



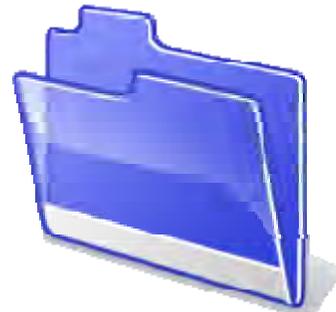
CITY OF MILPITAS

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479
GENERAL INFORMATION: 408-586-3000, www.ci.milpitas.ca.gov



For Agenda of
October 20, 2009

ATTACHMENTS AND/OR ADDITIONAL MATERIALS RELATED TO AGENDA ITEM #2 AFTER AGENDA PACKET DISTRIBUTION





October 16, 2009

The Honorable Robert Livengood
Mayor, City of Milpitas
455 East Calaveras Boulevard
Milpitas, California 95035

RE: CONCERNS WITH THE CITY OF SAN JOSE'S CARRYOUT BAG POLICY

Dear Mayor Livengood:

As you know, the City of San Jose City Council recently passed a policy direction concerning plastic and paper retail bags. In an effort to promote the use of reusable bags by consumers, the council indicated its intention to:

- Ban the use of fully recyclable plastic retail bags, yet still permit retailers and grocers to continue to use paper bags that contain a minimum of 40% recycled material.
- Prior to adopting a final ordinance, the Council action calls for the completion of an environmental impact review to analyze the potential environmental impacts of the proposed ordinance. This environmental review is likely to be completed early next year.
- San Jose's action suggests that a "regional approach" to this issue is preferred and will likely be working to encourage neighboring cities to adopt a similar policy.

As you consider this issue, we urge you to consider **the following key pieces of environmental and economic information** that were overlooked and underappreciated by those that supported the San Jose policy. We share in the desire to increase recycling and reduce litter, and in fact actively suggested a comprehensive collaborative recycling and litter reduction approach to the City of San Jose. Though San Jose elected to ignore this collaborative approach, we would welcome the opportunity to discuss with you these opportunities in more detail. In our view, by working together we can achieve the environmental objective without negatively impacting consumers and businesses. Thank you for your consideration.

Sincerely,

Ryan Kenny
Manager, State Affairs
Progressive Bag Affiliates of the American Chemistry Council

cc: Honorable Members of the Milpitas City Council

ATTACHMENT NUMBER 1

Please consider the following:

- **San Jose didn't pass what they intended:** Though the San Jose City Council intended to ban both paper and plastic bags, the language that was passed calls for a ban on plastic with an exemption on paper with at least 40% recycled content. Essentially, this is the same paper product that is being used now by many retailers, thus the end result is a shift from a fully recyclable plastic bag to a paper bag that carries its own environmental impacts:
 - Paper bags consume 70% more energy to manufacture than plastic bags.¹
 - For every seven trucks needed to deliver paper bags, only one truck is needed for the same number of plastic bags, helping to save energy and reduce emissions.
 - It takes 91% less energy to recycle a pound of plastic than it takes to recycle a pound of paper.²
 - Plastic bags generate 80% less waste than paper bags.²
 - Plastic bags generate only 50% of the greenhouse gas (GHG) emissions of composted paper bags.¹
 - The production of plastic bags consumes less than 6 percent of the water needed to make paper bags.¹
- If local governments adopt bag regulations, they would incur increased fiscal costs for enforcement; lower sales tax revenue; a negative impact on the tax base; a reduced capacity for passing another tax increase or regulatory burden on a fatigued citizenry when more meaningful and urgent needs arise; and the risk of having consumers shop in other cities which do not have bag regulation, thus putting their businesses at a competitive disadvantage.
- Since paper bags cost stores substantially more than plastic bags, a ban on fully recyclable plastic bags would result in increased business and consumer costs.

FACTS ABOUT PLASTIC BAG AND FILM RECYCLING

- **HIGH DEMAND FOR PLASTIC BAGS:** Plastic bags are fully recyclable and recyclers are seeking sources of new material. The attached letter, signed by 12 recyclers, clearly indicates a desire to purchase recovered material. Suggestions that plastic bags and wraps cannot be recycled are FALSE.
- Earlier this year, U.S. plastic bag manufacturers announced support for efforts to help “close the loop” by promoting the recycling of used plastic bags and wraps into new plastic bags. Through “The Full Circle Recycling Initiative,” plastic bag manufacturers have set an aggressive goal of 40 percent recycled content (25 percent postconsumer) by the year 2015.
- San Jose’s policy would also exempt off-the-shelf bulk purchases of paper and plastic bags. Most people reuse their plastic retail bags for pet waste, lunches, umbrella holders, etc. and this additional exemption is designed to fill such a void because of bag regulation. However, this is similar to what was experienced in Ireland when they implemented a bag tax in 2002 because they did not have a plastic bag recycling infrastructure: sales of plastic bags to grocery stores declined 90% but sales of other plastic bags increased over 400%. With **plastic retail bags being only 0.6%** of the litter composition (as found in San Francisco), multiple exemptions such as this will not make much of an impact on the amount of what is littered and ultimately found in the creek system and bay.

