Monteleone said, while acknowledging that she might not have found the Atlantic gyre's highest concentration of trash.

Ms. Monteleone, a volunteer crew member on Mr. Moore's ship, kept hoping she would see at least one sample taken from the Pacific garbage patch without any trash in it. "Just one area — just one," she said. "That's all I wanted to see. But everywhere had plastic."

The Pacific garbage patch gained prominence after three independent marine research organizations visited it this summer. One of them, [Project Kaisei](#), based in San Francisco, is trying to devise ways to clean up the patch by turning plastic into diesel fuel.

Environmentalists and celebrities are using the patch to promote their own causes. The actor [Ted Danson's](#) nonprofit group [Oceana](#) designated Mr. Moore a hero for his work on the patch. Another Hollywood figure, Edward Norton, narrated a public-service announcement about plastic bags, which make their way out to the patch.

Mr. Moore, however, is the first person to have pursued serious scientific research



The end of R.E.M.

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by sampling the garbage patch. In 1999, he dedicated the Algalita foundation to studying it. Now the foundation examines plastic debris and takes samples of polluted water off the California coast and across the Pacific Ocean. By dragging a fine mesh net behind his research vessel Algalita, a 50-foot aluminum catamaran, Mr. Moore is able to collect small plastic fragments.

Researchers measure the amount of plastic in each sample and calculate the weight of each fragment. They also test the tissues of any fish caught in the nets to measure for toxic chemicals. One rainbow runner from a previous voyage had 84 pieces of plastic in its stomach.

The research team has not tested the most recent catch for toxic chemicals, but the water samples show that the amount of plastic in the gyre and the larger Pacific is increasing. Water samples from February contained twice as much plastic as samples from a decade ago.

"This is not the garbage patch I knew in 1999," Mr. Moore said. "This is a totally different animal."

For the captain's first mate, Jeffery Ernst, the patch was "just a reminder that there's nowhere that isn't affected by humanity."

Travel expenses were paid in part by readers of Spot.U.S., a nonprofit Web project that supports freelance journalists.

This article has been revised to reflect the following correction:

Correction: November 26, 2009

An article on Nov. 10 about garbage patches in the world's oceans referred incorrectly to the travels of a graduate student researching a master's thesis on plastic accumulation in the oceans. The student, Bonnie Monteleone, visited the Sargasso Sea, which is part of a feature known as the Atlantic gyre. Thus, it was not the case that she "might not have found" the gyre. (Ms. Monteleone said instead that she might not have found the zone with the highest concentration of trash.)

A version of this article appeared in print on November 10, 2009, on page D2 of the New York edition.

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Plastic Not-So-Fantastic: How the Versatile Material Harms the Environment and Human Health

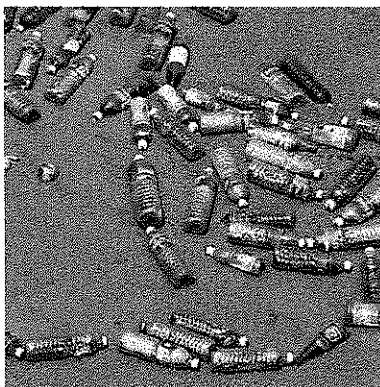
The chemical building blocks that make plastics so versatile are the same components that might harm people and the environment. Greener solutions, however, are becoming available

By Jessica A. Knoblauch and Environmental Health News | July 2, 2009 | 18

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From cell phones and computers to bicycle helmets and hospital IV bags, plastic has molded society in many ways that make life both easier and safer. But the synthetic material also has left harmful imprints on the environment and perhaps human health, according to a new [compilation of articles](#) authored by scientists from around the world.



BOTTLED WATER: Plastic has left harmful imprints on the environment and perhaps human health. Image: CAROL MITCHELL/FlickR

More than 60 scientists contributed to the new report, which aims to present the first comprehensive review of the impact of plastics on the environment and human health, and offer possible solutions.

“One of the most ubiquitous and long-lasting recent changes to the surface of our planet is the accumulation and fragmentation of plastics,” wrote David Barnes, a lead author and researcher for the [British Antarctic Survey](#). The report was published this month in a theme issue of *Philosophical Transactions of The Royal Society B*, a scientific journal.

As the scrutiny of the environmental toll of plastic increases, so has its usage, the scientists reported.

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Since its mass production began in the 1940s, plastic's wide range of unique properties has propelled it to an essential status in society. Next year, more than 300 million tons will be produced worldwide. The amount of plastic manufactured in the first ten years of this century will approach the total produced in the entire last century, according to the report.

"Plastics are very long-lived products that could potentially have service over decades, and yet our main use of these lightweight, inexpensive materials are as single-use items that will go to the garbage dump within a year, where they'll persist for centuries," [Richard Thompson](#), lead editor of the report, said in an interview.

Evidence is mounting that the chemical building blocks that make plastics so versatile are the same components that might harm people and the environment. And its production and disposal contribute to an array of environmental problems, too. For example:

- Chemicals added to plastics are absorbed by human bodies. Some of these compounds have been found to alter hormones or have other potential human health effects.
- [Plastic debris](#), laced with chemicals and often ingested by marine [animals](#), can injure or poison wildlife.
- [Floating plastic waste](#), which can survive for thousands of years in [water](#), serves as mini [transportation](#) devices for invasive species, disrupting habitats.
- Plastic buried deep in landfills can leach harmful chemicals that spread into groundwater.
- Around 4 percent of world oil production is used as a feedstock to make plastics, and a similar amount is consumed as energy in the process.

People are exposed to chemicals from plastic multiple times per day through the air, dust, water, food and use of consumer products.

For example, phthalates are used as plasticizers in the manufacture of vinyl flooring and wall coverings, food packaging and medical devices. Eight out of every ten babies, and nearly all adults, have measurable levels of phthalates in their bodies.

In addition, [bisphenol A \(BPA\)](#), found in polycarbonate bottles and the linings of food and beverage cans, can leach into food and drinks. The U.S. Centers for Disease Control and Prevention reported that 93 percent of people had detectable levels of BPA in their urine.

The report noted that the high exposure of premature infants in neonatal intensive care units to both BPA and phthalates is of "great concern."

