**San José’s “Bring Your Own Bag” Ordinance Cuts Plastic Bag Pollution**

The Problem with Plastic Bags

According to a United Nations Environment Programme (UNEP) report, marine litter is a global challenge. As plastic bag use grew over the last few decades, so did plastic bag litter. Plastic bags are lightweight and end up in streets, storm drains, creeks, and the ocean. At the same time, regulations related to litter became more stringent. As for all cities in the Bay Area, the current San Francisco Bay Municipal Regional Stormwater Permit requires the City of San José to reduce trash from the storm drain system and entering local creeks by 40 percent in 2014, 70 percent by 2017, and a long term goal of “no adverse impact” from trash by 2022. San José has one of the nation’s largest networks of creeks, and three of San José’s waterways, the Guadalupe River, Silver Creek and Coyote Creek are declared severely impaired by trash.

San José also has a goal to divert 100 percent of waste (zero waste) from landfills by 2022. According to the Californians Against Waste website, 13 billion plastic bags are distributed annually, and only 3 percent are recycled. Outreach encouraging reusable bags, and plastic bag recycling options alone are not enough to reduce the amount of single-use carryout plastic bags.

Plastic bag ban opposition from groups such as the plastics industry, work to prevent or delay ordinances. Due to this, many cities are required to conduct a costly Environmental Impact Report to prove that banning plastic bags is the most environmentally beneficial even when stores sell paper bags.

Senate Bill 270, was approved by California Governor Jerry Brown in September 2014 which phases out single-use plastic bags. It was the first statewide plastic bag ban in the United States. The plastic bag manufacturing industry however, gathered enough signatures to qualify for a referendum suspending the law until a public vote in November 2016.

Implementation and Budget

San José implemented one of the most comprehensive plastic bag bans in the nation, a model for other cities. The ordinance prohibits single-use carryout plastic bags provided at checkout by all retail businesses located or doing business in the City of San José. This list includes over 6,250 grocery stores; convenience stores; pharmacies; hardware stores; local and national retailers; and mobile retailers. Stores may sell paper bags made of at least 40 percent post-consumer recycled content for a minimum of 10 cents each.

The Bring Your Own Bag Ordinance was adopted by San José City Council on December 14, 2010 and went into effect on January 1, 2012. It was amended on October 8, 2013 to refine the ordinance language and eliminate the need to increase the paper bag charge to 25 cents in 2014. Starting with stakeholder input to implementation, the Bring Your Own Bag ordinance was a two and half year process. Funding came from two City sources: Integrated Waste Fund ($186,520) and the Storm Sewer Service and Use Fund ($144,000).

To start, City staff conducted a comprehensive stakeholder/community engagement process. Stakeholders included plastic and paper bag manufacturers, grocery and retail industry representatives, environmental advocates, representatives from neighboring cities, and interested public. San José staff gathered input from over 300 interested stakeholders through a variety of community engagement methods including regularly scheduled stakeholder meetings, and gathering input through chambers of commerce, business associations, and neighborhood group meetings. City staff also held five citywide public community meetings scheduled throughout the ordinance development process.

With a population of over one million, San José, referred to as the capital of Silicon Valley, attracts high-tech talent from all over the world. It is the 10th largest city in the United States, with a multicultural mix of residents. Outreach was conducted in three languages, English, Spanish and Vietnamese, and was a community effort. Several partner agencies provided outreach assistance, including: Save the Bay, Clean Water Action, California Grocers Association, the Silicon Valley Council of Non-Profits, Second Harvest Food Bank, CommUniverCity, Our City Forest, Scout Troops, and the Guadalupe River Conservancy.

The Santa Clara County Office of Integrated Waste Management, the Bay Area Recycling and Outreach Coalition and Keep California Beautiful all conducted regional outreach encouraging the use of reusable bags. Several large grocery stores (PW Market, Hai Thanh Market, and Mi Pueblo Food Center) hosted press events on the importance of shopping with reusable bags. Retailers were given an outreach toolkit, and put the City provided poster in their store windows, and tent cards at their registers.

Litter Reduction Results

The successful implementation of the bag ordinance was a significant credit towards the City’s ability to achieve its stormwater permit goal of reducing litter by 40 percent in 2014. Results were immediate and could be seen shortly after the start of the ordinance.

* **Creeks** - In 2011, prior to the start of the ordinance, over 1,300 plastic bags were removed from 10 creek hot spots. In 2013, after clean-ups at 10 creek hot spots, only 190 bags were found, a 73 percent decrease. In 2015, only 185 plastic bags were removed. This includes older plastic bags - “legacy trash” that could be removed due to lower water levels in creeks because of the California drought.
* **Storm Drains** - In September 2011, 50 plastic bags were found in 65 storm drain catch basins. In April 2012, just four months after the start of the ordinance, nine bags were found in 69 catch basins.
* **Neighborhoods** - In addition, staff reported a 59 percent decrease in plastic bag litter found on City streets and sidewalks from neighborhood cleanups.
* **Recyclables Processing** - GreenWaste Recovery, a residential recycling hauler for the City, reported a 10 percent drop in film plastics being processed. A reduction of approximately 1,380 pounds per day of film plastics since the start of the ordinance.

Retailer Participation and Consumer Behavior

In-store visual observations conducted in 2015 of randomly selected small, medium and large businesses show that 100 percent of retail stores surveyed are participating correctly.

After the first year of the ordinance - based on visual observations - approximately 53 percent of purchases were carried out using a reusable bag versus approximately four percent prior to the start of the ordinance. In a 2015 visual survey, 93 percent of retail purchases were either carried out in a reusable bag or carried without a bag.

Lessons Learned

During an early stakeholder meeting, residents were opposed to having a charge for paper bags and using the money to fund litter cleanup programs. Having the retailer keep the full amount of the paper bag charge was more accepted.

In a survey of residents conducted during the ordinance development, it was determined that 81 percent of respondents said they would use a reusable bag if the cost for a paper bag were 10 cents, and that an increased paper bag charge would not be needed.

Businesses were concerned that residents would go to neighboring cities to shop to avoid the bag ordinance. However, 90 percent of residents in the survey said that a bag charge would not change where they shop.

A Model and Resource for Other Cities Implementing Bag Bans

Following San José’s successful implementation, several surrounding cities began moving forward with banning plastic bags. Immediately following San José’s ban, San Francisco announced expanding their ordinance to include all retail. Many municipalities around the globe have implemented bans on plastic bags using various methods, such as store fines, and fees for plastic bags. UNEP has called for a worldwide ban on plastic bags. San José’s ban is based on what other municipalities have accomplished, further refining and expanding on an important waste reduction issue.

San José’s Environmental Impact Report, ordinance language and outreach materials for San José’s Bring Your Own Bag Ordinance are available at sjenvironment.org/bags.