



# Programs & Services Committee Agenda

## City of Newton In City Council

Wednesday, February 6, 2019

7:00PM  
Room 211

### Item Scheduled for Discussion:

- #56-19      Reappointment of Amy Sangiolo to the Urban Tree Commission**  
HER HONOR THE MAYOR reappointing AMY SANGIOLO, 389 Central Street, Auburndale, as a member of the URBAN TREE COMMISSION for a term to expire December 31, 2020. (60 days: 4/5/19)
- #57-19      Reappointment of Julia Malakie to the Urban Tree Commission**  
HER HONOR THE MAYOR reappointing JULIA MALAKIE, 50 Murray Road, West Newton, as a member of the URBAN TREE COMMISSION for a term to expire February 5, 2020. (60 days: 4/5/19)
- #58-19      Reappointment of Elizabeth Wilkinson to the Urban Tree Commission**  
HER HONOR THE MAYOR reappointing ELIZABETH WILKINSON, 14 Trowbridge Street, Newton Centre, as a member of the URBAN TREE COMMISSION for a term to expire May 1, 2020. (60 days: 4/5/19)

**Chair's Note:** The Charter Subcommittee will provide a report of their recommendations to the Committee.

### Referred to Programs & Services and Finance Committees

- #455-18      Ordinance amendments to the Plastic Bag Reduction Ordinance**  
COUNCILORS LEARY, NORTON, AUCHINCLOSS, BROUSAL GLASER, DANBERG, KALIS, MARKIEWICZ proposing ordinance amendments to Chapter 12, Section 71 by revising the definition of "reusable bag", revising the definition for retailers to include establishments of less than 3,500 sq. ft., and adding a 10-cent fee for paper bags provided by the retailer.

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The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the City of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov) or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

**#79-18**

**Amendments to the plastic bag ordinance**

COUNCILORS LEARY, NORTON, AUCHINCLOSS, BROUSAL GLASER, DANBERG, KALIS, MARKIEWICZ, proposing amendments to **Chapter 12, Section 71. Plastic Bag Reduction Ordinance** to add a 10-cent fee for paper bags provided at point of sale, eliminate the small business exemption for retail space under 3,500 square feet, and update the definition of “reusable bag”.

Clerk’s Note: *This item is redundant and is recommended for a No Action Necessary vote by Committee.*

Respectfully Submitted,

John B. Rice, Chair



Ruthanne Fuller  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

#56-19

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Honorable City Council  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

January 18, 2019

DAVID A. OLSON, OMB  
NEWTON, MA 02459

2019 JAN 25 AM 9:02

RECEIVED  
Newton City Clerk

To the Honorable City Councilors:

I am pleased to reappoint Amy Sangiolo of 389 Central Street, Auburndale as a member of the Urban Tree Commission. Her term of office shall expire on December 31, 2020 and her appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller  
Mayor

**Amy Mah Sangiolo**

389 Central Street, Auburndale, MA 02466

**Summary of Qualifications**

20+ years of legal, public policy, legislative, community outreach, and advocacy experience  
Attorney, admitted to practice in New York and the District of Columbia

**Public Policy/Legislative/Advocacy Experience**

**City of Newton, Massachusetts** January 1998 - December 2017  
**Ward 4 Councilor-at-Large**  
**Chair, Programs and Services Committee**  
**Vice President, Board of Aldermen**

Sponsored and drafted municipal ordinances and regulations related to zoning, housing, and land use policies; worked with City staff to design, review, and implement municipal policies, programs, services and budgets; collaborated with state legislators and local agencies regarding environmental, housing and transportation issues; presented oral and written reports to the Council, the Mayor and the public, developed a city-wide newsletter and performed significant community outreach, advocacy, and constituent services.

**National Wildlife Federation, Washington, DC** July 1993 – December 1993  
**Resource Conservation Intern**  
Provided lobbying assistance on environmental matters including the passage of the National Flood Insurance Reform Act, protection of coastal resources, and reform of the Clean Water Act.

**Legal Experience**

**Legal Consultant** August 2006 - Present  
Provide support and services to clients on municipal land use, zoning, historic, and conservation matters.

**Hire Counsel, New York, NY** May 2016 - July 2016  
**Contract Attorney**  
Provided litigation support for consumer fraud cases.

**Lexolution, New York, NY** August 2012 – February 2015  
**Contract Attorney** July 2015  
Provided litigation support for product liability and healthcare (fraud, anti-kickback, and STARK) compliance cases

**The American Occupational Therapy Association, Inc., Bethesda, MD** January 1995 – December 1995  
**Staff Attorney /Legal Consultant**  
Drafted, negotiated, and prepared independent contractor agreements and new building purchase.

**Debevoise & Plimpton, New York, NY**

December 1987 - April 1988

**Corporate Legal Assistant**

Assisted counsel in the Mergers and Acquisitions Department with various bond and securities offerings.

**Milbank, Tweed, Hadley & McCloy, New York, NY**

July 1986 - July 1987; May 1988 – August 1988

**Corporate/Banking Legal Assistant**

Managed Municipal Investment Trust closings for multi-national bank and conducted research on Capital Markets, Securitization, and Mergers and Acquisitions. Assisted Corporate Counsel with leveraged lease finance closings, SEC filings, and national and international loan transactions.

**Professional Affiliations**

- New York State Bar Association
- The Bar Association of the District of Columbia
- The American Bar Association
- Screen Actors Guild

**Awards**

2011 Recipient, Asian American Lawyers Association of Massachusetts Community Service Award

**Community**

- Founder and Trustee, Charles River Neighborhood Foundation
- Founder and President, Asian American Democrats of Massachusetts, Inc.
- Volunteer Judge, National Appellate Advocacy Competition, American Bar Association, Law Student Division
- Board Trustee, Harry H. Dow Memorial Legal Assistance Fund
- Member, Asian Pacific American Agenda Coalition
- Executive Committee Member, Greater Boston Chinese Cultural Association
- Board Member, John M. Barry Newton Boys and Girls Club
- Former Community Advisory Board Member, WGBH
- Former Community Advisory Board Member, Institute of Asian American Studies at UMASS Boston

**Education**

**National Law Center, George Washington University, Washington, DC**

1993-1994

Completed coursework towards an LL.M. degree in Environmental Law.

