

# Lake Tahoe Passes Bag Ban With A Twist

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## GROCERS UPSET OVER BAG BAN BECAUSE PAPER BAG FEE WAS NOT INCLUDED

**By Anthony van Leeuwen, 15 March 2014**

On 1 October, 2013 the Lake Tahoe City Council voted 3-2 to ban “single-use” plastic bags distributed at the check stand for customers to carry purchases home. Councilmembers Hal Cole, Angela Swanson, and Brooke Laine voted for the ban and Mayor Tom Davis and councilmember JoAnn Conner voted against the ban. What makes this plastic carryout bag ban ordinance different from others is that it does not mandate a fee for paper bags; does not require retail stores to keep records and report to the city on the number of paper bags distributed and fees collected; and does not implement an enforcement mechanism by the city. The council decided that it is up to the retailer to decide if he wants to charge a fee for paper bags or recover the cost of paper bags through higher retail prices. (City of South Lake Tahoe, 2013)

The following paragraphs contain selected excerpts from the minutes of the South Lake Tahoe City Council meeting dated 1 October 2013 and available at:

[http://slt.granicus.com/GeneratedAgendaViewer.php?view\\_id=6&clip\\_id=636](http://slt.granicus.com/GeneratedAgendaViewer.php?view_id=6&clip_id=636)

During discussion of the issue, *“Councilmember Cole stated that he was in favor of banning plastic single use carry-out bags but did not want to implement a new tax or fee. He indicated that his preference was to ban the use of these plastic bags and allow retailers to recover whatever cost they saw fit related to their distribution of recycled paper bags. Cole remarked on the possibility of designating a maximum charge for paper bags but said if a retailer chose not to charge anything that was their prerogative and that the free market would dictate the retailers' actions.”* (City of South Lake Tahoe, 2013, p. 25)

*“Councilmember Laine stated her hope that the Council would take a leadership position on this and go forward with this matter. She noted the need to encourage consumers to use reusable bags and to reduce the consumption of single-use bags.”* (City of South Lake Tahoe, 2013, p. 25)

Councilmember *“Conner referenced several studies that had called into question the unsanitary nature of reusable bags and their susceptibility to carry e-coli and salmonella bacteria. She inquired that if the City passed this Ordinance following which there was a spike in the incidence of bacterial illnesses in the community, whether the City would have any liability.”* Deputy City Attorney DiCamillo indicated the city would not be liable. (City of South Lake Tahoe, 2013, p. 25)

A total of 3 residents spoke in opposition to the ordinance. One resident, Norm Strobel, “stated that reusable bags entering a store could not be certified safe and disease free and that these bags would put individuals at risk for food borne illnesses.” Another resident Sharon Lackey said that she was for education and freedom of choice to decide what type of shopping bags to use and that she dislikes have a few people dictate her choices. Another resident, Ed Mosur said that “garbage trucks were the biggest

problem for litter in our community by far, that most of the plastic bags he sees on the ground were from the garbage trucks when they do their collection ...". (City of South Lake Tahoe, 2013, pp. 25-26)

A total of five residents spoke in support of the ordinance. Shannon Eckmeyer, a Policy Analyst for the [League to Save Lake Tahoe](#) indicated the League's support for the ordinance. She indicated that plastic bags were used only 12 minutes and that despite a 15 year effort at recycling only 5% of plastic bags were recycled. Gavin Feiger, a local resident also indicated his support of the ordinance and noted that the Local Grocery Outlet gives out more than 850,000 single-use plastic bags per year. Jim Warlow, a local resident also stated that he supports the proposed ordinance and that we owed this to Lake Tahoe, to California, and to our environment and that we need to begin with this small step to ban single use plastic bags. Karen Fink, a local resident, indicated her support for the ordinance as written including the fee for paper bags. John Frederick a local resident and cofounder of "Small World", a local network of parents and families working for a livable and sustainable community for the future, stated his belief that the passage of this proposed Ordinance would help residents of Lake Tahoe take sustainability issues seriously and show that this community was special. He encouraged the Council's approval of the ordinance. In addition, nine letters from the public were received in support of the ordinance. (City of South Lake Tahoe, 2013, pp. 26-28)

