



Single Use Plastic in Santa Fe County



SINGLE USE PLASTICS AND POLYSTYRENE WORKING GROUP IMPACT STUDY REPORT

September 12, 2023

Acknowledgements

Special thanks to all of the many contributors to this effort:

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Karen Sweeney, Co-Chair; SUPP Working Group Committee, 285 Recycles and (Plastics No more?)

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Executive Summary

On May 10, 2022, Resolution 2022-031, was approved by the Board of County Commissioners (BCC) directing the County Manager to establish a working group to analyze and make recommendations concerning an educational program and possible ordinance discouraging the use of various single-use plastic and polystyrene products in Santa Fe County; urging the U.S. Congress to enact Senate Bill 984; and urging the New Mexico Legislature to enact a statewide ban on single-use plastic and polystyrene products.

Joseph Eigner, Gary Stoller, Sarah Pierpont, Kim Kelley and Karen Sweeney applied to be members of the county's working group and were appointed by the County Manager, Greg Shaffer. Sarah Pierpont was elected as Chair. Karen Sweeney was elected as Co-Chair.

The first meeting of the Single Use Plastic and Polystyrene (SUPP) working group was held on September 20, 2022. The group met monthly and bi-monthly throughout the end of 2022 through August 28, 2023 to discuss research, tasks assigned by the Chair, Sarah Pierpont, and possible implementation of the county resolution. Ordinances and best practices from other locales in New Mexico as well as other states were considered. Areas of research included:

Current impacts of single-use plastic and polystyrene products on County landfills and recycling centers

- Fiscal impact to County government operations and to local businesses of an educational program and any proposed ban
- Effective applicable laws in other states and New Mexico cities
- Proposals and cost estimates to develop and deploy an educational campaign in both English and Spanish to the community, County businesses, and residents who would be affected by a single-use plastic and polystyrene product ban ordinance
- Analysis of potential incentive program to incentivize businesses to sell reusable and paper bags and develop and use ecofriendly packaging
- County's existing ordinances
- Enforcement and mechanisms including fines and penalties
- Identification of eco-friendly and/or plant based alternatives to SSP and polystyrene

Based upon research and potential impacts to the County, the working group recommends the County pass an ordinance banning single-use plastic bags at the point of sale from retail establishments, including restaurants.

Additional details of the ordinance include:

- Recycled-content paper bags available for a \$.10 fee at the point of sale
- Utensils such as take out packets of condiments, plastic forks, straws, etc. only available upon request (Retail establishments are exempt from this requirement when providing drinks to persons with disabilities who need straws.)
- Ban on expanded polystyrene (EPS) food containers for take-out or in-person dining.
- Ban on intentional helium balloon releases
- Enforcement/Education – First warning letter, fines, managed by County's code office, Sustainability department will do related education and outreach

WORKING GROUP BACKGROUND

As members of Eldorado/285 Recycles (E/285R), Joseph Eigner, Gary Stoller and Karen Sweeney were aware of the group’s concerns about the proliferation of single use plastic. Approximately two years ago, E/285R circulated a petition at various local events, asking citizens if they support reduction of single use plastic. Response was overwhelmingly “yes”. (How many signatures?) Commissioners were urged to act.

In Spring 2021, Gary Stoller, Sarah Pierpont, Executive Director of the New Mexico Recycling Coalition, and Karen Sweeney, audited a Beyond Plastics course offered by Judith Enck from Bennington College. Enck was a regional EPA administrator during the Obama administration.

Since that class, Gary Stoller and Karen Sweeney along with other members of E/285R — Sue Garfitt, Stephanie Levy and Nancy Ostiguy — formed Beyond Plastics Santa Fe, part of a national network of local groups working toward reduction of plastic.

Gary Stoller, Karen Sweeney and Joseph Eigner applied for the working group placement, submitting resumes and a letter of interest to the Sustainability Division. Membership was also solicited from the Restaurant Association and potentially affected business owners throughout the County. A press release announcing the working group was released in the Spring of 2022 and announcements were made on the County’s social media platform. The aforementioned five members were the final applicants and though one applicant showed interest, his application was withdrawn due to concerns that the working group’s tasks seemed biased for an ordinance that required a plastic and polystyrene ban.

RESOLUTION 2022-031 TASKS

How Does Single Use Plastic Affect Santa Fe County?

