



MEMORANDUM

Engineering Division

To: Recycling and Source Reduction Advisory Commission (RSRAC)
Through: Kathleen Phalen, Utility Engineer *KP*
From: Elizabeth Koo, Administrative Analyst *ek*
Subject: Status of Regional Polystyrene & Plastic Bag Ban Activities
Date: April 16, 2010

This memo describes the status of polystyrene and single use-bag regulations being considered by local and state agencies as summarized in the attached table. The information can be used to understand how local jurisdictions have addressed policy actions such as fees or bans.

BACKGROUND

A number of local jurisdictions are considering measures to curb the use of single-use carry out bags to control their associated costs and environmental hazards. Various bans and disincentives, both voluntary and mandatory, are being considered or implemented with varying degrees of success.

DISCUSSION

The convenience of single-use items make them a difficult commodity to eliminate from the public arena. Particular items which have found popularity with both businesses and consumers are polystyrene and plastic bags. Since their introduction into the marketplace, the items have become a staple in the community.

Single-use carryout bags provide a light-weight, strong, inexpensive and convenient method of transporting merchandise. However, all bags (plastic, biodegradable/compostable, paper and reusable) have associated environmental impacts throughout their production, use, and eventual disposal. Several cities have enacted or are considering ordinances which institute varying levels of restrictions on banned material with the objectives of preventing waste and landfill disposal, reducing plastic bag litter in the environment, and promoting reuse of customer-owned bags and containers. These ordinances generally specify the prohibited material (plastic, compostable plastic, or paper), acceptable alternatives (reusable or recyclable paper bags), exemption clauses, and enforcement procedures. As shown in the matrix, agencies are generally banning plastic or compostable plastic bags, encouraging reusable or recyclable paper bags, allowing exemptions in cases of undue hardship, and utilizing a gradual escalation in violation proceedings. A more detailed description of these ordinances can be found in Attachment #1.

Expanded polystyrene (trademarked as "Styrofoam" by Dow Chemical) is used to make light-weight disposable storage containers and packaging material. Polystyrene is recognized as a sturdy, sanitary, economical and convenient product in food service industries, but also is regarded as a threat to the environment and public health, given its inherent non-biodegradable

nature and chemical composition. The non-renewable, non-biodegradable and virtually non-recyclable material is a contributor to litter, blight and waste. Some cities have implemented partial or complete bans on polystyrene food packaging/ware through the use of either ordinances or resolutions. As shown (in the matrices), these agencies generally banned polystyrene products, while allowing biodegradable/compostable/recyclable food packaging. In some cases, vendors demonstrating hardships were granted exemptions and violators were given an opportunity to take corrective actions prior to being assessed penalties. A more comprehensive analysis can be found in Attachment #2.

Agencies have taken local measures towards addressing the issue of single-use carry out material in their communities. Their efforts, summarized in the matrices, have enabled information sharing with others considering a similar direction.

