



Mayor of Providence

Jorge O. Elorza

March 26, 2018

The Honorable Members of the Providence City Council
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Regarding: Ordinance Amending Chapter 12, "Health and Sanitation," of the Code of Ordinances of the City of Providence to Establish Section 20, "Reduction of Single-Use Checkout Bags by Retail Establishments"

Honorable Members of the City Council,

Single-use plastic bags are a hazard to human health and our environment. They clog up our stormwater infrastructure, pollute our neighborhoods and waterways, and introduce harmful chemicals into our environment and bodies. I applaud the City Council and the community members who support this effort.

It is with much deliberation, however, that I am vetoing this ordinance. While I support the intentions and goals of the policy, a critical step in the process was skipped: robust community engagement and public discourse. The process left certain voices out of the conversation. Those voices, which the Racial and Environmental Justice Committee articulated in their March 14th letter to the City Council and me, are those who have the most at stake from this policy. They are the neighborhoods that are most burdened by plastic pollution and the community members that are least able to afford more expensive alternatives. There is no harm done in taking our time to do this right, but we do risk harm if we exclude or ignore these communities and their concerns in this process.

I am confident that with more time for public discourse and these voices centered in that process, we can come up with a plastic bag policy that eliminates this environmental hazard from our community, while not burdening our low-income residents. By being deliberate and intentional about who is at the table, we can create an effective policy that makes our communities stronger, rather than divide us. Once that is done, I look forward to signing this into law.

I look forward to working with the City Council, the Zero Waste Providence group, the Racial and Environmental Justice Committee, and other members of our community who share our goal in resolving these concerns and signing this policy into law this year.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Elorza", written over a red circular stamp.

Jorge O. Elorza
Mayor

City Hall, 25 Dorrance Street, Providence, RI 02903
Phone (401) 421-7740 Fax (401) 274-8240

CHAPTER

No. **AN ORDINANCE AMENDING CHAPTER 12, "HEALTH AND SANITATION," OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE TO ESTABLISH SECTION 20, "REDUCTION OF SINGLE-USE CHECKOUT BAGS BY RETAIL ESTABLISHMENTS"**

Be it ordained by the City of Providence:

SECTION 1. Chapter 12, "Health and Sanitation," Section 20, is hereby amended as follows:

Sec. 12-20. - Reserved. Reduction of Single-Use Checkout Bags by Retail Establishments

(a) Purpose.

The purpose of this section is to reduce the number of single-use checkout bags used by Retail establishments in the City, curb litter in the streets, protect marine environment, waterways, reduce greenhouse gas emissions, and solid waste and by encouraging the use of reusable bags by Retail establishments.

The production, use and disposal of single-use plastic bags have significant adverse impacts on the environment. The City of Providence desires to conserve resources, reduce greenhouse gas emissions, waste, and marine pollution, and to protect the public health and welfare of its residents. Plastic bag consumers contribute to a significant burden on the City's solid waste disposal and single stream recycling systems.

(b) Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

(1) **Check out bag** means any carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include:

- i. 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; or
- ii. Laundry or dry-cleaner bags; or
- iii. Newspaper bags; or
- iv. Bags used to contain or wrap frozen foods, meat or fish, whether prepackaged or not, to prevent or contain moisture.

(2) **Recyclable paper bag** means a paper bag that is one hundred percent (100%) recyclable including the handles, contains at least forty percent (40%) post-consumer paper content, and displays the words "Recyclable" and "made from 40% post-consumer recycled content (or other applicable amount) in a visible manner on the outside of the bag.

(3) **Retail establishment** means any person, corporation, partnership, business venture, or vendor that sells or provides merchandise, goods, or materials directly to a customer, 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. "Retail establishment" does not include sales by residents at their homes.

(4) **Reusable bag** means a bag with handles that is specifically designed and manufactured for multiple reuse. The bag must be made of washable cloth, other durable woven or nonwoven fabric, polyester, polypropylene, or other durable plastic with a minimum thickness of four mils.

(c) Requirements.

(1) If any retail establishment provides a checkout bag to customers, the bag shall comply with the requirements of being a Reusable Bag or a Recyclable Paper Bag.

(2) A store that provides any type of checkout bag shall sell them for no less than ten cents (\$0.10) per bag. All moneys collected pursuant to this ordinance shall be retained by the store.

