

Plastic Bag Reduction Ordinance

**Section 8.67.010 Short Title.**

This Chapter may be cited as the “Plastic Bag Reduction Ordinance” of the City of Cambridge.

**Section 8.67.020 Declaration of findings and policy—Scope.**

The City Council hereby finds that the reduction in the use of plastic bags by commercial entities in the City of Cambridge (the “City”) is a public purpose that protects the marine environment, advances solid waste reduction and protects waterways. This Ordinance seeks to reduce the number of plastic bags that are being used, discarded and littered, and to promote the use of reusable checkout bags by retail stores located in the City. Further, this Ordinance seeks to reduce the use of paper bags, due to their greater use of natural resources and higher cost impacts on retailers. This Ordinance also seeks to ensure that customers using reusable checkout bags are made aware of the need to keep those bags sanitized between uses in order to protect against the transmission of food-borne illnesses.

**Section 8.67.030 Definitions.**

(a) The following words shall, unless the context clearly requires otherwise, have the following meanings:

1. “Department” means the City’s Department of Public Works.
2. “Commissioner” means the City’s Commissioner of Public Works.
3. “Checkout Bag” means a carryout bag provided by a Retail Establishment to a customer at the point of sale. A Checkout Bag shall not include
  - a. bags, whether plastic or not, in which loose produce or products are placed by a consumer to deliver such items to the point of sale or check-out area of a Retail Establishment;
  - b. laundry or dry-cleaner bags; or
  - c. newspaper bags.
4. “Recyclable Paper Bag” means a paper bag that is 100 percent recyclable and contains at least 40% post-consumer recycled content, and displays the words “Recyclable” and “made from 40% post-consumer recycled content” in a visible manner on the outside of the bag.
5. “Reusable Bag” means a bag with handles that is specifically designed and manufactured for multiple reuse and is either polyester, polypropylene, cotton or other durable material, or durable plastic that is at least 3.0 mils in thickness.
6. “Retail Establishment” means any commercial enterprise, defined as the following, whether for or not-for profit, including, but not limited to restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, farmers’ markets, jewelry stores, household goods stores, street fairs or festivals or bazaars.

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### **Section 8.67.040 Requirements.**

A. If a Retail Establishment provides Checkout Bags to customers, such bags shall be either a Recyclable Paper Bag or a Reusable Bag. Public information advising customers to sanitize Reusable Bags to prevent food-borne illness must be prominently displayed or communicated upon sale.

B. The Commissioner shall have the authority to promulgate regulations to accomplish any of the provisions of this Chapter.

C. Each Retail Establishment as defined in Section 8.67.030, above, shall comply with this Chapter.

### **Section 8.67.050 Effective Date.**

This Chapter shall take effect one hundred and eighty (180) days from the date of enactment.

### **Section 8.67.060 Exemption.**

A. The Commissioner may exempt a Retail Establishment from the requirements of this Chapter for a period of up to six (6) months, upon a finding by the Commissioner that the requirements of this Chapter would cause undue hardship to a Retail Establishment. An "undue hardship" shall only be found in:

1. Circumstances or situations unique to the particular Retail Establishment such that there are no reasonable alternatives to bags that are not Recyclable Paper Bags or Reusable Bags, or

2. Circumstances or situations unique to the Retail Establishment such that compliance with the requirements of this Chapter would deprive a person of a legally protected right, or

3. Circumstances where a Retail Establishment requires additional time in order to draw down an existing inventory of single-use plastic check out bags. Any Retail Establishment receiving an exemption shall file with the Commissioner monthly reports on inventory reduction and remaining stocks.

B. Any Retail Establishment shall apply for an exemption to the Commissioner using forms provided by the Department, and shall allow the Commissioner or his or her designee, access to all information supporting its application.

C. The Commissioner may approve the exemption request, in whole or in part, with or without conditions.

D. The Commissioner, by regulation, may establish a fee for exemption requests.

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**Section 8.67.070 Enforcement.**

A. Fine. Any Retail Establishment who shall violate any provision of this Chapter shall be liable for a fine of not more than \$300 and each day's violation shall constitute a separate offense.

