Attachment No. 1

A SYNOPSIS OF ACTIONS TAKEN BY MUNICIPALITIES TO BAN PLASTIC GROCERY BAGS

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History:
Plastic carryout bags were first introduced by retail stores in the United States in 1975 and began to be distributed to customers at the point of sale in supermarkets in 1977. Today these bags are ubiquitous in the marketplace because they are light-weight, strong, inexpensive and convenient. In 2005, the United States Environmental Protection Agency estimated that only 5.2 percent of the plastic bags and sacks in the municipal waste stream were recycled, compared with 21 percent of paper bags and sacks.

Material:
Plastic carryout bags are made in a number of different sizes and thicknesses and are typically manufactured from either high density polyethylene (HDPE - recycling symbol #2) or from low density polyethylene (LDPE - recycling symbol #4). The LDPE bags are thicker and are generally used by department stores and other commercial retail outlets. The HDPE bags are typically thinner, cheaper and are used much more widely by supermarkets, pharmacies, convenience stores and restaurants.

These bags are termed "single-use" bags because they are intended for one time use for customers to carry their purchases from the store, followed by disposal or recycling. The thin, light duty plastic that the bags are made from is not durable enough for them to be repeatedly used for carryout. The California Integrated Waste Management Board (CIWMB) estimates that Californians use approximately 19 billion of the light weight HDPE bags each year[1], with approximately 6 billion of these being consumed within Los Angeles County.

Studies:
A waste characterization study conducted by the City of Los Angeles in June 2004 found that plastic bags made up 25% by weight (and 19% by volume) of litter found in 30 storm drain catch basins[2]. Plastic bags are a significant component of litter in the environment primarily due to their durability and light weight. Even when disposed of properly, plastic bags are often blown out of trash receptacles and are easily carried by wind and water to become entangled in

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[1] California Integrated Waste Management Board, Resolution, Agenda Item 14, June 12, 2007 Board Meeting
[2] "An Overview of Carryout Bags in Los Angeles County", staff report to the Los Angeles County Board of Supervisors, August 2007

vegetation, clog storm drains and contribute to free floating plastic debris in the marine environment.

The Los Angeles Regional Water Quality Control Board (LARWQCB) established a Zero Trash TMDL (total maximum daily load) for both the Los Angeles River and the Malibu Creek Watersheds. The TMDL requires a 10% annual reduction of trash entering the water body until zero trash is achieved.

Plastic bags are a significant source of marine debris and are hazardous to birds and marine animals. The California Coastal Commission estimates that 60% to 80% of all marine debris, and 90% of all floating debris is plastic. Plastic bags do not biodegrade in the environment, but they do break into smaller pieces that are often mistaken for food by birds and marine animals.[3] Studies have estimated that more than 1 million sea birds, 100,000 marine mammals and countless fish die annually through ingestion of and entanglement in marine debris, including plastic bags.[4]

Costs:
The approximate costs of plastic bags and various bagging alternatives are listed in table below:

Type of carryout bag	Approximate cost per bag	Approximate annual usage per person
HDPE plastic	1 to 5 cents	500 - 600
Paper	5 to 25 cents	500 - 600
Biodegradable	10 to 21 cents	500 - 600
Reuseable (cloth or plastic)	99 cents to $10	2 - 4

Plastic Bag Recycling:
Plastic bags are recyclable, however very few are actually recycled. Research conducted by the County of Los Angeles in 2007 found that this is largely due to the logistics of sorting, high contamination rates that reduce the quality of the recycled resin produced, the low quality of plastic used in the bags, and the lack of cost efficiency due to lack of suitable markets for the recycled resin. Various estimates suggest that only 1% to 5% of the 19 billion bags used annually in California are being recycled in any way.[5] A recent survey by the County of Los

[3] C. Moore, "Pelagic Plastics", Algalita Marine Research Foundation, www.algalita.org/pelagic_plastic.html
[4] N. Wallace. "Debris Entanglement in the Marine Environment: A Review" pp 259-277 in Proceedings of the Workshop on the Fate and Impact of Marine Debris, U.S. Department of Commerce, NOAA Technical Memorandum, 1985
[5] Californians Against Waste http://www.cawrecycles.org/issues/plastic_campaign/plastic_bags : and US EPA 2005 Characterization of Municipal Solid Waste, Table 7

Angeles found that only 25 of the 89 jurisdictions within the County offer residential curbside collection for plastic bag recycling and Calabasas is one of them.

