CITY of ALBUQUERQUE
TWENTY FIFTH COUNCIL

COUNCIL BILL NO. O-22-3 ENACTMENT NO. 0-2022-012

SPONSORED BY: Brook Bassan

1 ORDINANCE
3 WHICH ENACTED ARTICLE 17, CHAPTER 13, ROA 1994, “THE
4 ALBUQUERQUE CLEAN & GREEN RETAIL ORDINANCE” WHICH LIMITED THE
5 USE OF PLASTIC SINGLE-USE CARRYOUT BAGS, CREATED A CLEAN &
6 GREEN BUSINESS PROGRAM, AND PROVIDED FOR ADMINISTRATIVE
7 ENFORCEMENT REGULATIONS.
8 WHEREAS, on April 15, 2019, the City Council adopted O-19-48, “Adding a
9 New Article 17 to Chapter 13, ROA 1994, Limiting the Use of Plastic Single-Use
10 Carryout Bags; Creating an ‘Albuquerque Clean & Green Business’ Program;
11 Providing for Administrative Regulations to Carry Out the Provisions” (the
12 “Plastic Bag Ordinance”); and
13 WHEREAS, enforcement of the Plastic Bag Ordinance was paused at the
14 beginning of the pandemic to help protect frontline employees and customers
15 from the spread of COVID-19, then reinstated in August 2021 with additional
16 bag restrictions put in place at the end of 2021; and
17 WHEREAS, the bags allowed under the Plastic Bag Ordinance are
18 significantly more expensive for both consumers and businesses compared to
19 what was allowed previously; and
20 WHEREAS, local consumers, many of whom are already facing
21 considerable financial struggles, are now faced with spending dollars to
22 purchase shopping bags, in effect creating a regressive tax on our most
23 vulnerable populations; and
24 WHEREAS, some businesses have opted to use “reusable” bags and paper
25 bags as a substitute for single-use plastic bags, but these alternative bags
place additional financial burdens on businesses and still take a substantial toll on the environment; and

WHEREAS, due to supply shortages, some businesses have been unable to obtain compliant bags, and many also have stockpiles of non-compliant plastic bags that they can no longer use; and

WHEREAS, studies have shown that paper bags and “reusable” plastic and canvas bags are even worse for the environment than single-use bags because production involves cutting down and processing trees, increased water use, toxic chemicals, fossil fuel, air pollution, and heavy machinery; and

WHEREAS, for example, one study found that the weight and bulkiness of paper bags necessitate seven trucks to transport the same number of bags that can be hauled in just one truck of plastic bags thereby increasing additional negative environmental impacts; and

WHEREAS, although conventional plastic bags have higher environmental impacts when released into the environment, studies indicate that reusable bags require hundreds to tens of thousands of uses before they become more environmentally efficient than single use plastic bags; and

WHEREAS, however, research also shows that if reusable bags are not properly sanitized after each use, they can harbor and spread dangerous viruses and bacteria, including E. coli, salmonella, fecal coliform, and other pathogens; and

WHEREAS, some types of imported reusable bags have been found to contain traces of toxic lead in the materials used; and

WHEREAS, in light of the ongoing pandemic we have become more aware of the health implications associated with reusable bags, and while reuse is encouraged, there are unintended health risks associated with reusable bags; and

WHEREAS, the Plastic Bag Ordinance has placed unintended burdens on both consumers and local businesses, without demonstrating its effectiveness at preventing waste and protecting the environment; and

WHEREAS, the decision regarding what type of bag to use should be left to consumers and businesses to decide; and
WHEREAS, while the ban on single-use plastic bags had good intentions, evidence has shown that this effort is counterproductive, and that reusable and paper bags also have negative effects on both the economy and the environment without remarkable benefits.

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

SECTION 1. Enactment No. O-2019-008 (Council Bill No. O-19-48) is hereby repealed in its entirety. Chapter 13, Article 17 of the Revised Ordinances of Albuquerque, New Mexico 1994 shall be re-labeled as “REPEALED.”

SECTION 2. City Council commits to prioritizing alternative approaches to addressing plastic bag waste and litter, and will work with Solid Waste in the upcoming budget cycle to explore improvements to the City’s recycling efforts related to plastic bag use.

SECTION 3. COMPILATION. The ordinance amendment prescribed by SECTION 1 shall amend, be incorporated in, and be made part of the Revised Ordinances of Albuquerque, New Mexico 1994.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect five days after publication by title and general summary.
PASSED AND ADOPTED THIS 7th DAY OF March, 2022

BY A VOTE OF: 6 FOR 3 AGAINST.

For: Bassan, Grout, Jones, Lewis, Peña, Sanchez
Against: Davis, Fiebelkorn, Benton

Isaac Benton, President
City Council

APPROVED THIS 25 DAY OF March, 2022

Bill No. O-22-3

Timothy M. Keller, Mayor
City of Albuquerque

The Mayor's veto was overridden by EC-22-51 on April 4, 2022 by a vote of 6 FOR and 3 AGAINST.
FOR: Bassan, Grout, Jones, Lewis, Peña, Sanchez AGAINST: Davis, Fiebelkorn, Benton

ATTEST:

Ethan Watson, City Clerk
INTEROFFICE MEMORANDUM

TO: Ethan Watson, City Clerk
FROM: Chris Melendrez, Director, Council Services


DATE: April 7, 2022

On April 4, 2022 the Mayor's Veto (EC-22-51) of O-22-3 was overridden by the City Council by a vote of 6 FOR and 3 AGAINST.

For: Bassan, Grout, Jones, Lewis, Peña, Sanchez
Against: Davis, Fiebelkorn, Benton

I have attached the ordinance as adopted by the Council and signed by the Council President. Please process the enactment as soon as possible.