

**CITY OF OAKLAND
CITY COUNCIL**

SUPPLEMENTAL AGENDA REPORT

TO : City Council
CC : Office of the City Administrator
FROM : Councilmembers Nancy Nadel (District 3) and Jean Quan (District 4)
DATE : July 3, 2007
RE : **A Supplemental Report On:**

ORDINANCE BANNING THE USE OF NON-BIODEGRADABLE PLASTIC CARRY-OUT BAGS AT POINT OF SALE BY RETAIL ESTABLISHMENTS IN THE CITY OF OAKLAND THAT GROSS ONE MILLION DOLLARS OR MORE ANNUALLY, AND PROVIDING EDUCATION AND INCENTIVES FOR SHOPPERS TO USE REUSEABLE BAGS AT AFFECTED RETAIL ESTABLISHMENTS IN THE CITY

SUMMARY

This supplemental report provides responses to the June 26th Public Works Committee's request for further information regarding the proposed Ordinance, which bans the use of non-biodegradable plastic carry-out bags at point of sale by retail establishments in the City of Oakland ("Ordinance").

RESPONSES TO PUBLIC WORKS COMMITTEE QUESTIONS

- (1) **The Public Works Committee requested additional information as to why the proposed Ordinance would ban plastic bags rather than paper bags, and the environmental impacts of paper bags versus plastic bags.**

The proposed plastic bag ban is part of an incremental approach designed to call attention to the severe environmental impacts of all plastics by banning one item (single-use disposable plastic carry out bags) for which there are easily accessible alternatives (reusable bags) that have dramatically lowered environmental impacts. The ordinance seeks to educate consumers about, while reducing, environmental problems by effecting behavioral change while minimizing the financial burden on Oakland citizens. For that reason, the proposed Ordinance does not ban all bags outright.

The purpose of the proposed Ordinance is to ban the use of single-use non-biodegradable plastic bags and to foster a behavioral shift on the part of shoppers away from the use of any type of single-use bag, and toward the use of their own re-usable bags.

The Ordinance explicitly encourages affected retail establishments to provide incentives for the use of reusable bags. The Ordinance does not encourage the use of any type of single-use bag as an alternative to non-biodegradable plastic bags. Contrary to the suggestion of some public speakers at the Public Works Committee, the Ordinance does not facilitate a shift from one kind of single-use bag to another type of single-use bag. The suggestion that the Ordinance will cause such consequences is purely speculative. The proponents of this theory (who represent the plastic packaging industry) have not cited, and our research did not disclose, any studies that indicate a ban of non-biodegradable plastic bags would result in a shift to use of paper bags or biodegradable plastic bags. Even if it could be argued that the Ordinance might contribute to the use of other single-use alternatives, there is no evidence regarding the amount that theoretical contribution might be. To the contrary, the only study Staff found that addresses the subject indicates that predictions of high substitution rates are not borne out in consumer behavior. Friends of the Earth Scotland references evidence from Ireland that suggests that when restrictions on plastic bags are in put into place, there is an increase in the use of **reusable** bags (See http://www.foe-scotland.org.uk/nation/Waste_Plastic_bag_supplementary.pdf.)

Staff recognizes that even with incentives to use their own bags, some shoppers will choose not to do so; consequently, stores likely will continue to provide some alternatives in those cases. Options that merchants may consider could include giving away or selling reusable bags, biodegradable bags, or minimum-content recycled paper bags. The only option that the Ordinance encourages is promoting the use of reusable bags; how a retail establishment might choose to encourage this behavior is up to them, but could include education; tokens or rebates to those customers who bring their own bags; or giving away free reusable bags.

Further, a June 26, 2007 letter from the Downey Brand law firm on behalf of plastic packaging industry interests to the Public Works Committee asserts that there is an ongoing debate as to whether single-use paper or plastic bags have the greatest environmental impact. Staff's research confirms that there is varying opinion, depending on which study is cited and who funded the study. Although it is difficult to make a meaningful comparison due to the lack of a universally accepted evaluative framework, the available evidence demonstrates that the use of recycled paper bags with recycled content, as is proposed by this Ordinance, is preferable to the use of plastic bags because they can be picked up in Oakland's curbside recycling program and will have less environmental impacts.¹

For example, the ULS report referenced in the June 26th Public Works Committee discussion is not an environmental impact study but rather a review by ULS editors of three third-party research reports that represent the interests of the European plastics manufacturing industry and concludes that plastic bags have a greater environmental impact than paper. (See [---

¹ It should be noted that the lack of such an evaluative framework suggests that CEQA review \(such as an Initial Study or an EIR\) would lead to inconclusive results that would yield little or no benefit to the decision makers and the public in evaluating the merits of the Ordinance.](http://www.cygnus-</p></div><div data-bbox=)

[group.com/use-less-stuff/Paper%20and%20Plastic%20Grocery%20Bag%20LCA%20Summary.pdf](http://www.foe-scotland.org.uk/nation/Waste_Plastic_bag_supplementary.pdf).) However, in contrast, Friends of the Earth Scotland refers to a comprehensive study that used life-cycle analysis to compare paper and plastic, and concluded that “the difference is so small, that given the uncertainties, no hard conclusion is possible.” (See http://www.foe-scotland.org.uk/nation/Waste_Plastic_bag_supplementary.pdf.)

On the other hand, paper bags made with minimum recycled content trumps plastic as it is a renewable source, does not choke wildlife, is easier to recycle, and is accepted in most recycling programs, including Oakland’s curbside collection program. Oakland’s curbside program does not pick up plastic bags, and the recycling rate for plastic bags is very low. San Francisco has had in-store plastic bag recycling bins for over a decade, for example, and the return rate is still only about 1%.

In any event, everyone seems to agree that the use of reusable bags has the least environmental impact, and fostering that outcome is precisely what this Ordinance seeks to do.

(2) How many retail establishments in Oakland will be impacted by the proposed plastic bag ban Ordinance?

Approximately 338 Oakland retail establishments will be impacted by the proposed Ordinance.

The Revenue Section of the City’s Finance & Management Agency compiled data from the Business Tax System to create four lists:

- (a) Oakland grocers with annual gross receipts between \$1 million and \$2 million, a total of 52 stores (*see Attachment A*);
- (b) Oakland grocers with annual gross receipts between \$2 million and \$3 million, a total of 20 stores (*see Attachment B*); and
- (c) Oakland grocers with annual gross receipts over \$3 million, a total of 53 stores (*see Attachment C*);
- (d) Oakland retailers with annual gross receipts over \$1 million, a total of 213 retail establishments (*see Attachment D*).

The query criteria for this data compilation included:

- i. Active Oakland grocers classified under industry code B (no deactivated or returned mail accounts);
- ii. Active Oakland retailers classified under industry Code A (no deactivated or returned mail accounts); and
- iii. Actual tax bases (gross receipts provided by taxpayer – no assessments by staff considered) within the dollar ranges indicated above (in million dollar increments).

(3) How many plastic bags are generated in Oakland?

Oakland-specific data regarding the generation and use of plastic bags does not exist. According to estimates by the Environmental Protection Agency (EPA), the average person uses between 500 and 1000 plastic bags per year.

(4) The Public Works Committee requested further information regarding the educational and public awareness component of the Ordinance.

The City of Oakland's Environmental Services Division will work with affected retail establishments to develop a public awareness and educational campaign, aimed at encouraging shoppers to use reusable bags. Such a campaign will include:

- A web page on the Public Works Agency's web site providing information regarding the plastic bag ban Ordinance, including the effective date, compliance requirements, alternatives to plastic bags, contact information for distributors of reusable bags, and other information regarding the City's Zero Waste Goals and environmental initiatives.
- Several reusable bag vendor fairs after the Ordinance is adopted but before its effective date, at various locations throughout the City, including Frank Ogawa Plaza.
- Presentations at merchant events, in collaboration with the Chamber of Commerce.
- Distribution of FAQ flyers to affected retail establishments, featuring information on technical assistance for compliance with the Ordinance.
- Visits by staff to affected retail establishments.
- Response to violation reports to Recycling Hotline.
- Residential bill insert featuring the plastic bag ban.
- A 3-fold brochure explaining the Ordinance requirements for mailing to affected retail establishments and reusable bag vendors.
- Development of a window sticker or sign indicating "no plastic bags" or "bag reuse" or similar message for affected businesses to display.