**Rutgers Law School, Newark, NJ**

J.D., June 1991

Student Advocate, Academic Standing Committee

Tutor, Minority Students Tutorial Program

President, Asian Pacific American Law Students Association

Member, Rutgers Environmental Law Clinic

**Barnard College, Columbia University, New York, NY**

B.A., May 1986

Major: Political Science

Minor: Economics

Thesis: The Effect of Multinational Corporations on Third World Nations

**Juilliard School of Music Pre-College Division, New York, NY**

1979-1982



Ruthanne Fuller  
Mayor

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Office of the Mayor

#57-19

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January 18, 2019

Honorable City Council  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

RECEIVED  
NEWTON CITY CLERK  
2019 JAN 25 AM 9:02  
DAVID A. OLSON, CLERK  
NEWTON, MA 02459

To the Honorable City Councilors:

I am pleased to reappoint Julia Malakie of 50 Murray Road, West Newton as a member of the Urban Tree Commission. Her term of office shall expire on February 5, 2022 and her appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller  
Mayor

# Julia Malakie

50 Murray Road, Newton, MA 02465

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## Community Activities

- Member of City of Newton Urban Tree Commission since 2003
- Founding director & current president, Newton Tree Conservancy
- Organized Community Tree Plantings of over 1,000 trees since 2009
- Newton Citizen Pruner since helping start program in 2005
- Started Newton Tree Conservancy seedling nursery at Community Garden, 2016
- Volunteer, MDAR Wasp Watchers biosurveillance for Emerald Ash Borer
- Member, Newton Conservators, & participant in invasive weed pulls
- Volunteer for NewtonServes, Tour de Newton, Rumford Ave Swap Day
- Blogger at Village14, [NewtonForum.org](http://NewtonForum.org) and [juliamalakie.org](http://juliamalakie.org)
- Board member, Newton Villages Alliance, Newton's community preservation organization
- Moderator, NVA Speaker Series 40B forum
- Panelist, Neighbors for Better Newtonville and [NewtonForum.org](http://NewtonForum.org) 2017 mayoral debates
- Candidate for City Council, 2015 (4,426 votes) and 2017 ( 7,502 votes)

## Education

**S. I. Newhouse School of Public Communication, Syracuse University**  
Coursework for Master of Science in Photojournalism, 1987-1988

**Graduate School of Business Administration, University of Chicago**  
M.B.A. degree with concentrations in finance and accounting, 1979

**Massachusetts Institute of Technology**  
B.S. in Economics, 1977

**Newton High School**  
Class of 1973

## Work History

**Lowell Sun**  
Photojournalist covering local news, features, politics, schools and sports in Lowell, and surrounding Merrimack Valley and southern New Hampshire towns since 1989, for print publications and [lowellsun.com](http://lowellsun.com). Multiple awards, New England Press Association and NEAPNEA.

### Associated Press/freelance

Photo stringer in Boston bureau, covering local, regional and national stories. Freelance photography for businesses and non-profits, 1988-2006.

### General Motors Corporation, Detroit, Michigan

Corporate financial analyst on Comptroller's and Treasurer's Staffs, including product cost analysis, overseas budgets, corporate contributions & memberships, and Annual Meeting preparation, 1979-1985.



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Mayor

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Newton City Clerk  
2019 JAN 25 AM 9:02  
David A. Olson, Clerk  
Newton, MA 02459

To the Honorable City Councilors:

I am pleased to reappoint Elizabeth Wilkinson of 14 Trowbridge Street, Newton Centre as a member of the Urban Tree Commission. Her term of office shall expire on May 1, 2020 and her appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller  
Mayor



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## **Objective**

To be reappointed as member of Newton's Urban Tree Commission with the primary goals of supporting the Director of Urban Forestry in his work to cut the loss of 650 street trees each year, to maintain the health of our current inventory, and to help educate Newton's residents about the importance of trees in our city

## **Summary of Relevant Qualifications**

- Six years on the Urban Tree Commission
- Education and experience in area of Field Botany
- Knowledge of city through leadership positions in a variety of organizations, including PTO Council Co-president (1998-2000), Trustee of Newton Free Library (2005-2010), and conservation-related nonprofit organizations listed below

## **Related Experience**

- Newton Conservators. President since May 2014, editor of quarterly newsletter from 2011 through March 2017, and member of board of directors (2011-Present).  
My duties as president include representing the Conservators at meeting with city conservation and Parks and Rec departments, planning and running board meetings, overseeing advocacy for and maintenance of open space in Newton, and—this summer—overseeing two high-school interns.
- Newton Wild Flower Society. Plant Conservation Volunteer and volunteer in Conservation and Horticulture Department (2010-Present). Tasks have included doing woodland surveys for rare and endangered plants, seed collection and cleaning, and preparation of survey and teaching materials.
- Newton Tree Conservancy. Past member of board of directors, including responsibility for all membership outreach and renewals and participation in twice-yearly planting (2010 -2016)
- Crystal Lake Conservancy. Past member of board of directors of, including participation in testing water quality, applying for grants and writing for newsletter (2010-2015)
- Massachusetts Horticultural Society Speaker's Bureau and Massachusetts Master Gardener's Speaker's Bureau. Active member (2004 – 2009) and continuing independent speaker, Andover and Weston garden clubs, Weston Nurseries (2010-13)
- Massachusetts Horticultural Society. Volunteer in gardens and on gardening help-line; worked at Hort Info desk and gave presentations at New England Flower Show (2003-2008)

## **Education and Training**

Field Botany Certificate, New England Wild Flower Society  
Master Gardener Certificate, Massachusetts Horticultural Society (2003)

Master's Degree and ABD (all-but-dissertation for Ph.D.) in English and American Literature,  
Boston University (1977-1981)  
BA in English and Philosophy, University of Rochester (1977)

## **Awards**

2012 Unsung Heroine Award from Massachusetts Commission on the Status of Women



# Memorandum

To: City Council  
From: Councilor Baker  
Re: Charter Subcommittee Report  
Date: February 1, 2019

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Dear Colleagues:

I am pleased to report that except for double checking some transition provisions and dates, the Charter Subcommittee has completed its work in reviewing recommendations of the former Charter Commission.

