



Legislation Text

File #: CB 118805, **Version:** 2

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to the City of Seattle's solid waste system; removing the sunset date for a five cent pass-through charge for certain recyclable paper bags; requiring certain compostable bags to be labeled and tinted green; adding a definition for compostable; and amending Section 21.36.100 of the Seattle Municipal Code.

WHEREAS, to reduce the impacts of plastic bags distributed within the City, the City enacted Ordinance

123775, amending Chapter 21.36 of the Seattle Municipal Code, to prohibit retail establishments from providing single-use plastic carryout bags; and

WHEREAS, the existing five cent pass-through charge for certain paper bags encourages use of reusable bags and assists retailers in recouping costs of paper bags; and

WHEREAS, the City finds that composting is threatened because of contamination by confusingly colored, marked and look-alike materials, including some non-compostable plastic film bags; and

WHEREAS, it is in the City's interest that contamination in local compost be reduced to ensure local compost is marketable and viable for use in local gardens, farms, landscaping, and surface water and transportation projects; and

WHEREAS, to further ensure that bags are properly disposed with less cross-contamination between compostable and recyclable products and to ensure higher quality end products in composting, the City wishes to amend Section 21.36.100 of the Seattle Municipal Code; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 21.36.100 of the Seattle Municipal Code, enacted by Ordinance 123775, is amended

as follows:

21.36.100 Single-use plastic and recyclable paper carryout bags

A. No retail establishment in the City shall provide a single-use plastic carryout bag to any customer.

B. ~~((Through December 31, 2016, no))~~ No retail establishment in the City shall provide a paper carryout bag with a manufacturer's stated capacity of one-eighth barrel (882 cubic inches) or larger that is not a recyclable paper bag, and retail establishments shall collect a pass-through charge of not less than ~~((five cents))~~ five cents for each recyclable paper carryout bag provided to customers. It shall be a violation of this ~~((section))~~ Section 21.36.100 for any retail establishment to pay or otherwise reimburse a customer for any portion of the pass-through charge; provided that retail establishments may not collect a pass-through charge from anyone with a voucher or electronic benefits card issued under the Women, Infants and Children (WIC) or Temporary Assistance to Needy Families (TANF) support programs, or the federal Supplemental Nutrition Assistance Program (SNAP, also known as Basic Food), or the Washington State Food Assistance Program (FAP).

C. Effective July 1, 2017, no retail establishment in the City shall use or provide polyethylene or other non-compostable plastic film bags tinted green or brown for customers to bag products in stores, as carryout bags, or for home delivery.

D. Any film bags meeting the definition of compostable that retail establishments provide to customers for food or other products, such as vegetables bagged in stores prior to checkout, must be tinted green or brown and shall be clearly labeled "COMPOSTABLE," including language following the Federal Trade Commission's "Green Guides."

E. No film bag that retail establishments provide to customers to bag products in stores, as carryout bags, or for home delivery may be labeled with the term "biodegradable," "degradable," "decomposable," or any similar terms, or in any way imply that the product will break down, fragment, biodegrade, or decompose in a landfill or other environment.

~~((C.))~~ F. All retail establishments shall indicate on the customer transaction receipt the number of

recyclable paper carryout bags provided and the total amount of the pass-through charge.

~~((D-))~~ G. For purposes of this ~~((section))~~ Section 21.36.100, the following definitions apply.

1. "Carryout bag" means a bag that is provided by a retail establishment at the check stand, cash register, point of sale, or other point of departure to a customer for the purpose of transporting food or merchandise out of the establishment. Carryout bags do not include:

~~(((a)))~~ a. bags used by customers inside stores to package bulk items such as fruit, vegetables, nuts, grains, candy, greeting cards, or small hardware items, such as nails and bolts, or to contain or wrap frozen foods, meat or fish, whether prepackaged or not, or to contain or wrap flowers or potted plants, or other items where dampness may be a problem, or to contain unwrapped prepared foods or bakery goods, or to contain prescription drugs, or to safeguard public health and safety during the transportation of prepared take-out foods and prepared liquids intended for consumption away from the retail establishment; or

~~(((b)))~~ b. newspaper bags, door-hanger bags, laundry-dry cleaning bags, or bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags.

2. "Compostable" means that the product completely breaks down into a stable product due to the action of microorganisms in a controlled, aerobic commercial process that results in a material safe and desirable as a soil amendment meeting the compost quality standards found under WAC 173-350-220 for metals, physical parameters, pathogens, manufactured inert material, and other testing parameters set by the local Health Department, has been found to degrade satisfactorily at the composting facility receiving the material, meets standard specification ASTM D6400, and has been certified as compostable by the Biodegradable Products Institute or similar national or international certification authority.

3. "Pass-through charge" means a charge to be collected by retailers from their customers when providing recyclable paper bags, and retained by retailers to offset the cost of bags and other costs related to the pass-through charge.

4. "Recyclable paper bag" means a paper carryout bag that has a manufacturer's stated capacity

of one-eighth barrel (882 cubic inches) or larger and meets the following requirements:

~~((a))~~ a. ~~((contains))~~ Contains a minimum average of 40 percent post-consumer recycled materials, and

~~((b))~~ b. ~~((displays))~~ Displays the minimum percent of post-consumer content on the outside of the bag.

5. "Retail establishment" means any person, corporation, partnership, business venture, public sports or entertainment facilities, government agency, street vendor or vendor at public events or festivals, or organizations that sell or provide merchandise, goods, or materials including, without limitation, clothing, food, beverages, household goods, or personal items of any kind directly to a customer. Examples include but are not limited to department stores, clothing stores, jewelry stores, grocery stores, pharmacies, home improvement stores, liquor stores, convenience stores, gas stations, restaurants, food vending trucks, farmers markets, and temporary vendors of food and merchandise at street fairs and festivals. Food banks and other food assistance programs are not considered to be retail establishments for the purposes of this ~~((section))~~ Section 21.36.100.

6. "Single-use plastic carryout bag" means any carryout bag made from plastic or any material marketed or labeled as "biodegradable" or "compostable" that is neither intended nor suitable for continuous reuse as a carryout bag or that is less than 2.25 mils thick.

Section 2. The Director of Seattle Public Utilities shall evaluate at a minimum: (a) the waste and litter reduction benefits of the City's bag ban program, (b) strategies to increase bag ban compliance in all stores, (c) the effectiveness of this ordinance in reducing the number of non-compostable bags contaminating the waste stream, and (d) strategies to address the impacts of loose plastic bags on curbside recycling. The evaluation shall be presented in a report to the City Council that recommends any changes in the bag ban program, pass-through charges, or other provisions that are needed to improve program effectiveness. The report should be submitted annually to City Council from 2017 to 2021 no later than July 1 of each year. Based on these reports, the Council may take further action to achieve City waste-reduction goals.

Section 3. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2016, and
signed by me in open session in authentication of its passage this
____ day of _____, 2016.

President _____ of the City Council

Approved by me this _____ day of _____, 2016.

Edward B. Murray, Mayor

Filed by me this _____ day of _____, 2016.

Monica Martinez Simmons, City Clerk

(Seal)