(5) How will the proposed Ordinance impact, or be impacted by, AB 2449 (Levine), the statewide plastic bag recycling program, which goes into effect on July 1, 2007?

AB 2449 implements a pilot program, in effect from July 1, 2007 until January 1, 2013, requiring large supermarkets in California to offer in-store recycling of plastic grocery bags in return for the pre-emption of local ordinances mandating a bag tax or other recycling efforts.

The proposed plastic bag ban is a parallel, complementary approach to AB 2449. This state law requires grocery stores to provide recycling bins for the collection of plastic bags – after the fact, after the plastic bag has already been manufactured and discarded. The intent of AB 2449 is to keep bags out of landfills. AB 2449 is therefore a *downstream* approach that addresses end-of-life of a product once it has been produced. The plastic bag ban Ordinance addresses the much more highly leveraged *upstream* arena of generation and consumption – and seeks to stop plastic bags from being manufactured in the first place.

There are several other key distinctions in AB 2449 and the proposed plastic bag ban Ordinance:

- There is no requirement in AB 2449 for plastic bags to be made out of recycled content;
- There is no requirement in AB 2449 for an affected store to reduce their plastic bag usage;
- There is no requirement in AB 2449 to provide incentives for shoppers who use reusable bags or any requirement that consumers use reusable bags, although the bill does require

stores to make reusable bags available to customers which may be purchased and used in lieu of paper or plastic carryout bags;

- There is no direct appropriation for enforcement or education contained in AB 2449. However, the measure does stipulate that any civil penalties collected pursuant to the bill may be used for enforcement of this bill.

The text of AB 2449 is included with this report as *Attachment E*.

(6) Why was the proposed 5-cent surcharge removed from the Ordinance?

Effective July 1, 2007, cities are prohibited from imposing a plastic carryout bag fee upon a store (Section 42254 (b)(2) of the Public Resource Code). While we are unaware of any express legal prohibition to the imposition of a fee on paper carryout bags, there are consequences that warrant consideration. First, if the paper bag fee ultimately reverts to the City, the fee could be considered a tax, in violation of Proposition 218. Additionally, while not strictly illegal, a paper bag fee retained by the retail establishment would be a windfall to the merchant who already has incorporated in retail prices the cost of providing customers with methods of transporting purchased items. Finally, a fee on carryout paper bags would have unintended consequences, which could include a disincentive for the store to provide reusable bags. With all this in mind, we have chosen to suggest, rather than mandate, incentives for using alternatives to plastic bags.

(7) What was the rationale for the one million dollar threshold, versus the previous two million dollar threshold or no-threshold (i.e., applicable to *all* retail establishments).

The \$1 million threshold was chosen to include establishments with retail trade significant enough to impact the environment, but a high enough threshold so as to not burden small establishments with an additional expense. This threshold also captures the largest dispensers of plastic bags, but keeps the actual numbers of affected retail establishments relatively low so as to ensure adequate oversight without placing undue burden on City staff.

(8) Does this Ordinance require a California Environmental Quality Act (CEQA) review?

Opponents of the plastic bag ban essentially contend that a detailed CEQA review (i.e., an Environmental Impact Review (EIR)) is required before the Council can adopt the proposed Ordinance because a shift to paper bags and biodegradable plastic bags will have significant adverse environmental impacts and that alternatives and mitigation measures must be explored. However, there is no evidence to support this assertion. As noted above, there is no evidence that the Ordinance would contribute to the increased use of such bags, nor if it might, what percentage of consumers would switch to biodegradable versus paper bags. Thus, any detailed environmental analysis would be speculative.

Moreover, as noted above, the proposed Ordinance promotes the use of other types of reusable bags, including canvas bags and reusing paper, plastic and other bags from home. The proposed Ordinance does not mandate a switch to paper or biodegradable bags, nor provide incentives for

shoppers to use paper or biodegradable bags. However, recognizing the time necessary for shoppers to adopt this behavioral change, the Ordinance allows for paper bags made from minimum recycled content and biodegradable plastic bags to be used as an alternative, until individual shoppers make the complete switch to reusable bags.

Even assuming for the sake of argument that paper bag (made from recycled content) and biodegradable bag use will increase, the City does not believe there will be associated adverse environmental impacts. Moreover, even if adverse environmental impacts arguably could occur, the City believes those impacts will be less than significant and will not exceed any thresholds of significance used/established by the City. There is no evidence that has been provided that provides a reasonable basis to debate these conclusions.

Although not legally required to articulate the basis for concluding that a project is exempt from CEQA, the City hereby finds and determines that this ordinance is exempt from CEQA. Specifically, the basis for the exemptions include, without limitation, the following (each providing a separate and independent basis and when viewed collectively providing an overall basis for an exemption): (1) Common-Sense exemption (CEQA Guidelines section 15061(b)(3)); (2) Actions by Regulatory Agencies for Protection of Natural Resources (CEQA Guidelines section 15307); (3) Actions by Regulatory Agencies for Protection of the Environment (CEQA Guidelines section 15307); and/or Projects Consistent with a General Plan (CEQA Guidelines section 15183).

(9) Correction of two minor typographical errors in the proposed Ordinance.

At the June 26th Public Works Committee meeting, the City Attorney's Office noted that the Ordinance provided in the Agenda Packet incorrectly stated that "Sections 2 through 9 of this Ordinance shall be codified as a new chapter of the Oakland Municipal Code under TITLE 8, HEALTH AND SAFETY." The Ordinance has been corrected to accurately state that Section 2 through 7 of this Ordinance shall be codified as a new chapter of the Oakland Municipal Code. The correct version of the Ordinance is included in this report as *ATTACHMENT F*.

(10) At the June 28, 2007 Rules and Legislation Committee meeting, Councilmember Brunner requested a clarification of a ban on "point of sale" plastic bags versus plastic bags used in packaging, such as packaging at a butcher or meat counter.

The Ordinance implements a ban on non-biodegradable bags, and promotes the use of reusable bags **at the checkout stand** and not within the store because checkout is the easiest place for the consumer to begin behavioral change. Choosing produce or buying meats and poultry and adding those products to a shopping cart relates to **packaging**, either by the consumer or the meat or produce person. If a product leaks here, it requires better packaging at this point, or it leaks on a consumer's other purchases in the shopping cart. On the other hand, at the checkout stand, it is relatively easy for all the correctly packaged products to be assembled into an environmentally friendly package, which facilitates acceptance of the new approach. For that reason, bags used for packing meats or other food items are not subject to this ordinance – only bags used at the point of sale to contain the previously packaged items.

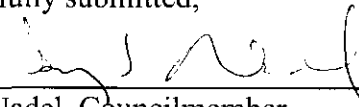
RECOMMENDATION AND RATIONALE

Staff recommends that this Ordinance be adopted to signal the City’s support for reduced reliance on single-use bags, and greater reliance on a lower consumption lifestyle that includes reusable bags. Staff further recommends that Council direct City staff in the Public Works Agency to develop educational materials to assist affected Retail Establishments in implementing the requirements of this Ordinance, including the provision of sources and vendors for reusable bags.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt the Plastic Bag Ban Ordinance and direct staff to assist with its implementation.

