



March 13, 2019

City of Albuquerque
City Council Members
1 Civic Plaza NW
Albuquerque, NM 87102

RE: Council Bill No. O-19-48

Dear City Council Members:

On behalf of the New Mexico Restaurant Association's (NMRA) 500 Albuquerque members, we offer the following feedback regarding the proposed ordinance restricting the use of polystyrene food service containers, plastic bags, and drinking straws. NMRA membership includes full-service, fast food, and counter service restaurants and food service suppliers.

We appreciate the willingness to include NMRA in this conversation. As a result, we collaborated with the New Mexico Recycling Coalition (NMRC), local member restaurant owners and operators, and a leading restaurant supplier to discuss the proposed ordinance and developed viable options suitable to meet city council goals.

NMRA respectfully submits the following recommendations for your consideration:

- **Insert definitions within the ordinance.** To avoid confusion and ensure compliance by local restaurant owners, we recommend using the City of Santa Fe, Ordinance No. 2013-23 definitions.
 - *Single-use plastic carryout bag* means any carryout bag made from plastic, or any material except paper marketed or labeled as "biodegradable" or "compostable", that is neither intended nor suitable for continuous reuse as a carryout bag or that is less than 2.25 mils thick.
 - *Paper grocery bag* means a paper carryout bag that has a manufacturer's stated capacity of one-eighth barrel (typical grocery store bag- 882 cubic inches) or larger.
 - *Retail establishment* means any retail business including, without limitation, clothing, household goods, or personal items of any kind that sells directly to a customer. Examples include but are not limited to department stores, clothing stores, jewelry stores, grocery stores, pharmacies, home improvement stores, liquor stores, and convenience stores, gas stations, and farmers markets.
 - *Reusable bag* means a bag with handles that is specifically designed and manufactured for multiple reuse and is either:
 - A. Made of cloth or other machine washable fabric;
 - B. Made of durable plastic that is at least 2.25 mils thick; or
 - C. Other durable material suitable for reuse.
- **Provide exemptions for single use plastic bags in Albuquerque restaurants.** We recommend following exemptions from the City of Santa Fe Ordinance No. 2013-23, which includes a letter from the City of Santa Fe Environmental Services Division, exempting bags used by restaurants to take away prepared food. According to NMRC, from a

solid waste perspective, these single-use plastic bags from restaurants make up a very small percentage of the single-use plastic bags in general.

As per the City of Santa Fe Ordinance, the exemptions apply to:

- Bags used by restaurants to take away prepared food; and,
- Laundry dry cleaning bags, door-hanger bags, newspaper bags, or packages of multiple bags intended for use as garbage, pet waste, or yard waste;
- Bags provided by pharmacists or veterinarians to contain prescription drugs or other medical necessities;
- Bags used by a consumer inside a retail establishment to:
 - a. Contain bulk items, such as produce, nuts, grains, candy, or small hardware items.
 - b. Contain or wrap frozen foods, meat, or fish, whether or not prepackaged.
 - c. Contain or wrap flowers, potted plants or other items to prevent moisture damage to other purchases.
 - d. Contain unwrapped prepared foods or bakery goods.
- Bags used by nonprofit corporation or other hunger relief charity to distribute food, grocery products, clothing, or other household items.
- Paper bags smaller than a manufacturer's stated capacity of one-eighth barrel (822 cubic inches).

Retail establishments such as grocery stores in Santa Fe have been charging their retail customers an environmental service fee of ten cents (\$0.10) for every grocery bag provided. Ten percent (10%) of the environmental service fee collected is retained by the establishment while the remainder of the fee is paid to the City of Santa Fe to be used toward environmental educational programs and services provided to the public and also used toward the purchase of reusable bags to be given to the public, free of charge.

We recommend following this portion of the ordinance to begin reducing single-use plastic bags from the waste and litter stream. This is a good step toward changing Albuquerque shopper behavior.

- **Address drinking straws in phases.** We recommend a phased-in approach to include only offering drinking straws to customers upon request initially, which is the step Santa Fe is following. Larger metropolitan US cities such as Los Angeles have adopted this rule with a goal of phasing them out completely when a viable option is available. According to restaurant suppliers, there is not a current vendor that can fulfill paper straw orders in a full, timely, or cost effective manner.

As an example, in May 2018, a local restaurant supplier placed an order for **six pallets** of paper straws and in November 2018 only **six cases** arrived. The explanation given from the vendor for the late fulfillment date and incomplete order was that due to the high demand, they were only able to fulfill the six pallet order by forwarding six cases, which was only 10% of their initial order.

Another item to keep in mind is costs associated with paper straws. When ordering in bulk, the cost of plastic straws is \$0.01 per straw, compared to \$0.03 to \$0.04 per paper straw. As a real example, a local New Mexican restaurant with six locations spends \$17,971 annually on plastic straws. If this same Albuquerque restaurant were to switch to paper straws, the annual cost would rise to \$55,690, assuming the same amount of straws were used. **This is almost triple the amount in drinking straw costs.**

- **Allow Albuquerque restaurants to use current take-out containers.** As mentioned during public testimony, great consideration is essential when developing alternative take-out containers. Types of food sold in restaurants, particularly New Mexican food such as red and green chile include sauces, oils, and liquids not found in other retail or restaurant establishments. When assessing polystyrene

take-out containers, according to a study by Franklin Associates, a Life Cycle Assessment and Solid Waste Management consulting firm to public and private sectors, most commonly used take-out polystyrene containers use significantly less energy and water when compared to paper-based or corn-based alternatives. Key findings conclude that less energy and water are used and less solid waste is created when compared by volume. It is also noted within the study, that polystyrene products generate just slightly more greenhouse gas emission than paper-based or corn-based alternatives as expressed as net CO₂ equivalents.

Additionally, the effects of restricting one type of take-out materials does not necessarily reduce the amount of waste generated, but rather replaces it with another type of litter. Furthermore, take-out containers, both plastic and paper, are not recyclable or compostable because they have been soiled with food, which contaminates the item and the recycling process. In some cases, when an item is placed in a recycling container that is soiled with food, the item has the potential to contaminate the entire container. In contrast, paper food containers such as cereal boxes and cake mix box containers that are unsoiled are recyclable.

Please consider restaurant supply costs when it comes to take-out supplies. Restaurants operate on a three to five percent margin and are mindful of food, labor, and supply costs. When ordering take-out supplies, restaurateurs are constantly searching for lower cost items to ensure their menu prices remain consistent for their customers. As an example, a traditional 9x9x3 foam one compartment clam shell will cost a restaurant \$0.10 while the alternative can start at \$0.46. **This is four times the cost for a product that is known to securely and safely transport a plate of red chile enchiladas.** While researching this further, other alternative take-out products can cost up to 300% to 400% more than what is traditionally used to safely handle food. If Albuquerque restaurants were to begin to using these types of take-out containers, they would have raise their menu prices, which can potentially price them out of their customer market segment. There is only so much a restaurant can charge for beans and chile that fits within a family's budget.

Based on the above, we recommend restaurants continue to use the current and available take-out containers until research and development divisions of container companies develop viable options to be used in Albuquerque restaurants when considering the unique food products sold such as red or green chile. We recommend revisiting this ordinance in five years and evaluate take-out container options available at that time.

Thank you again for allowing us to be part of this important conversation. We look forward to your response and the subsequent discussion.

At your service,



Carol Wight
CEO

OUR MISSION

To empower the food and beverage industry by promoting & protecting common values and interests