



**BERKELEY CITY COUNCIL FACILITIES, INFRASTRUCTURE,
TRANSPORTATION, ENVIRONMENT & SUSTAINABILITY COMMITTEE
SPECIAL MEETING**

**Thursday, October 06, 2022
1:00 PM**

Committee Members:

Councilmembers Terry Taplin, Kate Harrison, and Rigel Robinson
Alternate: Councilmember Lori Droste

**PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH
VIDEOCONFERENCE AND TELECONFERENCE**

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the City Council Facilities, Infrastructure, Transportation, Environment & Sustainability Committee will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.

To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL <https://us02web.zoom.us/j/85277295966>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon on the screen.

To join by phone: Dial **1-669-900-9128** or **1-877-853-5257 (Toll Free)** and Enter Meeting ID: **852 7729 5966**. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized by the Chair.

Written communications submitted by mail or e-mail to the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee by 5:00 p.m. the Friday before the Committee meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record.

AGENDA

Roll Call

Public Comment on Non-Agenda Matters

Minutes for Approval

Draft minutes for the Committee's consideration and approval.

1. Minutes - September 22, 2022

Committee Action Items

The public may comment on each item listed on the agenda for action as the item is taken up. The Chair will determine the number of persons interested in speaking on each item. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Chair may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes.

Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.

2. **Adopt an Ordinance Adding a Chapter 11.62 to the Berkeley Municipal Code to Regulate Plastic Bags at Retail and Food Service Establishments**

From: Councilmembers Harrison and Hahn

Recommendation: Adopt an ordinance adding a Chapter 11.62 to the Berkeley Municipal Code to regulate plastic bags at retail and food service establishments.
(Item contains revised material)

Referred: November 25, 2019

Due: September 30, 2022

Financial Implications: See report

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

3. **Modifying Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee Meeting Time**

From: Councilmember Harrison

Recommendation: Modify Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee (FITES) meeting time to the first and third Thursdays of the month to better accommodate member schedules.

Financial Implications: None

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Unscheduled Items

These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.

4. Adopt an Ordinance Adding a New Chapter 12.01 to the Berkeley Municipal Code Establishing Emergency Greenhouse Gas Limits, Process for Updated Climate Action Plan, Monitoring, Evaluation, Reporting and Regional Collaboration

From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor) and Councilmember Hahn (Co-Sponsor)

Referred: November 15, 2021

Due: September 30, 2022

Recommendation: 1. Adopt an ordinance adding a new Chapter 12.01 to the Berkeley Municipal Code (BMC) establishing Emergency Greenhouse Gas Limits with an effective date of [], 2022.

2. Refer to the FY23-24 Budget Process \$[] consistent with implementing the requirements of Sections 12.01.040, 12.01.050, 12.01.060.

Financial Implications: See report

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

5. Refer to the City Manager to Prioritize Establishment of Impact/Mitigation Fees to Address Disproportionate Private and Public Utility Impact to the Public Right of Way

From: Councilmember Harrison (Author)

Referred: February 22, 2021

Due: September 30, 2022

Recommendation: In order to ensure equitable support of the public right of way by private and public entities that use City facilities, refer to the City Manager and City Attorney to prioritize the following in consultation with the Facilities, Infrastructure, Transportation, Environment, & Sustainability Committee:

1. establish impact and/or mitigation fees to address disproportionate private impacts to the public right of way, such as our roads and utility poles; and

2. establish transfers between sewer, waste, or other utilities as appropriate to address impacts to the public right of way.

Financial Implications: See report

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Items for Future Agendas

- Discussion of items to be added to future agendas

Adjournment

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*Written communications addressed to the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee and submitted to the City Clerk Department will be distributed to the Committee prior to the meeting.*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Members of the City Council who are not members of the standing committee may attend a standing committee meeting even if it results in a quorum being present, provided that the non-members only act as observers and do not participate in the meeting. If only one member of the Council who is not a member of the committee is present for the meeting, the member may participate in the meeting because less than a quorum of the full Council is present. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900.*