We anticipate reporting our findings to the full Programs & Services Committee on Wednesday, February 6<sup>th</sup> and plan to have our Report complete by the Council Meeting on Monday. Note that Council composition or term limits for the Council and the Mayor are major policy issues which we have deferred to the full Programs & Services Committee for decision in due course. In the meantime, please let me know if you have any questions.

## **PLASTIC BAG REDUCTION ORDINANCE DRAFT Newton MA**

### **Declaration of findings and policy-Scope.**

The City Council hereby finds that the reduction in the use of plastic bags by commercial entities in the city is a public purpose that protects the marine environment, advances solid waste reduction and protects waterways. This ordinance seeks to reduce the number of plastic bags that are being used, discarded and littered, and to promote the use of reusable checkout bags by retail stores located in the city. Further, this ordinance seeks to increase the use of reusable bags.

### **DEFINITIONS**

The following words shall, unless the context clearly requires otherwise, have the following meanings:

(a) "Department" means the city's department of health and human services.

"Commissioner", the Commissioner of Health & Human Services or his/her designee.

"Checkout bag", a carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check out area of the store.

- (i) bags, whether plastic or not, in which loose produce or products are placed by a consumer to deliver such items to the point of sale or check-out area of a retail establishment;
- (ii) (ii) laundry or dry-cleaner bags;
- (iii) or (iii) newspaper bags.

"Recyclable Paper Bag" means a paper bag that is (1) 100 percent recyclable including the handles; (2) contains at least 40% post-consumer recycled paper content; and, (3) displays the words "recyclable" and "made from 40% post-consumer recycled content" (or other applicable amount) in a visible manner on the outside of the bag.

**"Reusable checkout bag", a sewn bag with stitched handles that (1) can carry 25 pounds over a distance of 300 feet; (2) is either (a) made of cloth or other machine washable fabric; or (b) made of plastic other than polyethylene (HDPE, LDPE, PETE, etc.) or polyvinyl chloride that is durable, non-toxic, and generally considered a food-grade material that is more than 4 mils thick.**

“Retail establishment”, any retail space located in the City including but not limited to a restaurant, food or ice cream truck, convenience store, retail pharmacy, supermarket, or seasonal and temporary businesses.

## **REQUIREMENTS**

(a) If any retail establishment provides or sells a checkout bag to customers, the bag shall comply with the requirements of being either a recyclable paper bag or a reusable checkout bag.

(b) A store that provides any type of checkout bag shall sell them for no less than ten cents (\$0.10). All moneys collected pursuant to this ordinance shall be retained by the store.

(c) The Commissioner may promulgate rules and regulations to implement this section.

### **Exemption.**

(1) The commissioner may exempt a retail establishment from the requirements of this section for a period of up to six (6) months, upon a finding by the commissioner that the requirements of this section would cause undue hardship to a retail establishment. An "undue hardship" shall only be found in circumstances where a retail establishment requires additional time in order to draw down an existing inventory of single-use plastic check out bags or paper bags which do not meet the definition of recyclable paper bag. Any retail establishment receiving an exemption shall file with the commissioner monthly reports on inventory reduction and remaining stocks.

(2) Any retail establishment shall apply for an exemption to the commissioner using forms provided by the department, and shall allow the commissioner or his or her designee, access to all information supporting its application.

(3) The commissioner may approve the exemption request, in whole or in part, with or without conditions

(4) The commissioner, by regulation, may establish a fee for exemption requests.

## **PENALTIES AND ENFORCEMENT**

(1) Fine. Any retail establishment which violates any provision of this section or any regulation established by the commissioner shall be liable for a fine as follows: First offense, warning; second offense, \$100.00; third offense, \$200.00; fourth and subsequent offenses, \$300.00. Each day a violation occurs shall constitute a separate offense.

(2) Whoever violates any provision of this section or any regulation established by the commissioner may be penalized by a noncriminal disposition

as provided in G.L. c. 40, §21D. For purposes of this section, the commissioner of the health and human Services, or his or her designee, shall be enforcing persons.

**EFFECTIVE DATE**

All of the requirements set forth in this by-law shall take effect within six months of passage. In the event that compliance with the effective date of this ordinance is not feasible for a small retail establishment, because of economic hardship, the Department may grant a waiver of not more than six months upon application of the owner or the owner's representative.

**SEVERABILITY**

It is the intention of the City Council that each separate provision of this Chapter shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this Chapter be declared to be invalid by a court of competent jurisdiction, the remaining provisions of this Chapter shall remain valid and enforceable.

