



Texas Retailers Association

The Voice of Texas Retail

January 25, 2012

Bob Gedert, Director
Austin Resource Recovery Department
1520 Rutherford Lane
Austin, Texas 78767-1088

Sent via e-mail: Bob.Gedert@austintexas.gov

Director Gedert:

Thank you for meeting with me on Friday, January 20th, and for clarifying your stance on several outstanding issues regarding the proposed bag tax and bag ban ordinance. Upon further reflection, I am very concerned about your position about many items, including:

1) When I suggested that any public education campaign should emphasize “reducing, reusing and recycling” plastic bags (much like your approved Zero Waste Initiative), you replied, “Why should I invest taxpayer dollars educating people about a failed program.”

We vigorously disagree with your assertion that our plastic bag voluntary recycling pilot program was anything but extremely successful: Beginning in 2008, an 18-month voluntary comprehensive pilot program in Austin based on the three R’s (reduce, reuse and recycle) resulted in a 20% reduction in plastic bags being provided to consumers, a 74% increase in the amount of plastic being recycled through those stores and the sale of more than 907,000 reusable bags. This project was a mere demonstration of what five retailers could do to help change consumer behavior, voluntarily and with very little city government support... a program that then-Council Member Lee Leffingwell agreed was quite successful (<http://tinyurl.com/76ogm54>). In fact, Mayor Leffingwell later asked retailers to expand that successful program and we have: there are now twelve retail chains across Texas, with approximately 100 locations in Austin with successful storefront recycling programs in place. Consumers can quickly and easily find nearby recycling bins by entering their ZIP Code into the retail store locator found at www.abagslife.com.

In light of these efforts, your characterization that this is a failed program reflects a close-minded attitude, one that will not allow inconvenient facts to dissuade you from your mission to ban paper and plastic bags.

2) You said your vision is that retailers will have displays in their stores for the sale of three separate types of reusable bags: cloth, heavy-duty plastic and recycled paper. This vision reflects a significant disregard for the value of retail space and the retailers’ legitimate concerns with being called on to triple the space dedicated to begin selling products in lieu of what is now a free service. It also reflects lack of meaningful discussion with retailers about their legitimate concerns.

3) We are also surprised and concerned with your lack of concern over the health risks associated with using and reusing reusable bags.

We’ve read alarming studies from across the country where random reusable bags are tested and found to contain E. coli and other dangerous bacteria. In fact, Austin’s KXAN News conducted random testing in November 2011 on 10 reusable bags, finding that three (3) had contamination issues: <http://tinyurl.com/7vjflv4>

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4) We remain extremely concerned about the City of Austin's cost estimate found in your *Plastic Bag Cost Findings and Clarifications* memorandum dated January 12, 2011. We obtained a copy of a letter (dated January 10, 2012) to you from Steven Stein of Environmental Resources Planning, who led the design and was project manager for Keep America Beautiful's *2009 National Litter Study*.

Mr. Stein pointed out that in citing the 2009 KAB study, you made a crucial mistake in your cost estimate memo and therefore "overstated the amount and cost impact of plastic bags by about 366 percent," according to Stein. This is no mere rounding error. Despite your recent protestations to the contrary, the reported \$850,000 cost to the city has been a significant factor in your campaign, having been cited in the August 4, 2011 resolution and in both of your first two draft proposals. In our recent meeting, you claimed you were reconfiguring the report to estimate the cost of plastic bags to be \$760,000, but my math suggests that the correct number should be much lower, around \$238,000.

5) We are frankly shocked and dismayed that you believe harm to the environment occurs at the point when the retailer provides a (100% recyclable) plastic bag to the customer.

It's hard to understand this rationale, because Austin consumers report that they reuse their plastic bags (90%, according to our survey) and/or recycle their plastic bags (30% always recycle and 26% sometimes recycle). Your statement suggests that there is no possibility that cooperative human behavior can divert plastic bags from the landfill, short of a government mandate to ban bags. We absolutely and vigorously disagree.

6) Finally, below is a link to a *Daily Texan* article in which you are quoted: "Four years of working closely with retailers to reduce plastic bag consumption voluntarily were ineffective," Gedert said. "Therefore, the council is considering additional steps." (<http://tinyurl.com/7bf26qh>)

We take extreme exception to that statement. The fact is that the Texas Retailers Association and its members executed an impressive 18-month pilot study from 2008 to 2009 (which was praised by then-Council Member Leffingwell), then never heard a single word from the City of Austin for nearly two years until we were alerted that the "bag ban" ordinance would be introduced the next day, via e-mail from Mayor Leffingwell's policy director on Sunday, July 24, 2011.

Over the past few months, we have represented our retail members by sharing legitimate and serious unintended consequences of the proposed ordinance, but those concerns have consistently fallen upon deaf ears. We are committed to continuing our advocacy and education efforts to prevent detrimental public policy that adversely affects our members and their customers.

Regards,

A handwritten signature in blue ink that reads "Ronnie Volkening".

Ronnie Volkening
President and CEO of the Texas Retailers Association

CC: Austin Solid Waste Advisory Commission members
Austin Environmental Board members
Mayor Lee Leffingwell and Austin City Council members