Memorandum

To: Honorable Mayor and Members of the City Council Administration and Public Works Committee

From: Catherine Hurley, Sustainable Programs Coordinator
       Suzette Robinson, Public Works Director

Subject: Ordinance 66-O-14, Enacting a Regulation on Disposable Plastic Shopping Bags and other related issues

Date: July 2, 2014

Recommended Action:
Staff recommends City Council adoption of Ordinance 66-O-14 enacting a ban on disposable plastic shopping bags for chain and franchise stores and the attached information regarding efforts to reduce the environmental impacts of plastic shopping bags in Evanston. At the July 14, 2014 City Council meeting, this ordinance was introduced and referred back to Administration and Public Works Committee for further discussion.

Summary:
Following the adoption of Chicago’s Partial Plastic Bag Ban\(^1\) this spring (2014), City Council directed staff to compile research and seek community feedback on options to address concerns regarding the negative impacts of single use shopping bags. This issue was previously discussed by City Council and the community in 2011 after thorough research was conducted and presented.

Staff has compiled the following summary, outlining the impacts of single-use bags and the possible responses to address these concerns. As the 2006 Evanston Strategic Plan\(^2\) outlines, the City is committed to embracing the best ecological practices and policies in government, services and infrastructure. This is part of a larger commitment to sustainability and overall waste reduction that is included the in the Evanston Climate Action Plan\(^3\) (ECAP), which identifies waste reduction and recycling as a focus area and recommends taking action to reduce single-use products like shopping bags.

\(^1\) [http://www.huffingtonpost.com/2014/04/30/chicago-bans-plastic-bags_n_5241854.html](http://www.huffingtonpost.com/2014/04/30/chicago-bans-plastic-bags_n_5241854.html)

\(^2\) [http://www.cityofevanston.org/assets/pdf/StrategicPlan.pdf](http://www.cityofevanston.org/assets/pdf/StrategicPlan.pdf)

\(^3\) [http://www.cityofevanston.org/pdf/ECAP.pdf](http://www.cityofevanston.org/pdf/ECAP.pdf) The ECAP references options including: encouraging retailers to offer incentives for bringing their own shopping bags, investigating a tax or ban on single-use plastic bags and supporting voluntary reduction efforts.
Ordinance 66-O-14 is presented as a ban on disposable plastic shopping bags for chain and franchise stores based on the Chicago Ordinance and is provided as Attachment 1.

**Single-Use Bag Overview and Impacts:**
Over a hundred billion disposable shopping bags are used each year in the United States with plastic bags representing over 80% of those. Life Cycle Assessments (LCA), which assess the environment impacts throughout all stages of the product’s life, have determined that creation, recycling and disposal of both paper and plastic bags require significant energy and resource. Plastic bags harm local environments and wildlife, clog storm drains, contaminate recycling processes and are a source of litter. Plastic bags are also made from non-renewable resources and do not biodegrade.⁴

Paper bags are made from a potentially renewable resource but require more energy and water in their production and produce more waste and greenhouse gas emissions than plastic bags. In addition to environmental impacts, single-use bags are also costly to retailers and consumers. The hidden costs of these “free bags” total an estimated $17 a year per Evanston resident.⁵ The best environmental and economic alternative is to use no bag whenever possible and to switch to using reusable bags when necessary. Additional information can be found on the City’s website at [www.cityofevanston.org/bags](http://www.cityofevanston.org/bags).

**Local Impacts and Community Feedback:**
Shopping bags, especially disposable plastic bags, have impacts specific to the local Evanston community and Lake Michigan. Plastic bag litter impacts beaches and Lake Michigan with as many as 400 plastic bags being collected on one clean-up day.⁶ Plastic bags also are frequently improperly recycled in curbside recycling and clog regional recycling facilities, taking up both time and additional resources.

Locally, there are positive actions being taken in response. Retailers and residents are increasingly aware of environmental concerns with single-use shopping bags and working to promote or use reusable bags instead. Residents are already bringing their own reusable bags and increasingly stores are providing them at the checkout from as little as $1. Local stores are offering incentives for customers who bring their own bag (Target, Whole Foods), charging for each bag used (Aldi) and some are not offering bags at all (Sam’s Club). Additionally plastic film collection sites now exist at most grocery stores.

At the direction of the City Council, staff held a community meeting on June ⁵th at the Ecology Center with approximately 30 community members in attendance. The presentation from the meeting can be viewed on the City’s website at the following link: [www.cityofevanston.org/bags](http://www.cityofevanston.org/bags). Information was given and feedback collected at both the Levy Senior Center and at the Foster Seniors Club following the community meeting. Overall there was concern expressed about the negative impacts of

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⁵ According to calculations of cost per bag and quantity of bags used by Evanston residents

⁶ Adopt-A-Beach Data, Alliance for the Great Lakes
disposable shopping bags and a wide variety of opinions on ways to take action. A summary of the community feedback collected is provided as Attachment 2.

**Bag Reduction Actions:**
There is a growing movement of residents, cities, non-profits, and stores taking actions to reduce the negative impacts of shopping bags. Over 130 cities and towns around the US now have some form of bag regulation or ordinance. Measurable progress has been made in cities that have taken actions on shopping bags. For example, bag bans and/or fees have led to single-use bag reductions of 60% (Washington, DC) up to 90% (San Jose, LA County). Along with reducing resource use, waste and litter, broader positive impacts of bag reduction include paving the way for additional waste reduction measures, alerting and engaging residents in taking direct action, and demonstrating a city’s commitment to being a green leader.