Single use plastic bags and polystyrene containers are some of the top contaminants nationwide in recycling programs¹ [\(The Recycling Partnership — need link, source The 2017 Costs of Contamination-MRF Working Group Survey_01.pdf \(recyclingpartnership.org \(Styrofoam would be refuse\)](#)

[West-Coast-Contamination-Initiative-Report-6.22.20.pdf \(recyclingpartnership.org\)](#)

they Single use plastic bags get caught in equipment and pose hazards to employees. Town Recycling, a private recycling business with operations in both Santa Fe and Albuquerque, manages the processing for Santa Fe County at the Buckman Road Recycling and Transfer Station. They also operate a private recycling center in the City of Albuquerque. The CEO of Town Recycling noted to SUPP committee members that the material that they sell to market in Santa Fe (with a single use plastic bag ban in effect) is noticeably cleaner and easier to market than their material coming out of the City of Albuquerque, that does not have a single use plastic bag ban.

¹[The-2017-Costs-of-Contamination-MRF-Working-Group-Survey_01.pdf \(recyclingpartnership.org\)](#)

[West-Coast-Contamination-Initiative-Report-6.22.20.pdf \(recyclingpartnership.org\)](#)

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Each year in Santa Fe County (not including the City of Santa Fe) an estimated amount of the following is used² (Source?):

- 20 million single use plastic bags
- 12,750 expanded polystyrene foam take-out food containers
- 36,500 plastic drinking straws

Contamination Costs to Recycling Programs

[We can use this instead The-2017-Costs-of-Contamination-MRF-Working-Group-Survey_01.pdf \(recyclingpartnership.org\)](#)

~~[The 2017 Costs of Contamination MRF Working Group Survey - The Recycling Partnership](#)~~

~~[Read Our Recycling Today Article on Material Quality - The Recycling Partnership](#)~~

Single-Use Plastic bags cost Santa Fe County (not including City of Santa Fe) approximately \$400,000 per year in recycling contamination/residual. This is based on discussions with BARCo materials recovery facility in Albuquerque and their related downtime and lost production for single use plastic bags in their stream extrapolated to population for Santa Fe County. (Where is this documented for sourcing?)

Food debris covered take-out food containers costs Santa Fe County approximately \$67,000 per year in contamination/residual (Source?)

Fiscal Impact to County Operations and Cost Estimates for Development and Deployment of an Educational Campaign

Based on research from other communities, (communities sourced list) that ban single use plastics, the committee estimates that the cost to the county for the recommended ordinance will be .50 FTE, with .25 FTE within the code enforcement department and .25 FTE within the sustainability department. The initial education program to launch the campaign is estimated to be \$40,000. This will cover production of signage and materials in English and Spanish to be posted at the point of sale, reusable shopping bags to be given to the community during launch events, advertisements, and press events. The chart below (Table...) shows a general budget breakdown for this campaign and includes free press that the committee believes the County can garner. The Committee envisions that the County SustainabilityDepartment will manage the education and outreach efforts and related budget.

² www.recyclingpartnership.org The 2017 Costs of Contamination MRF Working Group Survey - The Recycling Partnership

~~[Read Our Recycling Today Article on Material Quality - The Recycling Partnership](#)~~

Item	Qty	Launch Education & Outreach Cost	Internal County Cost	Total	Notes
Recycled post-consumer reusable shopping bags with messaging	9000	\$ 2.20		\$ 19,800.00	The committee recommends high quality, reusable bags made from post-consumer plastic
Special launch event	1			\$ 5,000.00	This could include subcontracting with local artists to make reusable bags out of upcycled materials, or hosting an upcycled bag-making workshop, etc
Radio ads (KBAC and KSEF)	:30 spots over a 6 week period			\$ 6,700.00	Qty will vary and depend on partnerships or sponsorships or existing buys btwn the County and radio
Print ads (New Mexican & Reporter)	6 weeks of ads			\$ 7,500.00	Qty will vary and depend on partnerships or sponsorships or existing buys btwn the County and radio
Full Color Printed Sticker/Labels Explaining new Ordinance at Retail Points of Sale (Spanish/English)	875	\$ 1.00		\$ 875.00	
Full color half page flyer in Spanish/English for Retail Point of Sale	500	\$ 0.25		\$ 125.00	
Graphic Design for Flyers			\$ 2,000.00		40 hours County staff time at estimate of \$50/hour
Free Press (press release/news story in local papers)			\$ 250.00		5 hours of County staff time at estimate of \$50/hour
Outreach to residents via existing channels, e.g. Sustainability Newsletter			\$ 250.00		5 hours of County staff time at estimate of \$50/hour
			TOTAL	\$ 40,000.00	

A recommended \$.10 fee at the point of sale is meant to serve as an incentive to encourage County residents to bring reusable bags in order to save at check-out.

