



Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Died due to expiration of legislative council session

**File created:** 11/21/2021      **In control:** Committee on Land Use and Economic Development

**On agenda:** 11/22/2021      **Final action:** 12/30/2021

**Enactment date:**      **Enactment #:**

**Effective date:**

**Title:** Ordinance amending and supplementing the City Code at Title Six: Conduct, Article I: Regulated Rights and Actions, by adding a new Chapter 610 entitled "Prohibition on Use of Certain Bags and Checkout Bag Charge," to permit the use of only certain bags by retail establishments at the point of sale or for a delivery; and establishing a charge, payable by the customer to the establishment, for the provision of other types of bags; all under certain terms and conditions.  
(Post Agenda held 12/17/21)

**Sponsors:** Erika Strassburger, Bruce A. Kraus, Bobby Wilson, Corey O'Connor

**Indexes:** PGH. CODE ORDINANCES TITLE 06 - CONDUCT

**Code sections:**

**Attachments:**

| Date       | Ver. | Action By           | Action                                     | Result |
|------------|------|---------------------|--|--------|
| 12/30/2021 | 1    | City Council        | Died due to expiration of legislative term |        |
| 12/20/2021 | 1    | Standing Committees | TABLED                                     | Pass   |
| 12/17/2021 | 1    | Post Agenda         | Post Agenda Held                           |        |
| 12/1/2021  | 1    | Standing Committees | Held for Cablecast Post Agenda             | Pass   |
| 11/22/2021 | 1    | City Council        | Read and referred                          |        |

Ordinance amending and supplementing the City Code at Title Six: Conduct, Article I: Regulated Rights and Actions, by adding a new Chapter 610 entitled "Prohibition on Use of Certain Bags and Checkout Bag Charge," to permit the use of only certain bags by retail establishments at the point of sale or for a delivery; and establishing a charge, payable by the customer to the establishment, for the provision of other types of bags; all under certain terms and conditions.  
*(Post Agenda held 12/17/21)*

WHEREAS, In an effort to combat the plastic pollution crisis, local and state governments across the United States and abroad have focused their efforts on regulating the use of single-use plastic bags; and,

WHEREAS, Americans use 100 billion plastic bags a year, which requires 12 million barrels of oil to manufacture. Single-use plastics are created through a process called fracking, which releases a toxic stew of air pollution that can cause asthma, childhood leukemia, cardiac problems, and birth defects; and,

WHEREAS, Single-use plastics not only create pollution in their creation, they also litter our communities, end up in our waterways, and obstruct our recycling machines. Following their use, single-use plastic bags take approximately 500 years to decompose; and,

WHEREAS, Single-use plastic bags do not biodegrade even when properly landfilled. The bags then end up shredding, and degrading into toxic plastic ribbons that contaminate the soil and water that then enters the food chain; and,

WHEREAS, PennEnvironment, a non-profit dedicated towards eliminating climate impacts, recently released a report that found microplastics in 100 percent of tested Pennsylvania waterways, which leads to microplastics in our drinking water, harming not only our environment but also potentially our physical health; and,

WHEREAS, Plastic Bags or film and Styrofoam present the City with difficulty in recycling, because they require specialized processing, and the plants and vendors are limited. The lack of recyclers and specialized collection needs make plastic bag/film and Styrofoam recycling impractical for the City. This is due to the bags falling into the crevices, wrapping around, or jamming recycling machinery, therefore they are not accepted by recycling centers; and,

WHEREAS, The City of Pittsburgh and other local municipalities in the Commonwealth of Pennsylvania have a duty to comply with the General Assembly's mandate under Act 101 of 1988, which states that municipalities must establish a recycling source-separation and collection program and engage in waste reduction efforts; and,

WHEREAS, Act 101 of 1988, as amended, imposes a duty upon municipalities to adopt and implement programs for the collection and recycling of municipal waste; and,

WHEREAS, The City of Pittsburgh has a difficult time contracting with recycling services due to the prevalence of use of single-use plastic bags within the City and the magnitude of the problem single-use plastic bags present to recycling enterprises by getting stuck in machinery, thereby, making compliance with Act 101 difficult. Preventing municipalities from local action such as banning single-use plastic bags thwarts compliance with the mandate to reduce waste in our municipality, as set forth in Act 101 of 1988, as amended; and,

WHEREAS, Section 619.04(c)(2)c. of Pittsburgh's City Code of Ordinances explicitly allows recyclables to be placed for curbside collection in, among other containers specified, blue bags; and,

WHEREAS, A goal of the City of Pittsburgh is to move away from a bag-collection program; and,

WHEREAS, Regulating the use of single-use plastic bags would be impactful in Pittsburgh in terms of economic impact, community beautification, environmental impact, health impact, and more; and,

WHEREAS, Keep Pennsylvania Beautiful found that the cost of dealing with litter and illegal dumping is large for communities, with Allentown, Altoona, Erie, Harrisburg, Lancaster, Philadelphia, Pittsburgh, Reading, and Scranton collectively spending more than \$68 million collectively annually on efforts to address these issues, with 80% of that funding going towards clean-up; and,

