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Petroleum Marketers Association • Convenience Store Association

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Grier Bailey

October 21, 2019

Councilpersons, Black, Ortega, and Gilmore

Thank you for taking the time to meet with our Board member, Kathryn Works, and me.

CWPMA is the statewide trade association for wholesale and retail fuels, we also are pleased to represent over 1600 of the state's convenience stores. Many of the state's convenience store owners are Colorado based businesses. We appreciated the discussion in our meeting pertaining to franchisee operators as well as our members who have been longstanding Denver partners and operators.

Per your proposal pertaining to a single use plastic bag ordinance: The Association's Board recognizes the challenges that growing cities like Denver face and that responsible and measured steps towards environmental protection are an important public policy goal.

The Colorado Board of Trustees reviewed your proposed draft language, and while we hope you consider the suggestions below, CWPMA is happy to endorse your proposal. If needed, we will be happy to testify to that end.

The Board offers the following suggestions for your review:

- We hope you will allow operators to do quarterly reporting on a master file basis. (Essentially allowing a company to remit a single report across multiple locations.) While the industry will continue to track the bags on a per location basis, it seems that a single aggregated report reduces paperwork for both the industry and city staff.
- There was mention of the Boulder ordinance as your base for this proposal. The Board noted that the Boulder version has removed the plastic bag fee from the sales tax base. As the fee you are considering will be assessed on consumers, the Board asks you to consider inclusion of a similar exception in the city tax code for single use plastic bags so as to avoid a double assessment.
- The Boards understanding, and to answer follow-up communications, is that this ordinance will apply to stores that meet the thresholds of 2% of food sales and where the location exceeds a square footage (set in code). For your consideration – it might be cleaner, and avoid confusion pertaining to the definition of “food staples” to reference industry NAICS class codes and then apply a square footage test should you feel like that is good policy.
- Finally, the Board hopes that industries not affected but who also utilize these products are encouraged to participate and at some point are included in this ordinance. If our members and industry, with the substantial



Ordinance Letter – Executive Director

regulatory oversight we are subject to as a matter of selling fuels, food, and age- restricted products, are asked to help participate in making Denver a cleaner and more sustainable place – then perhaps that might be asked of everyone.

Thank you for your review, CWPMA is appreciative of the time and energy that a comprehensive stakeholder process entails and hope that on other issues of mutual interest or those considered in the future by the Council that impact our industry or transportation fuels that you view CWPMA as a partner for Denver.

Please feel free to contact me with additional questions or if there is clarification I can provide on the Board's behalf.

Respectfully,

Grier Bailey
Executive Director
CWPMA
Colorado Wyoming Petroleum Marketers Association