



April 4, 2019

Senator Michael Dembrow, Chair
Senate Committee on Environment and Natural Resources
900 Court St. NE
Salem, Oregon 97301

RE: City of Eugene Opposes SB90 – plastic straw ban

Chair Dembrow and Members of the Committee:

The City of Eugene opposes the -12 amendments to SB90, the -12 amendments as it significantly changes the intent of the original bill and negatively impacts the ability of local municipalities to enact regulations that better address the needs of their residents and the environment.

Specifically, Eugene opposes the -12 amendments for three reasons.

1. The -12 amendments greatly impede Eugene's ability to enact a more comprehensive, single use plastic ordinance. On March 11, 2019, the Eugene City Council voted in unanimous approval, to direct the City Manager to draft an ordinance and schedule a public hearing requiring retail food businesses to provide single-use service ware and utensils only upon request by the customer. The Council carefully deliberated this issue over the course of two work sessions and based their action on adopted policy including the Eugene's 2014 Climate Recovery Ordinance and the Oregon DEQ's Materials Management Vision 2050 plan.
2. The proposed enforcement penalties within the -12 amendments are not in alignment with the City's enforcement matrix. As currently drafted, a 'business' can only be fined up to \$300 annually for noncompliance. This leaves a large loophole for businesses to choose to simply pay the nominal fine, rather than adhere to the law. Further, this creates a difficult enforcement situation locally, whereby the City's code enforcement will be unable to respond to citizens' complaints related to a businesses' use of straws, becoming more complicated when a city enacts a comprehensive single use plastic regulation. As an example, Eugene's Ordinance that bans Single Use Plastic Bags is linked to the Civil Penalty Matrix, which basis the fine level on the violator's effort, history, cause, natural resources, knowledge, and gravity of the offense-not to exceed \$2,000 per day. As you can see, this is a much different system than what is proposed within SB 90.
3. Lastly, the definition of "business" as written is problematic. It is unclear whether a business is defined by the ownership entity or the location. Is a business that operates multiple locations fined singularly or by each location? This lack of clarity could reduce the impact of the ordinance across larger, waste-generating franchises and it disproportionately impacts smaller restaurants.

A simple way to ensure cities retain the ability to govern locally, is to provide an exemption for those cities that choose to enact a comprehensive single use plastic utensil ban, no later than January of 2020.

Sincerely,
Ethan Nelson, Intergovernmental Relations Manager *Submitted electronically.*