**Chicago Bag Reduction Ordinance:**
Chicago is the latest city to adopt a bag ordinance, which was approved on April 30, 2014. The Chicago Bag Reduction Ordinance bans plastic bags at retail establishments that are chain or franchise stores. It does not apply to dine-in or carry-out restaurants. The ordinance also requires paper bags to be recyclable, compostable and made with at least 40% post-consumer recycled content. The ordinance has a phased in implementation approach based on square footage. A copy of the Chicago Bag ordinance and summary of the key elements are provided in Attachment 3.

**Evanston Bag Reduction Options and Implementation:**
Based on best practices from the US and international bag reduction case studies, there are four main types of bag reduction strategies. Reduction strategies vary depending on the unique needs of each place. These strategies can be used individually or in some combination and include the following: a ban on bags (paper or plastic), charging a fee for each disposable bag given to a customer (paper or plastic), voluntary recycling program or reduction targets and educational “BringYourOwnBag (BYOB)” campaigns, bag credits and incentives. Detailed analysis of bag reduction alternatives and example cities is provided as Attachment 4.

Staff has drafted Ordinance 66-O-14 as a ban on disposable plastic shopping bags for chain and franchise stores based on the Chicago Ordinance and includes the same phased-in approach for implementation. A registration period would begin once the ordinance is adopted and stores would be asked to report their compliance plan (type of bag) through an online form and the information posted on the City’s website. The City could assist with educational outreach and incentives for both consumer and stores.

**Next Steps and Recommendations:**
In line with promoting the goals of Evanston’s guiding documents to “Create the Most Livability City in America”, staff recommends City Council adoption of Ordinance 66-O-14 enacting a ban on disposable plastic shopping bags for chain and franchise stores.

Staff also recommends that the community could benefit from an education and outreach campaign to promote the increased use of reusable bags, tracking data on shopping bag usage and reduction efforts and promote plastic bag and film recycling.
**Legislative History:**

April 25, 2011  Introduced Ordinance 67-O-10 proposing a $0.05 tax per bag; amended by Committee to be a bag ban; Staff was directed to gain community input.

June 13, 2011  Presentation to Administration and Public Works Committee on community feedback; Ordinance 76-O-10 was referred to Evanston Environment Board.

October 24, 2011  Presentation and recommendation by Evanston Environment Board on enacting a $0.05 tax on disposable shopping bags.

May 19, 2014  Staff presents update on Chicago Plastic Bag Ban and directed to hold community meeting.

June 5, 2014  Community meeting held at Evanston Ecology Center

**Attachment:**

Attachment 1 – Ordinance 66-O-14 Enacting a Regulation on Plastic Shopping Bags
Attachment 2 – Summary of Community Feedback from June 5th Meeting and Other Community Outreach
Attachment 3 - City of Chicago Approved Ordinance SO2014-1521 and summary table
Attachment 4 - Bag reduction strategies, alternatives and example cities
66-O-14

AN ORDINANCE

Adding Chapter 25 to Title 8 of the Evanston City Code Regulating Disposable Plastic Shopping Bags

SECTION 1: Legislative Statement.

The City of Evanston (the “City”) determined that the production, use, and disposal of disposable plastic shopping bags have significant adverse impacts on the environment. The City determined that to discourage and decrease the use of disposable plastic shopping bags within the City, it is necessary to regulate such use. The City Strategic Plan, adopted pursuant to Resolution 21-R-06, states that the City’s Natural Resources Vision is to be known as “the Green City” and commits the City to embracing the best ecological practices and policies in government, services and infrastructure. The City’s Strategic Plan has a goal to “protect and optimize the City’s natural resources and built environment, leading by example through sustainable practices and behaviors,” with the specific objective to “identify and utilize new practices that will improve the quality of life and enhance the City’s sustainability. In recognition of the City Strategic Plan’s goals and the need to regulate the use of disposable plastic shopping bags, this ordinance hereby creates a process to regulate disposable plastic shopping bags.

Article VII, Section (6)a of the Illinois Constitution of 1970 states that, “a home rule unit may exercise any power and perform any function pertaining to its government and affairs.” As a home rule unit, the City of Evanston’s powers shall be construed liberally. *Scadron v. City of Des Plaines*, 153 Ill.2d 164 (1992). This ordinance
is presumed constitutional and the burden of rebutting that strong presumption is on the party challenging the validity of the statute to clearly demonstrate a constitutional violation. *Napleton v. Village of Hinsdale*, 229 Ill.2d 296, 306 (2008). It is well-settled law in Illinois that the legislative judgment of the City Council must be considered presumptively valid. *Glenview State Bank v. Village of Deerfield*, 213 Ill.App.3d 747, (2nd Dist. 1991). A court has a duty to uphold the constitutionality of a statute/ordinance when reasonably possible, and if a statute’s/ordinance’s construction is doubtful, the court will resolve the doubt in favor the statute’s/ordinance’s validity. *Id.* citing to *People ex rel. Sherman v. Cryns*, 203 Ill.2d 264, 291 (2003).

The City Council finds that that there is a compelling governmental interest in implementing reasonable regulations on the use of disposable plastic shopping bags within the City of Evanston and that such regulations are essential to discourage and decrease the use of disposable plastic shopping bags within the City. Said regulations are in the best interest of the health, safety, and welfare of City residents and these regulations reduce the adverse impacts of disposable plastic shopping bags on the environment and the City.

