



23rd NAVAJO NATION COUNCIL LEGISLATION SPONSORSHIP WITHDRAWAL

I, Nathaniel Brown, Primary
Sponsor of proposed legislation hereby withdraw my
sponsorship of the proposed legislation. The legislation
tracking number is 8143-15

If there are any co-sponsors, they may re-sponsor the same
bill by beginning a new legislation.

SPONSOR SIGNATURE:

A handwritten signature in black ink, appearing to read "N. Brown", is written over a horizontal line.

DATE:

A handwritten date "10/21/15" in black ink is written over a horizontal line.

LEGISLATIVE SUMMARY SHEET

Tracking No. 0143-15

DATE: April 29, 2015

TITLE OF RESOLUTION: AN ACTION RELATING TO LAW AND ORDER, RESOURCES AND DEVELOPMENT, NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; TO BAN THE DISTRIBUTION OF SINGLE-USE PLASTIC CARRY-OUT BAGS, AMENDING TITLE 4, ESTABLISHING NEW SECTIONS 201 – 210

PURPOSE: The resolution's purpose is to ban the distribution of single-use plastic carry-out bags.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: None
Website Posting Time/Date: 3:18pm 4/30/15
Posting End Date: 5/12/2015
Eligible for Action: 5/17/2015

Law & Order Committee

THENCE

Resources & Development Committee

THENCE

Naa'bi'k'iyáti' Committee

THENCE

Navajo Nation Council

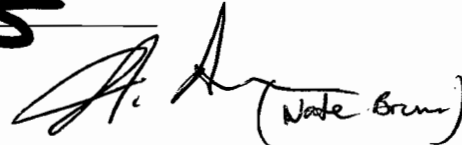
PROPOSED NAVAJO NATION COUNCIL RESOLUTION

23rd NAVAJO NATION COUNCIL -- First Year, 2015

INTRODUCED BY



(Prime Sponsor)


(Nate Brown)

TRACKING NO. 0143-15

AN ACTION

RELATING TO LAW AND ORDER, RESOURCES AND DEVELOPMENT,
NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; TO BAN THE
DISTRIBUTION OF SINGLE-USE PLASTIC CARRY-OUT BAGS, AMENDING
TITLE 4, ESTABLISHING NEW SECTIONS 201 – 210.

BE IT ENACTED:

Section One. Findings.

- A. The Law and Order Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 601(B)(14), reviews and makes recommendations to the Navajo Nation Council proposed amendments to the Navajo Nation Code.
- B. The Resources and Development Committee is a standing committee of the Navajo Nation Council and exercises oversight over the environment and environmental protection. 2 N.N.C. § 500(C).
- C. The Naabik'iyáti' Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 164(A)(9), reviews proposed legislation which requires final action by the Navajo Nation Council.
- D. Enactments of positive law must be reviewed and approved by resolution by the Navajo Nation Council. 2 N.N.C. § 164(A).
- E. Most plastic carry-out bags do not biodegrade and instead persist in the environment for hundreds of years, slowly breaking down through abrasion, tearing and photo degradation

1 into toxic plastic bits that contaminate soil and water while entering the food web when
2 animals inadvertently ingest these materials. EXHIBIT A.

3 F. The litter problem resulting from a single use plastic bag is becoming increasingly
4 difficult to manage and has costly negative impacts for tourism, wildlife and aesthetics.

5 G. The single use paper grocery bags are made from renewable resources and are less of a
6 litter problem than single use plastic carry out bags; however, the single use paper
7 grocery bags require more resources to manufacture, transport and recycle or dispose of
8 than the single use plastic carry out bags.

9 H. The Single-Use Bag Act will eliminate the use of single-use plastic carryout bags by all
10 retail establishments within the jurisdiction of the Navajo Nation, place a fee on single-
11 use paper grocery bag, and encourage the use of reusable bags.