**From:** [Deborah Youngblood](#)  
**To:** [Alison M. Leary](#)  
**Cc:** [Jonathan Yeo](#); [MayorsOffice](#); [Waneta Trabert](#); [John Rice](#); [Karyn Dean](#); [Emily Norton](#); [Deborah J. Crossley](#); [Jacob D. Auchincloss](#); [Victoria Danberg](#); [Barbara Brousal-Glaser](#); [David Kalis](#); [Christopher J. Markiewicz](#); [Linda M. Walsh](#)  
**Subject:** RE: #455-18 Ordinance amendments to the Plastic Bag Reduction Ordinance to be Discussed in P & S on February 7th  
**Date:** Tuesday, January 22, 2019 9:36:14 AM

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Dear Councilor,

Thanks for all this information. I'm in favor of expanding this ban and all of your explanations and the language look solid to me upon first review. I have one request for a revision around the exemptions. The previous ban that included many fewer stores did elicit 5-6 requests for 6 month extensions which doesn't sound like much but took up a lot of back and forth time. The (thousands?) of stores that will be affected by this will inevitably elicit many more such requests and the administration of those is time consuming. I'd like to propose that the ordinance give everyone a 1 year lead time notice and that there be no exemptions granted.

Thank you for your consideration.

Deborah C. Youngblood, PhD  
Commissioner of Health and Human Services  
City of Newton

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**From:** Alison M. Leary <[aleary@newtonma.gov](mailto:aleary@newtonma.gov)>  
**Sent:** Friday, January 18, 2019 10:19 PM  
**To:** Deborah Youngblood <[dyoungblood@newtonma.gov](mailto:dyoungblood@newtonma.gov)>  
**Cc:** Jonathan Yeo <[joyeo@newtonma.gov](mailto:joyeo@newtonma.gov)>; MayorsOffice <[MayorsOffice@newtonma.gov](mailto:MayorsOffice@newtonma.gov)>; Waneta Trabert <[wtrabert@newtonma.gov](mailto:wtrabert@newtonma.gov)>; John Rice <[jrice@newtonma.gov](mailto:jrice@newtonma.gov)>; Karyn Dean <[kdean@newtonma.gov](mailto:kdean@newtonma.gov)>; Emily Norton <[enorton@newtonma.gov](mailto:enorton@newtonma.gov)>; Deborah J. Crossley <[dcrossley@newtonma.gov](mailto:dcrossley@newtonma.gov)>; Jacob D. Auchincloss <[jauchincloss@newtonma.gov](mailto:jauchincloss@newtonma.gov)>; Victoria Danberg <[vdanberg@newtonma.gov](mailto:vdanberg@newtonma.gov)>; Barbara Brousal-Glaser <[bglaser@newtonma.gov](mailto:bglaser@newtonma.gov)>; David Kalis <[dkalis@newtonma.gov](mailto:dkalis@newtonma.gov)>; Christopher J. Markiewicz <[cmarkiewicz@newtonma.gov](mailto:cmarkiewicz@newtonma.gov)>  
**Subject:** #455-18 Ordinance amendments to the Plastic Bag Reduction Ordinance to be Discussed in P & S on February 7th

Dear Deborah,

Please find my responses to your questions below:

*Can you please send the detailed language of all proposed changes to the ordinance including the new definition of reusable?*

**“Reusable checkout bag”, a sewn bag with stitched handles that (1) can carry 25 pounds over a distance of 300 feet; (2) is either (a) made of cloth or other machine washable fabric; or (b) made of plastic other than polyethylene (HDPE, LDPE, PETE, etc.) or polyvinyl chloride that is durable, non-toxic, and generally considered a food-grade material that is**

**more than 4 mils thick.**

**(b) A store that provides any type of checkout bag shall sell them for no less than ten cents (\$0.10). All moneys collected pursuant to this ordinance shall be retained by the store.**

Please find a draft ordinance attached (which still needs to be reviewed by the Law Department).

*When you say that this will now include all retailers less than 3500 square feet, are you only referring to food establishments or are you actually referring to retail stores selling anything?*

All retail stores would be included:

**“Retail establishment”, any retail space located in the City including but not limited to a restaurant, food or ice cream truck, convenience store, retail pharmacy, supermarket, or seasonal and temporary businesses.**

*From an enforcement standpoint, we are unable to conduct any kind of inspections at this scale.*

A well organized, thoughtful roll out of the new requirements would include outreach to local businesses. Enforcement should be very minimal Any action would be complaint driven and usually it can be resolved by a single visit to the store. The City of Cambridge has not levied any fines in the nearly 3 years that they have implanted their program. I don't believe that your department has had to do any enforcement in the 4 years the plastic bag ban has been in effect. Please let me know if I am wrong, but my understanding is that it has not burdened your department.

Cambridge reports that they did add some enforcement duties to one of their current recycling staff. It took up just 20-40 hours per YEAR. Hardly any enforcement is needed if implemented well...

They also did outreach prior to the ordinance going into effect and hired a part time staffer/intern for 3 months. As you know, Cambridge is a significantly larger city with many more retailers.

*We also would not have the staffing to manage the administrative tasks of granting moratoriums or exemptions.*

The businesses would be given at least 6 months to comply. The draft proposes an additional 6 months for "undue hardship".

I believe only one exemption for an additional 6 months has been requested in the 4 years that plastic bag ban has existed. I don't anticipate very many exemptions. When the original ordinance went into effect we anticipated both the small business exemption would be removed and a fee on paper added at a later date.

*How does the charging of consumers for bags work? Where does the money go? There is not a provision for this in the current ordinance*

The business would create a SKU code for the 10 cent fee, similar to any sales or hotel tax. This is routinely used to track inventory. The retailer keeps the fee to mitigate any costs. They may also choose to donate the money raised to charity.

*If such changes are passed, I would imagine it would require a long lead up time for education leading to compliance.*

In the 4 years since the City has implemented the Plastic Bag Reduction ordinance, the awareness of plastic pollution problem has grown by leaps and bounds. Consumer habits are changing and there is greater understanding of the importance of minimizing our negative impacts on the planet. After our plastic bag ban passed there was very little pushback. Newton was the 7th community to ban plastic bags, now at least 86 communities have done so and 3 cities (in MA) have added fees to single use bags at the point of sale, including the city of Boston.

