ATTACHMENT A-1

6.

City of Cambridge

Richard C. Rossi • City Manager

Executive Department

Lisa C. Peterson • Deputy City Manager

City Hall • 795 Massachusetts Avenue • Cambridge • Massachusetts • 02139
617-349-4300 • fax: 617-349-4307 • tty: 617-492-0235 • www.cambridgema.gov

February 20, 2015

To the Honorable, the City Council:

Please find attached for your consideration amendments and other related doucments associated with the proposed Plastic Bag Ordinance.

Very truly yours,

Richard C. Rossi

Richard C. Rossi
City Manager

RCR/mec
Attachment

CAMBRIDGE DEPARTMENT OF PUBLIC WORKS

January 26, 2015

To: Richard C. Rossi,
City Manager.

From: Owen O' Riordan,
Commissioner for Public Works.

Re: Preparation of a list of amendments associated with the Plastic Bag Ordinance.

Please find attached five (5) documents associated with our response to the above council order of December 15th 2014.

(1) The original Plastic Bag Ordinance.
(2) A redlined version of the Plastic Bag Ordinance including proposed amendments.
(3) A list of the 13 proposed amendments to the Plastic Bag Ordinance.
(4) Proposed regulations that will be promulgated by the Commissioner of Public Works if the various amendments proposed are approved.
(5) Standard Specification ASTMD6400 for plastic products that can be composted in aerobic composting facilities.

In an effort to address the various changes requested by various councilors during the Ordinance Committee and City Council meetings, the Department of Public Works and the Law Department have revised the Plastic Bag Ordinance so as to better allow the City Council to deliberate the merits of the various changes that have been proposed over the past year. The second document listed above is the redlined version of the original Plastic Bag Ordinance, (Document No. 2) which incorporates all fourteen (13) proposed amendments. This document shows the exact changes that would be made to the original Ordinance if all of the various amendments were accepted by the Council.

The third document (Document No. 3) lists all of the changes included in the redlined original Plastic Bag Ordinance (Document No. 2). Depending on how Councilors vote on amendments No. 3 through 13, , the Council could then vote on amendments Nos. 1 and 2 which allow for a more accurate reflection of the scope and title of a revised Ordinance.

The Department of Public Works also recommends that Amendment No. 10 be adopted. This amendment would provide for a one (1) year period before the Ordinance becomes effective, which would allow the Department of Public Works to better provide the support, publicity and outreach necessary to ensure the success of the Ordinance. This time period will also allow us to better identify any unintended consequences associated with the implementation of the Ordinance and thus be able to report back to City Council if there are any such unintended consequences and to address them before the Ordinance becomes effective.

FIRST PUBLICATION NUMBER 3321

City of Cambridge

In the Year Two Thousand and Fourteen

AN ORDINANCE

In amendment to the Ordinance entitled "Municipal Code of the City of Cambridge"

Be it ordained by the City Council of the City of Cambridge

That Title Eight of the Municipal Code entitled "Health and Safety" is hereby amended by adding a new Chapter 8.67 entitled "Plastic Bag Reduction Ordinance" which reads as follows:

8.67 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:

I. "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.

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 8.66.030, 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.

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.

Passed to a second reading at the City Council meeting held on February 10, 2014 and on or after February 24, 2014 the question comes on passing to be ordained.

ATTEST:-

Donna P. Lopez
City Clerk

Section 8.67.010 Short Title.

This Chapter may be cited as the ~~"Plastic Bag Reduction Ordinance~~ "Checkout Bag 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 reusable checkout bags by retail stores located in the City. Further, this Ordinance seeks to reduce the use of plastic 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.~~

The City Council hereby finds that the reduction in the use of disposable checkout bags by Retail Establishments in the City of Cambridge (the "City") is a public purpose that protects the marine environment, advances solid waste reduction, reduces greenhouse gas emissions, and protects waterways. This Ordinance seeks to reduce the number of plastic and paper bags that are being used, discarded and littered, and to promote the use of reusable checkout bags by Retail Establishments located in the City. This Ordinance 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 head of the City's Commissioner of Public Works.

3. "Checkout Bag" means a carryout bag with handles 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;~~.~~

d. bags used to contain or wrap frozen foods, meat or fish, whether prepackaged or not to prevent or contain moisture~~.~~; or

e. bags used to transport leftover or take-out food from restaurants.

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~~2.25 mils in thickness.

6. "Compostable Plastic Bag" means a plastic Checkout Bag that is capable of meeting the standards set forth in the test parameters of ASTMD6400 and approved by the Commissioner. Said bags must be capable of undergoing biological decomposition in a compost site such that the material breaks down into carbon dioxide, water, inorganic compounds and biomass at a rate consistent with known compostable materials.

7~~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~~;~~ and household goods stores.~~, street fairs or festivals or bazaars.~~ This does not include bazaars operated by nonprofit organizations, or religious institutions and farmers markets.

Section 8.67.040 Requirements.

A. If either 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. Charges.

1. Retail Establishments which provide Recyclable Paper Bags or Compostable Plastic Bags shall charge for each such bag provided not less than an amount established by Regulations promulgated by the Commissioner. The Checkout Bag charge shall be retained by the Retail Establishment.

2. Any charge for a Checkout Bag shall be separately stated on a receipt provided to the customer at the time of sale and shall be identified as the "Checkout Bag Charge" thereon.

D~~C~~. Each Retail Establishment as defined in Section 8.~~66~~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~~year 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:~~ The Commissioner may exempt a Retail Establishment from the requirements of this Chapter for a period of two years upon a finding by the Commissioner that the requirements of this chapter would cause undue hardship to a Retail Establishment. Any exemption granted by the Commissioner pursuant to this section shall expire after two(2) years. A retail establishment may re-apply when the exemption expires. 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~~.

B~~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.~~ The Commissioner may also exempt a Retail Establishment from the requirements of this Chapter for a period up to six (6) months, upon a finding by the Commissioner that a Retail Establishment requires additional time in order to draw down existing inventory of single–use plastic checkout bags or Checkout Bags that are not permitted by this Chapter or Regulations.

C~~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.

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

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

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 Inspectional Services Department and the Commissioner of the Health Commission, or their designees shall be the 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.

Amendments to the Original Plastic Bag Ordinance

Amendment Number 1

Section 8.67.010 Short Title.

The language "Plastic Bag Reduction" shall be deleted and "Checkout Bag" shall be inserted after the word "the" and before the word "Ordinance."

Amendment Number 2

Section 8.67.020 Declaration of findings and policy—Scope.

The language in Section 8.67.020 shall be deleted in its entirety and replaced with the following language:

The City Council hereby finds that the reduction in the use of disposable checkout bags by Retail Establishments in the City of Cambridge (the "City") is a public purpose that protects the marine environment, advances solid waste reduction, reduces greenhouse gas emissions, and protects waterways. This Ordinance seeks to reduce the number of plastic and paper bags that are being used, discarded and littered, and to promote the use of reusable checkout bags by Retail Establishments located in the City. This Ordinance 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.

Amendment Number 3:

Section 8.67.030 Definitions. The following language shall be inserted as a new subsection (a)(3)(d):

d. bags used to contain or wrap frozen foods, meat or fish, whether prepackaged or not to prevent or contain leaks; or

Amendment Number 4:

Section 8.67.030 Definitions. The following language shall be inserted as a new subsection (a)(3)(e):

e. bags used to transport leftover or take-out food from restaurants.

Amendment Number 5:

Section 8.67.030 Definitions. Delete the language in subsection (a)(5) which reads "3.0 mils" and insert in its place the following language: "2.25 mils".

Amendment Number 6:

Section 8.67.030 Definitions. Subsection (a)(6) shall be deleted in its entirety and the following language shall be inserted as a new subsection (a)(6):

6. "Compostable Plastic Bag" means a plastic Checkout Bag that is capable of meeting the standards set forth in the test parameters of ASTMD6400 and approved by the Commissioner. Said bags must be capable of undergoing biological decomposition in a compost site such that the material breaks down into carbon dioxide, water, inorganic compounds and biomass at a rate consistent with known compostable materials.

Amendment Number 7:

Section 8.67.030 Definitions. The following language shall be inserted as a new subsection (a)(7);

7. "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, seasonable and temporary businesses, jewelry stores, and household goods stores; however, this does not include bazaars operated by nonprofit organizations or religious institutions and farmers markets.

Amendment Number 8:

Section 8.67.040 Requirements. The following language shall be inserted as a new subsection (C).

C . Charges.

1. Retail Establishments which provide Recyclable Paper Bags or Compostable Plastic Bags shall charge for each such bag provided not less than an amount established by Regulations promulgated by the Commissioner. The Checkout Bag charge shall be retained by the Retail Establishment.
2. Any charge for a Checkout Bag shall be separately stated on a receipt provided to the customer at the time of sale and shall be identified as the "Checkout Bag Charge" thereon.

Amendment Number 9:

Section 8.67.040 Requirements. The previously named subsection (C) shall be renamed subsection (D) and the number "7" shall be deleted and the number "6" shall be inserted.

Amendment Number 10:

Section 8.67.050 Effective Date.

The language "hundred and eighty (180) days" shall be deleted with the language "year" inserted after the word "one."

Amendment Number 11:

Section 8.67.060 Exemptions. The entirety of subsection (A) shall be deleted and the following language shall be inserted:

A. The Commissioner may exempt a Retail Establishment from the requirements of this Chapter for a period of two years upon a finding by the Commissioner that the requirements of this chapter would cause undue hardship to a Retail Establishment. Any exemption granted by the Commissioner pursuant to this

section shall expire after two (2) years. A retail establishment may re-apply when the exemption expires. An "undue hardship" shall only be found in;

Amendment Number 12:

Section 8.67.060 Exemptions. Subsection (A)(3) shall be deleted in its entirety and replaced with the following language as a new subsection (B).