Respectfully submitted,



Nancy Nadel, Councilmember



Jean Quan, Councilmember

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ATTACHMENT A
Grocers With Annual Gross Receipts Between \$1 Million and \$2 Million
In The City Of Oakland

Bus Tax #	Business Name	Bus Street #	Bus Street Name	Tax Year
34843	HERNANDEZ MEATS	3811	INTERNATIONAL BLVD	2006/2007
59617	A.G. FERRARI FOODS	6119	LA SALLE AVE	2006/2007
115878	LAKESHORE NATURAL FOODS	3321	LAKESHORE AVE	2006/2007
167320	OAKLAND KOSHER FOODS, INC,	3419	LAKE SHORE AVE	2006
409766	LOPEZ BAKERY GOODS	9639	INTERNATIONAL BLVD	2006
502782	A.G. FERRARI FOODS	4001	PIEDMONT AVE	2006/2007
571180	7-ELEVEN STORE 2212-14170	5741	THORNHILL DR	2006/2007
588474	ENZO'S MEAT & POULTRY	5655	COLLEGE AVE	2006
606626	YASAI PRODUCE MARKET	6301	COLLEGE AVE	2007
646075	HANG THAI	512	E 12TH ST	2006
742376	FOODVALE MARKET	3401	INTERNATIONAL BLVD	2007
992682	EAST BAY SUPER MARKET INC	3319	FOOTHILL BLVD	2006/2007
1168533	THE FOOD MILL INC	3033	MACARTHUR BLVD	2006/2007
1242954	VERNON MARKET INC	3210	HARRISON ST	2006/2007
1249479	CASH & CARRY SMART FOOD SERVICE #567	400	OAK ST	2007
1260081	SEMIFREDDI'S INC	4242	HOLLIS ST	2007
1346385	PACIFIC SEAFOOD, INC	800	FRANKLIN ST	2007
1428845	QUIK STOP MARKET #56	3132	BEAUMONT AVE	2007
1455559	7 ELEVEN STORE 2232-32181A	4193	PIEDMONT AVE	2006/2007
1465996	T C LIVEFISH	1751	E 20TH ST	2007
1476734	WAH HANG MARKET INC.	415	9TH ST	2006/2007
1611410	URBAN VILLAGE FARMERS' MARKET	39120	ARGONAUT WAY	2006/2007
1612611	EL RANCHITO MARKET	1536	23RD AVE	2006/2007
1646109	NATURAL CHOICE DISTRIBUTION CO	5427	TELEGRAPH AVE	2006
1757547	7-ELEVEN STORE 2232-14174E	3500	GRAND AVE	2006/2007
1821385	SAVE MORE MARKET	4219	PARK BLVD	2006/2007

Bus Tax #	Business Name	Bus Street #	Bus Street Name	Tax Year
1860127	MARUMI	308	4TH ST	2006/2007
1881639	QUIK STOP MARKET INC	2400	FRUITVALE AVE	2006
1928678	7-ELEVEN 2232-14178B	4720	MACARTHUR BLVD	2006/2007
1957635	INTERNATIONAL PRODUCE MARKET	3851	INTERNATIONAL BLVD	2006/2007
2143046	NEW SAIGON MARKET	441	9TH ST	2006/2007
2282038	SUPER MERCADO MI PUEBLO	2838	INTERNATIONAL BLVD	2006/2007
2457504	PUNTES PRODUCE	1936	82ND AVE	2006
2469561	BABY NUTRITIONAL CARE #7	3025	FOOTHILL BLVD	2006
2490625	MI RANCHITO MARKET	3326	FOOTHILL BLVD	2006/2007
2547007	NEIGHBORS MARKET	1523	9TH ST	2006
2611023	EVERGREEN PRODUCE	3225	FOOTHILL BLVD	2006/2007
2651939	JORGE ALBERTO ARROYO FLORES	3126	CURRAN AVE	2006
2660741	FORWARD PRODUCE (FT1) PRODUCE WHOLESALE	3675	ALAMEDA AVE	2006
2678772	DIMOND VICINITY CORP	2411	MAC ARTHUR BLVD	2006/2007
2692031	ALL GREEN PRODUCE	4095	FOOTHILL BLVD	2007
2876566	7-ELEVEN INC STORE 27068D	2350	HARRISON ST	2006
2905337	ELKN GAS & MINIMART	5131	SHATTUCK AVE	2006/2007
3145263	E & M FOOD MARKET	332	14TH ST	2006/2007
3229106	A & S ASSOCIATES LLC	333	8TH ST	2006
3274519	NEW SUN HUNG FAT SUPERMARKET INC	325	10TH ST	2006/2007
3448924	HIGHLAND MARKET	2467	HIGHLAND AVE	2006
10397340	J & M MEATS	545	9TH ST	2006
10643406	FAIR DEAL MARKET INC	3605	MARKET ST	2007
11568661	HONEY BAKED HAM, INC	4364	PIEDMONT AVE	2006/2007
21627526	SAFEWAY STORES INC #908	3550	FRUITVALE AVE	2007
23331586	OAKLAND MARKET	401	9TH ST	2006

ATTACHMENT B
Grocers With Annual Gross Receipts Between \$2 Million and \$3 Million
In The City Of Oakland

Bus Tax #	Business Name	Bus Street #	Bus Street Name	Tax Year
97381	7-ELEVEN STORE 2232/26872A	324	23RD AVE	2006/07
613312	SHOP-RITE SUPERMARKET	5800	BANCROFT AVE	2006/07
695238	GATEWAY SUPER MARKET	5908	SAN PABLO AVE	2006/07
1051083	MCLANE PACIFIC	3876	E CHILDS AVE	2006/07
1152513	SUN HOP FAT #1	501	E 12TH ST	2007
1158678	MARQUEZ BROS INT'L INC	5801	RUE FERRARI	2006/07
1238078	YET SUN MARKET	397	8TH ST	2006
1302485	MARKET HALL PRODUCE	5655	COLLEGE AVE	2006
1336630	NEW SAIGON SUPERMARKET II	950	INTERNATIONAL BLVD	2006
1465996	T C LIVEFISH	1751	E 20TH ST	2006
1478788	CALIFORNIA MEAT CO	2040	SOLANO WY	2006/07
1646109	NATURAL CHOICE DISTRIBUTION CO	5427	TELEGRAPH AVE	2007
1700405	SUN TIN SUNG SUPERMARKET, INC.	310	7TH ST	2007
2062186	NEW SANG CHONG MARKET	377	8TH ST	2006
2876566	7-ELEVEN INC STORE 27068D	2350	HARRISON ST	2007
3145026	SILVER VIEW SUPERMARKET	259	10TH ST	2006
3155528	SUPER MERCADO MI TIERRA, LLC	9509	INTERNATIONAL BLVD	2006
10544777	T & S MARKET	323	9TH ST	2006/07
10643406	FAIR DEAL MARKET INC	3605	MARKET ST	2006
24106756	VER BRUGGE FOODS INC STORE NO2	6321	COLLEGE AVE	2006/07

ATTACHMENT C

Grocers With Annual Gross Receipts Over \$3 Million In The City Of Oakland

BusTax #	Business Name	Bus Street #	Bus Street Name	Tax Year
58211	THE PASTA SHOP	5655	COLLEGE AVE	2006/2007
132470	COOK FLOUR CO	2109	FREDERICK ST	2006/2007
158305	LOS MEXICANOS MARKET/BAY FARM PRODUCE	1244	HIGH ST	2006/2007
340995	WIN LONG CORPORATION	830	INTERNATIONAL BLVD	2006
706884	GENE WAH	1710	E 12TH ST	2006/2007
707422	GENOVA DELICATESSEN, INC	5095	TELEGRAPH AVE	2006/2007
777986	SUN HOP FAT #2	5424	INTERNATIONAL BLVD	2006/2007
989401	SMART & FINAL STORES CORPORATION	1243	42ND AVE	2006/2007
989436	SMART & FINAL STORES CORPORATION	933	BROADWAY	2006/2007
1022156	PAK N SAVE #3126	610	HEGENBERGER RD	2006/2007
1122398	FARMER JOE S MARKETPLACE INC	3501	MACARTHUR BLVD	2006/2007
1152513	SUN HOP FAT #1	501	E 12TH ST	2006
1238078	YET SUN MARKET	397	8TH ST	2007
1249479	CASH & CARRY SMART FOOD SERVICE #567	400	OAK ST	2006/2007
1302485	MARKET HALL PRODUCE	5655	COLLEGE AVE	2007
1336630	NEW SAIGON SUPERMARKET II	950	INTERNATIONAL BLVD	2007
1365770	GROCERY OUTLET #3	2900	BROADWAY	2006/2007
1438476	PIEDMONT GROCERY CO	4038	PIEDMONT AVE	2006/2007
1627015	SAFEWAY STORES INC #654	2096	MOUNTAIN BLVD	2006/2007
1627791	SAFEWAY STORES INC #1119	3747	GRAND AVE	2006/2007
1627872	SAFEWAY STORES INC #638	4100	REDWOOD RD	2006/2007
1627953	SAFEWAY STORES INC #669	5130	BROADWAY	2006/2007
1700405	SUN TIN SUNG SUPERMARKET, INC.	310	7TH ST	2006
1868640	VILLAGE MARKET	5885	BROADWAY TER	2006/2007
1879618	SUPERMERCADO MI TIERRA, LLC	1470	HIGH ST	2006/2007
1930001	C & J WHOLESALE CO.	105	JACKSON ST	2006/2007
2062186	NEW SANG CHONG MARKET	377	8TH ST	2007

