



May 19, 2014

Mayor Chris Canning
City of Calistoga
1232 Washington Street
Calistoga, CA 94515

DELIVERED VIA EMAIL

Re: OPPOSED to a ban on single-use carryout bags unless food service establishments are exempted.

Dear Mayor Canning and Council Members:

The California Restaurant Association is the definitive voice of the food service industry in California and is the oldest restaurant trade association in the nation. On behalf of our restaurant members, we submit this regarding a proposed ordinance to ban the use of plastic bags. As providers of prepared food, restaurants take their responsibility to provide food in a safe and unadulterated manner seriously and devote a tremendous amount of effort to ensure food safety. If plastic bags are banned the only bag options left for restaurants are reusable bags or paper bags. These options pose serious public health and safety risks as well as operational challenges for restaurants. **For these reason as well as the reasons explained below, we ask the City of Calistoga to fully exempt food service establishments from this ban.**

Restaurants are generally exempted from bag ordinances due to food safety concerns with using reusable bags for prepared food to-go. Most recently, the City of San Jose, San Mateo County and Santa Clara County have exempted restaurants from their ordinances.

- Other California jurisdictions that have passed bag ordinances with an exemption for restaurants include Cupertino, San Jose, Calabasas, Long Beach, Los Angeles County, City of Los Angeles, Marin County, Oakland, Santa Clara County and Santa Monica. For example:
 - Santa Monica's ordinance provides: "5.45.040 Exemptions (a)(1): Single-use plastic carry out bags may be distributed to customers by food providers for the purpose of safeguarding public health and safety during the transportation of prepared take-out foods and liquids intended for consumption away from the food provider's

premises.”¹

- San Jose provided that “Restaurants and food establishments would not be subject to the ban for public health reasons. Reusable bags are considered impractical for these purposes.”²
- According to the US Department of Health and Human Services, “Harmful bacteria are the most common cause for food poisoning” or foodborne illness.³ To safeguard against foodborne illness, restaurants must follow strict food safety standards in food handling under Cal Code, the California retail food code. Restaurants are regularly inspected by their county environmental health department under these guidelines.
- Food safety and food borne illness prevention is a top priority for restaurants, but no matter what precautions are taken by the restaurant to prevent cross contamination, it can all be in vain if people use contaminated reusable bags to transport restaurant food.
- People use reusable bags for various purposes, not just to transport food. They use reusable bags to carry dirty clothes, shoes, pet items and any number of personal items. The comingling of non-food items with perishable, food items can expose food to germs and bacteria. Additionally, many people do not wash their reusable bags. Bags are often kept in car trunks for convenience; an environment that can be a breeding ground for bacteria.
- Any potential risk of cross contamination is taken very seriously and cause for concern. This risk exists with reusable bags. (See research by University of Arizona and Loma Linda University, Center for Food Industry Excellence at Texas Tech University, and Health Canada).
- Health Canada warns: “When you are using reusable bags and bins, the biggest food safety concern is cross-contamination. Because these kinds of grocery bags and bins are used frequently, they can pick up bacteria from foods they carry.”⁴

In a study by University of Arizona and Loma Linda University, a total of 84 reusable bags were collected from consumers (25 Los Angeles, 25 San Francisco, and 34 from Tucson). 97% of persons interviewed did not clean their reusable

- International Center for Food Industry Excellence at Texas Tech University tested 11 reusable bags – 8 used and 3 new. Half of the used bags indicated coliform contamination, while a quarter of the used bags tested positive for generic E. coli

¹ City of Santa Monica Bag Ordinance at http://qcode.us/codes/santamonica/view.php?topic=5-5_44-5_45-5_45_040&frames=on

² City of San Jose Bag Ordinance Development, February 2010.

³ US Department of Health and Human Services at www.FoodSafety.org

⁴ Health Canada at <http://www.hc-sc.gc.ca/fn-an/securit/kitchen-cuisine/reusable-bags-sacs-reutilisables-eng.php> and <http://www.halifax.ca/districts/dist08/documents/BeaconSept09.pdf>.

contamination.⁵

- The use of reusable bags by restaurant patrons increases the owner's/operator's liability because there is a potential for cross-contamination.
- Unlike food purchased at the grocery store, restaurant food is typically not prepackaged or sealed. There can be spills and not all food is completely wrapped up or enclosed in a container (e.g. fries at quick service restaurants).
- Using a new, clean bag is the best way to ensure food is safely transported from the restaurant. Restaurants should have the freedom of choice to determine what type of bag works best to maintain the integrity of their product. Paper bags are not always the most practical choice for restaurants.
- Plastic bags are superior to paper bags in protecting against accidental spills and leaks during transport, whereas the content would just seep through a paper bag. Customers become disgruntled when food from the bag leaks onto their car, carpet, clothes, etc.
- In addition, some types of containers don't fit as well in paper bags. Whereas plastic bags conform to the size of the container, paper bags do not. The bottom of paper bags is generally rectangular-shaped which doesn't work when you have a standard, large square container.
- Restaurants will tightly pack up food in a plastic bag and use the handles to tie the bag so as to prevent the food from moving around and spilling. You can't do this with a paper bag.

Therefore, we urge the City of Calistoga to carefully consider these public health reasons for why restaurants are in a unique situation and fully exempt all restaurants and other food service establishments from the ordinance.

Should you have any questions, please contact me at (408) 416-6344 or at jgonzalez@calrest.org.

Sincerely,



Javier González
Director, Government Affairs + Public Policy

⁵ Research by the International Center for Food Industry Excellence at Texas University at http://www.wpri.com/dpp/news/12_for_action/reusable-bags-may-carry-contamination