**COMMUNICATION ACCESS INFORMATION:**

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

~~~~~  
I hereby certify that the agenda for this meeting of the Standing Committee of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on October 5, 2022.

A handwritten signature in black ink that reads "Mark Numainville".

Mark Numainville, City Clerk

Communications

Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or policycommittee@cityofberkeley.info.

**BERKELEY CITY COUNCIL FACILITIES, INFRASTRUCTURE,
TRANSPORTATION, ENVIRONMENT & SUSTAINABILITY COMMITTEE
REGULAR MEETING MINUTES**

**Wednesday, September 22, 2022
1:00 PM**

Committee Members:

Councilmembers Terry Taplin, Rigel Robinson, and Kate Harrison
Alternate: Councilmember Lori Droste

**PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH
VIDEOCONFERENCE AND TELECONFERENCE**

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the City Council Facilities, Infrastructure, Transportation, Environment & Sustainability Committee will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.

To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL <https://us02web.zoom.us/j/81070713973>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon on the screen.

To join by phone: Dial **1-669-900-9128 or 1-877-853-5257 (Toll Free)** and Enter Meeting ID: **810 7071 3973**. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized by the Chair.

Written communications submitted by mail or e-mail to the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee by 5:00 p.m. the Friday before the Committee meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record.

MINUTES

Roll Call: 1:10 pm.

Present: Robinson, Harrison

Absent: Taplin

Councilmember Taplin present at 1:22 p.m.

Public Comment on Non-Agenda Matters: 0 speakers.

Minutes for Approval

Draft minutes for the Committee's consideration and approval.

1. Minutes – July 20, 2022

Action: M/S/C (Robinson/Harrison) to approve the July 20, 2022 minutes.

Vote: Ayes – Robinson, Harrison; Noes – None; Abstain – None; Absent – Taplin.

Committee Action Items

The public may comment on each item listed on the agenda for action as the item is taken up. The Chair will determine the number of persons interested in speaking on each item. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Chair may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes.

Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.

2. Adopt an Ordinance Adding a Chapter 11.62 to the Berkeley Municipal Code to Regulate Plastic Bags at Retail and Food Service Establishments *(Item contains revised material)*

From: Councilmembers Harrison and Hahn

Referred: November 25, 2019

Due: September 30, 2022

Recommendation: Adopt an ordinance adding a Chapter 11.62 to the Berkeley Municipal Code to regulate plastic bags at retail and food service establishments.

Financial Implications: See report

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Action: 2 speakers. Discussion held. The due date was extended to October 31, 2022. Item continued to a future meeting.

3. Referral Response: Community Outreach and Education Events on Proposed Regulations for the Use of Carryout and Pre-checkout Bags

From: Energy Commission

Referred: March 28, 2022

Due: September 26, 2022

Recommendation: The Energy Commission recommends that the City Council refer this matter to the forthcoming Commission on Climate and the Environment Commission, once it is established. The Energy Commission also recommends that the City Council first allocate and appropriate funding for City staff and local community partners to conduct due diligence and analysis regarding the proposed ordinance, and consider funding a pilot project with a large grocery venue.

Financial Implications: See report

Contact: Billi Romain, Commission Secretary, (510) 981-7400

Action: 0 speakers. Discussion held. M/S/C (Robinson/Harrison) to approve the item with a negative recommendation.

Vote: All Ayes.

Unscheduled Items

These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.

4. Adopt an Ordinance Adding a New Chapter 12.01 to the Berkeley Municipal Code Establishing Emergency Greenhouse Gas Limits, Process for Updated Climate Action Plan, Monitoring, Evaluation, Reporting and Regional Collaboration

From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor) and Councilmember Hahn (Co-Sponsor)

Referred: November 15, 2021

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Recommendation: 1. Adopt an ordinance adding a new Chapter 12.01 to the Berkeley Municipal Code (BMC) establishing Emergency Greenhouse Gas Limits with an effective date of [], 2022.

2. Refer to the FY23-24 Budget Process \$[] consistent with implementing the requirements of Sections 12.01.040, 12.01.050, 12.01.060.

Financial Implications: See report

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Action: The due date was extended to December 31, 2022.

5. Refer to the City Manager to Prioritize Establishment of Impact/Mitigation Fees to Address Disproportionate Private and Public Utility Impact to the Public Right of Way

From: Councilmember Harrison (Author)

Referred: February 22, 2021

Due: September 30, 2022

Recommendation: In order to ensure equitable support of the public right of way by private and public entities that use City facilities, refer to the City Manager and City Attorney to prioritize the following in consultation with the Facilities, Infrastructure, Transportation, Environment, & Sustainability Committee:

1. establish impact and/or mitigation fees to address disproportionate private impacts to the public right of way, such as our roads and utility poles; and
2. establish transfers between sewer, waste, or other utilities as appropriate to address impacts to the public right of way.

Financial Implications: See report

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Action: The due date was extended to October 31, 2022.

Items for Future Agendas

- None

Adjournment

Action: M/S/C (Robinson/Harrison) to adjourn the meeting.

Vote: All Ayes.

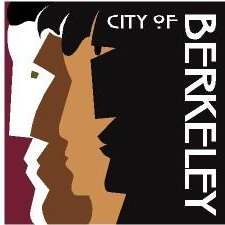
Adjourned at 1:46 p.m.

I hereby certify that this is a true and correct record of the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee meeting held on September 22, 2022.

Gabriel Rodriguez, Assistant City Clerk

Communications

Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or policycommittee@cityofberkeley.info.



Kate Harrison
Vice Mayor, District 4

REVISED AGENDA MATERIAL

Meeting Date: May 4, 2022

Item Description: Adopt an Ordinance Adding a Chapter 11.62 to the Berkeley Municipal Code to Regulate Plastic Bags at Retail and Food Service Establishments

Submitted by: Vice Mayor Harrison

- Updated ordinance to:
 - remove
 - references to restaurants;
 - remove reference to 100% post-consumer content paper bags;
 - remove prohibition on plastic pre-checkout bags;
 - add
 - \$0.10 charge for plastic pre-checkout bags;
 - Compostable Pre-Checkout Bags definition;
 - Reusable Pre-checkout Bag definition;
 - reasonable requirement to stock and provide paper bags at no charge and reusable Pre-Checkout Bags for sale;

ORDINANCE NO. –N.S.

ADDING CHAPTER 11.63 TO THE BERKELEY MUNICIPAL CODE TO REGULATE
THE USE OF CARRYOUT AND PRE-CHECKOUT BAGS AND PROMOTING THE USE
OF REUSABLE BAGS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Chapter 11.63 of the Berkeley Municipal Code is added to read as follows:

Chapter 11.63

**REGULATING THE USE OF CARRYOUT AND PRE-CHECKOUT BAGS AND
PROMOTING THE USE OF REUSABLE BAGS**

Sections:

11.63.010 Findings and purpose.

11.63.020 Definitions.

11.63.030 Carryout Bag restrictions for Covered Entities.

**11.63.040 Pre-checkout Bag restrictions for Food Product Stores and Covered
Entities.**

11.63.050 Unreasonable denial of customer bags or containers.

11.63.060 General exemptions.

11.63.070 Waivers—applicability and process to obtain.

11.63.080 City of Berkeley—purchases prohibited.

11.63.090 Duties, responsibilities and authority of the City of Berkeley.

11.63.100 Liability and enforcement.

11.63.110 Severability.

11.63.120 Construction.

11.63.130 Effective date.

11.63.010 Findings and purpose.

The Council of the City of Berkeley finds and declares as follows:

- A. Single-use plastic bags and plastic produce bags are a significant contributor to street litter, ocean pollution, marine and other wildlife harm and their production creates greenhouse gas emissions.
- B. The production, consumption and disposal of plastic based bags contribute significantly to the depletion of natural resources. Plastics in waterways and oceans break down into smaller pieces that are not biodegradable, and present a great harm to the global environment.
- C. Among other hazards, plastic debris attracts and concentrates ambient pollutants in seawater and freshwater, which can transfer to fish, other seafood and salt that is eventually sold for human consumption. Certain plastic bags can also contain microplastics that present a great harm to our seawater and freshwater life, which indirectly presents a threat to human life.
- D. It is in the interest of the health, safety and welfare of all who live, work and do business in the City that the amount of litter on public streets, parks and in other public places be reduced.
- E. The City of Berkeley must eliminate solid waste at its source and maximize recycling and composting in accordance with its Zero Waste Goals. Reduction of plastic bag waste furthers this goal.
- F. The State of California and Alameda County Waste Management Authority both regulate single-use, paper, and reusable carryout bags respectively under SB 270/Proposition 67 and Ordinance 2012-02 (as amended by Ordinance 2016-02). However, neither currently address all establishments or pre-checkout (e.g., produce) bags to carry fruits, vegetables, and other loose or bulky items while shopping before reaching the checkout area. These bags, which are often plastic, share many of the same physical qualities as single-use plastic carryout bags no longer permitted in California, and are difficult to recycle, reuse or compost.
- G. The State also does not regulate the price of bags provided at the point of sale by restaurants and streets events, including farmers' markets. While the County's Ordinance 2016-02 regulates restaurant carryout bags, it allows thicker film plastic.
- H. The City of Berkeley currently regulates a number of disposable plastic items through the Single-Use Foodware and Litter Reduction Ordinance (Ord. 7639-NS § 1 (part), 2019), but does not impose regulations with respect to bags. It is in the public interest to reduce plastic and paper waste in areas not preempted by the State of California.
- I. This Chapter is consistent with the City of Berkeley's 2009 Climate Action Plan, the County of Alameda Integrated Waste Management Plan, as amended, and the CalRecycle recycling and waste disposal regulations contained in Titles 14 and 27 of the California Code of Regulations.

11.63.020 Definitions.

A. "Accepted Compostable Pre-Checkout Bag" means a bag that is accepted by the City's compost facility as having the requisite and appropriate physical qualities for controlled biological decomposition in conjunction with other organic solid waste.

B. "Carryout Bag" means a bag provided at the check stand, cash register, point of sale or other location for the purpose of transporting food or merchandise out of a Covered

Entity. Carryout Bags do not include Pre-checkout or Product Bags. ~~“Accepted Compostable Pre-Checkout Bag” means a bag that is accepted by the City’s compost facility as having the requisite and appropriate physical qualities for controlled biological decomposition in conjunction with other organic solid waste.~~

BC. “Covered Entity” means any of the following:

~~(1) any restaurant, take-out food establishment or other business (including, but not limited to, food sales from vehicles or temporary facilities open to the public) that receives 90% or more of its revenue from the sale of prepared and ready-to-consume foods and/or drinks to the public and is not subject to the requirements of Public Resources Code Section 42281; and~~

(12) any event, or Person therein, requiring a street event permit pursuant to Berkeley Municipal Code 13.44.040 and not subject to the requirements of Public Resources Code Section 42281; and

~~(23) any other commercial establishment other than a restaurant, take-out food establishment (including, but not limited to, food sales from vehicles or temporary facilities open to the public), that sells perishable or nonperishable goods including, but not limited to, clothing, food and personal items directly to a customer and not subject to the requirements of Public Resources Code Section 42281.~~

CD. “Customer” means any Person obtaining goods from a Covered Entity or Food Product Store.

DE. “Food Product Store” means a supermarket, Food Product Store, convenience food store, foodmart, or other entity engaged in the retail sale of goods that include perishable and nonperishable food items, and with a total floor area over 2,500 square feet;

EF. ~~“100% Recycled Content Paper Bag”~~ means either a Carryout Bag provided by a Covered Entity or a Pre-checkout Bag provided by a Food Product Store that contains no old growth fiber and a minimum of forty percent (40%) ~~one hundred percent (100%)~~ postconsumer recycled material; is one hundred percent (100%) recyclable and compostable, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400; and has printed in a highly visible manner on the outside of the bag the words;

“Recyclable,” the name and location of the manufacturer, and the percentage of postconsumer recycled content;

FG. “Reusable Carryout Bag” means a bag that is specifically designed and manufactured for multiple reuse and meets all of the following requirements:

(1) has a minimum lifetime of 125 uses, which for purposes of this subsection, means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet;

(2) has a minimum volume of 15 liters;

(3) is washable by hand or machine, or is made from a material that can otherwise be cleaned or disinfected;

(4) does not contain lead, cadmium or any other heavy metal in toxic amounts, as defined by applicable state and federal standards and regulations for packaging or reusable bags;

(5) has printed on the bag, or on a tag that is permanently affixed to the bag, the name of the manufacturer, the location (country) where the bag was manufactured, a

statement that the bag does not contain lead, cadmium, or any other heavy metal in toxic amounts, and the percentage of postconsumer recycled material used, if any; and (6) is not made of plastic film, regardless of thickness. Notwithstanding this subsection, non-plastic film bags may be comprised of recycled plastic film.

~~GH.~~ "Person" means an individual, firm, public or private corporation, limited liability company, partnership, industry or any other entity whatsoever.

~~HJ.~~ "Pre-checkout Bag" means a ~~100%~~ Recycled Content Paper Bag, ~~or of~~ Accepted Compostable Pre-Checkout Bag, or plastic film bag provided or sold to a customer to carry produce, bulk food, or other food items to the point of sale inside a store.

~~IJ.~~ "Reusable Pre-checkout Bag" means a bag that is specifically designed and manufactured for multiple reuse and meets all of the following requirements:

(1) is washable by hand or machine, or is made from a material that can otherwise be cleaned or disinfected;

(2) does not contain lead, cadmium or any other heavy metal in toxic amounts, as defined by applicable state and federal standards and regulations for packaging or reusable bags;

(3) has printed on the bag, or on a tag that is permanently affixed to the bag, the name of the manufacturer, the location (country) where the bag was manufactured, a statement that the bag does not contain lead, cadmium, or any other heavy metal in toxic amounts, and the percentage of postconsumer recycled material used, if any; and
(4) is not made of plastic film, regardless of thickness. Notwithstanding this subsection, non-plastic film bags may be comprised of recycled plastic film.

~~JK.~~ "Product Bags" are bags that are integral to the packaging of a product such as film or other bags used to fully encapsulate liquid or semi-liquid takeout food items (e.g., soup containers) to prevent spillage; or bags designed to be placed over articles of clothing on a hanger at dry cleaning or laundry facility.

11.63.030 Carryout Bag restrictions for Covered Entities.

- A. No Covered Entity shall provide or sell a Carryout Bag other than ~~100%~~ Recycled Content Paper Bags or Reusable Carryout Bags at the check stand, cash register, point of sale or other location to a Customer for the purpose of transporting food or merchandise out of such Covered Entity.
- B. A Covered Entity may provide or make available for sale to a Customer a ~~100%~~ Recycled Content Paper Bags for a minimum price of ten cents (\$0.10).

11.63.040 Pre-checkout Bag restrictions and requirements for Food Product Stores and Covered Entities.

~~A. A Food Product Store providing or Covered Entity may make available for sale to a Customer with plastic film Pre-checkout Bags shall charge a minimum price of ten cents (\$0.10) per bag. Food Product Stores should consider providing appropriate signage detailing procedures for acquiring and purchasing such bags. No Food Product Store or Covered Entity shall provide Pre-checkout Bags other than 100% Recycled Content Paper Bags.~~

B. Notwithstanding subsection A, Covered Entities and Food Product Stores may provide plastic film bags as Pre-checkout Bags to Customers free of charge for the sole purpose of separating meats and seafood only upon the specific request of a Customer. Covered Entities shall not solicit Customers with respect to this exception.

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C. Food Product Stores may provide Recycled Content Paper or Accepted Compostable Pre-checkout Bags free of charge in produce and other aisles.

D. Food Product Stores shall make reasonable efforts to stock and make Reusable Pre-checkout Bags available or for sale. ~~B. A Food Product Store or Covered Entity may make available for sale to a Customer Pre-checkout Bags for a minimum price of ten cents (\$0.10).~~

11.63.050 Unreasonable denial of customer bags or containers.

Any establishment regulated by Public Resources Code Section 42281, Alameda County Waste Management Authority Ordinance 2016-02, or this Chapter, shall not unreasonably deny a customer from using bags or containers of any type that they bring themselves, including in lieu of using bags or containers provided by the establishment. However, establishments may refuse, at their sole discretion, any customer-provided bag or container that is cracked, chipped or corroded, appears inappropriate in size, material, or condition for the intended food item, or that appears to be excessively soiled or unsanitary. If the customer accepts a store-provided bags or containers in lieu, any charge required pursuant to this ordinance, other applicable law, or the establishment's policy will apply.

11.63.060 General exemptions.

A. Bags exempt from the Chapter include Product Bags, or bags sold in packages containing multiple bags such as those intended for use as garbage, pet waste or yard waste bags, or which are integral to the use of other objects.

B. Nothing in this Chapter prohibits customers from using bags of any type that they bring to the establishment themselves or from carrying away merchandise or materials that are not placed in a bag at point of sale, in lieu of using bags provided by the establishment.