BusTax #	Business Name	Bus Street #	Bus Street Name	Tax Year
2131323	SUPERMERCADO MI TIERRA LLC	2758	FRUITVALE AVE	2006/2007
2151189	EBJ FOODS CORP	1155	7TH ST	2006/2007
2154269	SUN SANG SUPERMARKET INC	751	INTERNATIONAL BLVD	2006/2007
2330253	SUPERMERCADO MI TIERRA III	9520	INTERNATIONAL BLVD	2006/2007
2399490	JETRO LOV INC.	105	EMBARCADERO	2006/2007
2399806	EASTIMPEX INC	1155	7TH ST	2006/2007
2651149	GAZZALI'S MARKET	7000	BANCROFT AVE	2006/2007
2697351	ORIENT MARKET INC	410	7TH ST	2006/2007
3125092	SAN FRANCISCO SPECIALTY PRODUCE	3925	ALAMEDA AVE	2006/2007
3145026	SILVER VIEW SUPERMARKET	259	10TH ST	2007
3146189	EUGENE INTERNATIONAL GATEWAY FOOD	900	MARKET ST	2006/2007
3155528	SUPER MERCADO MI TIERRA, LLC	9509	INTERNATIONAL BLVD	2007
3195635	FOOD MAXX #417	10950	INTERNATIONAL BLVD	2006/2007
3237141	CONAGRA FOODS PACKAGED FOODS CO IN	1	CONAGRA DR	2006/2007
3397017	KOREANA PLAZA MARKET OAKLAND INC	2370	TELEGRAPH AVE	2006/2007
3420183	FARMER JOE'S MARKET PLACE	3426	FRUITVALE AVE	2006/2007
3473090	ALBERTSONS #7029	1963	MOUNTAIN BLVD	2006/2007
3473104	ALBERTSONS #7038	4055	CLAY ST	2006/2007
3473112	ALBERTSONS #7049	3000	E 9TH ST	2006/2007
3473120	ALBERTSONS #7214	247	E 18TH ST	2006/2007
3546276	SAVE MART SUPERMARKETS #736 ALBERTSONS	247	E 18TH ST	2007
3546284	SAVE MART SUPERMARKETS #733 ALBERTSONS	4055	MAC ARTHUR BLVD	2007
3546292	SAVE MART SUPERMARKETS #735 ALBERTSONS	3000	E 9TH ST	2007
3546306	SAVE MART SUPERMARKETS #734 ALBERTSONS	1963	MOUNTAIN BLVD	2007
21627526	SAFEWAY STORES INC #908	3550	FRUITVALE AVE	2006/2007
21628336	SAFEWAY STORES INC #687	6310	COLLEGE AVE	2006/2007

ATTACHMENT D

Retailers With Annual Gross Receipts Over \$1 Million In The City Of Oakland

BTax #	Bus Name	Bus Street #	Bus Street Name	Industry Code
76856	M & S SHELL	9750	GOLF LINKS RD	A - Retail
77259	COTTON PLUS, INC.	5901	COLLEGE AVE	A - Retail
78484	AIR TERMINAL SERVICES, INC	1	AIRPORT DR	A - Retail
86916	OAK STREET SHELL	105	5TH ST	A - Retail
89826	A & P MOBIL SERVICE	398	W MACARTHUR BLVD	A - Retail
106429	ARVEY PAPER & OFFICE PRODUCTS	330	BRUSH ST	A - Retail
124591	AVON PRODUCTS INC	680	HEGENBERGER RD	A - Retail
134678	GRANDLAKE ACE HARDWARE/ACE GARDEN CENTER	4001	GRAND AVE	A - Retail
135852	CROGAN'S SEAFOOD HOUSE & BAR	6101	LA SALLE AVE	A - Retail
164763	BRADFORD PHARMACY	445	8TH ST	A - Retail
196231	BEST MUSICAL INSTRUMENT CO INC	1716	BROADWAY	A - Retail
209287	OB SPECIALTIES INC	1799	NORTHWOOD CT	A - Retail
217794	POPPY FABRIC LTD	5151	BROADWAY	A - Retail
226599	BONANZA WHOLESALE DIST INC	3617	INTERNATIONAL BLVD	A - Retail
268089	BRUCE'S TIRE INC	240	HEGENBERGER RD	A - Retail
269727	DENNIS UNIFORM MFG CO	820	E 8TH ST	A - Retail
273635	YOU NAME IT PROMOTIONS	440	34TH ST	A - Retail
307874	B & B DRUGS CORPORATION	822	WEBSTER ST	A - Retail
323810	R M WAITE CO	2100	EMBARCADERO	A - Retail
342661	CHAPEL OF THE CHIMES	4499	PIEDMONT AVE	A - Retail
369942	BPS OAKLAND	1700	JEFFERSON ST	A - Retail
383325	THE GAP, INC (#145)	3277	LAKESHORE AVE	A - Retail
400173	A & G MUSIC PRODUCTS CO	564	14TH ST	A - Retail
432121	P & N SHELL	510	INTERNATIONAL BLVD	A - Retail
442119	BROADWAY SHELL	5755	BROADWAY	A - Retail
463671	NEW CHINATOWN PHARMACY	719	E 12TH ST	A - Retail
465712	NESTLE WATERS NORTH AMERICA INC	295	HEGENBERGER RD	A - Retail
468304	SHERWIN-WILLIAMS COMPANY #8143	559	66TH AVE	A - Retail
478431	LAUREL ACE HARDWARE CENTER	4024	MACARTHUR BLVD	A - Retail

BTax #	Bus Name	Bus Street #	Bus Street Name	Industry Code
546151	EAST BAY BLUE PRINT SUPPLY CO	1745	14TH AVE	A - Retail
547980	EAST BAY PUMP AND EQUIPMENT CO	4900	E 12TH ST	A - Retail
548820	PET FOOD EXPRESS, LTD	5144	BROADWAY	A - Retail
551864	LAKE PHARMACY	287	13TH ST	A - Retail
569690	C.A.R. RHINO GAS STATION	5865	BROADWAY TER	A - Retail
577634	A RAZI INCORPORATED TONY'S EXPRESS AUTO	3609	INTERNATIONAL BLVD	A - Retail
587338	TRUCKER'S FRIENDS INC	1395	7TH ST	A - Retail
598011	PAVE FINE JEWELRY	5496	COLLEGE AVE	A - Retail
623210	CROMER EQUIPMENT	488	LESSER ST	A - Retail
625698	WHITE ELEPHANT SALE	333	LANCASTER ST	A - Retail
636770	LANEY BOOKSTORE #225	900	FALLON ST	A - Retail
638919	MARKUS SUPPLY	625	3RD ST	A - Retail
671770	GENERAL CARPET TRADER INC	380	4TH ST	A - Retail
679208	OAKLAND CLINIC PHARMACY/OAKLD PHARM. INC	5220	CLAREMONT AVE	A - Retail
681792	ICI DULUX PAINTS	3356	PIEDMONT AVE	A - Retail
695068	LOI LE CHEVRON	4265	FOOTHILL BLVD	A - Retail
708526	QUALITY CONSTRUCTION SUPPLY	247	10TH ST	A - Retail
750433	GRAND LAKE SEW & VACUUM CENTER	3250	GRAND AVE	A - Retail
754854	KRAGEN AUTO SUPPLY #4043	4240	INTERNATIONAL BLVD	A - Retail
761303	EBONY BEAUTY SUPPLY	8302	INTERNATIONAL BLVD	A - Retail
767867	ROCKRIDGE KIDS	5511	COLLEGE AVE	A - Retail
811602	COLISEUM UNOCAL	845	66TH AVE	A - Retail
949817	GLAMOR BEAUTY SUPPLY	4013	TELEGRAPH AVE	A - Retail
950149	WILLIAM D. WHITE CO.	3505	MAGNOLIA ST	A - Retail
985120	HANGER PROSTHETICS & ORTHOTICS WEST, INC	433	HEGENBERGER RD	A - Retail
985589	PRO HOME SYSTEMS	383	40TH ST	A - Retail
1012142	KELLY MOORE PAINT CO INC	4156	TELEGRAPH AVE	A - Retail
1028065	LABEL ART	290	27TH ST	A - Retail
1047264	CYCLE SPORTS, INC	3530	GRAND AVE	A - Retail
1050311	DE LAUER NEWS AGENCY	1310	BROADWAY	A - Retail
1057677	LARMS BUILDING AND GARDEN SUPP	743	HIGH ST	A - Retail
1069616	CALIFORNIA CANOE & KAYAK INC	409	WATER ST	A - Retail

