



Involving people in creating a sustainable future through local efforts to reduce, reuse, and recycle

Paper or Plastic: Disposable Bag Policies Today

By Johnny Leuthold

While at a slower pace than last year, numerous governments are introducing policies to reduce the impacts of disposable check-out bags. The main policy options are much the same: charging a fee for paper and plastic disposable bags, banning plastic bags, requiring that stores that dispense plastic bags also collect them for recycling, requiring minimum recycled content or recycling rates for disposable bags, or some form of voluntary public education or recycling program.

Probably the biggest news (outside of the elephant in the middle of the room--a.k.a. the recession) is that plastic bag manufacturer industry groups are having some success at pushing back, delaying or diverting policy makers from mandatory fee or ban-based programs. As Sam Adams echoed when he delayed his paper and plastic bag fee proposal for Portland, "now is not the time."

Below is a round-up of policy news from city governments; I'm hoping we can learn from their experiences and craft an effective and thorough waste reduction policy here in Portland.

Seattle: The American Chemistry Council contributed \$180,000 to a successful petition effort last year contesting the Green Fee policy that the City Council passed in July 2008. On August 19, 2009, voters in Seattle will have the final word on whether shoppers should be charged a 20 cent fee per paper or plastic bag used at grocery, drug or convenience stores. The Seattle Public Utilities December 2007 survey (before the economic crisis) showed strong support for requiring stores to have collection bins on-site (87%) and for funded public outreach efforts (70%), but bag fees on consumers (41%) or bans (32%) on plastic bags received less public support. According to press reports, backers of the original policy say they will raise funds "to get their side of the story out." (Seattle P-I, 3.30.09)

California: After San Francisco passed a ban on conventional plastic bags in 2007, several California cities have pursued similar bans, only to run into strong opposition from one of two plastic industry coalition groups. The groups have used the courts and also the web effectively; lately they have been focusing attention on potential inaccuracies in commonly distributed materials by anti-plastic activists. (So activists, double check your

facts on oil consumption and litter impacts.)

One legal battle started when **Manhattan Beach** City Council passed an ordinance banning the distribution of plastic bags at the point-of-sale for all retail establishments in July 2008. A group of plastic bag manufacturers and distributors ("Save the Plastic Bag") sued to have the ban overturned, claiming that the city was required to perform a Environmental Impact Review (EIR) under the California Environmental Quality Act. As of March 6, the city is appealing an injunction ruling by the Los Angeles Superior Court, which stopped implementation of the new city policy.

Likewise, both **Oakland** and **Fairfax**, California were sued by a second industry group, the Coalition to Save Plastic Recycling, after passing plastic bag bans. Oakland lost its case and rescinded its ban. Fairfax decided fighting the industry in court would be too costly and made the ordinance voluntary. Some California cities have reached out for assistance and, as a result, the California Ocean Protection Council is seeking funding to help cities prepare an EIR. (Ventura County Star, 4.03.09) Despite the legal battles, Palo Alto's City Council went ahead and passed a plastic bag ban in March of this year; an industry group's lawyer rapidly announced his plans to sue the city. The City Council addressed the potential suit by the plastics industry group in part by asking city staff to develop a fee on paper bag use proposal. (San Jose Mercury News, 3.17.09)

Phoenix, Austin, Annapolis, and Los Angeles: A handful of cities have enacted voluntary programs, emphasizing public education, distribution of reusable bags and/or increasing the recycling rate for the plastic or paper bags currently used in stores. In Los Angeles, for example, a bag ban was rejected following "fierce lobbying from grocers," and instead the County adopted a policy where mandatory plastic bag ban provisions are triggered only if stores fail to reach a 65% reduction goals by 2013. (MSNBC.com)

Each city has its own policy preferences and capacities; our goal should be to reduce the production, use and disposal of single use bags, as part of a broader effort to reduce the environmental impact of our regular consumer behavior.

Oregon E-Cycles program update



At DEQ's Oregon E-Cycles Advisory Work Group meeting on April 1, 2009, all of the four collection programs reported a positive startup of the statewide program. The programs reported they were on target or above with expectations of tons of material, and some are scheduling events for the spring and summer months.

That is not to say there are not issues that need to be worked out for the future: nearly two flip chart pages of questions about the future actions were recorded. There also looms the start of the rule making for the programs, scheduled for the end of this calendar year.

Kathy Kiwala, of Oregon DEQ summarized the actions of the department for implementing the ban on electronics in landfills as of January 1, 2010. There was a presentation by the enforcement division of the department and a budget presentation. The budget presentation sparked some comments as it is still difficult to determine the actual yearly costs, since some of the funds contributed from other divisions were not accounted.

The second round of registration for manufacturers has been completed. There are 162 registered manufacturers and an additional 36 who are not in compliance, 20 of

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From the Board with Rob Guttridge

We get what we measure

I have been thinking for awhile that we are not measuring our success (or lack of success) in recycling as well as we might. Since we first passed legislation with recycling goals (more than 25 years ago) we have tried to measure, and tried to increase, the proportion of our waste that is recycled. We have measured the tons of solid waste going into landfills, and the tons of dry waste material going to be recycled into new products, and derived a ratio called a recycling rate, which persistently refuses to tell us whether the air or water is getting cleaner, or our use of resources more sustainable. It just tells us the ratio of measured "recycled solid waste" to the total of all measured "municipal solid waste".