**SECTION 2:** Ordinance 66-O-14 shall be in full force and effect, as follows:

(A) With regard to individual stores subject to this Ordinance with a floor area whose square footage exceeds 10,000 feet, this Ordinance shall take full force and effect on August 1, 2015.
(B) With regard to individual stores subject to this Ordinance with a floor area whose square footage is 10,000 feet or less, this Ordinance shall take full force and effect on August 1, 2016.

**SECTION 3:** Title 8 of the Evanston City Code of 2012, is hereby amended to add Chapter 25 as follows:

**8-25-1: TITLE:**

This Chapter shall be titled and referred to as the “Plastic Shopping Bag Ordinance.”

**8-25-2: PURPOSE AND INTENT:**

The purpose of this Chapter is to discourage the generation of waste in the form of disposable plastic shopping bags by creating regulations to discourage and decrease the use of disposable plastic shopping bags.

**8-25-3: DEFINITIONS:**

For the purposes of this Chapter, the words and terms listed shall have the meanings ascribed to them in this Section:

<table>
<thead>
<tr>
<th><strong>CHAIN STORE ORGANIZATION.</strong></th>
<th>(1) Three or more stores having common ownership, or (2) any store, regardless of ownership, that is part of a franchise.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>COMPOSTABLE PLASTIC BAG.</strong></td>
<td>Any bag that (1) when placed with other biodegradable or decaying natural materials will be broken down into simple organic components by biological processes, and (2) meets the current American Society for Testing and Materials (ASTM) D6400 Standard Specification for Compostable Plastics, and (3) has been certified as a compostable product by the Biodegradable Products Institute (&quot;BPI&quot;), as evidenced by the presence on the bag of the BPI Commercial Logo, indicating that the bag is &quot;commercially compostable&quot; or &quot;compostable in an industrial composting facility.&quot;</td>
</tr>
<tr>
<td><strong>CUSTOMER.</strong></td>
<td>Any person purchasing goods from a store.</td>
</tr>
<tr>
<td><strong>DISPOSABLE PLASTIC SHOPPING BAG(S).</strong></td>
<td>Any bag made predominantly of plastic derived from either petroleum or a biologically based source, such as corn or other plant sources, which is provided to a customer at the point of sale. The term &quot;disposable plastic shopping bag&quot; includes (1) degradable plastic bags, and (2) biodegradable plastic bags that are not commercially compostable. The term &quot;disposable plastic shopping bag&quot; does not include (i) commercially compostable plastic bags, (ii) reusable bags, (iii) produce bags, or (iv) product bags. As used in this definition: The term &quot;produce bag&quot; or &quot;product bag&quot; means any bag without handles used exclusively to carry produce, meats or other food items to the point of sale inside a store or to prevent such food items from coming into direct contact with other purchased items.</td>
</tr>
<tr>
<td><strong>OPERATOR.</strong></td>
<td>The person in control of, or having the responsibility for, the operation of a store, which may include, but is not limited to, the owner of the store.</td>
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<tr>
<td><strong>RECYCLABLE.</strong></td>
<td>Material that can be sorted, cleansed, and reconstituted using available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. As used in this definition, the term &quot;recycling&quot; does not include burning, incinerating, converting or otherwise thermally destroying solid waste.</td>
</tr>
<tr>
<td><strong>RECYCLABLE PAPER BAG(S).</strong></td>
<td>A paper bag that meets all of the following requirements: (1) contains no old growth fiber; (2) is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) post-consumer recycled material; (3) is capable of composting, consistent with the timeline and specifications of the American Society for Testing and Materials (ASTM) D6400 Standard Specification for Compostable Plastics; (4) is accepted for recycling in curbside programs in the county; (5) has printed on the bag the name of the manufacturer, the location (country) where</td>
</tr>
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</table>
the bag was manufactured, and the percentage of post-consumer recycled material used; and (6) displays the word "Recyclable" in a highly visible manner on the outside of the bag.

**POST-CONSUMER RECYCLED MATERIAL.**

A material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. The term "post-consumer recycled material" does not include materials and by-products generated from, and commonly reused within, an original manufacturing and fabrication process.

**REUSABLE BAG.**

A bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements: (1) has a minimum lifetime of 125 uses which, for purposes of this definition, means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet; (2) has a minimum volume of 15 liters; (3) is machine washable or is made from a material that can be cleaned or disinfected; (4) does not contain lead, cadmium, or any other heavy metal in toxic amounts; (5) has printed on the bag, or on a tag that is permanently affixed to the bag, the name of the manufacturer, the country where the bag was manufactured, a statement that the bag does not contain lead, cadmium, or any other heavy metal in toxic amounts, and the percentage of postconsumer recycled material used, if any; and (6) if made of plastic, is a minimum of at least 2.25 mils thick.

**STORE.**

A retail establishment, other than an establishment set forth in Section 8-25-4, which sells perishable or non-perishable goods, including but not limited to establishments operating under the following uses as defined in Section 6-18-3: Commercial Shopping Center, Food Store Establishment, Pawn Broker, Retail Goods Establishment, or Retail Services
8-25-4: EXEMPTIONS:

This Chapter shall not apply to (1) any dine-in or take-out restaurant, or (2) any store that is not a chain store organization.

8-25-5: DISPOSABLE PLASTIC SHOPPING BAGS PROHIBITED:

No store shall provide a disposable plastic shopping bag to any customer for the purpose of enabling the customer to carry away goods from the point of sale.

8-25-6: TYPES OF CARRYOUT BAGS REQUIRED:

Each operator shall provide reusable bags, recyclable paper bags or commercially compostable plastic bags, or any combination thereof, to customers for the purpose of enabling the customer to carry away goods from the point of sale. Provided, however, that this Section shall not apply if the operator does not provide disposable plastic shopping bags of any type to its customers.

