



**DATE:** March 14, 2019

**TO:** Washington County Solid Waste Advisory Committee

**FROM:** Theresa Koppang  
Solid Waste Management Supervisor

**RE:** Proposed ordinance restricting the distribution of single-use plastic bags and encouraging the use of durable, reusable carryout bags.

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## Summary

A proposed ordinance that would restrict the distribution of single-use plastic bags and encourage the use of durable, reusable carryout bags will be considered by the Washington County Board of Commissioners (Board) this spring. This report includes the following for your committee's review: background information, identification of policy goals, review of similar existing local and state policies, an overview of the proposed ordinance, review of stakeholder outreach conducted to date, review of common policy concerns, and a staff recommendation regarding the proposed policy.

## Background

Due to the negative impacts of plastic litter to wildlife and other environmental concerns, many jurisdictions across the country have adopted, or are considering, policies that restrict single-use plastic items and encourage reusable alternatives. Restricting the distribution of single-use plastic carryout bags has been a logical starting place for many jurisdictions. Additionally, when consumers mistakenly include single-use plastic carryout bags in recycling bins, the bags create problems for the recycling industry by getting tangled in equipment and causing costly shutdowns. These shutdowns increase the cost of recycling and exacerbate contamination issues making our region's recyclable material less marketable.

Staff presented various strategies to reduce single-use plastic waste at Board work sessions on October 9, 2018 and December 18, 2018. Staff was directed to focus continued research on action regarding single-use plastic carryout bags with consideration of regional efforts including those in Hillsboro and Beaverton. At its February 19, 2019 meeting, the Board further authorized County Counsel, in coordination with Health and Human Services, to begin developing a proposed ordinance restricting the distribution of single-use plastic bags.

## Policy Goals

To guide the development of an ordinance that would restrict single-use plastic bags and encourage the use of durable, reusable carryout bags, staff identified three policy goals, including:

1. Promote the use of durable products and the environmental benefits associated with replacing single-use products with durable/reusable products.
2. Reduce single-use plastics that damage recycling facilities and infrastructure and are commonly found as litter in the environment.

3. Contribute to a consistent approach to single-use plastic carryout bag reduction among neighboring jurisdictions.

These three goals were used as a lens to review policies that have been adopted by other jurisdictions and to draft the proposed ordinance attached as Exhibit A.

### State and local plastic bag restriction policies

#### State action

Staff has examined potential statewide action coming out of the 2019 legislative session. Two house bills, HB 2509 and HB 2653, place restrictions on single-use plastic bags. However, at this early stage of the legislative session there is little certainty regarding the fate of these two pieces of legislation. House Bill 2509 was the topic of a public hearing in the House Committee on Energy and Environment on February 19, 2019. Staff is tracking HB 2509 and HB 2653 to better understand how potential adoption may affect a local ordinance and will continue to monitor their content and progress through the legislative process.

#### Local action

On November 20, 2018, Hillsboro City Council adopted an ordinance restricting single-use plastic carryout bags. The ordinance requires that businesses eliminate single-use plastic bags, with the effective date staggered for large and small businesses. The ordinance imposes a minimum \$0.05 fee charged to customers for paper bags from large retailers. Large retailers must also exempt low-income customers from the fee on paper bags. Restaurants may assess the charge but are not required to do so.

The Beaverton City Council held a work session on January 15, 2019, to discuss a potential single-use plastic bag restriction ordinance. Beaverton staff was directed to do more research and return to their council in March 2019. The Council expressed support for a consistent policy approach with neighboring jurisdictions, specifically unincorporated Washington County and the City of Hillsboro.

Many other cities throughout Oregon have passed single-use plastic carryout bag ordinances. Exhibit B includes policy details from select Oregon cities that have adopted plastic bag ordinances. There are currently no counties in Oregon with a plastic bag restriction policy on the books.

### Proposed ordinance

The proposed ordinance, attached as Exhibit A, would amend Washington County Code Chapter 5 to include Chapter 5.20 – Single-use Plastic Carryout Bag Prohibition. The ordinance would encourage the use of durable, reusable bags and prohibit the use of single-use plastic carryout bags in the unincorporated areas of the county. The draft code language includes several key policy elements, including types of businesses affected, pass-through fees, phase-in periods, bag type exemptions, and implementation and enforcement.

