



## Single Use Plastic in Santa Fe County



Policy Efforts in Santa Fe County: Ordinance 2024-06



# Where it Began: Resolution 2022-031

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

SFC CLERK RECORDED 05/11/2022

# Creating a Working Group

- ▶ Resolution approved by the Board of County Commissioners on May 10, 2022
- ▶ 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 single-use plastic and polystyrene products in the County
- ▶ Single Use Plastic and Polystyrene Working Group of five members formed August, 2022
- ▶ First meeting held in September, 2022
- ▶ Working group met monthly and twice a month, with a number of special meetings for one year



# Working Group Tasks & Research

## FISCAL

- ▶ Fiscal impact to County government operations and to local businesses of an educational program and any proposed ban

## POLICY

- ▶ Effective applicable laws in other states and New Mexico cities County's existing ordinances

## EDUCATION

- ▶ Potential for development of educational campaign in both English and Spanish to the community as well as County businesses and residents who would be affected by a single-use plastic and polystyrene product ban ordinance



# Working Group Tasks & Research

## INCENTIVES

- ▶ Analysis of potential incentive program to incentivize businesses to sell reusable and paper bags, develop and use ecofriendly packaging.

## ENFORCEMENT

- ▶ Considerations: Current systems and which department should enforce any enacted ban and recommend enforcement mechanisms including fines and penalties

## ALTERNATIVE OPTIONS

- ▶ Identification of eco-friendly and plant based alternatives to SSP and polystyrene



The Single Use Plastic Bag is Well Beyond a Nuisance—It's Damaging to Equipment, Public Health, Wildlife, and the Planet.



# Single Use Plastics Impacts

- ▶ Half of all the plastics ever created were produced in the past 15 years (US EPA)
- ▶ If current trends continue, the amount of plastic waste released globally into the oceans will triple to nearly 32 million tons per year by 2040 (Pew Charitable Trust Study)
- ▶ Global emissions linked to plastic – now just under 900 million tons of carbon dioxide-equivalent annually – could by 2030 reach 1.3 billion tons, as much as almost 300 coal-fired power plants, [the Center for International Environmental Law found](#).
- ▶ **The International Energy Agency** predicts that by 2050, 50 percent of the growth in oil demand will be related to petrochemicals, overtaking the oil-demand growth related to automobile transportation.
- ▶ Each year in Santa Fe County (not including the City of Santa Fe) an estimated amount of the following is used:
  - 24 million single-use plastic bags
  - If each Santa Fe County resident used just one straw and one expanded polystyrene foam take out container
    - 66,656 expanded polystyrene foam take out food containers
    - 66,656 plastic drinking straws
- ▶ 24% of the cost of all recycling contamination is made up from plastic film and bags (The Recycling Partnership)



# Initial Outreach

- ▶ 85 potentially affected retail businesses
- ▶ Survey emailed to 48 potentially affected retail operations within Santa Fe County to gauge their perspective
- ▶ Received 5 responses to the survey, all noting it would affect their businesses positively or not affect their business at all
- ▶ Created a QR code survey for residents as part of the County's earth day activities which was available at Earth Day event and on County's social media platform
- ▶ QR code survey distributed in the monthly Sustainability Newsletter that goes out to 4,400 residents
- ▶ Received 6 responses, all in favor of banning single use plastics in the County



  
SANTA FE COUNTY

**HOW CAN SANTA FE COUNTY  
BREAK FREE FROM PLASTIC?**

**SCAN ME**



**WE WANT TO HEAR FROM YOU!  
SCAN THE CODE TO TAKE A  
QUICK 2 MINUTE SURVEY**

Want to learn more?  
Attend one of the Single-Use Plastics &  
Polystyrene Working Group Meetings

[www.santafecounty.nm.gov/committees/suppwg](http://www.santafecounty.nm.gov/committees/suppwg)



# Are Single Use Plastic Bans Effective?

- ▶ California's ban on single-use plastic bags resulted in 70% reduction
- ▶ Town Recycling reports no problem with contamination of plastic bags in City of Santa Fe compared to their operations in Albuquerque
- ▶ Enforcement measures manageable for City of Santa Fe
- ▶ **City of Boulder:** Before 2013, when a bag fee was implemented, 30 million single-use bags were used annually in [the City of Boulder](#). That number has sharply declined to approximately 4.5 million plastic and paper bags. The City receives 60% of the funds collected from the \$0.10 bag fees, resulting in approximately \$260,000 remitted to the City annually. These funds are invested in sustainability initiatives, including providing free reusable bags to underserved communities.
- ▶ In an article titled, The Truth about Plastic Bag Bans, (<https://www.clf.org/blog/the-truth-about-plastic-bag-bans/>) The Sydney study is referenced which credits the ban for reducing plastic bag usage by over 70%. One California city shows a significant increase in reusable bag usage over the years as a result of educational efforts combined with policy changes



# Frequently Asked Questions

Q: We don't have an ocean -Why ban plastic bags?

