

**Energy & Environment Committee  
Special Meeting Minutes**

**DATE & TIME:** April 11, 2018 at 6:00  
**LOCATION:** KL Binder Library, 6<sup>th</sup> Floor, COB, Kingston, NY  
**PRESIDING OFFICER:** Chairman Mary Wawro  
**LEGISLATIVE STAFF:** Fawn A. Tantillo, Deputy Clerk  
**PRESENT:** Legislators Tracey Bartels, Manna Jo Greene, Joseph Maloney, Brian Woltman  
**ABSENT:** None  
**QUORUM PRESENT:** Yes

**OTHER ATTENDEES:** Legislators David Donaldson, Heidi Haynes, Kathy Nolan, James Delaune, Laura Petit, Herbert Litts; Jordan Christensen, Citizens Campaign for the Environment,

Chairman Wawro called the meeting to order at 6:07 and lead the Pledge of Allegiance.

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Chairman Wawro distributed copies of Proposed Local Law 6 (A Local Law Regulating The Use Of Single-Use Plastic Carryout Bags), Proposed Local Law 10 (A Local Law Promoting The Use Of Reusable Bags And Regulating The Use Of Plastic Carryout Bags And Recyclable Paper Carryout Bags) and copies of the Plastic Bag Discussion Guide prepared by Legislator Bartels. Chairman Wawro said the goal of this special meeting was to develop one proposed local law.

Legislator Donaldson said he would formally withdraw Resolution No. 61 and corresponding Proposed Local Law 6 and co-sponsor Resolution No. 120 and Proposed Local Law 10 as it will be revised.

A discussion ensued on various approaches to a local law using the “Plastic Bag Discussion Guide” prepared by Legislator Bartels. This conversation covered topics such as what stores would be covered; defining single use bags; a minimum charge for recyclable paper bags, enforcement, potential costs, record keeping, exemptions, educational components, signage, roll out of the law to allow retailers to use existing stock, and renaming the proposed law “BYO Bag”.

Ms. Christensen was asked for her guidance on what success similar measures had or didn’t have in other municipalities.

The members also deliberated about what areas they might be willing to amend if necessary in order to put the law in place.

Legislator Bartels offered rewrite Proposed Local Law 10 to reflect the points of greatest consensus. When it is complete, the members recommended discussing the new draft with their respective caucus. The Energy and Environment Committee will follow up at their May 3<sup>rd</sup> meeting.

Chairman Wawro asked if there was any other business, hearing none

**Motion to Adjourn**

<b>Motion Made By:</b>	Legislator Bartels
<b>Motion Seconded By:</b>	Legislator Maloney
<b>No. of Votes in Favor:</b>	5
<b>No. of Votes Against:</b>	0
<b>Time:</b>	8:16 pm
<b>Respectfully submitted:</b>	Fawn Tantilillo, Deputy Clerk
<b>Minutes Approved</b>	May 3, 2018

## Plastic Bag Discussion Guide

1. Covered store definition – The draft law covers establishments that engage in retail sales with few exceptions. Some draft laws exempt businesses at which foodstuffs are only an incidental portion of sales. There are also examples where restaurants (food service establishments) are exempted, though this is primarily in markets where there is a heavy delivery market and plastics are seen to protect against leakage. Additionally, we should discuss whether to specifically mention open-air markets and festivals.
2. Single use plastic bag definition – Most laws exempt non point of sales bags, pharmacy bags, and garment bags.
3. Minimum charge for the recyclable Paper bag – the law suggests a minimum of 5 cents but the issue is up for discussion. The fee has been shown to encourage consumers to bring their own bags. Additionally, it helps to offset the increased cost of the alternative bags to the business. Because this law prohibits single use plastic bags it does not legislate profit to private businesses.
4. Regulation of reusable bags – there should be a grace period allowing covered stores to provide reusable bags free annually, should they choose. This can be a promotional effort for the store and is a positive reinforcement of the legislation. Some jurisdictions have chosen an end of the year grace period; others have designated the period around earth day. Typical length of the grace period is two weeks. The grace period immediately following adoption should be renewed so that there is no confusion about the law in its earliest days.
5. Record Keeping and Inspection – while this section exists in many examples of legislation, it is also seen as difficult asks, particularly to small businesses. The inspection aspect may be seen as invasive. We could consider deleting the section in its entirety.
6. Additional Obligations – posting signs. Should the County provide sample signage? Should the County make available actual signs?
7. Enforcement – the issue of enforcement needs to involve a thorough discussion with the Executive’s office as to where the responsibility should live. In previous discussions, the most often mentioned departments were the Department of the Environment and the Department of Weights and Measures.

