

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF IMPROVING THE)	RESOLUTION NO. 11-4222
EFFICIENCY AND EFFECTIVENESS OF THE)	
REGIONAL SOLID WASTE MANAGEMENT)	Introduced by Chief Operating Officer
SYSTEM, PROTECTING THE ENVIRONMENT)	Michael J. Jordan, with the concurrence of
AND CONSERVING NATURAL RESOURCES)	Council President Tom Hughes
BY SUPPORTING STATEWIDE LEGISLATION)	
TO ELIMINATE SINGLE-USE PLASTIC BAGS)	
AT RETAIL CHECKOUT)	

WHEREAS, Metro's goals and values include protecting and enhancing the region's natural assets, ensuring quality habitat for fish, wildlife and people, and reducing and managing waste in an environmentally sound and cost-effective manner; and

WHEREAS, as the solid waste planning authority for the Metro region, Metro is charged with preserving and enhancing the quality of life and environment for the residents of the Metro region and for future generations; and

WHEREAS, the Regional Solid Waste Management Plan, 2008-2018 (RSWMP), identifies reduction of the amount and toxicity of solid waste for the next 10 years as a key program area that will require coordination and collaboration among Metro, local and state governments, service providers and the public; and

WHEREAS, Metro has pursued a collaborative approach to reducing the problem of single-use plastic bags contaminating curbside recycling, but the improper recycling of this waste stream continues to adversely affect the operations of material recovery facilities and thereby reduce the efficiency and effectiveness of the solid waste system; and

WHEREAS, governments and non-profit organizations across Oregon, including Metro, are incurring the cost of cleaning up single-use plastic bags in waste water treatment facilities, roads, waterways and beaches; and

WHEREAS, the Metro region includes more than 900 river miles that drain into the Willamette and Columbia rivers and eventually enter the Pacific Ocean, and plastic bags that enter these rivers travel downstream where they pollute the ocean and endanger animals that become entangled in or eat them; and

WHEREAS, single-use plastic bags are unnecessary in light of reusable alternatives; and

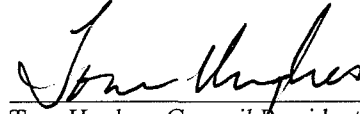
WHEREAS, in 2011 the Oregon Legislature will consider a prohibition on the distribution of single-use plastic check-out bags by retail stores; and

WHEREAS, Metro support of state legislation to ban single-use plastic bags is consistent with Metro's goals, values and the RSWMP; and

WHEREAS, joint action and collaboration with other local governments is the most effective way to support state legislation that prohibits retailers from providing single-use plastic bags; now therefore

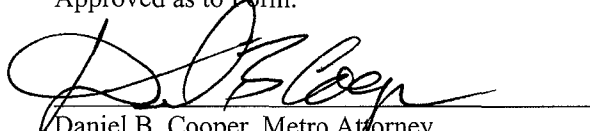
BE IT RESOLVED that the Metro Council supports state legislation that prohibits retailers from providing single-use plastic bags.

ADOPTED by the Metro Council this 6 day of JANUARY, 2011.

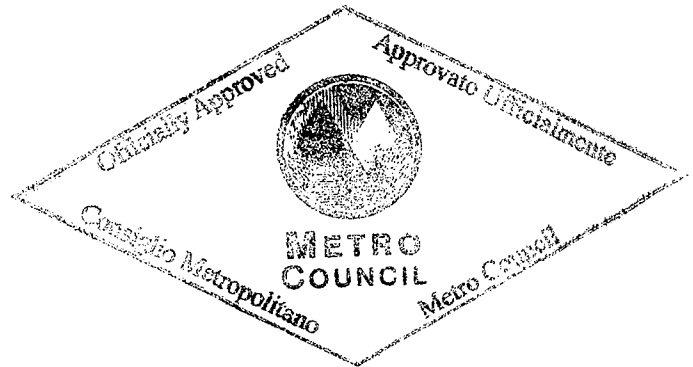


Tom Hughes, Council President

Approved as to Form:



Daniel B. Cooper, Metro Attorney



STAFF REPORT

FOR THE PURPOSE OF IMPROVING THE EFFICIENCY AND EFFECTIVENESS OF THE REGIONAL SOLID WASTE MANAGEMENT SYSTEM, PROTECTING THE ENVIRONMENT AND CONSERVING NATURAL RESOURCES BY SUPPORTING STATEWIDE LEGISLATION TO ELIMINATE SINGLE-USE PLASTIC BAGS AT RETAIL CHECKOUT