Councilmember Connor stated that *"the enforcement component contained in the Ordinance which requires that the City would check the records of businesses and would issue citations and levy fines for noncompliance"* would be a burden and that *"she had no idea where the City would get the money for an enforcement officer"*. In addition, she stated ***"that trying to force people to do something would make them rebel against it and repeated that they would not keep plastic bags out of our town and that there were no guards at the City limits to check and see if people were bringing in plastic bags. She repeated that the real answer was to do community outreach and education and that the Sustainability Commission had not done that."*** (City of South Lake Tahoe, 2013, p. 28)

Councilmember Laine *"indicated that the point of this Ordinance was bigger than just free plastic bags to take groceries home in and said that this was about the process and the removal of these non-biodegradable bags, and she urged her fellow Councilmembers to approve this proposed Ordinance."* (City of South Lake Tahoe, 2013, p. 29)

Councilmember Swanson *"indicated her support of this proposed Ordinance as written and said the small fee for a recycled paper bag was an incentive for using reusable bags. Swanson said that saying not everyone else was doing this meant nothing and stated that we were Tahoe and we were supposed to care about the environment."* (City of South Lake Tahoe, 2013, p. 29)

Mayor Davis *"indicated that he respected everyone in this discussion and debate but said **he did not think there was a problem in our community and as a policy maker that was what he needed to see.** He added that our community has the Clean Tahoe Program which other communities did not have and remarked that we already tax our locals for that program. **Davis further noted the material recovery facility located in our City that was efficiently operated by STR and said he'd spoken with Jeff Tillman at STR and Ellen Nunes at Clean Tahoe prior to her retirement and they'd informed him that they saw***

**no problem with plastic bags in our community.** Davis referenced the numerous environmental organizations in South Lake Tahoe and the numerous projects and said that this was a community that was pro-environment and was a leader and he remarked that our neighbors of El Dorado County, Placer County, and Douglas County did not have a plastic bag ban so people may make more purchases in Nevada. He said he'd tried to keep an open mind on this matter but repeated that he did not think there was a problem in our community, that this should be an educational process, that plastic bags being only 5-percent of the landfill was very small, and that this should be addressed on a State level." (City of South Lake Tahoe, 2013, p. 29)

Councilmember Cole "stated that if all the plastic bags were off the street and in the landfill that was a problem for him. He suggested that there was no debate that this petroleum product would not decompose whereas a paper bag would decompose and that he disagreed with saying throwing plastic bags in the landfill was not a problem. **Cole restated that he did not want to implement a new tax or fee and inquired whether the charge for paper bags was a cost recovery or whether it was a fine. He said if it was a fine he could not approve this but if it was a cost recovery by the merchant to recover their cost for their distribution of recycled paper bags with possibly a maximum of \$0.05 then he could understand and support that.** Cole said that he believed plastic bags were bad for our landfills just the same as Styrofoam." (City of South Lake Tahoe, 2013, pp. 29-30)

City Attorney Watson "stated that his understanding was that the charge per recycled paper bag was an **enforcement mechanism to be a disincentive for providing single use products.** He stated that the Council could remove or change that language should they choose." (City of South Lake Tahoe, 2013, p. 30)

Development Services Director Roverud "stated that her understanding for **the charge for recycled paper bags was that those items were more expensive for the merchants and this was a cost recovery mechanism to defray those costs.**" (City of South Lake Tahoe, 2013, p. 30)

Councilmember "Cole suggested that **charging for paper bags should not be mandatory and that it should be voluntary.**" (City of South Lake Tahoe, 2013, p. 30)

City Attorney "Watson inquired if it was the pleasure of the Council to require any charge at all and said that if the last sentences were removed from Section 5, Subheadings (a) and (b) **that would leave the decision of a cost recovery at the merchants discretion and the City would not be mandating a cost recovery or anything else and would thus eliminate the needs for inspections and tracking.**" (City of South Lake Tahoe, 2013, p. 30)

The City Council then passed the bag ban ordinance removing the requirement for retail stores to charge a fee for paper bags and the record keeping and enforcement mechanism in the ordinance. The ordinance will take effect on 15 January 2014. (City of South Lake Tahoe, 2013, pp. 30-31)

## Comments from Other Sources

In a letter from the [California Grocers Association](#) to the South Lake Tahoe City Council, The California Grocers Association stated that banning plastic bags without requiring a fee for paper bags will cost grocers on average an additional \$60,000 per year. They stated that plastic bags cost 1 cent per bag and that paper bags cost from 6 to 12 cents or more per paper bag. A spokesman for the California Grocers Association, Dave Heylen, stated that although the ordinance allows fees to be charged for paper bags, no store would impose that fee because of the competitive nature of the grocery business. (Heinz, 2014)