ATTACHMENT 1: PLASTIC BAG ORDINANCE / RESOLUTION

City	Plastic Bag Ordinances / Resolutions	Affected Businesses / Organizations	Prohibited Material	Preferred Material	Exemptions	Violation Procedure	Plastic Bag Recycling Programs	Notes
City of Los Angeles	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Grocery store / supermarket drop-off locations	Californians Against Waste (CAW) website reports the City adopted a resolution in 2008 banning plastic bags in 2010 if the State Legislature has not yet put a fee on them.
County of Los Angeles	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Grocery store / supermarket drop-off locations	1) On January 22, 2008, the Los Angeles County Board of Supervisors adopted the (voluntary) Single Use Bag Reduction and Recycling Program, a comprehensive strategy to reduce plastic bag litter. The Program aligns supermarkets, retailers, environmental groups, plastic bag industry, local government, and public to phase out plastic bags while increasing the use of reusable bags. Included in the Program are two benchmarks for reducing plastic bag use and increasing recycling, using total consumption for Fiscal Year 2007-08 as a baseline: <ul style="list-style-type: none"> o 30 percent disposal reduction by July 1, 2010 o 65 percent disposal reduction by July 1, 2013 Failure to achieve these goals triggers action to establish a County Ordinance to ban the use of plastic bags at affected stores. 2) On July 17, 2008, the Save the Plastic Bag Organization filed a lawsuit against Los Angeles County for adopting a phased ban.
County of Santa Clara	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Curbside collection of plastic bags and grocery store / supermarket drop-off locations.	1) On November 19, 2008, the Save the Plastic Bag Organization filed legal objections regarding a proposed plastic bag ban ordinance. 2) On April 13, 2010, the Santa Clara County Board of Supervisors voted to ban the distribution of plastic and paper carryout bags at retail stores in unincorporated areas. A final vote is scheduled for October pending information on a statewide bill and results of an EIR by the City of San Jose.
Fairfax	Ord. No. 722 (On file) Effective: 9/1/07	Stores, shops, eating places, and retail food vendors.	Recyclable paper bags, reusable bags, or compostable plastic bags (until 8/1/10 for latter).	Not specified	Not specified	\$100 (1st violation), \$200 (2nd violation in the same year) and \$500 (additional violation in the same year).	No curbside collection of plastic bags	1) In place of a ban, Ordinance mandates the use of compostable plastic, recyclable paper and/or reusable checkout bags. 2) Californians Against Waste (CAW) website states that the Fairfax City Council adopted a ban on plastic bags in August 2007. After a legal challenge by the plastics industry, Fairfax voters adopted a plastic bag ban by initiative in November 2008.
Encinitas	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	No curbside collection of plastic bags	1) On September 10, 2008, City Council directed staff to develop a phased-in ban including a fee on paper bags and option for businesses to self-charge for plastic bags. 2) On September 16, 2009, staff met to discuss and evaluate options related to anticipated costs for an EIR and lawsuit exposure. Staff is monitoring lawsuits of nearby jurisdictions, especially Santa Monica's initiative and efforts (which mirrors Encinitas). 3) On September 17, 2009, the Save the Plastic Bag Organization filed legal objections regarding a proposed plastic bag ban ordinance.
Malibu	Ord. No. 323 (On file) Effective: 6/26/08	Retail establishment, restaurants, vendors, non-profit vendor, City facility / event.	Plastic or compostable plastic bags.	Reusable bags or recyclable paper bags.	1) City Manager may grant a one year exemption based upon undue hardship (such as lack of acceptable plastic/compostable plastic bag alternatives or deprivation of a legally protected right. Automatic exemption: 2) Plastic or compostable plastic bags required to be purchased under contract entered one year prior to the ordinance's effective date. (Exemption applies up to one year from the ordinance's operative date).	Not specified	Curbside collection of plastic bags.	1) Local business have from six months to one year to comply depending on the type of business. Grocery stores, food vendors, restaurants, pharmacies and City facility have 6 months to comply after the effective date. Other affected retail establishments, vendors and non-profit vendors have one year to comply after effective date. 2) Single-use plastic produce bags distributed at a grocery store exclusively for the purpose of transporting produce to the point of sale is exempt. 3) Section 5 of the Ordinance states that the City Council finds that the ban would not have a significant adverse effect on the environment and therefore is exempt from CEQA's provisions.