(3) 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.

(4) The director of the Office of Sustainability may promulgate rules and regulations to implement this section.

(d) Enforcement.

(1) This section shall be implemented, administered and enforced by the director of the Office of Sustainability or any other City department or division designated by the City.

(2) If it is determined that a violation has occurred the City shall issue a warning notice to the Retail Establishment for the initial violation.

(3) If an additional violation of this Ordinance has occurred within one year after a warning notice has been issued for an initial violation, the City shall issue a notice of violation and shall impose a penalty against the retail establishment.

(4) The penalty for each violation that occurs after the issuance of the warning notice shall be no more than:

- i. \$50 for the first offense
- ii. \$100 for the second offense and all subsequent offenses. Payment of such fines may be enforced through civil action in the City Municipal Court.

All revenue collected as a result of violations of this section shall be deposited the Department of Public Works Revolving fund.

(e) Exempt retail establishments

(1) The director of the Office of Sustainability may exempt a retail establishment from the requirements of this chapter for a period of one year upon a finding by the director of the Office of Sustainability that the requirements of this chapter would cause undue hardship to a retail establishment. An "undue hardship" shall be found only in:

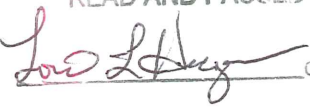
- i. Circumstances or situations unique to the particular Retail Establishment such that there are no reasonable alternatives to bags that are not Recyclable Paper Bags, Compostable Plastic Bags or Reusable Bags; or
- ii. Circumstances or situations unique to the Retail Establishment such that compliance with the requirements of this chapter would deprive a person of a legally protected right; or
- iii. 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 Chief monthly reports on inventory reduction and remaining stocks.

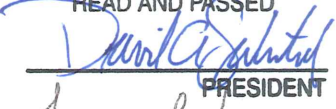
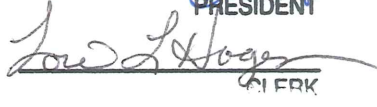
(2) Retail Establishments shall apply for an exemption to the director of Sustainability using forms provided by the Office of Sustainability, and shall allow the director of the Office of Sustainability, or his or her designee, access to all information supporting its application.

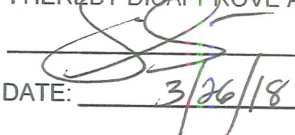

(3) The director of the Office of Sustainability may approve the exemption request, in whole or in part, with or without conditions.

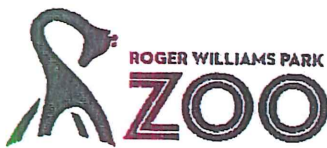
(4) The director of the Office of Sustainability, by regulation, may establish a fee for exemption requests.

SECTION 2. This Ordinance shall take effect one year after passage.

IN CITY COUNCIL
MAR 01 2018
FIRST READING
READ AND PASSED
 CLERK

IN CITY COUNCIL
MAR 15 2018
FINAL READING
READ AND PASSED
 PRESIDENT
 CLERK

VETO
I HEREBY DISAPPROVE AND VETO.

DATE: 3/26/18 MAYOR
IN CITY COUNCIL
APR 30 2018
MAYOR'S VETO
SUSTAINED
 CLERK



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Zoological Society

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City Hall Room 301
25 Dorrance St.
Providence, RI 02903

On behalf of the Roger Williams Park Zoo, Providence's largest conservation organization. I am writing in support of proposed legislation that places a ban on these bags, a solution proven effective around the world. Disposable single-use plastic bags, introduced just 40 years ago, are currently consumed at an alarming global rate of 500 billion per year. Single-use, disposable bags present an insidious threat to our environment on multiple levels. They often wind up in waterways or on the landscape and polluting water and soil as they break down into tiny toxic bits. Plastic bags are a big eyesore in the city and threaten wildlife such as fish and birds that mistake the bags for food. Their manufacture, transportation and disposal use large quantities of non-renewable resources and release equally large amounts of global-warming gases.

These problems can be mitigated by simply advocating and legislating the consumption of fewer disposable bags and the use of reusable ones. One easy way to do this is by charging for their usage at the point of purchase. This was successfully done in Ireland, where the government introduced a plastic bag tax (PlasTax) that has cut consumption by over 90% and raised \$9.6 million for environmental and waste management projects. Retailers were happy as well: they both saved the costs of bag purchases and improved their public image by doing the right thing.