B. The Commissioner may also exempt a Retail Establishment from the requirements of this Chapter for a period up to six (6) months, upon a finding by the Commissioner that a Retail Establishment requires additional time in order to draw down existing inventory of single–use plastic checkout bags or Checkout Bags that are not permitted by this Chapter or Regulations.

Amendment Number 13:

Section 8.67.060 Exemptions.

Subsections (B), (C) and (D) shall be renamed (C), (D) and (E), respectively.

The City of Cambridge
Department of Public Works.
Checkout Bag Reduction Regulations

The City of Cambridge Commissioner for Public Works ("The Commissioner") hereby adopts these Checkout Bag Reduction Regulations pursuant to Cambridge Municipal Code Chapter 8:67.

1. Definitions. The following terms shall have the following meaning:

A. Compostable Plastic Bag is a plastic bag that meets the current ASTM D6400 Standard Specifications for compostability, is labeled as meeting the ASTM Standard by a third-party independent verification entity, such as the US Composting Council or the Biodegradable Products Institute. Said bags must be capable of undergoing biological decomposition in a compost site such that the material breaks down into carbon dioxide, water, inorganic compounds and biomass at a rate consistent with known compostable materials.

2. Checkout Bag Charge

A. Retail Establishments which provide Recyclable Paper Bags, Reusable Bags or Compostable Plastic Bags as checkout bags in accordance with this ordinance and regulations, shall charge not less than 10 cents for each such bag provided. This Checkout bag charge shall be retained by the Retail Establishment.

City of Cambridge

Application for Exemption from Checkout Bag Ordinance

Date: _____ Business Name: _____

Address: _____ # of Employees: _____

Other Locations: _____

Contact Name & Title: _____

Daytime Phone: _____ Email: _____

Options to submit completed application:

1. Submit online at www.cambridgema.gov/checkoutbags.
2. Scan and email to theworks@cambridgema.gov.
3. Print and mail or drop off:
   Cambridge Department of Public Works, 147 Hampshire Street, Cambridge MA 02139

Undue Hardship Exemptions

Expire after 2 Years. Retail establishment may re-apply when the exemption expires.

1. How do the requirements of the Checkout Bag Ordinance create circumstances or situations unique to this particular Retail Establishment such that reusable bags, recyclable paper bags or compostable bags cannot be reasonably used as checkout bags?

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2. Describe how the requirements of the Checkout Bag Ordinance create circumstances or situations unique to this particular Retail Establishment such that compliance would deprive a person of a legally protected right.

_____

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_____

Bag Exemption

Expire after 6 months.

1. Explain why this particular retail establishment requires additional time in order to draw down an existing inventory of single-use plastic checkout bags, or checkout bags that are not permitted by the Ordinance or Regulations.

I certify that the information contained in this Application is correct. I understand that, once this Application is submitted, it may take up to **fourteen business days** to be considered by the Department of Public Works. I understand that the Commissioner of Public Works may approve the exemption request, in whole or in part, with or without conditions.

Signed:_____ Date:_____

Reviewed by: _____ **Date:**_____

Approved____ **Rejected**____

Details of approval with conditions:

Designation: D6400 – 12

Standard Specification for Labeling of Plastics Designed to be Aerobically Composted in Municipal or Industrial Facilities[1]

This standard is issued under the fixed designation D6400; the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval. A superscript epsilon (ε) indicates an editorial change since the last revision or reapproval.

1. Scope*

1.1 This specification covers plastics and products made from plastics that are designed to be composted under aerobic conditions in municipal and industrial aerobic composting facilities, where thermophilic conditions are achieved.

1.2 This specification is intended to establish the requirements for labeling of materials and products, including packaging made from plastics, as "compostable in aerobic municipal and industrial composting facilities."

1.3 The properties in this specification are those required to determine if end items (including packaging), which use plastics and polymers as coatings or binders will compost satisfactorily, in large scale aerobic municipal or industrial composting facilities. Maximum throughput is a high priority to composters and the intermediate stages of plastic disintegration and biodegradation not be visible to the end user for aesthetic reasons.

1.4 The following safety hazards caveat pertains to the test methods portion of this standard: *This standard does not purport to address all of the safety concerns, if any, associated with its use. It is the responsibility of the user of this standard to establish appropriate health and safety practices and to determine the applicability of regulatory limitations prior to use.*

NOTE 1—This test method is equivalent to ISO 17088.

2. Referenced Documents

2.1 *ASTM Standards:*[2]

D883 Terminology Relating to Plastics

D5338 Test Method for Determining Aerobic Biodegradation of Plastic Materials Under Controlled Composting Conditions, Incorporating Thermophilic Temperatures

2.2 *Organization for Economic Development (OECD) Standard:*[3]

OECD Guideline 208 Terrestrial Plant Test: Seedling Emergence and Seedling Growth Test

2.3 *Comite Europeen de Normalisation (CEN):*[4]

EN 13432: 2000, 2000 CEN/TC 261/SC 4 N 99 Packaging—Requirements for Packaging Recoverable through Composting and Biodegradation—Test Scheme and Evaluation Criteria for the Final Acceptance of Packaging (EN 13432)

2.4 *ISO Standard:*[4]

ISO 14855–1 Determination of the ultimate aerobic biodegradability of plastic materials under controlled composting conditions—Method by analysis of evolved carbon dioxide—Part 1: General method

ISO 14855–2 Determination of the ultimate aerobic biodegradability of plastic materials under controlled composting conditions—Method by analysis of evolved carbon dioxide—Part 2: Gravimetric measurement of carbon dioxide evolved in a laboratory-scale test

ISO 16929 Plastics—Determination of the Degree of Disintegration of Plastic Materials under Defined Composting Conditions in a Pilot-Scale Test

ISO 17088 Specifications for Compostable Plastics

ISO 20200 Determination of the degree of disintegration of plastic materials under simulated composting conditions in a laboratory-scale test

2.5 *U.S. Government Standard:*[5]

40 CFR Part 503.13 Standards for the Use or Disposal of Sewage Sludge

2.6 *Canadian Government Standard:*[6]

Trade Memorandum T-4-93 Standards for Metals in Fertilizers and Supplements

[1] This specification is under the jurisdiction of ASTM Committee D20 on Plastics and is the direct responsibility of Subcommittee D20.96 on Environmentally Degradable Plastics and Biobased Products.

Current edition approved May 15, 2012. Published May 2012. Originally approved in 1999. Last previous edition approved in 2004 as D6400 - 04. DOI: 10.1520/D6400-12.

[2] For referenced ASTM standards, visit the ASTM website, www.astm.org, or contact ASTM Customer Service at service@astm.org. For *Annual Book of ASTM Standards* volume information, refer to the standard's Document Summary page on the ASTM website.

[3] Available from Organization for Economic Development, Director of Information, 2 rue Andre' Pascal, 75775 Paris Cedex 16, France.

[4] Available from American National Standards Institute (ANSI), 25 W. 43rd St., 4th Floor, New York, NY 10036, http://www.ansi.org.

[5] *Code of Federal Regulations*, available from U.S. Government Printing Office, Washington, DC 20402.

[6] Available from the Canadian Food Inspections Agency, Fertilizer Section, Ottawa, Canada

*A Summary of Changes section appears at the end of this standard

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3. Terminology

3.1 *Definitions:* Definitions appearing in this specification are found in Terminology D883, unless otherwise noted.

3.1.1 *biodegradable plastic*—a degradable plastic in which the degradation results from the action of naturally occurring microorganisms such as bacteria, fungi, and algae.

3.1.2 *compostable plastic*—a plastic that undergoes degradation by biological processes during composting to yield CO^2, water, inorganic compounds, and biomass at a rate consistent with other known compostable materials and leave no visible, distinguishable or toxic residue.

3.1.3 *composting*[7]—a managed process that controls the biological decomposition and transformation of biodegradable materials into a humus-like substance called compost: the aerobic mesophilic and thermophilic degradation of organic matter to make compost; the transformation of biologically decomposable material through a controlled process of biooxidation that proceed through mesophilic and thermophilic phases and results in the production of carbon dioxide, water, minerals, and stabilized organic matter (compost or humus).

3.1.4 *degradable plastic*—a plastic designed to undergo a significant change in its chemical structure under specific environmental conditions, resulting in a loss of some properties that may be measured by standard test methods appropriate to the plastic and the application in a period of time that determines its classification.

3.1.5 *plastic*—a material that contains as an essential ingredient one or more organic polymeric substances of large molecular weight, is solid in its finished state, and, at some stage in its manufacture or processing into finished articles, can be shaped by flow.

3.1.6 *polymer*—a substance consisting of molecules characterized by the repetition (neglecting ends, branch junctions, other minor irregularities) of one or more types of monomeric units.

4. Classification

4.1 The purpose of this specification is to establish requirements for identifying items made from plastics or polymers so that they do not interfere with their satisfactorily composting in commercial and municipal aerobic composting facilities. Products meeting the requirements outlined below be labeled as "compostable in municipal or industrial aerobic facilities" in accordance with the guidelines issued by the Federal Trade Commission[8] as long as proper qualifications as to the availability of such facilities are included on the label.

5. Basic Requirements

5.1 In order to compost satisfactorily, a product or material must demonstrate each of the characteristics found in 5.1.1-5.1.3, and which are quantified in Section 6.