BTax #	Bus Name	Bus Street #	Bus Street Name	Industry Code
1077279	LEO'S PROFESSIONAL AUDIO INC	5447	TELEGRAPH AVE	A - Retail
1093150	24-7 GAS & FOOD MART	8930	BANCROFT AVE	A - Retail
1135392	LONGS DRUG STORE #375	3300	WEBSTER ST	A - Retail
1144537	IKON OFFICE SOLUTIONS	7677	OAKPORT ST	A - Retail
1156519	NEXTEL OF CALIFORNIA INC	475	14TH ST	A - Retail
1163515	MARK'S PAINT MART	4211	TELEGRAPH AVE	A - Retail
1176803	COLISEUM SHELL	540	HEGENBERGER RD	A - Retail
1187619	MCCAULOU'S DEPT STORE	6211	MEDAU PL	A - Retail
1207377	KELLY PAPER	296	27TH ST	A - Retail
1207962	VAN MATRE LUMBER COMPANY, INC.	251	5TH AVE	A - Retail
1227696	MIKE'S ST JOSEPH'S PHARMACY	2647	INTERNATIONAL BLVD	A - Retail
1258818	MONTCLAIR PHARMACY/SULLIVAN PHARM., INC.	6123	LA SALLE AVE	A - Retail
1260987	PET FOOD EXPRESS	2220	MOUNTAIN BLVD	A - Retail
1317008	RITZ CAMERAS	5122	BROADWAY	A - Retail
1331566	SHERWIN WILLIAMS COMPANY #8223	110	HEGENBERGER LOOP	A - Retail
1349430	USA MARKETING	1900	EMBARCADERO	A - Retail
1350668	THE FUNKTION WEAR INC	4220	BROADWAY	A - Retail
1359339	ONE STOP AUTO PARTS	6040	SAN PABLO AVE	A - Retail
1365444	EAST BAY CASH REGISTER SYSTEMS INC	3838	GRAND AVE	A - Retail
1366513	CLAREMONT 76	6201	CLAREMONT AVE	A - Retail
1388622	P. E. G. SOLUTIONS, INC.	505	17TH ST	A - Retail
1393510	PARK BLVD SHELL STATION	3600	PARK BLVD	A - Retail
1422804	35TH AVENUE BP	3201	35TH AVE	A - Retail
1437909	PIEDMONT LUMBER AND MILL CO	351	40TH ST	A - Retail
1452258	RADIO SHACK #9060	3040	E 9TH ST	A - Retail
1489771	ALAMEDA COUNTY PATIENT SERVICES/OCBC	1733	BROADWAY	A - Retail
1494171	J R L CANDIES	1	AIRPORT DR	A - Retail
1515195	LAKESHORE PETROLEUM INC	3220	LAKESHORE AVE	A - Retail
1550349	MARKET STREET SHELL	610	MARKET ST	A - Retail
1558293	ROUSE TIRE SERVICE INC	2340	HARRISON ST	A - Retail
1558854	ELMHURST PHARMACY	7400	MAC ARTHUR BLVD	A - Retail
1568604	ARIZMENDI COOPERATIVE, INC.	3265	LAKESHORE AVE	A - Retail

BTax #	Bus Name	Bus Street #	Bus Street Name	Industry Code
1571095	KRAGEN AUTO PARTS #1232	3232	FOOTHILL BLVD	A - Retail
1576445	VOILA JUICE CO	510	DERBY AVE	A - Retail
1582534	FASHION FOR LESS	3030	E 9TH ST	A - Retail
1583816	ESTATES MATTRESS CO., INC.	1266	28TH ST	A - Retail
1586238	SAN FRANCISCO CHRONICLE	1350	16TH ST	A - Retail
1592645	CHONG'S SHELL	3750	INTERNATIONAL BLVD	A - Retail
1600451	LA FARINE	6323	COLLEGE AVE	A - Retail
1671278	BIG O TIRES	9801	INTERNATIONAL BLVD	A - Retail
1713639	RAINBOW #591	1	EASTMONT MALL	A - Retail
1731505	SUDS MACHINE INC	4400	PIEDMONT AVE	A - Retail
1784463	DIAL A MATTRESS OPERATING CORP.	7307	EDGEWATER DR	A - Retail
1793144	AUTOZONE #5230	10111	INTERNATIONAL BLVD	A - Retail
1810812	AUTOZONE PARTS, INC	3050	E 9TH ST	A - Retail
1822748	PENNINSULA COLOR SERVICE	1062	45TH AVE	A - Retail
1907727	WEST COAST VENDING INC	2124	LIVINGSTON ST	A - Retail
1912127	TIRE DISTRIBUTION SYSTEMS, INC	140	HEGENBERGER LOOP	A - Retail
1943383	NINA DESIGNS LTD.	3246	ETTIE ST	A - Retail
1945602	4BY6 INC	2875	GLASCOCK ST	A - Retail
1954059	WONG'S VALERO	2200	E 12TH ST	A - Retail
1962450	LEVEL CONSTRUCTION SUPPLY II, LLC	9838	GOULD ST	A - Retail
1965409	MONTCLAIR GAS AND AUTO CARE	5725	THORNHILL DR	A - Retail
1973843	SAN PABLO ARCO	3400	SAN PABLO AVE	A - Retail
1998684	QUIK STOP GAS	2400	FRUITVALE AVE	A - Retail
1998765	QUIK STOP GAS	3132	BEAUMONT AVE	A - Retail
1998781	QUIK STOP GAS	3130	35TH AVE	A - Retail
2000180	DOC BAILEY CONSTRUCITON EQUIPMENT INC	124	HEGENBERGER LOOP	A - Retail
2018756	SUPERNUTRITION LIFE-EXTENSION RESEARCH I	1925	BRUSH ST	A - Retail
2034190	02 MARKETING & DESIGN	401	ROLAND WY	A - Retail
2041634	3374 GRAND AVENUE GAS STATION INC.	3374	GRAND AVE	A - Retail
2060922	ROCKRIDGE FUEL CENTER LLC	6125	TELEGRAPH AVE	A - Retail
2072475	B & T TRADING CO	553	66TH AVE	A - Retail
2076012	L N CURTIS & SONS	2121	PERALTA ST	A - Retail