B. Whoever violates any provision of this Chapter may be penalized by a noncriminal disposition as provided in G.L. c. 40, §21D. For purposes of this section, the Commissioner of the Department of Public Works, the Executive Director of the License Commission, the Executive Director of the Inspectional Services Department and the Commissioner of the Health Commission, or their designees shall be enforcing persons.

**Section 8.67.080 Severability.**

It is the intention of the City Council that each separate provision of this Chapter shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this Chapter be declared to be invalid by a court of competent jurisdiction, the remaining provisions of this Chapter shall remain valid and enforceable.

Hi, MY NAME IS DON SCHOENFISCH  
FOR THE PAST 23 YEARS I HAVE OWNED AND OPERATED DON'S DISCOUNT BAGS  
A MANUFACTURER AND DISTRIBUTOR OF PLASTIC, PAPER, AND CLOTH REUSABLE  
BAGS FOR SMALL RETAIL STORES. PRIOR TO THAT I OWNED AND OPERATED AN  
ENVIRONMENTAL COMPANY CALLED NEW ENERGY CONSERVATION SYSTEMS WHICH  
DESIGNED AND INVENTED NEW PRODUCTS TO CUT ENERGY USAGE AND HELP THE  
ENVIRONMENT. AND JUST PRIOR TO THAT I WORKED FOR A MAJOR PAPER ~~XXXX~~  
PRODUCTS MANUFACTURER FOR 4 YEARS. I'M TELLING YOU THIS BECAUSE I  
HAVE THE KNOWLEDGE AND HANDS\_ON EXPERIENCE IN THE PLASTIC VRS PAPER  
VRS REUSABLE CLOTH BAG ISSUE BEFORE US.

TO CLASSIFY BAGS AS A "ONE USE BAG" may be a good sounding catch  
PHRASE, BUT IT IS SIMPLY NOT TRUE. INFAC, IT IS FAR FROM BEING TRUE.

I ESTIMATE THAT 99% of MOST PLASTIC BAGS ARE REUSED AT LEAST 3-5  
TIMES AND EVEN MORE THAN THAT.

REMEMBER THIS:

USING PLASTIC BAGS SAVES TREES AND TREES TAKE IN UNBREATHABLE CARBON  
DIOXIDE AND GIVE US BREATHABLE OXYGEN. TREES ARE ALSO AN EXCELLENT  
STORE HOUSE OF CARBON. THE BUILD UP OF CARBON IN OUR ATMOSPHERE IS  
CURRENTLY BY FAR THE BIGGEST ENVIRONMENTAL CHALLENGE WE FACE TODAY AS  
IT LEADS TO GLOBAL WARMING. CUTTING DOWN MORE TREES TO MEET THE  
INCREASED DEMAND FOR PAPER BAGS AS A RESULT OF A BAN OR REDUCTION IN  
THE USE OF PLASTIC BAGS WILL RESULT IN THE RELEASING OF MORE CARBON  
INTO OUR ATMOSPHERE. RELEASING MORE CARBON IS THE LAST THING YOU WANT  
TO BE DOING RIGHT NOW.

IN THE UNITED STATES WE ARE CURRENTLY CUTTING DOWN 100 MILLION TREES  
EACH YEAR JUST TO MEET THE PAPER BAG DEMAND. ONLY 15% of all PAPER  
PAPER BAGS GET RECYCLED. .CLEAR CUTTING IS THE METHOD OF USE IN THE  
UNITED STATES TO GET THE TREES WE NEED. UNFORTUNATELY CLEAR CUTTING  
UNNATURALLY DRIES OUT THE FOREST FLOOR BY EXPOSING THIS NORMALLY  
SHADED AREA TO DIRECT SUNLIGH WHICH KILLS THE SMALL PLANTS AND  
STARVES THE ANIMALS THAT FED ON THOSE PLANTS. ADD TO THIS THE 30-40  
YEARS IT TAKES TO REGENERATE A FOREST (if in fact it does regenerate)  
AND FIGURE IN ALL THE FUEL AND ENERGY IT TAKES TO REPLANT & harvest  
THE TREES AND HOPEFULLY YOU WILL REALIZE THAT WHILE PAPER CAN BE  
REPLENISHED, IT IS AT BEST A MARGINAL CHOICE FOR REPLACING PLASTIC  
BAGS. INCIDENTLY, PAPER BAGS THAT HAVE A PERCENTAGE OF RECYCLED PAPER  
IN THEM HAVE BECOME VERY "BRITTLE" AND MORE EXPENSIVE TO THE POINT  
THAT BAG MANUFACTURERS HAVE HAD TO SHRINK THE SIZE OF THE PAPER BAG