8-25-7: PERMITTED BAGS:

Nothing in this Chapter shall be construed to prohibit customers from using bags of any type that the customer brings to the store for their own use or from carrying away from the store goods that are not placed in a bag provided by the store.

8-25-8: PENALTIES:

Any person who violates any provision of this Chapter shall be subject to a fine of $150.00 per each offense.

8-25-9: ENFORCEMENT:

The City of Evanston Health Department and the City of Evanston Community Development Department are authorized to enforce this section.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: The findings in this Ordinance, and the legislative Record, are declared to be prima facie evidence of the law of the City of Evanston, and shall be
received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

**SECTION 6:** If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

Introduced: ________________, 2014

Adopted: ________________, 2014

Approved:

______________, 2014

Elizabeth B. Tisdahl, Mayor

Attest: Approved as to form:

Rodney Greene, City Clerk

W. Grant Farrar, Corporation Counsel
Community Discussions and Public Meeting

Shopping Bag Reduction Options

City of Evanston

Summary of Feedback and Comments

June 2014

Summary of Community Feedback:

Feedback was collected from the Levy Senior Center, Fleetwood-Jourdain Community Center, and a community meeting and presentation at the Ecology Center on June 5, 2014. Information presented and feedback collected was based on general impacts and strategies for single-use bag reduction rather than in response to a specific ordinance or proposed action.

Community Meeting:

The meeting was attended by over 30 community members, primarily residents and a few industry representatives. The meeting was publicized through posters and regular digital outlets. Letters were also delivered by hand to approximately 30 businesses in Evanston that would potentially be impacted by bag ordinance similar to Chicago’s. The primary representative of local businesses at the meeting was Dick Peach, President of the Evanston Chamber of Commerce.

Though the overarching opinions on specific actions to take varied greatly, there was a general concern and awareness about the impact of bags and agreement that there should be more education and awareness of these issues. The majority of attendees seemed to support increased education and point out that people respond to incentives.

One of the most recurring topics that came up in the meeting was the need for more data and information for the specific impacts on Evanston and the overall use of bags in Evanston as well as the importance of establishing some kind of baseline. Equity concerns were raised in regards to the inequitable impacts on already disadvantaged populations (in additional costs for both bags and possibly buying extra garbage bags) as well as the best way to track and account for these possible inequitable impacts.

Recycling was a topic that was brought up as an important strategy to reduce the negative impacts of plastic bags, pointing out that it was people’s behavior not the fault of the bag itself as well as concern over the available facilities to promote it. Others pointed out that they supported increased recycling, but that this didn’t address the problems in the long term and previous examples hadn’t been very successful.
There was a fair number of people in attendance who supported taking action to reduce the impacts of disposable bags, but were against an outright ban. Opinions ranged from believing that this was too strong of a government action/involvement to a concern it could spark resentment and wanting to promote positive incentives instead to wanting more data and proof that this would be the best alternative to believing that people should have the choice to meet their own needs.

Those in favor of a ban pointed to the fact that legislation is also education in raising awareness and changing behavior and that it’s not an “either or” debate, its importance as a first step in promoting broader waste reduction goals, its previous success in other cities and other parts of the world, and broader symbolic commitment and leadership from Evanston.

There seemed to be a general belief of those who attended that the implementation of action should include education, reminders and assistance and some kind of safety net to make it as easy as possible for people to change their behavior.

**Informal Questions:**

Staff used several informal questions to seek feedback from the meeting attendees and community members at Fleetwood-Jourdian Community Center and Levy Senior Center. The majority of people who provided feedback reported that they already own reusable bags. Many people prefer them to plastic and paper because they are more sturdy and reliable (reusable bags were considered the most preferable if cost is not an issue). In everyday shopping, plastic still is widely used because of its convenience and because it can be reused (along with paper bags) for a range of functions, such as to pick up dog waste or as garbage bag liners. Paper bags were more likely to be recycled but also less likely to be reused. A percentage of both paper and plastic bags still end up in the trash.

The vast majority of people expressed concern for the negative impact of plastic bags, especially in regards to impact on local ecosystems and wildlife, increased litter, and because they are overused and wasted. There were also some concerns with reusable bags with the most commonly cited being hygiene concerns with their reuse and because they’re hard to remember to bring. In regards to efforts to promote the increased use of reusable bags, giving away free reusable bags was a top response followed by a plastic bag ban, increased signage at stores, educational outreach about the impacts of bags and finally charging for both paper and plastic single-use bags.
## Chicago Ordinance Summary

Ordinance SO2014-1521 Approved April 30, 2014

<table>
<thead>
<tr>
<th>Categories/Requirements</th>
<th>Chicago Ordinance</th>
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<tbody>
<tr>
<td>Plastic Bags</td>
<td>Bans single-use plastic bags, allows compostable bags that meet specific requirements.</td>
</tr>
<tr>
<td>Paper Bags</td>
<td>Required to be 100% recyclable, compostable and with at least 40% post-consumer recycled content.</td>
</tr>
<tr>
<td>Reusable Bags</td>
<td>A bag with handles that is specifically designed and manufactured for multiple reuse and meets specific re-use requirements.</td>
</tr>
<tr>
<td>Stores</td>
<td>Applies to all chain and franchise stores. Chain stores defined as three or more stores having common ownership.</td>
</tr>
<tr>
<td>Exemptions</td>
<td>Does not apply to dine-in or carry-out restaurants, family-owned stores to other bulk bags, packaging, etc.</td>
</tr>
</tbody>
</table>
| Phasing                 | Effective August 2015 Phase 1: Stores greater than 10,000 ft  
                           | Effective August 2016 Phase 2: Stores less than 10,000 ft |
| Enforcement             | The department of public health, business affairs and consumer protection are authorized to enforce this section. |
| Violations              | Fines of $100-300, $300-500 |
| Education               | Not addressed. |
| Budget/costs            | Not addressed. |
| Additional              | Retailers would have the option of charging for paper or compostable plastic bags. |
City of Chicago
Office of the City Clerk
Document Tracking Sheet