C. Notwithstanding the requirements of Sections 11.63.30 and 11.63.40, Covered Entities and Food Product Stores, except as subject to the requirements of Public Resources Code Section 42281, providing ~~100%~~ Recycled Content Paper Bags as Carryout Bags at the point of sale or Pre-Checkout Bags before the point of sale, shall provide such bags at no cost to a Customer participating in the California Special Supplemental Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the California Health and Safety Code; a Customer participating in CalFresh pursuant to Chapter 1 commencing with Section 18900) of Part 6 of Division 9 of the California Welfare and Institutions Code; and a Customer participating in the Supplemental Food Program pursuant to Chapter 10 (commencing with Section 15500) of Part 3 of Division 9 of the California Welfare and Institutions Code.

11.63.070 Waivers—applicability and process to obtain.

A. The City Manager shall prescribe and adopt rules, regulations and forms for Covered Entities or Food Product Stores to obtain a partial waiver from any requirement of this ordinance upon sufficient evidence by the applicant that the provisions of this Chapter would cause undue hardship. The phrase "undue hardship" may include, but is not limited to situations where compliance with the requirements of this Chapter would deprive a person of a legally protected right.

B. Waivers may be granted by the City Manager or their designees, based upon documentation provided by the applicant and, at the City Manager's discretion, independent verification, including site visits.

C. The City Manager or their designees shall act on a waiver application no later than 90 days after receipt of such application, including mailing written notification of the City Manager's decision to the address supplied by the applicant.

Food Product Store

11.63.080 City of Berkeley—purchases prohibited.

The City of Berkeley and any City-sponsored event shall only provide or sell to a Customer ~~100%~~ Recycled Content Paper Bags or Reusable Carry-out Bags for the purpose of carrying away goods or other materials from the point of sale or event.

11.63.090 Duties, responsibilities and authority of the City of Berkeley.

The City Manager or their designee shall prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of this Chapter and is hereby authorized to take any and all actions reasonable and necessary to enforce this Chapter including, but not limited to, inspecting any Covered Entity or Food Product Store's premises to verify compliance.

11.63.100 Liability and enforcement.

- A. Anyone violating or failing to comply with any requirement of this Chapter may be subject to an Administrative Citation pursuant to Chapter 1.28 or charged with an infraction as set forth in Chapter 1.20 of the Berkeley Municipal Code; however, no administrative citation may be issued or infraction charged for violation of a requirement of this Chapter until one year after the effective date of such requirement.
- B. Enforcement shall include written notice of noncompliance and a reasonable opportunity to correct or to demonstrate initiation of a request for a waiver or waivers pursuant to Section 11.63.060.
- C. The City Attorney may seek legal, injunctive, or other equitable relief to enforce this Chapter.
- D. The remedies and penalties provided in this section are cumulative and not exclusive.

11.63.110 Severability.

If any word, phrase, sentence, part, section, subsection, or other portion of this Chapter, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City Council hereby declares that it would have passed this title, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional.

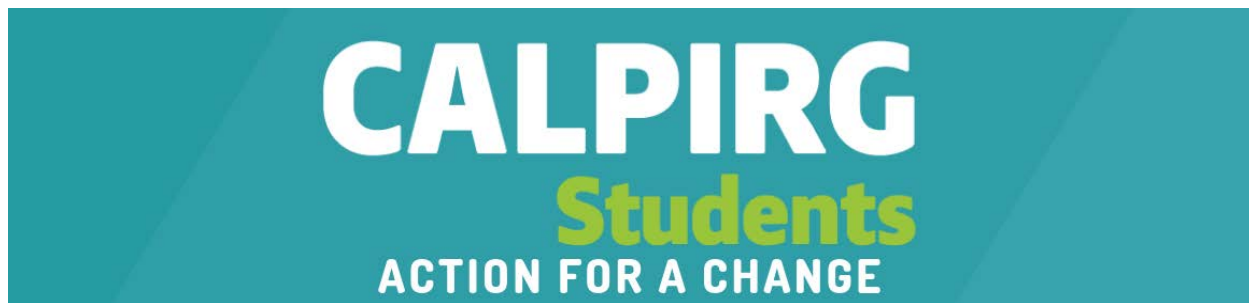
11.63.120 Construction.

This Chapter is intended to be a proper exercise of the City's police power, to operate only upon its own officers, agents, employees and facilities and other persons acting within its boundaries, and not to regulate inter-city or interstate commerce. It shall be construed in accordance with that intent.

11.63.130 Effective date.

The provisions in this ordinance are effective [], 2022.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



Dear Honorable Members of the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee,

CALPIRG Students is a statewide student-run and student-funded nonprofit organization. We work to organize students on some of the most pressing issues of our generation - from protecting the environment, to making college more affordable, to promoting civic engagement.

So much of our plastic waste comes from plastic “stuff” we could easily live without. It can take hundreds of years to degrade. Every single piece of plastic waste invented is still out there, clogging landfills, littering our streets, polluting our oceans and beaches, and harming marine life and the public's health. But we have lots of alternatives that would prevent needless harm to the environment and to our public health.

That’s why we want our city of Berkeley to serve as the green model for the rest of our state and issue a complete ban on all plastic bags! And it’s also why We want to see Berkeley lead our state to a greener, healthier, and more meaningful future. This ordinance has our full support, and support from the Berkeley community which is attached on the following pages.

Please find attached 2158 signatures and 87 photo petitions collected from students and community members, as well as sign ons from 42 small businesses in support of the Better Berkeley Bag Ban. Along with this, this semester, we signed up 800 new UC Berkeley student members who donate \$10/semester to CALPIRG Students in direct support of our work on the Better Berkeley Bag Ban.

Thank you for your consideration and service to Berkeley. We look forward to you moving the ordinance forward to the full council with a positive recommendation.

Sincerely,

Jose Luongo, Chapter Chair

Amy Johnson-Rodas, Vice Chair

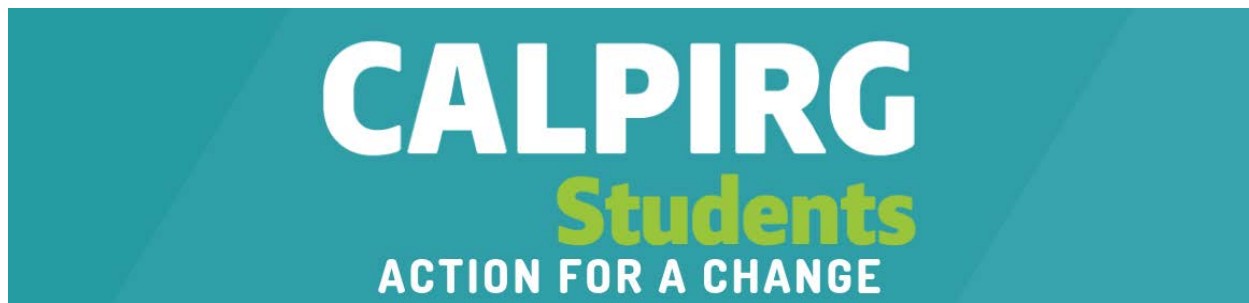
Erin Redding, Grassroots Coordinator

Paige Lieblich, External Outreach Coordinator

Derick Lietzow, Media Coordinator

Marisol Morales, Visibility Coordinator

CALPIRG Students @ UC Berkeley



Berkeley Businesses
42 Businesses signed on in support

Dear Berkeley City Council,

Every year, Californians throw away 16 billion plastic bags. All of this waste not only clogs our landfills, trashes our parks, and litters our streets, but it also washes into our rivers and oceans, where it can harm wildlife.

Individuals repurposing these bags can help mitigate the problem, but unfortunately, these billions of bags still ultimately enter our ecosystems annually. Additionally, we produce vastly more waste than our waste management infrastructure can handle. As a society, we need to stop creating enormous quantities of unnecessary waste in the first place, rather than focus only on recycling and reusing waste after the fact.

As small business owners, we encourage you to take action with campus, city, and statewide bans on all plastic bags. We encourage Berkeley City Council to enforce a bag ban that only permits reusable, recyclable, or compostable bags. We support a Better Berkeley Bag Ban to protect our environment and public health.

Thank you for taking action,

Aisha Bell | Manager | Indigo Vintage Co-Op

Williams | Sales Manager | Bows and Arrow

Maryam Guandalini | General Manager | Mezzo/Raleigh's

Anawin Juntanamulaya | Owner | The Ink Stone

Subhash Arora | Owner | Delhi Diner

Joseph Ryan | Head Barista/Manager | Musical Offering

Tan | Manager | Dumpling Kitchen

Yeji | Manager | Kimchi Garden

Tenzin | Employee | King Pin Donut



Jason Mai | Manager | Boba Time

Vikram | Owner | Punjabi Dhaba

Doris Moskomte | Owner | Moe's Books

Ernest Ip | Owner | Take Eat Easy

Tom Chondu | Manager | Multiple Businesses: Rasputin Music, Bear Basics, Anastasias Vintage Clothing

Israel | Manager | Taco & Co.

Tempe Mangn Tevec | General Manager | Angeline's Louisiana Kitchen

Noeh Lynes | Half Price Books

Ammie Young | General Manager | Berkeley Social Club

Bharat Tekham | Manager | Friendly Market

Ali Fayazi | Owner | Coffee Hut

Harvey Dons | Owner | East Wind Books

Tash Pour | Fast Imaging Ctr

Chracken | Manager | Ko Stop

Judy Sona | Manager | Friends of the Public Library

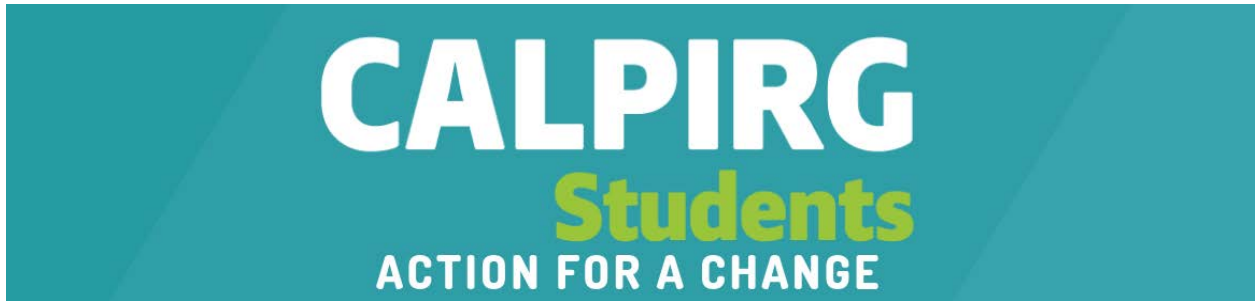
Jo Call | Manager | Marcs Mercantile

Jeff Koren | Owner | Sleepy Cat Books

Jolie Trujillo | Manager | Indigo Vintage

J. Li | Manager | Crafts and Grapes

Venicat R.Y. | Manager | Namaste



Efreu Avalos | Owner | Avalos Farms

Emiley Rodriguez | Kalei Farms

Matthew | Owner | Good Faith Farms

Roberto Ghato | Owner | Golden Rule Organic

Katy Pomelo | Owner | Lifefood Garden

Leo Haertling | Achadinha Farms

Eduardo Morell | Owner | Morell's Bread

Sara Morill | Big Little Bowl Soup

Harpreet | Phoenix

Nawang | Owner | Cafe Zaubalu

Elizabeth Prescott | Riverdog Farm

Daniel Korson | Owner | Coracao Confections

Fasika Merhrat | Owner | Sika Ethiopia



UC Berkeley and Berkeley Residents

2158 Grassroots Petitions

Dear Berkeley City Council,

So much of our plastic waste comes from plastic “stuff” we could easily live without. It can take hundreds of years to degrade, so all of that plastic waste is still out there, clogging landfills, littering our streets, polluting our oceans and beaches, and harming marine life and the public's health.

That’s why we want our city of Berkeley to serve as the green model for the rest of our state and issue a complete ban on all plastic bags! We have lots of alternatives that would prevent needless harm to the environment. We would like to see Berkeley lead the way to a greener, healthier, and more meaningful future.

Signed,

UC Berkeley Students and Residents

Noor	A	Ishaq	Aden-Ali
Charity	Abanes	Cho	Adolfo
Hanifah	Abatcha	Thea	Adumitroaie
Mohammed Ali	Abed	Marwa	Afghani
Alex	Abillar	Max	Afifi
Caitlyn	Abragan	Vedant	Agarwal
Anjad	Abukeer	Arhaan	Aggarwal
Nonachi	Achara	Nick	Agor
Natalia	Acuesta	Shipranch	Agrawal
Lauren	Adams	Vaibhav	Agrawal

CALPIRG

Students

ACTION FOR A CHANGE

Jordan	Agresti	Sajad	Alani
Brisa	Aguayo Ramirez	Sara	Alanis
Yelinne	Aguiar	Seiham	Alansary
Gabriel	Aguilar	Mia	Albano
Alondra	Aguilar	Samiyah	Alberto
Isaac	Aguilar	Sedrick	Alcantara
Alejandra	Aguilar Arce	Jacqueline	Aldrete
Sarah	Ahazie	Dania	Alfakoos
Sharon	Ahazie	Zayd	Ali
Maria	Ahmed	Maryem	Ali
Ellie	Ai	Abigail	Allen
Tom	Aiba	marie	allouche
Yezzen	Airawi	Isabella	Aloocer
Havah	Aisha Isray	Khaled	Alqahtani
Yusuf	Akbas	Auden	Alsop
Carley	Akohoshi	Chloe	Altura
Lukas	Aksena	Fátima	Alvarado
Mohammed	Al Rashid	Pamela	Alvarado
Mohammad	Alam	Giovanni	Alvarez
Mariam	Alami	Ahmed	Alzubaidi

CALPIRG

Students

ACTION FOR A CHANGE

Alejandra	Amador	Matilda	Antwi
Ishan	Amin	Alexa	Apodaca
Nicole	Ammari	Brenda	Aquilar
Ken	Amornnopawong	Paelo	Aquino
Ella	Amparo	Sergio Alejandro	Araiza Robles
Joel	An	Christina	Arakelian
Stella	An	Carol	Areta
Ellie	Andersen	Jesus	Arias
Evan	Anderson	Samuel	Arias
Riley	Anderson	Erik	Armas
Leeannie	Anderson	Vijay	Arora
Michelle	Anderson	Juliana	Arrona
Mike	Andrade	Verina	Atallah
Amarra	Andresen	Riya	Athwal
Jordan	Anichini	John	Atoche
Roma	Ankolekar	Sid	Attam
Sarah	Ansell	Samikshaya	Auanthakrisknan
Sophie	Anslinger	Tyler	Auton-Smith
Kate	Anstett	Heidi	Avalos
Zoe	Antonoff	Danielle	Avelino

CALPIRG

Students

ACTION FOR A CHANGE

Nathalie	Avila	Akcan	Balkir
Ivonne	Avila	JiHo	Bang
Natalie	Aviles	Sidney	Banks
Shanzay	Awan	Nilo	Banos
guadalupe	ayala	Alexa	Banuelos
Kennya	Ayala	Christie	Bao
Katem	Ayat	Hannah	Barahona
Anant	Ayyar	Oswaldo	Barba
A	B	Niko	Bardin
Fariha	Babar	Dhoha	Bareche
Rebecca	Baek	Tahmina	Barkzai
Aaron	Baeza Cerriteno	Olivia	Barman
Ipshita	Bag	lily	Barnett
Martin	Bagadion	giselle	barough
Amanjot	Bains	Laura	Barragan
Ramanjot	Bains	Ian	Barragan
Rosa	Baiza	Matias	Barraza
Kimberly	Bajarias	Felipe	Barreto
Kimberly	Baker	Brianna	Barrett
Patrick	Bales	Maayan	Barsade

CALPIRG

Students

ACTION FOR A CHANGE

Mariana	Barsotti	Helen	Berg
Sarah	Barton	Emely	Bermudez
Elizabeth	Barton-Mattos	Sofia	Bernal Ramirez
Sanah	Basrai	Estefany	Berrios
safa	basravi	Riki	Bertoldi
Osmend	Bates	matthew	betti
Catherine	Bauer	Sara	Betts
Kelsey	Bautista	Anitej	Bharaduj
Jared	Bautista	Lavanya	Bhardwaj
Constance	Beckford	Manan	Bhargava
Paige	Begley	Ella	Bhat
Nicolas	Beguín	Aditi	Bhat
Evan	Belk	Savit	Bhat
Ron	Belman	Miranjan	Bhatia
Riley	Benedict	Sarthak	Bhatnagar
Jaden	Benitez	Mark	Biedlingmaier
Victor	Benitez	Nur Marsya	Binti Zuhari
Kevin	Benitez	Vivien	Black
james	Bennett	Lucia	Boadas
Bridget	Bentley	Carlos	Bocanegra

CALPIRG

Students

ACTION FOR A CHANGE

martina	boga	William	Bradford
Llesi	Bogaard	kaitlyn	brady
Sushil	Bohara	Olivia	Branan
Mateo	Bohigian	Andy	Brandt
Edgar	Bojorquez	Malia	Brazil
Kiely	Bok	Madison	Brenner
Sarah	Bollinger	Nathan	Brenner
Nathalie	Bombase	Skylar	Briggs
Gaia Maria	Bonanno	Hector	Briseno
Jay	Bond	Sullivan	Brock
Sri	Bondada	Abigail	Brooks
Pace	Bongiovanni	Hannah	Brooks
Jatearoon	Boondicharern	Haley	Brower
Abby	Borchers	Kendall	Brown
Alex	Boren	Jordan	Brown
Isabella	Borkovic	Olivia	Buchbinder
Michael	Borrello	Megan	Bui
Chloe	Boss	Erin	Burke
Kimi	Boureston	Mina	Burns
alex	bovenzi	Thora	Butler

CALPIRG

Students

ACTION FOR A CHANGE

Lindsey	Butner	Sabi	Can Russo
Michid	Byambajav	Rayne	Cantero
Elizabeth	Byington	Diana	Cantorán-Perez
Devon	Byrne	Azzurra	Cappuccini
Doy	C	Helena	Cardiel-Stevens
Isabelle	C. Ribeiro Minosso	Alexis	Caretti
Isabel	Cabrera	Sonoma	Carlos
Frank	Cai	Caelyn	Carlson
Caitlyn	Cai	Raafat	Caroline
Joshua	Calangian	Nina	Caron
Lauren	Calcagno	dylan	Carpenter
Paige	Callaghan	Clarisse	Carpio
Jared	Calvo	Daisy	Carranza
Frida	Calvo Huerra	Giselle	Carreno
Abigail Grace	Camacho	Kleigh	Carroll
Stephanie	Camarillo	Tyler	Cary
Trinity	Campbell	John	Cary
Mia	Campbell	Andrew	Caslow
Elena	Campell	John	Cassell
Zoe	Campion	Maria	Castaneda

CALPIRG

Students

ACTION FOR A CHANGE

Fatima	Castillo	Jessica	Chan
Alma	Castillo	Shirlynn	Chan
Dayelynn	Castillo Delgado	Adelyn	Chan
Marius	Castro	Jayda	Chan
Emma	Caufield	Hsi-min	chan
Mike	Ceas	Yunling	Chan
Lester	Cedeno	Liliani	Chandranata
Katarina	Ceguerra	Lucia	Chang
Samantha	Ceja	Katie	Chang
Samantha Mae	Ceralde	Stephen	Chang
Yareli	Cervantes	Tzuyi	Chang
Calista	Cesewski	Bella	Chang
callie	cesewski	Shannon	Chang
Meyra	Ceylan	Ginger	Chang
Molly	Cha	Joey	Chao
Darshan	Chahal	Marco	Chapa
Elen	Chakhoyan	Jacqueline	Chapman
Ying	Chan	Grenier	Charlotte
Cherry	Chan	Dylan	Chau
Angelica	Chan	Anirudh	Chaudhary

CALPIRG

Students

ACTION FOR A CHANGE

Grisel	Chavez	Sanjay	Chintapally
Ananya	Chawla	KAITLYN	CHIOK
Ronit	Chawla	Xiaowen	Chn
Shachi	Chemburkar	Deborah	Cho
Justin	Chen	Ara	Cho
Jessica	Chen	Shay	Choen
Yu Jun	Chen	Audrey	Choi
Lei	Chen	Mina	Choi
Cynthia	Chen	Won Jung	Choi
Kurtis	Chen	Alina	Choi
Tavis	Chen	Kaden	Chou
Yaozong	Chen	Tzu Chieh	Chou
Calculus	Chen	Zach	Christiansen
Bruce	Chen	Catherine	Chu
Jenna	Cheng	Elma	Chuang
Ming	Cheng	Vivian	Chung
Natalie	Cheng	Manuel	Cisneros
Chantal	Chew	Logan	Citroen
Sachin	Chhabria	Nicholas	Clark
Yuriko	Chiaki-Robb	Lucas	Clark

CALPIRG

Students

ACTION FOR A CHANGE

Florante	Claudio	Quinn	Corcoran
Wyatt	Clay	Taylor	Cordoba
Caitlin	Clift	John	Cornejo
Rena	Co	Gabriela	Cornejo
Taleen	Cochran	Victor	Cornejo
Jevon	Cochran	Jairo	Corral Chavez
Shay	Cohen	larissa	corry
Francesca	Cohen	Liliana	Cortes
Simon	Colburn	Viviane	Cortes
malcolm	collins	Ana	Cortez
Claudia	compas	Kristel	cosio
Raphael	Condor	Katheryn	Cota
James	Conklin	Ridge	Coughlin
Brandon	Contreras	Ainslie	Coughran
Daniel	Conway	Maxwell	Coy
John	Cook	Elizabeth	crass
Angela	Cooley	Emily	Crofoot
Isobel	Cooper	Richard	Crorch
Mahlet	Copeland	Jessica	Croysdill
Abigail	Corcio	Pedro	Cruz

CALPIRG

Students

ACTION FOR A CHANGE

Luis	Cruz	Aashna	Dalal
Ricardo	Cruz	Aiden	Damirez
James	Cruz	Valdezti	Dandekar
Juana	Cruz Sampedro	Marcus	DAngelo
Emerson	Cruz-Ramirez	Claire	DaQuino
Kennedy	Cuello	Katie	DaQuino
Dixun	Cui	Carlo	Daquioag
Tingyue	Cui	Raj	Dasani
Austin	Culp	Nishita	Dashpute
Nick	Currie	Isabella	Daste
Ava	Currie	Kat	Davenport
Eugeniu	Cuznetov	Derek	Davis
Sehr	Dada	Mohammad	Dawood
diksha	dahal	Kiki	de Bruijne
Sanaya	Dahanukar	Arissa	De La Cerda
Chen	Dai	Cassandra	De La Pena
Gracie	Dai	Jack or Jace	De La Riona
Jason	Dai	Sophia	De la Rocha
Aditya	Daita	Tatiana	De La Sancha
Daisy	Dal	Natalia	De La Torre

CALPIRG

Students

ACTION FOR A CHANGE

Niko	De La Torre	Ella	Diamond
Gavin	de Leon	Rachel	Diao
Xavier	De Leon	Shaylan	Dias
Samantha	DeCosta	Jackelyn	Diaz
Salaah	Deen	Gilberto	Diaz
Morgan	Dehdashti	Emily	Diaz
Monica	Deherrera	William	Diaz
Karleigh	Dehlsen	Luis	Diego Riojas
Aidan	del real	Xintong	Ding
Gianna	Delgado	Ella	Dittmann
Sofia	Delpriore	Michaia	Dixon
Jon	Dena	Caleb A.	Dixon
Bruce	Deng	Megchiani	Diya
Boyuan	Deng	Nam	Doan
Daniel	Deng	Donn	Dolorito
Pallavi	Desai	Maria	Dominguez
Elise	Deshazer	Jacqueline	Dominguez
rahul	deshmane	Ericka	Dominguez
Asrith	Devalaraju	Ariana	Dominick
Shivreet	Dhillon	Saghen	Dommes

CALPIRG

Students

ACTION FOR A CHANGE

Zhen	Dong	Armaan	Dwivedi
Kalea	Doryon	Val	E Machado
Samantha	Doyle-Jacobson	Maxine	E.
Justice	Drake	Violet	Edwards
Savannah	Dryden	Benjamin	Eisley
Kau	Du	Rachel	Eizner
Lianna	Duag	Kaleb	Elarms-Orr
XUANYU	DUAN	Emmanuel	Elizalde-Ocampo
Siddarth	Dukkipati	Maria	Elizarraras
Lindsey	Duncan	Ryan	Elkhouri
Alida	Dunleavy	Mahiya	Ellis
Kalani	Dunn	Kevin	en
Alexa	Dunn	Cooper	Endicott
Sabrina	Dunn	Gigi	engalla
Liam	Dupeyron	Saum	Entezasi
Lanah	Duque	Payamullah	Erfan
Chris	Duran	Jesnine	Erillo
Samantha	Duran	Sara	Ertac
Damian	Duran	Sara	Ertae
Brian	Durnell	Ariel	Esagoff

CALPIRG

Students

ACTION FOR A CHANGE

Deanna	Escarises	He	Fang
Maxine	Eschger	Charlie	Faramarzi
Nathan	Escobar	Vice	Farley
Steve	Escobar	Naasie	Farooqi
Nora	Espinoza	Alina	Fatima
Ethel	Espinoza	Greyson	feather
Gabriela	Espinoza Alfaro	Karla	Feldmann
Emeli	Esquivias	Ronan	Felton-Priestner
Nathan	Essman	Carly	Feng
Jonathan	Estrada	Tulsi	Fernandez
Paulina	Estrada	Vanessa	Fernandez
Melvin	Estrada	isabella	ferrucci
Mark	Eusterman	Maximo	Fierro
Garrett	Evans	Aubrey	Fife
Jordan	Evans-Polockow	Brianna	Figuroa
Sophie	Everett	Martin	Figuroa
Francesca	Ezra	Lucas	Fink
Mona	Faham	Kayleen	Fiscal
Lorianne	Fan	Jessie	Fisher
Jeffrey	Fan	Colin	FitzGerald

CALPIRG

Students

ACTION FOR A CHANGE

Rayna	Fitzgerald	Alia	Franczyk
David	Fitzoerald	Thalissa Malagoli	Frazon
isabel	flanders	Misie	French
Zoe	Flemate	kyle	friend
Nick	Fleming	Angelo	Frisina
alfie	fletcher	Vivian	Frisk
Crizel	Flores	Julia	Fu
Fernando	Flores	Guanhua	Fu
Naomi	Flores	Zaman	Fualmooh
Roberto	Flores Blancas	Zaira	Fuentes
Lia	Flores Palacios	Filson	Fugfugosh
Alfredo	Florez	Kenzo	Fukuda
Ari	Fomalont	Kathryn	Funderburg
Chrissa	Foscolos	Madeline	Furey Peters
Ava	Foster	Constance	Gaard Storvestre
Rachel	Fox	Emily	Gabion
Valerie	Fraga	Natalie	Gaffney
Marisol	Franco	Kate	Gaffney
Emmanuel	Franco	Graeson	Gajewski
Tomas	Francois	Arly	Galindo

CALPIRG

Students

ACTION FOR A CHANGE

Samantha	Galindo	Armando	Garcia
Emily	Gallardo	Miguel	Garcia
Joshua	Gallo	Grecia	Garcia
Lindsay	Galperson	JP	Garcia
Jocelyn	Galvan	Robert	Garcia
Jocelyn	Gama	Debbie	Garcia
Hannah	Gammon	Josselin	Garcia Sereno
Genna	Gams	Kimberly	Garcia-Aguilar
Rustam	Gandhi	Martin	Garcia-Angel
Mehul	Gandhi	Preshtha	Garg
Liam	Ganion	Khislenn	Garino
Cynthia	Gao	Adamaris	Gasca
Shihan	Gao	Aaron	Gaspar
Annie	Gao	Sara	Gastelum
Tiffany	Gao	Bryanna	Gavino
Kush	Gara	Olivier	Gennart
Gianna	Garcia	Renuka	Gentela
Kaylee	Garcia	Declan	Gessel
Jessica	Garcia	Nare	Gharibi
Julian	Garcia	Allie	Giang

CALPIRG

Students

ACTION FOR A CHANGE

Carla	Gil	Ronny	Gonzales
Manraj	Gill	Ari	Gonzalez
Jaadé	Gillespie	Sebastian	Gonzalez
lucas	gilmour	Moncerrath	Gonzalez
Mateo	Giovannini	Eitalia	Gonzalez
Vikash	Giritharan	Katherine	Gonzalez
Asiah	Giuntoni	Jose	Gonzalez
Jordan	Gleaton	David	Gonzalez
Madeline	Godbey	Tomas	Gonzalez
Emerson	Goebels	Mayra	Gonzalez-Gomez
Tyler	Goldstein	Sophia	Gorlato
Kevin	Gomes	Priyanka	Goswami
Julieta	Gomez	Ryan	Gottschalk
Carlos	Gomez	rohan	goyal
Stefany	Gomez	Jack	Grable
Angel	Gómez	Ian	Grace
Ana Alice	Goncalves	Eva	Grace
Sreya	Gonugunta	Amy	Granados
D'Angelo	Gonzales	Brooklyn	Grant
Ana	Gonzales	Maurice	Grayson

CALPIRG

Students

ACTION FOR A CHANGE

