

Ventura City Council Votes To Proceed With Plastic Bag Ban

THE VENTURA CITY COUNCIL TOTALLY IGNORED THE FINANCIAL COST AND TIME CONSUMING IMPACT THE ORDINANCE WILL HAVE ON CITY RESIDENTS – ELIMINATING PLASTIC BAG LITTER WAS MORE IMPORTANT

By Anthony van Leeuwen, 18 December 2013

On 16 December 2013, the Ventura City Council voted 6 to 1 to go ahead and prepare a Single-Use Carryout Bag Ordinance and BEACON EIR addendum for consideration in six months by the City Council. The council also voted to support the efforts of State Senator Padilla to pass a bill to institute a statewide single-use carryout bag law rather than a local ordinance.

Currently there are two bills going through the California State Legislature concerning plastic carryout bags. SB-405 is authored by State Senator Padilla and AB-158 by Assembly member Levine. Both bills appear to have started out with the same text which is being marked up as the bills goes through the different committees in their respective houses.

During the council meeting, Council Member Neal Andrews questioned the 10-cent paper bag fee and the cost of the fee to families and subsequently made a motion to eliminate the fee but the motion was defeated.

Bill Hickman from Surfrider Foundation spoke in favor of proceeding with the ordinance to ban plastic bags and showed a brief slide show of plastic bag litter photographed in different locations throughout the city.

Many of the speakers were from the Surfrider Foundation including one young lady who donned the Bag Monster costume and provided some comic relief and entertainment for the council and the public in attendance. The Bag Monster costume consists of hundreds of plastic carryout bag. The idea for the costume was invented by Andy Keller from ChicoBag, a manufacturer of reusable bags, as a spoof to show how single-use plastic bags are such a bad idea. The spoof is wildly popular with proponents of bag bans. (ChicoBag)

A representative from Surfrider Foundation was there to hand out a free canvas reusable bags to people who attended the City Council Meeting.

During the council deliberations, Council Member Christy Weir had questions about the different sized plastic bags and also what a thicker plastic reusable bag looked like.

During public comments, Mr. Anthony van Leeuwen, who is an opponent of a plastic bag ban, showed a thicker plastic bag from the Dollar Tree Store in San Jose and requested staff to pass the bag to council members to look at. He also stated that the thicker plastic bag does not become windblown litter and would be a great substitute for the thin film plastic bags currently used.

City Staff prepared a memorandum to the Mayor and City Council titled "[Consideration of Schedule & Costs to Develop a Single-Use Carryout Bag Ordinance](#)" as **Agenda Item 7** for the 16 December 2013 City Council Meeting.

The memorandum prepared by staff contains the normal historical data regarding this project as well as a discussion of different topics associated with the bag ban.

On Page 2, Paragraph 4 we find this statement:

These bags are particularly problematic litter because of their tendency to fill with air and be carried by wind over long distances. Gold Coast Recycling, which processes all of Ventura's recyclable materials, reports the bags sometimes become entangled in their recycling and trash processing equipment and impact their operational efficiency. Plastic bags are not an acceptable recyclable material at Gold Coast Recycling.

This statement clearly places blame on plastic bags particularly plastic carryout bags for becoming entangled in recycling and trash processing equipment including causing breakdowns that impact their operational efficiency. While this is true, the statements omits important facts so that the reader can gain a proper perspective on the issue. For example:

The sorting equipment at recycling facilities are being jammed not only by plastic carryout bags, but by all sorts of plastic bags (newspaper bags, produce bags, frozen food bags, etc.) and plastic wrap (wrap from toilet paper, bottled beverages, bottled water, packaged products, etc.), and from all sorts of materials (blankets, hoses, ropes or other strapping materials) which are all responsible for jamming sorting machinery. (Terry, 2007) A ban on plastic carryout bags will not prevent all jams of sorting machinery at recycling facilities or expensive breakdowns. Educating the public that plastic bags, plastic wraps and other prohibited materials may not be put in the curbside recycling bin would be a much better solution to the problem. Furthermore, the public needs to be educated about bringing unused and clean plastic bags and wraps to the retail stores' In-Store Recycling Bin for recycling vice the curbside recycle bin. (van Leeuwen & Williams, The Lies, Myths, Half-Truths, and Exaggerations of Ban Ban Proponents, 2013, p. 7)

As you can see, a little research will show that plastic carryout bags are not the only items that cause recycling and trash sorting equipment to become entangled resulting in expensive machine stoppages to clear out material entangled on rotating shafts. So what this paragraph tells us is that banning plastic carryout bags will reduce but not eliminate expensive machine breakdowns.

