

# CITY of ALBUQUERQUE

## TWENTY FIFTH COUNCIL

COUNCIL BILL NO. O-22-3 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Brook Bassan

1   **ORDINANCE**

2               **REPEALING ENACTMENT NO. O-2019-008 (COUNCIL BILL NO. O-19-48)**  
3                       **WHICH ENACTED ARTICLE 17, CHAPTER 13, ROA 1994, “THE**  
4 **ALBUQUERQUE CLEAN & GREEN RETAIL ORDINANCE” WHICH LIMITED THE**  
5 **USE OF PLASTIC SINGLE-USE CARRYOUT BAGS, CREATED A CLEAN &**  
6 **GREEN BUSINESS PROGRAM, AND PROVIDED FOR ADMINISTRATIVE**  
7 **ENFORCEMENT REGULATIONS**

8               **WHEREAS, on April 15, 2019, the City Council adopted O-19-48, “Adding a**  
9 **New Article 17 to Chapter 13, ROA 1994, Limiting the Use of Plastic Single-Use**  
10 **Carryout Bags; Creating an ‘Albuquerque Clean & Green Business’ Program;**  
11 **Providing for Administrative Regulations to Carry Out the Provisions” (the**  
12 **“Plastic Bag Ordinance”); and**

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13               **WHEREAS, enforcement of the Plastic Bag Ordinance was paused at the**  
14 **beginning of the pandemic to help protect frontline employees and customers**  
15 **from the spread of COVID-19, then reinstated in August 2021 with additional**  
16 **bag restrictions put in place at the end of 2021; and**

17               **WHEREAS, the bags allowed under the Plastic Bag Ordinance are**  
18 **significantly more expensive for both consumers and businesses compared to**  
19 **what was allowed previously; and**

20               **WHEREAS, local consumers, many of whom are already facing**  
21 **considerable financial struggles, are now faced with spending dollars to**  
22 **purchase shopping bags, in effect creating a regressive tax on our most**  
23 **vulnerable populations; and**

24               **WHEREAS, some businesses have opted to use “reusable” bags and paper**  
25 **bags as a substitute for single-use plastic bags, but these alternative bags**

1 place additional financial burdens on businesses and still take a substantial  
2 toll on the environment; and

3 WHEREAS, due to supply shortages, some businesses have been unable  
4 to obtain compliant bags, and many also have stockpiles of non-compliant  
5 plastic bags that they can no longer use; and

6 WHEREAS, studies have shown that paper bags and “reusable” plastic and  
7 canvas bags are even worse for the environment than single-use bags  
8 because production involves cutting down and processing trees, increased  
9 water use, toxic chemicals, fossil fuel, air pollution, and heavy machinery; and

10 WHEREAS, for example, one study found that the weight and bulkiness of  
11 paper bags necessitate seven trucks to transport the same number of bags  
12 that can be hauled in just one truck of plastic bags thereby increasing  
13 additional negative environmental impacts; and

14 WHEREAS, although conventional plastic bags have higher environmental  
15 impacts when released into the environment, studies indicate that reusable  
16 bags require hundreds to tens of thousands of uses before they become more  
17 environmentally efficient than single use plastic bags; and

18 WHEREAS, however, research also shows that if reusable bags are not  
19 properly sanitized after each use, they can harbor and spread dangerous  
20 viruses and bacteria, including E. coli, salmonella, fecal coliform, and other  
21 pathogens; and

22 WHEREAS, some types of imported reusable bags have been found to  
23 contain traces of toxic lead in the materials used; and

24 WHEREAS, in light of the ongoing pandemic we have become more aware  
25 of the health implications associated with reusable bags, and while reuse is  
26 encouraged, there are unintended health risks associated with reusable bags;  
27 and

28 WHEREAS, the Plastic Bag Ordinance has placed unintended burdens on  
29 both consumers and local businesses, without demonstrating its  
30 effectiveness at preventing waste and protecting the environment; and

31 WHEREAS, the decision regarding what type of bag to use should be left to  
32 consumers and businesses to decide; and

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1           WHEREAS, while the ban on single-use plastic bags had good intentions,  
2 evidence has shown that this effort is counterproductive, and that reusable  
3 and paper bags also have negative effects on both the economy and the  
4 environment without remarkable benefits.  
5 **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**  
6 **ALBUQUERQUE:**  
7           **SECTION 1. Enactment No. O-2019-008 (Council Bill No. O-19-48) is hereby**  
8 **repealed in its entirety. Chapter 13, Article 17 of the Revised Ordinances of**  
9 **Albuquerque, New Mexico 1994 shall be re-labeled as “REPEALED.”**  
10          **SECTION 2. City Council commits to prioritizing alternative approaches to**  
11 **addressing plastic bag waste and litter, and will work with Solid Waste in the**  
12 **upcoming budget cycle to explore improvements to the City’s recycling efforts**  
13 **related to plastic bag use.**  
14          **SECTION 3. COMPILATION. The ordinance amendment prescribed by**  
15 **SECTION 1 shall amend, be incorporated in, and be made part of the Revised**  
16 **Ordinances of Albuquerque, New Mexico 1994.**  
17          **SECTION 4. EFFECTIVE DATE. This ordinance shall take effect five days**  
18 **after publication by title and general summary.**  
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