5.1.1 *Disintegration During Composting*—A plastic product or material will disintegrate during composting such that any remaining plastic residuals are not readily distinguishable from the other organic materials in the finished product. Additionally, the material or product must not be found in significant quantities during screening prior to final distribution of the compost.

5.1.2 *Biodegradation*—A level of biodegradation for the plastic products shall be established by tests under controlled conditions.

5.1.3 *No Adverse Impacts on Ability of Compost to Support Plant Growth*—The tested materials shall not adversely impact on the ability of composts to support plant growth, when compared to composts derived from biowaste without any addition of tested products or reference materials. Additionally, the polymeric products or materials must not introduce unacceptable levels of regulated metals or hazardous substances into the environment, upon sample decomposition.

NOTE 2—For a better understanding of why these criteria are important, consult the *Compost Facility Operating Guide*,[7] and CEN/TC 261/SC 4 N 99.

6. Detailed Requirements

6.1 In order to be identified as compostable in municipal or industrial aerobic facilities, products must pass the requirements of 6.2, 6.3, and 6.4 using the appropriate laboratory tests, representative of the conditions found in aerobic composting facilities, which reach thermophilic temperatures. Finished articles and products shall be tested in the same form as they are intended to be used. For products that are made in multiple thicknesses or densities, such as films, containers and foams, only the thickest or most dense products need to be tested as long as the chemical composition and structure remains otherwise the same. It is assumed that thinner gages and lower densities will also compost satisfactorily. Similarly, if additives are present in test samples that pass testing, lower levels of the same additives are similarly passed.

6.2 *Disintegration During Composting*—A plastic product is considered to have demonstrated satisfactory disintegration if after twelve weeks (84 days) in a controlled composting test, no more than 10 % of its original dry weight remains after sieving on a 2.0-mm sieve. The test shall be carried out in accordance with ISO 16929 with a minimum vessel volume of 35 L, or ISO 20200 under thermophilic aerobic composting conditions.

6.3 *Biodegradation*—A plastic product must demonstrate a satisfactory rate of biodegradation by achieving the following ratio of conversion to carbon dioxide found in 6.3.1 and 6.3.1.1 within 180 days using Test Method D5338, ISO 14855–1, or ISO 14855–2.

6.3.1 Ninety percent (90 %) of the organic carbon in the whole item or for each organic constituent, which is present in the material at a concentration of more than 1 % (by dry mass), shall be converted to carbon dioxide by the end of the test period when compared to the positive control or in the absolute.

6.3.1.1 Organic constituents present at levels between 1 to 10 % shall be tested individually for compliance to 6.3.1.

[7] *Compost Facility Operating Guide*. Composting Council, Alexandria, VA, 1995.

[8] *Guidelines for the Use of Environmental Marketing Claims*, Federal Trade Commission, Washington, DC, 1992.

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6.3.2 Organic constituents which are present at concentrations of less than 1 % do not need to demonstrate biodegradability. However, the sum of such unproven constituents shall not exceed 5 %.

6.3.3 Plastic product test samples shall not be subjected to conditions designed to accelerate biodegradation, prior to testing in 6.3.

NOTE 3—While the end points of biodegradation include incorporation into biomass or humic substances as well as carbon dioxide, no recognized standard test methods and specifications exist to quantify these outcomes. When these tests and specifications become available, this standard will be revised.

6.4 A plastic product can demonstrate satisfactory terrestrial safety if it fulfills the requirements in 6.4.1 and 6.4.2:

6.4.1 The plastic or product shall have concentrations of regulated metals less than 50 % of those prescribed for sludges or composts in the country where the product is sold. Specifically in the United States, the regulated metal concentrations are found in Table 3 of 40 CFR Part 503.13. In Canada, the regulated metals concentrations are found in Table II of the Trade Memorandum T-4-93.

6.4.2 The germination rate and the plant biomass of the sample composts shall be no less than 90% that of the corresponding blank composts for two different plant species following OECD Guideline 208 with the modifications found in Annex E of EN 13432.

NOTE 4—Sample composts generated in accordance with ISO 20200 should not be used for ecotoxicity testing unless the concentration of the test items at the start of testing is in accordance with the requirements of ISO 16929.

7. Sampling

7.1 Sampling shall be conducted as indicated in the specified test method.

8. Specimen Preparation

8.1 Specimen preparation shall be in accordance with the specified test method.

9. Marking and Labeling

9.1 Marking and labeling shall conform to national and local regulations.

10. Keywords

10.1 biodegradable; compostable plastic; composting; degradable plastics; labeling

SUMMARY OF CHANGES

Committee D20 has identified the location of selected changes to this standard since the last issue (D6400 - 04) that may impact the use of this standard. (May 15, 2012)

(1) Most of the proposed changes are designed to harmonize this specification with the wording used in the newer standard, Specification D6868 – 11 and the requirements in ISO 17088. The distinction between the required level of biodegradation for homopolyers and other types of polymers is eliminated. Also, the language regarding the maximum number of items exempt from biodegradation testing is clarified.

ASTM International takes no position respecting the validity of any patent rights asserted in connection with any item mentioned in this standard. Users of this standard are expressly advised that determination of the validity of any such patent rights, and the risk of infringement of such rights, are entirely their own responsibility.

This standard is subject to revision at any time by the responsible technical committee and must be reviewed every five years and if not revised, either reapproved or withdrawn. Your comments are invited either for revision of this standard or for additional standards and should be addressed to ASTM International Headquarters. Your comments will receive careful consideration at a meeting of the responsible technical committee, which you may attend. If you feel that your comments have not received a fair hearing you should make your views known to the ASTM Committee on Standards, at the address shown below.

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ATTACHMENT A-2

City of Cambridge

O-11
IN CITY COUNCIL
December 15, 2014

COUNCILLOR CARLONE

ORDERED: That the City Manager be and hereby is requested to instruct the City Solicitor to prepare a list of the amendments for the proposed amendment to the revised ordinance entitled "Checkout Bag Ordinance" for the Ordinance Committee hearing scheduled to discuss this matter; said amendment to include the attached amendment submitted by Councillor Simmons.

In City Council December 15, 2014
Adopted by the affirmative vote of nine members.
Attest:- Donna P. Lopez, City Clerk

A true copy; Donna P. Lopez

ATTEST:-
Donna P. Lopez, City Clerk

Attachment

Amendment 1

Section 8.68.030, item 6, shall be stricken and replaced with the following text:

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, jewelry stores, and household goods stores, **however this does not include bazaars operated by non-profit organizations or religious institutions, and farmers markets.**

ATTACHMENT B

City of Cambridge

Richard C. Rossi • City Manager

Executive Department

Lisa C. Peterson • Deputy City Manager

March 9, 2015

To the Honorable, the Ordinance Committee:

On February 23, 2015, the City Council referred City Manager Agenda Item #6 "relative to amendments and other related documents associated with the proposed Plastic Bag Ordinance" to the Ordinance Committee for its consideration. The Ordinance Committee is scheduled to deliberate on this matter at the March 12, 2015 hearing.

A plastic bag industry group, the Progressive Plastic Bag Alliance, has raised the issue that mandating a charge for compostable or paper bags would violate the Massachusetts Constitution. The mandated charge is currently reflected by Amendment No. 8 in the documents that were previously forwarded to the Ordinance Committee. No other Massachusetts community has mandated such a charge although some communities have enacted by-laws that permit but do not require retail establishments to institute such a charge. The City Solicitor has indicated that there are no Massachusetts court decisions that have ruled on this issue, therefore, until and unless a court of competent jurisdiction rules otherwise, any ordinance passed by the City would be presumed valid.

In light of this issue being raised, however, I am transmitting for the Ordinance Committee's consideration a revised set of documents which reflect two options relating to this issue. Amendment No. 8A provides for the mandated charge as originally proposed in City Manager Agenda Item #6 and the documents now include a new Amendment No. 8B which would permit, but not require retail establishments to institute a charge for checkout bags.

Very truly yours,

Richard C. Rossi

Richard C. Rossi
City Manager

Attachments

City Hall • 795 Massachusetts Avenue • Cambridge • Massachusetts • 02139
617-349-4300 • fax: 617-349-4307 • tty: 617-492-0235 • www.cambridgema.gov

Amendments to the Original Plastic Bag Ordinance

Amendment Number 1

Section 8.67.010 Short Title.

The language "Plastic Bag Reduction" shall be deleted and "Checkout Bag" shall be inserted after the word "the" and before the word "Ordinance."

Amendment Number 2

Section 8.67.020 Declaration of findings and policy—Scope.

The language in Section 8.67.020 shall be deleted in its entirety and replaced with the following language:

The City Council hereby finds that the reduction in the use of disposable checkout bags by Retail Establishments in the City of Cambridge (the "City") is a public purpose that protects the marine environment, advances solid waste reduction, reduces greenhouse gas emissions, and protects waterways. This Ordinance seeks to reduce the number of plastic and paper bags that are being used, discarded and littered, and to promote the use of reusable checkout bags by Retail Establishments located in the City. This Ordinance 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.

Amendment Number 3:

Section 8.67.030 Definitions. The following language shall be inserted as a new subsection (a)(3)(d):

d. bags used to contain or wrap frozen foods, meat or fish, whether prepackaged or not to prevent or contain leaks; or

Amendment Number 4:

Section 8.67.030 Definitions. The following language shall be inserted as a new subsection (a)(3)(e):

e. bags used to transport leftover or take-out food from restaurants.

