




Memorandum

To: Mayor and City Council

June 15, 2010

From: Suja Lowenthal, Second District
Gary DeLong, Third District 

Subject: Single Use Carryout Bags

REQUESTED ACTION:

Respectfully request the City Council support AB 1998 (Brownley – Single Use Carry Out Bags) and that our support be communicated to appropriate State and County officials.

Request the City Attorney and City Manager review LA County's Draft Environmental Impact Report entitled "Ordinances to Ban Plastic Carryout Bags in Los Angeles County" and its applicability to the City of Long Beach and report back within 30 days.

Request the City Attorney and City Manager provide recommendations to City Council for submitting comments in response to the Draft EIR to the County of Los Angeles by its deadline of July 16, 2010.

BACKGROUND INFORMATION:

Each year, approximately 6 billion plastic carryout bags are used in Los Angeles County. These disposable bags cost cities in the county up to 17 cents per bag for disposal. At the state level, according to Don't Trash California, state and local governments spend approximately \$375 million every year to clean up and landfill discarded plastic bags. In United States, less than 5 percent of plastic bags are recycled. With over 380 billion bags being thrown away every year, Americans end up wasting millions of barrels of oil or other fossil fuels, which are used in the production of single-use bags.

In addition, plastic bags create significant litter problems for our communities and damage our marine environment. According to numerous studies, countless marine animals, including whales, turtles, birds and other wildlife, are killed or injured through ingestion of and entanglement in marine debris, which include an increasing number of plastic bags.

As for paper bags, County reports state, that although "paper carryout bags have a higher recycling rate (21 percent nationally), the production, distribution, and disposal of paper carryout bags also have known adverse effects on the environment. There is a considerable amount of energy that is used, trees that are felled, and pollution that is generated in the

production of paper carryout bags. In a report prepared by the California Integrated Waste Management Board, it was determined in the 2004 Statewide Waste Characterization Study that approximately 117,000 tons of paper carryout bags are disposed of each year by consumers throughout the County. Stores spend anywhere from 5 to 23 cents per paper single use bag and imbed those costs into the price of food passed along to each customer. For plastic bags, stores pass along between 2 and 5 cents per bag within food prices.

SUPPORT FOR AB 1998 (BROWNLEY)

AB 1998 (Brownley) represents the latest legislative effort to encourage consumers to shift to reusable bags from single-use bags. Past efforts have met with considerable opposition from various industries that produce single use bags or purchase them at nominal cost. Unfortunately, these bills were either defeated in committee or vetoed by the (governor). This time around, AB 1998 (see attached) enjoys the support of the California Grocers Association and the California Retailers Association, in addition to several local government entities and environmental organizations, and has been praised by the governor. According to Assemblymember Brownley, AB 1998 will prohibit grocery stores and convenience stores (as defined) from providing single use carryout bag to customers after 2012 and 2013 respectively. In lieu of single use bags stores must make reusable bags and 40% post consumer paper bags available for purchase by the customer.

LOS ANGELES COUNTY EIR AND PROPOSED ORDINANCES

One of the impediments to the dozens of cities interested in adopting some type of ban on single use bags has been the legal requirement to perform an Environmental Impact Report (EIR). The sheer cost for cities conducting an EIR made the legislative outcome impractical. Many efforts have been initiated to address this issue, including those by the City of Manhattan Beach, the City of Malibu, the City of Santa Monica, Heal the Bay and other agencies, as well as the County's efforts to develop a regional approach to single use bags.

On Tuesday, June 1, the Los Angeles County adopted a motion in support of AB 1998, and requested that the Department of Public Works and County Counsel return to the Board no later than the end of October with a completed EIR and draft Ordinance to ban single use plastic bags. On Wednesday, June 2, the County released a Draft EIR that analyzes the potential environmental impacts associated with the proposed *Ordinances to Ban Plastic Carryout Bags in Los Angeles County* as well as five project alternatives. The proposed ordinances would prohibit certain stores and retail establishments from issuing plastic carryout bags in the unincorporated territory of the County, as well as the County's encouragement of the adoption of comparable ordinances by each of the 88 incorporated cities within the County.

As a result, Cities can make use of the EIR, once completed, if they intend to adopt ordinances that are substantially similar to those considered within the EIR. The retail establishments that would be subject to the proposed ordinances include any that (1) meet the definition of a "supermarket" as found in the California Public Resources Code, Section 14526.5; (2) are buildings that have over 10,000 square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law and have a pharmacy licensed pursuant to Chapter 9 of Division 2 of the Business and Professions Code. The alternatives also analyze the impact of expanding the ordinances to

include stores within the County that are part of a chain of convenience food stores, supermarkets and other grocery stores, convenience stores, pharmacies and drug stores. The complete Draft EIR can be downloaded at www.bragaboutyourbag.com/.