Page 3, Paragraph 1, contains another **gem**, a statement that "*there is no precise data regarding how many of the bags being distributed for free are being discarded after one use, or reused for other purposes such as lining trash cans, storing items, or other uses*". This statement is true. A United Kingdom Study shows that 76% of people reuse use their plastic bags for one or more purposes. (Edwards & Fry, 2011). A similar US study shows that 92% of people reuse their plastic carryout bags. (APCO Insight, 2007). **Likewise, there is also no precise data of how many of the bags being distributed for free end up in the environment as litter!** The best data shows that 0.6% of roadside litter consists of

plastic bags of all kinds, with plastic grocery bags only a fraction of this number. (Stein, 2012) The point here is that good information is not always readily available, just as we have no precise data about bag reuse, there is no precise data about how many bags end up in the environment as litter!

Another **gem** of misleading information is located on Page 3, Paragraph 2, Line 4 where the statement is made that San Jose saw a reduction of 89% fewer plastic bags in storm drains. This number is based upon a reduction from 80 plastic bags Pre Ban to 9 bags Post Ban or a total reduction of 71 plastic bags in 23 storm drain catch basins outfitted with trash capture devices. When you consider that the City of San Jose has a “storm water collection system that includes more than 1,150 miles of storm sewer pipelines, 29,900 storm drain inlets, 1,500 storm drain outfalls, and over 4,500 miles of curb and gutter” the claim of an 89% reduction in plastic bags based upon results from 23 storm drain catch basins as being representative of the entire San Jose storm drain system is simply not creditable. (City of San Jose, 2012) More than that is the fact that the survey sampled from 45 to 60 different storm drain catch basins but chose to generate the 89% reduction rate based upon results from only 23 storm drain catch basins with no explanation. For more information see the article titled “Rebuttal of the San Jose Bag Ban Results” for a critique of San Jose Bag Ban Results. (Williams & van Leeuwen, 2013)

Another **gem** is on Line 5 and 6 of the same paragraph where the following statement is made: “The study also found that reusable bags used by customers increased from about 4% before the ban to about 62% after the ban” is both incorrect and misleading. The numeric quantities of 4% and 62% come directly from a City of San Jose memorandum stating:

Observation records show that reusable bag use increased greatly following the implementation of the ordinance, from almost 4 percent of bags observed to approximately 62 percent of bags observed. (Romanov, 2012, p. 5)

Notice how “4 percent of bags observed to approximately 62 percent of bags observed” in the City of San Jose document is changed in the City of Ventura document to “reusable bags used by customers increased from about 4% before the ban to about 62% after the ban”. The meaning is completely different. You see, the city of San Jose counted all bags used by shoppers (plastic, paper, and reusable) in their survey and totaled the quantity of bags observed. Before the ban they observed that the proportion of reusable bags observed was 4% and after the ban the proportion of reusable bags observed was 62%. This is not an increase of 4% to 62% as we traditionally understand it to be.

Furthermore, the numbers **4%** and **62%** from the City of San Jose memo are not consistent with the numeric quantities from their spreadsheet document which shows reusable bag use going from **3.1%** to **64.4%**. The actual quantity of reusable bags observed Pre Ban was **265** and Post Ban was **1194**, only **4.5** times more bags Post Ban than Pre Ban. When the bag usage number are adjusted for 1000 customers Pre Ban and 1000 customers Post Ban we see that reusable bags went up from **92** to **549** or by a factor of about **6**. An increase of **3.1%** to **64.4%** is misleading because it would suggest that the use of reusable bags increased by a factor of more than **20**, when in actuality reusable bag use only increased by a much smaller factor of about **6**. Hence, the data presented is misleading giving a false impression that the bag

ban is much more successful than it really is! (City of San Jose, 2013) (van Leeuwen, Santa Barbara County Supervisors Not Well Served, 2013, pp. A-1,B-1)

With 43.5% of customers in San Jose choosing not to use bags – the number of people using bags is only 56.5% and about 64.4% of the bags used, are reusable bags, therefore about 36% of store patrons in San Jose use reusable bags. These numbers are very similar to the data from the City of Santa Monica in the survey conducted by Team Marine. (van Leeuwen & Williams, Bag Bans: A Failure - Not Success As Claimed, 2013, p. 4) (Team Marine, 2013)

It should be noted that bag usage data from both the City of Santa Monica and San Jose demonstrate that shoppers reject reusable bags by choosing No Bags or Paper Bags over Reusable Bags by a ratio of 2:1 (two to one).