Amendment Number 5:

Section 8.67.030 Definitions. Delete the language in subsection (a)(5) which reads "3.0 mils" and insert in its place the following language: "2.25 mils".

Amendment Number 6:

Section 8.67.030 Definitions. Subsection (a)(6) shall be deleted in its entirety and the following language shall be inserted as a new subsection (a)(6):

6. "Compostable Plastic Bag" means a plastic Checkout Bag that is capable of meeting the standards set forth in the test parameters of ASTMD6400 and approved by the Commissioner. Said bags must be capable of undergoing biological decomposition in a compost site such that the material breaks down into carbon dioxide, water, inorganic compounds and biomass at a rate consistent with known compostable materials.

Amendment Number 7:

Section 8.67.030 Definitions. The following language shall be inserted as a new subsection (a)(7);

7. "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, seasonable and temporary businesses, jewelry stores, and household goods stores; however, this does not include bazaars operated by nonprofit organizations or religious institutions and farmers markets.

Amendment Number 8A:

Section 8.67.040 Requirements. The following language shall be inserted as a new subsection (C).

C. Charges.

1. Retail Establishments which provide Recyclable Paper Bags or Compostable Plastic Bags shall charge for each such bag provided not less than an amount established by Regulations promulgated by the Commissioner. The Checkout Bag charge shall be retained by the Retail Establishment.

2. Any charge for a Checkout Bag shall be separately stated on a receipt provided to the customer at the time of sale and shall be identified as the "Checkout Bag Charge" thereon.

Amendment Number 8B:

Section 8.67.040 Requirements. The following language shall be inserted as a new subsection (C).

C. Charges.

1. Retail establishments may provide a Checkout Bag at no charge, or charge a fee for Checkout Bags, as they so desire. Retail establishments are strongly encouraged to make Reusable Bags available for sale to customers at a reasonable price.

2. Any charge for a Checkout Bag shall be separately stated on a receipt provided to the customer at the time of sale and shall be identified as the "Checkout Bag Charge" thereon.

Amendment Number 9:

Section 8.67.040 Requirements. The previously named subsection (C) shall be renamed subsection (D) and the number "7" shall be deleted and the number "6" shall be inserted.

Amendment Number 10:

Section 8.67.050 Effective Date.

The language "hundred and eighty (180) days" shall be deleted with the language "year" inserted after the word "one."

Amendment Number 11:

Section 8.67.060 Exemptions. The entirety of subsection (A) shall be deleted and the following language shall be inserted:

A. The Commissioner may exempt a Retail Establishment from the requirements of this Chapter for a period of two years upon a finding by the Commissioner that the requirements of this chapter would cause undue hardship to a Retail Establishment. Any exemption granted by the Commissioner pursuant to this section shall expire after two (2) years. A retail establishment may re-apply when the exemption expires. An "undue hardship" shall only be found in;

Amendment Number 12:

Section 8.67.060 Exemptions. Subsection (A)(3) shall be deleted in its entirety and replaced with the following language as a new subsection (B).

B. The Commissioner may also exempt a Retail Establishment from the requirements of this Chapter for a period up to six (6) months, upon a finding by the Commissioner that a Retail Establishment requires additional time in order to draw down existing inventory of single–use plastic checkout bags or Checkout Bags that are not permitted by this Chapter or Regulations.

Amendment Number 13:

Section 8.67.060 Exemptions.

Subsections (B), (C) and (D) shall be renamed (C), (D) and (E), respectively.

Section 8.67.010 Short Title.

This Chapter may be cited as the ~~"Plastic Bag Reduction Ordinance~~ "Checkout Bag 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 reusable checkout bags by retail stores located in the City. Further, this Ordinance seeks to reduce the use of plastic 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.~~

The City Council hereby finds that the reduction in the use of disposable checkout bags by Retail Establishments in the City of Cambridge (the "City") is a public purpose that protects the marine environment, advances solid waste reduction, reduces greenhouse gas emissions, and protects waterways. This Ordinance seeks to reduce the number of plastic and paper bags that are being used, discarded and littered, and to promote the use of reusable checkout bags by Retail Establishments located in the City. This Ordinance 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 head of the City's Commissioner of Public Works.

3. "Checkout Bag" means a carryout bag with handles 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;~~.~~

d. bags used to contain or wrap frozen foods, meat or fish, whether prepackaged or not to prevent or contain moisture~~.~~; or

e. bags used to transport leftover or take-out food from restaurants.

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~~2.25 mils in thickness.

6. "Compostable Plastic Bag" means a plastic Checkout Bag that is capable of meeting the standards set forth in the test parameters of ASTMD6400 and approved by the Commissioner. Said bags must be capable of undergoing biological decomposition in a compost site such that the material breaks down into carbon dioxide, water, inorganic compounds and biomass at a rate consistent with known compostable materials.

7~~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~~,~~ and household goods stores.~~, street fairs or festivals or bazaars.~~ This does not include bazaars operated by nonprofit organizations, or religious institutions and farmers markets.

Section 8.67.040 Requirements.

A. If either 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. Charges.

The following text would be inserted if Amendment 8A is passed:

1. Retail Establishments which provide Recyclable Paper Bags or Compostable Plastic Bags shall charge for each such bag provided not less than an amount established by Regulations promulgated by the Commissioner. The Checkout Bag charge shall be retained by the Retail Establishment.

2. Any charge for a Checkout Bag shall be separately stated on a receipt provided to the customer at the time of sale and shall be identified as the "Checkout Bag Charge" thereon.

Or, in the alternative, the following text would be inserted if Amendment 8B is passed:

1. Retail establishments may provide a Checkout Bag at no charge, or charge a fee for Checkout Bags, as they so desire. Retail establishments are strongly encouraged to make Reusable Bags available for sale to customers at a reasonable price.

2. Any charge for a Checkout Bag shall be separately stated on a receipt provided to the customer at the time of sale and shall be identified as the "Checkout Bag Charge" thereon.

D~~C~~. Each Retail Establishment as defined in Section 8.~~66~~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~~year 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:~~ The Commissioner may exempt a Retail Establishment from the requirements of this Chapter for a period of two years upon a finding by the Commissioner that the requirements of this chapter would cause undue hardship to a Retail Establishment. Any exemption granted by the Commissioner pursuant to this section shall expire after two(2) years. A retail establishment may re-apply when the exemption expires. 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~~.

B~~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.~~ The Commissioner may also exempt a Retail Establishment from the requirements of this Chapter for a period up to six (6) months, upon a finding by the Commissioner that a Retail Establishment requires additional time in order to draw down existing inventory of single–use plastic checkout bags or Checkout Bags that are not permitted by this Chapter or Regulations.

C~~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.

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

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

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 Inspectional Services Department and the Commissioner of the Health Commission, or their designees shall be the 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.

The City of Cambridge
Department of Public Works.
Checkout Bag Reduction Regulations

The City of Cambridge Commissioner for Public Works ("The Commissioner") hereby adopts these Checkout Bag Reduction Regulations pursuant to Cambridge Municipal Code Chapter 8:67.

1. Definitions. The following terms shall have the following meaning:

A. Compostable Plastic Bag is a plastic bag that meets the current ASTM D6400 Standard Specifications for compostability, is labeled as meeting the ASTM Standard by a third-party independent verification entity, such as the US Composting Council or the Biodegradable Products Institute. Said bags must be capable of undergoing biological decomposition in a compost site such that the material breaks down into carbon dioxide, water, inorganic compounds and biomass at a rate consistent with known compostable materials.

If Amendment 8A is passed, the following language would be promulgated by the Commissioner:

2. Checkout Bag Charge

A. Retail Establishments which provide Recyclable Paper Bags, Reusable Bags or Compostable Plastic Bags as checkout bags in accordance with this ordinance and regulations, shall charge not less than 10 cents for each such bag provided. This Checkout bag charge shall be retained by the Retail Establishment

If Amendment 8B is passed, the preceding language will not be promulgated by the Commissioner.

~~2. Checkout Bag Charge~~

~~A. Retail Establishments which provide Recyclable Paper Bags, Reusable Bags or Compostable Plastic Bags as checkout bags in accordance with this ordinance and regulations, shall charge not less than 10 cents for each such bag provided. This Checkout bag charge shall be retained by the Retail Establishment.~~

City of Cambridge

Application for Exemption from Checkout Bag Ordinance

Date: _____ Business Name: _____

Address: _____ # of Employees: _____

Other Locations: _____

Contact Name & Title: _____

Daytime Phone: _____ Email: _____

Options to submit completed application:

1. Submit online at www.cambridgema.gov/checkoutbags.
2. Scan and email to theworks@cambridgema.gov.
3. Print and mail or drop off:
   Cambridge Department of Public Works, 147 Hampshire Street, Cambridge MA 02139

Undue Hardship Exemptions

Expire after 2 Years. Retail establishment may re-apply when the exemption expires.

1. How do the requirements of the Checkout Bag Ordinance create circumstances or situations unique to this particular Retail Establishment such that reusable bags, recyclable paper bags or compostable bags cannot be reasonably used as checkout bags?

_____

_____

_____

_____

_____

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_____

_____

_____

2. Describe how the requirements of the Checkout Bag Ordinance create circumstances or situations unique to this particular Retail Establishment such that compliance would deprive a person of a legally protected right.

Bag Exemption

Expire after 6 months.

1. Explain why this particular retail establishment requires additional time in order to draw down an existing inventory of single-use plastic checkout bags, or checkout bags that are not permitted by the Ordinance or Regulations.

I certify that the information contained in this Application is correct. I understand that, once this Application is submitted, it may take up to **fourteen business days** to be considered by the Department of Public Works. I understand that the Commissioner of Public Works may approve the exemption request, in whole or in part, with or without conditions.