LOCAL EFFORTS

For the last three years, Council member offices and the City of Long Beach have participated in a "Day without a Bag" with Heal the Bay and a coalition of environmental and government organizations to encourage shoppers and businesses to forego use of single-use bags in favor of reusable bags. The event aims to empower shoppers to take direct action to eliminate this source of blight and damage in their own community. Reusable bags are distributed by coalition members at selected retail centers and one-on-one education informs them of ways to reduce their reliance on harmful products. Bringing greater attention to the impact of plastic and paper single-use bags while educating the public about convenient and viable alternatives is particularly important for a coastal city like Long Beach, due to the significant amount of litter that gets deposited on our beaches and hung up in our harbors and marinas from the Los Angeles River. However, more compelling actions are necessary to protect our marine and community environment while reducing our reliance on harmful fossil-based products.

The City Council's Environmental Committee last considered the issue of plastic bags in March 2009. The committee voted to continue to support the reusable bag option while waiting on the results of state legislation; explore language change that would take the focus off the term "plastic bags" and use the term "single use bags" to include paper bags; support AB 68 (Brownley); adopt a resolution to join Los Angeles County Program on reusable bags; explore a Regional EIR approach to include research from the City of Santa Monica; avoid a fee, if appropriate; work with the supermarkets on solutions; continue to update the Environmental Committee on new legislation; and work with the City Attorney's office on legal matters.

CONCLUSION

AB 1998 may represent our best effort to date to reach a statewide standard approach to single use bags, especially considering Governor Schwarzenegger's recent press release applauding this legislation. In the meantime, it would be instructive for the City of Long Beach to take the next step in its participation in regional efforts to review the County's Draft EIR, provide comments if appropriate, and consider the legal and practical application of some type of ban on single use bags based on the report's findings.

AB 1998 (Brownley)

Single Use Bags

Fact Sheet

PURPOSE

Plastic single-use bags are urban tumbleweeds in our communities as these bags are blown into the gutters and collect in our storm drain system, eventually making their way out to the ocean. It is estimated that 60–80% of all marine debris, and 90% of floating debris is plastic.¹ Plastic is so durable and can take hundreds of years to break down at sea, and some types never truly biodegrade at sea. Plastic bags and other debris collect in a massive “plastic soup” of trash in the middle of the North Pacific Ocean that is increasing in size every day. Densities of bits of plastic trash in this area have tripled during the last decade; in some parts there is six times as much plastic by mass as there is plankton.² Marine debris has injured or killed at least 267 species world-wide, primarily through ingestion and entanglement.³ In addition, plastic bags are made from petroleum, a non-renewable resource.

California taxpayers spend approximately \$25 million annually to collect and bury the 19 billion

plastic bags used every year.⁴ Unfortunately, these bags are rarely recycled; the California Integrated Waste Management Board estimated that less than 5% of all single use plastic bags in the state are actually recycled.⁵ Instead, local agencies spend millions more to dispose of plastic bags and clean up discarded plastic bags—for example, in 1994, the annual cost to clean the 31 miles of beaches along Los Angeles County was over \$4 million.⁶

SUMMARY

AB 1998 will prohibit grocery stores and convenience stores (as defined) from providing single use carryout bag to a customer after 2012 and 2013 respectively. In lieu of single use bags stores must make reusable bags and 40% post consumer paper bags available for purchase by the customer.

EXISTING LAW

Existing law requires an operator of a store to establish a recycling program that gives customers the opportunity to return clean plastic carryout bags to that store. Existing law also imposes various requirements on at-store recycling programs, including requiring a store to maintain records describing the collection, transport, and recycling of plastic carryout bags collected by the store. Under existing law, the Department of Resources Recycling and Recovery administers laws related to waste management and beverage container recycling.

¹ M. Gordon (2006).—Eliminating Land-based Discharges of Marine Debris in California: A Plan of Action from The Plastic Debris Project. || Prepared for the California Coastal Commission.

² Moore, C. J. and S. L. Moore, et al., (2001) —A Comparison of Plastic and Plankton in the Pacific Central Gyre, || *Marine Pollution Bulletin* 42: 297-1300.