12
13 **Section Two. Amending 4 N.N.C. § 101 et seq.**

14 The Navajo Nation hereby amends the Navajo Nation Code, Title 4, §§ 201 – 210 as follows:

15
16 Title 4. Environment

17 Chapter 2. Single-Use Bag Act

18 § 201. Title

19 This Act may be referred to as the “Single-Use Bag Act.”

20
21 § 202. Purpose

22 The Navajo Nation Council enacts this Act to protect, conserve and enhance the Navajo
23 Nation’s unique natural beauty and irreplaceable natural resources through the reduction of
24 single-use carryout bags by encouraging reusable bag use.

25
26 § 203. Definitions

27 A. For the purposes of this Chapter:

28 1. “Single-use plastic carryout bag” means any carryout bag made from plastic, or
29 any material except paper marketed or labeled as "biodegradable" or "compostable", that is
30

1 neither intended nor suitable for continuous reuse as a carryout bag or that is less than 2.25 mils
2 thick.

3 2. “Paper grocery bag” means a paper carryout bag that has a manufacturer’s stated
4 capacity of one-eighth barrel (typical grocery store bag- 882 cubic inches) or larger.

5 3. “Retail establishment” means any retail business including, without limitation,
6 clothing, household goods, or personal items of any kind that sells directly to a customer.
7 Examples include but are not limited to grocery stores, convenience stores, gas stations,
8 department stores, clothing stores, jewelry stores, pharmacies, and home improvement stores.

9 4. “Reusable bag” means a bag with handles that is specifically designed and
10 manufactured for multiple reuse and is either:

- 11 a. Made of cloth or other machine washable fabric;
- 12 b. Made of durable plastic that is at least 2.25 mils thick; or
- 13 c. Other durable material suitable for reuse.

15 § 204. Applicability

16 A. A retail establishment shall not provide a single-use plastic carry-out bag to any
17 customer.

18 B. A retail establishment shall provide a paper bag to customers as defined in 4 N.N.C. §
19 203(A)(2).

20 C. To further promote the use of reusable shopping bags and reduce the quantity of single-
21 use carryout bags entering the Navajo Nation's waste stream, retail establishments are
22 encouraged to make reusable carryout bags free or for sale at the checkout and/or provide boxes
23 for use at the checkout free of charge. The Navajo Nation Environmental Protection Agency is
24 authorized to provide reusable carryout bags for the public at low cost or free-of-charge,
25 targeting such programs to reach low-income households to the greatest degree possible.

27 § 205. Authority of Executive Director

28 A. In carrying out this Act, the Navajo Nation Environmental Protection Agency Executive
29 Director is authorized to:

1 1. Prescribe such regulations as are necessary to carry out his/her functions under
2 this Act, pursuant to 4 N.N.C. § 208;

3 2. Enforce the provisions of this Act and the regulations promulgated hereunder,
4 pursuant to 4 N.N.C. § 208;

5 3. Require monitoring, sampling or other studies, as provided in 4 N.N.C. § 207;

6 4. Assess fees on store operators involved with Act violations, pursuant to 4 N.N.C.
7 § 208(D);

8 5. Provide to the public pertinent educational materials and information regarding
9 environmental issues, pursuant to 4 N.N.C. § 207(B);

10 6. Issue guidelines and encourage voluntary cooperation with the provisions of this
11 Act and the regulations promulgated hereunder; and

12 7. Perform such other activities as the Executive Director may find necessary to
13 carry out his/her functions under this Act.

14
15 § 206. Exemptions

16 This Chapter shall not apply to:

17 A. Laundry dry cleaning bags, door-hanger bags, newspaper bags, or packages of multiple
18 bags intended for use as garbage, pet waste, or yard waste;

19 B. Bags provided by pharmacists or veterinarians to contain prescription drugs or other
20 medical necessities;

21 C. Bags used at flea/farmers markets;

22 D. Bags used by restaurants to take away prepared food; and

23 E. Bags used by a consumer inside a retail establishment to:

24 1. Contain bulk items, such as produce, nuts, grains, candy, or small hardware items;

25 2. Contain or wrap frozen foods, meat, or fish, whether or not prepackaged,

26 3. Contain or wrap flowers, potted plants or other items to prevent moisture damage
27 to other purchases, or

28 4. Contain unwrapped prepared foods or bakery goods; and

29 F. Bags used by a non-profit corporation or other hunger relief charity to distribute food,
30 grocery products, clothing, or other household items.