Meeting Date: 3/5/2014
Sponsor(s): Moreno (1)
Cardenas (12)
Austin (34)
O'Shea (19)
Type: Ordinance
Title: Amendment of Municipal Code Chapter 11-4 by adding Article XXIII to prohibit retail establishments from providing customers with plastic carryout bags from waste stream
Committee(s) Assignment: Committee on Health and Environmental Protection
WHEREAS, The City Council of the City of Chicago seeks to reduce the toxicity of waste materials in the solid waste stream that are directed to resource recovery and sanitary landfill facilities, and to maximize the removal of plastic carryout bags from the waste stream; and

WHEREAS, The City Council finds that plastic carryout bags are not biodegradable, which means that these bags ultimately break down into smaller bits that contaminate soil and waterways and enter into the food supply that animals and marine life ingest; and

WHEREAS, The production of plastic bags worldwide requires the use of more than 12 million barrels of oil per year, which also has a significant environmental impact; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Chapter 11-4 of the Municipal Code of Chicago is hereby amended by inserting a new Article XXIII, as follows:

ARTICLE XXIII, RETAIL BAG USE

11-4-4000 Definitions.

As used in this Article XXIII:

“Chain store organization” means (1) three or more stores having common ownership, or (2) any store, regardless of ownership, that is part of a franchise.

“Commissioner” means the commissioner of health of the City of Chicago.

“Compostable plastic bag” means any bag that (1) when placed with other biodegradable or decaying natural materials will be broken down into simple organic components by biological processes, and (2) meets the current American Society for Testing and Materials (ASTM) D6400 Standard Specification for Compostable Plastics, and (3) has been certified as a compostable product by the Biodegradable Products Institute (“BPI”) or other independent, testing organization approved by the commissioner, as evidenced by the presence on the bag of the BPI
Commercial Logo or other logo approved by the commissioner, indicating that the bag is “commercially compostable” or “compostable in an industrial composting facility.”

"Customer(s)" means any person purchasing goods from a store.

"Operator" means the person in control of, or having the responsibility for, the operation of a store, which may include, but is not limited to, the owner of the store.

"Plastic carryout bag(s)" means any bag made predominantly of plastic derived from either petroleum or a biologically based source, such as corn or other plant sources, which is provided to a customer at the point of sale. The term “plastic carryout bag” includes (1) degradable plastic bags, and (2) biodegradable plastic bags that are not commercially compostable. The term "plastic carryout bag" does not include (i) commercially compostable plastic bags, (ii) reusable bags, (iii) produce bags, or (iv) product bags. As used in this definition: The term “produce bag” or “product bag” means any bag without handles used exclusively to carry produce, meats or other food items to the point of sale inside a store or to prevent such food items from coming into direct contact with other purchased items.

"Recyclable" means material that can be sorted, cleansed, and reconstituted using available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. As used in this definition, the term “recycling” does not include burning, incinerating, converting or otherwise thermally destroying solid waste.

"Recyclable paper bag(s)" means a paper bag that meets all of the following requirements: (1) contains no old growth fiber; (2) is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) post-consumer recycled material; (3) is capable of composting, consistent with the timeline and specifications of the American Society for Testing and Materials (ASTM) D6400 Standard Specification for Compostable Plastics; (4) is accepted for recycling in curbside programs in the county; (5) has printed on the bag the name of the manufacturer, the location (country) where the bag was manufactured, and the percentage of post-consumer recycled material used; and (6) displays the word "Recyclable" in a highly visible manner on the outside of the bag.

"Post-consumer recycled material" means a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. The term "post-consumer recycled material" does not include materials and by-products generated from, and commonly reused within, an original manufacturing and fabrication process.

"Reusable bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements: (1) has a minimum lifetime of
125 uses which, for purposes of this definition, means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet; (2) has a minimum volume of 15 liters; (3) is machine washable or is made from a material that can be cleaned or disinfected; (4) does not contain lead, cadmium, or any other heavy metal in toxic amounts; (5) has printed on the bag, or on a tag that is permanently affixed to the bag, the name of the manufacturer, the country where the bag was manufactured, a statement that the bag does not contain lead, cadmium, or any other heavy metal in toxic amounts, and the percentage of postconsumer recycled material used, if any; and (6) if made of plastic, is a minimum of at least 2.25 mils thick.

"Store" means a retail establishment, other than an establishment set forth in Section 11-4-4010, that sells perishable or non-perishable goods, including, but not limited to, clothing, food and personal items, directly to the customer.

11-4-4010 Exemptions.

This Article XIII shall not apply to (1) any dine-in or take-out restaurant, or (2) any store that is not a chain store organization.

11-4-4020 Plastic carryout bags prohibited.

No store shall provide a plastic carryout bag to any customer for the purpose of enabling the customer to carry away goods from the point of sale.

11-4-4030 Types of carryout bags required.