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Manhattan Beach	Ord. No. 2115 (On file) Adopted: 7/15/08	Retail establishment, restaurants, vendors, non-profit vendor, City facility / event.	Plastic carry-out bags.	Reusable bags or recyclable paper bags.	City Manager may grant a one year exemption based upon undue hardship (such as lack of acceptable plastic/compostable plastic bag alternatives or deprivation of a legally protected right).	Not specified	Curbside collection of plastic bags.	1) Varying compliance deadline for different types of businesses. Grocery stores, food vendors, restaurants, pharmacies & City facilities have 6 months to comply after the effective date. Other affected retail establishments, vendors & non-profit vendors have a year to comply after same. 2) A lawsuit by "Save the Plastic Bag Coalition" asserts that the City should have complied with the California Environmental Quality Act (CEQA) by conducting a full Environmental Impact Report (EIR) prior to adopting the plastic bag ban. (City conducted an Initial Study prior to adopting the ordinance and concluded that the project would not have significant harmful environmental impacts by adopting a Negative Declaration.) On 2/20/09, Los Angeles Superior Court ruled that the City must conduct the EIR before the bag ban may be implemented. The City is currently appealing this decision with the assistance of their in-house Attorney. On 1/27/10, California Court of Appeals ruled in favor of an EIR.
Morgan Hill	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Curbside collection of plastic bags.	On January 26, 2009, Save the Plastic Bag organization filed formal legal objections regarding a proposed plastic bag ordinance.
Mountain View	Resolution No. 17383 Adopted: 1/27/09	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	No curbside collection of plastic bags	1) On January 27, 2009, the City Council adopted a resolution supporting the Santa Clara County Cities Association effort to promote a regional approach on the single-use, carry-out bag issue which would lead to greater consistency for customers and retailers. 2) On January 26, 2009, Save the Plastic Bag organization filed formal legal objections regarding a proposed plastic bag ordinance.
Oakland	Ord. No. 12818 (On file) Adopted: 7/17/07	Retail establishments with gross annual sales of over \$1 million.	Plastic carry-out bags.	Reusable bags, recyclable paper bags or compostable plastic bags.	1) Retail establishments in the City of Oakland with gross annual sales of less than \$1 million dollars are exempt however all establishments are encouraged to comply. 2) Single-use plastic produce bags distributed at a grocery store exclusively for the purpose of transporting produce to the point of sale is exempt.	City Administrator issues written warning notice. \$100 for 1st violation following warning. \$200 for 2nd violation following warning. \$500 for 3rd and subsequent violations following warning. Administrative hearings can be requested.	No curbside collection of plastic bags	On 4/17/08, the Alameda Superior Court invalidated Oakland's ordinance banning plastic bags. As a result of the decision, the Oakland ordinance was subsequently revoked.
Palo Alto	Ord. No.5039 (On file) Adopted date 3/30/09 Compliance date: 9/18/09	All retail establishments	Supermarkets are prohibited from offering single-use plastic checkout bags.	Reusable bags	City Manager may grant a one year exemption based upon undue hardship (such as lack of acceptable alternatives to single-use plastic checkout bags at supermarkets or compliance would lead to a deprivation of a legally protected right).	Violators are guilty of an infraction as defined in Chapter 1.08 of the Palo Alto Municipal Code. Specifically, "Infraction. Any person convicted of an infraction for a violation of this code, as expressly provided herein or specified by state law, shall be punished by a fine not exceeding \$250.00."	Curbside collection of plastic bags.	1) On September 17, 2008, February 13, 2009 and March 16, 2009, the Save the Plastic Bag Organization filed legal objections regarding a proposed plastic bag ban ordinance. 2) On March 30, 2009, the City adopted an ordinance banning plastic bags in four stores. 3) On July 28, 2009, the settlement agreement stated that the City agreed not to ban plastic bags at any more stores without first preparing an Environmental Impact Report*. *It should be noted that the City of Palo Alto prepared a Mitigated Negative Declaration to comply with the California Environmental Quality Act. However, to avoid legal costs and staff time, a settlement was reached which allowed the ordinance to be enforced as adopted but required the City to prepare an EIR for any future ordinances which restrict single-use plastic bags at other stores.
San Diego	Draft Ordinance (On file)	Owners of supermarkets and pharmacies.	Plastic carryout bags.	Reuseable bags or paper carryout bags.	Not specified	1st conviction (\$100 fine) and 2nd conviction or any subsequent conviction within a period of one year (\$250).	No curbside collection of plastic bags	On November 28, 2008, the Save the Plastic Bag Organization filed legal objections regarding a proposed plastic bag ban ordinance.