WHEREAS, There are an estimated 502 million pieces of litter on Pennsylvania's roads, with the most common items being cigarette butts and plastics; and, The City of Pittsburgh has 1,200 miles of streets, average of 2,000 pieces of litter per mile; and,

WHEREAS, The City of Pittsburgh in 2018 spent approximately \$2,734,400 on litter prevention, \$57,700 on litter education and outreach, \$2,706,900 on litter abatement, and \$331,300 on enforcement of litter according to the Keep Pennsylvania Beautiful “The Cost of Litter & Illegal Dumping in Pennsylvania” study; and,

WHEREAS, The City of Pittsburgh’s Climate Action Plan 3.0 outlines goals of Zero Waste, a 100% diversion of waste from landfills, modernizing waste collection systems, and shifting towards a circular economy; and,

WHEREAS, It is beneficial for the health of our residents and our natural wildlife to reduce the amount of microplastics in our waterways in addition to the economic impact from reduced costs of clean up; and,

WHEREAS, In Pittsburgh, a ban on Single-Use Plastic bags has the potential to eliminate more than 108 million plastic bags from our waste stream every year.

**The Council of the City of Pittsburgh hereby enacts as follows:**

**Section 1.** The City Code is hereby amended and supplemented by adding a new Chapter 610, entitled “Prohibition on Use of Certain Bags and Checkout Bag Charge” as follows:

**Chapter 610: PROHIBITION ON USE OF CERTAIN BAGS AND CHECKOUT BAG CHARGE**

**§ 610.01 - DEFINITIONS:**

- (a) “Department” means the Office of Sustainability and Resilience, or such other office or department as may be designated by the Mayor.
- (b) “Effective Date” means the effective date of the ordinance that added this Chapter to the Pittsburgh City Code.
- (c) “Exempted Bag” means
  - (1) a bag used inside a Retail Establishment by a customer to deliver perishable items to the point-of-sale at that establishment, such as: to package bulk items such as fruit, vegetables, nuts, grains, or candy; to contain or wrap meats or fish; to contain unwrapped prepared foods or bakery goods or to contain or wrap flowers, potted plants, or similar items; or to package medications distributed through a pharmacy; or
  - (2) a bag sold in packaging containing multiple bags and packaged at the time of manufacture of the bag such as food storage, garbage containment or pet waste collection
- (d) “Plastic” means a synthetic material made from linking monomers through a chemical reaction to create a polymer chain that can be molded or extruded at high heat into various solid forms that retain their defined shapes during their life cycle and after disposal, including material derived from either petrochemicals or a biologically based polymer, such as corn or other plant sources.
- (e) “Recycled Paper Bag” means a paper bag that meets the following, but not including an Exempted Bag:
  - (1) contains no old growth fiber;
  - (2) contains a minimum of 40% post-consumer recycled content;
  - (3) displays the word “Recyclable” and “Recycled Content” in a highly visible manner and is labeled with the name of the manufacturer and the percentage of post-consumer recycled content of the bag in an easy-to-read font size
- (f) “Retail Establishment” means a location where food or other products are offered to the public for direct sale or delivery to a customer, including but not limited to the following: supermarket, convenience store, service station, department store, dollar store, clothing store, restaurant, food truck, farmers’ market or delivery

service, but not including drycleaners or pharmacies

(g) “Single-use Plastic Bag” means a bag made from Plastic that is made through a blown-film extrusion process, but not including an Exempted Bag.

#### § 610.02 - PROHIBITION AGAINST SINGLE-USE PLASTIC BAGS

Beginning 180 days after the *Effective Date*, Retail Establishments are prohibited from providing a Single-use Plastic Bag or a non-Recycled Paper Bag to a customer at the retail establishment or through a delivery.

#### §610.03 - SINGLE-USE PAPER BAGS

(a) Beginning 180 days after the Effective Date, Retail Establishments are prohibited from providing a non-Recycled Paper Bag to a customer at the Retail Establishment or through a delivery.

(b) A retail establishment may provide a consumer a Recycled Paper Bag at the point of sale if the bag is provided to the consumer for a charge of not less than \$0.15 per bag.

(c) All monies collected by a retail establishment under this section for provision of a Recycled Paper Bag shall be retained by the retail establishment.

(d) Any charge for a Recycled Paper Bag shall be separately stated on any receipt provided to the customer at the time of sale and shall be identified as the “Carry-Out Bag Charge” thereon.

#### §610.04 - SIGNAGE REQUIREMENT

Beginning 90 days after the Effective Date, and for six months thereafter, Retail Establishments are required to post at all points of sale conspicuous signage: informing customers that Single-use Plastic Bags and non-Recyclable Paper Bags will no longer be provided by the establishment as of the date the prohibition begins; explaining what types of bags and purchases are impacted; and providing any other information the Department may require by regulation.

#### §610.05 - STUDY OF BAG USE

The Office of Sustainability and Resilience, or such other office or department as may be designated by the Mayor, is called upon to conduct or commission a study of the quantities and frequency of the provision by retail establishments to customers of Single-Use Plastic Bags, other Plastic Bags, non-Recyclable Paper Bags, Recycled Paper Bags, and any other bags before the effective date; six months after the effective date; and one year after the effective date. Any such reports shall be provided to the City Council and posted on a City webpage within two weeks of finalization of the report.