1 § 207. Effective Dates

2 A. The Single-Use Bag Act shall become effective six (6) months after the Navajo Nation
3 President approves the Act. 2 N.N.C. § 221 (B).

4 B. The Navajo Nation Environmental Protection Agency shall conduct an educational
5 campaign in both Navajo and English on this Act.

6 C. The Navajo Nation Environmental Protection Agency shall conduct a sample survey of
7 some retail establishments impacted by this Act to provide feedback about the financial impact to
8 each establishment.

9 D. In a public meeting no later than 12 months after the effective date of this Act, the
10 Resources and Development Committee shall review and evaluate the survey results reported by
11 the Navajo Nation Environmental Protection Agency to assess the impacts to businesses of the
12 Single-Use Bag Act. Additionally, the Navajo Nation Environmental Protection Agency shall
13 provide to the Resources and Development Committee a report that contains the following:

- 14 1. An estimation of the financial impact to retail establishments of
15 implementing this Act; and
16 2. An estimation of the effectiveness of this Act compared to other
17 jurisdictions' efforts to reduce use of single-use carry out bags.

18 E. The evaluation by the Resources and Development Committee shall be presented in a
19 report with recommendations for any changes in the ban, pass-through charges, or other
20 provisions that are needed to improve effectiveness. The report to the Resources and
21 Development Committee shall be submitted no later than one year after the approved date of this
22 Act.

23
24 § 208. Enforcement, Violations and Penalty

25 A. The Navajo Nation Environmental Protection Agency Executive Director shall be
26 primary responsibility for enforcement of the Single-Use Bag Act. 4 N.N.C. §§ 201-210. The
27 Navajo Nation Environmental Protection Agency shall be authorized to promulgate regulations
28 and to take any and all other actions reasonable and necessary to enforce this Act, including, but
29 not limited to, investigating violations, issuing fines and entering the premises of any store
30 during business hours.

1 B. If the Navajo Nation Environmental Protection Agency Executive Director determines
2 that a violation of this Act occurred, a written warning notice shall be issued to the operator of a
3 store containing potential penalties that will apply for future violations.

4 C. After a written warning notice is issued, any store that violates or fails to comply with
5 any of the requirements of this Act shall be guilty of an infraction.

6 D. If a store has subsequent violations of the Act that are similar in kind to the violation
7 addressed in a written warning notice, the following fine shall be imposed and shall be payable
8 by the operator of the store: a fine not to exceed one hundred dollars (\$100.00) for the first
9 violation, after the written warning notice is given.

10 E. A fine shall be imposed for each day a violation occurs or is allowed to continue.

11 F. All fines collected pursuant to this Act shall be deposited in a Fund Management Plan.
12 The Fund Management Plan shall be approved by the appropriate oversight committee and the
13 Budget and Finance Committee. The Fund Management Plan shall assist the Navajo Nation
14 Environmental Protection Agency with its costs of implementing and enforcing the requirements
15 of this Act.

16
17 § 209. Administrative review

18 A. Within thirty (30) days of the date of a violation notice of this Act or a fine due notice
19 under this Act, a store may file a written appeal with the Navajo Nation Office of Hearings and
20 Appeals setting forth the reasons for the appeal.

21 B. A hearing officer shall conduct a formal hearing within thirty (30) days of the receipt of
22 the appeal. The Navajo Nation Office of Hearings and Appeals shall give written notice by
23 certified mail to the appellant at least ten (10) days prior to the hearing.

24 C. The hearing officer shall make a decision on the basis of the preponderance of evidence
25 presented at the hearing. The hearing officer shall affirm or reverse the decision of the Navajo
26 Nation Environmental Protection Agency Executive Director. The hearing officer shall render a
27 decision within thirty (30) days after the date of the hearing and shall forward the decision to the
28 Navajo Nation Environmental Protection Agency Executive Director and the appellant.

29 D. A filing fee in the amount of fifty dollars (\$50.00) shall be paid if the hearing officer does
30 not find in favor of the appellant.

1 E. An appellant may appeal the hearing officer's decision to the Navajo Nation Supreme
2 Court within thirty (30) days from the date of the decision pursuant to 2 N.N.C. § 1057.