Please find attached examples of posters, stickers, a check list for businesses and a press release all from the City of Cambridge.

I was told by Cambridge's Recycling Director that the stickers visibly placed by the retailers at the point of checkout (near the credit card terminal,/register) was very helpful for the retailers and very much appreciated. He strongly suggest that we provide this service...it helps take the blame off the retailer and onto the City, which helps with customer service.

I expect we can get into much more detail during the discussion on 2/7, but I hope this information is helpful. Please let me know if you have other questions.

Kind regards,

Alison M. Leary

Newton City Council

Ward 1

617-821-5619



January 29, 2019

Newton City Hall  
1000 Commonwealth Ave  
Newton Center, Massachusetts 02459  
Attn: Programs and Services Committee

Re: Support for amending City of Newton's Ordinance Banning Single-Use Plastic Bags, Chapter 12, Section 71 of the Newton City Code

To the Programs and Services Committee of the City of Newton:

My name is Kirstie Pecci, and I am the director of Conservation Law Foundation's Zero Waste Project. Conservation Law Foundation ("CLF") is a nonprofit, member-supported, regional environmental organization working to conserve natural resources, protect public health, and promote thriving communities in the New England region. Through the Zero Waste Project's Plastic Free New England campaign, CLF aims to protect New England communities from the dangers posed by unsustainable plastic use.

***CLF strongly supports the proposed amendments to Chapter 12, Section 71 of the Newton City Code (i.e. the ordinance to ban single-use plastic shopping bags). The proposed amendments to Newton's bag ban would strengthen the existing ordinance by updating the definition of a reusable bag, increasing the fee on paper bags to 10-cents, and expanding the ban to all retailers in the city. If passed, these amendments would significantly improve the effectiveness of Newton's bag ban, and make the City a leader on waste management in the Commonwealth.***

### **Plastic is a polluting, toxic, and unsustainable material**

Plastics are polluting at every stage. They are made from petroleum, which is often sourced from fracked gas in the United States. Fracking, refineries, plastic manufacturers, and incinerators all emit dangerous toxic pollution and are all much more likely to be sited in environmental justice communities.

Even as taxpayers and governments are forced to manage the environmental and social costs and burdens of single-use plastic, the fossil fuel and petrochemical industries plan on sharply increasing the production of plastic. Increases in renewable alternatives such as wind and solar are forcing oil and gas companies to look for new markets in plastic production. In the U.S. alone, over 50 new gas processing and plastic "cracking" plants are in development, which will combined emit 20.5 million tons of *added* CO2 equivalent, or a 30% increase.<sup>1</sup> Most of this capacity will be used to manufacture plastic, including single-use plastic bags.

Plastic bags and other filmy plastics do not get recycled in the United States. Plastic bags represent the leading source of contamination in loads of single-stream recycling. They tangle in sorting equipment, slowing lines and increasing sorting costs.

Plastic shopping bags also play a major role in the ocean plastic pollution crisis. According to a 2018 ocean cleanup report from the Ocean Conservancy, plastic shopping bags are the 5<sup>th</sup> most common item collected during international

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<sup>1</sup> Kelly, S. (October 28, 2018). *Why Plans to Turn America's Rust Belt into a New Plastics Belt Are Bad News for the Climate*. Desmogblog.com. Retrieved from: <https://www.desmogblog.com/2018/10/28/petrochemical-industry-america-rust-belt-plastics-fracking-climate?fbclid=IwAR3hmco5Dy1hXsP7MvC1f86-HP4i1v-QndYpwrVYglbyrmh5KstzgKxEME>

beach cleanups,<sup>2</sup> and plastic bags are regularly a top item collected in land-based litter cleanups.<sup>3</sup> As land-based litter, plastic bags are a threat to wildlife and a cost to taxpayers who fund cleanups. In the ocean, plastic bags break down into microplastics which can do long-lasting harm to living organisms (including humans) and are now ubiquitous in the environment.<sup>4</sup>

### **CLF encourages Newton to adopt the amendments to Chapter 12 Section 71 to further reduce single-use plastic bag pollution**

The amendment calls for a revision of the definition of a reusable bag, such that a reusable check-out bag,

“shall mean a sewn bag with stitched handles that is specifically designed for multiple reuse and that (1) can carry 25 pounds over a distance of 300 feet; (2) is machine washable; and, (3) is either (a) made of natural fibers (such as cotton or linen); or (b) made of durable, non-toxic plastic other than polyethylene or polyvinyl chloride that is generally considered a food-grade material that is more than 4 mils thick.”

A more detailed definition of reusable bag will increase their intended reuse, reducing waste in any form. Despite thickness requirements, less explicitly defined reusable bags may be mistaken for a thicker form of single-use plastic bag, leading customers to only use them once. Encouraging reusable bags through better definition and design will also increase their use over paper. Newton’s current ordinance requires 40% recycled content in paper bags which are 100% recyclable, but reusable bags should be promoted over paper. According to the Zero Waste International Alliance zero waste hierarchy, reduction and reuse are prioritized over recycling because they are less polluting and use less energy, and this distinction should bolster the residents of Newton to prioritize minimizing waste.<sup>6</sup>

The amendment also expands the single-use plastic shopping bag ordinance to include all retailers within the City of Newton. Many plastic bag laws target grocery stores as the primary source of single-use plastic bags, but they are distributed from a diverse array of convenience stores, clothing shops, pharmacies, and other retail centers. Because single-use plastic bags are provided at so many locations, North Americans and Europeans use roughly 80% of the world’s plastic bag supply, amounting to an estimated 100 billion plastic bags each year.<sup>7</sup> The harms single-use plastic bags pose as described above will be reduced if less retail stores distribute them. As such, the Programs and Services Committee should amend the definition of “retail establishment”.