Table 1 below summarizes the key policy elements included in the proposed ordinance. Each policy element is accompanied by considerations, recommendations, and a reference to the policy goal(s) that the recommendation supports.

*Table 1: Key policy elements of proposed ordinance*

Policy Element	Considerations	Recommendations	Policy Goal
Business types	<ul style="list-style-type: none"> <li>• Bags are provided by all types of retailers and restaurants</li> <li>• Bags acquired while “on-the-</li> </ul>	<ul style="list-style-type: none"> <li>• Ordinance applies to all sources of single-use plastic carryout</li> </ul>	1, 2, 3

	<p>go”, often from small businesses and restaurants, are frequently found as litter</p> <ul style="list-style-type: none"> <li>• Restaurant and small business sectors have less familiarity with plastic bag reduction policies</li> </ul>	<p>bags, including: grocery, large retail, small retail, restaurants, and special events.</p>	
Pass-through charge on paper bags	<ul style="list-style-type: none"> <li>• Pass-through charge considered essential to gain support of major stakeholders</li> <li>• Helps mitigate increased costs of providing paper bags in place of plastic that is borne by retailers</li> <li>• Encourages customers to choose reusable bags to avoid the pass-through charge</li> <li>• Only those consumers who choose to use paper bags pay for them, rather than all consumers paying for paper bags embedded in the price of other products</li> <li>• Decreases the use of paper bags</li> <li>• Increases cost to customers that choose to use paper bags</li> </ul>	<ul style="list-style-type: none"> <li>• Require large businesses to charge no less than \$0.05 for recyclable paper bag</li> <li>• Small businesses and restaurants may asses charge, but are not required to do so</li> <li>• Require stores to exempt low income customers</li> </ul>	1,3
Phase-in periods	<ul style="list-style-type: none"> <li>• Businesses have current supply of plastic bags</li> <li>• Allows time for notification and education</li> <li>• Allows time for businesses to train staff and adjust computer systems</li> </ul>	<ul style="list-style-type: none"> <li>• Stagger phase in for large and small businesses</li> </ul>	3
Bag type exemptions	<ul style="list-style-type: none"> <li>• Health and safety for bulk goods, meat and vegetables</li> <li>• Limited ability to influence manufacturer packaging</li> <li>• Loopholes that result in thicker plastic bags being provided</li> </ul>	<ul style="list-style-type: none"> <li>• Exempt plastic bag uses and types not associated with point-of-sale distribution and carryout</li> <li>• Define reusable plastic bag as 4 mils in thickness</li> <li>• Exempt manufacturer packaging</li> </ul>	3
Implementation and enforcement	<ul style="list-style-type: none"> <li>• Provide education to businesses and community members</li> <li>• Encourage compliance over enforcement action</li> </ul>	<ul style="list-style-type: none"> <li>• Require education efforts prior to any enforcement actions</li> <li>• Incorporate enforcement through uniform citation procedures similar to other County codes</li> </ul>	1, 2, 3

## Stakeholder outreach

Staff is in the process of communicating with various stakeholder groups to gather input regarding the current policy proposal. Included below is a summary of input received as of March 7, 2019, organized by stakeholder category.

### General Public

The general public has been engaged through a short online questionnaire. The questionnaire introduces the topic and asks participants three questions, including whether the respondent would support a policy that restricts single-use plastic carryout bags, why or why not, and whether they currently use reusable bags while shopping. The questionnaire was shared on social media platforms including Facebook, Nextdoor, and Twitter. It was also sent to community-based organizations to be shared with community members and was included in Solid Waste & Recycling's *Recycling Update* electronic newsletter.

Questionnaire results, as of March 7, 2019, are included in Exhibit C and summarized as follows:

Respondents: 3,102

- Q1: Would you support a policy that restricts stores and restaurants from providing single-use plastic carryout bags?