Q: Why not reuse instead--I reuse the bags often, sometimes over and over.

Q: Why not recycle all plastic?

Q: What about Extended Producer Responsibility or Product Stewardship like Colorado just passed?



# Proposed Recommendations

## Standalone Ordinance Highlights

- 1) Ban on single-use plastic bags at the point of sale from retail establishments, including restaurants. Recycled-content paper bags available for a \$.10 fee at the point of sale;
- 2) The \$.10 fee was recommended to be divided \$.09 to county and \$.01 stays with retailer so it is the same as City of Santa Fe (Anyone receiving food assistance is exempt from paying this fee at Point of Sale) **(REMOVED FROM FINAL ORDINANCE)**;
- 3) 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);
- 4) Ban on expanded polystyrene (EPS) food containers for take out or in-person dining;
- 5) Ban on intentional helium balloon releases **(REMOVED FROM FINAL ORDINANCE)**;
- 6) Enforcement/Education - First warning letter, fines, **(CHANGED TO THREE WARNINGS AND FINES FROM SUSTAINABILITY DIVISION)** managed by County's code office, **(CODE ENFORCEMENT FOLLOW UP AFTER THREE WARNINGS AND FINES)** Sustainability Division assigned to deploy information, related education and outreach;



# Ordinance Approval Process & Planning

- ▶ Legal review of draft ordinance and staff recommendations
- ▶ BCC vote
- ▶ Approved for ordinance; general summary title end of February, 2024
- ▶ Immediately upon approval, roll out educational programming (ideally two months prior to effective date)
- ▶ Department coordination and collaboration for enforcement
- ▶ One year follow up report



# Ordinance 2024-06

<https://www.santafecountynm.gov/community-development/sustainability/go-green-learn/reduce-reuse-recycle>

- Advertised in two local papers and online
- Public Hearing held on March 26, 2024
- Majority of public comments supportive
- Board of County Commissioners passed unanimously March 26, 2024
- Ordinance goes into effect September 23, 2024
- Includes ban of single use plastic bags, polystyrene containers, request for cutlery and condiments before dispensing, only biodegradable alternatives permitted, exception for high liquid content
- Six months for businesses to use banned inventory and transition
- Non-compliance penalties: 1<sup>st</sup> offense-\$50, 2<sup>nd</sup>-\$150, 3<sup>rd</sup>-\$300 and potentially, incarceration up to 3 days

SANTA FE COUNTY  
BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 2024- 06

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AN ORDINANCE PROHIBITING THE USE OF SINGLE-USE PLASTIC AND EXPANDED POLYSTYRENE PRODUCTS IN SANTA FE COUNTY; ENCOURAGING USE OF REUSABLE BAGS; AND ESTABLISHING ENFORCEMENT AND PENALTIES FOR VIOLATION

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BE IT ORDAINED BY THE SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS:

**SECTION 1. SHORT TITLE.**

This Ordinance may be cited as the "Single-Use Plastic Product Ordinance."

**SECTION 2. DECLARATION OF POLICY AND FINDINGS.**

This country, and our entire globe, is being severely impacted by plastic pollution. The World Economic Forum estimates that, global plastic production will triple by 2050, and that the world's oceans will contain more plastic waste than fish (by weight). Thousands of single-use plastic bags, expanded polystyrene containers and other single-use plastic and polystyrene products contribute to public litter, and deteriorate the health of our ecosystem. A plastic bag has on average, a 12-minute lifespan from when it's initially used by a customer at a retail establishment, to the time of being discarded. 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 never go away and that have been shown to harm wildlife and human reproductive health.

**SECTION 3. PURPOSE.**

The production and disposal of single-use plastic bags, single-use polystyrene containers, single-use food ware products. Single-use polystyrene containers create non-recyclable and non-degradable refuse streams while more environmentally sensitive alternatives are available. The purpose of this Ordinance is to protect and enhance the County's unique and precious environment, wildlife, and beauty through the reduction of single-use non-compostable or non-recyclable bags and containers, and to encourage the use of reusable or sustainable options.