Lastly, if passed, the amendment will increase the minimum required 5-cent fee on paper or reusable bags to 10-cents. Fees serve two purposes; first, they create a small source of income for retail owners to cover the cost of bags, and second, they incentivize customers to purchase and make use of reusable bags. CLF

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<sup>2</sup> The Ocean Conservancy (2018). *Building a Clean Swell*, page 13.

<sup>3</sup> Coastal Cleanup Data, (2017). *California County Plastic Grocery Bag Litter Data Summary: 2008-2017*.

<sup>4</sup> Thompson, A. (September 4, 2018). *From Fish to Humans, a Microplastic Invasion May Be Taking a Toll*. Retrieved from: <https://www.scientificamerican.com/article/from-fish-to-humans-a-microplastic-invasion-may-be-taking-a-toll/>

<sup>6</sup> Anthony, R., Liss, G. (2013). *Zero Waste International Alliance adopt Zero Waste Hierarchy*. Zero Waste International Alliance. Retrieved from: <http://zwia.org/standards/zero-waste-hierarchy/>

<sup>7</sup> WorldWatch Institute. *New bans on plastic bags may help protect marine life*. Retrieved from: <http://www.worldwatch.org/node/5565>

strongly encourages the Newton City Council to adopt such an amendment, as a higher fee further creates a structure within which customers of retail establishments purchase and utilize reusable shopping bags.

**Conservation Law Foundation is committed to Zero Waste policy which incorporates the concerns of low-income, minority majority (i.e. Environmental Justice) communities.**

Environmental hazards and burdens are disproportionately borne by low-income, minority-majority, and immigrant communities around the world. These communities are often excluded from decision-making processes, and frequently live near toxic and polluting facilities, as described above. Much of Massachusetts' plastic waste is burned in incinerators, six of seven of which are in environmental justice communities. Newton's bag ban and proposed amendments move towards relieving the burdens that plastic places on national and international environmental justice communities. However, the City should be conscious of citizens who may be adversely impacted by the implementation of a bag ban. Conservation Law Foundation recommends that municipal plastic shopping bag ordinances include language to exempt customers enrolled in state aid programs like SNAP/EBT or the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) from a fee on paper bags. Cities like Boston and Cambridge have taken the additional step of distributing reusable bags free of charge to vulnerable populations such as the elderly and those with lower incomes.

**Newton's strengthened bag ban will further reduce plastic bag pollution and protect the environment.**

Bans on single-use plastic shopping bags successfully reduce litter and save taxpayer money. Beach cleanup data from California has shown plastic bags fall from 7.42% of all litter to 1.5% (a reduction from 65,736 to 11,847 bags) between 2010 and 2017.<sup>8</sup> California implemented a comprehensive bag ban in 2016. Further, estimates from litter cleanup groups show savings of \$34-\$107 million dollars in taxpayer money since California passed their bag ban.<sup>9</sup> Europe's recent bag bans are credited for the drastic reduction in plastic bags found in litter cleanups from the English Channel.<sup>10</sup> These laws help decrease litter and waste costs, improve the recycling system, and protect marine and human health.

For all of these reasons, CLF respectfully requests that the Council of the City of Newton adopt the proposed amendments. Thank you for the opportunity to submit this testimony. CLF stands ready to answer any questions or supply additional information that the Committee may find useful.

Very truly yours,



Kirstie L. Pecci  
Director, Zero Waste Project

<sup>8</sup> California Coastal Cleanup Day – Litter Data Summary 2010-2017. Retrieved from: <https://static1.squarespace.com/static/54d3a62be4b068e9347ca880/t/5a0237d7652deae895d2df1c/1510094808473/California+Coastal+Cleanup+Data+2010.2016.2017.pdf>

<sup>9</sup> Californian's Against Waste. *California's Statewide Plastic Bag Ban*. Retrieved from: <https://www.cawrecycles.org/the-problem-of-plastic-bags>

<sup>10</sup> Chow, L. (April 5, 2018). *Plastic Bag Bans Actually Work, Study of European Waters Show*. EcoWatch. Retrieved from: <https://www.ecowatch.com/plastic-bag-bans-uk-2556456601.html>

## Bring Your Own Bag (BYOB) Ordinance Business Checklist

Cambridge Public Works created this checklist for business owners and retail managers to comply with the Bring Your Own Bag (BYOB) Ordinance, effective March 31 2016. Please contact us if you need assistance. We appreciate your help making Cambridge a sustainable city!

### To be compliant, has your retail establishment:

- Discontinued single-use plastic bags
- Found a compliant bag (reusable, paper, compostable, or NO BAG AT ALL!) and ensured that the bag meets criteria:
  - a. **Reusable bag**—a bag with handles and at least 3.0 mils thickness.
  - b. **Recyclable Paper Bag**—100% recyclable and contains at least 40% post-consumer recycled content. The bag must display both.
  - c. **Compostable Bag**—must be BPI certified.
- Determined what your retail establishment will charge for the checkout bag (minimum \$0.10/bag + sales tax)
- Added “Checkout Bag Charge” to cash register or POS system to display on receipt and to collect the checkout bag charge and sales tax
- Trained cashiers to charge for each checkout bag and to ask, “Would you like a bag for \$.10?”
- Placed a checkout sticker near the point of sale (contact us to request stickers)
- Informed your customers that you’re partnering with the City to help reduce waste, protect marine life, and reduce greenhouse gas emissions and that customers should bring reusable bags when shopping.
- (If applicable) Applied for an exemption at [CambridgeMA.Gov/BYOB](http://CambridgeMA.Gov/BYOB). Options for exemptions are:
  - a. No reasonable alternatives to providing Recyclable Paper Bags, Compostable Bags, or Reusable Bags.
  - b. Deprives a person of a legally protected right.
  - c. Retail Establishment needs time to draw down existing inventory of plastic bags. Monthly reporting mandatory.