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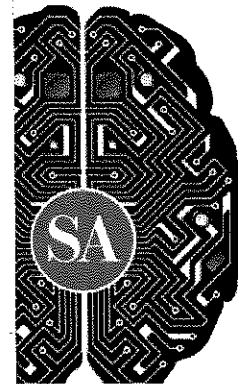
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1. Soccerdad
03:50 PM 7/2/09

Most of the ill effects described here are attributed to chemicals which are added to the plastics. Plastics by themselves are inert. They can cause a litter problem, as in the ocean, but are the perfect material for a landfill since they are inert filler. Seems like some people just need to trash plastics every once in a while with articles like this. This article is pretty much a yawner.

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2. H2Ov
04:47 PM 7/2/09

One sided again, no comparisons, no ordinal analysis. If you want me to be afraid make a real comparison to something I know could kill me, like asbestos. It might last decades, but millennia in the ocean?

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3. speedchase92
01:30 AM 7/5/09

Plastic does not biodegrade because it is a combination of elements extracted from crude oil then re mixed up by men in white coats. Because these combinations are man made they are unknown to nature. Consequently there is no natural system to break them down. However it does rip, tear and break up into smaller pieces. This process is called degrading. This can take centuries depending on the type of plastic and conditions Plastic never really dissappers. It continues to break down until it is invisible plastic dust. In effect it lasts for ever.

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4. j.quasimodo
09:48 AM 7/5/09

The article paints with a brush that is too broad. First of all, there are numerous monomers used to make plastics; Bisphenol A (BPA) for instance is used

predominantly (maybe only) in polycarbonate, while styrene is used in dozens of them. If a styrene polymer breaks down, any styrene monomer will oxidize in the atmosphere.

Polycarbonate was first used for aircraft windows and remains an ideal material for applications that require transparency, light weight and high strength. The application to food contact appears to be a serious error, but that error is to be criticized, not the product per se.

Some plastics can be profitably recycled to make, for instance, plastic deck boards that last much longer than wooden ones and don't have to be sealed or treated with chemicals. Those bottles floating in the oceans are mostly PETE (a polyester), which is readily recycled.

Nature, by the way, is remarkably inventive when it comes to degradation. bio and otherwise. The fact that crude oil and gas are the starting point for plastics cuts no ice --- asphalt for instance crumbles away in a few decades.

There's lots more to this of course, but my point is just that, like all materials, a given polymer should be applied correctly within its limitations and disposed of responsibly; recycled if practical.

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5. riverboots
06:05 PM 7/5/09

Everything we do may be done so without the use of plastic products.

Coming Soon

Dealing Defense

Posthuman societies verbalize damning reactions toward plastic supporting scientists from the past decade.

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6. voiceofreason
09:43 PM 7/6/09

As usual, the comment section contains more rational, detailed, and complete information than the politicized drivel in the feature piece. Note to editors: don't expect me to buy your product until it rises to the standard set by the better comments.

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7. taffazull

Plastics are bad for the environment but good for an

11:40 PM 7/6/09

Industry based on the economic theory of mass production and therein lies the problem. Like the problem of Global Warming for instance.

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8. 2008RealityCheck
06:51 PM 7/7/09

Such a perverse article. Plastics save lives, improve our economy, dramatically reduce energy use, reduce mining requirements, lower water consumption, and save resources. Plastics have displaced many traditional materials, such as wood; stone; horn and bone; leather; paper; metal; glass; and ceramic. Would the author perceive canning all food, making planes only out of metal, crating all large items, and eliminating most medical supplies including contact lens. Only if one thinks mankind is a scourge on the Earth would one condemn plastics which probably have benefitted mankind far more than any negative impact. My own product, Intercept Shrinkfilm, allows very large equipment to be wrapped with a single layer of non-chemical emitting plastic and survive a transoceanic trip without suffering any rust. This reduces shipping weight and volume, and rust removing solvents and abrasives, while ensuring a longer service life. By the way, try working on a computer with no plastics!

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9. pgtruspace
01:18 AM 7/8/09

For those that want to live without plastics, I wish you could have lived in the preplastics era. NO computers, no electronics, no aircraft, no fresh food supermarkets, no automobiles or nice roads. You worked from dark to dark 6 days a week it was a wonderful but short life. "Living is a terminal disease, and the longer you live the sooner you die."

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10. hirschette
02:37 PM 7/8/09

The article does not claim that plastics never should have existed, it states dangers to the environment from their tremendous presence on the planet. The sooner this is acknowledged and addressed, the better off we will be.

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July 10, 2010

Malibu to require big stores to cease using

L.A. County passes sweeping ban on plastic bags

The ordinance, which by 2012 will cover 1,000 stores in unincorporated areas, also will require supermarkets and pharmacies to levy a 10-cent surcharge per paper bag. Proponents see it as a model for California.

November 17, 2010 | By Rong-Gong Lin II, Los Angeles Times

The Los Angeles County Board of Supervisors voted Tuesday to ban plastic grocery bags in areas of the county under its jurisdiction, endorsing a broadly worded measure that proponents hope could become a model for California.

The ban, which goes beyond ordinances adopted in Malibu and San Francisco, most directly affects 1.1 million people who live outside the county's incorporated cities. But anyone shopping at stores in such areas would encounter the new rules.

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Opponents suggested they might go to court to try to block the ban before the first phase takes effect in July, when 67 large supermarkets and pharmacies must stop providing disposable plastic bags. By January 2012, the ban will cover 1,000 stores throughout the county. The ordinance also seeks to keep shoppers from turning to paper bags as an alternative by requiring stores to levy a 10-cent surcharge per paper bag.

Document: Read the plastic ban ordinance

The goal, officials say, is to get people to adopt reusable bags made of cloth or durable plastic that can be wiped clean. An exception is being made for produce bags that keep raw vegetables and meats from being contaminated by other groceries.

"Plastic bags are a pollutant. They pollute the urban landscape. They are what we call in our county urban tumbleweed," said Supervisor Zev Yaroslavsky.

He expressed particular concern about bags entering the ocean via the county's storm drain

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system, where he said "they end up threatening rare, valuable, marine life in our oceans and degrading one of this country's great environmental and economic resources: the Pacific Coast."

The 3-1 vote was partisan, with the three Democrats—Yaroslavsky, Gloria Molina and Mark Ridley-Thomas—supporting it. It was opposed by Republican Michael D. Antonovich; Don Knabe, also a Republican, was absent.

Antonovich expressed concern that small, mom-and-pop shops will be at disadvantage financially, in part because they won't have access to volume discounts for paper and reusable bags. He also worried that low-income people would be forced to buy bags to pick up pet waste or carry their lunch.