Signed:_____ Date:_____

Reviewed by: _____ **Date:**_____

Approved____ **Rejected**____

Details of approval with conditions:

Crane, Paula ATTACHMENT C

From: Lopez, Donna
Sent: Tuesday, March 10, 2015 9:32 PM
To: Crane, Paula; Cosgrove, Marybeth
Subject: Fwd: plastic bag ban

Sent from my iPad

Begin forwarded message:

> **From:** Susan Koechner <skoechner@gmail.com>
> **Date:** March 10, 2015 at 8:19:40 PM EDT
> **To:** council@cambridgema.gov, dlopez@cambridgema.gov
> **Subject: plastic bag ban**
>
> To whom it may concern:
>
> I support the plastic bag ban wholeheartedly. We are homeowners in Cambridge and longtime Cambridge residents.
>
> Thank you very much,
> Susan Koechner
> 83 Washington Avenue Cambridge

ATTACHMENT D

Date: March 10, 2015

Re: Support for the Plastic Bag Ban, hearing scheduled on March 12, 2015

Dear Council Members,

We are writing to state our **absolute support for a Plastic Bag Ban in Cambridge**. The single-use bags are polluting our cityscape, poisoning our wildlife and adding dangerous chemicals to our own land and water. This should stop immediately. There are so many alternatives that are much much better for the environment as well as the beauty of the land and water around our City.

We urge you to pass the most stringent ban bill possible. Don't water it down. Make a forceful and positive step so Cambridge can finally be a leader in this matter. We would attend this important meeting in person but are out of town. Please pass along our SUPPORT FOR THE PLASTIC BAG BAN.

Sincerely,

Diana Meservey

Thomas Dinwoodie

57 Francis Avenue

Cambridge, MA

Crane, Paula ATTACHMENT E

From: Lopez, Donna
Sent: Wednesday, March 11, 2015 11:16 AM
To: Crane, Paula; Cosgrove, Marybeth
Subject: FW: plastic bag ban

From: Marjorie Y
Sent: Wednesday, March 11, 2015 11:16:13 AM (UTC-05:00) Eastern Time (US & Canada)
To: City Council; Lopez, Donna
Subject: plastic bag ban

Greetings City Councillors,

I will be unable to attend the hearing tomorrow but would like to express my support for banning environmentally damaging plastic bags.

Thank you.

Marjorie Yates
36 Upland Rd

Crane, Paula ATTACHMENT F

From: Lopez, Donna
Sent: Wednesday, March 11, 2015 12:16 PM
To: Crane, Paula; Cosgrove, Marybeth
Subject: FW: Ban plastic bags in Cambridge

From: Judy Bright
Sent: Wednesday, March 11, 2015 12:16:02 PM (UTC-05:00) Eastern Time (US & Canada)
To: City Council
Cc: Lopez, Donna
Subject: Ban plastic bags in Cambridge

Dear respected Councillors,
I cannot attend the hearing tomorrow night so am emailing you to IMPLORE you to support the ban of plastic bags in Cambridge and to make the ordinance as STRONG and as STRINGENT as possible. People will adapt. We can do it!

Please- we need your bold and courageous leadership to make this happen.

Respectfully,
Judy Bright

283 Upland Rd.

Crane, Paula ATTACHMENT C

From: Lopez, Donna
Sent: Wednesday, March 11, 2015 2:31 PM
To: Crane, Paula; Cosgrove, Marybeth
Subject: FW: [UpperUpland] Action needed asap: Ban plastic bags in Cambridge

---

From: Stephanie Haims
Sent: Wednesday, March 11, 2015 2:30:50 PM (UTC-05:00) Eastern Time (US & Canada)
To: Lopez, Donna
Subject: Fwd: [UpperUpland] Action needed asap: Ban plastic bags in Cambridge

---------- Forwarded message ----------
From: **Stephanie Haims** <stephinengland@gmail.com>
Date: Wed, Mar 11, 2015 at 12:49 PM
Subject: Fwd: [UpperUpland] Action needed asap: Ban plastic bags in Cambridge
To: council@cambridgema.gov
Cc: dlopez@cambridgem.gov

Dear respected Councillors,

Please add my name to the list of Cambridge residents who are excited about our city enacting a plastic bag ban. Cambridge is respected as a place where citizens are thoughtful about their stewardship of the environment and I think it is this type of clear, forward-thinking policy that most Cambridge residents will applaud and fully support. My cloth bags are at my side!!!

Please take this stand.

Sincerely,

Stephanie Haims

6 Cutler Avenue

Posted by: Judy Bright <judycoppolabright@gmail.com>

Reply via web post • Reply to sender • Reply to group • Start a New Topic • Messages in this topic (1)

VISIT YOUR GROUP

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Lopez, Donna ATTACHMENT H

From: Nicolai Cauchy <hurongreenhouse@gmail.com>
Sent: Friday, March 06, 2015 7:39 AM
To: Lopez, Donna
Subject: Notice to the attention of the Ordinance Committee regarding disposable plastic shopping bags

Dear Ms. Lopez and dear Committee Members,

I would prefer to see regulations that enhance proper use of existing bags, rather than banning them outright.

Many dog owners use them to pick up droppings, others including myself use them as weekly trash bags, and still others may have alternate uses for them, like rain hats when surprised by a storm, ultra light weight containers inside backpacks/luggage, etc...

In all those cases, banning them will require users to buy other manufactures bags, the environmental and financial costs of which outweigh those of the existing ultrathin polyethylene bags, and that will eventually wind up in our waste stream where they will take magnitudes of time longer to decay.

By now, existing ultrathin PE bags decompose under UV in about 4 weeks; a manufactured doggy poop bag lingers on for months, as alas exhibited by the many abandoned on the snow in the Winchester Fells.

Furthermore, at the risk of exaggerated cynicism, banning ultrathin plastic bags in a city of 100,000 is, much alas, unlikely to make any difference in the number of animals and plants hindered/killed by them worldwide.

By now, the industry manufacturing them is mature and the energy cost of changing the manufacturing process in favor of heavier grade reusable bags will in itself add a significant environmental cost.

End users have also been sensitized, and I have noticed a significant drop in the number of loose bags over the past five or so years, whether in the Fells, at Fresh Pond, or on city streets.

It may be more challenging than a primitive ban, but educating the public will undoubtedly be much less environmentally damaging than engaging the regulation that you are proposing.

Thanks for your consideration, and enjoy this Springful week end.

Sincerely,

Nicolaï Cauchy
The Sensibly Green House at 387 Huron
...someday with a Truly Green roof

Lopez, Donna ATTACHMENT I

From: Denise Ward <denisemward@gmail.com>
Sent: Friday, March 06, 2015 12:32 AM
To: Lopez, Donna
Subject: Plastic bags

Hello,

Plastic bags should not be banned though I abhor them like the plague. However there should be a price paid on them. I am against banning of any kind and we've got to get away from thinking we should stop others from doing things. However they should pay the price of environmental damage for their indulgences. We should be giving the message that paying for environmental damage is the user's expense. We shouldn't be messaging that some humans can dictate what other humans want them the do.

Thanks!

Denise Ward

--

"Only those who will risk going too far can possibly find out how far one can go. " ~ T.S. Eliot

https://www.youtube.com/watch?v=795ZNA4mXy48

www.sociophiles.org/blog

Crane, Paula ATTACHMENT J

From: Lopez, Donna
Sent: Wednesday, March 11, 2015 3:57 PM
To: Crane, Paula; Cosgrove, Marybeth
Subject: FW: Ban plastic bags in Cambridge

From: Lynne Meyer-Gay
Sent: Wednesday, March 11, 2015 3:57:54 PM (UTC-05:00) Eastern Time (US & Canada)
To: City Council
Cc: Lopez, Donna
Subject: Ban plastic bags in Cambridge

Subject: Ban plastic bags in Cambridge
To: council@cambridgema.gov
Cc: "Lopez, Donna" <dlopez@cambridgema.gov>

Dear Councillors,

Please support the ban of plastic bags in Cambridge, making the ordinance as strong and stringent as possible. People will adapt.

We need your bold and courageous leadership to make this happen.

Respectfully,
Lynne Meyer-Gay
10 Bowdoin Street #5
Cambridge, MA 02138

Crane, Paula ATTACHMENT K

From: Lopez, Donna
Sent: Wednesday, March 11, 2015 4:16 PM
To: Crane, Paula; Cosgrove, Marybeth
Subject: FW: plastic bag ban

From: George Emlen
Sent: Wednesday, March 11, 2015 4:15:59 PM (UTC-05:00) Eastern Time (US & Canada)
To: City Council
Cc: Lopez, Donna
Subject: plastic bag ban

Councillors,

I hope you will pass a strong ordinance ending the use of plastic bags. These are a blight on our neighborhoods and an environmental disaster. It is only a matter of time before they are banned nationally and their manufacture is discontinued. Please be ahead of the curve on this one.

Thank you,
George Emlen
47 Walker St.

Crane, Paula ATTACHMENT L

From: Lopez, Donna
Sent: Wednesday, March 11, 2015 8:08 PM
To: Crane, Paula; Cosgrove, Marybeth
Subject: FW: Plastic Bags

From: aryt alasti
Sent: Wednesday, March 11, 2015 8:07:58 PM (UTC-05:00) Eastern Time (US & Canada)
To: City Council
Cc: Lopez, Donna
Subject: Plastic Bags

As I mentioned to Council members in an email a couple of years ago, I cannot whatsoever support a ban on plastic bags. I think the premises given for such a ban lack significant merit. As someone who does all shopping by bicycle, bags have been a crucial means of transport, in all sorts of weather.

