

LEGISLATIVE & RULES COMMITTEE

AGENDA

APRIL 24, 2017

Committee Members: Supervisors Strough, Montesi, Brock, Braymer, Girard, Sokol, McDevitt, Geraghty, and Leggett

- I. Committee meeting called to order by Chairman
- II. Motion to approve the minutes of the prior meeting - *February 27, 2017*
- III. Action Agenda/New Business Items:
 1. Discussion on legislative strategies to discourage use of single-use plastic bags and encouraging use of BYO (bring your own) re-usable bags to address environmental concerns
- IV. Discussion Items:

None.
- V. Referrals/Pending Items:
 - 1) Committee to continue the discussion regarding a draft resolution submitted by Town of Queensbury Resident, Robert Schulz, "Declaring that it would be a conflict of interest for certain individuals regulated by the New York State Constitution to be a delegate at a New York State Constitution Convention". (01.24.17) Update: Mr. Schultz to be afforded a maximum of twenty minutes to make a presentation on the issue if he chooses to do so. (02.27.17)
 - 2) Referral from the Health, Human & Social Services Committee requesting a resolution be drafted urging the State to provide financial assistance to the County for the cost of rabies treatment. (11.21.16) Update: Ms. Braymer and Ms. Seeber to meet with Ms. Auer on this matter and would prepare an update for the next meeting. (01.24.17)
 - 3) Referral from the Environmental Concerns & Real Property Tax Services Committee concerning consideration of the adoption of a Local Law intended to add single use carry-out bag fee ordinance to reduce single use check out bags and encourage the use of reusable bags. (02.28.17) *Action Item 1 above*
- VI. Privilege of the Floor to discuss any additional items to come before the Committee
- VII. Motion to adjourn

Attachments:

1. *Letter from Tri County New York Transition and proposed local law (Action Item #1)*

February 14, 2017

To: Warren County Environmental Concerns & Real Property Tax Services Committee

From: Tri County New York Transition

Re: Amendment to the Law of Warren County, NY to add a Single-use Carry-out Bag Fee Ordinance to Reduce single-use check out bags and encourage the use of re-usable bags.

Our grass roots citizen's team has been meeting for 2 years working to educate the community on the dangers of single-use plastic bags and to develop a proposal for an ordinance to submit to local authorities..

This Proposal is aimed at reducing waste and our environmental impact by providing shoppers with a financial incentive to bring their own bags when they go shopping. Cities, states and even entire countries around the world have adopted similar laws with an eye toward conserving natural resources, reducing litter and promoting environmental stewardship.

Although plastic and paper bags are given out for free at check-out counters, the U.S. consumes 100 billion disposable bags per year at a cost to retailers of \$4 billion, and that cost is passed on to the consumer in the form of higher prices. Once bags are consumed, they are also expensive to clean up and dispose of. For example, New York City spends \$10 million per year disposing of plastic bags

Over 150 US municipalities have successfully banned bags entirely or instituted a 'bag fee' to dramatically reduce usage. These include all of California, District of Columbia, Austin TX and more locally, NYC, Mamaroneck NY, Cambridge MA and the City of Portland Maine. We have come to the conclusion that a 'bag fee' may be more successful in this community. The attached Proposal spells this out but in summary: initially, all large stores selling groceries and other merchandise would charge a minimum of ten cents (\$.10) for either a single-use plastic or paper bags. This would be followed by all retail establishments one year from inception. The goal here is to encourage customers to come with re-usable bags, not to have anyone pay a fee.

The fee for paper is necessary as without it the customers would just move from plastic to paper. Paper bags are more successfully recycled than plastic bags given current technologies and diverting paper bags from landfill disposal is more attainable than it is for plastic bags. However, paper checkout bags do cause negative environmental impacts such as air, land and water pollution during resource extraction, manufacturing, transportation and ultimately in their disposal as even recycling paper bags consumes energy and causes pollution. They also cost the retailer much more than plastic.

The store would keep the fee but with a recommendation they allocate a portion back into the community, including providing free re-usable bags for a period of 6 months. Having the store retain the entire fee keeps it simple, avoiding any collection and distribution complexity causing the store to be more amenable to an ordinance.

We would appreciate your comments, questions and any requests for further information. We would like to present this to the committee at your earliest convenience.

Yours Sincerely,

Catherine Atherden

atherden@gmail.com / 480-3334

On behalf of

Think Beyond Plastic – BYOB



A Tri County NY Transition Initiative

February 14, 2017

Proposal for an Amendment to the Warren County Law

Single-Use Carryout Bag Fee

A Proposal for an amendment of Warren County Local Law to promote the use of re-usable bags and reduce the use of single-use carryout bags through retailers charging a fee for the use of single-use plastic or paper carryout bags.