BTax #	Bus Name	Bus Street #	Bus Street Name	Industry Code
2110490	TOYS IN BABELAND	184	10TH ST	A - Retail
2125862	JACK LONDON KITCHEN & BATH GALLERY	2500	EMBARCADERO	A - Retail
2153777	35TH AVENUE UNION 76	3420	35TH AVE	A - Retail
2219115	GAP KIDS #7455	3229	LAKE SHORE AVE	A - Retail
2227142	AUTOZONE #3357	3525	MAC ARTHUR BLVD	A - Retail
2243113	OAKLAND VALERO SERVICE CENTER	2225	TELEGRAPH AVE	A - Retail
2258374	GAP/KIDS #169	1333	BROADWAY	A - Retail
2263513	MARKETS FIRST REFRIDGERATION	2324	SAN PABLO AVE	A - Retail
2283549	NEW OAKLAND PHARMACY-SUMMIT	401	29TH ST	A - Retail
2303299	TQ'S UNOCAL 76	5425	MARTIN LUTHER KING JR WY	A - Retail
2312956	OAKLAND LIQUORS INC	1335	E 17TH ST	A - Retail
2343339	98TH GAS & FOOD	2740	98TH AVE	A - Retail
2388391	COMPASS CONTAINER GROUP INC	7982	CAPWELL DR	A - Retail
2454971	EVERGREEN	3221	FOOTHILL BLVD	A - Retail
2465256	AIRGAS NORTHERN CA & NV, INC.	555	JULIE ANN WY	A - Retail
2520060	TALKING TECHNOLOGY INTL INC	6558	LUCAS AVE	A - Retail
2531380	SARBER'S CAMERAS	1958	MOUNTAIN BLVD	A - Retail
2560976	EQECAT INC	1111	BROADWAY	A - Retail
2587580	OUTDOOR PRO SHOP INC	1822	EMBARCADERO	A - Retail
2611562	GOURMET APPLIANCE OUTLET	33	HEGENBERGER CT	A - Retail
2633183	MAC ARTHUR 76	4276	MAC ARTHUR BLVD	A - Retail
2644193	ART.COM INC	1850	CAMPBELL ST	A - Retail
2683008	ROYAL EX GAS	10151	INTERNATIONAL BLVD	A - Retail
2694182	FRENCH BROS	669	20TH ST	A - Retail
2695022	HOCKEY X-SPORT INC	210	HEGENBERGER LOOP	A - Retail
2858452	PACIFIC INSULATION COMPANY	7307	EDGEWATER DR	A - Retail
2860562	GAZALI CORP DBA SEMINARY GAS AND FOOD	6235	SEMINARY AVE	A - Retail
2869144	NETWORK WORLD INC	555	12TH ST	A - Retail
2896265	BIG O TIRE STORE #83	810	W MAC ARTHUR BLVD	A - Retail
2908573	UNITED BROTHERS ENTERPRISE, INC.	3535	PIERSON ST	A - Retail
2913046	CINDER BLOCK TOURING INC	6195	COLISEUM WAY	A - Retail
2976498	CLOTHING BROKER INC	513	INDEPENDENT RD	A - Retail

BTax #	Bus Name	Bus Street #	Bus Street Name	Industry Code
2981807	THE STONE GALLERY LLC	600	50TH ST	A - Retail
2995042	GRAND EXPRESS MARKET	363	GRAND AVE	A - Retail
3008517	BEAUTY SUPPLY WAREHOUSE	2601	TELEGRAPH AVE	A - Retail
3102793	HYDRAULIC HOSE SERVICE	1451	34TH ST	A - Retail
3113450	PET FOOD EXPRESS	6398	TELEGRAPH AVE	A - Retail
3114287	EAST LAKE BUILDING SUPPLIES INC	919	INTERNATIONAL BLVD	A - Retail
3116484	DICK BLICK RETAIL, INC	5301	BROADWAY	A - Retail
3123065	THE APOTHECARY EASTMONT TOWN CENTER	7200	BANCROFT AVE	A - Retail
3143104	NICHOLS HILL PRESCRIPTION PHARMACY	2844	SUMMIT ST	A - Retail
3144135	TIRE SALES & SERVICE/WHEELS EXPERT	891	W MAC ARTHUR BLVD	A - Retail
3148424	FARMACIA REMEDIOS	3351	INTERNATIONAL BLVD	A - Retail
3178897	AUTO ZONE 3371	7200	BANCROFT AVE	A - Retail
3181405	T-MOBILE	8469	EDGEWATER DR	A - Retail
3193438	CINGULAR WIRELESS PCS, LLC	3333	LAKE SHORE AVE	A - Retail
3200884	BIG O TIRES #4 - THE TIRE TEAM LLC	3500	FOOTHILL BLVD	A - Retail
3206912	AMG PHARMACY INC	2700	INTERNATIONAL BLVD	A - Retail
3214842	JAMBA JUICE #688	8460	EDGEWATER DR	A - Retail
3231801	SWEET MARIA'S COFFEE	1115	21ST ST	A - Retail
3245527	DOWN IN FRONT TICKETS	2050	MANZANITA DR	A - Retail
3245756	7 ELEVEN 2232-18608 D	4100	BROADWAY	A - Retail
3254909	TELEGRAPH CHEVRON	2200	TELEGRAPH AVE	A - Retail
3264688	UNITED CARPET CONSTRUCTION SUPPLY, INC.	1226	13TH AVE	A - Retail
3288021	HIGH STREET GASOLINE & MART	4280	FOOTHILL BLVD	A - Retail
3295702	BROADWAY GAS	3810	BROADWAY	A - Retail
3307670	MANJIT VALERO	6211	SAN PABLO AVE	A - Retail
3315746	SEVEN ELEVEN STORE # 2232-32181A	4193	PIEDMONT AVE	A - Retail
3411702	MONTCLAIR UNION SERVICE	2240	MOUNTAIN BLVD	A - Retail
3445488	M & I LIQUORS #2	2710	FOOTHILL BLVD	A - Retail
3452298	OAKLAND COIN & JEWELRY EXCHANGE	1725	BROADWAY	A - Retail
3461092	METRO SHOP AND GAS 2	9755	EDES AVE	A - Retail
3462404	EB GAMES #5460	8460	EDGEWATER DR	A - Retail
3483533	HARBORSIDE HEALTH CENTER	1840	EMBARCADERO	A - Retail

BTax #	Bus Name	Bus Street #	Bus Street Name	Industry Code
3571130	THE GIANT PEACH INC	1924	UNION ST	A - Retail
3576507	MONTCLAIR SPORTING GOODS INC	1970	MOUNTAIN BLVD	A - Retail
3738426	PIEDMONT PIANO COMPANY INC	4382	PIEDMONT AVE	A - Retail
3927822	HAM RADIO OUTLET	2210	LIVINGSTON ST	A - Retail
3984893	BRASS AND GLASS	5377	COLLEGE AVE	A - Retail
4090497	BROADWAY UNOCAL 76	3943	BROADWAY	A - Retail
5046963	HILTI INC	136	98TH AVE	A - Retail
5245222	KEN BETTS CHEVRON SERVICE	4150	REDWOOD RD	A - Retail
6096921	TRANSPORTS	6014	COLLEGE AVE	A - Retail
6234828	KRAGEN AUTO SUPPLY #4004	1800	PARK BLVD	A - Retail
6283446	BETTS LAKESHORE CHEVRON	3500	LAKESHORE AVE	A - Retail
6391680	FENTON MACLAREN	5533	COLLEGE AVE	A - Retail
7452357	MH SON INC	100	MACARTHUR BLVD	A - Retail
10118522	PETFOOD STORE	4814	BROADWAY	A - Retail
10145287	KRAGEN AUTO SUPPLY #1349	4400	BROADWAY	A - Retail
10543428	WEST MACARTHUR SHELL	230	W MACARTHUR BLVD	A - Retail
11420516	EL MONTE RV CENTER	4901	COLISEUM WAY	A - Retail
11867995	BROADWAY TERRACE 76	5300	BROADWAY	A - Retail
20243678	MARK MORRIS/FIRESTONE #3623-023213	2850	BROADWAY	A - Retail
20248726	BRICKER MINCOLLA UNIFORM CO	600	INTERNATIONAL BLVD	A - Retail
21145106	CENVEO	1021	COTTON ST	A - Retail
21709336	STATE SHINGLE CO	900	37TH AVE	A - Retail
22678566	FOUR WHEEL PARTS WHOLESALERS	1944	E 12TH ST	A - Retail
25899776	FRUITVALE UNION 76	3066	FRUITVALE AVE	A - Retail

ATTACHMENT E

Assembly Bill No. 2449

CHAPTER 845

An act to add and repeal Chapter 5.1 (commencing with Section 42250) to Part 3 of Division 30 of the Public Resources Code, relating to recycling.

[Approved by Governor September 30, 2006. Filed with
Secretary of State September 30, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2449, Levine. Recycling: plastic carryout bags.