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San Francisco	Ordinance 81-07 (On file) Effective: 11/20/07	1) Supermarkets with gross annual sales of at least \$2 million. 2) Pharmacies with 5 or more locations under same ownership within SF.	Not specified	Recyclable paper bags, compostable plastic bags, or reusable bags.	Not specified	City Administrator may issue a \$100 fine (1st violation), \$200 (2nd violation in same year) and \$500 (each subsequent violation in same year). a) Administrative civil liability citation of \$100 (1st liquidated damage), \$200 (2nd LD in same year) and \$500 for subsequent LDs in same year. b) City Attorney may seek civil penalties of \$200 (1st violation), \$400 (2nd violation) and \$600 (subsequent violation in any given year).	Curbside collection of plastic bags and grocery store / supermarket drop-off locations.	Ordinance becomes operative for supermarkets six months after the effective date and similarly one year for pharmacies.
San Jose	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Grocery store / supermarkets drop-off locations	1) City of San Jose is proposing to adopt an ordinance regulating the citywide distribution of single-use carryout bags at the point of sale for all commercial retail businesses in San Jose (except restaurants). An exception is made for "green" paper bags containing at least 40% recycled content, this may be accompanied by a fee to the customers to be retained by the retailer to cover the cost to the business of providing the bags. The City of San Jose is currently preparing an EIR with an estimated release timeframe of May 2010. 2) On September 18, 2009, Save the Plastic Bag organization filed formal legal objections regarding a proposed plastic bag ordinance.
Santa Monica	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Commercial food waste (F.O.G. only) collection program.	1) On February 26, 2008, City Council: a) Approved staff's recommendation to direct the City Attorney to prepare an ordinance banning the free distribution to customers of single use plastic carryout bags at stores within the city; b) Added an amendment (to the ordinance) which would include the option of a possible fee for paper bags; and c) Directed staff to return with additional information on paper bag fees. 2) On January 12, 2009, the Save the Plastic Bag Organization filed legal objections regarding a proposed plastic bag ban ordinance.

ATTACHMENT 2: POLYSTYRENE ORDINANCE

City	Polystyrene* Ordinance	Affected Businesses / Organizations	Banned Food Service Ware	Preferred Food Service Ware (ASTM**)	Exemptions	Violation Procedure	Organic Recycling Programs / Services	Notes
Alameda	Ord. No. 2977 (On file) Effective: 7/1/08	Food vendors, restaurant, City facilities / projects / events.	Polystyrene foam disposable food service ware.	Biodegradable or compostable disposable food service ware.	1) City Manager may grant a one year exemption to food vendors established by 7/1/08. In cases of undue hardship, vendor must demonstrate significant difficulty or cost in meeting the ordinance's requirements. Automatic exceptions: 2) Outside prepared / packaged food is exempt however purveyors are encouraged to follow the ordinance provisions. 3) Reused coolers and ice chests. 4) Aluminum disposable service ware 5) Emergency supply and service procurement.	Violators are subject to Sections 1-7 of the Alameda Municipal Code.	Residential food scrap collection program.	1) Vendor may charge a "take out fee" to customers to cover the cost difference of switching to an approved service ware product. 2) "Section 5. The City hereby finds and determines that this Ordinance is not subject to the requirements of the California Environmental Quality Act (CEQA). Specifically, the basis for the exemptions include, without limitation, the following (each providing a separate and independent basis and when viewed collectively providing an overall basis for an exemption): (1) CEQA Guidelines section 15061(b)(3); (2) CEQA Guidelines section 15378(a); (3) CEQA Guidelines section 15378(b)(2); (4) CEQA Guidelines section 15308; and (5) CEQA Guidelines section 15307.
Berkeley	Ord. 5888-N.S. (On file) Effective: 1/1/90	Food vendors, restaurants, City facilities / projects / events.	Polystyrene foam food packaging.	At least 50% of food packaging must be degradable or recyclable.	1) City Manager can issue an exemption if the ordinance's requirements impose an undue hardship or that no acceptable food packaging equivalent exists. A list of contacted supplies must be provided as documentation. 2) Food packaging purchased under contract entered prior to 9/22/87.	Violators are guilty of an infraction as defined in Chapter 1.20 of the Berkeley Municipal Code. City has the ability to inspect premises to verify compliance.	Commercial food waste collection program.	Ordinance is void upon enactment or adoption of any law or regulation restricting the use of plastic foams.
Calabasas	Ord. 2007-233 (On file) City-related Compliance: 7/1/07 Non-City Compliance: 3/31/08	Food vendors, restaurants, City facilities / projects / events and non-profit food providers.	Non-environmentally acceptable food packaging.	Degradable and recyclable food packaging.	Automatic exemptions: 1) Authorized emergency declarations. 2) City Manager makes determination of cases of non-environmentally acceptable food packaging. 3) Items purchased under contract requirements prior to the ordinance's adoption. 4) Items packaged outside the city.	Violators are subject to Calabasas Municipal Code sections 1.16.020(B), 8.18.040(B) and/or 1.16.010.	None	1) By 3/1/07 and the 1st business day of each calendar year, food vendors submit a signed certification acknowledging the requirements of the Ordinance and their intended compliance. A "2009 Compliance Certification Form" is available on the City's website. 2) Ordinance becomes void upon adoption of any state or federal law/regulation imposing the same limits on the use of prohibited products.
Capitola	Ord. No. 939 (On file) Effective 5/23/09	Food vendors, restaurants, City facilities / projects / events.	Polystyrene foam disposable food service ware. Includes foam coolers and ice chests.	Biodegradable / compostable disposable food service ware.	1) City Manager can grant exemptions when no suitable alternative exists. Applicant must submit application with documentation showing factual support of claimed exemption. Automatic exemptions: 2) Outside packaged / prepared food is exempt however purveyors are encouraged to follow the ordinance provisions. 3) Aluminum disposable service ware 4) Emergency supply and services procurement.	City Manager issues a written warning notice to the violator with a 3-month provision to conform to the ordinance. Ascending penalties are \$100 fine (1st violation after warning), \$200 fine (2nd violation after warning), and \$500 (3rd and future violations after warning). City has ability to enter premises to verify compliance.	None	1) A year after the Ord's effective date, City Manager to conduct a study on ban's effectiveness. 2) "Polystyrene Violations Complaint Form" available on City's website.