The Roger Williams Park Zoo stopped using disposable plastic bags in its gift shops two years ago. We have been extremely happy with the results as has our retail vendor and all of our 650,000+ patrons. The zoo has also obtained a plastic bag monster costume. The "monster" was created out of 500 single use plastic bags, the number of bags the average American discards every year. We use the bag monster to teach people of the danger that these bags present (see attached picture).

Legislation for a bag charge or even better an outright ban here in the city of Providence creates a foundation for both consumer responsibility and market-based solutions to environmental problems. Let's make Providence an environmental leader, it's an easy, win-win solution to a problem that has gotten out of control on a global level.

Sincerely,

Jeremy Goodman, DVM
Executive Director

Roger Williams Park Zoo is supported and managed by the Rhode Island Zoological Society and is owned by the City of Providence.

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ACCREDITED BY THE
ASSOCIATION
OF ZOOS
& AQUARIUMS



- | | |
|-------------------------|----------------|
| First Aid Center | Refreshments |
| Restrooms | Gift Shop |
| Accessible Restrooms | Parking |
| Family Restrooms | Bus Stop |
| Stroller Rental | ATM |
| Wheelchair Rental | Information |
| Nursing Mothers Station | Lost and Found |

PLASTIC IS SCARY!

Here at the Zoo, we don't offer STRAWS with drink purchases or PLASTIC BAGS with gift purchases.

This helps keep the plastic out of the water, which is the only way to keep it out.



February 22, 2018

Honorable Terrence Hassett
Chair, Providence City Council Committee on Ordinances
25 Dorrance Street
Providence, RI 02903

Ordinance: 17599 – Reduction of Single-Use Checkout Bags by Retail Establishments

Position: SUPPORT

Dear Chairman Hassett and Honorable Members of the Committee,

Clean Water Action, on behalf of our nearly 3,000 members in Providence, supports Ordinance 17599, which prohibits the distribution of single-use plastic checkout bags by retailers and establishes a fee on paper and thicker reusable plastic bags.

Terrestrial litter is a blight on our landscape and marine debris has proven to be dangerous to all living organisms in the aquatic environment. Along with cigarette butts, plastic beverage containers, and snack bags, plastic shopping bags are among the most prevalent trash pollutants found in the marine environment. They are ingested by birds, fish, and amphibians that mistake them for food. As they make their way out to sea, they are degraded by the sun and break into smaller pieces-- called microplastics-- and because of their composition, absorb and concentrate other chemicals in the water. Smaller aquatic species then ingest these chemical-laden microplastics and they subsequently make their way up the food chain, resulting in the bioaccumulation of harmful elements. A recent study estimates that if we continue to consume plastic at our current rate, by 2050 our oceans will contain more plastic by weight than fish and other marine life.¹

Plastic bags also pose many problems for our waste collection infrastructure. Providence residents consume and estimated 95 million plastic bags annually.² While they are recyclable by definition in that they can be physically broken down and turned into raw plastic, the material that results is practically worthless on the recycled materials market. They also cause massive confusion to consumers that believe they are doing the right thing by including them in their single-stream weekly recycling because instructions to do so are often printed right on the side of the bag. The reality is that plastic bags in the recycling stream cause one of two things to happen: either they will contaminate truck loads of recyclables, causing the entire load to be landfilled instead of recycled, or, if they make it to the materials recycling facility, they clog machine gears causing slowdowns and shutdowns. When recycling loads are diverted to the landfill, the City of Providence is responsible for paying not only the tipping fees for disposal, but also associated fines, the costs of which ultimately get passed on to taxpayers.

