



Whitemarsh Township

Single Use Plastic Bag Ban
Draft Ordinance Presentation

Whitemarsh Environmental
Advisory Board

November 3, 2022

A global threat to wildlife

“By 2050, virtually every seabird species on the planet will be eating plastic”



Negative Externalities

Plastic bags are a major component of roadside litter and freshwater pollution

Plastic bags enter the stormwater system where they flow into our stormwater basins or directly into the Wissahickon Creek and the Schuylkill River



Plastic Bag Facts

1. American use 12 billion plastic bags/year that required 12 million barrels of oil to make
2. 14 plastic bags uses the equivalent of the gas required to drive one mile
3. The average American family brings home ~ 1,500 bags per year
4. Plastic bags are used for an average of 12 minutes
5. Only 1% of plastic bags are recycled. The rest go to landfills, incinerators, or end up as litter
6. It takes up to 500 years for a plastic bag to degrade in a landfill
7. As plastic bags break down, they release chemicals that enter our food and water systems which can contribute to health issues such as obesity and increased rates of some cancers. Carcinogenic particles are released when plastic bags are burned in waste incinerators.
8. Up to 80% of ocean pollution enters the ocean from the land
9. 100,000 marine mammals and 1,000,000 sea birds are killed by plastic each year
10. 1 in 3 Leatherback turtles are found with plastic in their stomach

Single-use Plastic Bag Bans in PA and Surrounding States



Plastic Ordinance in PA

Narberth Borough, Montgomery County: Passed in 2018, \$0.10 fee-only, ban on straws

West Chester Borough, Chester County: Passed in 2019, ban on plastic bags, \$0.10 fee on other bags, ban on straws

City of Philadelphia: Passed in 2019, Ban on plastic bags only

West Goshen Township, Chester County: Passed in December 2021, ban on plastic bags, ban on straws

Haverford Township, Delaware County: Passed in April 2022, ban on plastic bags, \$0.10 fee on other bags, straws on request

City of Pittsburgh, Allegheny County: Passed in April 2022, ban on plastic bags, \$0.10 fee on other bags

Easttown Township, Chester County: Passed in June 2022, an on plastic bags, \$0.15 fee on other bags

Solebury Township, Bucks County: Passed in June 2022, ban on plastic bags, \$0.10 fee on other bags, ban on straws, ban on polystyrene food service containers

Media Borough, Delaware County: Passed in July 2022, ban on plastic bags, straws on request

Radnor Township, Delaware County: Passed in August 2022, ban on plastic bags, \$0.10 fee on other bags

Ambler Borough, Montgomery County: Passed in August 2022, ban on plastic bags, ban on polystyrene

What Can Be Done

- Goal – Move shoppers and businesses away from single use plastic bags toward reusable bags
- Issue – Simply banning plastic bags often results in substituting paper bags, which have their own problems
- Effect – A modest charge for a bag is often enough to nudge people to bring a reusable bag or decline a bag
- Recommendation A Ban/Fee Hybrid
 - Ban single use plastic bags and non-recycled paper bags
 - Remind/retrain shoppers with a small fee for a recycled bag

Proposed Ordinance

- Who the ordinance impacts
 - Restaurants, retail and convenience stores, delivery services, public events
- What the ordinance does
 - Bans 2 types of single use bags
 - Single use plastic bags
 - Non-recycle content paper bags
 - Permits 2 types of bags for use
 - Reusable bags meeting specified criteria
 - Paper bags with recycle content (Minimum 40% post consumer recycle content)
 - A minimum of 0.15 cents per bag must be charged for each bag supplied which is retained by the business and noted on any receipt
 - Exempts some types of bags
 - Bags used to carry items to point of sale – bulk goods, meat/fish/produce, unwrapped pre-prepared foods, baked goods, live animals(cricket, fish)
 - Dry-cleaning, newspaper and trash bags

Next Steps

- Review proposed draft with affected businesses to get input on effective date, minimum charge, educational assistance for customers, inclusion of utensils and straws by request, etc.
- Revise draft based on feedback
- Develop informational materials
- Enact ordinance

WHITEMARSH TOWNSHIP

TO: BOARD OF SUPERVISORS
FROM: William Gleckner, Assistant Planner, EAB Staff Liaison
SUBJECT: DRAFT PLASTIC BAG ORDINANCE
DATE: NOVEMBER 3, 2022
CC: Richard L. Mellor, Jr., Township Manager

Plastic products have an extremely long lifespan and contribute to litter and environmental degradation. In order to reduce plastic waste, many municipalities have embraced regulation limiting the types of plastic bags that are given out at stores and restaurants. The Environmental Advisory Board feels that Whitemarsh Township should take similar steps to reduce plastic waste.

Presented today is a draft ordinance. The intent of this ordinance is to significantly reduce the use of single-use plastic bags and encourage the use of multi-use bags or recycled paper bags. The Environmental Advisory Board is asking the Board of Supervisors to provide feedback on the draft ordinance.