70% YES  
24% NO  
6% NOT SURE

- Q2: Why or why not?

We received over 2,000 responses to this question. It was not possible to create a concise summary of the comments; they are attached to this report as Exhibit C.

- Q3: Do you use reusable bags when you go grocery shopping?

52% YES  
36% SOMETIMES  
12% NO

### Citizen Participation Organizations

Staff is working with the Community Engagement program to incorporate feedback from the County's Citizen Participation Organizations (CPO). Links to the survey, noted above, were included in CPO agenda packets. Staff will also be presenting the proposed ordinance to the Committee for Citizen Involvement (CPO steering committee) at its March 19, 2019 meeting.

### Industry and Business Groups

Staff has communicated with several business/industry groups, including the Hillsboro Area Chamber of Commerce, Northwest Grocery Association and the Oregon Restaurant and Lodging Association. Both the Northwest Grocery Association and the Hillsboro Area Chamber of Commerce have offered support for the policy and its alignment with the City of Hillsboro's plastic bag reduction policy, as proposed here. The Oregon Restaurant and Lodging Association has not provided any comments or feedback.

### Environmental Groups

Staff has communicated with multiple environmental groups including the Surfrider Foundation, Environment Oregon, 350.org Washington County, Tualatin River Keepers and SOLVE. Feedback to date has been supportive. The Surfrider Foundation is one of the leading advocacy organizations working on single-use plastic reduction and is actively supporting passage of both local and statewide legislation that results in the reduction of single-use plastics.

### Recycling/Solid Waste Industry

Staff has communicated with the solid waste and recycling industry, including Far West Recycling, the Oregon Refuse and Recycling Association (ORRA) and the Association of Oregon Recyclers (AOR). ORRA has identified it does not have a position on the ordinance. Far West Recycling and AOR have not yet provided comments on a Washington County ordinance; however have supported other similar initiatives.

## **Common concerns**

Throughout the stakeholder engagement process staff identified several themes that are commonly referenced when community members or organizations do not support a single-use plastic bag prohibition. Included below are those common themes followed by information staff developed through further research.

### Public health hazards

Some organizations and community members have referenced the potential for reusable bags to be a public health hazard that can potentially be contaminated with communicable diseases. Staff reached out to the Washington County Public Health division to discuss those concerns. Kimberly K. Repp, PhD, Public Health Program Supervisor, provided the following statement regarding health risks associated with reusable shopping bags:

*“There are no known public health risks associated with durable, reusable shopping bags as long as you wash them like you would an article of clothing and use plastic liner bags to contain loose produce and meats prior to placing them inside.”*

As proposed, the ordinance does not restrict the use of plastic liner bags to contain loose produce or meats. Further, the proposed ordinance would not limit community members from choosing single-use paper bags to transport groceries and other items. Community members particularly concerned with the possibility of contamination related to reusable bags can choose single-use paper bags for a small fee.

### Reuse of plastic bags

In responding to the survey, many community members took issue with identifying single-use plastic carryout bags as “single-use.” These respondents mentioned that they reused these bags around the home as trash can liners or to pick up and dispose of pet waste. While some community members are practicing reuse, many are not. Single-use plastic bags are not designed to be used multiple times and easily rip or tear, rendering them useless and wasting resources. Single-use plastic bags are also commonly found as litter and are often mistakenly included in the mixed recycling where they get tangled in equipment at recycling facilities. Plastic bags in various forms and designed for different purposes will not be affected by this proposed ordinance and will remain available for purchase.

### Financial impact to low-income community members

Some survey respondents expressed concern that charging customers for paper bags would adversely impact low-income community members. This is a recognized concern and is addressed through an exemption in the proposed ordinance. Community members that are using vouchers or

electronic benefits issued through a public financial assistance program would be exempt from having to pay a fee for paper bags.

**Staff recommendation**

Staff recommends that the Washington County Solid Waste Advisory Committee provide the Washington County Board of Commissioners a favorable recommendation to adopt a proposed ordinance that would restrict the distribution of single-use plastic carryout bags and encourage the use of durable, reusable shopping bags.

Attachments: Exhibit A, B, and C