

ORDINANCE No. 189271 As Amended

Repeal Code for Single-use Plastic Checkout Bags and Polystyrene Foam Food Containers and replace with Code Prohibitions and Restrictions on Single-use Plastic (Ordinance; replace Code Chapter 17.103; repeal Code Sections 17.102.300-340)

The City of Portland ordains:

Section 1. The Council finds:

1. Plastic straws are the sixth most frequently occurring litter in the United States, according to the Ocean Conservancy. Litter cleanup data from SOLVE volunteers revealed 15 percent of litter by count consists of single-use plastics from packaging associated with take-out and delivery of food and drink.
2. Over 660 species, including sea turtles, whales, dolphins and seabirds, are known to be impacted by plastic, either by ingesting or becoming entangled in plastic debris.
3. In response to this global problem, the European Union, California and many North American cities already have or are in the process of acting to combat their own contributions to plastic debris.
4. Since 1990, Portland has restricted the use of polystyrene foam (also known as Styrofoam) containers for commercially prepared food (Portland City Code (PCC) 17.102.300-340). In 2011, Portland restricted the use of single-use plastic bags from retail locations (PCC 17.103).
5. According to a 2016 study conducted by the Oregon Department of Environmental Quality, four percent of Portland's landfill-bound waste by weight is plastic packaging, which represents 38 million pounds of plastic or 60 pounds of plastic per person, per year.
6. Some individuals with disabilities and health care patients need to use flexible plastic straws to consume beverages. Plastic straws are an essential accommodation in these circumstances.
7. Numerous studies report that food and drink can be exposed to toxic properties when stored or heated in different types of plastic.
8. It is in the public interest to restrict the proliferation of single-use plastic serviceware and the Council finds it necessary to enact these regulations within the City of Portland.
9. All plastic bans and restrictions are recommended to be grouped into PCC 17.103. The Code section is currently named "Single-Use Plastic Checkout Bags" and is recommended to be renamed "Prohibitions and Restrictions on Single-use Plastic" Under this new title would contain PCC for bans for plastic bags and foam and restrictions for straws, utensils and condiment packets.

Section 2. Parameters and Guidelines

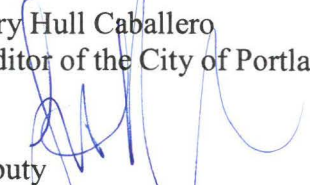
1. This policy reduces single-use plastic serviceware through waste prevention. Waste prevention includes only providing straws only upon customer request and asking customers if they need plastic utensils and condiment packets before providing them.
2. City of Portland mixed recycling programs are not a viable solution. To be recyclable, materials must meet the following criteria: a) a market upon which the material can be reintroduced into the stream of commerce exists and; b) the materials has properties that allow material recovery facilities to separate materials from each other. Single-use plastic serviceware items are not currently recyclable because they do not meet these criteria.
3. City of Portland compost programs are not a viable solution. Single-use compostable or biodegradable plastic serviceware items are a major cause of contamination in Portland's current composting program. These items create quality issues for compost facility operators and ultimately jeopardize their business through contaminated feedstocks of material. In addition, compostable and biodegradable plastics do not degrade in marine environments.

NOW, THEREFORE, the Council directs:

- a. Repeal City Code Chapter 17.103 "Single-use Plastic Checkout Bags" and Sections 17.102.300-340 "Polystyrene Foam Food Containers (PSF)".
- b. Replace repealed City Code 17.103 "Single-use Plastic Checkout Bags" with new Chapter 17.103 "Prohibitions and Restrictions on Single-use Plastic", attached as Exhibit A. The "Single-Use Plastic Checkout Bags" and "Polystyrene Foam Food Containers (PSF)" will be combined under Chapter 17.103 "Prohibitions and Restrictions on Single-use Plastic". In addition, 17.103.300 "Restrictions on Single-use Plastic Serviceware" will be added to 17.103, to reduce single-use plastics in the form of straws, stirrers, utensils and condiment packaging.
- c. Sections 17.103.300 - 320 "Prohibitions and Restrictions on Single-use Plastic" shall be in effect on and after July 1, 2019 to allow the public and affected businesses and institutions time for the necessary transition. The Bureau of Planning and Sustainability (BPS) will create notification and outreach procedures that focus on consumer and business actions to comply with this ordinance. Notification and outreach will begin in early 2019.

Passed by the Council: DEC 05 2018

Mayor Ted Wheeler
Prepared by: Pete Chism-Winfield
Date Prepared: November 28, 2019

Mary Hull Caballero
Auditor of the City of Portland
By 
Deputy

Repeal Code for Single-use Plastic Checkout Bags and Polystyrene Foam Food Containers and replace with Code Prohibitions and Restrictions on Single-use Plastic (Ordinance; replace Code Chapter 17.103; repeal Code Sections 17.102.300-400)

INTRODUCED BY Commissioner/Auditor: Wheeler	CLERK USE: DATE FILED <u>NOV 06 2018</u>
COMMISSIONER APPROVAL Mayor—Finance & Administration - Wheeler <i>MA</i> Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland By: <u><i>MH</i></u> Deputy
BUREAU APPROVAL Bureau: Office of the Mayor	ACTION TAKEN: NOV 14 2018 PASSED TO SECOND READING NOV 21 2018 9:30 A.M. NOV 21 2018 PASSED TO SECOND READING NOV 28 2018 9:30 A.M. NOV 28 2018 PASSED TO SECOND READING DEC 05 2018 9:30 A.M. <i>AS AMENDED</i>
Prepared by: Amy Rathfelder Date Prepared: 11/5/2018	
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/> City Auditor Office Approval: required for Code Ordinances <i>DB</i>	
<input checked="" type="checkbox"/> City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>MH</i>	
Council Meeting Date November 14th, 2018	

AGENDA *2 of 2*

TIME CERTAIN *3:45 2:15*

Total amount of time needed: 60
(for presentation, testimony and discussion)

CONSENT

REGULAR

Total amount of time needed:
(for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Eudaly	✓	
Wheeler	✓	