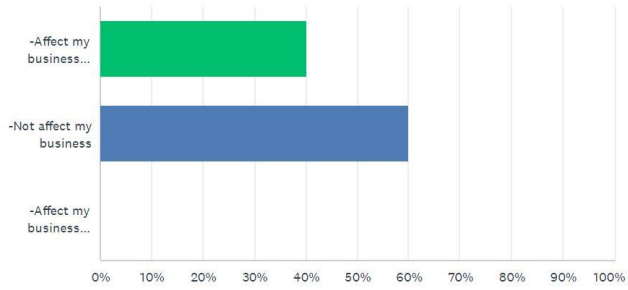
The SUPP Committee estimates that Santa Fe County will receive approximately \$10,000 per year from the \$.10 fee for paper bags at the point of sale. This estimate is based on the fact that the City of Santa Fe has approximately 15 times more retail sales establishments that offer single-use plastic bags at the point of sale (not including gas stations). The City of Santa Fe reports earning approximately \$100,000 per year from its \$.10 fee at the point of sale for a paper bag. The City of Santa Fe receives 90% of the \$.10 fee from retailers, like the funding division in the ordinance proposed by the SUPP. The Committee recommends that this fee is given to the County Sustainability Division to be used for annual education and outreach to reduce single use plastics, this could include purchasing of reusable bags, special events, collateral materials, advertisements, etc.

County Businesses Outreach

The working group received a list of all commercial businesses in the County from County staff. The list consisted of 89 businesses within Santa Fe County (Source). Upon further culling the list to confirm validity and email contact access, a survey was sent to 47 of these businesses via email (with email addresses on file) on April 15, 2023 to learn more about how single use plastic bans could impact County businesses. The working group received 5 responses. All respondents noted that single use plastic bans would either not affect their business or would affect their business positively. (What about door-to-door and phone calls?)

Q7 A ban on single use plastic bags would

Answered: 5 Skipped: 0



ANSWER CHOICES	RESPONSES
-Affect my business positively	40.00% 2
-Not affect my business	60.00% 3
-Affect my business negatively	0.00% 0

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County Residents Outreach

The group created a QR code survey for residents as part of the County's earth day activities and went out in the monthly Sustainability Newsletter that goes out to 4,400 residents and was made available for participants in the County's Earth Day Event 2023. Six responses were received, all in favor of banning single use plastics in the County.



Effective Applicable Laws in Other States and New Mexico Cities

Bernalillo County passed a ban on single use plastic bags and polystyrene containers in June of 2019, which went into effect January 1, 2020. [\(Source\)](#) Enforcement of the ban was paused due to the COVID pandemic until July of 2021. Highlights from Bernalillo County's article are below and the County's educational FAQs can be found at [Plastic and Polystyrene Ban FAQs - Planning & Development Services \(bernco.gov\)](#). SUPP Committee staff reached out to Bernalillo County to discuss lessons learned from their ordinance and ask about enforcement. County staff noted that enforcement has been relatively easy with retail establishments that are in compliance reporting other retail establishments that are not in compliance. The County Code enforcement has made phone calls, but not had to issue any penalties to date related to the ban.

The Bernalillo County article defines a single-use plastic carryout bag as a plastic bag provided at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the establishment. A single-use polystyrene container, for purposes of this ordinance, is defined as a disposable food service container designed for one time use and made from polystyrene foam. A disposable food service container includes service ware for take-out foods, packaged meat, bakery products, and leftovers from partially consumed meals prepared by food vendors.

Retail establishments may charge a fee of up to \$0.05 per approved bag or container issued to customers pursuant to this article.

Any owner of a retail establishment found in violation of any provision of this article is subject to the following penalties:

- A formal warning for the first offense;
- A civil fine of \$100.00 for the second offense;
- A civil fine of \$250.00 for third offense and subsequent offenses.

Each calendar day during which the civil violation occurs shall constitute a separate and distinct offense.

Any county employee authorized to enforce codes and ordinances shall be empowered to enforce this article, unless otherwise directed by the board of county commissioners.