We passed the legislation because we wanted to improve our environment, and our use of natural resources, and we knew we could do that if we recycled more and discarded less, so we set a goal we could agree on, and a way of measuring progress toward it. After 25 years we haven't reached that original goal, but we have kept the air and water cleaner than it would have been if we didn't recycle as much, and learned a lot about what kinds of recycling are easiest to increase and which are hardest. No surprise, we recycle a lot of the easy wastes (consistent, clean, dense, comparatively valuable stuff) and less of the harder ones (mixed-up, dirty, bulky, cheap stuff).



We count all the tons the same. Although we know that their impact on the environment is different, a ton of aluminum cans has the same impact on the recycling rate as a ton of glass bottles or a ton of magazines or a ton of plastic bags. And as long as we count the use as "recycling", all the end uses of a material are counted the same: glass bottles turned into gravel count just as much in the rate as glass turned back into bottles or insulation. We make a distinction only for fuel uses – materials "burned for energy recovery" are not given the same weight in the rate as if they had been recycled into durable products.

We now have better tools for measuring the environmental benefit of recycling than we had 25 years ago. Life-cycle analysis tools can compare various materials in terms of how many BTUs of energy are needed to produce and to recycle them, and how many CO₂ equivalents of greenhouse gasses are emitted in the process. I think we should look at setting new recycling goals in terms of something like carbon equivalents. If we want to slow climate change, reduce pollution of air and water, and conserve natural resources, we need to be able to measure our progress and do more of what works best toward meeting those goals. I think we need a better measure of our success than the ratio of stuff we buried in landfills to stuff we didn't bury in landfills.

- Rob Guttridge



The legislature has until April 28 for bills to be voted out of their committee of origin, and almost every bill that Recycling Advocates is following received a hearing over the past few weeks.

After two additional hearings and three amendments, **HB 2184-A**, which expands Oregon's Bottle Bill, is expected to be headed to the House floor the week of April 13. Two of the amendments that were adopted weakened the bill by eliminating wine and liquor from the list of covered beverages and delaying the raise in the deposit to 10 cents. A third important amendment actually closed a loophole in the original bottle bill around the issue of redemption centers.

What this means is that this slow, measured expansion will do the following:

1. Expand the list of covered beverages to include most single serving beverages available today (excluding milk, wine, liquor, cartons and drink pouches). This expansion won't take place until 2013, giving the grocers and distributors almost four years to prepare for the change. These containers are now recycled at a rate of about 37% and adding them to the bottle bill will help keep an estimated 100 million containers out of the landfill.
2. Set a very modest recovery goal for these containers of 80%, and tie a raise in the deposit to 10 cents only if we fail to meet that goal, in 2016 at the earliest. Currently containers covered by the bottle bill have a recycling rate of over 80%, while non-bottle bill containers are recycled at a rate of 37%.
3. Close a loophole in the original bottle bill that threatens the convenience of being able to bring your containers back to stores if a redemption center is established in an area. Redemption

centers have been allowed since 1971 but none have been established to date.

Although we had hoped it would be stronger, Recycling Advocates is very supportive of **HB 2184** and we encourage our members to urge your legislators to support bottle bill expansion by visiting <http://ocn.e-actionmax.com/takeaction.asp?aaid=3883>.

All of the product stewardship bills had hearings as well over the last few weeks.

HB 3060, the Product Stewardship Act of 2009, had two hearings last week. DEQ and many advocates testified on behalf of the bill, especially in support of adding mercury containing lamps to the list of products covered under the product stewardship umbrella. In addition, all of the standalone product stewardship bills were heard this week, including paint (**HB 3037**), mercury containing lamps (**SB 742**) and rechargeable batteries (**SB 320**). The introduction of these bills is part of the overall strategy to show the need for the framework legislation, and to insure that some form of product stewardship is established for these products classes, even if the Product Stewardship Act doesn't ultimately pass this session.

The Product Stewardship Act of 2009 acts as a framework that defines a process for products to be brought under the product stewardship umbrella in Oregon. Products considered for inclusion will be evaluated by DEQ on a number of factors, such as the potential to reduce waste, toxicity, greenhouse gas emissions, public demand for environmentally safe management, producer readiness, and fiscal impacts for local governments, producers, retailers, consumers and other affected parties. Through a public process DEQ will then recommend to the legislature products to be included under the product stewardship framework. Legislative action will be required for product inclusion.

All of these bills will be important steps forward in advancing product stewardship in Oregon, and we are optimistic that at least one of them will pass this session. But we need to create a buzz with everything that is going on in the Capitol right now. Please call or write your legislators and tell them that now is the time for Oregon to show its leadership in the area of product stewardship.

- **Katy Daily**

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whom are considered "bad actors" in Oregon and other states.

The signs from the state are now available. You should be seeing those displayed at all the facilities accepting electronic waste that are participating in the program.

Overall, the implementation of the program went well, so now it is time for the state to start visiting sites. There are 222 participating sites in Oregon and many of the sites are in more than one program. DEQ staff can and may visit sites to see if they are in compliance with the regulations and if collection is proceeding as expected.

- **Rick Paul, Betty Patton**

Recycling Advocacy Calendar for April 2009

◆ **WSRA Annual Conference and Trade Show, Yakima, WA**

Sunday-Wednesday, May 3-6

Washington State Recycling Association's 29th Annual Recycling Conference and Trade Show. The theme is "Recycling: Gateway to Green." More information at <http://www.wsra.net/> Conference.

◆ **Recycling Advocates board meeting**

Wednesday, April 29th, 7:00 p.m.

For location and information call 503-777-0909



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