I don't have time to shop frequently, and so typically do so in quantity, with items carried in a knapsack as well as on handlebars. Anyone who has bicycled through a winter such as we just had knows how filth-covered the bike becomes from salt-melted slush. Shopping bags from stores are clean, less unwieldy than reuseable bags, maximally configurable to whatever containment once one is out where the bike is parked, weather-resistant, and, recyclable.

Unfortunately, the city has not seen fit to accept such bags for recycling, nor to mandate that stores do so. Nonetheless, although I worked for thirteen years doing groundskeeping at multiple properties on Chauncy St., and so am alert perhaps more so than the average person to litter issues, I have rarely ever seen plastic bags to be a problem, as consistently are other categories of waste such as cigarette butts, dog poop, beverage cups and bottles, and foam packing "peanuts." They aren't hanging in trees, they're not blowing around in the streets, and it's hard to believe that too many of them end up in the oceans, either. There isn't evidence showing that any significant percentage of plastic waste in oceans is from bags - much of it is from "nurdles," which are beads used in plastic manufacturing or equivalent bits from breakdown of plastic objects.

Meanwhile, since the ban controversy started, probably millions of Cambridge plastic bags have unnecessarily gone into landfills, because recycling has been neglected. Fortunately, some stores such as Shaw's and Whole Foods do of their own initiative take bags for recycling, and its clear that quite a few people take advantage of that, as I do.

It could be required that bags be used that are biodegradeable (except that bags, including reusable ones, don't degrade in landfills) or compostable (ditto) and that lack toxic substances; surely, there would be supply to meet demand, and retailers could hardly object. Recycling is the better option.

http://www.plasticfilmrecycling.org/

I feel that those who strongly support a ban perhaps have the *convenience* of a car, to which reusable bags may be carried, but which of itself obviously has its own environmental impacts. Or, it's students who at that time of life don't have the job, shopping, cooking, family and other obligations, in addition to which transport and sanitization of a collection of reuseable shopping bags is going to be another complication.

As we transition away from use of petroleum for fuel, there will be enough left to produce shopping bags for many millennia, and I believe that can be done in an environmentally responsible way, with the concerns that exist about disposal being adequately addressed other than by banning.

Aryt

Crane, Paula ATTACHMENT M

From: Lopez, Donna
Sent: Thursday, March 12, 2015 8:34 AM
To: Crane, Paula; Cosgrove, Marybeth
Subject: FW: Plastic Bag Ban hearing, Thursday, 5:30 pm

From: rchilds618@comcast.net
Sent: Thursday, March 12, 2015 8:33:26 AM (UTC-05:00) Eastern Time (US & Canada)
To: City Council; Lopez, Donna
Subject: Fwd: Plastic Bag Ban hearing, Thursday, 5:30 pm

I am a long time Cambridge resident and fully support the idea of banning plastic bags completely from use in supermarkets. We need to do everything we can to change the way we think about our environment and this is a good step. I have been impressed with the many approaches that all of you on the city council have been looking into dealing with everything to do with climate change, keep up the good work! best wishes Bob Childs

120 Garden St
Cambridge MA 02138

Crane, Paula ATTACHMENT O

From: Lopez, Donna
Sent: Wednesday, March 11, 2015 7:01 PM
To: Crane, Paula; Cosgrove, Marybeth
Subject: FW: Plastic Bag Reduction Ordinance

From: Kristine Jelstrup
Sent: Wednesday, March 11, 2015 7:01:17 PM (UTC-05:00) Eastern Time (US & Canada)
To: City Council
Cc: Lopez, Donna
Subject: Plastic Bag Reduction Ordinance

Dear Cambridge City Councillors,

Please consider a strong ban/reduction on single use plastic bags. They do great damage to the environment and incalculable harm to wild life. It's time Cambridge stepped up and did it's part to help reduce the scourge!

Sincerely,

Kristine Jelstrup
120 Pleasant Street #2

Crane, Paula ATTACHMENT P

From: Lopez, Donna
Sent: Wednesday, March 11, 2015 6:59 PM
To: Crane, Paula; Cosgrove, Marybeth
Subject: FW: Plastic Bag Ban

From: Deidre Purcell
Sent: Wednesday, March 11, 2015 6:58:59 PM (UTC-05:00) Eastern Time (US & Canada)
To: City Council; Lopez, Donna
Subject: Plastic Bag Ban

As a resident of Cambridge, I support the plastic bag ban.

Deidre Purcell
12 Murray Hill Road
Cambridge 02140

And so each venture
Is a new beginning, a raid on the inarticulate
-T.S. Eliot

Crane, Paula ATTACHMENT Q

From: Lopez, Donna
Sent: Thursday, March 12, 2015 9:44 AM
To: Crane, Paula; Cosgrove, Marybeth
Subject: FW: banning plastic bags in Cambridge

From: Judith E Smith
Sent: Thursday, March 12, 2015 9:43:23 AM (UTC-05:00) Eastern Time (US & Canada)
To: City Council
Cc: Lopez, Donna
Subject: banning plastic bags in Cambridge

I want to vehemently and loudly support an action to prohibit the use of single use carry out plastic bags in Cambridge.
For all the reasons science tells us about their bad impact on our vulnerable environment, and because they are end up all over the streets and sidewalk, flying out of garbage barrels.
Let's take this strong action as a city, we can do it, live without these destructive kinds of bags.
Judith E. Smith
149 Prospect St
Cambridge, MA

--
Judith E. Smith
American Studies
University of Massachusetts Boston

ATTACHMENT R

Massachusetts Chapter
Email: chair@ma.surfrider.org
http://massachusetts.surfrider.org

SURFRIDER
FOUNDATION

To Cambridge City Councilors,

As the Chair of the Surfrider Foundation Massachusetts Chapter, I applaud your efforts to mitigate instances of plastic debris in the environment through your work on the proposed plastic bag ban ordinances.

I urge you to consider the following input regarding the proposed amendments to the Decker ordinance:

- **Section 8.67.030 Definitions (a)(3)(e)**
  Our Chapter *strongly opposes* the exclusion of "take-out" food as this could lead to a significant loophole allowing continued proliferation of single-use plastic bags.
- **Section 8.67.030 Definitions (a)(5)**
  Our Chapter *strongly opposes* the change of minimum thickness from 3 mils down to 2.25 mils. Reducing the minimum thickness would allow for use of plastic bags that are not truly reusable.
- **Section 8.67.030 Definitions (a)(6) (now 7)**
  Our Chapter *opposes* the exclusion of farmer's markets as this would allow for potentially significant and continued proliferation of single-use plastic bags.
- **Section 8.67.040 Requirements new subsection (C)**
  Our Chapter *strongly supports* a mandatory fee for paper bags, separately stated on a receipt, in order to level the playing field for small business owners and to encourage consumer use of reusable bags.
- **Section 8.67.060 Exemptions new (A)**
  Our Chapter *strongly opposes* changing the exemption extension from 6 months to 2 years. Together with the allowance for retailers to re-apply for further extensions, the public purpose of this ban would be blocked indefinitely.

Tonight, you have the opportunity to champion a strong ordinance that will truly benefit the environment by getting single-use plastic bags out of circulation, reducing the use of single-use paper bags, encouraging a paradigm shift in consumer behavior, and supporting small business owners. I urge you to consider the above input on the proposed amendments as you construct the final version of the ordinance.

Thank you for your consideration.

Sincerely,

Noel LaPierre
65 Louise Rd, Belmont MA 02478
Chair, Surfrider Foundation Massachusetts Chapter

ATTACHMENTS

ASSACHUSETTS SIERRA CLUB

Massachusetts Sierra Club
10 Milk Street, Suite 417
Boston MA 02108-4600
(617) 423-5775
www.sierraclubmass.org
office@sierraclubmass.org

Mar. 12, 2015

Dear Councillors:

The Sierra Club applauds the efforts of the Council to restrict the use of single-use polyethylene bags. The ordinance that was first proposed last year provides an excellent starting point. The Sierra Club has reviewed all of the new amendments and offers the following recommendations.

(1) Section 8.67.010 Short Title

No opinion.

(2) Section 8.67.020 Declaration

The Sierra Club *supports* the elimination of the extraneous sanitization issue.

(3) Section 8.67.030 Definitions (a)(3)(d)

No opinion.

(4) Section 8.67.030 Definitions (a)(3)(e)

The Sierra Club *strongly opposes* the exclusion for "take-out food". Fast-food restaurants in particular are large sources of polyethylene plastic bags. This also opens up a loophole for mixed retail such as supermarkets that offer prepared food.

(5) Section 8.67.030 Definitions (a)(5)

The Sierra Club *strongly opposes* a minimum thickness of 2.25 mils. Note that Newton just passed 3 mils, which the Sierra Club recommends as the minimum standard. No one is going with 2.25 mils in Massachusetts since Brookline. Brookline is seeing 2.25 mil pseudo-reusable bags from different suppliers at Pier 1 and Stop & Shop. CVS is also trying to import them into Massachusetts.

(6) Section 8.67.030 Definitions new section (a)(6)

The Sierra Club considers compostable bags an option. ASTM D6400 or its equivalent is a reasonable minimum. The Commissioner may want to strengthen this by adding ASTM D7081 for Marine Biodegradability as in Brookline.

(7) Section 8.68.030 Definitions (a)(6) (now 7)

We would strongly suggest that farmers' markets be covered as in the original proposed ordinance. This is a potentially large loophole.