A Los Angeles County survey of recycling and material recovery facilities (MRF) found that over 90% of the plastic carryout bags taken to these facilities were not recycled but instead taken to landfills for disposal. Reasons cited include high contamination rates, the tendency of the bags to jam the screens used to separate materials, and the lack of suitable markets for the recycled material.

Regulation of Plastic Bags in other Jurisdictions:
In February 2007, the California Ocean Protection Council unanimously adopted a plastics reduction resolution that includes a directive to promote innovative methods to reduce plastic waste.

On March 22, 2007, the City of San Francisco became the first City in the U.S. to ban the use of plastic shopping bags in grocery stores and pharmacies. The San Francisco ordinance banned the distribution of non-biodegradable plastic carryout bags. This followed the failure by supermarkets in the City to meet agreed upon targets for reducing plastic bag consumption by consumers under a voluntary program. The San Francisco ordinance (that went into effect in November 2007) requires all supermarkets (with gross annual sales of more than $2 million) and all retail pharmacy chains with at least 5 stores under the same ownership within the City to provide their customers with one or more of the following:

A. Biodegradable carryout bags (that include the words “green cart compostable” and “reusable” and display a solid green line encircling the bag;
B. paper carryout bags (that do not contain old growth fiber, are 100% recyclable and contain at least 40% post consumer recycled content);
C. reusable bags made from cloth or from durable plastic greater than 2.25 mils thick.

The City of Oakland adopted a similar ban on July 17, 2007, which was scheduled to take effect on January 17, 2008. Oakland’s ordinance applies to all stores generating $1 million or more in annual sales with the exception of restaurants. In August 2007, the City of Oakland was sued by the Coalition to Support Plastic Bag Recycling which argued that the City failed to complete an environmental impact report as required by CEQA before adopting its ordinance. In response to the lawsuit, the City of Oakland has agreed not to enforce its ordinance until the suit is resolved. City of Oakland lost the lawsuit in April 2008. The judge required a full CEQA evaluation and report.

Town of Fairfax, California, enacted a similar ban August 1, 2007 and it became effective on March 1, 2008. All three cities (San Francisco, Oakland and Fairfax) require the use of compostable or nonpetroleum-based, recyclable checkout bags. The Oakland and San Francisco laws apply to grocery stores and pharmacies with more than $1 million in sales; the Fairfax law applies to all retailers in the city.

On May 13, 2008, the Malibu City Council approved an ordinance to ban the use of non-compostable and compostable plastic shopping bags for point-of-sale distribution at all retail establishments and vendors. The Council also expanded the proposed non-compostable plastic bag ban ordinance to include compostable plastic bags used in some northern California cities because there is no recycling facility in Southern California that can process compostable plastic bags. The Malibu ordinance applies to all City facilities and City sponsored events, all commercial and non-profit retailers and vendors, and any retailer or vendor selling goods at a facility owned by the City or on public property. It would not apply to single-use plastic produce bags distributed in a store exclusively for the purpose of transporting produce or other bulk items to the point-of-sale. The ordinance became effective in June 26, 2008. Malibu grocery stores, food vendors, restaurants, pharmacies, and City facilities must comply within six months of the effective date. All other affected retail establishments, vendors, and non-profit vendors have one year to comply after the effective date.

The County of Los Angeles Board of Supervisors voted on January 22, 2008 to ban the free distribution of single use plastic carry out bags in unincorporated areas of the County if voluntary programs by retailers in those areas to reduce plastic bag use do not result in decreases of at least 30% by July 2010 and 65% by July 2013.

On July 1, 2008, the Manhattan Beach City Council voted to ban businesses from using plastic carryout bags. The action distinguishes the city as the first in the South Bay and the second in L.A. County to ban plastic bags. A survey conducted by Manhattan Beach Chamber of Commerce indicated that over 80% of Chamber members favored a plastic bag ban. Highlights of the ban, which is similar to Malibu's, includes:

- A ban on biodegradable/compostable plastic bags.
- Ban effective within 6 months of adoption for large stores, pharmacies, restaurants, and city facilities and in one year for all remaining vendors and retailers.
- Staff also recommended that the Council consider a fee on paper bags as the ultimate goal is not to have people deciding between paper or plastic, but to use reusable bags.