"At a time of economic uncertainty, with a large number of businesses leaving our state and community, this would not be an appropriate time ... to impose this additional regulation," Antonovich said.

In Los Angeles County alone, 6 billion plastic bags are used each year, an average of 1,600 bags per household a year. Government figures show that only about 5% are recycled.

Mark Gold, president of the Santa Monica environmental group Heal the Bay, said previous county efforts to promote recycling of plastic bags at grocery stores was a failure.

"You cannot recycle your way out of the plastic bag problem," Gold said. "The cost of convenience can no longer be at the expense of the environment."

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The proliferation of plastic bags has wreaked environmental havoc. A Pulitzer Prize-winning Los Angeles Times series in 2006 documented how plastics were choking the seas. In one region in the Pacific Ocean halfway between San Francisco and Hawaii, a garbage patch twice the size of Texas is swirling clockwise, filled with plastic debris that is ingested by birds and other wildlife.

On Midway Atoll, 40% of albatross chicks die, their bellies full of trash, The Times reported.

Read: Pulitzer Prize-winning Altered Oceans series

The county's ban is a significant victory for environmental groups, which suffered a major defeat in Sacramento in August with the failure of the state Senate to pass a sweeping plastic bag ban. It failed amid heavy and costly lobbying by plastic bag manufacturers despite winning the support of the state Assembly and Gov. Arnold Schwarzenegger.

L.A. County's decision to go forward with a ban may leave shoppers confused and cause headaches for supermarket chains. Without a statewide ban in place, chains will have to ask customers in unincorporated areas to pay for bags or bring their own, even as shoppers in cities such as Los Angeles, Pasadena and Long Beach can continue to expect free disposable bags.

"It would be better and more effective to have a statewide ban rather than a patchwork of local ordinances," said Dave Heylen, a spokesman for the California Grocers Assn., which supported the statewide ban proposed by Assemblywoman Julia Brownley (D- Santa Monica).

"A statewide answer would have been a nice thing," said Ralphs spokeswoman Kendra Doyel.

Grocers and pharmacies Tuesday were still reviewing the ordinance. None of them said they had immediate plans to expand the county ban to their stores in incorporated cities.

Pro-ban advocates were effusive Tuesday about the county's action. County officials said they plan to lobby the 88 city councils in L.A. County to also adopt the ordinance. City Council members from Culver City and Long Beach expressed support for the measure.

The county's ban went further than bans in Malibu and San Francisco, which do not require a surcharge on paper bags..

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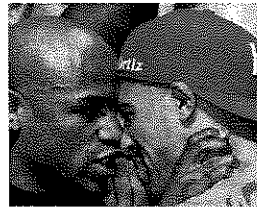
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Excerpts from:

Leading the Way Toward a Clean Ocean

Communities Around the World Take
Action Against Single-Use Plastic Bags



Written by:

Travis Madsen, Frontier Group

Julia Ritchie, Environment California Research & Policy Center

July 2011

Executive Summary

Our oceans are polluted with millions of tons of plastic trash. In the Pacific Ocean, plastic debris churns in a soup called the Great Pacific Garbage Patch – an area twice the size of Texas where plastic bits outweigh plankton. Plastic pollution persists for hundreds of years, and can kill turtles, seabirds and other marine animals.

Throw-away plastic bags are a significant part of the problem. **To reduce ocean pollution and protect the environment, more than 80 national and local governments across the planet have taken official action** to ban throw-away plastic bags or to establish fees or taxes on such bags.

State, county, and city governments in California should follow their lead and ban the use of plastic grocery bags.

Plastic bags contribute to the pollution of California's ocean and beaches.

- Californians use approximately 16 billion plastic bags per year – more than 400 annually per person.
- Less than 5 percent of plastic bags are recycled. Instead, they end up sitting in landfills, littering streets, clogging streams, fouling beaches, or floating out to sea.
- Plastic trash threatens ocean ecosystems. Sea turtles and other marine animals often mistake plastic bags for jellyfish and eat them, causing injury or death. In parts of the Pacific Ocean, including the Great Pacific Garbage Patch, plastic outweighs plankton by up to six times.

- The city of San Francisco estimated that the taxpayer cost to subsidize the recycling, collection, and disposal of plastic and paper bags amounts to as much as 17 cents per bag. Applied to California as a whole, that adds up to more than \$1 billion per year.

More than 80 national and local governments around the world have taken action to protect the ocean by reducing the use of plastic bags.

- At least 20 nations and 47 local governments have passed bans on distributing specific kinds of throw-away plastic bags, including the nations of Italy, Kenya, Mongolia, Macedonia, and Bangladesh; the states of Maharashtra, India and Buenos Aires, Argentina; and the cities of Karachi, Pakistan and Telluride, Colorado.
- Approximately 26 nations and local communities have established fee programs to reduce plastic bag use and/or increase the use of reusable alternatives, including Botswana, China, Hong Kong, Wales, Ireland, Israel, Canada's Northwest Territories, Toronto, Mexico City, and Washington, D.C.

Bans and meaningful fee programs effectively reduce plastic bag pollution.

- Bans and fee programs quickly reduce plastic bag distribution. Ireland, which in 2002 established a fee roughly equivalent to 28 U.S. cents per bag, saw plastic bag use drop by 90 percent within the first year. After Washington, D.C., implemented a much smaller 5 cent tax on plastic bags, the number of

bags distributed by food retailers fell from 22.5 million per month to 3.3 million per month. And the year after banning plastic bags at pharmacies and supermarkets in 2007, San Francisco businesses distributed 127 million fewer plastic bags, and cut overall bag waste reaching the city landfill by up to 10 percent.

Eleven city and county governments in California have taken successful action to reduce plastic bag pollution.

- Eleven California cities and counties have bans on plastic bags in effect, including Long Beach, Santa Monica, San Jose, San Francisco, and unincorporated Marin and unincorporated Los Angeles counties. Five of these communities, including Marin County and San Jose, have also authorized mandatory charges on paper bags to encourage citizens to use reusable bags.
- Two additional communities, Oakland and Manhattan Beach, passed bans that were later struck down after legal challenges by plastic bag manufacturers.

Much more progress can be made to reduce plastic pollution in the ocean and transform our throw-away culture.

- Education and recycling cannot keep pace with the generation of plastic bag pollution. Despite a 2006 law requiring retailers to place bag recycling bins in front of their stores, less than 5 percent of bags are recycled.
- To make a real impact, all California cities and counties should restrict the use of plastic bags, and advocate for similar action at the state level.