**SECTION 4. DEFINITIONS.**

A. **Condiment packets** – metal or plastic containers which hold catsup, mayonnaise, and other sauces or spices.

SFC CLERK RECORDED 03/27/2024



# Outreach

- ▶ Website page with information and resources
- ▶ Business licenses list sort: all potentially affected businesses sent an announcement and copy of the resolution as well as the ordinance and website link
- ▶ Outreach plan created for in-person visits to provide hard copies of the ordinance, FAQ sheet and website page information—all businesses to be contacted by the end of June
- ▶ Hotline to be created for non-compliance reporting
- ▶ Fun, educational video to be created to increase public awareness and interconnection with MS4 Permit/EPA reporting. Post on social media platforms and website by August
- ▶ Press release and another article on the ordinance passage and deadline for compliance to be published in August




# Online Resources and Information

<https://www.santafecountynm.gov/community-development/sustainability/go-green-learn/reduce-reuse-recycle>

Home > Community Development > Sustainability > Go Green & Learn > Reduce, Reuse, Recycle

## REDUCE, REUSE, RECYCLE

Projects & Programs      Go Green & Learn      Subscribe



### Reduce, Reuse, Recycle

First reduce, then reuse, and then recycle!

### Announcement: Single-Use Plastic Product Ordinance

On March 26th, **Ordinance 2024-06**: An Ordinance Prohibiting the Use of Single-use Plastic and Expanded Polystyrene Products in Santa Fe County; Encouraging Use of Reusable Bags; and Establishing Enforcement and Penalties for Violation, was passed unanimously by the Board of County Commissioners. Public comments were heard by community members sharing their concerns and support for the new ordinance. The ordinance passed following a year-long investigation into the ban by passionate community members serving on the Single-use Plastics and Polystyrene Working Group, their final report (with additional resources on how to transition) is available for the public here. **The ordinance comes into effect on September 23, 2024.**

### Additional Resources

The SUPP working group recommends alternatives fabricated from natural materials, such as paper, metal, and wood products. These types of reusable materials, 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 a product's lifetime; reusable products and containers use less energy and water than single-use materials, even after dishwashing; the amount of trash going to landfills is greatly reduced over time.

The return on investment (ROI) period for switching to reusable products 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.

### Resources for Restaurants:

Plastic Free Restaurants offers a variety of resources for restaurants transitioning away from single-use plastics. These include free-to-use media, guides on reducing plastic, reusable foodware purchasing guides, and more!

- "Hold the Plastic, Please" guide for restaurants
- Reusable Foodware Purchasing Guide

### 2024 Santa Fe County Free Waste Days



In support of the Great American Clean Up, the Board of County Commissioners has approved **Resolution 2024-035**, allowing free residential solid waste and green waste disposal days for 2024 to residents with a Santa Fe County solid waste permit.

#### "Residential" Free Waste Days

Eldorado, Jacona, La Cienega, Nambé, San Marcos, Stanley, & Tesuque

- Saturday, April 13th
- Saturday, September 21st

*"Residential solid waste" means solid waste and recyclable materials generated from a site that contains three or fewer dwelling units.*

#### "Green" Free Waste Days

Stanley, Jacona, & Eldorado only

- Friday, July 5th & Saturday, July 6th
- Friday, August 2nd & Saturday, August 3rd
- Friday, September 6th & Saturday, September 7th

*"Green waste" is defined as yard waste, lawn clippings, leaves, and tree trimmings. Green waste does not include weeds, cholla cacti, root balls, tree stumps, tree trunks greater than 18 inches in diameter, pet waste, rocks, dirt/soil (clean or contaminated), household waste, litter, plastic bags, metal, plastic, pallets, palm fronds, lumber or any type of treated wood (this includes plywood, sheetrock, and chipboard), and any constructed or demolition materials.*

Additional information on solid waste and recycling is available on the Santa

A stylized illustration of a white bird with a long beak, wearing a green recycling bag. The bird is standing on a small patch of ground. The background is a circular orange and yellow gradient.

# Lessons Learned

- ▶ Challenges engaging potential members with diverse opinions and businesses in working group
- ▶ Legal limitations regarding recommendations
- ▶ Capacity concerns for enforcement
- ▶ Response less contentious than expected (!)
- ▶ Buy-in from organization and code enforcement equally important for success as buy-in from public
- ▶ Momentum and passage of ordinance assisted greatly by political allies
- ▶ While it is a very positive step in the right direction, true change will come through a producer responsibility bill at the State/Federal level





# Next Steps

- ▶ Complete in-person visits to affected businesses
- ▶ Work with business licensing to spread the word with FAQ sheet and online resource & information page
- ▶ Create branding, informational video and press release—publish by August
- ▶ Set up online hotline for non-compliance reporting
- ▶ Create letter for notification of non-compliance
- ▶ Set up tracking of non-compliance reported businesses and documentation for potential 3<sup>rd</sup> violation processes with Code Enforcement Officers
- ▶ Follow up with report within one year on impacts: solid waste collection and floatables (MS4)
- ▶ Survey follow up in one year with businesses and constituents
- ▶ Publish results of both report and survey responses



# Thank You for Considering how to Reduce Plastic in your Community!

Policy Efforts in Santa Fe County

Single Use Plastics and Polystyrene Ban Ordinance 2024-06

Jacqueline Beam, Sustainability Manager

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