DOWN AND THIN OUT THE PAPER WEIGHT TO KEEP THE COST OF A PAPER BAG AT 4 TIMES THE COST OF A PLASTIC BAG. THE END RESULT OF THIS IS THAT PAPER BAGS HAVE BECOME ALMOST USELESS. PS JUST THIS WEEK PAPER BAG PRICES HAVE RISEN BY 18%.

A QUICK FEW WORDS ABOUT CLOTH REUSABLE BAGS. A) FIRST OF ALL, 95% OF THEM ARE MADE OF PLASTIC. B) 99% OF THEM COME FROM CHINA C) ONLY 50% OF PLASTIC BAGS COME FROM CHINA. D) NOT ALL CLOTH BAGS ARE OF EQUAL QUALITY. THE 99¢ ONES CURRENTLY ON THE MARKET WILL LAST A WEEK OR TWO. THE \$3 EACH ONES WILL LAST SEVERAL MONTHS. E) THE MICROSCOPIC PORES IN THESE BAGS TRAP BACTERIA AND YOU WILL NEED TO CONSUME ELECTRICITY AND PRECIOUS WATER RESOURCES TO CLEAN THEM. BACTERIA WILL STILL BE LEFT BEHIND IN AND ON THE BAGS.

MORE IMPORTANTLY, THESE BAGS ARE EXPENSIVE. PEOPLE ARE CHEAP, THE MAJORITY OF THEM WILL NOT PURCHASE THE BAG BUT WILL WANT IT FOR FREE. STORES SIMPLY DO NOT GENERATE ENOUGH PROFIT TO GIVE AWAY A ONE DOLLAR OR THREE DOLLAR BAG FOR EACH PURCHASE.

ALL OF THE ABOVE <sup>85</sup> ~~ARE~~ NOT MY OPINION, AND NOT A THEORY. WHAT I HAVE JUST MENTIONED TO YOU IS REALITY AND A RESULT OF MY EXPERIENCES.

IN CONCLUSION, WHEN YOU LEAVE HERE TONIGHT THINK ABOUT WHAT I HAVE JUST SAID. IF YOU VOTE TO DEFEAT THE PLASTIC BAG BAN/REDUCTION ORDINANCE. YOU WILL HAVE SAVED THOUSANDS OF JOBS AND MILLIONS OF DOLLARS IN ECONOMIC ACTIVITY INCLUDING HUNDREDS OF THOUSANDS OF DOLLARS IN TAX REVENUES GENERATED BY THIS ECONOMIC ACTIVITY. IF YOU ARE THINKING "I DO NOT OWN A BUSINESS, I'M VOTING FOR THE PLASTIC BAG BAN/REDUCTION ORDINANCE BECAUSE IT DOES NOT AFFECT ME", WELL, YOU ARE WRONG. BECAUSE, MARK MY WORDS: WHEN TAX REVENUES GO DOWN THE GOVERNMENT WILL FIND A WAY TO MAKE UP THE DIFFERENCE BY TAXING YOU DIRECTLY OR INDIRECTLY.

Attachment C

**Lopez, Donna**

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**From:** David Loutzenheiser [dloutzen@gmail.com]  
**Sent:** Tuesday, March 25, 2014 1:56 PM  
**To:** Lopez, Donna; Craig Kelley; Mail, Randi  
**Subject:** Re: FW: Ordinance hearing on plastic bag reduction

I am just back from a weekend in the Bay Area. When shopping at Trader Joe's (near Oakland), after responding yes to a (paper) bag, was charged 10 cents. Turns out it's the law in Alameda County. Great idea. [http://www.cawrecycles.org/issues/plastic\\_campaign/plastic\\_bags/local](http://www.cawrecycles.org/issues/plastic_campaign/plastic_bags/local)

At minimum, we should be applying these type of disincentives to using disposable bags. I would encourage 25 cents per bag fee. Regardless a per bag charge should be required. Perhaps start with such a fee for plastic and paper bags, and move to an outright ban for plastic in a few years?