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Carmel	Ord. No. 89-14 (On file) Effective: 1989	Food vendors, restaurants, City facilities / projects / events.	CFC-processed or polystyrene foam food packaging.	At least 50% of food packaging must be degradable, recyclable or reuseable.	1) City Administrator may grant exemptions in cases where there are no acceptable non-CFC-processed food packaging or polystyrene foam equivalent and/or cases of undue hardship. No exceptions will allow the use of polystyrene. 2) Food packaging purchased under contract prior to 12/31/89.	City Administrator issues a written warning to violator who is granted 30 days to comply. Ascending penalties are \$100 (1st violation 30 days after 1st warning), \$200 (2nd violation 60 days after 1st warning), and \$500 (3rd violation 90 days after 1st warning and each additional 30 day period of non-compliance). Food providers who violate the ordinance in connection with commercial/non-commercial special events are assessed the following fines: \$200 (event of 1-200 persons), \$400 (event of 210-400 persons), \$600 (event of 401 -600 persons, and \$1,000 (event of 600 or more persons).	None	Monterey County Health Department, Environmental Health Division, prepared a Negative Declaration and Initial Study, pursuant to the CEQA requirements, to enact a proposed ordinance adding Chapter 10.42 to the Monterey County Code to Regulate and Limit the Use of Polystyrene Foam Food packaging by Food Providers in the unincorporated area of the County of Monterey. First reading of the ordinance was scheduled for March 16, 2010 and second reading on April 6, 2010.
Del Ray Oaks	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Californians Against Waste (CAW) website reports that in December 2009, City enacted an expanded polystyrene ban with the requirement that all takeout food packaging be recyclable or compostable.
Emeryville	Ord. No. 07-004 (On file) Effective 1/1/08	Food vendors, restaurants, City facilities / projects / events.	Polystyrene foam or non-ASTM-Standard compostable plastic.	Reusable items preferred, then biodegradable/compostable or recyclable disposable service ware.	1) City Manager may grant a one year exemption to those who demonstrate that no alternative exists or that application would cause undue hardship. Applicant can reapply for subsequent annual extensions on the basis of continued hardship. Automatic exemptions: 2) Outside packaged / prepared food is exempt however purveyors are encouraged to follow the ordinance provisions. 3) Reused coolers and ice chests.	City Manager issues a written warning notice. Ascending penalties are \$100 (1st violation), \$200 (2nd violation in same year), and \$400 (each subsequent violation in same year). Administrative hearings can be requested.	Existing residential and commercial organics recycling program	Included in ordinance: "Section 4: CEQA Determination. The City Council, finds, pursuant to Title 14 of the California Administrative Code, ' 15061(b)(3) and ' 15378(a), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. This action is further exempt from the definition of Project in ' 15378(b)(3) in that it concerns general policy and procedure making."
Fairfax	Ord. No. 623 Passed: 11/2/93	Restaurants, retail food vendors, Town facilities/ events / organizations	Polystyrene foam	Not specified	Town Manager may grant a one year exemption in cases of undue hardship (such as lack of available service ware alternatives or deprivation of a legally protected right.) Food packaging required to be purchased under contract entered prior to the effective date of the initiative measure is exempt.	Violators are subject to Chapter 1.08 of the Fairfax Town Code.	None	Provisions are null and void upon California statewide legislation or federal legislation incorporating the same or substantially similar provisions.