Each operator shall provide reusable bags, recyclable paper bags or commercially compostable plastic bags, or any combination thereof, to customers for the purpose of enabling the customer to carry away goods from the point of sale. Provided, however, that this section shall not apply if the operator does not provide carryout bags of any type to its customers.

11-4-4040 Permitted bags.

Nothing in this Article XXIII shall be construed to prohibit customers from using bags of any type that the customer brings to the store for their own use or from carrying away from the store goods that are not placed in a bag provided by the store.

11-4-4050 Penalties - Enforcement.
(a) Any person who violates Section 11-4-4020 shall be subject to a fine of not less than $300.00 nor more than $500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(b) Any person who violates Section 11-4-4030 shall be subject to a fine of not less than $100.00 nor more than $300.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(c) The department of public health and department of business affairs and consumer protection are authorized to enforce this section.

SECTION 2. Section 7-30-020 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

7-30-020 Recycling program requirements.

(a) Every Except as otherwise provided in subsection (c) of this section, every operator shall establish an in-store recycling program that shall include, but need not be limited to, the following:

(Omitted text is unaffected by this ordinance)

(b) Each Except as otherwise provided in subsection (e) of this section, each operator or its designee shall maintain a copy of the annual report submitted to the Department in accordance with the requirements of Section 7-30-020(c).

(c) Each Except as otherwise provided in subsection (e) of this section, each operator or its designee shall submit an annual report, sworn by an affidavit, to the Department covering the preceding calendar year, beginning with a report covering calendar year two thousand nine (2009) which shall state the following:

(Omitted text is unaffected by this ordinance)

(e) This section shall not apply to the operator of any store meeting the requirements set forth in Sections 11-4-020 and 11-4-030.
SECTION 3. Upon its passage and publication, this ordinance shall take full force and effect, as follows:

(a) With regard to individual stores subject to this ordinance with a floor area whose square footage exceeds 10,000 feet, this ordinance shall take full force and effect on August 1, 2015.

(b) With regard to individual stores subject to this ordinance with a floor area whose square footage is 10,000 feet or less, this ordinance shall take full force and effect on August 1, 2016.

______________________________    ______________________________
Alderman George A. Cardenas, 12th Ward     Alderman Carrie Austin, 34th Ward

______________________________    ______________________________
Alderman Joe Moreno, 1st Ward     Alderman Matthew O’Shea, 19th Ward
SUMMARY OF BAG REDUCTION STRATEGIES

Overview of 4 Main Strategies

- Plastic bag ban:
  - A bag ban completely eliminates the distribution of plastic bags and typically includes a requirement that specifies a certain recycled content of paper bags and/or a fee to reduce their environmental impacts as well. Many cities, especially in California, have implemented a plastic bag ban because of legal impediments to issuing a fee on plastic bags and/or because plastics represent the largest local threat and cost.

- Fee for plastic and/or paper bags:
  - Charging a fee for each disposable bag can help encourage shoppers to bring their own bags. Even a 5 cent fee can have a big impact, with a drop from 270 million bags to 55 million seen in Washington, DC in 2010. Additionally $2 million was collected in the first year which was used to clean up the Anacostia River. In a survey of DC business owners in 2011, 58% saw no change to business while 20% saw a positive effect on business.

- Recycling programs or ordinances:
  - Some communities and states require retailers and/or bag manufacturers to provide bag recycling as plastic bag recycling is not available through curbside recycling programs. These recycling requirements can be stand-alone programs or can be coupled with a bag ban or fee to increase the effectiveness of these disposable bag reduction options. Recycling programs have challenges as energy and resources are still used to manufacture and transport bags and recycling rates typically are below 10% for states that have enacted recycling programs.

- Educational “BringYourOwnBag (BYOB)” campaigns, bag credits and incentives:
  - Educational initiatives can be used to drive customer behavior by raising the level of awareness and understanding of the environmental and economic impacts of disposable bags. Educational programs can already be found in many stores in and around Evanston, and should continue to be pursued alongside of other disposable bag reduction options. By educating the public through various programs, you avoid penalizing consumers and instead create awareness and positive incentives to motivate behavior change.
<table>
<thead>
<tr>
<th>Strategy</th>
<th>Effort</th>
<th>Cost</th>
<th>Level of City</th>
<th>Goal</th>
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<tr>
<td>Location and cost for recycling the plastic</td>
<td>Retailers</td>
<td>City outreach assistance through a BVOB® compliant program</td>
<td>Notes:</td>
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<td>Submission of an annual report to the City of Davis.</td>
<td>2014 for medium and small retailers; 2013 for medium and small retailers.</td>
<td>2014 for medium and small retailers; 2013 for medium and small retailers.</td>
<td>Examples: Boulder, Austin, and many other programs in-store tips, posters, and other program materials.</td>
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<td>2. Select an annual report to the City of Davis.</td>
<td>For medium and small retailers.</td>
<td>2012 annual report beginning in</td>
<td>City outreach assistance through a BVOB® compliant program.</td>
<td></td>
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<tr>
<td>4. Recycle or reuse any plastic bags that are not recycled at shopping centers.</td>
<td>For medium and small retailers.</td>
<td>2014 for medium and small retailers; 2013 for medium and small retailers.</td>
<td>&quot;Why a Bag? - Why a Bag?&quot; educational and promotion materials and a new city website.</td>
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<tr>
<td>5. Submit an annual report to the City of Davis.</td>
<td>Amendment requiring retail.</td>
<td>The plastic bag recycling ordinance.</td>
<td>&quot;Why a Bag&quot; educational and promotion materials and a new city website.</td>
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<tr>
<td>Provide a bin for the collection of plastic bags and other single-use plastic bags.</td>
<td>&quot;Why a Bag?&quot; educational and promotion materials and a new city website.</td>
<td>&quot;Why a Bag?&quot; educational and promotion materials and a new city website.</td>
<td>&quot;Why a Bag?&quot; educational and promotion materials and a new city website.</td>
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</table>
## Education and Outreach Focus Strategies