3
4 § 210. Severability

5 If any section, subsection, sentence, clause, or phrase of this Act is for any reason held to be
6 invalid by a decision of any court of competent jurisdiction, that decision will not affect the
7 validity of the remaining portions of the Act. The Navajo Nation Council declares that it would
8 have passed this Act and each and every section, subsection, sentence, clause, or phrase not
9 declared invalid without regard to whether any portion of this Act would be subsequently
10 declared invalid.

11 ***

12 **Section Three. Fund Management Plan Development**

13 The Navajo Nation Environmental Protection Agency is directed to develop a Fund
14 Management Plan.

15 **Section Four. Codification**

16 The provisions of the Act which amend or adopt new sections of the Navajo Nation Code
17 shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall
18 incorporate such amended provisions in the next codification of the Navajo Nation Code.



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The Effects of Plastic Bags on Environment

By [Jamev Wagner](#) | [Environment](#) | Rating: ★★★★★

The effects of plastic bags on the environment are really quite devastating. While there are many objections to the banning of plastic bags based solely on their convenience, the damage to the environment needs to be controlled.

There is no way to strictly limit the effects of plastic bags on the environment because there is no disposal method that will really help eliminate the problem. While reusing them is the first step, most people either don't or can't based on store policies. They are not durable enough to stand up to numerous trips to the store so often the best that citizens can do is reuse them when following pooper scooper laws.

The biggest problem with this is that once they have been soiled the end up in the trash, which then ends up in the landfill or burned. Either solution is very poor for the environment. Burning emits toxic gases that harm the atmosphere and increase the level of VOCs in the air while landfills hold them indefinitely as part of the plastic waste problem throughout the globe.

Plastic Bag Litter

Even when citizens try to manage their plastic bag disposal wind plays a role in carrying them away as litter. This litter is not biodegradable and thus where it lands it tends to stay for long period of time. A bag that is eventually ripped to shreds from high winds or other factors doesn't disappear but instead is spread in smaller amounts throughout the area. This can cause more problems as these smaller pieces are carried away through storm drains and often end up in the waterways.

Plastic bag litter is often also the result of human laziness. The plastic bag might make for a good carry on to the beach for the day but once all of the pretzels and chips are consumed an estimated one in three consumers simply allow the bag to disappear into the wind and waves.

With more the 500 billion and possibly as many as a trillion plastic bags in circulation annually this can lead to a catastrophic littering problem. Not only is littering unattractive but it is also a very serious environmental hazard.

The Effects of Plastic Bags in Waterways

One of the greatest problems is that an estimated 300 million plastic bags end up in the Atlantic Ocean alone. These bags are very dangerous for sea life, especially those of the mammal variety. Any hunting mammal can easily mistake the size, shape, and texture of the plastic bag for a meal and find its airway is cut off. Needless deaths from plastic bags are increasing every year.

Porpoises are the most common victim. Because they eat sea nettles and jelly fish they are the most likely to mistake the plastic bag for food. If they survive the swallowing of the bag, it is unlikely that they are able to continue with normal digestion and thus eventually die a slow and painful death from toxicity or intestinal blockage.

The environmental balance of the waterways is being thrown off by the rate of plastic bags finding their way into the mouths and intestinal tracts of sea mammals. As one species begins to die off at an abnormal rate, every other living organism in the waterway is impacted. There are either too many or too few and changes within the environment continue to kill off yet more organisms.

The Effects of Plastic Bags on Land

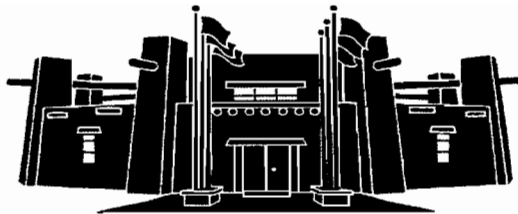
The indefinite period of time that it takes for the average plastic bag to breakdown can be literally hundreds of years. Every bag that ends up in the woodlands of the country threatens the natural progression of wildlife. Because the break down rate is so slow the chances that the bag will harmlessly go away are extremely slim. Throughout the world plastic bags are responsible for suffocation deaths of woodland animals as well as inhibiting soil nutrients.