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Hercules	Ord No. 436 (On file) Effective: 6/13/08	Food vendors, restaurants, City facilities / projects / events and non-profit food providers.	Expanded polystyrene utensils.	Not specified	1) City Manager may grant a one year exemption in cases of undue hardship (such as lack of available service ware alternatives or deprivation of a legally protected right.) Automatic exemption: 2) Reused coolers and ice chests. 3) Food packaging required to be purchased under contract entered one year prior to the Ordinance's effective date. (Exemption applies up to a year from the ordinance's effective date).	1) City Manager issues a written warning notice that specifies the violation and appropriate penalties in the event of future violations. Ascending penalties are \$100 (1st violation following warning) and \$250 (2nd and subsequent violations following warning notice). 2) Facility rental agreements include clause in which the security deposit is forfeited upon determination of violation. 3) City has ability to inspect premises for compliance.	None	
Laguna Beach	Ordinance (On file) Effective 7/1/08	Same as above	Expanded polystyrene or non-recyclable plastic.	Recyclable food packaging.	1) City Manager (CM) may grant a one year exemption to those who demonstrate that no alternative exists or that application would cause undue hardship. CM may decided to approve the exemption in whole or part. Applicant may reapply for subsequent annual extentions on basis of continued hardship. Automatic exemptions: 2) Containers of raw meats, fish or poultry. 3) Situations of emergency supply and services procurement.	City Manager issues a written warning notice in the form of a Courtesy Citation (CC). \$100 for 1st violation following CC. \$200 for 2nd violation following CC. \$500 for 3rd and subsequent violation following CC.	None	Staff solicited input from the Environmental Committee, Chamber of Commerce, Visitors Bureau, and the California Restaurant Association. On April 23, 2007, the Environmental Committee conducted a public hearing, reviewed documents, testimony and other evidence and voted to recommend that City Council approve amendments to the Municipal Code. On November 20, 2007, City Council conducted a public hearing, reviewed all documents, testimony and other evidence.
City of Los Angeles	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Californians Against Waste (CAW) website reports that in July 2008, City enacted an expanded polystyrene ban in government facilities.
Malibu	Ord. No. 286 (On file) Effective 10/12/05	Food vendors, restaurants, City facilities / projects / events, food packagers and non-profit food providers.	Expanded polystyrene.	Not specified	1) City Council may grant a one year exemption based upon undue hardship. Automatic exemption: 2) Outside packaged food 3) Polystyrene cooler & ice chests. 4) Food packaging required to be purchased under contract entered one year prior to the ordinance's effective date. (Exemption applies up to one year from the ordinance's effective date).	1) Per MMC Chapter 1.16.010.B, \$100 (1st violation), \$200 (2nd violation within one year) and \$500 (each add. violation within one year). 2) City can inspect vendor's premises to verify compliance. 3) Facility rental agreements include clause in which the security deposit is forfeited upon determination of violation.	None	1) Original ban was refined several times based upon Council direction. Staff strongly cautions that any new policy will involve a refinement process. 2) Southern California Coastal Water Resource Project (SCCWRP) plans to conduct a 2-3 year study to monitor changes in polystyrene levels on Malibu beaches attributable to ban. 3) Los Angeles County Department of Beaches and Harbors to enforce compliance.