Important details include:

- Line 49: This section lists exempted bags. These generally include bags used as product packaging or for produce.
- Line 73: The section defines reusable carryout bags. Note that synthetic cloth bags are still permitted.
- Line 77: This section describes prohibited plastic and non-recycled paper bags.
- Lines 85: This section describes the \$0.15 minimum charge for recycled paper and reusable bags.
- Line 104: This section describes enforcement of the ordinance.

Attached:

Draft Plastic Bag Ordinance
EAB Presentation to Board of Supervisors

WHEREAS, the Township Code and the Pennsylvania Municipalities Planning Code authorizes the Board of Supervisors of Whitemarsh Township to make, amend, and adopt ordinances that are consistent with the constitution and laws of the Commonwealth when necessary for the proper management, care and control of the Township and the maintenance of peace, good government, health and welfare of Whitemarsh Township and its citizens;

WHEREAS, Article 1, Section 27 of the Pennsylvania Constitution, known as the Environmental Rights Amendment (the "Amendment"), provides that people have the right to clean air, pure water, and to the preservation of the natural, scenic, historic, and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As a Trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people

WHEREAS, the Amendment imposes two basic duties on the Commonwealth and its political subdivisions such as the Township- one is to prohibit the degradation, diminution, and depletion of the public natural resources and the second is to act affirmatively via legislative action to protect the environment, *Pennsylvania Environmental Defense Foundation v. Commonwealth of Pennsylvania*, 161 A.3d 911 (Pa. 2017); and

WHEREAS, this Ordinance is enacted to achieve the Township's duties under the Amendment by minimizing the degradation, diminution and depletion of the public natural resources and to affirmatively enact legislation designed to protect the environment; and

WHEREAS, for the reasons set forth in more detail below, the Board of Supervisors intends to preserve, maintain, and enhance the health of its residents and visitors, as well as the public natural resources and common property within the Township, by regulating the distribution of single-use plastic bags within Whitemarsh Township;

WHEREAS, the Board of Supervisors has met the procedural requirements of 53 P.S. § 10101, et seq., the Pennsylvania Municipalities Planning Code, for the adoption of the proposed ordinance, including holding a public hearing; and

WHEREAS, Board of Supervisors, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety and general welfare of the residents of Whitemarsh Township will be served by this amendment of the Whitemarsh Township Ordinance to regulate the distribution of single-use plastic bags within the Township;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Whitemarsh Township, Montgomery County, Pennsylvania, it is hereby enacted and ordained by the authority of same, as follows

CHAPTER [code to be inserted or amended]. PROHIBITION ON USE OF SINGLE-USE PLASTICS.

1 §[section number]. Purpose and Findings.

2 A. Purpose

- 3 a. The purpose of this Chapter is to reduce the use of single-use bags.
- 4 b. To curb litter on the streets, in the parks, and in the trees, protect the local streams, rivers,
5 waterways and other aquatic environments, reduce greenhouse gas emissions, reduce solid
6 waste generation, promote the use of reusable, compostable, and recyclable materials within
7 Whitemarsh Township, and to preserve the natural, scenic, historic, and esthetic values of
8 Whitemarsh Township
- 9 c. To relieve the pressure on recyclers, who cite single-use plastic bags as a major source of
10 contamination and inefficiency within the recycling stream.
- 11 d. To relieve the pressure for landfills to manage the disposition of single-use products

12 B. Findings.

- 13 a. The use of single-use bags has severe environmental impacts, including greenhouse gas emissions,
14 litter, harm to wildlife, ground level ozone formation, atmospheric acidification, water consumption,
15 and solid waste generation.
- 16 b. There are several commercial establishments within Whitemarsh Township which provide single-use
17 plastic bags to their customers.
- 18 c. Single-use plastic bags do not readily decompose.
- 19 d. Approximately one hundred billion single-use plastic bags are discarded by United States consumers
20 each year. Given the difficulty of recycling these materials, less than 1 percent of single-use plastic bags
21 are returned for recycling in the United State, and in the Whitemarsh Township, such bags are not
22 curbside recyclable.
- 23 e. Numerous studies have documented the prevalence of single-use plastic bags littering the
24 environment, blocking storm drains, entering local waterways, and becoming stuck in or upon natural
25 resources and public property.
- 26 f. The taxpayers of the Whitemarsh Township pay the costs related to the cleanup of single-use plastic
27 bags from the roadways, trees, sewers, waters, and parks within the Township.
- 28 g. Recyclers cite single-use plastic bags as a major source of contamination within the recycling stream,
29 leading to increased costs and decreased efficiency.
- 30 h. From an overall environmental and economic perspective, the best alternative to single-use plastic
31 bags is a shift to reusable bags followed by compostable or recyclable paper bags.
- 32 i. An important goal of Whitemarsh Township is to procure and use sustainable products and services.
- 33 j. An important goal of Whitemarsh Township is to preserve the natural, scenic, historic, and esthetic
34 values of Whitemarsh Township.

35 k. It is the Whitemarsh Township’s desire to conserve resources, reduce the amount of greenhouse gas
36 emissions, waste, litter, water pollution, and to protect the public health and welfare, including wildlife,
37 all of which increases the quality of life for the Township’s residents and visitors.

