

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Terminating Temporary Public Health Emergency Order No. 5 of the City Manager for Suspension of the Prohibition on Plastic Retail Carryout Bags During the COVID-19 Public Health Emergency
DEPARTMENT:	Community Services
PRESENTED BY:	Autumn Salamack, Environmental Services Coordinator
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

On March 17, 2020, staff received a request from Town & Country Markets' Sustainability Director for a temporary suspension from the City's plastic bag ban set forth in Chapter 9.25 SMC Retail Carryout Bag Regulations at their Shoreline Central Market location in response to the COVID-19 public health emergency. Staff have only received this one request from the retail community regarding suspension of SMC 9.25's prohibition, and it is unclear how much of a risk reusable shopping bags pose in transferring the novel coronavirus. While the City remains committed to waste reduction and sustainable practices, the City also wants to take every reasonable precaution to protect the health and welfare of Shoreline residents.

To this end, pursuant to authority granted in Resolution No. 456, on March 31, 2020, the City Manager issued Temporary Public Health Emergency Order No. 5 (Attachment A), which suspends the prohibition on carryout plastic bags at retail establishments set forth in SMC 9.25.030(A) along with the accompanying penalty in SMC 9.25.040 through May 31, 2020. This Emergency Order was developed out of an abundance of caution for the safety of retail employees and community members.

In response to the City Manager issuing Temporary Public Health Emergency Order No. 5, Councilmember Roberts requested that this Emergency Order be reviewed by Council Resolution No. 456 states that the Council may terminate an order issued by the City Manager at any time if the Council determines the order was not necessary to preserve and maintain the public life, health, welfare, or peace. The Resolution also states that the Council shall take such action at its next regular or special meeting following notification of the City Manager's waiver or suspension of the SMC.

Tonight, Council is scheduled to review and potentially vote on terminating Temporary Public Health Emergency Order No. 5. Because this will be the first time this action is before the City Council, as per Council Rule 6.1(B), public comment will need to be provided after the staff report but before the City Council's review.

RESOURCE/FINANCIAL IMPACT:

There is no financial impact to the City of Shoreline associated with Temporary Public Health Emergency Order No. 5. If Council were to terminate this Emergency Order, no additional financial benefit would be achieved.

RECOMMENDATION

Staff does not recommend that the City Council terminate Temporary Public Health Emergency Order No. 5 issued by the City Manager on March 31, 2020.

Approved By: City Manager ***DT*** City Attorney ***J-AT***

BACKGROUND

On March 17, 2020, staff received a request from Town & Country Markets' Sustainability Director for a temporary suspension from the City's plastic bag ban set forth in Chapter 9.25 SMC Retail Carryout Bag Regulations at their Shoreline Central Market location in response to the COVID-19 public health emergency. Market Staff indicated that they had received several requests from customers to provide plastic bags due to concerns that reusable bags brought from customers' homes could transfer the virus to retail staff and other customers in the checkout area. While Market Staff do use gloves for protection, they were concerned that they would need to change gloves after every customer using a reusable shopping bag to prevent cross contamination. Market Staff was concerned about the volume of gloves needed in that scenario.

While SMC 9.25.030(B) currently allows retailers to provide paper bags, Market Staff expressed concerns about both the need to purchase more of those bags in the short term and the higher purchase price for paper bags compared to plastic bags. Thus, Market Staff said they were working to temporarily restrict the use of reusable bags and offer both paper and plastic disposable bags at all their stores in the region.

While the City remains committed to waste reduction and sustainable practices, the City also wants to take every reasonable precaution to protect the health and welfare of Shoreline residents. To this end, pursuant to authority granted in Resolution No. 456, on March 31, 2020, the City Manager issued Temporary Public Health Emergency Order No. 5 (Attachment A), which suspends the prohibition on carryout plastic bags at retail establishments set forth in SMC 9.25.030(A) and the accompanying penalty in SMC 9.25.040 through May 31, 2020. This Emergency Order was developed out of an abundance of caution for the safety of retail employees and community members.

The staff report for the adoption of Resolution No. 456, granting authority to issue temporary waivers or suspensions, can be found at the following link:
<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2020/staffreport032320-8a.pdf>.

DISCUSSION

In response to the City Manager issuing Temporary Public Health Emergency Order No. 5, Councilmember Roberts requested that this Emergency Order be reviewed by Council. Resolution No. 456 states that the Council may terminate an order issued by the City Manager at any time if the Council determines the order was not necessary to preserve and maintain the public life, health, welfare, or peace. It also states that the Council shall take such action at its next regular or special meeting following notification of the City Manager's waiver or suspension of the SMC.

