

ORDINANCE

Repealing Enactment No. O-2019-008 (Council Bill No. O-19-48) Which Enacted Article 17, Chapter 13, ROA 1994, “The Albuquerque Clean & Green Retail Ordinance” Which Limited The Use Of Plastic Single-Use Carryout Bags, Created A Clean & Green Business Program, And Provided For Administrative Enforcement Regulations (Bassan)

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

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

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

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

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

WHEREAS, some businesses have opted to use “reusable” bags and paper bags as a substitute for single-use plastic bags, but these alternative bags place additional financial burdens on businesses and still take a substantial toll on the environment; and

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

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

machinery; and

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

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

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

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

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

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

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

WHEREAS, while the ban on single-use plastic bags had good intentions, evidence has shown that this effort is counterproductive, and that reusable and paper bags also have negative effects on both the economy and the environment without remarkable benefits.

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

SECTION 1. Enactment No. O-2019-008 (Council Bill No. O-19-48) is hereby repealed in its entirety. Chapter 13, Article 17 of the Revised Ordinances of Albuquerque, New Mexico 1994 shall be re-labeled as "REPEALED."

SECTION 2. City Council commits to prioritizing alternative approaches to addressing plastic bag waste and litter, and will work with Solid Waste in the upcoming budget cycle to explore improvements to the City's recycling efforts related to plastic bag use.

SECTION 3. COMPILATION. The ordinance amendment prescribed by SECTION 1 shall amend, be incorporated in, and be made part of the Revised Ordinances of Albuquerque, New Mexico 1994.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect five days after publication by title and general summary.

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