¹ Boustead Consulting & Associates Ltd. *Life Cycle Assessment for Three Types of Grocery Bags – Recyclable Plastic; Compostable, Biodegradable Plastic; and Recycled, Recyclable Paper*. 2007. See: http://www.americanchemistry.com/s_plastics/doc.asp?CID=1106&DID=7212

² U.S. Environmental Protection Agency. *Questions about Your Community Shopping Bags: Paper or Plastic*. See: <http://web.archive.org/web/20060426235724/http://www.epa.gov/region1/communities/shopbags.html>

- Studies analyzing the effects of bag regulation are scarce, but those that have been conducted have produced some interesting results. The City of San Francisco passed a plastic bag ban ordinance (without regulation of paper bags), and concluded from their 2008 *Streets Litter Re-Audit* that:
 - Plastic bag litter ***remained the same*** before and after the ban at only 0.6%.
 - Total bag litter ***increased*** 1.5%.
 - 51% of the litter composition is fiber-based, thus debunking the notion that plastic bags are a serious litter problem.
- California's landmark law, AB 2449, requires all large grocery stores and pharmacies to provide a recycling bin for plastic bags, and to provide reusable bags for purchase. The bins provide a statewide consumer infrastructure that captures plastic grocery, newspaper, dry cleaning, toiletry, and other bags and film. According to AB 2449, ***if plastic bags are banned, the stores in affected jurisdictions could simply opt out of providing and servicing the bins and thus an infrastructure would cease to exist.*** As an example, a recent study done by www.use-less-stuff.com found that after the City of San Francisco banned plastic bags, *plastic recycling bins had been removed from many stores after the ban took effect.*
- The Santa Clara County Board of Supervisors recently rejected a bag tax proposal in favor of a public education program, with at least one Supervisor even submitting a letter to the editor to the *San Jose Mercury News* opposing the Recycling and Waste Reduction Commission recommendation to ban plastic and place a fee on paper bags.

As you and your colleagues consider a position on San Jose's policy, please know:

- Their Environmental Impact Report (EIR) under the California Environmental Quality Act is not expected to be completed until at least February 2010. Therefore, with so much information and data not yet collected and analyzed, a position by other cities at this time is premature.
- San Jose has not commissioned an economic study to determine the level of inevitable negative economic impact their policy would have. A ban on plastic bags would certainly not result in a positive or even neutral economic impact.

September 15, 2009

The Honorable Chuck Reed
Mayor, City of San Jose
200 East Santa Clara Street
San Jose, CA 95113

RE: WE BUY PLASTIC BAGS AND FILM

Dear Mayor Reed:

Contrary to recent testimony at the Community and Economic Development Committee meeting by those opposed to curbside recycling, we would like to provide you with a simple message: **we are buying plastic bags and film, the market is strong, and drop-off recycling is working.**

Plastic bags and film are valuable commodities and provide a profit-center for our businesses. A recent focus on **drop-off** recycling, such as at grocery stores and pharmacies, has given consumers access to new recycling opportunities and companies like ours a greater source of revenue.

Since prices for these materials are highest when they are clean, drop-off recycling provides an excellent source of feedstock for recycled goods. This is in **contrast to curbside** recycling, which many Materials Recovery Facilities (MRFs) oppose because the material is not well-suited for their systems, and often becomes dirty, thus much less valuable.

Recycling benefits consumers, small businesses, and the environment. Recovered plastic bags and wraps can be recycled into many useful products, including durable backyard decking, fencing, railings, and even shopping carts. Increased recycling of bags and film is good for businesses, consumers, and the economy.

We recognize the value of drop-off recycling, we buy plastic bags and film and want to buy more, but there is a shortage of clean material available, thus we support local government efforts to expand film and bag collection opportunities.

Thank you for considering our views.

Sincerely,

Louisa Chiu
Lynx Recyclers

Joe Castro
Omni Resources

Laura Davis
Monarch Enterprises

Kirk Harkey
Recycle Wise

Jerry Wippman
Multi-Link, International

Josh Turchin
One Earth Recycling

Tonya Valdez
Philco International

Berl Sung
Burbank Recycling

Jeanne Wu
Super Link Plastic, Inc.

David W. Heglas
Trex Company, Inc.

Judy Lee
JC Horizon LTD.

Edward Liu
Jetway International

Kenny Luong
Mings Recycling Corp.

Stormy Luttrell
A.E.R.T, Inc.

cc: Honorable Members of the San Jose City Council



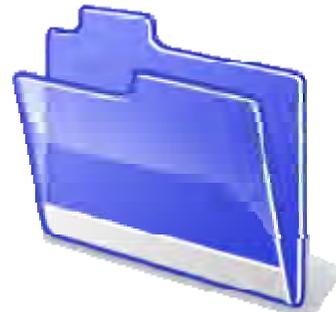
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ATTACHMENTS AND/OR ADDITIONAL MATERIALS RELATED TO AGENDA ITEM #3 AFTER AGENDA PACKET DISTRIBUTION



MEMORANDUM

Department of Planning & Neighborhood Services



To: Honorable Mayor and City Council
Through: Thomas C. Williams, City Manager *[Signature]*
From: James Lindsay, Planning & Neighborhood Services Director *[Signature]*
Subject: Rotary Pumpkin Patch Fees
Date: October 16, 2009

As of October 15, 2009 the Rotary Club paid the \$821 in total fees due for their pumpkin patch which opened on October 16th. The Club's request has been amended to seek reimbursement of fees paid instead of a waiver of fees.