Note that two European stores in MA already charge for bags. Aldi and Ikea. <https://www.aldi.us/en/new-to-aldi/shopping-at-aldi/>

Thanks,

David

**Lopez, Donna**

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**From:** Sarah Stewart [sarahbstewart@yahoo.com]  
**Sent:** Tuesday, March 25, 2014 9:45 PM  
**To:** City Council; Lopez, Donna  
**Subject:** A comment for the Ordinance hearing on plastic bag reduction

I cannot be at the meeting regarding Ordinance hearing on plastic bag reduction as I have to work. But I would like my comments recorded:

I am totally for a plastic bag ban. Plastic is not like paper. Plastic never biodegrades. EVER!!!!!!! Paper does and quickly, though is a waste of trees. But at least it isn't causing the damage of non-biodegradable plastic.

Plain and simple, we need to be forward thinking and ban plastic. It is easy to take bags with you to shop, just a habit to get into. Or get a paper one. Store owners can be given time to use up their already bought supply of bags.

This isn't that complicated. We will have to do this at some point as we are killing the planet. Let's be ahead of the trend and be proud of ourselves. For our kids and for the planet.

I live and work in Cambridge and I vote.

Sincerely, Sarah Stewart

I live at 207 Appleton Street, Cambridge, MA 02138

**Lopez, Donna**

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**From:** Donald S Schoenfisch [donaldschoenfisch@earthlink.net]  
**Sent:** Monday, March 31, 2014 8:33 PM  
**To:** Gianetti, Lee  
**Cc:** Charley; Lopez, Donna  
**Subject:** Re: Plastic Bags- Cambridge

Lee, I appreciate your reply. I will try my best to be there to provide my 23+ years of experience in the bag business and to support the dozens of Cambridge based small businesses that will be gravely harmed if a bag ban bill is passed. As in the military, I will also implement a backup plan of sending E mail bag information to D. Lopez just incase something happens and at the last minute I cannot make the meeting.

Please keep me informed if there are any time or date meeting changes on the bag ban. Also, please allot me time to speak at the meeting and even more time to answer the many questions that are sure to follow. As an added benefit, with my experience, I can provide (at the meeting) guidance as to the questions the city councilors should be asking of people supporting the bag ban.

If you refer to my Sunday 3/30/14 E mail #1 & #2 I referred to. that 5/6/13 Gloucester Daily Times front page (& on page 6) article on a bag ban in Manchester, MA. Reading that article you hopefully will clearly see that people (store owners were mislead) and that a lot of critical questions were never asked or answered or even considered about a bag ban. No one ever considered job loss, income loss, tax revenue losses, environmental damage (by thousands of more trees being cut down), increased costs to small businesses, or even the fact that the 3 bags exempted from the bag ban are the 3 biggest offenders and the top 3 bags that are single use bags. etc. etc. etc. Thanks, Don Schoenfisch 508-895-9400

-----Original Message-----

From: "Gianetti, Lee"  
Sent: Mar 31, 2014 1:06 PM  
To: "donaldschoenfisch@earthlink.net"  
Subject: Plastic Bags- Cambridge

Mr. Schoenfisch,

I spoke with the City Manager about your email regarding Cambridge's proposed ban on plastic bags. He asked me to relay to you his thanks for sharing your opinion on the issue and your thoughts on how this proposal could impact small business owners. We have received lots of comments and input from people and businesses, both supporting and opposing the ban the City Council is considering.

As you are aware, the City Council is still examining this issue and there will be another public hearing at City Hall on Thursday, April 17 at 5:30 pm. This hearing is an opportunity for you to participate in the City Council process. If you cannot make the hearing in person, you can submit comments in advance through the City Clerk's office. You can email comments to [dlopez@cambridgema.gov](mailto:dlopez@cambridgema.gov).

Thanks again for your comments and please let me know if I can be of any further assistance.