38 l. Studies have documented that prohibiting the distribution of single-use plastic bags at the point of
39 sale and placing a mandatory fee on other bags reduces plastic litter and the use of single-use bags.

40 m. As required by the Environmental Rights Amendment to the Pennsylvania Constitution, the township
41 seeks to preserve the natural, scenic, historic, and esthetic values of the Township

42 n. It is the Board of Supervisor's desire to conserve resources, reduce the amount of greenhouse gas
43 emissions, waste, litter, water pollution, and to protect the public health and welfare, including wildlife,
44 all of which increases the quality of life for the Township’s residents and visitors.

45 §[section number]. Definitions.

46 (1) “Customer” means any person purchasing goods or services from a Retail Establishment.

47 (2) “Effective Date” means the effective date of the ordinance that added this Chapter to [insert
48 Municipality name/code].

49 (3) “Exempted Bag”:

50 (a) means a bag used inside a retail establishment by a customer to deliver perishable items to
51 the point-of-sale at that establishment

52 (b) shall include:

53 (i) a bag used to package bulk items such as fruit, vegetables, nuts, grains, or candy;

54 (ii) a bag used to contain or wrap meats or fish; to contain unwrapped prepared foods or
55 bakery goods;

56 (iii) a bag used solely to contain live animals, such as fish or insects sold in a pet store;

57 (iv) a bag sold in packaging containing multiple bags and packaged at the time of
58 manufacture of the bag.

59 (4) “Plastic” means a synthetic material made from linking monomers through a chemical reaction to
60 create a polymer chain that can be molded or extruded at high heat into various solid forms that retain
61 their defined shapes during their life cycle and after disposal, including material derived from either
62 petrochemicals or a biologically based polymer, such as corn or other plant sources.

63 (5) "Recycled Paper Bag" means a paper bag that meets the following, but not including an Exempted
64 Bag:

65 (a) contains no old growth fiber;

66 (b) contains a minimum of 40% post-consumer recycled content; and

67 (c) is labeled in a highly visible manner with the name of the manufacturer and the percentage of
68 post-consumer recycled content of the bag in an easy-to-read font size.

69 (6) "Retail Establishment" means a location where food or other products are offered to the public for
70 direct sale or delivery to a customer, including but not limited to the following: supermarket,
71 convenience store, service station, delicatessen, department store, dollar store, clothing store,
72 restaurant, pharmacy, food truck, farmers' market or delivery service, but not including drycleaners.

73 (7) "Reusable carryout bag" means a carryout bag that is designed and manufactured for multiple uses
74 and is:

75 (a) made of cloth or other machine-washable fabric that has stitched handles; or

76 (b) a polypropylene bag that has stitched handles.

77 (8) "Single-use Plastic Bag" means a bag made through a blown-film extrusion process, but not including
78 an Exempted Bag.

79 §[section number]. Single-use Plastic Bags.

80 (1) Beginning 90 days after the Effective Date, Retail Establishments are prohibited from providing a
81 Single-use Plastic Bag to a customer at the retail establishment or through a delivery.

82 §[section number]. Single-use Paper Bags.

83 (1) Beginning 90 days after the Effective Date, Retail Establishments are prohibited from providing a
84 non-Recycled Paper Bag to a customer at the retail establishment or through a delivery.

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

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

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

91 §[section number]. Reusable Bags.

92 (1) A retail establishment may provide a consumer a reusable bag at the point of sale if the bag is
93 provided to the consumer for a charge of not less than \$0.15 per bag.

94 (2) All monies collected by a retail establishment under this section for provision of a Reusable Bag shall
95 be retained by the retail establishment.

96 (3) Any charge for a Reusable Bag shall be separately stated on a receipt provided to the customer at the
97 time of sale and shall be identified as the "Carry-Out Bag Charge" thereon.

98 §[section number]. Signage Requirement.

99 (1) Beginning 30 days after the effective date, and for six months thereafter, Retail Establishments are
100 required to post at all points of sale conspicuous signage: informing customers that Single-use Plastic
101 Bags and non-Recycled Paper Bags will no longer be provided by the establishment as of the date the
102 prohibition begins; explaining what types of bags and purchases are impacted; and providing any other
103 information Whitmarsh Township may require by regulation.

104 §[section number]. Enforcement.

105 (1) A person, store, or food service establishment that violates the requirements of this subchapter
106 shall:

107 (a) be subject to a civil penalty of \$50.00 for a first offense;

108 (b) be subject to a civil penalty of \$100.00 for a second offense; and

109 (c) be subject to a civil penalty of \$200.00 for a third or any subsequent offense.

110 (2) For the purposes of enforcement under this subchapter, an offense shall be each day a person,
111 store, or food service establishment is violating a requirement of this subchapter

112 (3) In addition to the penalties set forth in this Chapter, Whitemarsh Township may seek legal,
113 injunctive, or other equitable relief to enforce this Chapter.

114 (4) The failure of Whitemarsh Township to enforce any provision of this Ordinance shall not constitute a
115 waiver by Whitemarsh Township of its rights to future enforcement hereunder.

116 §[section number]. Effective Date

117 (1) This ordinance shall take effect [Date]

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