³ Laist, D.W. (1997) —Impacts of marine debris: entanglement of marine life in marine debris including a comprehensive list of species with entanglement and ingestion records || In Coe, J.M., Rogers, D.B. (Eds.), *Marine Debris—Sources, Impacts, and Solutions*: Springer-Verlag, New York, 99-139.

⁴ California Integrated Waste Management Board, www.ciwmb.ca.gov/lgccentral/basics/plasticbag.htm (Retrieved 12/31/08).

⁵ Id.; US EPA 2005 Characterization of Municipal Solid Waste, Table 7.

⁶ Los Angeles River Trash TMDL, approved by the Los Angeles Regional Water Quality Control Board, August 9, 2007.

SPONSOR

Heal the Bay

SUPPORT

- Heal the Bay (Sponsor)
- 7th Generation Advisors
- Amerigreenbag.com
- AFSCME
- Californians Against Waste
- California Association of Environmental Health Administrators
- California Coastal Coalition
- California Coastkeeper Alliance
- California Grocer's Association – As proposed to be amended
- California Retailers Association – As proposed to be amended
- California State Lands Commission
- Chico Bag
- City of Burbank – Major Anja Reinke
- City of Ventura
- Clean Water Action California
- Clean South Bay
- Councilmember Nancy Gardner – Newport Beach
- Councilmember Suja Lowenthal - Long Beach
- Defender of Wildlife
- Duro Paper Bag Company
- Earth Resource Foundation
- Earthwise Bag Company
- Environment California
- EnviroSax
- Global Green
- Humboldt Coastkeepers
- Los Angeles County Solid Waste Management Committee/ Integrated Waste Management Task Force
- Monterey Regional Waste Management District
- Northcoast Environmental Center
- Orange County Coastkeeper
- Ormond Beach Observers
- Planning and Conservation League
- Plastic Pollution Coalition
- San Diego Coastkeeper

- San Luis Obispo County Integrated Waste Management Authority
- Santa Barbara Channelkeeper
- Santa Monica Baykeeper
- Santa Monica Bay Restoration Commission
-
- Sierra Club of California
- StopWaste.org – Alameda County Waste Management Authority
- Surfers Environmental Alliance
- Surfrider Foundation – Humboldt Chapter
- Surfrider Foundation – Santa Barbara Chapter
- The City and County of San Francisco
- UFCW
- Urban Semillas
- Washington Elementary PTA
- Wildcoast
- Wisdom Academy for Young Scientists
- Youth Opportunities for High School and Associations of Communities United of South Los Angeles (ACUSLA)
- 884 individuals

• OPPOSITION

- American Chemistry Council
- American Forest & Paper Association
- Biodegradable Products Institute
- Cal Tax (previous version of the bill)
- California Film Extruders & Converters Association
- California Independent Grocers Association (previous version of the bill)
- Corona Chamber of Commerce
- Howard Jarvis Taxpayers Association (previous version of the bill)
- Metabolix
- Long Beach Chamber of Commerce
- Redondo Beach Chamber of Commerce

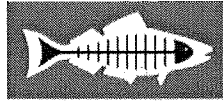
Version: 6/7/2010

Office of Assemblymember Julia Brownley

AB 1998 - Fact Sheet

Contact: Julie Gallagher

(916) 319-2041



Heal the Bay

Frequently Asked Questions on AB 1998

Why ban plastic bags?

They Harm Our Environment

Californians use more than 19 billion plastic grocery bags and merchandise bags each year.¹ Plastic bags, designed only to be used for minutes, never degrade and last hundreds of years in the ocean. Plastic pollution can kill wildlife that mistake it for food or become entangled in it. For example, floating plastic bags in the ocean often resemble jellyfish, a common food source for sea turtles and have been found in their digestive tracts.² Plastic bags also cause blight in our communities.

They Cost Our Economy

California taxpayers spend \$25 million to collect and landfill plastic bag waste each year.³ That figure does not include external costs, e.g., resource extraction and depletion, quality of life issues, economic loss due to plastic bag litter and human health expenses. The City of San Francisco estimated that to clean up, recycle, and landfill plastic bags costs the city 17 cents per bag.⁴

The State Needs a Uniform Policy

City-by-city action has resulted in a piecemeal approach to the problem. California needs to create a uniform policy to help businesses and local governments phase out plastic bags in a coordinated manner.

Businesses Are Already Doing It

Since 2008, IKEA has ceased using plastic and paper bags at their stores and now offer reusable bags for sale.⁵ Target and CVS Pharmacy have started offering incentive programs to their customers to encourage greater use of reusable bags.⁶ Wal-Mart has stopped handing out free plastic and paper bags at select pilot locations in California as part of its commitment to cutting its global waste by a third by 2013.⁷

Cities Are Already Doing It

Five California cities have adopted ordinances banning plastic single-use bags and at least 20 more are considering banning plastic bags in the near future.⁸ China, Mexico City and at least 40 countries and municipalities around the world have banned plastic bags (representing at least 25% of the world's population⁹).