Finally, the production, distribution, and disposal of plastic bags contributes significantly to climate change. Plastic bags, derived from fossil fuels, used in Providence produce over 2,500 metric tons of CO₂ per year.³

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Phone 401.331.6972 | jberard@cleanwater.org
www.CleanWaterAction.org/RI

This ordinance goes a long way in addressing each of these problems. The inclusion of the fee on paper and thicker reusable plastic bags does two very important things. First, it incentivizes the correct consumer behavior change. Single-use plastic-only bans, like the five we currently have in Rhode Island, do not encourage the use of reusable bags over disposable bags. They instead incentive a switch from plastic to paper. While it is true that paper bags are recyclable and biodegradable, they are also markedly more resource-intensive to produce, ship, and recycle than plastic bags and have larger carbon footprints. The requirement to charge a per-bag fee pushes consumers to make a conscious decision. Because many will choose to bring their own bag, disposable bag use in total will go down, as has happened in the numerous other jurisdictions that include fees on disposable bags.⁴

Second, plastic-only bans place a significant financial burden on retail establishments. The per unit cost of a plastic bag is between \$0.02-0.03, while a paper bag costs ~\$0.07-0.08. Stores see their variable costs rise as a result of a plastic-only bans. As a result, these bills result in a subsequent rise in the price of goods. By including the requirement for stores to charge a fee of at least 10 cents, business are now able to realize a small profit for each unit sold instead of having to figure the costs of "free" bags into the price of their products. The reduction in overall disposable bag use also means business owners have to dedicate less space to checkout bags in their stock rooms.

This ordinance is a well-constructed piece of policy that not only benefits the environment, but stands to save the city and its residents money without placing a burden on small businesses. We applaud the City Council for its leadership on this issue and urge passage of the ordinance.

Best regards,



Johnathan Berard
Rhode Island State Director, Clean Water Action

¹ World Economic Forum, *The New Plastics Economy: Rethinking the future of plastics*, Jan 2016

² Based on a population of 179,200 (2016) and an annual use rate of 531 bags/person. Other estimates are as high as 1,093 bags per person per year. For a discussion of usage rates, see Parsons Brinckerhoff Consulting, *Final Environmental Impact Report, Single-Use Carryout Bag Ordinance, City of Los Angeles*. State Clearinghouse No. 201209053 (May 2013), p. 166.

³ <https://fooddemocracy.wordpress.com/2008/07/16/plastic-bags-and-oil-consumption/>. Local figure based on a calculation of 0.04 metric tons of CO₂ per 1500 bags. See Parsons Brinckerhoff, *op cit.*, pp. 44-45. For an extended discussion see the report prepared for the Progressive Bag Alliance, a consortium of plastic bag manufacturers, by Boustead Consulting and Associates Ltd., *Life Cycle Assessment for Three Types of Grocery Bags – Recyclable Plastic; Compostable, Biodegradable Plastic; and Recycled, Recyclable Paper* (2007).

⁴ Rebecca L. Taylor and Sofia B. Villas-Boas, *Bans vs. Fees: Disposable Carryout Bag Policies and Usage*, Applied Economic Perspectives and Policy (2015) volume 0, number 0, pp. 1-22.



For a thriving New England

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February 22, 2018

Councilman Terrence M. Hassett
Chair, Committee on Ordinances
Providence City Council
25 Dorrance Street
Providence, RI 02903

RE: Ordinance 17599, Reduction of Single-Use Checkout Bags by Retail Establishments

Dear Chairman Hassett and Honorable Members of the Committee:

Conservation Law Foundation **SUPPORTS** the City of Providence's (City) efforts to reduce the number of disposable checkout bags used by business establishments through the passage of Ordinance 17599, Reduction of Single-Use Checkout Bags by Retail Establishments.

Building on the work of Boston, Middletown, Newport, Barrington, and Jamestown, this ordinance combines a single-use bag ban and reusable or recyclable paper bag requirement with behavior changing motivators such as bag fees.

Throughout your deliberations, please consider the following:

- 1) More than 95 million plastic bags are used every year in Providence¹ and account for approximately 60 tons of waste material at the Rhode Island Resource Recovery Corporation's (RIRRC's) recycling facility and more than 2,500 metric tons of CO₂ per year.² A single-use plastic bag reduction in Providence will support the City's initiatives towards carbon neutrality and help keep our city beautiful.
- 2) For businesses that sell reusable or recyclable paper bags, the ordinance incorporates a mandatory *minimum* charge of \$.10 per bag to customers. The funds collected by this fee will go directly to the business; an effort meant to subsidize any increased costs associated with offering reusable or recyclable paper bags. Any profit associated with

¹ Based on a population of 179,200 (2016) and an annual use rate of 531 bags/person. Other estimates are as high as 1,093 bags per person per year. For a discussion of usage rates, see Parsons Brinckerhoff Consulting, *Final Environmental Impact Report, Single-Use Carryout Bag Ordinance, City of Los Angeles*. State Clearinghouse No. 201209053 (May 2013), p. 166.