Communities Across the World Have Taken Action to Reduce Plastic Bag Pollution

More than 80 national and local governments across the world have taken official action to protect the ocean by reducing the use of plastic bags. In their place, retailers are selling reusable bags, or bags made from compostable material.

Nations from Kenya to Mongolia, and local governments from Maharashtra, India to Rio de Janeiro, Brazil, have taken action to ban throw-away plastic bags. Dozens more, from Hong Kong to Ireland, have established fee programs to reduce plastic bag use or support more sustainable alternatives. Other nations and communities have established taxes on businesses that distribute plastic bags.

Bans on Plastic Bags

At least 20 nations and 46 local governments have implemented bans on distributing specific kinds of throw-away plastic bags.

Governments have had a variety of reasons to implement bag bans. Some communities enacted bag bans specifically to reduce ocean pollution – a rationale particularly common in communities whose economies depend upon whale watching and other forms of ocean tourism. Others chose to enact the policy to reduce litter. For example, the state of Maharashtra in India, where Bombay is located, banned plastic bags to prevent them from clogging storm drains and contributing to floods.²⁴

Policies that ban the distribution of plastic bags are the most effective at reducing plastic bag pollution. For example, the year after banning plastic bags at pharmacies and supermarkets in 2007, San Francisco businesses distributed 127 million fewer plastic bags, and cut overall bag waste reaching the city landfill by up to 10 percent.²⁵ And four months after Huntingdon, Canada, banned plastic bags, the owner of a grocery store reported that 82 percent of his customers brought their own bags, while the remainder chose paper.²⁶

Governments at the national, state and local level have created various types of plastic bag bans.

Nations

At least 20 nations have passed bans to reduce bag pollution, including:²⁷

Bangladesh	(2002)
Bhutan	(2005)
Botswana	(2007) ²⁸
China	(2008)
Eritrea	(2005)
Ethiopia	(2008)
France	(2010)
Kenya	(2008)
Italy	(2007)
India	(2002)
Macedonia	(2011) ²⁹
Mongolia	(2009) ³⁰
Papua New Guinea	(2009) ³¹
Rwanda	(2005)
Somaliland	(2005)
South Africa	(2003)
Taiwan	(2003)
Tanzania	(2006)
Uganda	(2007)
United Arab Emirates	(2011)

Local Governments Abroad

Additionally, more than 20 local governments outside of the United States have passed plastic bag bans, including:³²

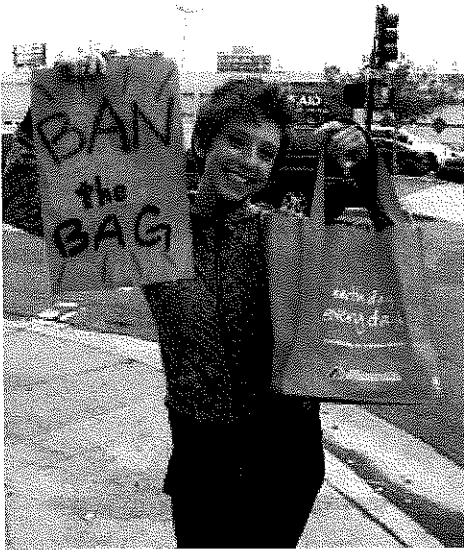
Dahka, Bangladesh	(2002)
South Australia	(2008)
Northern Territory, Australia	(2011)
Loddon Shire, Victoria, Australia	(2005)
Corsica, France	(1999)
Paris, France	(2007)
Rio de Janeiro, Brazil	(2009)
Buenos Aires, Argentina	(2008)
Leaf Rapids, Manitoba, Canada	(2007)
Eriksdale, Manitoba, Canada	(2008) ³³
Coldwell, Manitoba, Canada	(2008) ³⁴
Huntingdon, Quebec, Canada	(2008)
Hurghada, Red Sea Province, Egypt	(2009) ³⁵
Delhi, India	(2009)
Maharashtra, India	(2005) ³⁶
Himachal Pradesh, India	(2009) ³⁷
Chandigarh, India	(2008) ³⁸
Karachi, Sindh, Pakistan	(2006) ³⁹
Zanzibar, Tanzania	(2006)
Llandysilio, Wales	(2007)

photo: Istockphoto.com, user McIninch



Policies that ban the distribution of plastic bags or establish fees or taxes on such bags are effective at reducing plastic bag pollution, and encouraging the use of reusable bags.

photo: Environment California staff



Eleven city and county governments in California have plastic bag bans in effect.

Local Governments in California

Within California, 13 city and county governments have taken action to reduce plastic bag pollution, including the citizens of Fairfax, in Marin County, who enacted a bag ban by popular vote through a ballot initiative in 2008.⁵⁰ Legal challenges from plastic bag manufacturers ended up invalidating two of these laws, in Oakland and Manhattan Beach.⁵¹ Eleven areas currently have bag ban policies in effect, including:⁵²

Unincorporated Marin County	(2011)
Fairfax (Marin County)	(2008)
Unincorporated L.A. County	(2010)
Calabasas (L.A. County)	(2011)
Malibu (L.A. County)	(2008)
Long Beach (L.A. County)	(2011)
Santa Monica (L.A. County)	(2011)
San Francisco	(2007)
Unincorporated Santa Clara County	(2011)
Palo Alto (Santa Clara County)	(2009)
San Jose (Santa Clara County)	(2010)

These areas represent fully 10 percent of the population of California.⁵³

Local Governments in the United States

Well over a dozen American communities outside of California have acted against plastic bags, including:⁴⁰

American Samoa	(2011)
Maui County, Hawaii	(2008)
Kauai County, Hawaii	(2009)
At least 30 coastal communities in Alaska, including Bethel	(2009) ⁴¹
Telluride, Colorado	(2011) ⁴²
Westport, Connecticut	(2008) ⁴³
Unincorporated Marshall County, Iowa	(2008) ⁴⁴
Outer Banks, North Carolina	(2009) ⁴⁵
Southampton Village, New York	(2011) ⁴⁶
Suffolk County, New York	(1998) ⁴⁷
Brownsville, Texas	(2011)
South Padre Island, Texas	(2011) ⁴⁸
Edmonds, Washington	(2009) ⁴⁹

Fee Programs and Taxes

Approximately 25 nations and local communities have established fee programs to reduce plastic bag use or encourage reusable alternatives.