A coalition of retailers and manufacturers called “Save the Plastic Bag Coalition” challenged the ordinance and filed a lawsuit saying that the city violated the California Environmental Quality Act (CEQA) by failing to conduct a full environmental impact report.

On July 22, 2008, the Los Angeles City Council voted to ban plastic carryout bags in the city's supermarkets and stores by July 2010 -- but only if the state fails to impose a 25-cent fee on every shopper who requests them. City officials estimate that Los Angeles consumers use 2.3 billion plastic bags each year.

In San Diego County, several cities are in some stage of enacting their own bans. In Encinitas a petition signed by 1500 people filed with the city council to consider a ban on plastic bags.

Assembly Bill 2449:
On September 30, 2006, Governor Schwarzenegger signed into law AB 2449 which regulates plastic carryout bags statewide. The new law went into effect on July 1, 2007, and requires the operators of supermarkets and retail businesses greater than 10,000 square feet with a licensed pharmacy to establish an in-store recycling program that provides an opportunity for a customer of the store to return clean plastic carryout bags to that store. The law requires a plastic carryout bag provided by a store to have specified information printed or displayed on the bag, and requires the placement of a plastic carryout bag collection bin in each store greater than 10,000 square feet that is visible and easily accessible to the consumer. The regulated stores must send these collected bags for recycling.

The law also requires the operator of a store to make reusable bags made from cloth, fabric or plastic with a thickness of 2.25 mils or greater available to customers for purchase. The law requires manufacturers of plastic carryout bags to develop educational materials to encourage the reducing, reusing, and recycling of the bags and to make the materials available to stores. The law did not establish at-store recycling or consumption goals; however, in June, 2007, the California Integrated Waste Management Board (CIWMB) adopted emergency regulations establishing reporting requirements to aid in evaluating the effectiveness of the law[6].

AB 2449 specifically prohibits a city, county, or other public agency from adopting, implementing, or enforcing an ordinance, resolution, regulation, or rule that requires a store to collect, transport, or recycle plastic carryout bags or conduct additional auditing or reporting, or imposing a plastic carryout bag fee upon a store. The law does not prohibit a public agency from banning plastic bags outright. The law will remain in effect through January 1, 2013, when it is scheduled to sunset.

AB 2058 (Recycling: plastic carryout bags)
Introduced by assembly member, Levine, the AB 2058 would, on or after July 1, 2011, prohibit a store from providing free plastic carryout bags to customers unless the store demonstrates an increased diversion rate of 70% in the number of plastic carryout bags provided by the store. "Diversion" is defined as a reduction in volume of plastic bags provided to customers and an increase in the volume of plastic bags recycled. "Store" means a supermarket or retail establishment larger than 10,000 square feet that provides plastic or paper carryout bags to its customers as a result of the sale of a product.

The bill would require a store that provides plastic carryout bags to customers, and is not complying with the diversion rate requirement, to charge the customer not less than $0.25 per bag. The proceeds are to be used by the store to implement specified plastic carryout bag recycling, cleanup, and waste reduction programs after paying the store's plastic bag costs and a reasonable financial return.

[6] California Integrated Waste Management Board, Resolution, Agenda Item 14, June 12, 2007 Board Meeting.

Additionally, this bill would, on and after July 1, 2011, permit a store to provide a paper carryout bag to a customer only if the store charges the customer not less than $0.25 per bag. A store charging for these paper carryout bags would be required to demonstrate that any revenue collected, excluding the cost of the bags and a reasonable financial return, is used by the store to implement specified paper carryout bag recycling, cleanup, and waste reduction programs. Last, this bill would require a store that imposes a charge for a paper carryout bag or a plastic carryout bag to pay a specified fee to the California Integrated Waste Management Board (CIWMB) for deposit in the Integrated Waste Management Account and would authorize the CIWMB, upon appropriation by the Legislature, to expend those moneys for purposes of administering and enforcing the plastic carryout bag and paper carryout bag provisions.

Plastic Bag Litter Reduction Act (AB 2769)

The Plastic Bag Litter Reduction Act (now AB 2769) is on the Senate floor waiting for a vote. Under the proposed Act (AB 2769), large grocery stores and pharmacies would be required to charge a 25 cent fee for plastic grocery bags, the proceeds of which would be used for local litter abatement, cleanup and prevention programs.