



# Memorandum

## CITY OF DURHAM

**To:** Thomas J. Bonfield, City Manager

**From:** Donald M. Long, Director of Solid Waste Management

**Date:** March 28, 2012

**Re:** Response to Citizen Request to Address Council

A handwritten signature in black ink, appearing to be "D. Long", is written over the "From:" line of the memorandum.

This memo is in response to Ms. Charlotte Morgan's request to appear before Council to address "Exploration of ban on plastic bags at retail".

The disposal of plastic bags is a major issue in the solid waste industry. Plastic bags have a negative effect on waterways and coastal lines worldwide. It is a pervasive issue that continues to intensify due to the fact that it threatens wildlife, ecosystems, as well as coastal tourism and recreation. The Department has included a potential ban of plastic bags as an initiative under the objective of waste reduction in the departmental Strategic Plan. The bags do not deteriorate in a landfill, they clog recycling processing equipment and they pose a threat to wildlife when they are discarded as litter in bodies of water. Some retail stores provide recycling containers for customers to bring back the bags for recycling, but other than that there is practically no market for the bags, therefore, there is no major effort taken to recycle them as with other plastics.

Several major cities have taken steps to ban or charge customers for the use of plastic bags and those steps have been challenged in court. San Francisco for example passed an ordinance banning plastic bags and charging a \$.10 user fee for any other single use bag handed out at a checkout counter. While Washington, DC did not ban the use of plastic bags, they passed an ordinance requiring retailers to charge \$.05 per single use bag handed out to customers. Locally speaking, North Carolina Senate Bill 1018 affecting the Outer Banks of North Carolina banned plastic bags. However, since the passage of that bill, North Carolina Senate Bill 318 has been introduced which would repeal that ban. Currently lawmakers from the Outer Banks and Carteret County are attempting to gather support for a plastic bag ban.

The court challenges have been based on the municipalities not performing an Environmental Impact Review (EIR) prior to the ordinances being passed. The opposition naturally comes from the plastic bag industry and retailers who have a large stockpile of plastic bags. Los Angeles County performed an EIR prior to issuing its ban and has not been challenged in court and the City of Fairfax, VA avoided lawsuit by initiating the ban through a vote on the ballot. A California court has ruled that smaller municipalities (very vague) do not have to conduct an EIR but larger municipalities must. The appeals to higher courts have not been ruled on as of yet.

The bottom line is banning plastic bags will become a reality nationwide in the near future because the bags pose a major negative impact to the environment. But the ordinances banning the bags will not be met with court challenges as long as they place a negative financial impact on the plastic bag industry. It's essentially a battle of the impacts and which will win out.