



City Council

Don Tatzin, Mayor
Brandt Andersson, Vice Mayor
Mike Anderson, Council Member
Mark Mitchell, Council Member
Traci Reilly, Council Member

January 2, 2014

Senator Alex Padilla
State Capitol, #4038
Sacramento, CA 95814-4900

Re: SB 405

Dear Senator Padilla:

The City of Lafayette City Council and the Environmental Task Force encourage you to continue your efforts to secure a state-wide ban on single-use plastic carry-out bags and single-use paper carry-out bags that do not meet a specified recycled content. However, the Council recommends that you make minor modifications to the legislation that we believe will make it easier to implement and address what we believe are some unintended consequences.

While the intent to require that merchants charge for recyclable bags is laudatory from the perspective of keeping the program cost free from a merchant's perspective, we believe the legislation is too intrusive into how merchants run their business. We believe merchants should make the decision whether or not to charge on their own, without state legislation compelling them to do so and setting a minimum price for what they charge.

The legislation has two well-intended provisions that we believe will have undesirable consequences. The first is the provision that merchants that are otherwise required to charge for recyclable bags are not allowed to do so for some customers but must provide them with recyclable bags. As a result, the cost of the free bags is passed on to the merchants and there is no incentive for the recipients to recycle the bags. The cost will be concentrated on merchants who have operations in low-income neighborhoods, making running a business there more difficult. In a state where those who live in low-income neighborhoods already have less choice in stores than those in high-income areas, why exacerbate that problem through legislation that raises the cost of operating a store in such neighborhoods?

Second, the complexity of the legislation requires reporting and certifications and allows for investigations and potential fines levied by both the state and local jurisdictions. The legislation inadvertently creates opportunities for state, county, and city regulators to raise funds for their programs and enforcement efforts by finding manufacturers and retailers out-of-compliance with the regulations. We hope there is a better way to implement the intent of the legislation without providing government agencies an incentive to find producers and retailers at fault.

We support a bill similar to SB 405 that addresses the issues we discuss above and hope such legislation will be introduced in the coming session, passed and approved by the Governor.

Best regards

A handwritten signature in cursive script that reads "Don Tatzin".

Don Tatzin
Mayor

cc M DeSaulnier
J Buchanan