Thomas	Green	Aayush	Gupta
Moss	Gridley	Raghav	Gupta
Alexander	Griffin	Anish	Gupta
Olivia	Grimes	Sitara	Gupta
Natalie	Grover	Sonya	Guralnyk
Carter	Gruebel	Camila	Gutierrez
Zeze	Gu	Heriberto	Gutierrez
Grace	Guan	Jonathan	Gutierrez
Maggie	Guan	Guz	Guzman Gomez
Akhil	Gudapati	Ann-Marie	Ha
Alexia	Guerra	Aliya	Haas Blinman
Melanie	Guerrola	Grace	Haase
Adalma	Guevara	Denna	Hadipour
Jacqueline	Guevara	Sierra	Hahn
Aishi	Gulati	Rebecca	Haile
David	Guo	Jonathan	Hale
Arinna	Guo	Crystal	Halk
Ishrita	Gupta	Andrew	Hall
Agam	Gupta	Helen	Halliwell
Rijul	Gupta	Charles	Halstead

CALPIRG

Students

ACTION FOR A CHANGE

Andrea	Halsted	Matthew	Haynam
Fumiko	Halteman	jada	hays
Isabela	Hamasaki	Shadow	Hayward
Tehreem	Hamid	Yiwei	He
Samuel	Han	Qing Qing	He
Michelle	Han	Shuyao	He
Zikang	Han	Qiting	He
Tatum	Handel	Madison	Heath
Tommy	Hang	Madeline	Heller
Cornelius	Hant	Benjamin	Henriquez
Asaad	Haroun	Na Lee	Her
Chad	Harper	Rosa	Heraldez
Samuel	Harris	Dionne	Herbold
Cyndi	Harris	Ross	Herling
Katelyn	Harter	Sofia	Hernandez
Lauren	Harvey	Francis	Hernandez
Said	Hashmat	Yvette	Hernandez
Seemal	Hassan	Abigail	Hernandez
William	Hayes	Angelica	Hernandez
Nathaniel	Haynam	Brisa	Hernandez

CALPIRG

Students

ACTION FOR A CHANGE

Enmanuel	Hernandez	Anthony	Hoang
Julie	Hernandez	Tawny	Hoang
Daniela	Hernández	Emma	Hoehn
Diego	Hernandez Callejas	Claudia	Holland
Yamilekx	Hernandez Guzman	Imani	Holmer
Ana	Hernandez Vega	Tara	Hong
Richard	Herrera	Andrew	Hong
Luis	Herrera-Silva	Xochitl	Hood
Kelsey	Hetherington	Geneva	Hopwood
Joshua	Hickel	Maya	Horenstein
Sansan	Hien	Samantha	Horne
Heather	Highland	Anders	Hosek
Amaya	Hill	Jerry	Hou
Corwin	Hill	Elena	Hsieh
Nina	Hill	Claire	Hsu
Heidi	Hirsohn	Zin	Htet
Bailee	Ho	Sherry	Hu
Stanley	Ho	Nancy	Hu
Austin	Ho	Summer	Hua
davian	Ho	Chun	Huang

CALPIRG

Students

ACTION FOR A CHANGE

Cynthia	Huang	Ji soo	Hwang
Weiping	Huang	Olinna	Ian
Junting	Huang	Carolina	Ibanez
Jeremy	Huang	Madison	Idso
Ellie	Huang	Kaitlyn	Iglesias
Vienna	Huang	Kyle	Igo
Zhiyuan	Huang	Omar	Imam-Darling
Clement	Hudson	Irmak	Incedayi
Ana	Huerta	Stefanie	Iojica
Vivienne	Huerta Guimont	Mehrazin	Iranbakhsh
Rocky	Hughes	Jade	Isaacs
Alexander	Huizar	Cyrhil	Ishi Soriente
yuri	humrich	Laila	Ismail
Dylan	Hungate	Pranav	Iyer
Ines	Huret	Amanda	Jackson
kilty	huskisson	kathryn	jackson
Lindzi	Hutchinson	Clarissa	Jacobo Hernandez
Nhi	Huynh	Manish	Jaganath
Andy	Huynh	Taya	jain
Yoon	Hwang	Jasmine	Jalloh

CALPIRG

Students

ACTION FOR A CHANGE

Emme	James	Naia	johnson
Aimen	Jamshed	Meghan	Johnson
Kishan	Jani	Amy	Johnson
kendall	jensen	Auxiliadora	Johnson
Emma	Jensen	Ahmi	Johnston-Ponell
Kristen	Jeong	Braeden	Jones
Charlie Cheng-Jie Ji		Jacqlyn	Jones
Skyler	Ji	Bennie	Jordan
Jerry	Ji	Edwin	Jorge-Benitez
Xiangli	Jia	Hector	Juarez-Vargas
Jacob	Jiang	Ari	Jujin
Nick	Jiang	Anna	Julian
Anais	Jimenez	Amalia	Junco
fatima	jimenez	Jacoby	Junes
Lina	Jimenez	Ayeon	Jung
Mathew	Jimenez	Terry	Jung
Yoon	Jin Loom	Hailey	Jung
Abhinar	Jin-joo Veduti	Micheal	Jungh
Leah	Jizelle	Raina	Jupay
Jordan	Johl	Aldo	Jusso Ramirez

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Students

ACTION FOR A CHANGE

Elizaveta	K	mahek	kaur
Abd	Kahhaleh	Maho	Kawai
Meher	Kajaria	Ashley	Kaya
Anastasia	Kaloshina	Lia	Keener
Marina	Kamezawa	Sai	Keerthana Puvvuls
Emma	Kang	Allison	Kelley
Woojung	Kang	Zoe	Kelly
Liang	Kang	Robert	Kelly
Yoga	Kanneboina	Angelique	Kelly-Patino
Austin	Kao	John	Kenny
Michael	Kao	Jessica	Keszey
Selin	Kaptana	Benjamin	Key-Rodriguez
Charitha	Kari	Sundus	Khan
Arjun	Karnik	sana	khan
Sheer	Karny	Maria	Khan
Swetha	Karthikeyan	Tina	Khangtintsang
Jayanth	Karuturi	Shivani	Kharbanda
Anvi	Kasargod	Kirsten	Kho
Sage	Kasick	Jana	Kikhia
Amar	Kaul	sueji	Kim

CALPIRG

Students

ACTION FOR A CHANGE

Dani	Kim	ruby	king
Erica	Kim	Emmett	King
Jaremy	Kim	Kayla	Kirkorian
Tommy	Kim	Savannah	Klein
Allison	Kim	Rowen	Kliethermes
Katie	Kim	Peyton	Kn
Gamin	Kim	Anna	Knall
Hyun Ho	Kim	Isabella	Knott
Madeline	Kim	David	Ko
Kailin	Kim	Rosa	Kobusch
Amy	Kim	J. Michael	Kochera
Karis	Kim	Priscilla	Koetting
Rachel	Kim	Adeola	Kofo-Abayomi
Vivian	Kim	Katelyn	Kolberg
seungyeon	kim	Pranathi	Kolla
Christina	Kim	Xiang	Kong
Minji	Kim	Federico	Kong-Gonzalez
Min	Kim	Samuel	Kooset
Youngjin	Kim	Satoshi	Kori
tristan	kimball	Zara	Koroma

CALPIRG

Students

ACTION FOR A CHANGE

Akhil	Korupolu	Roshni	Kumar
Deepika	Korupolu	Hamza	Kundi
Samantha	Kotta	Raquel	Kunugi
Po-ou	Kouch	Olivia	Kurtz
Gursimar	Kouli	Aleen	Kuyumjian
Emma	Kraft	Abraham	Kwok
Maxim	Kraft	Jack	Kwon
Emma	Kraus	Andrew	Kwon
linda	Krellner	Ryan	Kwong
Ariana	Kretz	Mallika	L
Markus	Kreutzer	Marco	L.
Sejal	Krishnan	Sean	La
Uma	Krishnaswamy	Tuong	La
Arjun	Kshirsagar	Maximus	Lacey
Yiming	Kuang	Sophia	Ladyzhensky
Kylie	Kubota	Angel	lagunas
Jacob	Kuczynski	Susan	Lai
Zoe	Kuebrich	Connor	Lam
Pranesh	Kumar	Oscar	Lam
Akshat	Kumar	Janice	Lam

CALPIRG

Students

ACTION FOR A CHANGE

Annabelle	Lampson	Francis	Ledesum
Lucia	Landeros	Dylan	Lee
Lukas	Lane	Jana	Lee
Arianna	Laolagi	Kristen	Lee
Luz	Lara	Hellas	Lee
henry	Larkin	Colette	Lee
Amanda	Larsen	Kevin	Lee
Ho Yin	Lat	Megan	Lee
Tilema	Latu	Shanon	Lee
Sam	Laur	Seul Ah	Lee
Danielle	Lavitt	Kaylin	Lee
Catherine	Lawrence	sydney	lee
Garrett	Layton	Jean	Lee
Khoi	Le	Viola	lee
Han	Le	Cyrus	Lee
Trang	Le	Tyler	Lee
Megan	Le	Tommy	Lee
Vi	Le	Sophia	Lee
Vanessa	Lechuga	Jenny	Lee
Natalie	Leclerc	Joshua	Lee

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Students

ACTION FOR A CHANGE

Aisan	Lee	Chunyuan	Li
Jaelyn	Lee	Mona	Li
Yechan	Lee	Andrew	Li
Mengziang	Lei	Grace	Li
Karina	Lei	Beike	Li
Casey	Lei	Sophie	Li
Constantina	Leibe	Jerry	Li
Lukas	Leitzgen	Chenyi	Li
Jocelyn	Lemos	Tongdan	Li
Kiana	Leong	Crystal	Li
Aidan	Leung	Bowen	li
Lauren	Leung	Esther	Li-Chen
Jenna	Levin	Katie	Liang
Alexander	Levy	natalie	liang
Benjamin	Lewis	Kathy	Liang
Jeremy	Lewis	Jason	Liao-zeng
Shawntrell	Lewis	Henry	Libermann
Abigail	Lewis	Paige	Lieblich
Ben	Lewis	Kennedy	Liem
Xiangyang	Li	Robert	Lietzow

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Students

ACTION FOR A CHANGE

Sehee	Lim	Brandon	Liu
Evan	Lim	Fang	Liu
Kylie	Lim	Yingpian	Liu
Joshua	Lim	Doris	Liu
Maria	Lima	Tingyu	Liu
Andrea	Limon	Lianna	Liu
Isaac	Lin	Youxun	Liu
Jinjian	Lin	Wenjin	Liu
Yati	Lin	Aaron	Liu
Maggie	Lin	Ryder	Liulin
Charlotte	Lin	Jessica	Llanos-Gamboa
Branden	Lin	Laura	Llerena
James	Lin	Hayden	Loarie
Yihan	Lin	Sonam	Lobras
William	Lindstrom	Kaori	Lock
Yunjun	Ling	Anuja	Lohia
Camille	Linh	Priyanka	Lohia
Yanlin	Liu	Kathryn	Look
Ricky	Liu	Claire	Loos
Ambrose	Liu	Melany	Lopez

CALPIRG

Students

ACTION FOR A CHANGE

iris	lopez	Xinyin	Lu
Bella	Lopez	David	Lu
Francisco	Lopez	Lauren	Lu
Andrew	Lopez	CJ	Lu Sing
Frankie	Lopez	Diana	Lucas
Jocelyne	Lopez	Anaely	Lugo
Allen	Lopez	Raul	Luis
Vanessa	Lopez	Jana	Lukas
Rin	Lopez	David	Luna Cruz
Imalay	Lopez-Corona	Cecilia	Lunaparra
David	Lopez-Larios	Matthew	Luo
Hannah	Lothrop	James L	Luo
Nicole	Louie	Tatum	Luoma
Thomas	Louther	Maya	Luong
Asthon	Love	Joaquin	Luongo
Juliette	Lovell	Madeline	Ly
Emma	Lowe	Alexander	Ly
Camila	Lozano	Caylee	Lyman
Nick	Lu	Grace	Lytle
Ducheng	Lu	Tong	Lyu

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Students

ACTION FOR A CHANGE

Bingbing	Ma	Marcelo	Makhlofv
Celina	Mac	Marc	Makornwattana
Andrea	Macairan	Abigail	Malakun
Emmanuel	Macedo	Andrea	Maldonado
Inigo	Macey	Emiliano	Maldonado
Thais	Macias	Michelle	Maldonado
Nhaovaleth	Macias	Arika	Malik
Laishaa	Maciel	Iskita	Malik
Carlyle	Mackenzie	Tanaya	Malik
Aaron	Mackenzie	Star	Mallamo
Aditya	Madaraju	Giselle	Malveda
Raghava	Madireddy	Samuel	Mankoff
David	Madriz	Meher	Mann
Julio	Magana	Justin	Marc Alvarez
Declan	Mahaffey-Dowd	Selian	Marie Grogan
Niamh	Maher	Kaleo	Mark
Sara	Mahjoobi	David	Marquez
Haania	Mahmood	Ella	Marsh
Duong	Mai	Caleb	Marsh
Sinan	Makdisi	Adrian	Martinez

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Students

ACTION FOR A CHANGE

Judith	Martinez	Emily	McCabe
Claudia	Martinez	Bridget	McCabe
Christian	Martinez	Olivia	McCauley
Allyson	Martinez	Floyd	McCluhan
Frank	Martinez	Jake	McCullough
Jenna	Martinez	Annabelle	McCutcheon
Joan	Martinez	Claire	Mcdonald
Lavanya	Maruthapandian	Jessie	Mcginley
Ali	Marvin	Liam	McHugh
Alex	Masci	John	McKay
Jiroum	Masoudi	Jameson	McKenna
Jordan	Masterson	Maggie	McLean
Elaina	Matos	Asha	McLyn
Alisa	Matsoyan	Kevin	McNally
Sylvia	Mau	Tyler	McNierney
Milo	Maurer	Raina	McRae
Jay	Maytorena	Maureen	McSweeney
Armina	Mayya	Hilary	Medel
Maddie	Mc Elheney	Hillary	Medel
Allie	McAndrews	Elizabeth	Megaw

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Students

ACTION FOR A CHANGE

Alexander	Mehregan	Luis	Meza
Yingyan	Mei	Yutorey	Mi
Monise	Mejia	Mariatereza	Michael Lidou
Jaye	Mejia-Duwan	Leonard	Milea
Mehaa	Mekala	Anna	Miller
Kayra	Mendez	Ellie	Miller
Melissa	Mendieta	Lia	Mimun
Ashley	Mendiola	Yeirell	Minder
Janet	Mendoza	Arlet	Miranda
Ulyses	Mendoza	Sara	Mirza
Bella	Mendoza	Ashi	Mishra
Therese	Mendoza	Tilak	Misner
Nadav	Mendoza	Maya	Mitchell
Juana	Mendoza Cruz	Margot	Mitchell
Maya	Mendrx	Ian	Mitchell
Ines	Menendez	Adi	Mittal
Miguel	Mercado	Kanav	Mittal
Aminah	Merchant	Megan Moe	Moe
cooper	mervin	Saahit	Mogan
James	Meyer	Niki Sanieenia	Moghaddam

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Students

ACTION FOR A CHANGE

Shreya	Mohanty	Julia	Moreno
Madison	Mohblea	Alisson	Moreno
Madeline	Molina	Miguel	Moreno
Andrea	Molina	Nadia	Morenore
Molly	Monahan	Mimi	Morgan
Ishan	Monie	Marietta	Morgan
Richel	Monis	Sky	Morgen
Nate	Monocchio	Evelyne	Morisseau
Ruth	Montes Avila	Caden	Moskowitz
Ryan	Montevo	Sarah	Moss
Pascale	Montgomery	Farouk	Mostafa
Jacqueline	Montoya	Dylan	Motley
Rohith	Moolakatt	Ava	Moubi
Gun	Moon	Abram	Moudi
Avalon	Moore	Max	Mueller
Jocelyn	Moore	Ahmad	Muhammad
Kristie	Moore	Valmic	Mukund
Gracy	Mora	Christiane	Munda
Nazly	Moran	Jennifer	Mundo
Julissa	Moreno	Michelle	Munera

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Students

ACTION FOR A CHANGE

Maureen	Munoz	Lara	Nahcivan
Melissa	Munoz	Varun	Nair
Quintin	Munoz	Ria	Nakahara
Jesica	Muñoz	Miku	Nakamura
Orlando	Muñoz	Sevina	Nanda
Ashwini	Murali	Cecilia	Naranjo
Alexus	Murchison	Nainika	Narayanan
Daniel	Murphy	Patricia	Narro
Sheila	Murthy	Japinder	Narula
Riteka	Murugesu	Miles	Nash
Karina	Murugesu	Shabnam	Nasiri
Yuuki	Mutsumoto	Rania	Nasser
Prachitesh	Mysorekar	Layla	Nasseri
Emeline	Myung	Shruti	Natarajan
Iris	Myung	Krithika	Nathamuni
armando	na	Vanessa	Nauarro
Ramona	Naddaff	Christopher	Naughton
Anup	Nadesan	Deisi	Nava
imaan	nadir	Natalia	Nava-Urbina
Samhita	Nagubandi	Ayanna	Navarro

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Students

ACTION FOR A CHANGE

Saloni	Nayak	Alyssa	Nguyen
Ryan	Nayebi	Andzin	Ngwa
Ryan	Nayeli	Katerina	Nierotka
Eman	Nazir	Melody	Ning
Heather	Nelson	Jennifer	Nnoli
Samantha	Nelson	Kenichiro	Nojiri
Miguel	Nepomuceno	Jazmin	Nolasco
Rachel	Ng	Mia	Norris
Raissa	Ngoma	Tania	Norzagaray
Brigitta	Nguyen	Emily	Nowak
Minh	Nguyen	Benjamin	Nunez
Thuy	Nguyen	Ryan	Nuqui
Jackie	Nguyen	Angel	Nwosu
Shelby	Nguyen	Dylan	O'Doyer
Catherine	Nguyen	Colin	O'Malley
Jazmine	Nguyen	Doah	Obaid
Juliana	Nguyen	Jack	Oberdorfer
Truong	Nguyen	Emmariel	Obero
Christina	Nguyen	Alex	Ocampo Espinoza
Giang	Nguyen	Alejandra	Oceguera

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Students

ACTION FOR A CHANGE

Cristina	Ochoa	Alejandro	Orozco
Jose	Ochoa	Antonio	Orozco
Michael	Ofengenden	Paolo	Orozco
Hanser	Oh	Julianna	Ortega
Andie	Oh	Angelica	Ortega
jackee	ohara	Daniel	Ortega-Mendez
Emily	Ohman	Marilyn	Ortez-Bonilla
Arnold	Olguin	Cristina	Ortiz
Jaqueline	Olivares	Katrina	Osborn
Tyler	Onderdonk	Julianne	Oshiro
Nicholas	Ong	Harrison	Oswald
Noel	Onuoha	Carli	Oxenham
Thin Rati	Oo	Taishi	Oyamada
Angelica	Oram	Sanni	Oyinkansola
Justine	Oribello	Merve	Ozdemir
Charles	Orlando	Nate	Pacheco Lopez
Jakeline	Orollo	Daniel	Pack
Anaruby	Oropeza	Kirk	Paderes
Rosa	Oropeza	Esperanza	Padilla
Mary	Orozco	Kaitlyn	Pak

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Students

ACTION FOR A CHANGE

Victor	Pak	Erin	Park
Hayley	Palilla	Pritish	Parmar
Rasmus	Pallisgaard	Sofia	Parsons
Joel	Palma	Diya	Patel
Mike	Palmer	Akshay	Patel
Uriel	Palmos	muhammad	patel
Yiwen	Pan	Valdehi	Patel
Yu Han	Pang	Khushi	patel
Anoohya	Panidapv	Nidhi	Patel
Anuj	Panta	Joshua	Paul
Ayush	Panta	Pancham	Pawan
Kalea	Papandrew	Ozan	Paydak
Kim	Pape	Danielle	payopay
Khushi	Parashar	Ariana	Pemberton
Lily	Parcells	Natalie	Pena Serafin
keya	pardasani	Jialiang	Peng
Krishna	Parekh	Daria	Peppler
Su Min	Park	Dasha	Peppler
Hailey	Park	Cassandra	Peralta
Eric	Park	Natalie	Peret

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Students

ACTION FOR A CHANGE

Alad	Peretz	Chiara	Pilato
Diana	Perez	Jennifer	Pineda
Marcela	Perez	Alberto	Pineda
Rachel	Perez	Izayah	Pineda
Lakshman	Peri	Daniela	Plascencia Delgado
Claudia	Peri	William	Pleasant
Kevin	Peter	Xavier	Plourde
Margaret	Peterson	Emily	Poland
Michael	Petrides	Caleb	Pollack
Charlotte	Petty	Neel	Polle
Rebecca	Peyriere	Pranav	Ponam
Beatrice	Pham	Graciela	Ponce
Danh	Pham	Lauren	Pong
Wendy	Pham	Isabella	Porras
Ava	Phillips	Letnel	Portillo
Myet Chael	Phone	Samuel	Potter
Jade	Phrty	Ethan	Preston
Phoebe	Pierce	Georgiana	Prevost
Molly	Pigot	Jemma	Prichard
Gyasi	Pigott	Makayla	Propst

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Students

ACTION FOR A CHANGE

Elizabeth	Pugh	Aditya	Rajavelu
Ruben	Pulido	Shivani	Rajkumar
Vishal	Pulugurtha	Shriya	Ramdas
Kartik	Punia	Eduardo	Ramirez
Sapna	Puri	Isabella	Ramirez
Yash	Purohit	Jocelyn	Ramirez
Shane	Puthuparambil	Adam	Ramirez
Yushu	Qiu	Carlos	Ramirez
Patrici	Quaye	Juliana	Ramirez
Arella	Queirolo	Ashley	Ramirez
Martha	Quezada	Mayra	Ramirez
Nick	Quinlan	Galilea	Ramirez
Ariana	Quintana	Rodrigo	Ramirez-Perez
angela	Quintero	Jessica	Ramos
Cristina	Quintero	Varun	Rao
Francisco	Quiroga	Kenda	Rauscher
Jaymie	R	Julie	Ray
Shanmukh	Rachakunta	Presley	Rayon
Lea	Raha	Fizza	Raza
Abrar	Rahman	Safiyan	Razzak

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Students

ACTION FOR A CHANGE

Ryan	Read	Gavin	Richard
Edwardo	Realegen	Brazil	Richards
Kailey	Reardon	River	Richart
Stella	Recht	Joaquin	Richmond
Niahl	Reddy	Chloe	Richmond
Isabella	Reeves	alicia	rifkin
Allie	Rehm Kashaka	Priya	Riley
Ashley	Reilly	Thea	Rime
Trinity	Reimer	Stephanie	Rios
Vitto	Remick	Adolfo	Rios
Yixing	Ren	Ashly	Rivas
Xingying	Ren	Ryan	Rivas
Jake	Rengifo	Paris	Rivera
Mia	Revelle	Benjamin	Rivero
Lucy	Revina	Gerald	Roberts
Joely	Reyes	Sara	Robertson
Cristobal	Reyes	Chyna	Robeson
Maia	Reyes	Jonah	Robinson
Anali	Reyes Reyes	Phoenix	Robledo
Sarah	Ricci	Annabell	Robles

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Students

ACTION FOR A CHANGE

William	Roddy	Anshu	Rudraraju
Jennifer	Rodriguez	Kybeth	Ruiz
Sally	Rodriguez	Savanah	Ruiz
Alondra	Rodriguez	Jordan	Ruiz
Victoria	Rodriguez	Francis	Ruiz-marengo
Haley	Rodriguez	whitley	rummel
Arleen	Rodriguez	Preksha	Rungta
James	Rogers	Julien Michael	Ruppert
Lilia	Rohmann	Tristan	Ruppert
Maria	Rojas	Meena	Ruqaiya
Ilse	Rojo	Mahathi	Ryali
Nelitsa	Roman	Jewook	Ryu
Kristal	Roman	Jeongmin	Ryu
Rebecca	Romero	Misbah	S
Mariano	romero ochoa	Anthony	S
Romeo	Rong	Anchit	Sadana
Mayra	Rosales	Mekayla	Saechao
Cerys	Rotondo	Anna	Saez
Oliver	Rowe	Jacob	Saffarian
Wendy	Ruan	Najja	Saheli

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Students

ACTION FOR A CHANGE

Teqhpreet	Sahni	Agnese	Sanavio
Hannah	Saib	Tatiana	Sanchez
Zara	Saif	Natalie	Sanchez
Samara	Saigal	Emily	Sanchez
Jackie	Sala	Lucero	Sanchez
Sabahun	Salam	Oscar	Sanchez
Cynthia	Salazar	Ryan	Sandan
Miguel	Salazar-Rivera	Mukt	Sandhu
Tania	Salceda	Michelle	Santiago
maricela	salcido	Rebeca	Santiago
ana	saldana	Angel	Santiago
Hayden	Salfen	Sofia	Santiago
Anthony	Salinas Suarez	Jacqueline	Santizo
Shantal	Saloma	Magaly	Santos
Michael	Salon	Tanya	Santos
Imaan	Saltan	Carolina	Santos-Paez
Michael	Samaha	Milla	Sapienza
Avik	Samanta	Amy	Saravia
melack	Samson	Sofia	Sarmiento
camilla	San Juan	Madeline	Sarvey

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Students

ACTION FOR A CHANGE

Neha	Sathishkumar	Anish	Seshadri
Adhya	Satish	Shira	Shabtian
Cassidy	Saunar	Zaiyana	Shafqut
Alison	Savage Brooks	Afreen	Shah
Ichchitaa	Sawrika	Mira	Shah
Ichchitaa	Sawrikar	Atiya	Shah
Savannah	Sawyer	Anya	Shah
Aishani	Saxena	Adit	Shah
brianna	Schafheitle	Ishan	Shah
Zane	Schemmer	Noor	Shahkarami
Otto	Schmidt	Irah	Shaikh
Aanya	Schoetz	Sukniti	Sharma
Deleree	Schornack	Neha	Sharma
Shane	Schulte	Sukriti	Sharma
Isaac	Schultz	Satuik	Sharma
Antonia	Schwartz	Sankalp	Sharna
Lorenzo	Scotto Di Carlo	Devan	Shauber
Anna	Senjem	Jenny	Shaw
Sam	Seo	Michaela	Shaw
Tijmen	Sep	Ryan	Sheehan

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Students

ACTION FOR A CHANGE

Rohan	Shelke	Leila	Shook
Jordan	Shellow	deborah	Shosh
Ty	Shelton	Khushi	Shrivastava
Connie	Shen	Sakshi	Shrivastava
Chenkun	Sheng	Samyurta	Shrivatsa
Kevin	sheny	Kelly	Shu
Arjun	Sheoran	Kexin	Shu
Annie	Sheoran	Millie	Shukla
Sunsaara	Shergill	Lincoln	Si Bansai
Anant	Sherwal	Odilia	Sianto
Viva	Sheth	Andres	Sibrian
Althea	Shi	Katie	Sie
Sotonyas	Shibre	Alison	Siebert
rhody	Shiel	Delaney	Siegmund
Ella	Shih	Amanpreet	Sihra
Joanne	Shin	Alisia	Silva
Parth	Shisode	Ricardo	Silva
Abi	Shiva	Jorge	Silva
Marissa	Shoji	Catalina	Silvestre
Maya	Sholia	Serah	Sim

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Students

ACTION FOR A CHANGE

Adaya	Simanian	Milla	Skowron
Safak	Simsek	Cal	Slatten
Arpine	Sinani	Merbel	Slothouwer
Jack	Singer	Megan	Slovatizki
stella	singer	John	Smif
Samiha	Singh	Anastasiaijh	Smirnova
Anindita	Singh	Alexander	Smith
Karm	Singh	Rachelle	Smith
sukhveer	singh	Alyssa	Smith
Harsimran	Singh	Deverin	Smith
Sahana	Singh	Aaron	Smith
Indianjit	Singh	Clio	Smith
Shreya	Singh	Mark	Smith
Triesha	Singh	Clara	So
Dilsher	singh	Klaire	Sobrepena
Patrick	Skat	Kristen	Sobschak
Talia	Skeen	tania	sodhi
Kelci	Skinner	Jairo	Sohwartz
Ronald	Skocytec	Vyalice	Sok
Annika	Skov	Jozelle	Solatorio

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Students

ACTION FOR A CHANGE

Adam	solorlao	Amna	Steinberg
Dennis	Song	Christina	Steinmeier
Vivian	Song	Mateus	Stellet
Stephen	Song	Kayla Ann	Stephens
Shuxuan	Song	Kira	sterling
Ko	Songin	Milena	Stern
Isha	Soni	Brynne	Stevens
Noora	Soroushnejad	Adam	Stickney
Andrea	Soto	Jaden	Stillman
Christian	Sotomayor	Katelynn	Stinson
Matthew	Spankowski	Eva	Stolarz
Betina	Spiegel	Lucas	Stremba
Sara	Spinner	Ruby	Strickland
Domenico	Squillaro	Canon	Stringer
Katherine	Squire	Fe	Su
Tatteera	Srethbhakdi	Andrew	Su
Ramya	Sridhar	Berenisse	Suarez
Sarabaesh	Srikumar	Chloe	Suarez
Bryant	Srioudom	Shelsea	Suazo
ViviAnne	Steer	Natalie	Suboc

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Students

ACTION FOR A CHANGE

Misha	suink	Karen	Tahuite
Romelio	Suliva III	Helvia	Taina
cassidy	sullivan	Alex	Tam
Manaal	Sultan	Olinha	Tan
Tiffany	Sun	Teddy	Tan
Yue	Sun	Hanze	Tan
Youjia	Sun	Cindy	Tang
Kavin	Suresh	Michelle	Tang
Sara	Susanto	Christa	Tang
Ayana	Sutton	Kalynna	Tang
William	Sutton	Keefe	Tankeh
Sitara	Swaroop	Vibha	Tantry
Hafsah	Syed	Michael	Tao
Nicholas	syphera	Emily	Tapia-Delgado
Jenny	Szu	Naomi	Tatarsky-Bridges
Ellena	Tabbal	Keri	Tate
Jessica	Tablante	Clara	Tawadrous
Maha	Tabrez	Alice	Taylor
Juliette	Tafoya	Reyna	Taylor
alvina	tahir	David	Teasue

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Students

ACTION FOR A CHANGE

Sundiata Chaka	Tellem	Ava	Ting
Myriam	Tellez	Artem	Tkachuk
Maria	Tello	Danial	Toktarbayev
Sophia	Teng	Maria	Toldi
Christian	Tepper	Kirsten	Tomas
Kaitlin	Thach	Beck	Tompkins
Muadh	Thaika	Ellen	Tong
Carrie	Thang	Grace	Toolsie
Mai Te	Thao	Crystal	Torres
Tavisha	Thapar	Leandro	Torres Mantilla
Saanvi	Thapliyal	Sienna	Totah
Jackie	Thibault	Michelle	Toyooka
Blake	Thomas	Isaac	Tragarz
Roy	Thommas	Man	Tran
Maya	Thompson	Triet	Tran
Tanvi	Thummala	mila	tran
Ananya	Thyagarajan	Bryan	Tran
Christian	Tibernard	Danny	Tran
Lola	Tieslau	Danielle	Tran
Chun Him	Tin	Albert	Tran

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Students

ACTION FOR A CHANGE

Andrew	Tran	Anyssa	Underdue
Alice	Tran	Annette	Ungermann
Quan	Tran	Sinai	Urbano
Benjamin	Trefry	Eve	Uriarte
ELLA	TREINEN	salvador	uribe
Mariah	Trinity	Camryn	Uyesato
Citlali	Troncoso	Gladys	Valadez
Chayan	Tronson	Matthew	Valderrama
David	Truumees	Isabelle	Valdes
Amanda	Tsang	cynthia	valdez
Da Chien	Tsui	ysabelle clarice	valdez
Niko	Tsukino	Angel	Valdivia
Clara	Tu	Arely	Valencia
Brandon	Tu	Diana	Valenzuela
Emily	Tu	Katarina	Vallero