(8A & 8B) Section 8.67.040 Requirements new subsection (C)

No opinion. Charging for single-use bags is an option that should move people towards re-usable bags.

(9) Section 8.67.040 Requirements renumbering

No opinion (as needed).

(10) Section 8.67.050 Effective Date

The Sierra Club *opposes* the proposed change, which delays the implementation from 1/2 year to 1 year. Newton is 6 months, the same as many others. Bag bans today are simple to comply with as they have become common and substitutes for polyethylene bags are readily available. And given the 6-month extension in original Section 8.68.060 and the option for compostable bags there is no need to lengthen this.

(11) Section 8.67.060 Exemptions (A)

The Sierra Club *strongly opposes* the proposed change that allows 2-year extensions for hardship (increased from 6 months) with re-application for further 2-year extensions.
Newton is allowing 6 months for hardship. There is no need for anything longer. *We cannot have a 1-year implementation and a 2-year extension which could result in it being 3 years before a single bag is eliminated. With further extensions a retailer could essentially avoid the ban indefinitely.*

(12) Section 8.67.060 Exemptions new (B)

The Sierra Club feels this amendment is completely unnecessary. Draw-downs are meant to be covered in the effective date. Furthermore, multiple exemption options increase the cost of the ban in terms of City staff time.

(13) Section 8.67.060 Exemptions renumbering

No opinion (as needed).

We are happy to answer any questions about our position.

Respectfully,

Phillip Sego
221 Norfolk St.
Cambridge, MA
Massachusetts Sierra Club
phil@sierraclubmass.org - 617-807-0311

Clint Richmond
Mass. Sierra Club, Legislative Action Committee
10 Milk Street, Suite 417
Boston, MA
clint@sierraclubmass.org - 617-738-9434 (direct)

Edward Woll, Jr.
Mass. Sierra Club, Conservation Chair
10 Milk Street, Suite 417
Boston, MA
ewoll@sierraclubmass.org

Crane, Paula ATTACHMENT T

From: Lopez, Donna
Sent: Thursday, March 12, 2015 1:06 PM
To: Crane, Paula; Cosgrove, Marybeth
Subject: FW: plastic bag ban

From: tobey pearl
Sent: Thursday, March 12, 2015 1:05:26 PM (UTC-05:00) Eastern Time (US & Canada)
To: City Council; Lopez, Donna
Subject: plastic bag ban

Dear respected Councillors,
I cannot attend the hearing tomorrow night so am emailing you to IMPLORE you to support the ban of plastic bags in Cambridge and to make the ordinance as STRONG and as STRINGENT as possible. People will adapt. We can do it!

Please- we need your bold and courageous leadership to make this happen.

Respectfully,
Tobey Pearl

[redacted]

ATTACHMENT U

Charles J. Marquardt
10 Rogers Street Unit 1120
Cambridge, MA 02142

March 12, 2015

Vice Mayor Benzan and Councillor Carlone
Co-Chairs Cambridge City Council Ordinance Committee
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

VIA EMAIL

Re: Checkout Bag Ordinance

Vice Mayor Benzan and Councillor Carlone,

I will, unfortunately, be unable to attend today's City Council Ordinance Committee hearing on the proposed Checkout Bag Ordinance. Therefore, I am writing to express my questions and comments.

I am supportive of efforts to reduce litter, waste and negative impacts on the environment. As such, I support the ideals incorporated in the proposed Checkout Bag Ordinance. However, I have several questions and concerns regarding the proposed Ordinance and its implementation that appear to reduce its potentially beneficial impact while increasing the costs and confusion that could result therefrom.

The a large issue with the proposed ordinance is an apparent contradiction in its definitions. In Section 8.68.030 G the Ordinance defines a Retail Establishment as:

> *"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.*

This definition appears to be all encompassing, however when I read the earlier definition of a Checkout Bag at Section 8.68.030(A):

> *"Checkout Bag" means a carryout bag provided by a Retail Establishment to a Customer. A Checkout Bag shall not include bags:*
>
> *4. Used to transport leftover or take-out food.*

As I read this, it appears as though restaurants, especially take-out restaurants, are exempt from the Checkout Bag Ordinance as their bags are being used to transport leftover or take-out food. This inconsistency would appear to significantly limit the potential effectiveness of the proposed Ordinance.

Charles J. Marquardt
10 Rogers Street Unit 1120
Cambridge, MA 02142

There is also a number of questions that I, and mostly like many others, have regarding the Checkout Bag Ordinance. Perhaps the best approach to questions may be to provide retailers with a Frequently Asked Questions (FAQ) guide for the Ordinance during implementation.

My questions include:

- Is there a penalty if the retailer does not charge for the bag?
- Is the mandatory minimum charge per bag subject to sales tax? I raise this question because it would be unfortunate if a small retailer had to begin sales tax reporting solely for the per bag charge.
- What happens when a customer asks for a purchase to be double bagged after the purchase is complete? Can the retailer decline to charge for the bag?
- Are retailers allowed to use plastic bags during inclement weather?

There may be more questions as implementation commences, but the general direction of my questions and comments is to minimize the potential negative impact to the customer experience from the Checkout Bag Ordinance.

If you have any questions please feel free to send an email or give me a call at 781-910-8527

Sincerely,

Charles J. Marquardt

Charles J. Marquardt

Cc: City Council
City Clerk

Crane, Paula ATTACHMENT V

From: Lopez, Donna
Sent: Thursday, March 12, 2015 1:51 PM
To: Crane, Paula; Cosgrove, Marybeth
Subject: FW: Plastic Bag ban

From: molly999@aol.com
Sent: Thursday, March 12, 2015 1:51:09 PM (UTC-05:00) Eastern Time (US & Canada)
To: City Council
Cc: Lopez, Donna
Subject: Plastic Bag ban

Dear City Councillors,

I am writing in support of the plastic bag ban being discussed by the Council later today. I understand there are now two different bans under consideration, and I hope the council can focus on adopting the first one and adding amendments as needed. Please do not weaken the intent of the original proposed ban.

I used to use the cheap plastic bags offered at the register, but after hearing about the negatives and how other cities were banning plastic bags I started taking re-usable bags with me when I go shopping. They fold small and are easy to whip out at the register. It took a while for me to remember, but now it's become a habit. It's not hard and the re-usable bags are sturdier than the thin, one-use bags, so they can carry more.

By banning one-use plastic bags, Cambridge can help:

- reduce the amount of toxins in the environment, which is a public health issue;
- save money on litter cleanup;
- reduce unsightly plastic bag litter (seen stuck on tree branches, clogging storm drains, and lodged in all our melting snow piles);
- prompt more consumers to bring their own reusable bags.

Little by little (and sometimes in big leaps) we can make choices that lead to a more sustainable future for our children and grandchildren.

Thank you for your time and consideration,

Molly

Molly O'Brien
(Mom and Voter)
103 Pleasant St.
Cambridge, MA 02139

Crane, Paula ATTACHMENT W

From: Lopez, Donna
Sent: Thursday, March 12, 2015 2:49 PM
To: Crane, Paula; Cosgrove, Marybeth
Subject: FW: Support ban on plastic check-out bags

From: Ginger Ryan
Sent: Thursday, March 12, 2015 2:48:23 PM (UTC-05:00) Eastern Time (US & Canada)
To: City Council
Cc: Lopez, Donna
Subject: Support ban on plastic check-out bags

Dear City Councillors,

I'm writing to support banning plastic check-out bags in Cambridge. I urge you to not allow exemptions such as one for take out food, and to pass the most strongly worded ordinance possible. Changing people's habits will take time, but those of us that remember a time when there were no plastic bags in use, know that we can reverse this trend. Changing behavior is difficult and there can be ways to make it easier rather than providing exemptions. We can encourage local businesses and non profits to use reusable bags as a way to educate and to advertise. Retail stores can sell multi-use bags at a nominal fee. Customers can easily recover that fee by shopping with reusable bags.

We should remember that we are asking for this ban because most plastic checkout bags are made from a polyethylene that is not biodegradable. The bags break down into small micro plastics that are polluting our waters and contaminating our soil. We and other animals are consuming the toxins released by these bags. We already suspect that some of these toxins are responsible for hormone disruption and cancer. If something takes 100,000 years to break down, it couldn't be a material that was meant to be on this earth.

Thank you for all that you do to make Cambridge a livable, sustainable city.

Best,
Ginger

Crane, Paula ATTACHMENT X

From: Lopez, Donna
Sent: Thursday, March 12, 2015 4:53 PM
To: Crane, Paula; Cosgrove, Marybeth
Subject: FW: Comments on plastic bag ban

From: Andrea Dulberger
Sent: Thursday, March 12, 2015 4:53:11 PM (UTC-05:00) Eastern Time (US & Canada)
To: City Council
Cc: Lopez, Donna
Subject: Comments on plastic bag ban

Hello,

I am writing in support of efforts to make Cambridge a leader in addressing the national (really international) problem of plastic waste by passing a strong ban on single-use plastic bags. I wish the council would take this opportunity to help the city make a significant shift on this issue. As citizens, it is very hard to not feel powerless about the 'small' doses of continuous wastefulness that happen on a regular basis in our society. This ban would be significant in making a change from single-use plastic bags a high priority in our local area. There are many large-scale corporations (CVS, Walgreens, Shaw's, etc.) who would be asked to stop making these bags an "externality" to their bottom-lines and to start factoring in the cost of bags that are biodegradable as a cost of doing business.