Public Health Concerns Regarding COVID-19 on Surfaces

It is not clear how long the coronavirus may be detectable on reusable shopping bags, which are often made of fabric such as canvas, natural fibers, woven synthetic fibers, or

a thick plastic. According to a March 2020 study from National Institutes of Health, CDC, UCLA and Princeton University scientists in *The New England Journal of Medicine*, the virus that causes COVID-19 is stable for several hours to days in aerosols and on surfaces. This study found that severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) was detectable in aerosols for up to three hours, up to four hours on copper, up to 24 hours on cardboard and up to two to three days on plastic and stainless steel (<https://www.nih.gov/news-events/news-releases/new-coronavirus-stable-hours-surfaces>).

Additionally, the World Health Organization's Frequently Asked Questions page states the following with regard to how long the virus lasts on various surfaces:

It is not certain how long the virus that causes COVID-19 survives on surfaces, but it seems to behave like other coronaviruses. Studies suggest that coronaviruses (including preliminary information on the COVID-19 virus) may persist on surfaces for a few hours or up to several days. This may vary under different conditions (e.g. type of surface, temperature or humidity of the environment; <https://www.who.int/news-room/q-a-detail/q-a-coronaviruses>).

Public Health Guidance for Grocery Stores/Food Establishments

Public Health - Seattle and King County has issued guidance for grocery stores to minimize the spread of COVID-19 (www.kingcounty.gov/covid/grocery). This guidance currently does not include any discussion of shopping bags.

The Washington State Department of Health provides the following guidance for food workers and establishments:

It would be very unlikely for store clerks to get infected with COVID-19 by touching reusable shopping bags. According to the CDC, touching surfaces that may have the virus on it is not thought to be the main way the virus spreads. We believe potential exposure to COVID-19 from handling consumer-provided bags is low, but have several recommendations to help address any concerns.

These recommendations include:

- Encourage customer self-bagging when reusable shopping bags are used
 - Provide single use bags (paper or plastic, where appropriate) for clerks to use while bagging customer groceries
- (www.doh.wa.gov/Emergencies/NovelCoronavirusOutbreak2020COVID19/FoodWorkers).

Actions Taken by Other Jurisdictions

Many cities in our region that have local legislation restricting the use of plastic bags have temporarily suspended those restrictions in response to the COVID-19 public health emergency. Examples include:

- Seattle Public Utilities has issued guidance allowing retailers to temporarily use different bag types and to use their own discretion regarding the use of reusable bags by customers: <https://www.seattle.gov/utilities/services/recycling/reduce-and-reuse/plastic-bag-ban>.
- The City of Kent has suspended enforcement of their plastic bag ban during the declaration of emergency for COVID-19: <https://www.kentwa.gov/residents/plastic-bag-ordinance>.
- The City of Everett has temporarily suspended their plastic bag ban until April 22, 2020: <https://everettwa.gov/DocumentCenter/View/24230/Civil-Emergency-Order-PDF>.
- The City of Lake Forest Park suspended their plastic bag and non-compostable food service container ban on March 26, 2020 <https://media.avcaptureall.com/session.html?sessionid=330e930a-1e21-48f5-b811-086f8805455d&prefilter=795,5756>

Council Discussion and Potential Action

Based on the request of Councilmember Roberts, the Council needs to consider if the City Manager’s Temporary Emergency Order No. 5, which like other cities, suspends the prohibition on the use of plastic bags set forth in Chapter 9.25 SMC through May 31, 2020 should be terminated. If a Councilmember would like to make a motion to terminate Temporary Public Health Emergency Order No. 5, the following language is appropriate:

- ***I move to terminate Temporary Public Health Emergency Order No. 5 issued by the City Manager on March 31, 2020, that suspended certain provisions of Chapter 9.25 of the Shoreline Municipal Code related to plastic retail carryout bags due to the COVID-19 public health emergency.***

RESOURCE/FINANCIAL IMPACT


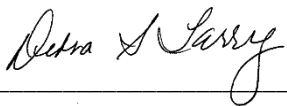
There is no financial impact to the City of Shoreline associated with the Temporary Public Health Emergency Order No. 5. If Council were to terminate this Emergency Order, no additional financial benefit would be achieved.