Alexander	Tung	Anahi	Valverde
Reese	Turner	Mara	Van Tussel
Aditya	Udgaonkar	Katie	Vanegas
Jordan	Ullman	Amanda	Vang
Lance	Ultsch	Andrew	Vang

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Students

ACTION FOR A CHANGE

daniela	vargas	Cinthia	Villalobos
Yuridia	Vargas Perez	Paola	Villanueva
Julian	Vargo	Amrita	Vinjamury
Marcus	Varni	Alex	Vitara
Erica	Varon	Samantha	Vitela
Ansh	Vashisth	Jocelyn	Vivaldo
Mercedes	Vasquez	Evelyn	Vo
Emelliah	Vaught	Ahana	Vora
Eric	Vazquez	Jean-Luc	Votichenko
Brandon	Vecchio	Michelle	Vuong
Justin	Vecchio	Kendall	Wade
Noemi	Vega	Tushita	Wadhawan
Aaron	Velasquez	luke	wagner
Kat	Velazquez	Hazel	Walia
Damaris	Velazquez	Arria	Walsh
Erick	Vergara	Natalie	Walzer
Sabreena	Verma	Madeleine	Wang
Shambhavi	Verma	Jace	Wang
Vamsi	Vetsa	James	Wang
Rafael	Villagomez	Shushan	Wang

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Students

ACTION FOR A CHANGE

Fiona	Wang	Benjamin	Weinberger
Caitlin	Wang	elizabeth	weinstein
Ashley	Wang	Satyamuny	Weir
Perri	Wang	Bella	Weksler
Anderson	Wang	Miguel	Wences
Connie	Wang	Romina	Weng
Qin	Wang	Megan	Wesche
Mary	Wang	Amber	White
Chuck	Wang	Lauren	White
Alicia	Wang	Tai	White
Winnie	Wang	Doole	Wiener
Patrick	Wang	Sydney	Wiernicki
Yijnn	Wang	Charlie	Wigul
Taylor	Washington	Chelsea	Wijaya
Asbah	Wasim	Anna	Wilcox
Mia	Watanabe	Zofia	Wilk
Hannah	Weaver	Fella	Williams
Nimangie	Weerakoon	Maddie	Williams
Valevra	wehzwj	Chanel	Williams
Zixiao	Wei	Nyla	Williams

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Students

ACTION FOR A CHANGE

Hayden	Willy	Luke	Wonzen
Malia	Wilson	Ruby	Woo
piper	wilson	Kimberly	Woo
Logan	Wilson	Emma	Wood
Imani	Wilson	Theodora	Worledge
Dylan	Wilson	Saman	Wright
Gia	Wirjawan	Wai Shuen	Wu
Karina	Wisn	Jessie	Wu
Yushao	Wo	Aaron	Wu
Camille	Woicekowski	Megan	Wu
Mathilde	Wokeveer	Aileen	Wu
William	Wolfe	Yiwen	Wu
Christina	Wong	Emma	Wu
Charlie	Wong	Emily	Wu
Katherine	Wong	Edward	Wu
Candace	Wong	Catherine	Wwang
Ana	Wong	Erin	Wynden
Anson	Wong	Theodore	Wyss-Flamm
Jade	Wong	Sophia	Xiau
napassorn	wongakkarakhun	Shiqi	Xie

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Students

ACTION FOR A CHANGE

Junyi	Xu	Jack	Yang
Kexin	Xu	Lanyi	Yang
Bradley	Xu	Vivian	Yang
Terry	Xu	Aldrich	Yanga
Scarlett	Xu	Olivia	Yanover
Mo	Xu	Jiahao	Yao
Xiaokang	Xue	Murtaza	Yar Hiraj
Yuning	Xue	Su	Yardimci
Emma	Yakutis	Sara	Yavas
catherine	yamasaki	Parker	Yazzie-Umberger
Akira	Yamashita	Yingshan	Ye
Roo	Yan	Yaoxing	Yi
Becks	Yang	Geena	Yin
Lily	Yang	Michael	Yin
Bryan	Yang	Nick	Ying
Joyce	Yang	Robin	Ying
Rachel	Yang	Eunice	Yoon
qi	yang	Andrea	Yoon
Shuran	Yang	Eva	You
Yifan	Yang	Audrey	Young

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ACTION FOR A CHANGE

Jason	Yu	Yongshi	Zhan
Michael	Yu	Haolin	Zhang
Gily	Yu	Katherine	Zhang
Zlyan	Yu	Maureen	Zhang
Xiaowen	Yuan	Zhiming	Zhang
Geraldine	Yue	Trista	Zhang
Natalie	Yun	Yumeng	Zhang
Ivan	Yun	Silin	Zhang
Berlin	Z	Alicin	Zhang
Felicia	Z	Xue Jie	Zhang
shauna	Zahabi	Sarah	Zhang
Griffin	Zajac	Elaine	Zhang
Lucia	Zamora Gonzalez	Pufan	Zhang
Eliana	Zapata	Hanzhe	Zhang
Addison	Zaring	Chibin	Zhang
Diego	Zavala	Cindy	Zhang
Mille	Zavala	Gefei	Zhang
diego	zevallos valdizan	Helen	Zhao
Kelly	Zhan	selena	Zhao
Wengi	Zhan	Alan	Zhao

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ACTION FOR A CHANGE

Anna	Zhao	Cosette	Zhou
Zihan	Zhao	Angela	Zhou
Micaal	Zhaque	David	Zhu
Ashley	Zheng	Leo	Zhuang
Athena	Zhong	Kristina	Zlatinova
Fenmiao	Zhong	Brianna	Zobler
Anthony	Zhou	Melinda	Zou
Elizabeth	Zhou	Owen	Zuidema
Melissa	Zhou	Wildfredo	Zuloaga

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ACTION FOR A CHANGE

87 Individuals in Photo Petitions



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ACTION FOR A CHANGE



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ORDINANCE NO. –N.S.

ADDING CHAPTER 11.62 TO THE BERKELEY MUNICIPAL CODE TO REGULATE PLASTIC THE USE OF CARRYOUT AND PRODUCE BAGS AT RETAIL AND FOOD SERVICE ESTABLISHMENTS AND PROMOTING THE USE OF REUSABLE BAGS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Chapter 11.62 of the Berkeley Municipal Code is added to read as follows:

Chapter 11.62

PLASTIC BAGS – RETAIL AND FOOD SERVICE ESTABLISHMENTS REGULATING THE USE OF CARRYOUT AND PRODUCE BAGS AND PROMOTING THE USE OF REUSABLE BAGS

Sections:

11.62.010 Findings and Purposepurpose.

11.62.020 Definitions.

~~11.62.030 Types of Checkout Bags permitted at Retail Service and Food Service Establishments.~~

~~11.62.040 Checkout Bag charge for paper or Reusable Checkout Bags at Retail Service establishments.~~

11.62.030 Carryout Bag restrictions for Covered Entities.

11.62.040 Produce Bag restrictions for Grocery Stores.

11.62.050 ~~Use of Compostable Produce Bags at Retail Service Establishments~~General exemptions.

11.62.060 ~~Hardship Exemption~~

Undue hardship exemption.

11.62.070 City of Berkeley—purchases prohibited.

11.62.080 Duties, responsibilities and authority of the City of Berkeley.

~~11.62.080 City of Berkeley—purchases prohibited~~

11.62.090 Liability and ~~Enforcement.~~enforcement.

11.62.100 Severability.

11.62.110 Construction.

11.62.120 ~~Chapter supersedes existing laws and regulations.~~

~~11.62.130 Effective Date.~~

date.

11.62.010 Findings and ~~Purpose~~purpose.

The Council of the City of Berkeley finds and declares as follows:

- A. Single-use plastic bags, ~~plastic produce bags,~~ and plastic ~~product~~produce bags are a ~~major~~significant contributor to street litter, ocean pollution, marine and other wildlife harm and greenhouse gas emissions.
- B. The production, consumption and disposal of plastic based bags contribute significantly to the depletion of natural resources. Plastics in waterways and oceans break down into smaller pieces that are not biodegradable, and present a great harm to global environment.
- C. Among other hazards, plastic debris attracts and concentrates ambient pollutants in seawater and freshwater, which can transfer to fish, other seafood and salt that is eventually sold for human consumption. Certain plastic bags can also contain microplastics that present a great harm to our seawater and freshwater life, which ~~implicitly~~indirectly presents a threat to human life.
- D. It is in the interest of the health, safety and welfare of all who live, work and do business in the City that the amount of litter on public streets, parks and in other public places be reduced.
- E. The City of Berkeley must eliminate solid waste at its source and maximize recycling and composting in accordance with its Zero Waste Goals. Reduction of plastic bag waste furthers this goal.
- ~~F.~~—The State of California ~~regulates and Alameda County Waste Management Authority both regulate~~ single-use, ~~paper, and reusable~~ carryout bags ~~as directed~~respectively under ~~Senate Bill SB 270, but numerous local governments, including San Francisco and Palo Alto, have imposed more stringent regulations/~~Proposition 67 and Ordinance 2012-02 (as amended by Ordinance 2016-02). However, neither currently address ~~problems related to reduce the toll plastic bags inflict upon the environment.~~
- ~~G.F.~~ ~~Stores often provide customers with plastic~~ pre-checkout bags to ~~package~~carry fruits, vegetables, and other loose or bulky items while shopping, before reaching the checkout area. ~~They~~These bags, which are often plastic, share many of the same physical qualities as single-use plastic carryout bags no longer permitted in California, and are difficult to recycle ~~or,~~ reuse or compost.
- ~~H.G.~~ ~~SB 270 permits local governments to increase~~also does not regulate the price of bags provided at the point of sale by restaurants and ~~leaves open any regulation on pre-checkout~~streets events, including farmers' markets. While the County's Ordinance 2016-02 regulates restaurant carryout bags, such as at meat or vegetable stands within grocery stores, it falls short of completely phasing out single-use film bags, and does not impose a meaningful point of sale charges for reusable and paper bags.
- ~~I.H.~~ ~~The City of Berkeley~~ currently regulates a number of disposable plastic items through the Single-Use Foodware and Litter Reduction Ordinance (Ord. 7639-NS § 1 (part), 2019), but does not currently impose regulations ~~on~~with respect to bags. It is in the public interest to reduce plastic and paper waste in areas not preempted by the State of California.
- ~~J.I.~~ This Chapter is consistent with the City of Berkeley's 2009 Climate Action Plan, the County of Alameda Integrated Waste Management Plan, as amended, and the

CalRecycle recycling and waste disposal regulations contained in Titles 14 and 27 of the California Code of Regulations.

11.62.20 Definitions.

~~“Checkout”~~A. “Carryout Bag” means a bag provided by a Retail Service Establishment at the checkstand~~check stand~~, cash register, point of sale or other ~~point of departure~~location for the purpose of transporting food or merchandise out of ~~the establishment~~. ~~Checkout~~Covered Entity. Carryout Bags do not include Produce ~~Bags~~ or Product Bags.

~~“Recyclable Paper Checkout Bag”~~B. “Covered Entity” means a paper bag that meets any of the following criteria:

- ~~1. Contains no old growth fiber;~~
- ~~2. Is 100% recyclable overall and contains a minimum of 40% post-consumer recycled content;~~

~~Displays the word “Recyclable”~~(1) any restaurant, take-out food establishment or other business (including, but not limited to, food sales from vehicles or temporary facilities open to the public) that receives 90% or more of its revenue from the sale of prepared and ready-to-consume foods and/or drinks to the public and is not subject to the requirements of Public Resources Code Section 42281; and

~~(2) any event, or Person therein, requiring a street event permit pursuant to Berkeley Municipal Code 13.44.040 and not subject to the requirements of Public Resources Code Section 42281.~~

~~C. “Customer” means any Person obtaining goods from a Covered Entity or Grocery Store.~~

~~“Grocery Store” means a supermarket, grocery store, convenience food store, foodmart, or other entity engaged in the retail sale of goods that include perishable or nonperishable food items;~~

~~“Recycled Content Paper Bag” means either a Carryout Bag provided by a covered Entity or a Produce Bag provided by a Grocery Store that contains no old growth fiber and a minimum of one hundred percent (100%) postconsumer recycled material; is one hundred percent (100%) recyclable and compostable, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400; and has printed in a highly visible manner on the outside of the bag along with the the words “Recyclable,” the name and location of the manufacturer, and the percentage of postconsumer recycled content.~~

~~“Reusable Bag” means a bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements:~~

~~(1) has a minimum lifetime of 125 uses, which for purposes of this subsection, means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet;~~

~~(2) has a minimum volume of 15 liters;~~

~~(3) is machine washable or is made from a material that can be cleaned or disinfected;~~

~~(4) does not contain lead, cadmium or any other heavy metal in toxic amounts, as defined by applicable state and federal standards and regulations for packaging or reusable bags;~~

3. (5) has printed on the bag, or on a tag that is permanently affixed to the bag, the name of the manufacturer, the location (country) where the bag was manufactured, a statement that the bag does not contain lead, cadmium, or any other heavy metal in toxic amounts, and the percentage of post-consumer/postconsumer recycled content in an easy-to-read size font; material used, if any; and

4. ~~Or is made from alternative material or meets alternative standards approved by the City Manager or their designee.~~

~~“Reusable Checkout Bag” means all Checkout Bags defined as reusable under Cal. PRC §42280-42288, such as cloth or other washable woven bags, but do not include film bags considered reusable under Cal. PRC §42280-42288.~~

(6) is not primarily made of plastic film, regardless of thickness.

“Person” means an individual, firm, public or private corporation, limited liability company, partnership, industry or any other entity whatsoever.

“Produce Bag” means a bag provided to a customer to carry produce, meats, bulk food, or other food items to the point of sale inside a store and protects food or merchandise from being damaged or contaminated by other food or merchandise ~~when items are placed together in a Reusable Checkout Bag or Recyclable Paper Checkout Bag.~~

~~“Compostable Produce Bags” means paper bags and bags made of plastic-like material if the material meets the ASTM Standard Specifications for compostability D6400 or D6868, or the product is Biodegradable Products Institute (BPI) certified, or is considered acceptable within the City’s compost collection program.~~

~~“Product Bag” means a bag provided to a customer to protect merchandise from being damaged or contaminated by other merchandise when items are placed together in a Reusable Checkout Bag or Recyclable Paper Checkout Bag; a bag~~ “Product Bag” are bags that are integral to the packaging of the product; a bag provided to the Customer to hold prescription medication dispensed from a pharmacy; or a bag without handles that is designed to be placed over articles of clothing on a hanger.

~~“Retail Food Establishment” means any establishment, located or providing food within the City, which provides prepared and ready to consume food or beverages, for public consumption including but not limited to any Retail Service Establishment, eating and drinking service, takeout service, supermarket, delicatessen, restaurant, food vendor, sales outlet, shop, cafeteria, catering truck or vehicle, cart or other sidewalk or outdoor vendor or caterer which provides prepared and ready to consume food or beverages, for public consumption, whether open to the general public or limited to certain members of the public (e.g., company cafeteria for employees).~~

~~“Retail Service Establishment” means a for-profit or not-for-profit business that where goods, wares or merchandise or services are sold for any purpose other than resale in the regular course of business (BMC Chapter 9.04.135).~~

~~11.62.030 Types of Checkout Bags permitted at Retail Service and Food Service Establishments.~~

11.62.30 Retail Service Establishments and Food Service Establishments Carryout Bag restrictions for Covered Entities.

A. No Covered Entity shall provide or sell a Carryout Bag other than Recycled Content Paper Bags or Reusable Bags at the check stand, cash register, point of sale or other location to a Customer for the purpose of transporting food or merchandise out of such establishment or event.

B. A Covered Entity may provide or make available for sale to a customer-only Customer:

(1) Recycled Content Paper Bags at no charge;

(2) Reusable Bags for a minimum price of twenty-five cents (\$0.25).

11.62. Checkout Bags, Compostable 040 Produce Bags, or Recyclable Paper Checkout Bags for the purpose of carrying away goods or Bag restrictions for Grocery Stores.

A. No Grocery Store or Covered Entity shall provide Produce Bags other materials from the point of sale, subject to the terms of this Chapter. than Recycled Content Paper Bags and Reusable Bags.

Exception: Single-use plastic bags

11.62.050 General exemptions

1. A. Bags exempt from the Chapter include those integral to the packaging of the product, Product Bags, or bags sold in packages containing multiple bags intended for use as garbage, pet waste or yard waste bags.

~~B. Effective [], 2020, farmers markets shall only provide Compostable Produce Bags to hold produce, meats, bulk food or other food items. Single-use Plastic Checkout Bags, Produce Bags or Product Bags shall not be provided by farmers markets for produce or meat.~~

~~C. B. Nothing in this Chapter prohibits customers from using bags of any type that they bring to the establishment themselves or from carrying away goods merchandise or materials that are not placed in a bag at point of sale, in lieu of using bags provided by the establishment.~~

~~11.62.040 Checkout Bag charge for paper or Reusable Checkout Bags at Retail Service Establishments.~~

~~A. Effective [], 2020, no Retail Service Establishment shall provide a Compostable Produce Bag, Recyclable Paper Checkout Bag or Reusable Checkout Bag to a customer at the point of sale, unless the store charges the customer a Checkout Bag charge of at least twenty-five cents (\$0.25) per bag to cover the costs of compliance with the Chapter, the actual costs of providing Recyclable Paper Checkout Bags, educational materials or other costs of promoting the use of Reusable Checkout Bags.~~

~~B. Retail Service Establishments shall establish a system for informing the customer of the charge required under this section prior to completing the transaction. This system can include store clerks inquiring whether customers who do not present their own Reusable Checkout Bag at point of checkout want to purchase a Checkout Bag.~~

~~C. The Checkout Bag charge shall be separately stated on the receipt provided to the customer at the time of sale and shall be identified as the Checkout Bag charge. Any other transaction fee charged by the Retail Service Establishment in relation to providing a Checkout Bag shall be identified separately from the checkout bag charge. The Checkout Bag charge may be completely retained by the Retail Service Establishment and used for public education and administrative enforcement costs.~~

~~D. Retail services establishments shall keep complete and accurate records of the number and dollar amount collected from Recyclable Paper Checkout Bags and Reusable Checkout Bags sold each month and provide specifications demonstrating that paper and reusable bags meet the standards set forth in Section 11.62.030 using either the electronic or paper reporting format required by the city. This information is required to be made available to city staff upon request up to three times annually and must be provided within seven days of request. Reporting false information, including information derived from incomplete or inaccurate records or documents, shall be a violation of the Chapter. Records submitted to the city must be signed by a responsible agent or officer of the establishment attesting that the information provided on the form is accurate and complete.~~

~~11.62.050 Use of Compostable Produce Bags at Retail Service Establishments.~~

~~Effective [], 2020, Retail Service Establishments shall only provide Compostable Produce Bags to carry produce, meats, bulk food, or other food items to point of sale within the store.~~

~~11.62.060 Hardship Exemption.~~

~~Undue hardship— exemption.~~

A. The City Manager, or their designee, may exempt a ~~retail service or food service establishment~~Covered Entity or Grocery Store from the requirements of this Chapter for a period of up to ~~one year,~~[x months], upon sufficient evidence by the applicant that the provisions of this Chapter would cause undue hardship. An undue hardship exemption request must be submitted in writing to the ~~city~~City. The phrase "undue hardship" may include, but is not limited to, the following:

~~1. Situations where there are no acceptable alternatives to single-use plastic Checkout Bags for reasons which are unique to the Retail Service Establishment or Food Service Establishment.~~

~~2.~~ (1) Situations where compliance with the requirements of this Chapter would deprive a person of a legally protected right.

~~B. Retail Service Establishments shall not enforce the ten cent (\$0.25) store charge for customers participating in the California Special Supplemental Food Program for Women, Infants, and Children, or in CalFresh, or in the Supplemental Nutrition Assistance Program (SNAP).~~