The land litter that is made up of plastic bags has the potential to kill over and over again. It has been estimated that one bag has the potential to unintentionally kill one animal per every three months due to unintentional digestion or inhalation. If you

Go.gle

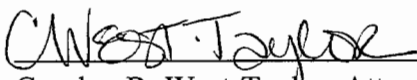
Plastic Surgery	
Podiatry	consider the number of littered plastic bags ranges from 1.5 million to 3 million
Sports Medicine	depending on location, this equals a lot of ecosystem sustaining lives lost.
Yoga	
Men's Health	Without the balance of the ecosystem food sources dry up and starvation occurs. With
Andropause	an increase in plastic bag use throughout the world, the eventual effects could be
Men Related	literally devastating even to the human population.
Prostate	
Mental Health	Recycling Plastic Bags
AD / HD	
Anxiety	While it's a noble thought to place the plastic bags in the recycling bin every week,
Autism	studies have proven that there are very few plants that actually recycle them. Most
Bipolar Disorder	municipalities either burn them or send them off to the landfill after sorting. This is
Depression	because it can be expensive to recycle this type of plastic. It doesn't melt down easily
Panic Disorders	and is often not realistically able to be reused from its original form without
Paranoia	considerable overhaul to the facility.
Phobias	
Psychology	The premise of recycling these bags is nice. Yet funding for the upgrades just has not
Schizophrenia	happened and thus less than 1% of all bags sent to recycling plants world wide end up
Miscellaneous	in the recycling project. Most are left to become a pollution problem in one way or
Recovery / Addiction	another.
Alcoholism	
Smoking Cessation	Alternatives to Plastic Bags
Substance Abuse	
Self Improvement /	There are always alternatives to plastic bags and the search for more alternatives
Motivation	continues. Paper bags are a possible option but they also take their toll on the
Society	environment. The use of trees to increase the production of paper products combined
Women's Health	with the increased energy that is required to make paper bags will also have a negative
Menopause	environmental effect.
Menstruation Pain	
Pregnancy	Reusable plastic bags are being introduced to regions that want to outlaw the plastic
Women Related	bag altogether. These are stronger and more durable and can be used for three to five
	trips to the store.

Of course, the reusable cloth bag is fast becoming a favorite among environmental supporters. While thus far no bag is without its issues these are the bags that are currently recommended for use to help protect environmental concerns.



MEMORANDUM

TO: Honorable Jonathan Nez
Navajo Nation Council Delegate

FROM: 
Carolyn R. West-Taylor, Attorney
Office of Legislative Counsel

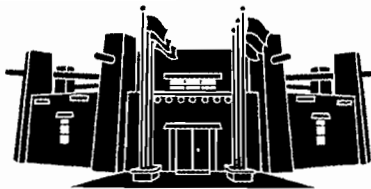
DATE: April 29, 2015

SUBJECT: AN ACTION RELATING TO LAW AND ORDER, RESOURCES AND DEVELOPMENT, NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; TO BAN THE DISTRIBUTION OF SINGLE-USE PLASTIC CARRY-OUT BAGS, AMENDING TITLE 4, ESTABLISHING NEW SECTIONS 201 – 210

As requested, I prepared the above-reference proposed resolution and associated legislative summary sheet. Based on existing law, the resolution drafted is legally sufficient. However, as with all legislation, the proposed resolution is subject to review by the courts in the event of a challenge. You are encouraged to review the proposed resolution to ensure this is drafted to your satisfaction.

If you are satisfied with the proposed resolution, please sign as “Primary Sponsor” and submit to the Office of Legislative Services where the proposed resolution will be given a tracking number and sent to the Office of the Speaker for assignment.

If the proposed legislation is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like to make.