Best regards,

Lee Gianetti  
*Director of Communications & Community Relations*  
City of Cambridge

617-349-3317

[www.cambridgema.gov](http://www.cambridgema.gov) | [facebook.com/cambridgema.gov](https://www.facebook.com/cambridgema.gov)

Attachment F

City of Cambridge  
CLIMATE PROTECTION ACTION COMMITTEE

April 15, 2014

Richard C. Rossi, City Manager  
City Hall, 795 Massachusetts Avenue  
Cambridge, MA 02139

Re: CPAC recommendation on proposed plastic bag ban ordinance

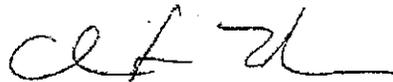
Dear Mr. Rossi:

As you know, the Climate Protection Action Committee submitted a recommendation to former City Manager Robert Healy in February 2013 on the then proposed plastic bag ban ordinance. The prior City Council did not include some of our recommendations, most significantly the fee on paper bags.

In anticipation of the April 17<sup>th</sup> City Council Ordinance Committee public hearing on the proposed ordinance, CPAC revisited the recommendations at our April 10<sup>th</sup> meeting. On behalf of CPAC, I would like to report that CPAC continues to urge adoption of the recommendations, which are attached. We would greatly appreciate if you could convey CPAC's recommendations to the City Council.

We look forward to the outcome of the City Council's deliberations.

Sincerely,



Quinton Zondervan  
Chair

City of Cambridge  
Climate Protection Action Committee

Recommendation  
on  
Proposed Plastic Bag Ban Ordinance

February 14, 2013

An ordinance to ban the use of single use plastic checkout bags is under consideration by the City Council. The motivation for considering the proposed ordinance is based primarily on reasons involving the desire to reduce impacts to the marine environment and inland waterways and waterbodies.

The Climate Protection Action Committee (CPAC) is an advisory body to the City Manager on matters involving climate change mitigation and preparedness. CPAC does not have a position on the merits of the ordinance in terms of achieving the goals described in the proposal. There are some issues that have implications for greenhouse gas emissions, which we would like to bring to the attention of the City. We hope these comments and recommendations will be conveyed to the City Council.

As we understand the proposed ordinance, it would ban retail establishments including supermarkets, pharmacies, and other retail stores above a certain size from providing plastic carryout bags less than 2.25 mils in thickness that are not intended to be reusable.

CPAC is concerned that if an ordinance is enacted that simply bans single use carryout plastic bags, that retail establishments and their customers may shift to the use of paper bags. If this were to occur, we believe that the result may add to Cambridge's contribution to climate change by unintentionally increasing the emission of greenhouse gases.

Both plastic bags and paper bags involve greenhouse gas emissions in their production, distribution, and disposal. While CPAC has not conducted original, in-depth research on the comparative GHG impact of each type of bag, we have looked to the work of Green Cities California (GCC), which is a coalition of 12 of California's largest and most environmentally progressive local governments including San Francisco, Berkeley, and Santa Monica. In 2010, GCC commissioned a master environmental assessment of single use, disposal grocery checkout bags (see <http://greencitiescalifornia.org/pages/single-use-bag-reduction.html>) to serve as "a one-stop reference about the impacts of restricting the use of single-use grocery bags, or of imposing a fee or other restriction on single-use disposable grocery bags." The assessment was largely funded by municipalities and environmental organizations, and was prepared by ICF International.

The key findings of the report were:

- **Single-Use Plastic Bags:** Nearly 20 billion single-use high density polyethylene

(HDPE) plastic grocery bags are used annually in California, and most end up in landfills or as litter. In fact, of the four types of bags considered, plastic bags had the greatest impact on litter.