~~11.62.070~~11.62.070 City of Berkeley—purchases prohibited.

The City of Berkeley and any City-sponsored event shall only provide or make available to a Customer Recycled Content Paper Bags or Reusable Bags for the purpose of carrying away goods or other materials from the point of sale or event.

11.62.080 Duties, responsibilities and authority of the City of Berkeley.

The City Manager or their designee shall prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of this Chapter and is hereby authorized to take any and all actions reasonable and necessary to enforce this Chapter including, but not limited to, inspecting any ~~Retail Service Establishment's~~Covered Entity or Grocery Store's premises to verify compliance.

~~11.62.080 City of Berkeley—purchases prohibited.~~

~~The City of Berkeley shall not purchase any Foodware or Bag that is not Compostable, Recyclable or Reusable under Disposable Foodware and Bag Standards in Section 11.64.080, nor shall any City-sponsored event utilize non-compliant Disposable Foodware and Bag.~~

11.62.090 Liability and ~~Enforcement~~enforcement.

- A. Anyone violating or failing to comply with any requirement of this Chapter may be subject to an Administrative Citation pursuant to Chapter 1.28 or charged with an infraction as set forth in Chapter 1.20 of the Berkeley Municipal Code; however, no administrative citation may be issued or infraction charged for violation of a requirement of this Chapter until one year after the effective date of such requirement.
- B. Enforcement shall include written notice of noncompliance and a reasonable opportunity to correct or to demonstrate initiation of a request for a waiver or waivers pursuant to Section 11.~~64.090~~62.060.
- C. The City Attorney may seek legal, injunctive, or other equitable relief to enforce this Chapter.
- D. The remedies and penalties provided in this section are cumulative and not exclusive.

11.62.100 Severability.

If any word, phrase, sentence, part, section, subsection, or other portion of this Chapter, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City Council hereby declares that it would have passed this title, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional.

11.62.110 Construction.

This Chapter is intended to be a proper exercise of the City's police power, to operate only upon its own officers, agents, employees and facilities and other persons acting within its boundaries, and not to regulate inter-city or interstate commerce. It shall be construed in accordance with that intent.

11.62.120 ~~Chapter supersedes existing laws and regulations~~Effective date.

~~The provisions of this Chapter shall supersede any conflicting law or regulations.~~

~~11.62.130 Effective Date.~~

The provisions in this ordinance are effective [], 20202022.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall

be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

ORDINANCE NO. –N.S.

ADDING CHAPTER 11.62 TO THE BERKELEY MUNICIPAL CODE TO REGULATE
THE USE OF CARRYOUT AND PRODUCE BAGS AND PROMOTING THE USE OF
REUSABLE BAGS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Chapter 11.62 of the Berkeley Municipal Code is added to read as follows:

Chapter 11.62

**REGULATING THE USE OF CARRYOUT AND PRODUCE BAGS AND PROMOTING
THE USE OF REUSABLE BAGS**

Sections:

11.62.010 Findings and purpose.

11.62.020 Definitions.

11.62.030 Carryout Bag restrictions for Covered Entities.

11.62.040 Produce Bag restrictions for Grocery Stores.

11.62.050 General exemptions.

11.62.060 Undue hardship exemption.

11.62.070 City of Berkeley—purchases prohibited.

11.62.080 Duties, responsibilities and authority of the City of Berkeley.

11.62.090 Liability and enforcement.

11.62.100 Severability.

11.62.110 Construction.

11.62.120 Effective date.

11.62.010 Findings and purpose.

The Council of the City of Berkeley finds and declares as follows:

- A. Single-use plastic bags and plastic produce bags are a significant contributor to street litter, ocean pollution, marine and other wildlife harm and greenhouse gas emissions.
- B. The production, consumption and disposal of plastic based bags contribute significantly to the depletion of natural resources. Plastics in waterways and oceans break down into smaller pieces that are not biodegradable, and present a great harm to global environment.
- C. Among other hazards, plastic debris attracts and concentrates ambient pollutants in seawater and freshwater, which can transfer to fish, other seafood and salt that is eventually sold for human consumption. Certain plastic bags can also contain microplastics that present a great harm to our seawater and freshwater life, which indirectly presents a threat to human life.
- D. It is in the interest of the health, safety and welfare of all who live, work and do business in the City that the amount of litter on public streets, parks and in other public places be reduced.
- E. The City of Berkeley must eliminate solid waste at its source and maximize recycling and composting in accordance with its Zero Waste Goals. Reduction of plastic bag waste furthers this goal.
- F. The State of California and Alameda County Waste Management Authority both regulate single-use, paper, and reusable carryout bags respectively under SB 270/Proposition 67 and Ordinance 2012-02 (as amended by Ordinance 2016-02). However, neither currently address problems related to pre-checkout bags to carry fruits, vegetables, and other loose or bulky items while shopping before reaching the checkout area. These bags, which are often plastic, share many of the same physical qualities as single-use plastic carryout bags no longer permitted in California, and are difficult to recycle, reuse or compost.
- G. SB 270 also does not regulate the price of bags provided at the point of sale by restaurants and streets events, including farmers' markets. While the County's Ordinance 2016-02 regulates restaurant carryout bags, it falls short of completely phasing out single-use film bags, and does not impose a meaningful point of sale charges for reusable and paper bags.
- H. The City of Berkeley currently regulates a number of disposable plastic items through the Single-Use Foodware and Litter Reduction Ordinance (Ord. 7639-NS § 1 (part), 2019), but does not currently impose regulations with respect to bags. It is in the public interest to reduce plastic and paper waste in areas not preempted by the State of California.
- I. This Chapter is consistent with the City of Berkeley's 2009 Climate Action Plan, the County of Alameda Integrated Waste Management Plan, as amended, and the CalRecycle recycling and waste disposal regulations contained in Titles 14 and 27 of the California Code of Regulations.

11.62.20 Definitions.

- A. "Carryout Bag" means a bag provided at the check stand, cash register, point of sale or other location for the purpose of transporting food or merchandise out of a Covered Entity. Carryout Bags do not include Produce or Product Bags.
- B. "Covered Entity" means any of the following:

(1) any restaurant, take-out food establishment or other business (including, but not limited to, food sales from vehicles or temporary facilities open to the public) that receives 90% or more of its revenue from the sale of prepared and ready-to-consume foods and/or drinks to the public and is not subject to the requirements of Public Resources Code Section 42281; and

(2) any event, or Person therein, requiring a street event permit pursuant to Berkeley Municipal Code 13.44.040 and not subject to the requirements of Public Resources Code Section 42281.

C. "Customer" means any Person obtaining goods from a Covered Entity or Grocery Store.

"Grocery Store" means a supermarket, grocery store, convenience food store, foodmart, or other entity engaged in the retail sale of goods that include perishable or nonperishable food items;

"Recycled Content Paper Bag" means either a Carryout Bag provided by a covered Entity or a Produce Bag provided by a Grocery Store that contains no old growth fiber and a minimum of one hundred percent (100%) postconsumer recycled material; is one hundred percent (100%) recyclable and compostable, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400; and has printed in a highly visible manner on the outside of the bag the words "Recyclable," the name and location of the manufacturer, and the percentage of postconsumer recycled content.

"Reusable Bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements:

(1) has a minimum lifetime of 125 uses, which for purposes of this subsection, means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet;

(2) has a minimum volume of 15 liters;

(3) is machine washable or is made from a material that can be cleaned or disinfected;

(4) does not contain lead, cadmium or any other heavy metal in toxic amounts, as defined by applicable state and federal standards and regulations for packaging or reusable bags;

(5) has printed on the bag, or on a tag that is permanently affixed to the bag, the name of the manufacturer, the location (country) where the bag was manufactured, a statement that the bag does not contain lead, cadmium, or any other heavy metal in toxic amounts, and the percentage of postconsumer recycled material used, if any; and

(6) is not primarily made of plastic film, regardless of thickness.

"Person" means an individual, firm, public or private corporation, limited liability company, partnership, industry or any other entity whatsoever.

"Produce Bag" means a bag provided to a customer to carry produce, meats, bulk food, or other food items to the point of sale inside a store and protects food or merchandise from being damaged or contaminated by other food or merchandise.

"Product Bag" are bags that are integral to the packaging of the product; a bag provided to the Customer to hold prescription medication dispensed from a pharmacy; or a bag without handles that is designed to be placed over articles of clothing on a hanger.

11.62.30 Carryout Bag restrictions for Covered Entities.

A. No Covered Entity shall provide or sell a Carryout Bag other than Recycled Content Paper Bags or Reusable Bags at the check stand, cash register, point of sale or

other location to a Customer for the purpose of transporting food or merchandise out of such establishment or event.

B. A Covered Entity may provide or make available for sale to a Customer:

- (1) Recycled Content Paper Bags at no charge;
- (2) Reusable Bags for a minimum price of twenty-five cents (\$0.25).

11.62.040 Produce Bag restrictions for Grocery Stores.

No Grocery Store or Covered Entity shall provide Produce Bags other than Recycled Content Paper Bags and Reusable Bags.

11.62.050 General exemptions

A. Bags exempt from the Chapter include Product Bags, or bags sold in packages containing multiple bags intended for use as garbage, pet waste or yard waste bags.

B. Nothing in this Chapter prohibits customers from using bags of any type that they bring to the establishment themselves or from carrying away merchandise or materials that are not placed in a bag at point of sale, in lieu of using bags provided by the establishment.

11.62.060 Undue hardship exemption.

A. The City Manager, or their designee, may exempt a Covered Entity or Grocery Store from the requirements of this Chapter for a period of up to [x months], upon sufficient evidence by the applicant that the provisions of this Chapter would cause undue hardship. An undue hardship exemption request must be submitted in writing to the City. The phrase "undue hardship" may include, but is not limited to, the following:

- (1) Situations where compliance with the requirements of this Chapter would deprive a person of a legally protected right.

11.62.070 City of Berkeley—purchases prohibited.

The City of Berkeley and any City-sponsored event shall only provide or make available to a Customer Recycled Content Paper Bags or Reusable Bags for the purpose of carrying away goods or other materials from the point of sale or event.

11.62.080 Duties, responsibilities and authority of the City of Berkeley.

The City Manager or their designee shall prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of this Chapter and is hereby authorized to take any and all actions reasonable and necessary to enforce this Chapter including, but not limited to, inspecting any Covered Entity or Grocery Store's premises to verify compliance.

11.62.090 Liability and enforcement.

A. Anyone violating or failing to comply with any requirement of this Chapter may be subject to an Administrative Citation pursuant to Chapter 1.28 or charged with an infraction as set forth in Chapter 1.20 of the Berkeley Municipal Code; however, no administrative citation may be issued or infraction charged for violation of a requirement of this Chapter until one year after the effective date of such requirement.

- B. Enforcement shall include written notice of noncompliance and a reasonable opportunity to correct or to demonstrate initiation of a request for a waiver or waivers pursuant to Section 11.62.060.
- C. The City Attorney may seek legal, injunctive, or other equitable relief to enforce this Chapter.
- D. The remedies and penalties provided in this section are cumulative and not exclusive.

11.62.100 Severability.

If any word, phrase, sentence, part, section, subsection, or other portion of this Chapter, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City Council hereby declares that it would have passed this title, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional.

11.62.110 Construction.

This Chapter is intended to be a proper exercise of the City's police power, to operate only upon its own officers, agents, employees and facilities and other persons acting within its boundaries, and not to regulate inter-city or interstate commerce. It shall be construed in accordance with that intent.

11.62.120 Effective date.

The provisions in this ordinance are effective [], 2022.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



Kate Harrison
Councilmember District 4

ACTION CALENDAR
December 10, 2019

To: Honorable Mayor and Members of the City Council
From: Councilmembers Harrison and Hahn
Subject: Adopt an Ordinance Adding a Chapter 11.62 to the Berkeley Municipal Code to Regulate Plastic Bags at Retail and Food Service Establishments

RECOMMENDATION

Adopt an ordinance adding a Chapter 11.62 to the Berkeley Municipal Code to regulate plastic bags at retail and food service establishments.

BACKGROUND

Californians throw away 123,000 tons of plastic bags each year, and much of it finds its way into regional and international waterways.¹ The situation is only getting worse with 18 billion more pounds of plastic added to the already colossal amount in our seas.² Today, there are 100 million tons of trash in the North Pacific Subtropical Gyre;³ in some parts, plastic outweighs plankton 6 to 1.⁴

Legislative action at the state level has been successful in achieving reductions in plastic bag pollution. According to the 2018 Change the Tide report, restrictions on plastic bags such as that in effect in California have resulted in a “steady drop” in plastic grocery bags found on California beaches. Berkeley has also recently made substantial progress on its restriction of plastic litter in the city through the Single Use Foodware and Litter Reduction ordinance (BMC Chapter 11.64).⁵ The ordinance restricts food providers from offering take-out and dine-in food in single-use disposable ware. These items include “containers, bowls, plates, trays, cartons, boxes, pizza boxes, cups, utensils, straws, lids, sleeves, condiment containers, spill plugs, paper or foil wrappers, liners and any

¹ Environment California, “Keep Plastic Out of the Pacific,”

<https://environmentcalifornia.org/programs/cae/keep-plastic-out-pacific>.

² Division of Boating and Waterways, “The Changing Tide,”

[http://dbw.parks.ca.gov/pages/28702/files/Changing%20Tide%20Summer%202018%20HQ%20\(1\).pdf](http://dbw.parks.ca.gov/pages/28702/files/Changing%20Tide%20Summer%202018%20HQ%20(1).pdf).

³ The North Pacific Gyre, also known as the North Pacific Subtropical Gyre, is a system of ocean currents that covers much of the northern Pacific Ocean. It stretches from California to Japan and contains the Great Pacific Trash Patch, or Pacific trash vortex. National Geographic, “Great Pacific Garbage Patch,” <https://www.nationalgeographic.org/encyclopedia/great-pacific-garbage-patch/>.

⁴ Environment California, “Keep Plastic Out of the Pacific,”

<https://environmentcalifornia.org/programs/cae/keep-plastic-out-pacific>.

⁵ Berkeley Municipal Code, Chapter 11.64 Single Use Foodware and Litter Reduction.

other items used to hold, serve, eat, or drink Prepared Food.”⁶ Notably, plastic bags do not fall within the purview of the Single Use Foodware and Litter Reduction ordinance.

In order to take a further step in protecting the environment and reaching our zero waste goal, Berkeley must consider more aggressive action to close critical loopholes in state law with regard to plastic bags.

California currently prohibits the sale of plastic bags that fall into several categories, based on composition, intended use and business size and type. The statewide Single-Use Carryout Bag Ban prevents the sale of single-use plastic carryout bags in most large grocery stores, retail stores with a pharmacy, convenience stores, food marts, and liquor stores. Affected stores may offer reusable or recycled paper bags to a customer at the point of sale. Despite these restrictions, the law provides for the sale of plastic bags that are more than 2.25 mils thick in these stores, and exempts a number of key commercial establishments such as restaurants, general retailers, farmers markets, and other smaller businesses. State law also fully exempts plastic bags in grocery stores used for carrying produce from the shelf to the check stand.⁷

This proposed ordinance intends to expand the scope of existing regulation to further reduce plastic waste across these exempt categories, avoiding further destruction of the local, regional and global environment.

State Restrictions on Plastic Bags

California’s legislature decided in 2014 to take a step to limit single-use plastic bag waste. Senate Bill 270 mandates that stores of a certain size and type offer only reusable bags at checkout and sets a minimum price of at least \$0.10.⁸ As a result, thin film bags, known as t-shirt bags, are no longer available at larger retail and grocery stores.

The scope of state regulation includes minimum percentage of post-consumer recycled plastics the bag must include and banning plastic bags deemed adequate for only one use. The state defines single-use plastic bags as thin film bags—bags made out of flexible sheets of plastic usually of polyethylene resin. Legislation often distinguishes between single-use film bags and reusable ones based on their thickness, measured in mils—1 thousandth of an inch.

The ban however does not apply to other types of plastic bags deemed reusable or to smaller retailers and restaurants. Many plastic film bags, in particular, are still permitted under SB 270. They are permitted for sale as long as: the bags contain more than 20%

⁶ Berkeley Municipal Code Section 11.64.020D.

⁷ Ban on Single-Use Carryout Bags (SB 270 / Proposition 67) Frequently Asked Questions, Office of the Attorney General and CalRecycle, April 2017, <https://www.calrecycle.ca.gov/Plastics/CarryOutBags/FAQ/>.

⁸ California Legislature, Senate Bill 270,

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201320140SB270

post-consumer recycled material⁹; are recyclable in the state of California; are properly labeled as containing post-consumer recycled material; can carry over 22lb for a minimum of 175ft for at least 125 uses; and are at least 2.25 mils thick.

