



Text File

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Bill No: 2021-1460, **Version:** 1

Committee: Committee on Land Use and Economic Development

Status: Passed Finally

Resolution proclaiming Pittsburgh City Council's intent to introduce an ordinance placing limitations on the use of single-use plastic bags within the City of Pittsburgh.

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, 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, 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, In June of 2019, the Pennsylvania General Assembly passed Senate Bill (SB) 712, which was approved by the Governor June 28, 2019 and became Act 20 of 2019. Act 20 of 2019, implemented the budget; and

WHEREAS, Act 20 of 2019 also contained a provision from SB 712 mandating that the Independent Fiscal Office evaluate the economic impact to the Commonwealth any regulation implementing single-use plastics, reusable plastics, auxiliary containers, wrappings or polystyrene containers and to submit a full report to the General Assembly no later than July 1, 2020, and further prohibiting local governments from enacting

ordinances or regulations imposing a tax on or relating to the use, disposition, sale, prohibition or restriction of single-use plastics, reusable plastics, auxiliary containers, wrappings, or polystyrene containers until this evaluation is complete; and,

WHEREAS, In May, 2020, the General Assembly passed HB 1083, which was approved by the Governor May 28, 2020 and became Act 23 of 2020. Act 23 of 2020 implemented the budget; and,

WHEREAS, As with Act 20 of 2019, Act 23 of 2020 includes Section 1706-E(d) which prohibits local governmental from enacting an ordinance or regulation “imposing a tax on or relating to the use, disposition, sale, prohibition or restriction of single-use plastics, auxiliary containers, wrappings or polystyrene containers, until July 1, 2021, or six months after the order issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of disaster emergency, whichever is later”; 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 curb-side 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, But for state pre-emption of local action, Pittsburgh City Council would introduce legislation to place limitations on the use of single-use plastic bags within the City of Pittsburgh; and,

WHEREAS, The bill Pittsburgh City Council would introduce would have a grace period prior to implementation to allow for businesses and consumers to prepare for this shift away from single-use plastics and towards reusable, environmentally-friendly alternatives; and,

WHEREAS, City Council’s legislation is consistent with the functioning of a circular economy; and,

WHEREAS, A circular economy is an economic system aimed at eliminating waste and the continual use of

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finite resources, while supporting businesses, society, and the environment. This approach looks beyond the current take-make-waste model and redefines growth, focused on positive society-wide benefits, by designing out waste and pollution, keeping products and materials in use, and regenerating natural systems. By using reusable bags instead of single-use plastic bags, and regulating the use of single-use plastic bags, the City of Pittsburgh can further support a circular economy; and,

WHEREAS, Municipal enforcement power is necessary for compliance with a bill such as the one City Council would introduce but-for the pre-emption provision in Act 23 of 2020; 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, It is essential for the City of Pittsburgh to have authority over environmental policies that impact their residents, especially where local regulation would work to achieve compliance with the environmental policy mandates of state law.

Now, therefore be it resolved by the Council of the City of Pittsburgh as follows: But for the pre-emption provision in section 1706E(d) of Act 23 of 2020, Pittsburgh City Council would introduce in the City of Pittsburgh legislation placing limitations on the usage of single-use plastic bags.