



Legislation Text

File #: 10-0632, **Version:** 1

Recommendation to respectfully request City Council support AB 1998 (Brownley - Single Use Carry Out Bags) and that our support be communicated to appropriate State and County officials;

Request City Attorney and City Manager review Los Angeles 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; and

Request 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.

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/ [<http://www.bragaboutyourbag.com/>](http://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.

Approve recommendation.

COUNCILMEMBER SUJA LOWENTHAL
SECOND DISTRICT

COUNCILMEMBER GARY DELONG
THIRD DISTRICT