Fee programs and taxes can have multiple purposes. First, by establishing a price on disposable bags, governments can send a price signal to citizens to motivate different behaviors. For example, in 2002 the Republic of Ireland established a 15 Euro cent tax on plastic bags (roughly equivalent to about 28 U.S. cents per bag today), applied to consumers at the point

of sale. In the first year of this policy, consumers used 90 percent fewer plastic bags. The tax grew relatively less effective over time, so the nation increased the tax in 2007. Overall, plastic bags have gone from 5 percent to less than 0.25 percent of the waste stream.⁵⁴

Washington, D.C. provides another example. After the district implemented a much smaller 5 cent tax on plastic bags, the number of bags distributed by food retailers fell from 22.5 million per month to 3.3 million per month.⁵⁵ That is a decrease of more than 85 percent. This action translated into an observed decrease in plastic pollution in area rivers and streams. According to the Alice Ferguson Foundation, since implementation of the bag fee, river cleanup efforts have turned up 66 percent fewer plastic bags.⁵⁶

Fee policies can also reimburse shop owners for any added expense of policy compliance. For example, stores in unincorporated Los Angeles County must charge customers 10 cents for every paper bag provided. The store retains the revenue and can use it to cover the cost of providing paper bags or the cost of educating customers about reusable bags. These types of features can help plastic bag reduction policies win the support of retail businesses.

Fee programs and taxes can also provide funding for government programs. For example, Ireland uses the money from its bag tax for recycling programs, enforcement of solid waste laws, and other environmental priorities.⁵⁷

Some countries have both a ban on certain types of plastic bags, and fees on others. For example, China has banned disposable bags that fail to meet the durability standards necessary to be considered reusable. China then requires retailers to charge customers a fee to ob-

tain one of the more durable plastic bags, encouraging reuse.⁵⁸

Governments that have created fee programs or taxes applied to throw-away bags include:⁵⁹

Nations

Belgium	(2007)
Botswana	(2007) ⁶⁰
Bulgaria	(2011)
China	(2008) ⁶¹
Denmark	(1994) ⁶²
Hong Kong	(2009) ⁶³
Germany	(earlier than 2005) ⁶⁴
Ireland	(2002)
Israel	(2008)
The Netherlands	(2008) ⁶⁵
South Africa	(2003) ⁶⁶
Wales	(2011)

Local Governments Abroad

Northwest Territories, Canada	(2010)
Toronto, Ontario, Canada	(2009)
Amqui, Quebec, Canada	(2008) ⁶⁷
Mexico City, Mexico	(2009)
Andalucia, Spain	(2011) ⁶⁸

Local Governments in the United States

Washington, D.C.	(2009)
Montgomery County, Maryland	(2011)

Local Governments in California

In California, state law prohibits local governments from enacting fees applying to plastic bags (although outright bans are permissible).⁶⁹ However, several communities have established fees on alternative bags to direct consumer behavior.

For example, after San Francisco's plastic bag ban, critics noted that many people simply shifted to paper – another type of disposable bag with its own set of environmental problems.⁷⁰ In response, several California communities have established fees that apply to paper bags as a companion policy to a ban on plastic bags. These policies serve as a signal to encourage consumers to furnish and use their own reusable bags. These communities include:

Unincorporated L.A. County	(2010)
Marin County	(2011)
Calabasas (L.A. County)	(2011)
Long Beach (L.A. County)	(2011)
Santa Monica (L.A. County)	(2011)
San Jose (Santa Clara County)	(2010)

Telluride, Colorado enacted a similar fee policy to complement its plastic bag ban in 2011.⁷¹



By taking action to reduce the use of plastic bags, communities across California are making a real difference in the problem of ocean pollution.

Policy Recommendations

Nothing we use for a few minutes should end up polluting our oceans for hundreds of years. Items meant only for a single use provide dubious convenience, and a great deal of hidden cost. When we throw away something like a plastic bag, “away” may actually mean our beaches, our treasured ocean, or the belly of a whale.

To protect our oceans and conserve precious natural resources, our culture needs to shift away from its “throw away” mentality.

Californians are leaders when it comes to protecting the environment. By taking action to reduce the use of plastic bags, communities across California are mak-

ing a real difference in the problem of ocean pollution.

But there is much more to be done. Education and recycling efforts simply cannot keep pace with the generation of plastic bag pollution.

Every city and county government in California should enact its own policy to limit the use of throw-away plastic bags. Not only can these individual policies have a meaningful impact on their own, they will build momentum for other state and local governments to take similar action.

Ultimately, California’s actions can lead to a cleaner ocean for current and future generations.

5. City of Aspen and Carbondale

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Aspen council moves toward ban on bags

City postpones ordinance to implement 20-cent fee

asalvail@aspentimes.com">Andre Salvail

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ENLARGE

An outright ban on plastic bags at grocery stores is now under consideration in Aspen.
Aspen Times file

ASPEN — The Aspen City Council reversed its recent course Monday night after a majority of its members said they favored a total ban on plastic bags provided at grocery stores rather than a 20-cent-per-bag fee.

Councilmen Torre, Adam Frisch and Steve Skadron indicated that they wanted a stronger measure than the one the city has been steering toward over the last several months. Councilmen Derek Johnson and Mayor Mick Ireland initially said they were more willing to support the ordinance calling for a fee on all bags provided to shoppers by Aspen's two local grocery stores, Clark's and City Market; but Ireland later said if the council wanted to discuss the matter further then he was willing to postpone a decision.

"The more information you give me, the more I wonder why we're not doing a ban," Torre said after Ashley Cantrell, city environmental health specialist, listed the basic details of the ordinance and provided answers to questions that council raised last month.

Torre said he was disappointed that the bag-fee ordinance didn't include a time line for moving toward a ban on plastic bags not just at grocery stores, but other retail outlets. He suggested that the city should cast a wider net to set an example of environmental stewardship with the forced reduction of plastic bags.

Frisch spoke more directly. "Why don't we just get to the ban now if that's what we want to do," he said. "I want to go for it all right away if that's what we want to talk about."

The town of Telluride came up as one Colorado city that has moved toward a ban on plastic bags and a fee on paper bags. In the Roaring Fork Valley, Basalt and Carbondale also are considering fees on grocery bags after working with Aspen and the Community Office of Resource Efficiency (CORE) to form a regional goal.