Date: January 6, 2011

Prepared by: Scott Klag
503-797-1665

BACKGROUND

Metro has been a strong supporter of reducing problems caused by plastic bags in our recycling system and the wider environment. Plastic bags are an especially severe problem for the curbside recycling system. Even after extensive joint efforts over the past several years by Metro, local governments, haulers and material recovery facilities (MRFs) to educate the public, far too many plastic bags find their way into curbside bins. At the MRFs these bags clog sorting equipment - costing time and money to clean them out and thereby reducing the efficiency of the region's recycling system. The bags also find their way into recovered materials (e.g., paper bales), reducing their value and passing a problem down the line to the paper mills that use these materials as manufacturing feedstocks.

Plastic bags are also a significant litter and ecological problem. Blowing plastic bags at MRFs, transfer stations and landfills require special efforts, such as fences and cleanup crews, to keep the bags from blighting in neighboring properties. Garbage and recyclables that are taken to facilities both in our region and eastern Oregon contribute to these problems. The parks and natural areas Metro manages are also not immune to this litter problem.

The Oregon Zoo supports this resolution because of the impacts plastic bags have on wildlife. The bags find their way into our local waterways and from there into the ocean. In the ocean, they accumulate with other plastic debris and harm marine life. Animals become entangled in plastic debris and mistake plastic bags for food. Plastic bags in the ocean photo-degrade into smaller and smaller bits which absorb toxins such as PCBs (polychlorinated biphenyls) and are eaten by ocean organisms. These toxins bioaccumulate in the tissues of organisms as they move up the food chain.

This resolution supports state legislation that would prohibit retailers from providing single-use bags at checkout. The bill promotes reusable bags which are defined as those designed for multiple reuse and made of a machine-washable fabric. Prohibited single-use bags would include those made of paper, plastic or any other materials. Restaurants would be exempted. Bags provided elsewhere in a store other than at the checkout counter (e.g., the produce department) would not be prohibited. A provision to allow single-use bags for "items marked with protected health information or other confidential information" is intended to exempt prescriptions sold at pharmacies.

The legislation would encourage the use of reusable bags by only allowing retailers to provide paper bags if they charged at least five cents for them. The paper bags would also need to meet a recycled content standard. Provisions are included that would allow retailers to provide paper bags for free to qualifying low income persons.

The bill is intended to establish a level playing field – retailers and consumers would face the same regulations throughout the state. The cities of Lake Oswego and Portland have adopted resolutions similar to Resolution No. 11-4222 endorsing a statewide approach. It should be noted that the draft state bill includes a provision that would pre-empt local governments, including Metro, from imposing "any

tax, fee, assessment, surcharge or other charge” on checkout bags. This would cover checkout bags whether they are reusable or single-use, or made of recycled paper, plastic or any other material.

The bill is being introduced by Senators Mark Hass (D-Beaverton) and Jason Atkinson (R-Central Point), and is supported by the Northwest Grocery Association. The bill is similar to SB 1009 introduced in the 2010 Special Session and revised after consultation with stakeholders in the interim. Environmental organizations, including Environment Oregon and Oregon Surf Riders, are also strongly supporting legislation banning plastic bags at checkout. The Oregon Department of Environmental Quality, which supported SB 1009, also is expected to support a plastic bag ban this session. Strong opposition from the American Chemistry Council and manufacturers of plastic bags is expected.

ANALYSIS/INFORMATION

1. Known Opposition

Strong opposition at the state legislature from the American Chemistry Council is expected.

2. Legal Antecedents

During the 2010 Special Session, SB 1009 was proposed to prohibit the free provision of plastic bags. The bill created considerable discussion both at the legislature and among the public at large, but did not advance. The Metro Council supported that bill.

3. Anticipated Effects

Passage of state legislation supported by the resolution should have the following effects:

- Reduce the impacts and costs that free plastic bags have on the region’s recycling system (material recovery facilities).
- Improve quality of other materials collected at curbside.
- Support the Regional Solid Waste Management Plan (RSWMP) product stewardship policy. Retailers are required to take steps that reduce “downstream” impacts of providing single use bags.
- Reduce plastic bag litter from entering the environment, causing local and downstream ecological problems.

4. Budget Impacts

No significant budget impact on Metro.

RECOMMENDED ACTION

Staff recommend the adoption of Resolution No. 11-4222 supporting state legislation to eliminate the use of single use plastic bags at retail checkouts.