



Agenda Report

TO: CCCSWA BOARD OF DIRECTORS

FROM: LOIS COURCHAIINE, PROGRAM MANAGER

DATE: JANUARY 15, 2010

SUBJECT: SINGLE-USE PLASTIC BAGS AND EXPANDED POLYSTYRENE FOOD PACKAGING

SUMMARY

During the October 29, 2009 Board of Directors meeting, staff was directed by Board members to provide information regarding potential plastics bans, including single use carry bags and expanded polystyrene (EPS) food packaging. The attached white paper considers issues and potential solutions for both materials. It is based on other California municipalities' experience in attempting to decrease the impact of disposable plastic packaging.

RECOMMENDED ACTION

1. Discuss and provide direction, if any, to Staff as to whether Staff should include potential ban on single use plastic bags and plastic (EPS) food packaging into their 2010-11 work-plan.

DISCUSSION

There are several reasons for the Authority, and/or its member agencies, to consider banning lightweight plastic packaging; specifically single-use plastic bags and EPS food-ware:

- To address solid waste source reduction and resource conservation
- To aid in the long-term health of the marine environment
- Decrease costs associated with litter cleanup which is especially prevalent for these commodities which are escalating because of State requirement to decrease the amount of trash in waterways
- To address increasing public interest in environmental issues

Although the consequences of single-use plastic packaging litter impacts various types of local government agencies (e.g. solid waste, pollution prevention, clean water, etc.), California laws addressing these issues are dealt with under solid waste law. For example: AB 2449, which mandates retailers to make plastic bag recycling available at their stores, is part of the Public Resources Code, Section 42250-42257 relating to solid waste. Therefore, policy decisions for those items would fall to municipalities' solid waste agencies.

Background: In June, 2008 a Lafayette resident requested that the Authority implement a curbside film plastics (single use plastic bags) recycling pilot project in her city. To address this request, Staff prepared a report outlining the problematic nature of film plastics in the environment. Furthermore, the report highlighted actions that are being taken nationally and internationally to abate these problems. Also included, was information about potential film plastics recycling costs, should the Authority choose to implement a pilot project. Costs were estimated to be \$405, 979 annually for a Lafayette only pilot. The report was presented to the Board on November 20, 2008, at which time the Board chose to encourage plastic bag recycling at stores, in accordance with AB 2449. This law, enacted in 2006, mandates large grocery and drug retailers to implement single use plastic carry-bag recycling at their stores. Even with State law implementation, according to the non-profit group Heal the Bay, Californians still only recycle 3 to 5-percent of their plastic bags.

When San Francisco did not see a significant increase in plastic bag recycling, or a decrease in their distribution, their leadership chose to ban them outright in 2007. This set a precedent for other California municipalities and since then, several cities and towns have attempted to ban plastic bags, some successfully, others not. The most notable of these being the City of Oakland, who was met with a law suit by the Coalition to Support Plastic Bag Recycling, on the basis that formal environmental review was not prepared prior to the ban to address the effect of single-use plastic bag replacements (e.g. paper bags). At the time of this writing, the City of Oakland is not pursuing their ban, but is awaiting results of other municipalities' environmental impact reviews.

Non-profit Green Cities-California has commissioned a Master Environmental Assessment (MEA) on single use bags, following the filing of lawsuits against cities that have passed single use bag fees or bans without conducting a full Environmental Impact Review (EIR). Since an EIR is prohibitively expensive, particularly for small cities, the MEA will dramatically decrease the cost of an EIR as many can reference this document and it will facilitate fees and bans on single use bags. The MEA is scheduled to be completed in March 2010.

Additionally, plastic foam takeout containers have a deleterious effect on the environment. They too, are a serious and costly source of land-based and marine litter.* Many California jurisdictions have banned, or intend to ban, EPS take-out food packaging; including the City of Richmond. To date, there has been little industry push-back from the manufacturers, and most of these bans are still in place.

*Attached photos of the Walnut Creek were taken on January 12, 2010, only 2 blocks from Walnut Creek City Hall.

Local Government Action: Many California local governments have chosen to ban single-use plastic bags, EPS food-ware, or both:

Jurisdiction	Banned Materials	Comments/Applies To
City of Alameda	EPS Food-ware	All takeout food packaging
Berkeley	Single-Use Plastic Bags EPS Food-ware	Pending All takeout food packaging
Calabasas	EPS Food-ware	All takeout food packaging
Emeryville	EPS Food-ware	All takeout food packaging
Fairfax	Single-Use Plastic Bags EPS Food-ware	Enacted by initiative
Hercules	EPS Food-ware	
Laguna Beach	EPS Food-ware	All takeout food packaging
City of Los Angeles	Single-Use Plastic Bags	City Council will ban if State does not establish fee for bags

Jurisdiction	Banned Materials	Comments/Applies To
Los Angeles County	Single-Use Plastic Bags	Pending outcome of required reduction in distribution
Malibu	Single-Use Plastic Bags EPS Food-ware	Applies to all retailers
Manhattan Beach	Single-Use Plastic Bags	Same as Malibu, but has been suspended pending EIR
Monterey	EPS Food-ware	All takeout food packaging
Newport Beach	EPS Food-ware	
Oakland	Single-Use Plastic Bags EPS Food-ware	On-hold pending environmental impact report Large business pay litter fee
Pacific Grove	EPS Food-ware	All takeout food packaging
Palo Alto	Single-Use Plastic Bags EPS Food-ware	Lawsuit pending
Pittsburg	EPS Food-ware	50% must be recyclable
Richmond	EPS Food-ware	Pending
San Bruno	EPS Food-ware	All takeout food packaging
San Francisco City and County	Single-Use Plastic Bags EPS Food-ware	Supermarkets and large pharmacies All food vendors
Santa Cruz County	EPS Food-ware	
San Jose	Single-Use Plastic Bags	Pending EIR
San Monica	EPS Food-ware	All takeout food packaging

Bans, such as the aforementioned, may be enacted by local government ordinance. However, CCCSWA’s member agencies may benefit from joining other Contra Costa communities in sharing information and costs for implementing bans on single-use plastic carry containers, such as plastic bags and foam.

ATTACHMENTS

- A. Walnut Creek photos
- B. Plastics in the Environment - Background Information on Bans of Single Use Plastic Carry Bags and Expanded Polystyrene Foam Containers
- C. Los Angeles River photo