Ireland said though he was willing to discuss a ban, he wanted to go ahead with the fee plan partly because that's what Aspen and its municipal neighbors have been working on during much of the spring and summer.

"We made a commitment to a couple of downvalley partners that we would do a fee," he said. "This is not an accident; council directed staff to create this in conjunction with other partners downvalley. This is not about us being number one, this is about us cooperating with other jurisdictions and having something that works together.

"Now we're gonna throw them under the bus and say, 'We didn't really mean that. Thanks for the time, but we have a better idea.' I don't like that," the mayor added.

But in his earlier remarks, Torre said Aspen should set the policy it feels is right, regardless

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of what's being done elsewhere.

"I think we could be bolder leaders," he said.

Cantrell said her department could do more research on an outright ban on plastic or both paper and plastic bags and return with more information. Council members will review the issue at their Oct. 11 meeting.

She and CORE director Nathan Ratledge said a lot of decisions will have to be made before proceeding with a ban. Programs that implement a ban on plastic but a fee on paper differ sharply from those that ban both, they said, and there are underlying issues associated with each.

A fee on paper bags, with a ban on plastic, could create hardships on grocers who would be forced to supply more paper bags to shoppers, Cantrell noted.

Johnson said he wouldn't support a total ban on bags at grocery stores because he believes it would create a hardship on visitors. He said the retail industry is likely headed toward some sort of solution to providing plastic bags on its own.

He also agreed with Ireland about the fact that Aspen was working toward a valleywide approach by implementing fees. Johnson said he would favor talking about a ban if it were deemed in future years that the fee was not a deterrent to shoppers using plastic bags.

Skadron said one of his primary issues with the fee approach was that it would create a huge revenue stream for the city, which would keep 95 percent of the revenue, giving the department a pool of money some might consider a windfall.

In the ordinance, grocers would have been allowed to keep 5 percent, up to \$1,000 per month, during the first year in order to cover costs of the program. Cantrell estimated that the revenue from the bag fee would have generated up to \$240,000 annually, money the city intended to use for waste-reduction programs.

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- Andre Salvail / The Aspen Times

Vote on Aspen plastic-bag ban likely at Oct. 10 meeting

Council majority wants ban in lieu of fee as waste-reduction measure

SEPTEMBER, 14 2011

ANDRE SALVAIL

THE ASPEN TIMES

ASPEN, CO, COLORADO

ASPEN – The Aspen City Council on Oct. 10 is likely to take up the issue of an outright ban on plastic bags provided to shoppers by the city's two grocery stores.

The council was set to vote Monday night on an ordinance placing a 20-cent fee on plastic and paper bags for customers at checkout as a way of encouraging residents and visitors to bring their own reusable bags to the stores. But in a surprise move – following several months of work by city Environmental Health Department staff on a fee ordinance – three council members expressed their desire for an outright ban, changing the city's game plan.

Environmental health specialist Ashley Cantrell said Tuesday that the ordinance will have to be retooled, and that her department likely will recommend a ban on plastic bags and a fee on paper bags. She said she is comfortable with the change in direction.

The Environmental Health Department also will present other alternatives, such as an outright ban on both paper and plastic, at the October meeting, she said. But the plastic ban and fee for paper probably is more realistic and doable.

Some extra research will be involved, she said, and the city will have to discuss the matter with its municipal neighbors downvalley in the hope of carving out a regional initiative. Like the city of Aspen, Basalt and Carbondale's governments have been driving toward a fee on grocery bags, not a ban.

Though Councilman Torre pointed out Monday that he would prefer to “cast a wider net” – applying the ordinance to other types of retailers that provide customers large numbers of plastic bags – most council members always have favored starting with grocers, Cantrell noted.

“We've had very clear direction on that from council in the past,” she said. “They all said, ‘We want to start with grocers and see how it goes.’”

Amid the discussion about fees or bans on plastic bags earlier this year, the Aspen Chamber Resort Association surveyed its members, asking whether they supported a ban on bags at all local retail outlets, Cantrell recalled.

“That was never an option,” she said. “We don't want to spread undue concern.”

At Monday night's meeting, Torre and Councilmen Steve Skadron and Adam Frisch indicated that they would prefer to ban plastic bags in lieu of going the fee route.

The Aspen Times has received numerous letters to the editor critical of both fees and bans on plastic bags over the past several months from readers across the Roaring Fork Valley. A common complaint has been the notion that it's an example of government intrusion into people's lives.

But during Monday's public hearing, a few residents spoke in support of the fee, and no one lobbied against the city's waste-reduction plans involving bags.

Skadron said he believes consumers will quickly grow used to the idea of bringing their own reusable bags to stores. He said he recently vacationed in Maui, where a plastic-bag ban is in place and popular.

"It wasn't too long ago when it was normal to throw your trash out of the window," Skadron said. "It wasn't too long ago when fines weren't imposed for littering. It wasn't too long ago when it was unusual to wear seat belts. And I think this bag issue is right in line with those ideas.

"Some people have a deep, abiding respect for the natural beauty that was once this country," he added. "People started using plastic bags; people can stop using plastic bags."

The earliest a ban would go into effect would be next spring, Cantrell said, citing the difficulties of implementing the program during the winter tourist season.

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City looks to ban bags, not just charge fee

Writer:

Andrew Travers

Byline:

Aspen Daily News Staff Writer

The Aspen City Council is aiming to ban plastic bags from town, rather than just charge a fee on them.

The council was scheduled to vote Monday night on an ordinance that would have begun charging 20 cents apiece for both plastic and paper bags in Aspen's grocery stores. The city board has been discussing the idea for several months, sparking much community debate.

Councilmembers opted to put off that vote, however, after three of them voiced a strong preference for banning plastic bags outright.

The council directed the city's environmental health department and the Community Office for Resource Efficiency (CORE) to begin work on a stronger law that would ban any plastic bags in grocery stores and charge a fee on single-use paper bags.

The city council had given initial approval to the fee ordinance, with a 4-1 vote. Councilman Adam Frisch had voted against that measure on Aug. 22, saying he wanted to ban bags completely.

Fellow councilmen Steve Skadron and Torre sided with him on Monday.

"I was hoping we would have a little bit more teeth in this ordinance," Torre said.

He also said the city's resolve to tackle waste and be environmental leaders was "watered down" by trying to organize a valley-wide effort. Carbondale's trustees are scheduled to vote on a fee ordinance tonight, and the Basalt Town Council is scheduled for a Sept. 27 vote.