State and World Leaders Are Calling for It

In 2008, the Ocean Protection Council called upon the California Legislature to ban or place consumer fees commonly littered items, including plastic single-use bags.¹⁰ The United Nations Environmental Programme Secretariat has called for a world-wide ban of plastic bags.¹¹

¹ California Department of Resources Recycling and Recovery. "At-Store Recycling Program: Plastic Carryout Bags" <http://www.calrecycle.ca.gov/LGCentral/Basics/PlasticBag.htm> (Accessed 3/11/10).

² Mrosovsky, N et.al (2009) "Leatherback Turtles: The menace of plastic. Marine Pollution Bulletin," Marine Pollution Bulletin, 2009; 58 (2): 287.

³ California Department of Resources Recovery and Recycling (CalRecycle), Available at: <http://www.calrecycle.ca.gov/LGCentral/Basics/PlasticBag.htm> (Accessed March 12, 2010).

⁴ City of San Francisco Department of the Environment, "Bag Cost Analysis," November 18, 2004. http://www.ci.sf.ca.us/site/sfenvironment_page.asp?id=28374 (Retrieved 1/5/09).

⁵ "The Results Are In: Over 92% of IKEA Customers Bagged the Plastic Bag." Press Release. IKEA (April 2, 2008). Available at: <http://www.ikea-usa.com>

⁶ Horovitz, B. "Target, CVS Put Plastic Bags in the Bull's-Eye, Pay for Reusables," *USA Today*, Oct. 19, 2009.

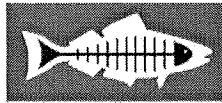
⁷ "No More Free Shopping Bags At 3 Walmart Stores." *Sacramento Bee*, January 2, 2010.

⁸ Cities that have adopted ordinances banning plastic bags are San Francisco, Malibu, Palo Alto, Fairfax, and Manhattan Beach. Major cities considering action in 2010 are Los Angeles, San Jose, Santa Monica, and Berkeley.

⁹ Population estimates obtained from census offices, United Nations, and World Development Indicators 2008 population estimates. Available at: www.web.worldbank.org

¹⁰ California Ocean Protection Council, "An Implementation Strategy for the California Ocean Protection Council Resolution to Reduce and Prevent Ocean Litter," Adopted November 20, 2008.

¹¹ UNEP (2009) "UNEP Head Calls for World-Wide Ban on Pointless Thin Film Plastic Bags." UNEP, Press Release, June 8, 2009.



Heal the Bay

Why regulate paper bags?

Paper Bags Are NOT Sustainable

The production of paper bags depletes our forests and natural resources, emits greenhouse gasses, and pollutes our water with toxic chemicals used in the pulp and paper making process.^{12,13}

Plastic and Paper both Need to be Addressed

AB 1998 addresses both paper and plastic to drive greater use of reusable bags and prevent consumers from switching from one environmentally harmful product to another.

Why not just increase recycling of plastic and paper bags?

We Cannot Recycle Our Way Out of This Problem

Less than 5% of plastic bags are currently being recycled in California.¹⁴ Efforts to increase recycling of plastic bags by creating take-back programs at grocery stores under AB 2449 (Levine, 2007) have shown minimal success.^{15,16} Despite these efforts, plastic bags are still making their way into the waste stream and storm drain systems, and often end up in the ocean.

Plastic Bags Are Very Costly and Difficult to Recycle

Plastic bags easily damage recycling equipment and jam screens used to separate materials. The City of San Jose reports that it costs them \$1 million per year to repair their recycling equipment from jammed plastic bags.¹⁷ Plastic bags cost much more to recycle, while give back little return and can cost waste haulers approximately \$1,240 per ton to recycle.¹⁸

Paper Is Recyclable But It Is Still a Waste

Most people are aware that paper bags are recyclable but only about 21% of them are actually recycled in California.¹⁹ Although some paper bags are made from postconsumer recycled materials that contain no virgin tree fiber, these bags are more expensive for stores to purchase relative to other paper bags, and are still designed for single-use.

Will low income individuals be forced to pay for reusable bags?

There's a Hidden Cost to Disposable Bags

Grocery stores currently embed 2-5 cent per plastic bag price and embed 5-23 cents per paper bag in the cost of food. If a ban is enacted it would save approximately \$18 to \$30 per person²⁰ which could be put to better use.