Please visit [CambridgeMA.Gov/BYOB](http://CambridgeMA.Gov/BYOB) for more info

617.349.4815

## Cambridge Businesses, Residents, and Local Organizations Come Together to Make Bring Your Own Bag (BYOB) Ordinance a Success

**CAMBRIDGE, Mass. – August 4, 2016** – Thanks to strong support from



Cambridge kids using their new reusable bags.  
Photo courtesy of the Cambridge Community Center.

the local business community and their customers, the City’s [Bring Your Own Bag \(BYOB\) Ordinance](#) has led to a significant reduction in use of single-use bags in Cambridge.

Public Works staff and volunteers from the Cambridge Recycling Advisory Committee recently performed a study at several large Cambridge businesses and found a sizeable reduction in the consumption of single-use bags.

“What we observed was significant,” said Meera Singh of the Cambridge Recycling Advisory Committee. “We saw a reduction in single-use bags of 50-80% across this group.”

In order to help senior citizens and low-income residents when this Ordinance went into effect, many members of the Cambridge community contributed to a reusable bag drive organized by the Cambridge Recycling Advisory Committee. More than 8,000 bags were collected and distributed to low-income and



Students in CitySprouts program with Whole Foods staff. Photo courtesy of CitySprouts.



senior residents throughout the City, and another 4,000 reusable bags were purchased to help reach Cambridge youth. Both Whole Foods Market and Star Market contributed reusable bags to this effort.

"We have a goal of reducing waste by 30% in Cambridge by 2020, with 2008 as our baseline year," said Cambridge Public Works Commissioner Owen O'Riordan. "The bag charge has been very effective at encouraging waste reduction among shoppers in Cambridge."

Whole Foods Market donated the mandatory bag charges collected in April from their three Cambridge stores to CitySprouts, a Cambridge-based nonprofit. With a focus on educating Cambridge schoolchildren about gardening and sustainability, CitySprouts hopes to use the \$13,000 donation to expand their efforts to engage kids with the natural environment.

Small businesses have also played an important role in ensuring the Ordinance is a success. Numerous Cambridge Local First member businesses commented on the ordinance. "The businesses we've heard from have been surprised with the waste reduction," said Executive Director Carrissa Blackburn. "Some businesses have calculated cost savings associated with the Ordinance." And, one small business owner commented, "We all need to take more moments like this to consider our impact on the environment. Too often, waste is routine."

Nearly 1,000 businesses have eliminated single-use plastic bags and have implemented mandatory charges for reusable, paper, and compostable bags since the BYOB ordinance took effect on March 31. Learn more at [www.cambridgema.gov/BYOB](http://www.cambridgema.gov/BYOB).

###

**About the Department of Public Works:**

*The Cambridge Department of Public Works provides dependable, high quality and accessible service--maintaining, improving and expanding a safe, healthy, attractive and inviting physical environment. The department supports the infrastructure of a vibrant community through comprehensive planning, scheduled maintenance, collaborative efforts, the provision of information, and emergency preparedness and response.*



# EFFECTIVE MARCH 31, 2016

## BRING YOUR BAG.

### Avoid the Cambridge mandatory bag charge.



Clean bags regularly to keep them germ-free.

### Minimum **10¢ CHARGE** on each checkout bag.



compostable



recyclable

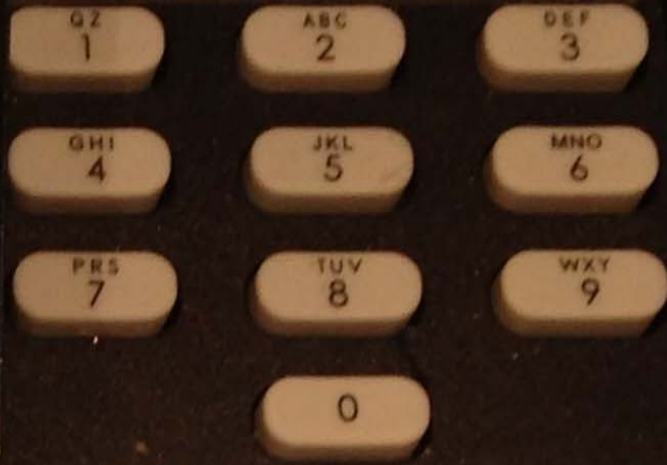
## NO MORE SINGLE USE PLASTIC BAGS.





IDTECH

#455-18



# BRING YOUR OWN BAG



A minimum charge on each checkout bag

Together, we can reduce waste and protect the environment.



No more single use plastic bags, it's the law. Checkout bags must be compostable, recycled paper, or reusable.

Minimum 10¢ charge on each checkout bag provided at the point of sale.

City of Cambridge  
Bring Your Own Bag Ordinance  
Effective March 31, 2016

[CambridgeMA.Gov/BYOB](http://CambridgeMA.Gov/BYOB)

Swipe Card



Newton Ward 2 Councilor  
[www.emilynorton.org](http://www.emilynorton.org)  
Office (617) 795-0362  
Cell (508) 397-6839

On Sat, Feb 3, 2018 at 12:00 AM, Emily Norton <[councilornorton@gmail.com](mailto:councilornorton@gmail.com)> wrote:

## **COMMITTEE VOTES 13-1 TO APPROVE PLASTIC BAG BAN BILL**

<http://www.statehousenews.com/res/logo.gif>



By Andy Metzger

STATE HOUSE NEWS SERVICE

STATE HOUSE, BOSTON, FEB. 2, 2018....Stores and restaurants in Massachusetts would be barred from giving customers single-use plastic bags under a bill that cleared a legislative committee on Thursday and would align state law with local policies adopted from Northampton to Nantucket. In a Thursday poll, the Committee on Environment, Natural Resources and Agriculture voted 13-1 to give the redrafted bill (H 2121) a favorable report. Sen. Ryan Fattman, a Webster Republican, voted against the bill, and Rep. Donald Berthiaume Jr. reserved his rights, declining to vote for or against the bill.