Despite the assumption of reusability, there is limited evidence to suggest that plastic bags are being repurposed to the degree accounted for by SB 270. Some studies suggest that fewer than 1% of people actually reuse the thicker and thus technically-reusable film bags.¹⁰ This erroneous legislative assumption can be addressed at the local level.

Aside from SB 270, the only other legislation governing plastic bag usage in Berkeley is an Alameda County ordinance implementing SB 270 and local ordinances regulating the type of plastic allowed in food packaging.¹¹ By not addressing plastic produce bags and defining reusable bags as any film bag exceeding 2.25 mils, current regional and local law shares many of the shortcomings of state legislation.¹²¹³

Local Restrictions on Plastic Bags

Contested but upheld in a 2016 ballot measure,¹⁴ SB 270 set a statewide code that has been built upon by numerous local governments, including many in the Bay Area.

Palo Alto is one of the most recent cities to amend its municipal code and take the extra step in limiting the distribution of film bags. By splitting plastic bags into three categories by use—produce bags, checkout bags, and product bags—the city is able to differentiate regulation for each purpose. Its ordinance¹⁵ bans grocery stores and farmers markets from packaging food in film bags, requiring instead the use of compostable plastics. For checkout, Palo Alto mandates that all stores only offer their customers recycled paper bags or reusable bags, a term it defines in accordance with California law as a bag thicker than 2.25 mils.

⁹ [In 2020, the percentage required will increase to 40% post-consumer recycled material.](#)

¹⁰ Save Our Shores, “Help Ban Plastic Bags,” <https://saveourshores.org/help-ban-plastic-bags/>

¹¹ Alameda County Waste Management Authority, “Ordinance Regulating the use of carryout bags and promoting the use of reusable bags,” <http://reusablebagsac.org/acwma-ordinance-2012-2-amended-ordinance-2016-2>.

¹² Berkeley Municipal Code Chapter 11.58 Prohibition of Chlorofluorocarbon-Processed Food Packaging, <https://www.codepublishing.com/CA/Berkeley/cgi/NewSmartCompile.pl?path=Berkeley11/Berkeley1158/Berkeley1158.html>.

¹³ Berkeley Municipal Code Chapter 11.60 Polystyrene Foam, Degradable and Recyclable Food Packaging, <https://www.codepublishing.com/CA/Berkeley/cgi/NewSmartCompile.pl?path=Berkeley11/Berkeley1160/Berkeley1160.html>.

¹⁴ Ballotpedia, “California Proposition 67, Plastic Bag Ban Veto Referendum (2016),” [https://ballotpedia.org/California_Proposition_67,_Plastic_Bag_Ban_Veto_Referendum_\(2016\)](https://ballotpedia.org/California_Proposition_67,_Plastic_Bag_Ban_Veto_Referendum_(2016))

¹⁵ Palo Alto Municipal Code, “Chapter 5.35 Retail and Food Service Establishment Checkout Bag Requirements,” <https://www.cityofpaloalto.org/civicax/filebank/documents/63550>.

San Francisco has similar provisions.¹⁶ It decided in July 2019¹⁷ to both increase the amount of money charged for checkout bags from \$0.10 to \$0.25 and ban what it calls “pre-checkout bags”—defined as a “bag provided to a customer before the customer reaches the point of sale,” nearly identical in definition to Palo Alto’s produce bag language. San Francisco drew inspiration from Monterey, Pacifica, Santa Cruz and Los Altos, all of which charge more than SB270 requires for plastic bags.¹⁸ The ordinance also specifically referenced an Irish law, which increased the price of plastic checkout bags from 15 cents to 22 cents, reducing plastic checkout usage by more than 95 percent, as precedent.¹⁹

Yet there are some cities that have gone even farther in their restriction of single-use plastics. Although Capitola does not ban produce/pre-checkout bags, it notably redefined the thickness of a reusable bag as equal or exceeding 4 mils, instead of 2.25 mils.²⁰ This means that any carryout bag provided by a retailer in the city is more durable than those considered multi-use by the state of California.

New York State recently introduced a plastic bag reduction ordinance that provides a number of precedents for a potential Berkeley ordinance. It bans “the provision of plastic carryout bags at any point of sale.”²¹ It exempts compostable bag and *non*-film plastic bags and does away with any distinction between reusable and non-reusable film bags based on their thickness. Where the New York ban falls short is in its regulation of non-checkout bags: bags for produce, meat, newspapers, take-out food and garments remain legal.

Given the progress many cities and states have made in regulating plastic bags, Berkeley has many examples to emulate.

Past Efforts in Berkeley

¹⁶ San Francisco Municipal Code Chapter 17: Plastic Bag Reduction Ordinance, [http://library.amlegal.com/nxt/gateway.dll/California/environment/chapter17plasticbagreductionordinance?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco_ca](http://library.amlegal.com/nxt/gateway.dll/California/environment/chapter17plasticbagreductionordinance?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca).

¹⁷ San Francisco Municipal Code, “Ordinance amending the Environment Code,” <https://sfbos.org/sites/default/files/o0172-19.pdf>.

¹⁸ Isabela Agnus, “San Francisco bumps bag fee up to 25 cents,” <https://www.sfgate.com/news/article/SF-bumps-bag-fee-25-cents-plastic-produce-ban-14102908.php>.

¹⁹ Republic of Ireland Department of Communications, Climate Action & Environment, “Plastic Bags,” <https://www.dccae.gov.ie/en-ie/environment/topics/waste/litter/plastic-bags/Pages/default.aspx>.

²⁰ Capitola Municipal Code Chapter 8.07: Single-use Plastic and Paper Carryout Bag Reduction, <https://www.codepublishing.com/CA/Capitola/#!/Capitola08/Capitola0807.html#8.07>.

²¹ New York State Governor’s Office, “An act to amend the environmental conservation law, in relation to prohibiting plastic carryout bags,” <https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/PlasticBagBan.pdf>.

Berkeley attempted to pass its own plastic bag ban in 2010.²² In the years following councilmembers have pushed for reform, calling for an ordinance to improve upon county and state legislation.²³ Yet the threat of lawsuits²⁴ and movement on the state and county level appear to have delayed local reform.

The Proposed Ordinance

This proposed ordinance picks up where prior attempts failed, bringing Berkeley on par with many of its neighbors in tightening restrictions on plastic bag sales. On some points, this ordinance ensures that the City again becomes a leader in environmental regulation. The following details the key changes that close loopholes in state and local law:

- Plastic bag regulations would now apply to a number of retail service establishments previously omitted from the state ban. Restaurants and food vendors would no longer be able to distribute single-use plastic carryout bags. Grocery stores and other retailers selling prepared food would be required to move away from single-use plastic produce bags.
- Retail service establishments of all sizes would be included, closing exemptions for smaller stores.
- Reusable plastic bags would be redefined as non-film plastic bags, adjusting the criteria to more accurately reflect common perceptions of reusability and the tendency for consumers treat all film bags as disposable, regardless of thickness.
- The price per non-plastic bag increases from \$0.10 to \$.25, to avoid a substitution effect.

The most common concern in reducing plastic bag waste is that the alternatives are even less sustainable. Substituting paper bags for plastic could be equally, if not more, hazardous for the environment because of the energy, transport and disposal processes required.²⁵ Cloth bags are also imperfect options, because of the large amount of energy and water necessary to produce them.²⁶ The California ban on bags thinner than 2.25

²² Berkeley City Council, "Berkeley Bag Reduction Ordinance," https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Solid_Waste/BagReductionDraftOrdinance.100316.pdf.

²³ Kriss Worthington, "Adopt Expanded Single Use Plastic Bag Ban/Paper Bag Fee Ordinance," https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/2012/01Jan/2012-01-31_Item_25_Adopt_Expanded_Single_Use_Plastic_Bag.pdf.

²⁴ Doug Oakley, "Berkeley's plan for plastic bag ban part of larger movement," <https://www.mercurynews.com/2009/12/23/berkeleys-plan-for-plastic-bag-ban-part-of-larger-movement/>.

²⁵ The Environmental Literacy Council, "Paper or Plastic?" <https://enviroliteracy.org/environment-society/life-cycle-analysis/paper-or-plastic/>.

²⁶ Patrick Barkham, "Paper bags or plastic bags: which are best?" <https://www.theguardian.com/environment/shortcuts/2011/dec/20/paper-plastic-bags-which-best>.

mils may also have resulted in a substitution toward thicker and less sustainable film bags.²⁷ Moreover, international studies confirm that even single-use bags are reused to a limited degree for other household functions, such as garbage disposal or to pick up dog feces.²⁸ A University of Sydney economist found that garbage bag consumption increased when California placed restrictions on single-use plastic bags, likely because consumers no longer had as many free single-use film bags at hand in which to dispose their waste. Yet that same study also concluded that the benefits of the ban were still significant: Californians consumed 28 million pounds fewer plastic than they did before.²⁹

Still, eliminating plastic bags cannot be the only approach to combat the cycle of consumer waste. It must come, as this ordinance would ensure, in combination with higher prices and greater requirements for the percentage of recycled content in paper bags. Any paper bags sold in Berkeley must per this resolution contain no old growth fiber, be 100% recyclable overall and contain a minimum of 40% post-consumer recycled content.

Data from Alameda County as a whole seems to indicate that when the cost of single-use paper bags was set at \$0.10, consumption *decreased* by approximately 40% within three years.³⁰ The same report revealed that “plastic bags found in storm drains decreased by 44 percent, indicating that the ordinance has been successful in reducing single use plastic bag litter.” Further price increases have been shown to realize even larger benefits.

FISCAL IMPLICATIONS

Staff or contractor costs for the launch, for outreach and education, enforcement, administration and analysis.

ENVIRONMENTAL SUSTAINABILITY

Reducing the amount of discarded plastic bags—previously classified as multi-use—in the city of Berkeley will result in less over all waste and fewer plastic that makes it into local and regional waterways.

²⁷ Christian Britschgi, “California Plastic Bag Bans Spur 120 Percent Increase in Sales of Thicker Plastic Garbage Bags,” <https://reason.com/2019/04/11/california-plastic-bag-bans-spur-120-per/>.

²⁸ NPR Planet Money, “Are Plastic Bag Bans Garbage?” <https://www.npr.org/sections/money/2019/04/09/711181385/are-plastic-bag-bans-garbage>.

²⁹ Rebecca L.C. Taylor, “Bag leakage: The effect of disposable carryout bag regulations on unregulated bags,” <https://www.sciencedirect.com/science/article/pii/S0095069618305291>.

³⁰ Alameda County Waste Management Authority, “Addendum to the Final Environmental Impact Report Mandatory Recycling and Single Use Bag Reduction Ordinances,” <http://reusablebagsac.org/resources/addendum-final-environmental-impact-report-2016>.

Furthermore, a switch toward bags made from polyester or plastics like polypropylene, which are more sustainable than film bags and sold at many grocery stores will lead to greater environmental sustainability.³¹

CONTACT PERSON

Councilmember Kate Harrison, Council District 4, (510) 981-7140

³¹ Claire Thompson, "Paper, Plastic or Reusable?" https://stanfordmag.org/contents/paper-plastic-or-reusable?utm_source=npr_newsletter&utm_medium=email&utm_content=20190408&utm_campaign=money&utm_term=nprnews.



Kate Harrison
Vice Mayor, District 4

ACTION CALENDAR
October 6, 2022

To: Members of the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee

From: Vice Mayor Kate Harrison

Subject: Modifying Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee Meeting Time

RECOMMENDATION

Modify Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee (FITES) meeting time to the first and third Thursdays of the month to better accommodate member schedules.

CURRENT SITUATION AND RATIONALE FOR RECOMMENDATION

Currently, FITES meets on the first and third Wednesday of each month. This time no longer works for committee members. Therefore, to ensure that the important work of FITES continues, it is in the public interest to switch the meeting time to the first and third Thursdays of each month.



Kate Harrison
Councilmember District 4

ACTION CALENDAR
November 30, 2021

To: Honorable Mayor and Members of the City Council
From: Councilmember Harrison
Subject: Adopt an Ordinance Adding a New Chapter 12.01 to the Berkeley Municipal Code Establishing Emergency Greenhouse Gas Limits, Process for Updated Climate Action Plan, Monitoring, Evaluation, Reporting and Regional Collaboration

RECOMMENDATION

1. Adopt an ordinance adding a new Chapter 12.01 to the Berkeley Municipal Code (BMC) establishing Emergency Greenhouse Gas Limits with an effective date of [redacted], 2022.
2. Refer to the FY23-24 Budget Process \$[redacted] consistent with implementing the requirements of Sections 12.01.040, 12.01.050, 12.01.060.

CURRENT SITUATION, EFFECTS, AND RATIONALE FOR RECOMMENDATION

Scientific evidence indicates that between the industrial period of 1850 and 2021, economic systems, namely state and free-market forms of capital accumulation and economic growth have increased global atmospheric carbon dioxide levels to a staggering 418 parts per million (ppm), beyond the established planetary boundary of 350 ppm, and warmed global average temperature by approximately 1.1 degrees Celsius. Available scientific evidence indicates there is no 'safe' level of warming beyond 350 ppm, only gradations of risk with respect to habitability.

Berkeley is already experiencing unprecedented negative effects of warming associated with 1 degree of warming, and current global growth trends and policies could push humanity past 1.5 degrees by mid-century, leading to a devastating 2-4 degrees by the end of the century. The 'Global North,' which includes Berkeley, has far exceeded its fair share of the emissions comprising and exceeding the boundary, and must reduce its emissions rapidly and justly.

The City of Berkeley has engaged with the issue of global warming for at least three decades and has unquestionably been a leader in certain climate actions. Yet, in light of the current gravity of the climate emergency, current strategies and targets are not adequate. Exceptionally risky “mitigation” strategies, namely midcentury ‘net-zero’ pledges have provided for unbridled economic and emissions growth and thus severely dwindled carbon budgets, effectively rendering Berkeley’s gradual reduction goals: 80% by 2050 (Measure G, 2005 and Resolution 64,480-N.S., 2009) and net-zero by 2045 (Resolution 69,852–N.S., 2021), untenable. The majority of risk associated with each additional ton of greenhouse gas emitted will be borne by generations who will have not consented to current reduction goals and strategies. Current policies could exacerbate or lead to exceedingly dangerous new tipping points.

This item is timely in light of ongoing reports that national “pledges” under Paris Agreement could lead to at least 3 degrees of catastrophic warming, the inability for Congress to pass meaningful domestic and international climate policies and legislation, and the failure of world leaders to reach an effective and substantive agreement at the 26th UN Climate Change Conference of the Parties (COP26) in Glasgow.

BACKGROUND

The ordinance establishes emergency greenhouse gas limits aimed at reducing sector-based greenhouse gas emissions 90% below 2000 levels and consumption-based emissions 90% below 2013 levels by 2030. These limits would bring Berkeley closer to its global ‘fair share’ and science-based reduction obligations, and could help achieve reductions at scale as part of a program of regional coordination and collaboration.

While such targets are ambitious, mitigating and minimizing global warming risk and maximizing adaptation, resilience and adherence to planetary boundaries earlier in the century rather than later will likely result in less disruption to society over the long term, and will generate opportunities for more inclusive and sound democratic decision making as compared to waiting until atmospheric carbon levels reach increasingly catastrophic levels.

These limits are consistent with the City’s 2006 “precautionary principle” established by BMC 12.29, and which states:

“The purpose of this chapter is to promote the health, safety, and general welfare of the community by minimizing health risks, improving air quality, protecting the quality of ground and surface water, minimizing consumption of resources, and minimizing the City’s contribution to global climate change by implementing in a phased manner, as provided in this chapter, the City’s use of a precautionary principle approach in its decisions.”

As enacted by Council, BMC 12.29 requires the City to apply the following precautionary principle tenets in the course of action and decision-making:

1. Anticipatory Action: Anticipatory action may prevent harm. Government, business, community groups, and the public share this responsibility.

2. Right to Know: The community has a right to know complete and accurate information on potential health and environmental impacts associated with the selection of products, services, operations or plans.
3. Alternatives Assessment: Examine a full range of alternatives and select the alternative with the least potential impact on health and the environment including the alternative of doing nothing.
4. Consideration of Significant Costs: Consider significant short-term and long-term costs in comparing product alternatives, when feasible. This includes evaluation of significant costs expected during the lifetime of a product, (e.g. raw materials, manufacturing and production, transportation, use, clean-up, acquisition, extended warranties, operation, supplies, maintenance, disposal costs, long and short-term environmental and health impacts); and that expected lifetime compared to other alternatives.
5. Participatory Decision Process: Decisions applying the Precautionary Principle should be transparent, participatory by including community input, and informed by the best available information.

The ordinance requires the City to develop a new Climate Action Plan and consistent with these GHG limits and precautionary principle tenets, and to establish relevant legislative and budgetary timelines to help the City reach its objectives.

In addition, the ordinance requires the City to consider post-growth climate mitigation strategies and policies as potential alternatives to the growth and market-based and other policies that created the crisis and remain a persistent obstacle to meaningful action. The City's policies and programs *must not* aim to merely increase economic growth for growth's sake, but rather to support the provision of basic human needs and happiness.

It also provides an institutional framework to build solidarity with neighboring Bay Area communities and jurisdictions to achieve collective limits that could change rate of global warming while simultaneously providing sister cities in other countries precious time to improve living standards and pursue decarbonization.

ENVIRONMENTAL SUSTAINABILITY

This item is consistent with the latest climate science and the precautionary principle established by BMC 12.29.

ATTACHMENTS

1. Proposed Ordinance adding a new Chapter 12.01.

FINANCIAL IMPLICATIONS