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the mandatory fee *stays with the business*. Businesses will have 12 months to implement the ordinance, giving them an opportunity to work through current inventory, plan for compliance, and communicate these actions to their customers.

- 3) Tax payers are already paying for single-use plastic bags through contaminated loads at RIRRC. Plastic bags cannot be recycled curbside, damage sorting equipment at recycling facilities, and cause contamination to recycling loads (which are then disposed of at the landfill instead of being recycled). Reducing the amount of single-use plastic bags in Providence can increase recycling rates for the City (currently the lowest recycling rates in the state), produce less litter, and support clean water initiatives throughout the City.
- 4) Banning plastic bags and imposing a fee for paper or another reusable alternative is the most effective way to change consumer behavior. Studies have shown that bag ordinances are extremely effective. Bag laws without a fee typically reduce bag waste by 60 to 80%. Laws incorporating a modest fee *reduce both plastic and paper bag waste by more than 90%*. The nationwide standard for a bag fee, adopted in Boston and proposed in the Providence ordinance, is 10 cents.³

Ordinance 17599 takes the best and strongest components of other bag ordinances, combines them in a thoughtful and logical manner, and offers a real solution to Providence and its residents. This ordinance is mindful of and mitigates impacts to businesses and tax payers, it establishes standards that have proven to change consumer behavior in a meaningful way, and addresses the issue on macro (national and international environmental impacts) and micro (local litter, contamination, and water quality impacts) levels. For these reasons and the efforts of a strong grassroots initiative, Conservation Law Foundation urges you to adopt the "Reduction of Single-Use Checkout Bags by Retail Establishments" ordinance.

Sincerely,

Heather Greenwood

Heather Greenwood

³ See the reports compiled at <http://www.massgreen.org/plastic-bag-impact.html>.

Thursday, February 22, 2018

City of Providence Ordinance 17599

Reduction of Single-Use Checkout Bags by Retail Establishments

Dear Council Members:

The life of a plastic bag is a very long time. No one knows how long. In reality, plastic bags ultimately break into tiny bits of plastic and don't biodegrade at all.

If you are not still not convinced that plastic bags should be banned, consider this:

At our house on Chace Avenue we hang a birdhouse for wrens, and we are happy to say that the wrens have found the house and return each year. In the fall, we clean out the birdhouse and put it away for spring.

This year when we cleaned out the birdhouse, we found that the wrens had lined their nest with a plastic bag.

That is just not ok, and YOU can do something about it.

Our survival depends on sustaining all living things. Convenience is nice, but survival is better.

Be the leaders we elected you to be. Please: ban single use plastic bags.

Thank you.

Martha Fraenkel, M.S., Plant and Soil Science

Michael McGlynn

105 Chace Ave.

Providence, RI

Thursday, February 22, 2018

City of Providence Ordinance 17599

Reduction of Single-Use Checkout Bags by Retail Establishments

Dear Councilmen and Councilwomen,

While I am not able to attend today's meeting I hope to pass along these words in support of the Plastic Bag Ban in Providence. This ordinance, in conjunction with consumer education, would make the quality of our city and the surrounding environment significantly better, healthier, and more enjoyable for all. It is known that an educated consumer and a healthy urban environment make for a more economically and environmentally resilient city, and we need to prioritize these topics. Please vote in favor of the plastic bag ban.

Thank you,

Sasha Azbel

57 Hudson st

Providence RI, 02909

Thursday, February 22, 2018

City of Providence Ordinance 17599

Reduction of Single-Use Checkout Bags by Retail Establishments

Dear Mr. Hassett:

I am writing as a citizen of Providence to let you know that I support the ban on single-use plastic bags. I support the ban because it would reduce the amount of plastic in the environment. Plastic is ubiquitous; it degrades the environment and is harmful to public health. Other towns and cities in the U.S. have successfully implemented similar ordinances without incurring economic hardship for businesses or individuals. Providence is well-positioned to stand at the forefront of environmentally responsible practices in New England.

I sincerely hope that the Committee will vote in favor of bringing the ban before the City Council for a vote.

Gratefully yours,

Nancy Buron

19 Eleventh St.

Providence, RI 02906