Mayor Mick Ireland criticized his fellow councilmen for changing their minds at the last minute Monday, and abandoning the cooperative Roaring Fork Valley effort.

"We made a commitment to our downvalley partners. ... This is not about us being number one, this is about our cooperating with other jurisdictions," he said. "Now we're going to throw them under the bus."

Councilman Derek Johnson said he would support the fee ordinance, but not an outright ban. He argued it would be too onerous on out-of-town tourists unfamiliar with the law.

"We have people coming to town that may not understand," Johnson said.

Comments from the public, which came before the council's discussion, were peppered with calls to ban plastic bags.

"I would rather have seen plastic bags banned completely," local Katrina DeVore said.

The council will look at the new ordinance on Oct. 11.

Nathan Ratledge, director of CORE, said he would be in touch with officials in Carbondale and Basalt this week about their interest in banning plastic bags and changing their proposed ordinances.

He also warned of possible litigation from bag-makers if the city opted to ban only plastic, and charge a fee on paper.

City leaders had touted the fee as a way to encourage local grocery shoppers and tourists to use reusable bags. City education efforts in recent years have failed to tamp down use of non-biodegradable plastic bags and single-use paper bags.

The environmental health department estimates said that a fee would have reduced single-bag use by between 50 and 85 percent. The fee was expected to generate \$101,000 to \$264,000 annually, much of which would go toward educating the public regarding the environmental hazard of single-use bags.

While the bag initiative has produced months-long, community-wide debate, 80-some communities elsewhere in the U.S. and throughout the world have already taken similar action. Telluride has banned plastic bags and charges a fee for paper ones.

CORE estimated that average Americans use 400 disposable grocery bags every year. And city officials estimate that only 3-5 percent of plastic bags and less than 10 percent of paper bags are currently recycled here.

andrew@aspendailynews.com

Add Image:



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Chris Council/Aspen Daily News
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A customer carries multiple plastic bags after shopping at City Market. A 20-cent fee on paper and plastic bags was included in Monday night's City Council agenda.

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Grocers opposed to plastic bag ban

Writer:

Curtis Wackerle

Byline:

Aspen Daily News Staff Writer

Local grocery store operators said they are uncomfortable with potential legislation that would ban plastic bags from their establishments.

"I think it's pretty heavy handed of our city government to take it upon themselves to tell residents and visitors what they can and can't use to go grocery shopping," said Tom Clark, Jr., president of the Clark's Market grocery store company.

A majority of Aspen City Council on Monday expressed its preference for an outright ban on plastic bags at grocery stores and a fee for paper bags. The council was set to vote that night on a 20-cent fee on paper and plastic bags handed out at grocery stores as a way to encourage reusable totes. The next council meeting on the bag ordinance will be Oct. 10.

Basalt and Carbondale town councils are considering similar bag ordinances. At a Carbondale Board of Trustees meeting on Tuesday, the board considered moving toward a ban instead of a fee, and will take up the issue again on Oct. 25.

Clark, who has stores in Aspen and Basalt, as well as six other locations in Colorado and Utah, said he would be more comfortable with a bag ban if it extended to all businesses, not just grocery stores.

"If they want to ban plastic bags then it needs to be across the entire city," Clark said.

City Market and King Soopers spokeswoman Kelli McGannon said the chain, which has about 140 stores in Colorado, "prefers to let our customers choose what bags they want to use. We certainly are not in support of a ban on plastic bags."

"We support sustainability," McGannon said, noting the stores' plastic bag recycling programs. "It's a journey of 1,000 miles, we cannot do it with one quick sweep."

Both McGannon and Clark said they are concerned that banning plastic, but allowing fee-based use of paper bags, would mean more people would use paper bags, which cost "three times as much," Clark said.

Said McGannon: "Anything that drives up grocery store expenses drives up the cost to the consumer."

Clark said he is concerned that banning plastic bags would increase the use of paper bags, which would have a higher net carbon footprint than the status quo.

In Telluride, where Clark's Market has a store, the town's ban on plastic bags and fee for paper bags went into effect this spring. Clark said the program has "for the most part worked," although it can be frustrating for visitors.

"The residents there have always been progressive with reusable bags, even before the ban," Clark said.

City of Aspen environmental health specialist Ashley Cantrell said she was not surprised by the council's shift in direction Monday night. If the objective is to get rid of plastic bags, which require fossil fuels to make and have harmful environmental effects, it's hard not to conclude that a ban is the correct policy, she said.

If the city goes with a ban instead of a fee, there is a potential that trade groups representing plastic bag manufacturers could sue, charging unfair discrimination against their products versus paper products. However, city attorneys believe they could defend such a case, Aspen Mayor Mick Ireland said.

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Carbondale wants to look at ban on bags

SEPTEMBER, 15 2011
JOHN STROUD
POST INDEPENDENT
ASPEN, CO COLORADO

CARBONDALE — Elected officials in Carbondale appear to be in unanimous support of an outright ban on plastic shopping bags in the town, rather than imposing a fee on bags provided to customers at grocery stores.

Like the Aspen City Council, the Carbondale Board of Trustees on Tuesday tabled a proposed bag fee ordinance and are considering the option of banning plastic bags altogether.

The uniform bag fee ordinance, which would assess a fee of 20 cents on every plastic or paper grocery bag used at grocery stores, is making its rounds to Roaring Fork Valley municipalities from Aspen to Glenwood Springs.

The ordinance is being promoted by the Community Office for Resource Efficiency and local environmental advisory boards as a way to cut back on the use of disposable shopping bags in the region and educate people about the environmental impacts they can cause.

At its Tuesday night meeting, the Carbondale board opted to consider a ban on plastic bags instead, and not just for grocers, but for any retail establishment. A fee for the use of paper bags is also still under consideration.

“A fee doesn't really get to the heart of what we're trying to do,” Carbondale Trustee Pam Zentmyer said.

Others on the town board tended to agree.

“The problem here is not the 20 cents ... and, economically, I don't think a fee is the right approach,” Trustee Ed Cortez said.

“The problem is that plastic has a huge environmental impact on our town, the state, the country and globally. I don't want to see these things end up in our rivers and oceans, or even in our landfills,” Cortez said.

Carbondale Mayor Stacey Bernot posed the question, “What problem are we really trying to fix here? If the real issue is plastic bags, then it would seem that barring them outright gets us closer to the goal.”