The California Integrated Waste Management Act of 1989 establishes an integrated waste management program and establishes requirements for the recycling and reuse of various products, including metallic discards, compost, plastic packaging containers, and newsprint. Existing law requires every manufacturer that manufactures specified plastic trash bags to ensure that at least 10% of the weight of the regulated bags, or that at least 30% of the weight of the material used, in all of its plastic products intended for sale in this state is recycled plastic postconsumer material.

This bill would require the operator of a store, as defined, to establish an at-store recycling program that provides an opportunity for a customer of the store to return clean plastic carryout bags to that store. The bill would require a plastic carryout bag provided by a store to have specified information printed or displayed on the bag, and would require the placement of a plastic carryout bag collection bin in each store that is visible and easily accessible to the consumer. The bill would also require the operator of a store to make reusable bags, as defined, available to customers, for purchase.

The bill would require a manufacturer of plastic carryout bags to develop educational materials to encourage the reducing, reusing, and recycling of plastic carryout bags and to make the materials available to stores, as specified.

The bill would declare that certain matters regarding plastic carryout bags are matters of statewide interest and concern. The bill would prohibit a city, county, or other public agency from adopting, implementing, or enforcing an ordinance, resolution, regulation, or rule that requires a store to collect, transport, or recycle plastic carryout bags or conduct additional auditing or reporting, or imposing a plastic carryout bag fee upon a store, except as specified.

The bill would authorize a city, county, or the state to impose civil liability, in specified amounts, and would require any civil penalties collected to be paid to the office of the city attorney, city prosecutor, district attorney, or Attorney General, whichever office brought the action.

The bill would authorize any penalties collected by the Attorney General to be expended by the Attorney General, upon appropriation by the Legislature, to enforce the bill's requirements.

The bill's provisions would become operative on July 1, 2007.

The bill's requirements would be repealed on January 1, 2013, unless a later enacted statute deletes or extends that date.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) On a global level, the production of plastic bags has significant environmental impacts each year, including the use of over 12 million barrels of oil, and the deaths of thousands of marine animals through ingestion and entanglement.

(2) Each year, an estimated 500 billion to 1 trillion plastic bags are used worldwide, which is over one million bags per minute, and of which billions of bags end up as litter each year.

(3) Most plastic carryout bags do not biodegrade which means that the bags break down into smaller and smaller toxic bits that contaminate soil and waterways and enter into the food web when animals accidentally ingest those materials.

(b) It is the intent of the Legislature, in enacting Chapter 5.1 (commencing with Section 42250) Part 3 of Division 30 of the Public Resources Code, to encourage the use of reusable bags by consumers and retailers and to reduce the consumption of single-use bags.

SEC. 2. Chapter 5.1 (commencing with Section 42250) is added to Part 3 of Division 30 of the Public Resources Code, to read:

CHAPTER 5.1. AT-STORE RECYCLING PROGRAM

42250. For purposes of this chapter, the following definitions shall apply:

(a) "Manufacturer" means the producer of a plastic carryout bag sold to a store.

(b) "Operator" means a person in control of, or having daily responsibility for, the daily operation of a store, which may include, but is not limited to, the owner of the store.

(c) "Plastic carryout bag" means a plastic carryout bag provided by a store to a customer at the point of sale.

(d) "Reusable bag" means either of the following:

(1) A bag made of cloth or other machine washable fabric that has handles.

(2) A durable plastic bag with handles that is at least 2.25 mils thick and is specifically designed and manufactured for multiple reuse.

(e) “Store” means a retail establishment that provides plastic carryout bags to its customers as a result of the sale of a product and that meets either of the following requirements:

(1) Meet the definition of a “supermarket” as found in Section 14526.5.

(2) Has over 10,000 square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code) and has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code.

42251. (a) The operator of a store shall establish an at-store recycling program pursuant to this chapter that provides an opportunity for a customer of the store to return to the store clean plastic carryout bags.

(b) A retail establishment that does not meet the definition of a store, as specified in Section 42250, and that provides plastic carryout bags to customers at the point of sale may also adopt an at-store recycling program, as specified in this chapter.

42252. An at-store recycling program provided by the operator of a store shall include all of the following:

(a) A plastic carryout bag provided by the store shall have printed or displayed on the bag, in a manner visible to a consumer, the words “PLEASE RETURN TO A PARTICIPATING STORE FOR RECYCLING.”

(b) A plastic carryout bag collection bin shall be placed at each store and shall be visible, easily accessible to the consumer, and clearly marked that the collection bin is available for the purpose of collecting and recycling plastic carryout bags.

(c) All plastic bags collected by the store shall be collected, transported, and recycled in a manner that does not conflict with the local jurisdiction’s source reduction and recycling element, pursuant to Chapter 2 (commencing with Section 41000) and Chapter 3 (commencing with Section 41300) of Part 2.

(d) The store shall maintain records describing the collection, transport, and recycling of plastic bags collected for a minimum of three years and shall make the records available to the board or the local jurisdiction, upon request, to demonstrate compliance with this chapter.

(e) The operator of the store shall make reusable bags available to customers within the store, which may be purchased and used in lieu of using a plastic carryout bag or paper bag. This subdivision is not applicable to a retail establishment specified pursuant to subdivision (b) of Section 42251.

42253. The manufacturer of a plastic carryout bag shall develop educational materials to encourage the reducing, reusing, and recycling plastic bags and shall make those materials available to stores required to comply with this chapter.

42254. (a) The Legislature finds and declares that all of these are matters of statewide interest and concern:

(1) Requiring a store to collect, transport, or recycle plastic carryout bags.

(2) Imposing a plastic carryout bag fee upon a store.

(3) Requiring a store to conduct auditing or reporting with regard to plastic carryout bags.

(b) Unless expressly authorized by this chapter, a city, county, or other public agency shall not adopt, implement, or enforce an ordinance, resolution, regulation, or rule to do any of the following:

(1) Require a store that is in compliance with this chapter to collect, transport, or recycle plastic carryout bags.

(2) Impose a plastic carryout bag fee upon a store that is in compliance with this chapter.

(3) Require auditing or reporting requirements that are in addition to what is required by subdivision (d) of Section 42252, upon a store that is in compliance with this chapter.

(c) This section does not prohibit the adoption, implementation, or enforcement of any local ordinance, resolution, regulation, or rule governing curbside or drop off recycling programs operated by, or pursuant to a contract with, a city, county, or other public agency, including any action relating to fees for these programs.

(d) This section does not affect any contract, franchise, permit, license, or other arrangement regarding the collection or recycling of solid waste or household hazardous waste.

42255. (a) A city, county, or the state may impose civil liability in the amount of five hundred dollars (\$500) for the first violation of this chapter, one thousand dollars (\$1,000) for the second violation, and two thousand dollars (\$2,000) for the third and subsequent violation.

(b) Any civil penalties collected pursuant to subdivision (a) shall be paid to the office of the city attorney, city prosecutor, district attorney, or Attorney General, whichever office brought the action. The penalties collected pursuant to this section by the Attorney General may be expended by the Attorney General, upon appropriation by the Legislature, to enforce this chapter.

42256. This chapter shall become operative on July 1, 2007.

42257. This chapter shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

ATTACHMENT F

REVISED/CORRECTED
Approved as to Form and Legality

07/01/07 11:05:51

OAKLAND CITY COUNCIL

ORDINANCE No. _____ C.M.S.