Paper bags that are not made of recycled materials would also be banned under the bill, which directs the Department of Environmental Protection to write regulations to enforce the policy.

A variety of local ordinances and bylaws force retailers to charge a fee for carryout bags and ban the traditional wispy thin variety of plastic bags. Nantucket demands that stores' packaging be biodegradable and Northampton banned thin-film plastic bags, according to the Massachusetts Sierra Club.

No fan of plastic bag bans, the Retailers Association of Massachusetts has concentrated efforts on advocating for a consistent policy throughout the state.

"This issue certainly has been frustrating over the years," said Bill Rennie, vice president of the retailers association. He said, "The biggest problem we have is we don't think we should be regulating any consumer products at the municipal level. And we've had a patchwork of these types of bag bans spread across the Commonwealth."

Supporters of plastic-bag bans argue the products contribute to pollution and fill up landfills, while opponents contend consumers like to have a choice and the single-use plastic bags are in fact used for a

variety of other purposes – such as lining wastebaskets, holding wet clothing, and cleaning up dog poop.

"Massachusetts residents use over two billion single use plastic shopping bags per year, too many of which end up in our trees, parks, and waterways," said Emily Norton, chapter director of Massachusetts Sierra Club. "Plastic does not biodegrade but rather breaks down into microplastics which end up in the bodies of marine animals and even our drinking water. Five minutes of convenience means hundreds of years of toxicity."

In December, Boston Mayor Marty Walsh signed an ordinance banning single-use plastic bags starting next December in the state's largest city.

Under the legislation backed by the committee's chairs, Lenox Rep. Smitty Pignatelli and Spencer Sen. Anne Gobi, stores would be barred from providing a single-use plastic bag starting Aug. 1, 2019. The bill would not preempt cities and towns from further limiting single-use carryout bags but it would render "null and void" any ordinances or bylaws in place before enactment of the bill.

"We're giving people plenty of time to plan for it," Pignatelli told the News Service. He said, "I think it's a good, clean, solid, environmental bill."

The bill differs from earlier iterations that would have required stores to charge a fee for carryout bags. Pignatelli "didn't feel comfortable" with the mandatory fee and said retailers can build the cost of giving out recycled paper bags into their business models.

"The reality is that if you get rid of the plastic bag, what you've seen is that people opt for paper. And paper is more expensive," said Rennie. He said re-setting the patchwork of municipal rules would be a "positive step."

"We would like it to go even further. If we're going to have a statewide standard, then let's do that," Rennie said.

Thursday's vote was not the first time the environment committee has supported legislation limiting the use of plastic bags, and the committee vote is only an initial step toward legislation potentially reaching the floor of the House or Senate.

The Senate previously passed a plastic bag ban via the budget, but the policy has never cleared the House, according to the Massachusetts Sierra Club.

The bill allows stores to continue bagging fruit in handle-free plastic bags, permits bags used over clothes by dry-cleaners, and allows pharmacies to provide medication in a paper bag. The redrafted bill was sponsored by Marblehead Rep. Lori Ehrlich and Acton Sen. Jamie Eldridge, both Democrats.

"The thin film bags cannot even be recycled in most places; because they are so light they are sucked up into the reclamation machines and clog the gears, so almost all of them end up in our waste stream," Ehrlich told the environment committee in written testimony last October.

Eldridge said he prefers including a requirement for stores to charge consumers 10 cents per bag, and appreciates that the bill allows cities to require that.

"I still think that the best policy is also charging 10 cents," said Eldridge, who said he is "very pleased overall with the bill."

Eldridge said he sensed Pignatelli's "enthusiasm" for the bill and hopes that carries over into support from the House as a whole.

As of December, 61 cities and towns representing about 30 percent of the state's population, have passed bans on single-use plastic shopping bags, according to the Massachusetts Sierra Club, which said Massachusetts has more local plastic bag bans than any state but California.

Pignatelli predicted reusable bags will become increasingly popular gifts handed out by civic organizations and politicians, and he said he might make political accoutrements for trips to the market: a reusable bag that emblazoned with "Re-elect Smitty."

-END-

02/02/2018

When responding, please be aware that the Massachusetts Secretary of State has determined that most email is public record and therefore cannot be kept confidential.

When responding, please be aware that the Massachusetts Secretary of State has determined that most email is public record and therefore cannot be kept confidential.

02-01-19

**#455-18**

**From:** Alison M. Leary <aleary@newtonma.gov>

**Sent:** Friday, February 01, 2019 2:04 PM

**To:** Karyn Dean <kdean@newtonma.gov>

**Cc:** John Rice <jrice@newtonma.gov>; Deborah Youngblood <dyoungblood@newtonma.gov>; Emily Norton <enorton@newtonma.gov>

**Subject:** Information From Newton Assessors on Number of Retail Businesses in Newton - Roughly 500

Karyn,

I consulted with Jim Shaughnessy from the Assessing Department about the number of retail establishments doing business in Newton, excluding nail and hair salons and banks. He was kind enough to give me a rough estimate:

*We have reviewed our personal property database (business database) and we estimate roughly 500 businesses that may distribute some type of bag (either paper or plastic) in the course of their business.*

*For example, we included tailors and dry cleaners that place garments in plastic bags, restaurants, fast food shops, and other merchants that place products in bag for customers to carry out.*

*However, this is only an estimate as this item (bag distribution) is typically not a data item in our database. We think this estimate will be helpful, but we cannot be positive they are distributing paper or plastic bags at the point of sale. Some are obvious (Star Market for example) and some are not (dry cleaner who places shirts and/or pants).*

*Sincerely,*

Jim Shaughnessy  
Newton Assessors