

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

RESOLUTION NO. 2022 - 031

Introduced by:
Commissioner Anna Hansen and Commissioner Hank Hughes

A RESOLUTION

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, SHOULD THE U.S. CONGRESS FAIL TO ACT, URGING THE NEW MEXICO LEGISLATURE TO ENACT A STATEWIDE BAN ON SINGLE-USE PLASTIC AND POLYSTYRENE PRODUCTS

WHEREAS, experts say that by 2050 the world's oceans will contain more plastic waste than fish as global plastic production will triple, accounting for 20% of global oil consumption and emissions as plastic production will reach 1.3 billion tons by 2030, equal to 300 coal-fired power plants; and

WHEREAS, in the United States alone, 50 billion single-use plastic bottles are used each year and over 500 million plastic straws are thrown away each day; and

WHEREAS, thousands of single-use plastic bags, expanded polystyrene containers, straws, plastic stirrers, plastic splash sticks, PPE masks and gloves and other single-use plastic and polystyrene products contribute to public litter and to the deteriorating health of our ecosystem; and

WHEREAS, plastic bags and films, when improperly placed into mixed recycling systems can contaminate a load while, causing damage to sorting machinery, wrapping around equipment and resulting in costly repairs and down time for material recovery facilities throughout the country; and

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WHEREAS, a 2018 study by Clean Water Action found that the difference in cost between the most common, single-use expanded polystyrene and alternative packaging was just \$0.01 (1 cent) more per unit; and

WHEREAS, the purposeful release of plastic balloons creates litter, plastic pollution, and is harmful to wildlife; and

WHEREAS, a plastic bag has an average 12-minute lifespan from when it's initially filled with groceries at the grocery store to when it is discarded; and

WHEREAS, it is estimated that those same plastic bags may persist in the environment for hundreds of years while they photodegrade, breaking down into micro-plastics that have been shown to damage wildlife and human reproductive health; and

WHEREAS, these bags eventually make their way into our oceans, adding to the 8 million metric tons of plastic entering the ocean every year; and

WHEREAS, plastic packaging is another serious contributor to single-use plastic and new products and packaging materials are designed and rapidly introduced into the consumer market with little or no regard to recyclability within current systems, leaving consumers confused and limited in their choices. Manufacturers and retailers must be held accountable throughout the lifecycle of their products, from design to end-of-life, ensuring less toxic contents and recyclability; and eliminating wasteful single-use plastic packaging materials; and

WHEREAS, efforts have been made on the federal level to phase out unnecessary single-use plastic products, hold manufacturers and retailers accountable for wasteful products, reduce wasteful packaging, and reform the nation's broken waste and recycling collection system through the introduction of bills in the United States House of Representatives and Senate in 2020 and 2021 respectively; and

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WHEREAS, New Mexico’s own former US Senator Tom Udall (D-NM) and former US Representative Deb Haaland (D-NM), who is now the Secretary of the Interior, cosponsored House Resolution (H.R.) 5845, titled “Break Free From Plastic Pollution Act of 2020”, which was introduced in 2020 during the 116th Congress by Senator Jeff Merkley (OR) and US Representative Alan Lowenthal (Calif.); and

WHEREAS, Senator Jeff Merkley (D-OR) introduced an identical bill to the 117th Congress on March 25, 2021, Senate Bill 984 titled “Break Free from Plastic Pollution Act of 2021.” This bill received support from twelve (12) U.S. Senators and is currently assigned to the Senate Finance Committee; and

WHEREAS, the United States has thus far taken a piecemeal approach and left it up to individual states and, more commonly, local government (cities and counties) to impose their own regulations but these, and other introduced legislation, include elements to standardize recycling and hold manufacturers and retailers accountable for product design and end-of-life; and

WHEREAS, currently, only nine states (California, Connecticut, Delaware, Hawaii, Maine, New Jersey, New York, Oregon, and Vermont) have statewide plastic bag bans and three-hundred forty-nine (349) cities and counties have, in some way, banned or taxed plastic use, citing such factors as the environmental impact of the bags on sewer systems and landfills; and

WHEREAS, within the state of New Mexico, three communities have instituted a ban on plastic bags – the cities of Santa Fe, and Silver City, and Bernalillo County; and

WHEREAS, as each of the cities and the county listed above completed community impact studies before implementing their respective ordinances banning single-use plastic bags, Santa Fe County staff should make use of the findings of each of these studies and incorporate this data into its own analysis.

