



Agenda Report

TO: CCCSWA BOARD OF DIRECTORS
FROM: LOIS COURCHAIINE, PROGRAM MANAGER
DATE: MARCH 25, 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. Provide direction to staff regarding Board interest or intent to pursue banning single-use plastic packaging:
 - a. Banning plastic grocery bags only, or
 - b. Banning polystyrene ("Styrofoam") Food Containers only, or
 - c. Banning plastic grocery bags and Polystyrene Food Containers
2. Alternatively, direct staff to explore other options to banning single use plastic packaging:
 - a. Increase public education around AB 2449 requirements for making plastic bag recycling available to the public
 - b. Work with retailers to establish voluntary fees or other incentives for using alternatives to single use plastic packaging
 - c. Support efforts for State bans

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
- To decrease costs associated with litter cleanup, which is especially prevalent for these commodities and 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.

In June, 2008 a Lafayette resident requested that the Authority implement a curbside film plastics (single-use plastic carry 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 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, public officials 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. The most notable of these being the City of Oakland, which 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 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 was completed in March 2010 and its conclusions are noted in the attached paper.

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.

Local Government Action: Many California local governments are attempting to ban single-use plastic bags, EPS food-ware, or both, which are frequently enacted by local government ordinance. CCCSWA's member agencies may benefit from joining other Contra Costa communities in sharing information and costs for implementing bans on single-use plastic packaging.

Costs associated with banning selected materials are unknown at this time. Cost components could range from staff time for implementation of bans to legal fees associated with potential lawsuits. It is notable that the number of jurisdictions banning EPS is approximately double those of plastic bags. It is assumed that potential litigation is a factor in the discrepancy. While there are a number of lawsuits pending for single-use plastic bags, there have been few, if any, associated with EPS.

Local Government Bans for Single-Use Plastic Packaging

Jurisdiction	Targeted 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
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

Supporting Voluntary Actions. Attempting to reduce single-use plastic packaging on a voluntary basis may be a good first step in eliminating environmental issues associated with their use. AB 2449 mandates that stores: 1) place plastic bag collection containers in a visible location, 2) make reusable bags available for purchase and 3) educate their consumers about plastic bag recycling. It is not known if all CCCSWA retailers are abiding by these mandates. Therefore, staff could increase its plastic bag recycling public education efforts to both retailers and consumers, as a first step.

Some municipalities have been able to work with retailers to implement voluntary efforts to reduce or eliminate single-use plastic packaging at their stores. Most documented successes have come from large companies that have chosen to change their packaging policies to align with more environmental marketing strategies. Whole Foods now packages its takeout food in recycled content paper containers. And Walmart is

now charging for plastic bags in several Northern California stores. However, it is unclear whether Authority's staff time and efforts to engage retailers would provide any benefits.

Statewide regulation of litter-prone packaging is one solution to an increasingly difficult and costly problem for cities and counties. The CCCSWA Ad-Hoc Legislative Committee selected two single-use plastic packaging bills to support: AB 1998 (Brownley) and AB 2138 (Chesbro). However, prior efforts to pass this type of legislation have failed in committee, thus increasing municipalities' interest in local bans.

Although local single-use plastic packaging bans may be controversial, they do have precedent in California. The costs and benefits of such bans should be weighed, not only within the Authority, but within each community as well.

ATTACHMENTS

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