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Green Packaging Working Group
June 25, 2013

In attendance: John Morin, ecomaine; Shelley Doak, Maine Grocers Association; Curtis Picard, Retail Association of Maine; Tyler Kidder, University of Southern Maine; Avery Day, American Chemistry Council; Ed Suslovic, Portland City Council; Troy Moon, Portland Public Services; Mary Pereira, Portland Public Services; Sally Trice, Portland citizen; Matthew Faulkner, Surfrider; Michele Brooks, Portland citizen

The meeting of the Green Packaging Working Group opened at 5:07 p.m. in Room 24 of Portland City Hall on June 25, 2013 with introductions of the task force members. Ed Suslovic, the Chairman of the meeting, gave an update regarding the reports submitted to the Transportation, Sustainability and Energy Committee on the polystyrene ordinance. Action will be taken on the majority and minority reports at the TSE meeting in July.

1. Review and Refine Objectives regarding Single Use Plastic Bags

Chairman Suslovic began the meeting by explaining that the task force's goal is to examine the issue of plastic bags and explore the different options the City could take. He also noted that, as some of the task force members were interested primarily in the polystyrene issue, suggestions were being taken for additional members to be proposed to the City Council.

2. Review summary of approaches used by other communities to manage plastic bags

Chairman Suslovic said he believed there was a consensus on the task force that plastic bag litter is an issue. He noted that components of the issue include the number of bags used, the ability to recycle the bags, the rate of degradation of bags that escape the recycling system, and the issues that bags create in the stormwater system. He also noted the articles provided that gave information about how other communities are dealing with the litter issue. He then asked "where do we go from here?"

3. Discussion of next steps

Matthew Faulkner of Surfrider Maine proposed offering an ordinance mandating a fee on any single use bag. He said a fee would encourage bring citizens to bring their own bags, but also allowed single use bags if they were wanted or needed. Michele Brooks of Portland agreed, citing the New York Times article about the Irish experience, but she said she wasn't sure about including paper bags. She said any fee would have to be significant enough to change behaviour. Tyler Kidder of University of Southern Maine agreed with the significant fee issue, suggesting something more than the 5 cents bottle fee. Ms. Brooks noted the fee was 35 cents in Ireland. Mr. Faulkner suggested instituting

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a graduated fee structure that increased yearly for a set number of years. He also strongly urged committee to ban all single use bags. He said that the fee was capitalism at its best because only those who valued the bags would pay the fee. Ms. Kidder asked what the fee would be used for. Mr. Faulkner answered that in Washington DC it cleaned up the Anacosta river, in Ireland it goes back to the retailer. Ms. Brooks noted that because a lot of money is required to clean the stormwater drains because of plastic bags, the fee could benefit the City. Mr. Faulkner stressed that any monetary charge wasn't a tax, it was a fee for use.

Chairman Suslovic explained that, according to state law, municipalities cannot impose taxes that have not been passed by the state legislature. He thought that use fees should be ok. Curtis Picard of the Retail Association of Maine said that the Windham town lawyer had had a different opinion regarding the difference between use fees and taxes. He asked that the Windham lawyer's letter be presented to the committee.

Chairman Suslovic asked the committee whether a use fee should include all bags or only plastic. He asked how much the fee should be. He asked how the fee would be distributed. Ms. Brooks suggested that the fee be shared between the retailers and a clean water fund that could be implemented. She noted that some sort of incentive for the retailer to participate was important. Mr. Picard said retailers measure plastic by pound, not by bag, which is an issue the the task force should talk about. He also noted that controlling bags in the self-checkout lanes would be very difficult.

Sally Trice of Portland asked about how the task force was going to deal with produce bags and newspaper bags, and whether the task force could rationalise keeping those but not grocery bags. Mr. Faulkner mentioned a website that has laws and ordinances from around the world, and said most of them exempt produce bags. Ms. Brooks suggested that a ban on produce bags might be too aggressive.

Chairman Suslovic asked the retail members of the task force how reuseable bags are viewed by retailers. Mr. Picard said they're definitely on the rise in grocery stores. They are not used in other retail stores as much. He also noted the rise in shoplifting in connection with consumer-provided bags. He said he was not in favor of a fee on plastic bags, but supported a program of consumer education. Ms. Brooks said she thought the recycling rate of plastic bags seems to have stagnated, and questioned effectiveness of additional educational programs. Mr. Faulkner added that voluntary programs don't do much, but a small fee commands compliance. He said that recycling should be the last thing the task force focuses on, reducing and reusing should be primary.

Chairman Suslovic asked if anyone was in favor of an outright ban. Ms. Trice said she was in favour of one. Ms. Kidder said USM had banned plastic bags, but a college campus was small scale. She said the people who would welcome a ban are not the ones who need single use bags. She noted that the homeless carry their things around in them. Ms. Trice said most grocers sell their reuseable bags for 99 cents, and they can be washed, cutting out the sanitary argument.

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Chairman Suslovic clarified that the task force was to consider the issue of plastic bags. He said unless he was overruled, he'd set a ban aside and look at other solutions. Ms. Brooks said a ban wasn't her first choice. She said she was interested in more ideas from the industry about the changes occurring.

Chairman Suslovic asked the retail members about the challenges for implementing a fee for single use grocery and retail bags. He also asked specifically what bags the task force was considering. Mr. Faulkner suggested that a way to slowly institute the fee would be to first apply it to grocery bags, then dry cleaning, then retail. Chairman Suslovic said that imposing fees by degrees could be regarded as very unfair by retailers. Ms. Brooks asked the retail component of the task force what they thought of a bag fee.

