



## City of Somerville Massachusetts

Placed on File  
Nov 24, 2015 7:00 PM

### Agenda Item 198251

#### Assistant City Solicitor submitting a proposed Plastic Bag Reduction Ordinance.

#### Information

**Department:** Law  
**Category:** Officer's Communication  
**Sponsors:**  
**Purposes:** Ordinance

#### Attachments

[2014-Plastic bag reduction 12-3-2014](#)  
[Response from Rep Provost](#)

#### Official Text

Dear Honorable Board Members:

Per Alderman Ballantyne's request, attached is a draft of an ordinance regulating thin-film, single use plastic bags.

Sincerely,

Matthew J. Buckley  
Assistant City Solicitor

#### Meeting History

**Dec 11, 2014 7:00 PM Video** **Board of Aldermen** **Regular Meeting**

Alderman Connolly requested to waive the readings of items 66 through 72, place them on file, and forward them to the appropriate Committees. There being no opposition, the motion was approved.

**RESULT: REFERRED FOR RECOMMENDATION**

**Mar 9, 2015 6:00 PM** **Legislative Matters Committee** **Committee of the Whole**

 **Draft**

Mr. Buckley distributed the plastic bag ordinance for the committee to review.

**RESULT: KEPT IN COMMITTEE**

**Mar 19, 2015 6:00 PM** **Legislative Matters Committee** **Committee of the Whole**

Members discussed the proposed ordinance and heard from Mr. Richman, who spoke about Brookline's ordinances, bag thickness and a loophole regarding bag thickness. The Sierra Club prefers thicker bags (more than 2.5 mm) but pointed out that although thinner bags pose an immediate danger, the thicker bags are more dangerous in the long run. Alderman Niedergang expressed his desire for a more stringent ordinance and does not want to exclude compostable and marine degradable bags. Aldermen Ballantyne and Lafuente favor a total plastic ban and Alderman Heuston suggested banning plastic bags at small establishments, also. Alderman White suggested that a public hearing be held on the item.

Chairman Rossetti's motion that a communication be sent to the Somerville Chamber of Commerce, Union Square Main Streets and East Somerville Main Streets to make them aware of this proposed ordinance, was approved.

**RESULT: KEPT IN COMMITTEE**

**Apr 2, 2015 6:00 PM**                      **Legislative  
Matters  
Committee**                      **Committee Meeting**

Mr. Buckley informed the committee that the City of Cambridge also has a ban on plastic bags, know as the "Bring your own bag" law. It allows establishments to charge and keep a fee if someone does not supply his/her own bag(s). The rate of the fee is set by the Public Works Commissioner. Mr. Sellers-Garcia and Mr. Mackey distributed documents from other sources dealing with this subject.

The Solicitor's Office was instructed to email a copy of the Brookline and Cambridge plastic bag ordinances to the committee. The Solicitor's Office and OSE were instructed to examine the California ordinances on plastic bags.

Mr. Boukili will research how larger stores, e.g., Target, will handle not using plastic bags.

**RESULT: KEPT IN COMMITTEE**

**May 7, 2015 6:30 PM**                      **Legislative  
Matters  
Committee**                      **Committee Meeting**

Mr. Sellers-Garcia spoke about various plastic bag ordinances around the country, noting bag thickness, fees, enforcement and the cost of transitioning to paper by city and state, and explained why the ban is set in various areas around a certain thickness. Discussions were held on the single use bag costs, plastic, take out bags, paper, paper with handles and 100% recycled paper bags. Mr. Mackey's (Chamber of Commerce) request from April 2nd was redistributed at the meeting. Alderman Niedergang distributed the Mass Legislature's House Bill #739, "An Act Relative to Plastic Reduction". Alderman White suggested that the Solicitor's Office provide a draft ordinance for the community to speak on at a future public hearing.

**RESULT: KEPT IN COMMITTEE**

**Aug 20, 2015 6:00 PM**                      **Legislative  
Matters  
Committee**                      **Committee of the Whole**

Members discussed this issue and raised questions about the underlying purpose of the proposed ordinance, its effect on smaller produce bags used at grocery stores, enforcement responsibility, definitions within the proposed ordinance, compostable plastic bags, reusable bags and bag specifications. Alderman Connolly requested report of impact, if any, from communities with this ban in effect. Alderman Ballantyne requested that samples of the various bags in question be available for the committee the next time this item is discussed. Mr. Buckley will report back to the committee on the discrepancies of some of the definitions of the city's proposal vs. Representative Provost's.