INTRODUCED BY COUNCILMEMBERS NANCY J. NADEL AND JEAN QUAN

ORDINANCE BANNING THE USE OF NON-BIODEGRADABLE PLASTIC CARRY-OUT BAGS AT POINT OF SALE BY RETAIL ESTABLISHMENTS IN THE CITY OF OAKLAND THAT GROSS ONE MILLION DOLLARS OR MORE ANNUALLY AND PROVIDING EDUCATION AND INCENTIVES FOR SHOPPERS TO USE RE-USEABLE BAGS AT AFFECTED RETAIL ESTABLISHMENTS IN THE CITY

WHEREAS, each year, 500 billion to 1 trillion plastic bags are used worldwide – one million per minute – the production and use of which have significant environmental impacts, including litter, the consumption of 12 million barrels of oil, and the deaths of thousands of marine animals; and

WHEREAS, according to AB 2449, the 2006 legislation creating the At-Store Recycling Program, Californians use 19 billion disposable plastic bags every year and throw away 600 bags per second, and less than 50 tons of the 52,000 tons of disposable plastic bags used in California annually are recycled resulting in over 147,000 tons of waste going to landfills, at an annual cost of \$51 million; and

WHEREAS, according to the Algalita Marin Research Foundation, plastic bags do not biodegrade, but break down through abrasion and tearing into small toxic bits that contaminate soil, waterways, and the marine environment, where they are mistaken for food by animals, killing over 1 million seabirds, 100,000 marine mammals, and countless fish annually from ingestion of, or entanglement in, marine debris; and

WHEREAS, marine debris is ubiquitous and can be found from highly populated urban beaches to the most remote arctic beaches, such as the North Pacific Gyre, which is home to a floating island of trash twice the size of Texas; and

WHEREAS, in 2006, the California Coastal Commission determined that up to 80% of all marine debris is plastic and 80% comes from land-based sources, and

WHEREAS, the Department of Conservation, in its annual Coastal Cleanup and the 1999 Litter Study concludes that disposable retail bags represent some of the most commonly littered items, and plastic bags littered in Oakland streets are carried by wind and storm water into City storm drains that lead to Oakland's creeks, Lake Merritt, the Oakland estuary, and eventually into the San Francisco Bay; and

WHEREAS, on February 8th, 2007, the Ocean Protection Council unanimously adopted a marine debris resolution that calls for reduced use of single-use plastic food containers; and

WHEREAS, plastic bags contaminate recycling operations and are otherwise difficult to recycle due to the logistics of sorting, contamination of inks, and the low quality of the plastic used, resulting in an extremely low estimated recycling rate of 1-3% for plastic bags; and

WHEREAS, one of the strategies proposed in Oakland’s Zero Waste Strategic Plan (Resolution 80286 C.M.S.December, 2006), (adopted by the Oakland City Council is to “ban the use or sale of problematic products;” and

WHEREAS, 10 percent of U.S. oil consumption – approximately 2 million barrels each day - is used to make plastic, discouraging the use of single-use plastic bags promotes and aids the goal of “Oil Independent Oakland By 2020,” the task force established by the Oakland City Council to develop a plan to reduce Oakland’s reliance on oil (Resolution No. 80286 C.M.S., 2006), and

WHEREAS, retail outlet stores could educate and encourage their customers to use environmentally preferable alternatives to non-biodegradable plastic bags which are readily available, including reusable cloth bags, biodegradable plastic bags, and even paper bags which, despite having an adverse impact on the environment, are collected by Oakland’s curbside recycling program; and a

WHEREAS, governments in several countries, including Australia, Singapore, Taiwan, South Africa, Bangladesh, and the Republic of Ireland have taken action to discourage the use of non-biodegradable plastic bags; and

WHEREAS, the California Legislature, by enacting Chapter 5.1, the At-Store Recycling Program (commencing with Section 42250), Part 3 of Division 30, of the Public Resources Code, encourages the use of reusable bags by consumers and retailers and discourages the consumption of single-use bags; now therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. Sections 2 through 7 of this Ordinance shall be codified as a new chapter of the Oakland Municipal Code under TITLE 8, HEALTH AND SAFETY. Additions to the Code are indicated by underscoring

SECTION 2. Definitions

- A. “Affected retail establishment” means any retail establishment located within the geographical limits of the City of Oakland that has gross annual sales of one million dollars (\$1,000,000) or more.
- B. “City sponsored event” means any event organized or sponsored by a City of Oakland Department or Agency.

- C. “Compostable or biodegradable bag” means a carry out bag that is certified and labeled as meeting the current ASTM-Standard Specification for compostability by a recognized verification entity such as the Biodegradable Product Institute.
- D. “Customer” means any person purchasing food or other materials from an affected retail establishment.
- E. “Operator” means a person in control of, having daily responsibility for, the daily operation of an affected retail establishment, which may include, but is not limited to, the owner of the affected retail establishment
- F. “Plastic carryout bag” means a non-biodegradable plastic bag provided by a store to a customer at the point of sale. These bags are often referred to as “t-shirt” bags.
- G. “Recyclable Paper Bag” means a paper carryout bag provided by an affected retail establishment to a customer at the point of sale for purposes of transporting groceries or other goods and meets all of the following requirements: (1) contains no old growth fiber, (2) is 100% recyclable, and (3) contains a minimum of 40% post-consumer recycled content.
- H. “Reusable Bag” means a bag that is specifically designed and manufactured for multiple reuse and is (1) made of cloth or other machine washable fabric, or (2) made of other durable material suitable for re-use.

SECTION 3. Prohibitions and Requirements.

- A. Affected retail establishments are prohibited from providing plastic carry-out bags to their customers at the point of sale. Reusable bags, recyclable paper bags and compostable or biodegradable bags, including biodegradable plastic bags, are allowed alternatives.
- B. Affected retail establishments are strongly encouraged to provide incentives for the use of re-usable bags through the use of education and credits, rebates or tokens for individuals who bring re-usable bags.
- C. Affected retail establishments are encouraged to use compostable or biodegradable bags that are easily differentiated, through color coding and other markings, from non-biodegradable plastic carry-out bags when they become available.
- D. Nothing in this section shall be read to preclude affected retail establishments from making reusable bags available for sale or free to customers.
- E. Nothing in this section shall be read to preclude affected retail establishments from making compostable or biodegradable bags available for sale or free to customers.

SECTION 4. Liability and Enforcement.

- A. The City Administrator or his/her designee will have primary responsibility for enforcement of this Chapter. The City Administrator or his/her designee is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this Chapter, including, but not limited to, entering the premises of any affected retail establishment to verify compliance.

B. An affected retail establishment that is operated in violation of any of the requirements of this Chapter is deemed a public nuisance and any person who causes or permits such violations shall be subject to the civil penalties authorized in Chapter 1.08 of this code.

B. The City Attorney may seek legal, injunctive, or other equitable relief to enforce this Chapter.

SECTION 5. Violations – Penalties.

A. If the City Administrator or his/her designee determines that a violation of this Chapter occurred, he/she will issue a written warning notice to the operator of an affected retail establishment that a violation has occurred.

B. If the affected retail establishment has subsequent violations of this Chapter, the following penalties will apply.

- a. A fine, payable by the owner of the affected retail establishment or the corporation itself, not exceeding one hundred dollars (\$100.00) for the first violation after the warning notice is given.
- b. A fine not exceeding two hundred dollars (\$200.00) for the second violation after the warning notice is given.
- c. A fine not exceeding five hundred dollars (\$500.00) for the third and any future violations after the warning notice is given.

C. Affected retail establishments may request an administrative hearing to adjudicate any penalties issued under this Chapter by filing a written request with the City Administrator, or his or her designee. The City Administrator, or his or her designee, will promulgate standards and procedures for requesting and conducting an administrative hearing under this Chapter. Any determination from the administrative hearing on penalties issued under this Chapter will be final and conclusive.

SECTION 6. Exemptions.

A. Retail establishments in the City of Oakland with gross annual sales of less than one million dollars are exempted from the provisions of this Ordinance. All retail establishments in the City of Oakland are encouraged to comply with the provisions of this Ordinance.

B. This ordinance applies only to non-biodegradable carry out plastic bags provided at the point of sale, otherwise known as “t-shirt” bags. The provisions of this ordinance do not apply to single use plastic bags exclusively used to transport produce such as apples, oranges, grapes, carrots and other similar fruits or vegetables to the point-of-sale counter of the affected retail establishment.

SECTION 7. Severability.

If any article, section, subsection sentence, clause or phrase of this ordinance or exhibit is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of remaining portions which shall remain in full force and effect.

SECTION 8. No Conflict With Federal or State Law.

Nothing in this Ordinance shall be interpreted or applied so as to create any requirement, power or duty in conflict with any federal or state law.

SECTION 9. Effective Date.

This Ordinance will become effective upon adoption by the City Council. All affected retail establishments must comply with its requirements within six months of its effective date. City-sponsored events at which plastic carry-out bags may be used must comply with the provisions of this Chapter within ninety (90) days from the effective date of this Chapter.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California