I have looked at the various amendments that have been suggested and do think it is important to allow smaller businesses (defined size or by the number of operations) to draw down their current inventory and to not face undue hardship in providing an alternative to plastic bags. That said, a sensitivity as to how to implement this type of city-wide change does not mean that the substance of the change should be watered-down. From what I have read, reducing the minimum thickness of the bags being targeted here from 3.0 mils to 2.25 mils reduces the value of even implementing this ban in the first place. I also think that- in addition to amendment 5- amendment 4 reduces the value of this ban.

It seems to me that there is a great potential to get bogged down in the minutiae of this policy such that it continues to be debated and not acted upon. I would love to see the city council think of ways to get 'beyond the minutiae' and figure out what would help make this policy happen in a way that is close to its original intent and without harming those who are already harmed economically. Could a fund be created to help businesses make the change to compostable bags? Could lessons be learned from a home-grown business: the very successful Clover Food Labs (which has an entirely bio-degradable take-out that also relies on composting)?

I think it would be fantastic for the city if a bill that really aims to reduce- and then eliminate- these single-use bags goes into effect since it will bring national attention and show that Cambridge is one of the cities taking the lead in making change.
Thank you for reading my comments-

Andrea Dulberger
185 1/2 Elm Street

ATTACHMENT Y

REVISIONS TO AMENDMENTS AND REDLINED ORDINANCE ON ACTIONS TAKEN IN COMMITTEE HEARING

Amendments to the Original Plastic Bag Ordinance

Amendment Number 1 *PREVAILED IN COMMITTEE AS AMENDED VV 5*

Section 8.67.010 Short Title.

The language "Plastic Bag Reduction" shall be deleted and "Checkout BagBring Your Own Bag" shall be inserted after the word "the" and before the word "Ordinance."

Amendment Number 2 *PREVAILED IN COMMITTEE AS AMENDED VV5*

Section 8.67.020 Declaration of findings and policy—Scope.

The language in Section 8.67.020 shall be deleted in its entirety and replaced with the following language:

The City Council hereby finds that the reduction in the use of disposable checkout bags by Retail Establishments in the City of Cambridge (the "City") is a public purpose that protects the marine environment, advances solid waste reduction, reduces greenhouse gas emissions, and protects waterways. This Ordinance seeks to reduce the number of plastic and paper bags that are being *burned,* used, discarded and littered, and to promote the use of reusable checkout bags by Retail Establishments located in the City. This Ordinance 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.

Amendment Number 3: *PREVAILED IN COMMITTEE AS AMENDED VV 5*

Section 8.67.030 Definitions. The following language shall be inserted as a new subsection (a)(3)(d):

d. bags used to contain or wrap frozen foods, meat or fish, whether prepackaged or not, to prevent or contain leaks; or

Amendment Number 4: ***DID NOT PREVAIL IN COMMITTEE 1 YEA; 4 NAYS***

Section 8.67.030 Definitions. The following language shall be inserted as a new subsection (a)(3)(e):

e. bags used to transport leftover or take-out food from restaurants.

Amendment Number 5: DID NOT PREVAIL IN COMMITTEE 2 YEAS; 3 NAYS

Section 8.67.030 Definitions. Delete the language in subsection (a)(5) which reads "3.0 mils" and insert in its place the following language: "2.25 mils".

Amendment Number 6: PREVAILED IN COMMITTEE VV 5

Section 8.67.030 Definitions. Subsection (a)(6) shall be deleted in its entirety and the following language shall be inserted as a new subsection (a)(6):

6. "Compostable Plastic Bag" means a plastic Checkout Bag that is capable of meeting the standards set forth in the test parameters of ASTMD6400 and approved by the Commissioner. Said bags must be capable of undergoing biological decomposition in a compost site such that the material breaks down into carbon dioxide, water, inorganic compounds and biomass at a rate consistent with known compostable materials.

Amendment Number 7: PREVAILED IN COMMITTEE AS AMENDED VV 5

Section 8.67.030 Definitions. The following language shall be inserted as a new subsection (a)(7);

7. "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, seasonable seasonal*

and temporary businesses, jewelry stores, and household goods stores; however, this does not include bazaars operated by nonprofit organizations or religious institutions ~~and farmers markets~~.
* clerical error in amendments only; correct in redline version of ordinance

Amendment Number 8A: PREVAILED IN COMMITTEE VV 5

Section 8.67.040 Requirements. The following language shall be inserted as a new subsection (C).

C. Charges.

1. Retail Establishments which provide Recyclable Paper Bags or Compostable Plastic Bags shall charge for each such bag provided not less than an amount established by Regulations promulgated by the Commissioner. The Checkout Bag charge shall be retained by the Retail Establishment.

2. Any charge for a Checkout Bag shall be separately stated on a receipt provided to the customer at the time of sale and shall be identified as the "Checkout Bag Charge" thereon.

~~**Amendment Number 8B:**~~

~~**Section 8.67.040 Requirements.** The following language shall be inserted as a new subsection (C).~~

~~C. Charges.~~

~~1. Retail establishments may provide a Checkout Bag at no charge, or charge a fee for Checkout Bags, as they so desire. Retail establishments are strongly encouraged to make Reusable Bags available for sale to customers at a reasonable price.~~

~~2. Any charge for a Checkout Bag shall be separately stated on a receipt provided to the customer at the time of sale and shall be identified as the "Checkout Bag Charge" thereon.~~

Amendment Number 9: PREVAILED IN COMMITTEE VV 5

Section 8.67.040 Requirements. The previously named subsection (C) shall be renamed subsection (D) and the number "7" shall be deleted and the number "6" shall be inserted.

Amendment Number 10: PREVAILED IN COMMITTEE 4 YEAS; 1 NAY

Section 8.67.050 Effective Date.

The language "hundred and eighty (180) days" shall be deleted with the language "year" inserted after the word "one."

Amendment Number 11: PREVAILED IN COMMITTEE 3 YEAS; 2 NAYS

Section 8.67.060 Exemptions. The entirety of subsection (A) shall be deleted and the following language shall be inserted:

A. The Commissioner may exempt a Retail Establishment from the requirements of this Chapter for a period of two years upon a finding by the Commissioner that the requirements of this chapter would cause undue hardship to a Retail Establishment. Any exemption granted by the Commissioner pursuant to this section shall expire after two (2) years. A retail establishment may re-apply when the exemption expires. An "undue hardship" shall only be found in;

Amendment Number 12: DID NOT PREVAIL IN COMMITTEE 2 YEAS; 3 NAYS

Section 8.67.060 Exemptions. Subsection (A)(3) shall be deleted in its entirety and replaced with the following language as a new subsection (B).

B. The Commissioner may also exempt a Retail Establishment from the requirements of this Chapter for a period up to six (6) months, upon a finding by the Commissioner that a Retail Establishment requires additional time in order to draw down existing inventory of single–use plastic checkout bags or Checkout Bags that are not permitted by this Chapter or Regulations.

Amendment Number 13: PREVAILED IN COMMITTEE VV5 (moot based on Amendment Number 12)

Section 8.67.060 Exemptions.

Subsections (B), (C) and (D) shall be renamed (C), (D) and (E), respectively.

ATTACHMENT Z

The Plastic Bag Reduction Ordinance, passed to a second reading on February 10, 2014 and now before the city council, modified to reflect amendments that were acted upon favorably by the Ordinance Committee on March 12, 2015.

Section 8.67.010 Short Title.

This Chapter may be cited as the "~~Plastic Bag Reduction~~Bring Your Own Bag 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 reusable checkout bags by retail stores located in the City. Further, this Ordinance seeks to reduce the use of plastic 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.~~

The City Council hereby finds that the reduction in the use of disposable checkout bags by Retail Establishments in the City of Cambridge (the "City") is a public purpose that protects the marine environment, advances solid waste reduction, reduces greenhouse gas emissions, and protects waterways. This Ordinance seeks to reduce the number of plastic and paper bags that are being burned, used, discarded and littered, and to promote the use of reusable checkout bags by Retail Establishments located in the City. This Ordinance 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 head of the City's Commissioner of Public Works.

3. "Checkout Bag" means a carryout bag with handles 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;

d. bags used to contain or wrap frozen foods, meat or fish, whether prepackaged or not, to prevent or contain moisture.

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, and household goods stores, street fairs or festivals or bazaars.~~

6. "Compostable Plastic Bag" means a plastic Checkout Bag that is capable of meeting the standards set forth in the test parameters of ASTMD6400 and approved by the Commissioner. Said bags must be capable of undergoing biological decomposition in a compost site such that the material breaks down into carbon dioxide, water, inorganic compounds and biomass at a rate consistent with known compostable materials.

7. "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, jewelry stores, and household goods stores; however, this does not include bazaars operated by nonprofit organizations or religious institutions.

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. Charges.

1. Retail Establishments which provide Recyclable Paper Bags or Compostable Plastic Bags shall charge for each such bag provided not less than an amount established by

Regulations promulgated by the Commissioner. The Checkout Bag charge shall be retained by the Retail Establishment.

2. Any charge for a Checkout Bag shall be separately stated on a receipt provided to the customer at the time of sale and shall be identified as the "Checkout Bag Charge" thereon.

~~C~~D. 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~~year 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:~~

A. The Commissioner may exempt a Retail Establishment from the requirements of this Chapter for a period of two years upon a finding by the Commissioner that the requirements of this chapter would cause undue hardship to a Retail Establishment. Any exemption granted by the Commissioner pursuant to this section shall expire after two (2) years. A retail establishment may re-apply when the exemption expires. 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.

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 Inspectional Services Department and the Commissioner of the Health Commission, or their designees shall be the 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.