RECOMMENDATION

Staff does not recommend that the City Council terminate Temporary Public Health Emergency Order No. 5 issued by the City Manager on March 31, 2020.

ATTACHMENT

Attachment A – Temporary Public Health Emergency Order No. 5: COVID-19 Public Health Emergency Suspension of Prohibition on Plastic Retail Carryout Bags

		<h2 style="margin: 0;">TEMPORARY EMERGENCY ORDER</h2> <h3 style="margin: 0;">of the City Manager</h3>	
<h2 style="margin: 0;">COVID-19</h2> <h3 style="margin: 0;">Public Health Emergency</h3> <h3 style="margin: 0;">Suspension of Prohibition on</h3> <h3 style="margin: 0;">Plastic Retail Carryout Bags</h3>		Category: COVID-19	
		Number: 5	
		Classification: Environmental	
Effective Date: 03/23/2020 – 5/31/2020	Waiver/ Suspends: SMC 9.25.030(A)	Policy Originator: City Manager	Approved By: City Manager  <hr/> Debbie Tarry

1. PURPOSE:

The purpose of this Temporary Emergency Order is to provide a temporary suspension of certain provisions of SMC Chapter 9.25 Retail Carryout Bag Regulations to allow for retail establishments to provide plastic carryout bags to address the COVID-19 public health emergency.

2. ELIGIBILITY CRITERIA:

Any retail establishment as that term is defined in SMC 9.25.020(F).

3. ORDER:

On February 29, 2020, the Washington State Governor declared a State of Emergency in all counties. On March 4, 2020, the City Manager issued a Declaration of Local Public Health Emergency. During the first few weeks of March, Public Health – King County/Seattle and the Governor issued directions to close certain types of businesses to reduce the spread of COVID-19. On March 23, 2020, the Washington State Governor issued the “Stay Home Stay Safe” Proclamation, effectively closing all but businesses deemed to be essential until at least April 6, 2020. On March 29, 2020, the Federal Government announced that social distancing protocols should be followed until April 30, 2020. It is anticipated that Washington State will similarly extend the “Stay Home Stay Safe” date.

SMC Chapter 9.25 Retail Carryout Bag Regulations was enacted in 2013 to create an environmentally sustainable community and to protect the public health and welfare through implementing, among other things, an effective waste reduction strategy. SMC 9.25.030 prohibits retail establishments from providing a “plastic carryout bag”

to any customer. SMC 9.25.040 states that a violation of this prohibition is a civil enactment, with a monetary penalty of \$250.00.

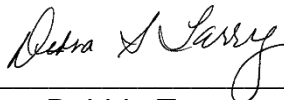
Grocery stores and restaurants providing take-out meals are considered essential businesses under the “Stay Home Stay Safe” Proclamation. Employees of these retail establishments, given their interaction with customers, are at a higher risk for community transmission of COVID-19. Public Health studies have stated that personal reusable cloth or denser plastic bags harbor bacteria, contagions, and viruses as customers rarely wash these bags between uses. A recent study published in the New England Journal of Medicine found that a viable COVID-19 virus was detected up to 72 hours after exposure on plastic surfaces.

Requiring Shoreline retail establishments to strictly comply with the plastic carryout bag prohibition could pose a risk to not only retail establishment employees but also the customers they serve by facilitating community transmission. In suspending the plastic carryout bag prohibition, retail establishments will be able to continue essential operations during the public health emergency without their employees or customers fearing transmittal of COVID-19, thereby serving the public health. In addition, during this time of public health emergency, the City’s resources are focused on essential functions with limited staff. Monitoring to ensure compliance with SMC 9.25.030 would direct these resources away from essential functions.

THEREFORE, for the reasons set forth above and pursuant to the authority granted to the City Manager by the City Council under Resolution No. 456, this Temporary Emergency Order is issued providing the following:

1. The prohibition on retail establishments providing a “plastic carryout bag” to any customer as set forth in SMC 9.25.030(A) is suspended until 11:59 pm Local Time on May 31, 2020.
2. The penalty required to be imposed pursuant to SMC 9.25.040 is suspended until 11:59 pm Local Time on May 31, 2020.
3. Nothing in this Temporary Emergency Order prohibits a retail establishment, at its sole discretion, from allowing a customer to utilize personal reusable cloth, paper, or plastic bags.

Dated this 31st day of March, 2020.



Debbie Tarry
City Manager