April 30, 2015

MEMORANDUM

TO : *Honorable Members*
Law and Order Committee
Resources and Development Committee
Naa'bik'iyati' Committee
Navajo Nation Council

FROM :

Hon. LoRenzo C. Bates, *Speaker*
23rd Navajo Nation Council

SUBJECT : ASSIGNMENT OF LEGISLATION

Pursuant to 2 N.N.C § 164 (A)(4), this memorandum serves to inform and advise you that I assign the following legislation to the Law and Order Committee, Resources and Development Committee, Naa'bik'iyati' Committee and the Navajo Nation Council;

Legislation No. 0143-15

RELATING TO LAW AND ORDER, RESOURCES AND DEVELOPMENT, NAA'BIK'IYATI' COMMITTEES AND NAVAJO NATION COUNCIL; TO BAN THE DISTRIBUTION OF SINGLE-USE PLASTIC CARRY-OUT BAGS, AMENDING TITLE 4, ESTABLISHING NEW SECTIONS 201 - 210.

As the Committee assigned to consider the legislation, Legislation No. 0143-15 must be placed on the Law and Order Committee, Resources and Development Committee, Naabik'iyati' Committee and the Navajo Nation Council's agenda at the next regular meeting for final consideration.

ATTACHMENT: Legislation No. 0143-15

xc: Hon. Ben Shelly, *President*
The Navajo Nation
Harrison Tsosie, *Attorney General*
Robert Willie, *Controller*
Dominic Beyal, *Executive Director, OMB*
Honorable Jonathan Nez, Council Delegate (*Prime Sponsor*)

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0143-15_____

SPONSOR: Jonathan Nez

TITLE: An Action Relating To Law and Order, Resources and Development, Naabik'iyati' Committees and Navajo Nation Council; To Ban The Use of Single-Use Plastic Carry-Out Bags, Amending Title 4, Establishing New Sections 201-210

Date posted: April 30, 2015 at 3:18pm

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

**Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7590**

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0143-15

SPONSOR: Honorable Jonathan Nez

TITLE: Relating To Law and Order, Resources and Development, Naabik'iyati' Committees and Navajo Nation Council; To Ban The Use of Single-Use Plastic Carry-Out Bags, Amending Title 4, Establishing New Sections 201-210.

Posted: April 30, 2015 at 3:18 pm

5 DAY Comment Period Ended: May 6, 2015

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inclusive Comments (3)	<ol style="list-style-type: none"> 1. Eugenia Quintana 2. Cassandra J. Bloedel; Environmental Program Supervisor, NN Environmental Protection Agency 3. Lorenzo Curley



**Executive Director
Office of Legislative Services**

5/7/2015 - 11:05 AM

Date/Time

Comments:0143-15 (Ban Single-Use Plastic Carryout Bags)

el quintana <elacharles@hotmail.com>

Wed 5/6/2015 4:21 PM

To:comments <comments@navajo-nsn.gov>;

The proposed legislation needs sufficient analysis before draft legislation is introduced. **This legislation should not be considered for action at this time.** Moreover, this proposed legislation lacked the "Exhibit A" that was referenced on page 2 of 7. All exhibits should be properly appended and made accessible for the public to view.

Review and analysis of the implications of the ban should be pursued first. The review and analyses will serve to inform the proper course of action towards decreasing reliance on plastic shopping bags.

The legislation proposing a ban on plastic shopping bags within the jurisdiction of the Navajo Nation is definitely a matter that should prompt the Navajo Nation government, retailers and the public to contemplate and act on the management of solid waste on the Navajo Nation, which is an overarching, significant matter.

A ban is one form of a policy instrument that, in the instance of the proposed ban on plastic shopping bags, could help in reshaping behaviors that improve the environment and reduce waste. However, a ban is not the only policy instrument available. Other instruments are available, such as voluntary mechanisms that use volunteers, volunteer associations, outreach education, technical assistance, partnerships and financial incentives. These other instruments should also be examined as sustainable options, or to help shape proposed legislation.

Community involvement, stakeholder participation and consensus-building should be employed to achieve specific policy objectives to reduce waste, preserve natural resources, and improve environment.

Other jurisdictions, such as states, have banned use of plastic shopping bags. As a regional example, the City of Santa Fe has banned use of plastic shopping bags. However, the City of Santa Fe provides

public access to important solid waste disposal facilities, access to recycling programs, and other source reduction programs. On the Navajo Nation, these types of programs are either inadequate, absent, or severely lacking. The Navajo Nation is not like the City of Santa Fe, and is very unlike mainstream, metropolitan areas in this region. Therefore, socioeconomics should be an integral aspect to examine in developing legislation that proposes a ban on plastic shopping bags. An integrated waste management approach is needed for the Navajo Nation and such an approach could include bans on plastic shopping bags, Styrofoam, and foster other green initiatives.

