



A BILL FOR AN ORDINANCE

RELATING TO THE USE OF BAGS PROVIDED TO CUSTOMERS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Findings and purpose. The council finds that the production and use of nonbiodegradable plastic bags have significant impacts on the environment, including contributing to unsightly litter, creating an additional burden on the city's only municipal solid waste landfill, contributing to the potential death of marine animals through the ingestion of or entanglement with plastic bags, and requiring the use of millions of barrels of crude oil for their manufacture.

The council finds and declares that in order to mitigate the environmental effects of nonbiodegradable plastic bags, and preserve the health, safety, welfare and natural beauty of the city, the use of such plastic bags must be regulated.

This ordinance prohibits the distribution of nonbiodegradable plastic bags under certain conditions by certain businesses and encourages the use of environmentally preferable alternatives such as compostable bags, recyclable paper bags or reusable bags.

The purpose of this ordinance is to regulate the use of nonbiodegradable plastic bags and certain other bags provided to customers.

SECTION 2. Chapter 9, Revised Ordinances of Honolulu 1990, is amended by adding a new article to be appropriately designated by the revisor of ordinances and to read as follows:

"Article __. Regulation of Bags Provided for Customers

Sec. 9-__1 Definitions.

Unless otherwise expressly stated, the following terms shall have the following meanings:

"ASTM Standard" means the American Society for Testing and Materials' International Standard D6400 for compostable plastic, as that standard may be amended from time to time.

"Business" means any commercial enterprise or establishment, including an individual proprietorship, joint venture, partnership, corporation, limited liability company, or other legal entity, whether for profit or not for profit, and includes all



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employees of the business or any independent contractors associated with the business.

"Compostable bag" means a bag that: (1) meets the ASTM Standard for compostability; (2) contains no petroleum-derived content; and (3) displays the word "Compostable" in letters at least two inches high on the outside of the bag.

"Department" means the department of environmental services of the city.

"Director" means the director of environmental services or the director's designee.

"Nonbiodegradable" means a substance that cannot be broken down in the environment by natural processes.

"Recyclable paper bag" means a paper bag for the purpose of carrying groceries, nonfood items, or other goods that meets the following requirements: (1) contains no old growth fiber; (2) is 100 percent recyclable; and (3) contains a minimum of 40 percent post-consumer recycled content.

"Regulated business" means a business with annual gross sales of over \$1,000,000.

"Reusable bag" means a bag that is specifically designed and manufactured for multiple reuse and is: (1) made of cloth or other washable fabric; or (2) made of other durable material suitable for reuse, provided that it not be made of nonbiodegradable plastic.

Sec. 9-__2 Bag restrictions.

- (a) Regulated businesses shall be prohibited from providing nonbiodegradable plastic bags without charge or with a charge of less than \$0.05 per bag to their customers at the point of sale.
- (b) Regulated businesses shall provide customers only the following types of bags without charge at the point of sale:
 - (1) Compostable bags;
 - (2) Recyclable paper bags; or
 - (3) Reusable bags.



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- (c) Nothing in this article shall preclude a regulated business from making reusable, compostable or recyclable paper bags available for sale to its customers.
- (d) Regulated businesses shall provide for the recycling of nonbiodegradable plastic bags on the premises. This requirement shall expire five years from the effective date of this ordinance.
- (e) Five years from the effective date of this ordinance and thereafter, no regulated business shall provide nonbiodegradable plastic bags or compostable bags to its customers at the point of sale, whether for free or with a charge, except that compostable bags that are also recyclable paper bags or reusable bags shall be permitted.

Sec. 9-__3 Violation and penalties.

Any regulated business violating any part of this article shall:

- (1) Be ordered to discontinue the distribution of bags prohibited by this article at the point of sale; and
- (2) Be subject to a civil fine of not less than \$100 nor more than \$1,000 for each day a violation occurs.

Sec. 9-__4 Administration.

- (a) The director shall adopt rules pursuant to HRS chapter 91, for the implementation, administration, and enforcement of this article within 180 days of the enactment of this ordinance.
- (b) On or before September 1st of each year, the director shall submit to the council a report on the effectiveness of this ordinance in limiting use of certain bags, including:
 - (1) The reduction in the use of nonbiodegradable plastic bags or compostable bags;
 - (2) The reduction of nonbiodegradable plastic bags or compostable bags entering the city's municipal solid waste landfill;
 - (3) The reduction of litter caused by nonbiodegradable plastic bags or compostable bags; and



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ORDINANCE _____

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(4) Any other effects of this article on the environment of the city."

SECTION 3. This ordinance shall take effect one year after its approval.

INTRODUCED BY:

[Handwritten signature]

DATE OF INTRODUCTION:

AUG 12 2010

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

MUFI HANNEMANN, Mayor
City and County of Honolulu

RECEIVED
CITY CLERK
AUG 13 2010