In response to the complaints from Grocers, Council members have said that they will conduct informal surveys to determine the impact of the ordinance's on local businesses, and the ordinance could return to the City Council for more discussion and action. (South Lake Tahoe bans plastic bags, 2013)

Responding to questions, Councilmember Hal Cole stated that he supported the ban on plastic bags but not the fee to the customer. He basically stated that to fine a customer for not bringing a reusable bag is not business friendly. He indicated that he does not understand why retailers cannot amortize the cost of paper bags in the cost of products. (Heinz, 2014)

Responding to questions, Councilwoman JoAnn Conner said that plastic bags are better than reusable bags because many reusable bags are made from plastic and last longer in landfills. She also stated that she did not think that reusable bags are sanitary because most people don't wash reusable bags and you may not necessarily see the bacteria. (Heinz, 2014)

Responding to questions, Mayor Davis reiterated his position that he did not see a visible problem with the plastic bags. (Heinz, 2014)

## After the Ban was Implemented

Response by customers to the plastic bag ban was mixed. One woman didn't mince words. "This ban sucks," she said as she left the store. Several other customers left the store with shopping carts holding their un-bagged groceries while others had brought and used their reusable bags. (Lotshaw, 2014)

But the question of "paper or plastic?" isn't necessarily gone. Customers at the Grocery Outlet have the option to pay 5 cents for a paper bag, 10 cents for a reusable plastic bag, or 99 cents for a reusable fabric bag. Or they can bring their own reusable bags. (Lotshaw, 2014)

## Observations

Throughout the debate on passing a bag ban, the city council did not have clear facts and information about the issues.

For example, Mayor Davis opposed the bag ban because he did not see a plastic bag problem in the community. It is obvious that city staff did not conduct a litter survey to determine the extent of the plastic bag litter problem. In fact, most cities never conduct litter surveys or even consider alternatives

to a bag ban, or even do a cost benefit analysis. (van Leeuwen & Williams, Bag Bans Officials Neglect Homework, 2013)

In addition, Councilmembers did not look at the plastic bag litter problem and that if it does occur that a bag ban is the wrong way to attack this problem. (van Leeuwen, Bag Bans: Wrong Way To Control Litter, 2013) In addition, a plastic bag litter problem does not pose a problem in your personal life, but the imposition of a bag ban poses new issues in your personal problems such as remembering to bring your reusable bags, washing bags, managing bags and putting them back in the car etc. These issue confront you each and every time you shop. (van Leeuwen, Bag Bans: Trading One Problem For Another, 2014)

Another issue mentioned is the low recycling rate for plastic bags. However, it was never mentioned that the reason for the low recycling rate for plastic bags is because the plastic bag is the most reused item that comes into the home. The built in handles makes the plastic carryout bags a popular bag for reuse by consumers. In other words, the low recycling rate of plastic carryout bags is not an issue. (van Leeuwen, Plastic Bag Recycling Rate - A Non-Issue, 2013)

Another issue mentioned is the impact of plastic carryout bags on landfills. However, the impact on landfills from plastic bags is much less than paper bags and reusable bags. (van Leeuwen, California Landfills Impacted By Bag Bans, 2014) In addition, the fact that plastic bags may last a thousand years in a landfill, is also not an issue since the byproducts from oil and natural gas refining and from which plastic bags are made, were in the ground for thousands if not millions of years. (van Leeuwen, Plastic Bag In Landfill - Not A Problem, 2014)

While there was a lot of talk about the fee charged for paper bags, there was no consideration of the cost to residents to comply with the ordinance. These would include costs of the reusable bags, cost of cleaning the reusable bags including utility costs, and the value of your time having to manage reusable bags, the cost of paper bags, and the inconvenience of choosing not to use bags. (van Leeuwen & Williams, Plastic Bag Alternatives Much More Costly to Consumers, 2013) (Williams & van Leeuwen, 2014)

## Conclusion

Even though the City Council did not include a paper bag fee, stores have nevertheless implemented paper bag fees, even though they said they could not do it due to the competitive nature of their business. The South Lake Tahoe City Council did implement a bag ban with a twist – no paper bag fees and no city costs to administer the ordinance.

## About the Author

*Anthony van Leeuwen is the founder of the [Fight The Plastic Bag Ban](http://fighttheplasticbagban.com) website and writes extensively on the subject. He holds a bachelors and Master's degree in Electronics Engineering and has over 40 years of experience working in the federal government.*

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