Any person who is found in violation of this article may request a hearing be scheduled by a county hearing officer. The request shall be made in writing to the county business license clerk within 15 business days of the formal violation. The hearing shall be held within 20 working days (excluding weekends and holidays) of receipt of the request unless the hearing is continued with the agreement of the parties. The county hearing officer shall determine whether a violation of this article occurred. The hearing officer shall mail a written notice of decision to the owner within five working days of the hearing. If the hearing officer determines a violation of this article did occur, the hearing officer shall impose the fine as prescribed. If the hearing officer determines a violation did not occur, the imposition of a fine will be removed and no fine will be imposed.

Failure to pay a fine imposed by this article may prevent the issuance of a business license or business license renewal.

This article requires an impact study and report after two years. The report shall, at a minimum and as well as can be reasonably determined, determine the number of prohibited single-use plastic carryout bags and single-use polystyrene containers diverted from the public waste stream by this article, the number of bags and containers sold or distributed at the point of sale, and the percentage of customers using reusable bags on a regular basis. The committee shall also make recommendations for changes to this act.

No less than 60 days prior to the effective date of the ordinance from which this article is derived, the board of county commissioners shall initiate a public education campaign about the new regulations, encouraging the use of reusable or sustainable options and the recycling of permitted single-use items.

The City of Santa Fe presented to the group on their successes and challenge discovery involving the City's Single Use Plastic Bag ban ordinance passed (date).

Relevant highlights of the presentation included:

- Town Recycling reports that they have not experienced the problem with plastic bag contamination in the City of Santa Fe, since the single use plastic ban ordinance, compared to their operations in Albuquerque.

- Enforcement efforts have been fairly infrequent and businesses will report on other businesses who are not in compliance with the bag ban.

Las Cruces

Albuquerque

Vermont

Upon researching success in other states, the group found that ~~two years~~ after the passage of [Connecticut's 2019](#) [California's](#) ban on single-use plastic bags, [plastic bag usage was reduced by over 78% of residents were using their own reusable bags for shopping.](#) [\(source\)](#)

Potential Incentive Program Analysis (Develop New Market)

Retail establishments are encouraged to sell reusable shopping bags and food service items to customers. This is an additional point of revenue for the retail establishments to help offset any additional costs related to their reduced use in single use plastic products and to help encourage reuse.

The County is encouraged to capitalize on its government purchasing power and consider [issuing letting out](#) an RFP for local artists to create locally produced, upcycled, reusable bags as part of the launch budget.

Proposed Recommendations for a Standalone Draft SUPP Ordinance

Based upon the County's Sustainable Land Development Code's lack of regulation or codes addressing single use plastic and polystyrene and associated research findings, a standalone ordinance amendment is recommended. Continued usage of single use plastic and polystyrene has been shown to lead to increased public, as well as environmental health concerns [\(source\)](#). According to findings [\(source\)](#) the potential for positive impacts to the community outweigh the arguments against a ban. [\(source\)](#) Additionally, the need for the County to align with the Paris Agreement net zero emissions goal by 2050, [Resolution 2017-68](#) [\(Resolution\)](#) and the County's commitment to the global 30x30 initiative to conserve and protect 30% of all land and water by 2030, [Resolution 2020-93](#), support the creation of such an ordinance. Therefore, the SUPP working group proposes a standalone ordinance to reduce single use plastic usage through the following measures:

- 1) A ban on single-use plastic bags at the point of sale from retail establishments, including restaurants.
- 2) Recycled-content paper bags available for a \$.10 fee at the point of sale
- 3) The \$.10 fee to be divided \$.09 to the County and \$.01 remaining with the retailer so it is the same funding model as the City of Santa Fe's ordinance (Anyone receiving food assistance is exempt from paying this fee at Point of Sale)
- 4) Utensils such as take out packets of condiments, plastic forks, straws, etc., only available upon request (Retail establishments are exempt from this requirement when providing drinks to persons with disabilities who need straws.)
- 5) Ban on expanded polystyrene (EPS) food containers for take-out or in-person dining.
- 6) Ban on intentional helium balloon releases
- 7) Enforcement/Education – First warning letter, fines, managed by County's code office, Sustainability department will do related education and outreach

Eco-friendly Alternatives

New York City recently passed “Skip the Stuff.” Many customers do not want or need cutlery to go with their take-out meals. Reducing the extra plastic by requiring that customers ask before cutlery is handed out reduces the costs to the retailer as well.

Substituting reusable or compostable containers and implements for the plastic option is challenging. Unfortunately, the potential for composting of some products is marginal. Many compostable materials are compostable only in a commercial composting facility, [to](#) which few communities have access ~~to~~. When plant based plastics are landfilled they break down similarly to plastic - smaller and smaller pieces. If they are termed “recyclable”, they can contaminate plastic recycling.