8. Violation Penalties – This section allows for a written warning before the first issuance of a violation. It also allows for increasing penalties.
9. Effective Date – It is important to allow for the proper roll out of the law, both from the perspective of educating businesses and consumers and for allowing reasonable use of already purchased bag stock. We can set a specific date or a timeline from the time the law is sent to the state.
10. Exemptions – the committee has discussed the possible exemption of citizens receiving public assistance. Such as SNAP/WIC. The draft has not provided for the exemption.

August 20, 2015

**Commentary: Ban on single-use plastic bags has unintended environmental consequences. Consumers are now throwing away heavy-duty reusable plastic bags at an unprecedented rate.**

**By: Adam Minter The Washington Post News Service with Bloomberg News**

When the city council in Austin, Texas, passed a single-use plastic shopping bag ban in 2013, it assumed environmental benefits would follow. The calculation was reasonable enough: Fewer single-use bags in circulation would mean less waste at city landfills.

Two years later, an assessment commissioned by the city finds that the ban is having an unintended effect – people are now throwing away heavy-duty reusable plastic bags at an unprecedented rate. The city’s good intentions have proven all too vulnerable to the laws of supply and demand.

What’s true for Austin is likely true elsewhere. Plastic bag bans are one of America’s most popular environmental measures of recent years: Since San Francisco became the first U.S. city to implement a ban in 2007; more than 100 other U.S. cities have joined the cause. While it’s been relatively easy to rally consensus around these bans, however, it’s been far harder to achieve significant results.

Part of the problem is that – despite the world-saving rhetoric that typically promotes and supports plastic bag bans – plastic bags simply aren’t that big of a problem. According to the national data recorded by the EPA in 2013, the weight of single-use plastic shopping bags amounted to around 0.28 percent of the total municipal solid waste that Americans generate. A more finely tuned litter survey in Fort Worth, Texas, (reported in the Austin assessment) found that just 0.12 percent of the weight of litter in the city (which does not have a ban) comes from single-use bags.

Nonetheless, as proponents of bag bans rightly point out, weight isn’t the only measure of environmental impact. Single-use plastic bags pose outsized problems in the form of visual pollution on the landscape – South Africans joke that plastic bags are their “national flower” because of their propensity to hang on branches – and damage and delays at high-tech recycling centers. (Reusable bags usually aren’t eligible for recycling, but when they end up at centers by mistake, they often wrap around and jam moving equipment.)

Single-use bags can also pose health hazards to wildlife and livestock– during a recent trip to Dubai, I heard a plastic recycler lament that ranched camels frequently die from ingesting the plastic bags that are constantly catching flight in the desert wind – and even when they do wind up at landfills, they take centuries to decompose.

There’s little doubt that targeted bans can mitigate these kinds of effects by cutting down on the use of reusable bags in the first place. In Austin, for example, a post-ban survey found that

single-use plastic bags accounted for only 0.03 percent of the total litter collected in the city in 2015. Assuming the pre-ban rate was closer to the 0.12 percent in nearby Fort Worth, that marks a roughly 75 percent reduction of single-use plastic bags in Austin's landfills.

But, as the Austin assessment pointedly notes, reducing the use of a product that's harmful to the environment is no guarantee of a positive environmental outcome. Among the main environmental benefits of Austin's ban was supposed to be a reduction in the amount of energy and raw materials used to manufacture the bags. To that end, the city encouraged residents to instead use reusable bags. Those bags have larger carbon footprints because of the greater energy required to produce their stronger plastics, but the city figured the overall impact would be lower, as consumers got acquainted with the new, more durable product.

What the city didn't foresee is that residents would start treating reusable bags like single-use bags. The volume of reusable plastic bags now turning up at the city's recycling centers has become "nearly equivalent to the amount of all of the single-use bags removed from the recycling stream as a result of the ordinance implemented in 2013," according to the assessment. And those lightly used bags are landfill-bound because recycling isn't any more cost effective for reusable plastic bags than the single-use variety.

Austin deserves to be commended for its candid assessment of what its plastic bag ban has actually accomplished; it's probably not the only city where a ban has produced unintended environmental consequences. That shouldn't deter the scores of other cities considering their own plastic bag bans. But it should encourage a more thorough and realistic assessment of what such a ban can actually accomplish, and what damage it might inflict along the way. When it comes to environmental policy, good intentions often aren't good enough.