**RESULT: KEPT IN COMMITTEE**

**Sep 3, 2015 6:00 PM**                      **Legislative  
Matters  
Committee**                      **Committee Meeting**

Mr. Buckley discussed similar ordinances from other communities and noted that Great Barrington grants exemptions for farm stands using plastic bags. The ordinance used in Brookline is the most comparable to Somerville's proposal. The committee discussed amendments, fines, offenses, potential waivers and bag thickness although Somerville's proposed ordinance doesn't differentiate based on the thickness of bags. Chairman Rossetti requested that the proposed ordinance be distributed to all members of the Board of Aldermen.

Chairman Rossetti requested that a communication be sent to Representative Provost inquiring as to where her sponsored plastic bag reduction bill, H739, came up with the requirement that recycled bags contain a

minimum of 80% recycled material, noting that Mr. Sellers-Garcia represented that 30-50% is most common in districts as well as being less costly.

Mr. Smiljic asked to know which businesses would be impacted by the proposed ordinance, (for enforcement purposes), and suggested that businesses be informed of the change during the license renewal process. Alderman Niedergang favored notifying businesses ASAP and the Chamber of Commerce prefers at least 90 days notice.

A public hearing will be scheduled on the matter.

**RESULT: KEPT IN COMMITTEE**

**Sep 30, 2015 6:30 PM Video**      **Legislative Matters Committee**      **Committee of the Whole**

**RESULT: KEPT IN COMMITTEE**

**Oct 15, 2015 6:00 PM**      **Legislative Matters Committee**      **Committee of the Whole**

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Mr. Sellers-Garcia discussed the use of petroleum and natural gas in the production of plastic bags. He also discussed how different bags are produced and how reusable bags are classified, adding that some plastic bags could be reusable. Mr. Weiner stated his concern regarding using paper bags in the rain.

Alderman Lafuente spoke about shopping habits and is in full support of a total ban on plastic bags. He does not anticipate any hardships for the business community. Alderman Heuston suggested that seniors be provided with reusable bags. Alderman Ballantyne spoke about Stop and Shop bags and how one knows what a bag is "predominately" made of. She would like to see samples of various bags along with pricing information. Alderman Sullivan is interested in exemptions for small businesses and said that the ban could be a disadvantage to the immigrant community. Mr. Mackey explained how small businesses are exempted in other municipalities and suggested giving 12 months notice before any implementation. Alderman White suggested that OSE provide language for the ordinance along with a list of allowable bags. He asked that further regulations be promulgated to define what is considered a reusable bag. Alderman Niedergang would like the proposed ordinance to be passed soon and to take effect of the 1st day of the month, 6 months after passage. Alderman McLaughlin does not believe that a thicker bag is the answer and would like to provide alternatives. He does not believe that the proposed ordinance will be enforced, adding that if a ban is implemented, he would like a total ban with hardship exemptions. Members of the public would like to assist with educating businesses about the proposed changes.

Alderman Niedergang's motion to delete "February 1, 2016" from the first sentence in Section 4 and to leave the effective date blank, for now, was approved.

**RESULT: KEPT IN COMMITTEE**

**Nov 19, 2015 6:00 PM**      **Legislative Matters Committee**      **Committee Meeting**

The committee examined samples of various plastic bags. Mr. Sellers-Garcia discussed the most recent revisions to the proposed ordinance and said that definitions need to be clear and that public education on the issue would be beneficial. Alderman White expressed his concern for small business owners who might have problems with compliance. Mr. Sellers-Garcia stated that the proposed ordinance would be enforced one year after its passage and he discussed the time line stores may need to adopt. Alderman Niedergang objects to the one year waiting period and believes that the environment is more important than the cost of bags purchased by a business. Mr. Boukili spoke about the need for a communication strategy and said that six months is not enough time. Seventeen percent of Somerville businesses contain over 10,000 square feet of space. Alderman White requested that the city provide assistance to businesses impacted by this ordinance. Alderman White would also like to give businesses 2 weeks to remedy an initial warning and asked that there be at least 2 weeks between the issuance of first and second offenses.

The following change proposed by Alderman Niedergang was approved:

· businesses of 10,000 s/f and larger shall have 9 months to comply and all other businesses shall have 12 months to comply.

**RESULT: APPROVED AS AMENDED**

**Nov 24, 2015 7:00 PM Video**      **Board of Aldermen**      **Regular Meeting**

This item was approved as amended by the Committee and replaced by #200352, submitted as Agenda #147. See that item for the final text of the adopted ordinance.

**RESULT: PLACED ON FILE**

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