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NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners (Board) of Santa Fe County (County) hereby:

1. Directs the County Manager to establish a working group consisting of county staff and community partners and organizations (e.g., New Mexico Recycling Coalition, Santa Fe Green Chamber of Commerce, Sierra Club, Restaurant Association, Grocers Association, etc.) to develop consensus on an educational effort to encourage County residents to reduce their use of single-use plastic products and, if deemed appropriate, to develop the details of any proposed ordinance, and to perform analysis and make recommendations as set forth in Paragraph 2. The County Manager shall determine the number and composition of the working group, the business and meetings of which shall be open and noticed to the public and conducted in accordance with Resolution No. 2020-99 (or the 2021 Open Meetings Act resolution, as applicable) and Resolution No. 2009-2.
2. The working group shall prepare an impact analysis report and recommendations for presentation to the Board within a year. The impact analysis and recommendations shall include:
 - a. The current impacts of single-use plastic and polystyrene on the County's landfills and recycling centers, as well as the holistic impact to our community;
 - b. The total number of businesses in the County that would be affected by any proposed ban and the extent of the affect;
 - c. The fiscal impact to County government operations and to businesses of an educational program and any proposed ban;
 - d. Research findings on the processes that the cities of Santa Fe, Albuquerque, and Silver City and County of Bernalillo followed when they enacted their respective plastic bag ban ordinances;
 - e. 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;

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- f. An analysis of potential incentive programs for businesses and residents, including programs to incentivize businesses to sell re-usable and paper bags and to develop and use eco-friendly packaging in place of single-use plastic and polystyrene products;
- g. A recommendation as to whether a single-use plastic and/or polystyrene product ban should be incorporated into an existing County ordinance or be enacted via a stand-alone ordinance;
- h. Recommendations on (i) which County department / staff should enforce any enacted ban and (ii) enforcement mechanisms for any enacted ban, including fines and other penalties;
- i. The identification of ecofriendly and plant-based alternatives to single-use plastic ware and bags and polystyrene products; and
- j. An analysis and recommendations concerning each of the following potential policy proposals:
 - i. Implementing an educational program as the first and perhaps only activity to reduce the use of plastic products.
 - ii. Prohibiting retail sales establishments and food service establishments within the County from providing single-use carryout bags to customers (as well as potential exemptions as noted below);
 - iii. Prohibiting food service establishments from providing single-use plastic service ware, including straws, cups, and plastic stirrers to customers (as well as potential exemptions as noted below);
 - iv. Prohibiting the sale or use of expanded polystyrene food services products (i.e., containers and cups);
 - v. Prohibiting the release outdoors of any balloon filled with helium or a gas lighter than air; and
 - vi. Potential exemptions, particularly for the sale of paper bags for low-income communities and those who are purchasing food and other items with SNAP, EBT, WIC, TANF, etc., as well as any

exemptions necessary to comply with the Americans with Disabilities Act.

BE IT FURTHER RESOLVED that the Board hereby urges the U.S. Congress to pass Senate Bill 984 and, should the U.S. Congress fail to act, urges the New Mexico Legislature to adopt during the 2023 Regular Legislative Session a bill banning single-use plastic and polystyrene products within the state of New Mexico, to include an Extended Producer Responsibility (EPR) law for packaging that will hold producers and manufacturers responsible for the design life cycle of their products.

BE IT FURTHER RESOLVED that the County Manager is directed to forward this Resolution to the County's Federal Delegation, U.S. Senators Martin Heinrich and Ben Ray Lujan and Congressional Representative Teresa Leger Fernandez, Governor Michelle Lujan Grisham, the leadership of the New Mexico Senate and House, Senators and Representatives in the New Mexico Legislature representing Santa Fe County, and New Mexico Counties' Board of Directors and Executive Director.

PASSED, APPROVED, AND ADOPTED ON THIS 10th DAY OF MAY, 2022.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: Anna T. Hamilton
Anna T. Hamilton, Chair

ATTEST:

Katharine E. Clark
Katharine E. Clark
Santa Fe County Clerk

Date: 5/10/22



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APPROVED AS TO FORM:

Rachel Brown

Rachel Brown
Interim Santa Fe County Attorney

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

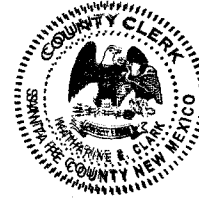
BCC RESOLUTIONS
PAGES: 7

I Hereby Certify That This Instrument Was Filed for
Record On The 11TH Day Of May, 2022 at 11:14:19 AM
And Was Duly Recorded as Instrument # **1988247**
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office

Katharine E. Clark

Deputy *Destiny Romero* County Clerk, Santa Fe, NM



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