Staff time will be necessary to implement the new ordinance. This item refers \$[] to the FY23-24 Budget Process consistent with implementing the requirements of Sections 12.01.040, 12.01.050, 12.01.060.

CONTACT PERSON

Councilmember Kate Harrison, Council District 4, (510) 981-7140

ORDINANCE NO. –N.S.

ADDING CHAPTER 12.01 TO THE BERKELEY MUNICIPAL CODE TO ESTABLISH
EMERGENCY GREENHOUSE GAS EMISSIONS LIMITS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Chapter 12.01 of the Berkeley Municipal Code is added to read as follows:

Chapter 12.01

EMERGENCY GREENHOUSE GAS EMISSIONS LIMITS

Sections:

12.01.010 Findings and purpose.

12.01.020 Definitions.

12.01.030 Greenhouse Gas Emissions Limits.

12.01.040 Climate Action Plan.

12.01.050 Monitoring, Evaluation, And Reporting.

12.01.060 Regional Collaboration.

12.01.070 Severability.

12.01.080 Construction.

12.01.090 Effective date.

12.01.010 Findings and purpose.

The Council of the City of Berkeley finds and declares as follows:

- A. Available scientific evidence indicates that between the industrial period of 1850 and 2021 economic systems, namely state and free-market forms of capital accumulation and economic growth, have increased global atmospheric carbon dioxide levels to a staggering 418 parts per million (ppm) beyond the established planetary boundary of 350 ppm, and warmed global average temperature by approximately 1.1 degrees Celsius. The 'Global North,' which includes Berkeley, has far exceeded its fair share the emissions comprising and exceeding the boundary, and must reduce its emissions rapidly and equitably.
- B. Available scientific evidence indicates there is no 'safe' level of warming beyond 350 ppm, only gradations of risk with respect to habitability. Berkeley, California, the United States, and the world is already experiencing unprecedented negative effects of warming associated with 1 degree of warming, and current global growth trends and policies will push humanity past 1.5 degrees as early as the 2030s and 3 to 4 degrees by the end of the century. Global warming between 1.5 to 2 degrees Celsius is expected to further accelerate existential risks to health and safety including but not limited to, extreme weather, mass extinction, water and food shortages, violent conflict, fire, forced migration, economic collapse, disease, heat stress, and sea level rise. The majority of risk associated with each additional ton of greenhouse gas emitted will be borne by generations who will have not consented to current reduction strategies.
- C. In the twenty-first century, Berkeley, California, and the United States have largely and irresponsibly relied on ineffective market-based mechanisms, unrealistic expectations of absolutely decoupling GDP growth from energy use, speculative mass deployment of negative emission reduction technologies and 'net-zero' practices to offset continued fossil fuel production and consumption, and underappreciation of irreversible tipping points, aerosol masking, and non-carbon greenhouse gasses. In light of the current gravity of the climate emergency, these strategies have unequivocally failed; between Measure G and 2018, each jurisdiction only reduced greenhouse gasses by a respective 10%, 12%, and 26%, while at the same time globally, nearly a third of all anthropogenic carbon dioxide was emitted. Exceptionally risky strategies pursued by the Global North, namely midcentury 'net-zero' pledges have provided for unbridled economic and emissions growth and thus severely dwindled carbon budgets, effectively rendering Berkeley's gradual reduction goals: 80% by 2050 (Measure G, 2005 and Resolution 64,480-N.S., 2009) and net-zero by 2045 (Resolution 69,852–N.S., 2021), untenable.
- D. It is the intent of the Council to adopt stringent and equitable science-based greenhouse gas emissions limits and related action plans and reports, consistent with the precautionary principle approach established by Chapter 12.29, for the purpose of achieving the rapid, far-reaching, unprecedented and just changes in all aspects of society associated with mitigating and minimizing global warming risk and maximizing adaptation, resilience and adherence to planetary boundaries.
- E. The Council further intends to endeavor to build solidarity with neighboring communities and jurisdictions to achieve collective limits that could change rate of global warming while simultaneously providing sister cities in other countries precious time to improve living standards and pursue decarbonization.

12.01.020 Definitions.

A. "Climate Action Plan" means the document required under Section 12.01 outlining the specific actions the City will endeavor to take to reduce Greenhouse gas emissions and to mitigation, resilience and adaptation efforts with respect to climate impacts.

B. "Consumption-Based Greenhouse Gas Emissions" means all the Greenhouse Gas emissions associated with producing, transporting, using, and disposing of products and services consumed by a particular community or entity in a given time period, including emissions generated outside the boundaries of the community or the geographic area where the entity is located.

C. "Greenhouse Gas" means any and all of the following gases: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride.

D. "Sector-Based Greenhouse Gas Emissions" means all of the Greenhouse Gas emissions generated within the geographic boundaries of the City in a given time period.

E. "Responsible Production and Consumption" means improving how materials and products are extracted, manufactured, delivered, acquired, used, reused, recycled, and disposed of to ensure that the production and consumption of materials and products promote basic human needs, are distributed in a socially equitable manner, and carried out in a way that minimizes environmental impacts over the lifecycle of those materials and products while matching the carrying capacity of the earth's resources and adding value so as not to jeopardize present and future generations. "Lifecycle" means the complete material life of a product, good, or service, including resource extraction, manufacture, assembly, construction, maintenance, transportation, operations or use, and end of life (reuse, recycling/composting, and disposal). "Carrying capacity" means the number or amount of people, plants, and other living organisms that an ecosystem can support indefinitely without causing environmental degradation.

F. "Post-Growth Emissions Mitigation" means Greenhouse Gas mitigation strategies and policies that acknowledge and support the following:

- (1) rapid emissions reductions may not be compatible with economic policies that support limitless growth, especially growth in the production and consumption of commodities that do not support basic human needs,
- (2) in jurisdictions with high aggregate wealth there may be a disassociation between additional capital accumulation, economic growth, and GDP, and key social outcomes, to include but not limited to, health, social wellbeing, happiness and equity,
- (3) fairer distribution of income and wealth, and guaranteed access to universal public services.

12.01.030 Emergency Greenhouse Gas Emissions Limits.

A. The following Greenhouse Gas emissions limits are hereby established:

- (1) By 2030, reduce Sector-Based Greenhouse Gas Emissions [90%] below 2000 levels.
- (2) By 2030, reduce Consumption-Based Greenhouse Gas Emissions to [5] mtCO₂e per household or less, equivalent to a [90%] reduction compared to 2013 levels.
- (3) By 2026, the Council shall determine an appropriate deadline for achieving 100% zero emissions across both Sector and Consumption-Based inventories.

12.01.040 Climate Action Plan.

A. By [], 2022, the City Manager or designee shall prepare and submit for relevant Council policy committee and Council approval a Climate Action Plan (CAP) which shall

do all of the following:

- (1) Align with the emissions limits established in Section 12.01.030.
 - (2) Consider equitable Post-growth Climate Mitigation strategies and policies.
 - (3) Incorporate an equity framework that addresses historic racial, class-based, and social inequalities; prioritizes social, economic, and environmental benefits derived from implementing the CAP; and ensures an equitable distribution of those benefits. This framework shall consider:
 - (a) The engagement and prioritization of those who are most impacted by climate change and have historically had the least influence in decision-making processes, including low-income communities of color, communities with disabilities, and other impacted populations;
 - (b) Burdens and/or unintended consequences of related actions, especially for low-income communities of color, communities with disabilities, and other vulnerable populations; and
 - (c) Social interventions needed to secure workers' rights and livelihoods when economies are shifting to responsible production and consumption, collectively referred to as a "just transition" framework, and other impacts on workforce and job opportunities.
 - (4) Include, but not be limited to, the following elements: energy supply; transportation and land use; building operations; housing; Responsible Production and Consumption; carbon sequestration and water conservation.
 - (5) Identify strategies and/or make recommendations to achieve emissions limits for all elements. The CAP shall recommend approaches on goals and principles. Each strategy or recommendation shall:
 - (a) Identify parties responsible for implementation;
 - (b) Incorporate an estimated cost; and
 - (c) Incorporate estimated legislative and budgetary timelines based consistent with Section 12.01.030; and
 - (d) Contain key performance indicators and explicit equity metrics to measure progress.
- B. The City Manager or their designee shall update the Climate Action Plan at least every two years.

12.01.050 Monitoring, Evaluation, And Reporting.

- A. The City shall demonstrate its long-term commitment to reducing Greenhouse Gas emissions and advancing racial and social equity by measuring and reporting emissions, tracking key performance indicators and equity metrics, and monitoring the City's progress on meeting its climate action goals and commitments.
- B. The City Manager or their designee shall, with the assistance from relevant City agencies:
 - (1) Measure and monitor Sector-Based Greenhouse Gas Emissions, including municipal emissions, using best available global protocols for preparing Citywide Greenhouse Gas emission inventories.
 - (2) Measure production and consumption emissions using best available global methodologies for preparing consumption-based emission inventories.
 - (3) Evaluate Sector-Based Greenhouse Gas Emissions against set limits, document production and consumption emissions, and produce an annual Greenhouse Gas emissions report.
 - (4) Establish a monitoring and reporting process for the implementation of the CAP that:
 - (a) Tracks key performance indicators and equity metrics for strategies to help

monitor their progress and implementation;

(5) Request and receive data from City departments to support:

(a) The annual Greenhouse Gas emissions inventory. City departments may be asked to provide data on, but not limited to, the following: their energy use; types of fuels used for their operations; fuel volume; vehicle-miles travelled (if applicable) within their jurisdictions; and private sector Greenhouse Gas emission sources regulated by the department. Departments may also be requested to verify emission estimates and assumptions and review resulting reports;

(b) Monitoring and reporting of Climate Action Plan implementation. City departments may be asked to provide data on key performance indicators and equity metrics related to adopted strategies and actions; and

(6) Coordinate with other City agencies to monitor, track, and report on climate action progress to local, state, national, and global partners.

(7) Report its findings in a progress report to the Council and public every year.

(8) Report on at least a biannual basis to relevant Council policy committees and commissions to support policy and budget development consistent with reduction limits established in Section 12.01.030.

12.01.060 Regional Collaboration.

The Council and City staff, working alongside the public, shall endeavor to build solidarity and coalitions with neighboring communities, jurisdictions, and agencies to achieve equitable collective Greenhouse Gas limits and observe planetary boundaries.

11.63.070 Severability.

If any word, phrase, sentence, part, section, subsection, or other portion of this Chapter, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City Council hereby declares that it would have passed this title, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional.

12.01.080 Construction.

This Chapter is intended to be a proper exercise of the City's police power, to operate only upon its own officers, agents, employees and facilities and other persons acting within its boundaries, and not to regulate inter-city or interstate commerce. It shall be construed in accordance with that intent.

12.01.090 Effective date.

The provisions in this ordinance are effective [], 2022.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be

filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



Kate Harrison
Councilmember District 4

CONSENT CALENDAR
March 9, 2021

To: Honorable Mayor and Members of the City Council
 From: Councilmembers Harrison
 Subject: Refer to the City Manager to Prioritize Establishment of Impact/Mitigation Fees to Address Disproportionate Private and Public Utility Impact to the Public Right of Way

RECOMMENDATION

In order to ensure equitable support of the public right of way by private and public entities that use City facilities, refer to the City Manager and City Attorney to prioritize the following in consultation with the Facilities, Infrastructure, Transportation, Environment, & Sustainability Committee:

1. establish impact and/or mitigation fees to address disproportionate private impacts to the public right of way, such as our roads and utility poles; and
2. establish transfers between sewer, waste, or other utilities as appropriate to address impacts to the public right of way.

BACKGROUND

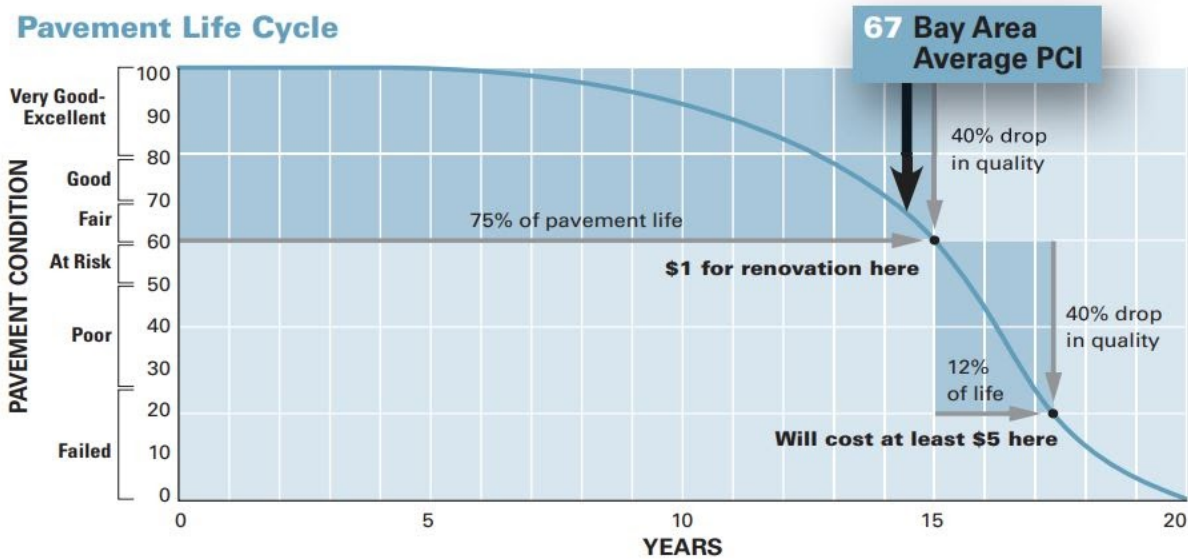
A Metropolitan Transportation Commission report warns that Berkeley's overall paving condition is "At Risk," meaning on the cusp of falling into "Failing" category.¹ The current five-year paving plan is the result of historic deferred maintenance and an underfunded, imperfect and complex balance between arterial, collector and residential streets distributed across Council districts. The City's bicycle, pedestrian and Vision Zero projects are severely underfunded. Meanwhile, neighboring cities in the Bay Area, such as Richmond, El Cerrito, San Francisco have "Excellent/Very Good" to "Fair/Good" streets conditions.

Critically, maintenance of the public right of way has been underfunded due to (1) historic lack of impact/mitigation fees levied against private corporations who

¹ "The Pothole Report: Bay Area Roads At Risk," Bay Area Metropolitan Transportation Commission, September 2018, https://mtc.ca.gov/sites/default/files/Pothole%20Report%20III_September%202018.pdf

disproportionally cause negative impacts to Berkeley’s streets and (2) an absence of transfers from public utility ratepayers to the Berkeley Public Works Department to mitigate utility-related damage to the right of way. The public right of way is key part of the City’s “commons,” a public resource that is available to all community members and to be managed for the collective benefit. As learned during recent FITES hearings, it appears that certain private actor and public utilities have not been paying their fair share to address their disproportionate impact on the condition of Berkeley’s right of way.

The Public Works Department has advised that ongoing funding under the rolling 5-Year Street Plan will not be enough to stabilize Berkeley’s streets. In fact, if street investment is not increased, Public Works warns that the City could face \$1 billion in future repair costs as the cost of deferred paving maintenance increases exponentially each year.



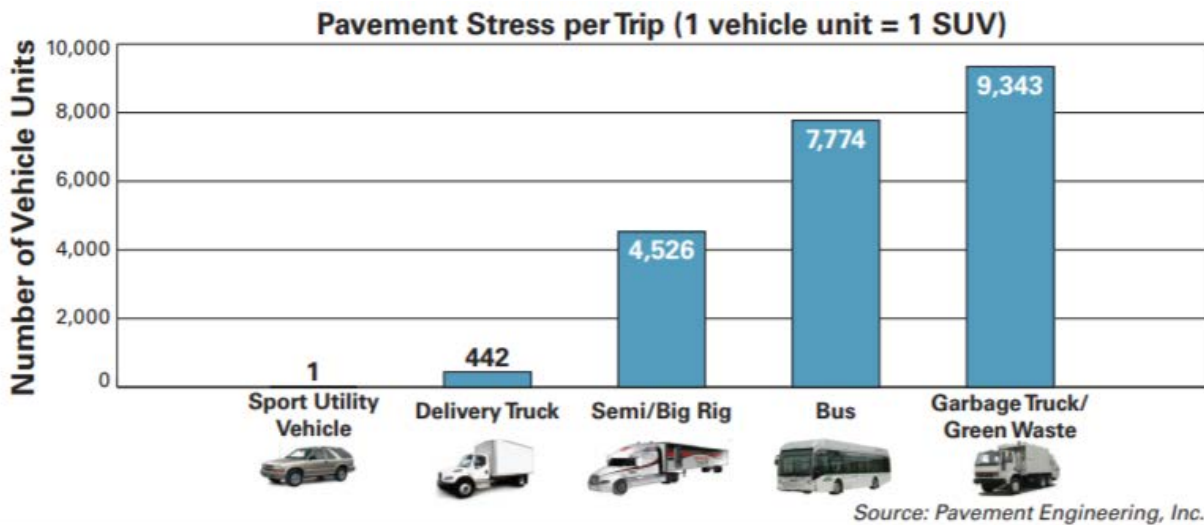
Since January 2020, the Facilities, Infrastructure, Transportation, Environment, & Sustainability (FITES) Committee has been working with the Public Works Department and Public Works Commission to explore funding opportunities to enhance the Paving Condition Index (PCI) of Berkeley’s streets. In addition, it has been reviewing the City’s Paving Policy, which was last updated in 2009, and has been working to develop a Paving Master Plan.

To stabilize street conditions, the City will likely need to pursue a combination of investment strategies ranging from increasing General Fund allocations, initiating

transfers from waste, sewer and other utility accounts, initiating impact/mitigation fees in response to heavy private vehicle use and potentially issuing bonds. However, before going to the voters for new bonds, who already pay significant sales, property and other taxes, which contribute to paving maintenance, it is critical that the Council exhaust all equitable alternatives, including leveraging the proceeds of new fees and transfers from private corporations and public utilities who contribute disproportionately to the deterioration of Berkeley’s streets and greenhouse gas emissions.

The current 2009 Paving Plan, which is being revised by the Public Works Commission, Public Works Department and the FITES Committee, explicitly specifies that “fees [may be] assessed to mitigate for excessive deterioration on and wear and tear of streets resulting from construction activities, public or private, shall be used for street rehabilitation.”² However, the FITES Committee has not been able to identify historical evidence of such fee being levied upon private users for such excessive deterioration.

During hearings on the paving policy, the FITES Committee has learned that large private vehicles such as delivery trucks, big rigs, private buses and construction vehicles contributed heavily to excessive deterioration. The same is true for vehicles acting on behalf of public utilities, such as AC Transit, the City’s Sanitary Sewer Program, Recology waste services, and gas, electric and telecommunications utilities.



² “City of Berkeley Street Rehabilitation and Repair Policy,” Public Works Department, March 2009, https://www.cityofberkeley.info/Public_Works/Sidewalks-Streets-Utility/Street_Rehabilitation_and_Repair_Policy_updated_March_2009.aspx

Refer to the City Manager to Prioritize Establishment of Impact/Mitigation Fees to Address Disproportionate Private and Public Utility Impact to the Public Right of Way

CONSENT CALENDAR
March 9, 2021

Public Works staff indicate that transfers could bring in approximately \$1 million per year in additional paving funding, but more research will need to be done to calculate potential revenue from impact fees.

It is in the public interest to ensure an equitable and rapid as possible assessment of such private and public actors for the purpose of providing supplemental funding to Berkeley's Street Repair Program.

FINANCIAL IMPLICATIONS

The item would require staff time to develop potential fees and transfers, however it could potentially offset and supplemental millions of dollars in existing City paving funding.

ENVIRONMENTAL SUSTAINABILITY

Supporting low-carbon asphalt alternatives and building bicycle and alternative mobility infrastructure will compliment and accelerate Berkeley's ongoing efforts to reduce carbon emissions at an emergency and equitable pace in line with the Climate Action Plan and Climate Emergency Declaration.

CONTACT PERSON

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