The emerging theme throughout the proposed legislation appears aimed at improving the environment and reducing waste. The spirit with which the legislation was formulated is laudable and should continue to be pursued. However, the framework of the legislation needs to be revisited and reformulated using vehicles that will represent the diversity of stakeholders interested in this issue and those that will be responsible for implementation.

Eugenia Quintana

P.O. Box 797

Window Rock, AZ 86515

0143-15

Cassandra J. Bloedel <cbloedel@navajo-nsn.gov>

Tue 5/5/2015 11:14 AM

To: comments <comments@navajo-nsn.gov>;

LEGISLATION NO: _0143-15_____ SPONSOR: JonathanN ez
TITLE: An Action Relating To Law and Order, Resources and Development, Naabik'iyati' Committees and Navajo Nation Council; To Ban The Use of Single-Use Plastic Carry-Out Bags, Amending Title 4, Establishing New Sections 201-210

Unfortunately, NNEPA Resource Conservation & Recovery Program was never consulted on this legislation. Our funding will not cover the requirements to facilitate reusable grocery bags for the majority of Navajo residents of 200K within the Navajo Nation. Our current staff of three that already covers all 110 Navajo Chapters for Section 201 and Section 204 cannot enforce the plastic bag enforcement, as the business regulatory would have to have leasing laws that prohibit the bags that the retailer offers.

The Navajo Nation Solid Waste regulations is currently undergoing language amendments, of which, this legislation should have been a part of but was not considered nor contact with Navajo Nation Department of Justice staff that assisted to language the new revisions that will be presented through the 164 Review process to be enacted into law.

It is understandable that the City of Santa Fe, New Mexico did similar legislation for their city but this action is across three States, and dealing with all retailers that provide plastic bags as a means of transporting consumable goods. The current "exemptions" language does not support the written legislation. There are too many questions like if a retailer offers a bag for services within the store that customer who placed items in that bag cannot leave the establishment.

There is no reference to cultural or ceremonies which people come and bring plastic bags? There are many questions that still need to be answered, and why this legislation is not part of the regulatory requirements through the proper 164 Review channels.

This legislation sets precedence that any outside entity can change Navajo Nation laws as they see fit without consultation of the Agency involved.

Sincerely,
Cassandra Bloedel
Environmental Program Supervisor
Resource Conservation & Recovery Program
Waste Regulatory Compliance Department
Navajo Nation Environmental Protection Agency
P. O. Box 339
Window Rock, Arizona 86515
FAX: 928-871-7818

cbloedel@navajo-nsn.gov

<no subject>

Lorenzo Curley <lorenzocurley@navajo-nsn.gov>

Mon 5/4/2015 4:22 PM

To: comments <comments@navajo-nsn.gov>;

My comments to the plastic sack ban.. BAN Beers bottles too!! Great job... !!

**LAW AND ORDER COMMITTEE
23RD NAVAJO NATION COUNCIL**

FIRST YEAR 2015

COMMITTEE REPORT

Mr. Speaker,

The **LAW AND ORDER COMMITTEE** to whom has been assigned:

Legislation No. 0143-15: An action relating to Law and Order, Resources and Development, Naabik'iyati' Committees and Navajo Nation Council; To Ban the Distribution of Single-Use Plastic Carry-Out Bags, Amending Title 4, Establishing New Sections 201-210 - Sponsors: Honorable Jonathan Nez, Honorable Nataniel Brown

Has had it under consideration and reports the matter as **DO PASS** with no amendments.

And thereafter the matter will be referred to the **RESOURCES AND DEVELOPMENT COMMITTEE**.

Respectfully submitted,



Edmund Yazzie, Chairperson
Law and Order Committee
23rd Navajo Nation Council

Date: May 11, 2015
Motion: Honorable Otto Tso
Second: Honorable Jonathan Perry
Vote: 4-0