Part I: Rationale

- (1) Warren County has a responsibility to protect the natural environment and the health of its citizens and visitors; and
- (2) The use of Single-use Carryout Bags (as defined in this proposal) has severe environmental impacts on a local and global scale, including greenhouse gas emissions, litter, harm to wildlife, atmospheric acidification, water consumption and solid waste generation; and
- (3) Single-use plastic and paper Carryout Bags represent an unnecessary use of non-renewable resources. plastic shopping bags are made from polyethylene, a thermoplastic made from oil. Accordingly, reducing the use of plastic bags will decrease our dependence on fossil fuels. Re-usable Bags (as defined in this proposal) represent the sustainable alternative to single-use bags of all types because they consume less resources overall and produce less waste; and
- (4) Plastic bags are the least desirable type of all single-use bags because they consume non-renewable fossil fuels, never fully degrade, and harm wildlife: birds can become entangled in the bags and different species of wildlife can die from ingesting plastic bags which they mistake for food; and
- (5) Disposable paper bags, whether made from virgin or recycled materials, are not an environmentally sound alternative to plastic. Their manufacturing process consumes large quantities of natural resources and cause green house gas emissions and waterborne wastes. They are bulky so transporting them from factories to stores requires more trucks than lighter weight plastic bags. They are more costly for the retailer; and
- (6) Despite recycling and voluntary solutions to control pollution from single-use carryout bags, studies show only 5% to 15% single-use carryout bags are recycled, the rest ending up littering our environment, impeding waterways, contaminating water and soil, clogging sewers, overwhelming landfills, and endangering wildlife; and
- (7) From an environmental and economic perspective, re-usable bags are considered worldwide to be the best alternative to single-use carry out bags to reduce waste and litter, protect wildlife and conserve resources. They are readily available and affordable for the customer; and
- (8) Studies document and participating municipalities report, that prohibiting the free distribution of single-use carryout bags will dramatically reduce the use of those types of bags; and
- (9) Warren County aims to conserve resources, reduce greenhouse gas emissions, waste, and litter and to protect the public health and welfare, including wildlife; all of which increase the quality of life for the County's residents and visitors; and

- (10) Warren County taxpayers must bear costs associated with the effects of single-use carryout bags on the solid waste stream, drainage, litter, and wildlife. It is in the best interests of the health, safety and welfare of citizens and visitors of Warren County to reduce the cost to the County of solid waste disposal, and to protect our environment and our natural resources; and
- (11) Therefore, Warren County concludes that consumers should use re-usable bags, and that, in lieu of enacting a total ban of plastic bags, the County of Warren should instead require stores to charge a 10 cent fee on all Carryout Bags to incentivize the use of re-usable bags.

Part II: Definitions.

As used in this Local Law the following terms have the following meanings:

Single-use Carryout Bag. Single-use Carryout Bag means a bag other than a Re-usable bag, including those advertised as compostable, biodegradable, photodegradable or similar, provided at the check-out stand, cash register, point of sale or other point of departure for the purpose of transporting merchandise out of the establishment. The term Single-Use Carryout Bag does not include re-usable bags, produce bags, or bags provided by pharmacists to contain prescription drugs.

Produce bag or Product bag. The terms *produce bag* or *product bag* mean any bag *without* handles used exclusively to carry produce, meats, other food items or merchandise to the point of sale inside a store or to prevent such items from coming into direct contact with other purchased items.

Re-usable Bag means a bag that is:

- (a) Specifically designed and manufactured for multiple re-use, and
- (b) A bag with handles designed and manufactured to withstand repeated uses over a period of time; and
- (c) A bag with handles made of cloth or other machine washable fabric or a durable plastic bag with a handle at least 2.25 mil thick.

Store means :

- (a) Phase 1: Large retail stores that sell groceries as well as other merchandise
- (b) Phase 2: All retail establishments

Part III: Single-Use Carryout Law

1. The Regulation

- (a) No Store shall provide a Single-Use Carryout Bag to a customer at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or other merchandise out of the establishment except as provided in this Section.
- (b) A Store may make available for sale to a customer a Single-Use Carryout Bag (plastic or paper) for a charge of ten cents (\$0.10). All monies collected by a Store for Single-Use Carryout Bags may be used by the Store with the recommendation that the Store provide at least one free re-usable bag to each customer requiring a bag for a period of 6 months from the inception of the Local Law.
- (c) All Stores must post signage clearly indicating the per bag charge for Single-Use Carryout Bags.
- (d) Notwithstanding this Section, no Store may make available for sale a Single-Use Carryout Bag unless the amount of the sale of the Single-Use Carryout is separately itemized on the sale receipt.

- (e) No Store shall rebate or otherwise reimburse a customer any portion of the minimum charge required in Subsection (b).

2. Exemptions

- (a) The following types of bags shall not be subject to the charge in section 1(b):
- Produce Bags used to carry goods to the point of sale. This includes bags provided to customers to contain bulk items such as fruit and produce.
 - Product Bags provided by pharmacists to contain prescription medications.
 - Bags brought to the store by the consumer for reuse including plastic and paper bags the consumer may have obtained previously.
- (b) Customers paying for their food or goods through the Supplemental Nutrition Assistance Program (SNAP) or Women, Infants, Children (WIC) Program shall not be required to pay the charge in section 1(b).

3. Record Keeping and Inspection

Every Store shall keep complete and accurate records or documents of the purchase and sale of any Single-Use Carryout Bag, for a minimum period of three (3) years from the date of purchase and sale, which record shall be available for inspection at no cost to the County during regular business hours by any authorized County employee. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be available at the Store's address. The provision of false information including incomplete records or documents to the County shall be a violation.

4. Violations and enforcement

The Warren County Chair or his/her designee(s) shall have the primary responsibility for enforcement. If the Chair or his/her designee(s) determines that a violation has occurred, he/she shall issue a written warning notice to the Store that a violation has occurred. Subsequent violations shall be subject to the penalties set forth below.

Violations shall be punishable by fines as follows:

- (a) A fine for the first violation in a one-year period;
(b) A fine for the second and each subsequent violation in a one-year period.

5. Effective Date

The provisions of this regulation shall become effective 6 months after the adoption of this Local Law for phase 1 and 1 year after the adoption for phase 2.

Submitted on February 14, 2017 by:

Catherine Atherden
atherden@gmail.com / 480-3334

On Behalf of.

Think Beyond Plastic – BYOBag

A Tri County NY Transition Initiative