<table>
<thead>
<tr>
<th>STRATEGY</th>
<th>EXAMPLE</th>
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</table>
Santa Fe [http://www.santafenm.gov/reusable_bag_ordinance](http://www.santafenm.gov/reusable_bag_ordinance) |
| Reusable bag education program                | (sustainable jersey) [http://www.sustainablejersey.com/?type=1336777436&tx_sce rt_action%5BjAction%5D%5Bidentity%5D=507](http://www.sustainablejersey.com/?type=1336777436&tx_sce rt_action%5BjAction%5D%5Bidentity%5D=507) |
| Blog                                          | Portland [http://www.banthebagspdx.com/?page_id=2](http://www.banthebagspdx.com/?page_id=2)                                          |
| advocacy partnership to pass legislation      | NYC Bag it:                                                                                                                          |
| Bag Share program                             | (Santa Monica): “Share a bag” (stores donate too) [http://www.smgov.net/Departments/OSE/Business/Share_a_Bag_Program.aspx](http://www.smgov.net/Departments/OSE/Business/Share_a_Bag_Program.aspx) |
| Provide reusable bags:                        | Range between 2,000-15,000+                                                                                                           |
| “Pay the bag forward” (nonprofit partnership) | (bay area) [http://igotmybag.org/home.htm](http://igotmybag.org/home.htm)                                                            |
| Pledge to "Kick the Plastic Bag Habit"        | [http://www.citizenscampaign.org/campaigns/byob.asp](http://www.citizenscampaign.org/campaigns/byob.asp) also Portland?              |
| Recycling Central Stations                    | Phoenix, Arizona in partnership with Food Marketing Alliance                                                                        |
| Fee options:                                  | 5-25 cents (typically about 10 cents in California), can go back to retailer or towards clean up/environmental non-profit/“reusable bag fund”/etc. |
| Non-profit partnership                        | Bay area                                                                                                                             |

- List of efforts, etc.: [http://www.allaboutbags.ca/reduction.html](http://www.allaboutbags.ca/reduction.html)
### EXAMPLE ORDINANCES AND STRATEGY:

<table>
<thead>
<tr>
<th>Location</th>
<th>action</th>
<th>Link/ordinance</th>
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</thead>
<tbody>
<tr>
<td><strong>VOLUNTARY</strong></td>
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</table>
| Bisbee, AZ     | In 2012, Bisbee issued an ordinance for a voluntary bag reduction program “trial period” that would be monitored and assessed by the city after 6 months. Partnerships to promote “Bag Central Station,” where residents can recycle their plastic bags, education, etc. 2013: decided on a ban | [http://baglaws.com/assets/pdf/arizona_bisbee.pdf](http://baglaws.com/assets/pdf/arizona_bisbee.pdf)  
[http://www.svherald.com/content/shar-porrier/2013/07/17/356595](http://www.svherald.com/content/shar-porrier/2013/07/17/356595) |
| Phoenix, AZ    | Phoenix rolled out a voluntary reduction program in 2007, in partnership with the Arizona Food Marketing Alliance and the Arizona Retailers Association focusing on recycling (Bag Central Station) and encouraging reusable bags. “The city has also designed and distributed reusable cloth bags for residents to encourage alternatives to plastic bags. The city reports a 30 percent reduction in use and the program has spread statewide.” | See: “Phoenix recycling program” document |
| Dubuque, IA    | Voluntary                                                              |                                                                                 |
| Iowa City, IA  | Iowa city: outreach and education campaign                             |                                                                                 |
| **BAN AND FEE**|                                                                        |                                                                                 |
| San Francisco: | First city in the US to adopt a bag ordinance. Multi-lingual education campaign and resources 17,00 free bags locally with recycled fabric by Western Textiles Focus on education and assistance, but includes warnings and fines between $100-500. | [http://sfenvironment.org/article/prevent-waste/checkout-bag-ordinance](http://sfenvironment.org/article/prevent-waste/checkout-bag-ordinance)  
[http://digitalcommons.lsu.edu/cgi/viewcontent.cgi?article=1018&context=ggueli](http://digitalcommons.lsu.edu/cgi/viewcontent.cgi?article=1018&context=ggueli) |
| LA City:       | Whole website: “LA City Bag”  
Bag design contest, “The LA Epic Reusable Bag Giveaway” a program to make and give out reusable bags in low-income neighborhoods. “Bring Your Own Bag” campaign”  
The city also made a pledge to give out 100,000 free reusable bags in each of the 15 City Council  | [http://lacitybag.com](http://lacitybag.com)  
<table>
<thead>
<tr>
<th>San Jose</th>
<th>Austin:</th>
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<tbody>
<tr>
<td><strong>Jo Zietek</strong> [San Jose]</td>
<td><strong>Austin, Texas,</strong> passed a voluntary reduction and recycling program in 2007, seeking a 50 percent reduction, but it achieved a 20 percent reduction. In March 2012, the Austin City Council approved a ban on disposable paper and plastic bags effective March 2013. Awareness campaign included efforts to reduce bag consumption, issue free and sell low-cost reusable bags to patrons, and provide free plastic bag recycling to customers. Then a recycling pilot project. Then ban. “Bring it Austin” campaign: signage requirements The ordinance will be enforced by the city of Austin mainly through educational measures and assistance in compliance, but can penalize businesses anywhere from $100 to $2,000 per violation as a last resort. The city of Austin has also undergone an extensive marketing program to boost support for the ordinance. Austin Resource Recovery, the department for trash and recycling, spent $850,000 on an ad campaign about the ban, as well as offering free training sessions to businesses. The city of Austin Art in Public Places collection has also been utilized in spreading the word about reusable bags through artwork. Finally, the city has conducted several reusable bag giveaways. <strong>Hardship, Alternative Compliance or Emergency Access exemption</strong> Partnered with Keep America Beautiful Campaign: <a href="http://www.keeapustinbeautiful.org/bag">http://www.keeapustinbeautiful.org/bag</a></td>
</tr>
<tr>
<td>Location</td>
<td>Description</td>
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</table>
| Sunnyvale, CA: 2011 | "Bag It Forward" with Sunnyvale Community Services to collect and donate reusable bags. "city council appropriated $100,000. Nearly half was spent on the preparation of the EIR. The remaining was spent on several thousand reusable bags made in San Francisco from recycled fabric. The bags are distributed at promotional events." | EIR Report: [http://sunnyvale.ca.gov/Portals/0/Sunnyvale/ESD/SunnyvaleBagOrdinanceFEIR-sm.pdf](http://sunnyvale.ca.gov/Portals/0/Sunnyvale/ESD/SunnyvaleBagOrdinanceFEIR-sm.pdf)  
| Santa Monica       | Provides workshops, and a “how to” packet with signage and employee instructions for all retailers. Publicity and advertising campaign will be initiated in order to provide public information and education to the community about the ban. Partnership between the City with The Santa Monica Chamber of Commerce, Bayside District, Business Improvement Districts, Buy Local Campaign, Non-profits and local businesses to provide distribution of reusable bags and education about caring for the Environment. City plans to purchase and distribute up to 25,000 free locally made reusable bags. Key partnerships with “buy local” and non-profits. “Share a bag” program and giveaway events Finances: $60,000 through June 30, 2011 – covered by current year savings  
$115,000 for FY 11-12  
Ornance: |
<p>| Corvalis, Oregon:  | No business licenses so letter and stickers sent out to stores for point of sale with flyer for staff Bigger first (for education, small stores adapt) Few public meetings: what would this look like Outreach: Worked with newspaper, good community support for outreach (make a bag classes, logo design contest) Staff time, minimal costs for printing/etc. Pretty quick adaptation in first month | Website (with history): <a href="http://www.corvallisoregon.gov/index.aspx?page=854">http://www.corvallisoregon.gov/index.aspx?page=854</a> |</p>
<table>
<thead>
<tr>
<th>Location</th>
<th>Details</th>
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</thead>
<tbody>
<tr>
<td>Eugene, Oregon</td>
<td>Links to history, reports, survey results, etc. online Print materials: logos, FAQ, signage, bag giveaways Update included consumer surveys, retailer conversations and solid waste customer satisfaction surveys</td>
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<tr>
<td>BAG FEES</td>
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<tr>
<td>Boulder, CO</td>
<td>“Disposable bag fee”: $.10 for paper and plastic—4 cents of the fee will remain with the retailer to cover compliance costs and promote reusable bag use/bag recycling and 6 cents will be remitted to the city. The fee proceeds will be used by the City of Boulder to provide education and outreach to the community, distribute free reusable bags (with a focus on low income populations), and cover administrative/enforcement costs. It will also be used to offset the impact of bag use, including contamination at the recycling facility, support for a waterway clean-up program and greenhouse gas/water impact credits. The fee is to be remitted quarterly with a return form that will be mailed to each affected business. “Brought it” campaign: 40,000 Brought It reusable bags given away (with logo design contest) with city partners. Rewards program • 68% drop in first 6 months</td>
</tr>
<tr>
<td>Jamie Harkins,</td>
<td><a href="https://bouldercolarado.gov/lead/brought-it-boulder-reusable-bags">https://bouldercolarado.gov/lead/brought-it-boulder-reusable-bags</a></td>
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<tr>
<td><a href="mailto:harkinsj@bouldercoloarado.gov">harkinsj@bouldercoloarado.gov</a></td>
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<td>Washington, DC</td>
<td>Washington, D.C., placed a 5 cent fee per disposable plastic bag in 2009. The city reported 270 million bags used in 2009 compared to 55 million in 2010, an 80 percent reduction. The fee generated $150,000 for clean-up of the Anacostia River. Washington, D.C., officials report a 60 percent drop in household bag use in four years and fewer bags littering the streets. However, that city’s tax revenue derived from the 5-cent fee have remained stable, indicating the use has not declined.</td>
</tr>
<tr>
<td>GLOBAL</td>
<td>European Union reduction target with different strategy options: 80% in decade</td>
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Resources:

- LA County: Reusable Bag Suppliers: [http://dpw.lacounty.gov/epd/aboutthebag/bagtesting.cfm](http://dpw.lacounty.gov/epd/aboutthebag/bagtesting.cfm)
- More information on recycling/setting up a recycling site [http://www.plasticfilmrecycling.org/](http://www.plasticfilmrecycling.org/)
- Austin Bring it bag suppliers [http://bringitaustin.com/bag-suppliers](http://bringitaustin.com/bag-suppliers)

Conducted on complaint basis: Carried out by OSE inspectors as needed, Written warning for first violation, Administrative citation for subsequent, violations with fines graduated for repeat violations