The SUPP working group recommends alternatives fabricated from natural materials, such as paper, metal and wood products. These types of reusables, where possible show a fairly quick investment return. Although the upfront costs are higher, the payback period for switching to durable goods can be as short as a few months, and over the [product's](#) lifetime, ~~s~~ reusables use less energy and water than single-use containers, even after dishwashing; the amount of trash going to landfills is greatly reduced over time.

The pay-back period for switching to reusables comparison scenarios:

- a disposable 12 oz hot cup distributed with a plastic lid may cost a vendor 10 cents.
- A white stoneware mug of the same size can be purchased for \$1.70.
- A cafe that uses as few as 10 cups per hour will more than recoup the expense in 17 uses.
- After 17 uses, every use of the cup represents a 10 cent savings.

According to a 2021 analysis by Upstream, reusable cups break even at between 2 and 122 uses, plates at 3 to 50 uses, and utensils as rapidly as twice. [?\(31\)](#)

- Presenting food on reusable dishware increases customer satisfaction and builds brand loyalty. [\(Source?\)](#)

To reduce the financial investment for businesses to transition to reusable service ware, there is good news. Plastic Free Restaurants, an organization that supports the reduction of single use plastic in the restaurant industry, pays restaurants and schools to eliminate petroleum-based single-use plastic by subsidizing the purchase of reusable replacements. The organization is a donor-funded non-profit and can be reached at contact@plasticfreerestaurants.org

Recycling Take Out items

Most towns and cities in the United States are capable of processing only items with plastic resin codes #1 and #2 with necks, so jugs, bottles. Many of #s 1, 2, and 5 items, such as plastic clamshells, are not recyclable.

Likewise, bio-compostable plastics can be difficult to process even under industrial conditions. Only 29% of full-scale food waste composting facilities in the United States are willing to accept them. [\(source\)](#)

Enforcement

Following the language of the SLDC, the SUPP working group proposes similar regulations and penalties be outlined for the addition of the ordinance.

If Code Enforcement confirms that a violation has occurred the Code Enforcement Officer may issue a Notice of Violation to the offending party that indicates the nature of the violation and that the violation must cease immediately. If the offending party agrees to remedy the violation, then the offending party will have fifteen (15) working days to come into compliance. If the offending party refuses to remedy the violation, the Code Enforcement Officer may issue a final Notice of Violation and file a criminal complaint in Court seeking penalties as outlined below. (SLDC)

- (a) Any owner of a retail establishment found in violation of any provision of this ordinance is subject to the following penalties:
 - (1) A formal warning for the first offense;
 - (2) A civil fine of \$100.00 for the second offense;
 - (3) A civil fine of \$250.00 for third offense and subsequent offenses.
- (b) Each calendar day during which the civil violation occurs shall constitute a separate and distinct offense.
- (c) Any county employee authorized to enforce codes and ordinances shall be empowered to enforce this ordinance, unless otherwise directed by the board of county commissioners.
- (d) Any person who is found in violation of this ordinance may request a hearing be scheduled by a county hearing officer. The request shall be made in writing to the county business license clerk within 15 business days of the formal violation. The hearing shall be held within 20 working days (excluding weekends and holidays) of receipt of the request unless the hearing is continued with the agreement of the parties. The county hearing officer shall determine whether a violation of this ordinance occurred. A hearing officer shall mail a written notice of decision to the owner within five working days of the hearing. If the hearing officer determines a violation of this ordinance did occur, the hearing officer shall impose the fine as prescribed. If the hearing officer determines a violation did not occur, the imposition of a fine will be removed and no fine will be imposed.
- (e) Failure to pay a fine imposed by this ordinance may prevent the issuance of a business license or business license renewal from Santa Fe County
- (f) The Board of County Commissioners may promulgate rules and regulations for the enforcement subsection of this ordinance as needed adhere to requirements outlined in this ordinance.

Educational Programming

[How to Address the Intention-Action Gap in Recycling \(recyclingpartnership.org\)](https://recyclingpartnership.org)

[BLOG: What Helps People Better Understand Recycling Instructions? - The Recycling Partnership](#)

Proposed Next Steps

Santa Fe County Single Use Plastic and Polystyrene (SUPP) Impact Study Report 2023
SUPP Working Group

Conclusion

References

Appendices

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