The Aspen City Council is now scheduled to weigh the same question of a ban versus a fee on Oct. 10. The Basalt Town Board is slated to consider the fee ordinance on second reading Sept. 27,

after giving its initial approval last week.

Glenwood Springs City Council initially said it was not interested in considering the ordinance, but could take up the question again after seeing what the others do.

The proposed fee, if approved by the municipalities, would be deposited in a special fund held by each jurisdiction. The proceeds would be used to instead provide reusable carryout bags, fund recycling programs and community clean-up events, and educate the public on the impact of disposable bags on the environment.

A portion of the proceeds would also stay with the grocers as a way to offset the cost of implementing the fee program.

Members of the public who spoke at the Carbondale meeting were split on the issue, though most were open to either a ban or a fee on plastic bags.

"I'm against the bag fee, because I believe it would be a hardship on senior citizens," Carbondale resident Joan Cheney said. "Personally, I take my own bags with me to the store or use paper. I'd rather see you ban plastic bags. None of us ever wanted those flimsy things anyway. We want our paper sacks back."

Others said the fee might be a good option for the short term, but agreed that a ban would ultimately have more impact.

But Carbondale resident Duane Stewart said government shouldn't be involved in the issue at all.

"America used to be free, and part of that is the freedom to shop wherever and however we want," he said. "All these government rules keep taking that freedom away from us."

"I can tell you that, if you pass this ordinance, we will not shop here any longer," Stewart said.

Carbondale Trustee John Foulkrod said while he understands Stewart's sentiment about government regulation, over-consumption of plastics has become a problem.

"It's like radioactive material in its own way, and I think this is just the tip of the iceberg," Foulkrod said. "We need to eliminate plastics in our lives. The right thing is to just stop using them."

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<http://www.aspentimes.com/apps/pbcs.dll/article?AID=/20110915/NEWS/110919914&parentprofile=search&template=printart>

**6. Staff Recommended Changes if Ordinance
is adopted on September 27th**

The following language is proposed to be added to the Town Code

Exhibit A

Article IX Recycling and Waste Reduction.

Sec 7-185. Definitions.

For purposes of this Article, the following terms shall have the meanings ascribed to them:

Waste Reduction Bag Fee: The term Waste Reduction Bag Fee means a Town fee imposed and required to be paid by each consumer making a purchase from a Basalt business subject to the fee for each disposable carryout bag used during the purchase.

Disposable Carryout Bag. The term Disposable Carryout Bag means a bag of any material, commonly plastic or paper, which is provided to a consumer at the point of sale to carry purchases. Disposable Carryout Bag does not mean:

- (1) A reusable carryout bag.
- (2) Bags used by consumers inside stores to:
 - (A) Package bulk items, such as fruit, vegetables, nuts, grains, candy or small hardware items;
 - (B) Contain or wrap frozen foods, meat, or fish;
 - (C) Contain or wrap flowers, potted plants, or other items where dampness may be a problem; and,
 - (d) Contain unwrapped prepared foods or bakery goods;
- (3) Bags provided by pharmacists to contain prescription drugs;
- (4) Newspaper bags, door-hanger bags, laundry-dry cleaning bags, or bags sold in packages containing multiple bags labeled for use as garbage, pet waste, or yard waste bags.

Grocer means a retail establishment or business located within Basalt Municipal limits in excess of 6,000 square feet in a permanent building, operating year round, that is a self-service market and which sells a variety of staple foodstuffs, meats, produce, dairy products or other perishable items and typically sells household items. Grocer does not mean:

- a) Temporary vending establishment for fruits, vegetables, packaged meats and dairy.

①

Took out definition of reusable carryout bag

- (3) Funding programs and infrastructure that allows the Basalt community to reduce waste and recycle.
- (4) Purchasing and installing equipment designed to minimize trash pollution, including, recycling containers, and waste receptacles;
- (5) Funding community cleanup events and other activities that reduce trash;
- (6) Maintaining information on a public website that educates residents on the progress of waste reduction efforts;
- (7) Establishing a grant program which allows grocers, other businesses, non-profits, and other entities as approved by the then current Town Council to apply for grant dollars to be used to implement the objectives of this Article.
- (8) Paying for the administration of the program.

②
New-
Allows fees collected to be given back to grocers to develop their own waste reduction program →

(e) No fees deposited into the Fund, or any interest earned on those funds, shall revert to the unrestricted fund balance of the General Fund at the end of the fiscal year, or at any other time, and all fees shall be continually available for the uses and purposes set forth in this Article.

Sec. 7-191 Required Signage for Grocers.

Every business subject to the collection of the Fee shall display a sign letting customers know about the fee either inside the store or prior to entry stating that "The Town of Basalt encourages the use of Reusable Carryout Bags in all instances. If a customer does not have a Reusable Bag or chooses not to purchase one, a disposable carryout bag is available subject to the Waste Reduction Bag Fee."

Sec 7-192 Audits and Penalties for violations

(a) Each business subject to the Fee shall maintain accurate and complete records of the fees collected, the disposable carryout bags bought and provided to all customers, the form and recipients of any notice required pursuant to this Article, and any underlying records, including any books, accounts, invoices, or other records necessary to verify the accuracy and completeness of such records. It shall be the duty of such business to keep and preserve all such documents and records, including any electronic information, for a period of three (3) years from the end of the calendar year of such records.

(b) If requested, each grocer shall make its records available for audit by the Town Manager during regular business hours in order for the Town to verify compliance

Exhibit B

Excerpt from Fee Schedule

Language underlined is being added to the Town Code. Language with ~~strikethrough~~ shows language being deleted from the Town Code.

Code Section	Subject	2011 Fee
<u>Section -187</u>	<u>Waste Reduction Bag Fee (Fee)*</u>	<u>\$.20 per bag for Grocers as defined in the Town Code. However, the Grocers may retain a minimum of \$100 per month or 5% of the proceeds of the Fee, whichever is higher</u>
...

③ ↑ Increases Amount that grocers can retain

- ④ * Fee to be implemented ("Implementation Date) the later of:
1. The date that a bag fee is implemented in Aspen; however, Basalt will implement the Fee on May 1, 2012 if this has not occurred by that date.
 2. The date that a bag fee is implemented in Carbondale; however, Basalt will implement the Fee on May 1, 2012 if this has not occurred by that date
- Note: In addition, the Town Manager may delay implementation pursuant to Ordinance No. 19 Series of 2011

delays effective date. Goal is still to implement program at the same time as Carbondale