These Communities Will Actually Benefit from a Ban on Plastic Bags

Lower income communities, some of the most blighted by plastic bag litter, are already paying millions of dollars in taxes for cleanup costs; money that could otherwise go toward vital public services.

¹² Australian Department of the Environment and Heritage Plastic Shopping Bags: Analysis of Levies and Environmental Impacts Final Report, prepared by Nolan-ITU, December 2002, Page 33; U.S. EPA Toxic Release Inventory 2006 data for Paper Industry-NAICS code 322. (Retrieved 12/31/08).

¹³ The United States is the largest paper product consumer per capita. Despite advances in recycling of paper, over 40% of the industrial wood harvest goes into making paper products. Between 2005 and 2021 the global demand for paper is expected to increase by over 60%. In the United States, the paper industry is the largest industrial user of water, the third largest industrial consumer of energy, ranks fourth among industrial sectors in the release of toxic chemicals in water, and ranks third in toxic air emissions. Source: Environmental Paper Network (2007). "The State of the Paper Industry: Monitoring Indicators of Environmental Performance." Available at: <http://www.environmentalpaper.org/stateofthepaperindustry> (Retrieved 3/10/2010).

¹⁴ U.S. Environmental Protection Agency, 2005 Characterization of Municipal Solid Waste, Table 7; California Department of Resources Recovery and Recycling. (Available at: <http://www.calrecycle.ca.gov/LGCentral/Basics/PlasticBag.htm>).

¹⁵ Personal communication with California Integrated Waste Management Board staff (8 Dec 2008); R. Davis Paper or Plastic?" *Voice of San Diego*, 2 Dec 2008.

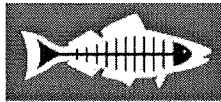
¹⁶ "Plastic Carryout Bag Program Status Update." Presentation by the California Department of Resources Recycling and Recovery, Jenneen Hartshorn, March 8, 2010. Report noted that many grocery store chains did not respond to the audit requests and results were dependent on completion of a co-mingled recycling rate study by Cal State Sacramento due out in May 2010.

¹⁷ City of San Jose Environmental Services Division (Available at: <http://www.sjrecycles.org/bags>)

¹⁸ Ibid.

¹⁹ California recycling rate U.S. Environmental Protection Agency *Municipal Waste Study 2005*.

²⁰ Ibid.



Heal the Bay

Efforts Are Underway to Make Reusable Bags Available

There are already many nonprofits, food banks, and local agencies that provide reusable bags at no cost to the public. For example, for the past three years Heal the Bay has annually partnered with businesses and local governments for "A Day Without A Bag," an educational event that raises awareness about the need to reduce waste from single-use bags. In 2009, nearly 20,000 reusable bags were distributed at more than 50 giveaway locations throughout LA County, and many of those locations were in underserved communities.

What's so bad about "biodegradable" or "compostable" plastic bags?

These Bags Don't Degrade Well in the Ocean

Plastics that are compostable or claim to be "biodegradable" have not proven to degrade in the marine environment and may pose serious threats to marine life.²¹ Instead, these bags require heat and bacteria, such as those present in industrial composting facilities, to completely break down into constituents that assimilate back into the environment.

Does AB 1998 ban all plastic bags?

All bags not used at a point of sale, such as bags used to transport produce, bulk items, raw meat, or other items to the checkout would still be available.

What can I use for dog poop?

You can use newspaper, or newspaper cover bags, fruit and vegetable bags from the market or purchase dog waste bags.

What can I use for bin liners?

Remember, that there is already a "hidden cost" of using free disposable grocery bags of almost \$30 per year embedded in the cost of goods, far outweighing the cost of purchasing a box of bin liners that will last you the whole year. Trash bags are also not commonly found as litter on beaches or in waterways.

What happens if I forget to bring my own bag to the store?

Under AB 1998, stores would still be required to provide reusable bags for purchase at the checkout. All major grocery store chains and big-box stores sell reusable totes at low costs. One reusable bag will replace hundreds of single-use bags over its lifetime.

How can I remember to bring bags to the store?

- (1) Always start your grocery list with "Bring Bags"
- (2) Keep a collapsible bag in your purse or briefcase for those emergency runs to the stores
- (3) Keep your bags in your car trunk.

²¹ California Integrated Waste Management Board (June 2007), "Performance Evaluation of Environmentally Degradable Plastic Packaging and Disposable Food Service Ware: Final Report," pp. 38-39.