- **Single-Use Paper Bags:** Kraft paper bags are recycled at a significantly higher rate than single-use plastic bags. Still, over its lifetime, a single-use paper bag has significantly larger greenhouse gas (GHG) emissions and results in greater atmospheric acidification, water consumption, and ozone production than plastic bags.
- **Single-Use Biodegradable Bags:** Although biodegradable bags are thought to be an eco-friendly alternative to HDPE plastic bags, they have greater environmental impacts at manufacture, resulting in more GHG emissions and water consumption than conventional plastic bags. In addition, biodegradable bags may degrade only under composting conditions. Therefore, when littered, they will have a similar impact on aesthetics and marine life as HDPE plastic bags.
- **Reusable Bags:** Reusable bags can be made from plastic or cloth and are designed to be used up to hundreds of times. Assuming the bags are reused at least a few times, reusable bags have significantly lower environmental impacts, on a per use basis, than single-use bags. Some of the reviewed LCAs indicate that use of the non-woven plastic reusable bag results in particularly large environmental benefits.
- **Effects of Policy Options on Single-Use Bags:** In other regions of the world, fees and bans on bags have resulted in dramatic drops in consumption. For instance, the Irish plastic bag tax immediately resulted in a greater than 90% reduction in use. Due to California law AB2449, no fee program on plastic bags can be introduced. However, bans on single-use plastic bags, as well as fees on other single-use bags, may be implemented to minimize use.

The GCC report cited life cycle greenhouse gas assessments that found the production, distribution, and disposal of paper bags cause 2 to 3 times the greenhouse gas emissions of a single use HDPE plastic bag. The report also found that there are GHG issues with biodegradable bags and reusable bags.

### Recommendation

Given that it is a priority of the City of Cambridge to reduce and minimize greenhouse gas emissions, CPAC recommends that the climate change implications of the proposed plastic bag ban ordinance be considered and taken into account. Most ordinances that ban plastic bags are structured as efforts to discourage single use bags of any sort and encourage the use of reusable bags. The Green Cities California report provides support that reusable bags are the best option.

CPAC recommends that the City include in any ordinance that bans single use plastic bags a requirement that retail stores impose a fee on paper bags and require a minimum amount of post-consumer recycled content. CPAC also recommends that "biodegradable" bags be included in any ban on plastic bags.

**Lopez, Donna**

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**From:** Massachusetts Vice Chair [vicechair@ma.surfrider.org]  
**Sent:** Friday, April 18, 2014 9:06 AM  
**To:** Lopez, Donna  
**Subject:** public hearing plastic bag ban

Dear Ms. Lopez-

I am writing to you in attempt to have our comments added to the public record for last night's hearing on the plastic bag ban. Although I was in attendance at the meeting last night, unfortunately my ignorance of the procedure to get on the list of speakers led to my inability to address the council during the allotted public comment time. I have included my comments below...if you will not accept the comments via email, please let me know how I might officially submit them for consideration.

Thank you for your time,  
Noel LaPierre

Vice Chair  
Surfrider Foundation - Massachusetts Chapter  
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To the Cambridge City Council Ordinance Committee:

My name is Noel LaPierre and I am here on behalf of the Massachusetts Chapter of the Surfrider Foundation, a group of more than 350 volunteer citizens, many of whom are Cambridge citizens, that are dedicated to the protection and enjoyment of our oceans, waves and beaches. Our organization supports the proposed ban on plastic bags in the City of Cambridge.

On July 13, 2013, our Surfrider Chapter hosted a river clean up along the banks of the Charles with over 120 volunteers. In two short hours we collected litter and filled over 100 trash bags; single-use, thin-film plastic bags made up the bulk of this litter. We will be running this clean up event again this year in July and while we feel proud to be helping keep the City and its waterways clean, we know that addressing the problem at its source will be much more effective.

We feel the passage of this ordinance would create an immediate and positive impact on reducing the amount of plastic litter. According to the National Oceanic and Atmospheric Association, 80% of plastic pollution at sea starts out on land as litter on beaches, streets and sidewalks. This plastic will never completely go away. Plastics do not biodegrade, they photodegrade, which means they slowly break into smaller pieces that marine life can mistake for food, sometimes with fatal results.

Elsewhere in Massachusetts, towns such as Brookline, Nantucket, Manchester-by-the-Sea and Great Barrington have already taken the step to ban single-use plastic bags. We at Surfrider would like to offer our full support and help in passing and implementing a bag ban in the great City of Cambridge so that this city can be added to the list of communities in the Commonwealth that have taken the lead to reduce plastics in our environment. Thank you for your time and consideration.