On Page 4 in the section on **Fiscal Impacts** city staff identifies the funding that would be used to pay for the EIR and the work required by staff to implement the bag ban. What is missing and never considered is the cost to residents in terms of time and money to comply with the bag ban. Not only do residents experience out-of-pocket costs for reusable bags but it also takes time to inspect, fold bags, wash bags, and put them in your car. In a paper titled *“Plastic Bag Alternatives Much More Costly to Consumers”* and *“What Will A Plastic Carryout Bag Ban Cost Your Community?”* and these costs are examined in both detail on an individual and community level. (van Leeuwen & Williams, Plastic Bag Alternatives Much More Costly to Consumers, 2013) (van Leeuwen, What Will A Plastic Carryout Bag Ban Cost Your Community, 2013)

On page 5 in a section titled Alternatives, **noticeably missing** is the option to put the carryout bag ordinance to a **vote of the people**. The carryout bag ban will affect all city residents and despite the fact that a bag ban is popular with environmentalists, the majority of the population looks at a bag ban as an extension of the Nanny State and basically unnecessary. If the city should decide in the future to put it on the ballot, Ventura will have the distinction of being the first city in California to put the issue on the ballot; However, it appears that the city council will force a bag ban down the throats of the people just like Obama Care was forced down the throats of the American People.

Another alternative **noticeably missing** is the creation of a citizens committee to assist city staff in putting a proposed ordinance together. A citizens committee would include members from the public to help city staff in fine tuning the proposed ordinance. Members would include at least one representative from the grocers association, one from the environmental community, and one from opponents of the bag ban. These members would assist the Staff in sorting through the complex issues, impacts, and tradeoffs that must be made for a successful bag ban.

The draft ordinance attached to **Agenda Item 7** also need some changes. It is obvious that this ordinance is copied from others and no one has really scrubbed the document.

For example Page 1, Section 1, Subparagraph F states as follows:

F. Produce bag or product bag. Any bag without handles used exclusively to carry produce, meats, or other food items from a display case within a store to the point of sale inside a store or to prevent such food items from coming into direct contact with other purchased items.

Again this paragraph is incomplete. The purpose of a produce bag or product bag is not only to contain bulk food items but also to prevent their contamination by touching unsanitary surfaces on shopping carts, shopping baskets, check stands, and other purchased items particularly meats and poultry.

Another great **example** is on Page 2, Section 1, Paragraphs H and I where it states that a recyclable paper carryout bag has the requirement that the bag “is accepted for recycling in the curbside programs in the City.” However, no such requirement for recycling exists for Reusable bags in Subparagraph I. In fact, the most common reusable bags are made from Polypropylene (PP) or from Cotton are currently not recyclable or compostable in the United States. This means that the **recycling rate for these reusable bags is zero percent** and at end of life will be disposed of in the landfill. Reusable bags made from High Density Polyethylene (HDPE) or Low Density Polyethylene (LDPE), a thick plastic bag, are recyclable through the In-Store Recycling Bins. By adding the requirement that stores only sell or distribute reusable bags that are recyclable in the local community would help the City of Ventura meet its Zero Waste goal. While shoppers are still free to use and purchase PP or Cotton bags on the internet or in other communities, stores subject to the ordinance would only distribute or sell Recyclable Reusable Bags.

Another **gem** is located on Page 3, Section 6.800.030 in the paragraph titled “Regulation of recyclable paper carryout bags”. This section of the ordinance specifies that a fee of 10-cents be collected for each paper bag provided. The section is however incomplete. Paper bags come in different sizes. In fact as many as four different size paper bags are used in a typical grocery store. The ordinance needs to specify if the 10-cent fee applies to all paper bags or just one particular size. Many communities allow the smaller paper bags to be distributed free of charge and customers only pay for the larger and more commonly used paper bag. A similar situation exists with plastic bags where the issue needs to be clarified.

Another **gem** is located on Page 4, Section 6.800.060 in the paragraph entitled “Exempt Customers.” These are customers who are exempt from the paper bag fee because they participate in certain welfare programs. This section **unfairly discriminates against poor people who are self-sufficient**, who otherwise would qualify for these welfare programs, but refuse to take advantage of government handouts. I recommend that this section be eliminated and that all shoppers be treated equally under the law. (van Leeuwen, Plastic Bag Ban Creates New Welfare Benefit, 2013)

Conclusion

The City Council needs to see the damage that is being done by Carryout Bag Ordinances. For example, today every customer has the choice to bring a reusable bag or to receive a bag for your purchase at no additional charge. After the ordinance is enacted, the number of people using reusable bags will grow

from about 10% to 35%, paper bag use will grow from about 5% to 29%, and the number of people leaving the store with no bag will increase from about 15% to 36%. (Team Marine, 2013) People reject using reusable bags by choosing no bag or a paper bag over a reusable bag by a ratio of about 2 to 1. A much better solution would be to just replace the thin film disposable plastic grocery bag by a thicker plastic bag that will not become a windblown litter nuisance! The thicker plastic bag is reusable and recyclable and at the discretion of the shopper could be reused for shopping thereby preserving a consumer choice.

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