Mr. Picard said he didn't think recycling had become stagnant. As an example, he said Walmart has cut plastic bag use by 37.5 percent from 2007 and 2011 using several different methods, including an educational component. He said he thought the real problem was the litterers. Chairman Suslovic noted that the bottle bill increased recycling and reduced litter by leaps and bounds. Tyler Kidder of University of Southern Maine added that the combination of curbside recycling and pay-per-bag fees provided a financial incentive to people to recycle.

Shelley Doak of the Maine Grocers Association asked for clarification on whether the discussion was addressing the stormwater issue or the litter issue. Ms. Kidder noted that the issue with plastic bags is the fact that so many escape the system, even if they're initially disposed of in the right place. Chairman Suslovic asked what the disadvantage of the fee would be on all retail and grocery establishments.

John Morin of ecomaine said their recycling equipment is not really equipped to handle the plastic bags. He said that some retailers put one item per bag, and that's part of the issue. Mr. Faulkner noted that the less plastic that's made, the better off the planet is. Ms. Brooks said that she doesn't find paper bags as much of a litter problem as plastic bags.

Chairman Suslovic said that if he forgets a plastic bag he asks for paper, and he thought paper was more environmentally damaging. Mr. Picard said paper bags have a larger carbon footprint. Ms. Doak said that she is opposed to a fee, in favor of better education of consumers. She said the retailers view all bags as reuseable.

Chairman Suslovic asked how long plastic bag recycling bins had been in use in stores, Mr. Picard replied that they began appearing in the early 90s. Ms. Kidder noted that plastic bag recycling is still only at 15 percent. Chairman Suslovic said he thought that system had gone as far as possible. Ms. Doak responded the task force had a great opportunity to educate the public on recycling. She added that there were some unintended consequences of bag fees on the less fortunate and the elderly, such as carrying bags with heavier loads and purchasing bags on a limited budget. Chairman Suslovic replied that cost of an item makes a person stop and think whether they really need it. Ms. Trice thought a ban and an educational component didn't cancel one another

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out. She noted that Trader Joe's and Whole Foods give a credit for consumer-supplied bags, and there didn't seem to be a difficulty.

Chairman Suslovic asked the merchant associations to see how much it would cost a retailer per bag in the case of a single use bag fee. Mr. Picard said some people would see a fee as adding to a company's profits, creating controversy for the retailers. He also said that the fee creates an issue when it comes to credit and debit cards, as 3 percent of every purchase, regardless of what is being purchased, goes to MasterCard and Visa.

Ms. Brooks pointed out that her elderly mother wouldn't take plastic bags because the handles hurt her hands. Ms. Trice said she'd like to see a representative from Trader Joe's or Whole Foods at the next meeting to discuss the possible bag fee impact on them.

Chairman Suslovic said he's never bought a reuseable bag, he just acquires them.

Ms. Brooks cited the New York Times article, noting that the plastic bag issue became a non-issue in Ireland.

Chairman Suslovic asked Chris O'Neill of Greater Portland Chamber of Commerce to comment on his organisation's stance on the single use bag issue in light of their general advice that "Portland's doesn't always have to be different," noting that he thought the state would follow the city's lead. Mr. Faulkner said he believed that when a city in Rhode Island was working through the single-use bag issue at the point Portland is now, Shaws said they would provide plastic bags only when asked for them by a consumer.

Chairman Suslovic suggested the committee should focus on the pros and cons of a user fee. Should it be on plastic bags only or all single use bags? If a fee is charged, should it be profit for the store, go to City as part of a stormwater fund or be incorporated into the general fund, or perhaps some sort of split between the retailer and the City? He asked the committee to give thought to the definitional issue of "what is a plastic bag" to give greater clarity to what the fee applies to. He asked the retailers about the effects/opinions of a fee. Ms. Doak said that she would provide some clarification on what retailers are currently doing and what is happening in the state for recycling progress.

Troy Moon of Public Services said the task force needs clarification from the City's Corporation Counsel's office on whether the City can institute a fee. Avery Day of the American Chemistry Council said he understood that the fee had to be tied to a specific cost. Councilor Suslovic said once the task force has information about instituting a fee, then it will get into the specifics and the practicalities of doing so. Mr. Faulkner suggested another process might be to have retailers use the specific cost of their bags to base the fee on. Ms. Trice noted that Save A Lot charges for bags.

Mr. Day asked if bags would be covered under EBT if a bag needed to be purchased.

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Chris O'Neill said he needs more information before he can convey a position of the Chamber. He asked the task force to quantify the problem, such as the paper versus plastic costs. Until he has that, he really can't ask the Chamber membership what their opinion is. He'd rather see the Chamber respond using facts rather than opinions. Chairman Suslovic asked if the Chamber could bring in some retailers to discuss the issue in Portland, and the position of Chambers in communities that a ban is already in place.

Chairman Suslovic mentioned the next meeting on July 16, and asked the committee to start thinking about who they'd like to hear from on the issue pending the Corporation Counsel's opinion on whether a fee is legal under Maine law, and also asked the retailers what they think is working with the current system and what is not working. He reminded members of the request for formal suggestions for additions to task force

The meeting adjourned at 6:20 p.m.