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Millbrae	Ord. No. 717 (On file) Effective 1/1/08	Food vendors, restaurants, City facilities / projects / events.	Foam or solid polystyrene disposable food service ware.	Disposable food service ware must be biodegradable, compostable, reusable, or recyclable.	1) City Manager may grant one year exemption to those who demonstrate that no alternative exists or that application would cause undue hardship. Applicant may reapply for subsequent annual extensions on basis of continued hardship. Automatic exemptions: 2) Outside prepared / packaged food is exempt however purveyors are encouraged to follow the ordinance provisions. 3) Reused coolers and ice chests.	City Manager issues warning notice. Per MMC Section 1.05.010, \$100 (1st violation post-warning), \$200 (2nd violation post-warning) and \$500 (3rd and future violations post-warning). Administrative hearings can be requested. City has the ability to enter premises to verify compliance.	County of San Mateo RecycleWorks Program allows residents to compost biodegradable, compostable, or food soiled paper takeout food ware	1) Food vendor can charge a take-out fee to cover the cost differential of switching to approved product. 2) "Section 3: CEQA Determination. Pursuant to Title 14 of the California Administrative Code, the City Council finds that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) for the following reasons: (1) under Section 15061 (b)(3), it is not a project which has the potential for causing a significant effect on the environment; (2) under Section 15308, it is an authorized action by an agency with regulatory authority for the purpose of assuring the maintenance, restoration, enhancement, or protection of the environment; (3) under Section 15378(a), it is not a project which has a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment; and (4) under Section 15378(b)3), it is an action that consists of continuing administrative or maintenance activities in the form of general policy and procedure making.
Monterey	Ord 3426 C.S. (On file) Effective: 8/16/09	Food providers, City facilities / projects / events. Outside businesses are subject to voluntary compliance.	Disposable food service ware that contains or utilizes polystyrene foam.	Biodegradable, compostable or recyclable disposable food service ware.	1) No exemptions which allow for the use of polystyrene foam disposable food service ware. 2) City Manager may grant a non-renewable, one year exemption based upon written documentation that this would be an undue hardship or unique circumstantial difficulty. 3) Outside prepared / packaged food is exempt however purveyors are encouraged to follow the ordinance provisions.	1st violation (written warning), 2nd violation (fines up to \$100. Violator may submit receipts demonstrating purchase of at least \$100 worth of biodegradable, compostable or recyclable products), 3rd violation (fine up to \$200), and 4th violation (fine up to \$500). Special events are fined as follows: \$200 (1-200 persons), \$400 (201-400 persons) and \$600 (401-600 persons), and \$1000 (600 or more persons).	None	City of Monterey completed a Negative Declaration dated October 21, 2008 which determined that the proposed project (banning polystyrene) could not have a significant effect on the environment.
Newport Beach	Ord #:2008-17 (On file) Effective: 10/28/08 Compliance: 6/1/09	Food vendors, restaurant, City facilities / projects / events.	Expanded polystyrene disposable food service ware.	Not specified	1) City Manager can grant a one year partial or whole exemption based upon economic hardship or lack of available service ware alternatives. Applicant may reapply for subsequent annual extension due to continued hardship. Automatic exceptions: 2) Outside prepared / packaged food. 3) Emergency supply and services procurement.	Violators will be subject to Section 1.04.010 and Chapter 1.05 of the Newport Beach Municipal Code.	None	
Oakland	Ord. No. 12747 (On file) Effective 1/1/07	Food vendors, restaurants, City facilities / projects / events.	Polystyrene foam disposable food service ware.	Reuse food service ware preferred, then biodegradable or compostable disposable food service ware.	1) City Administrator may grant an exemption if no suitable service ware alternative exists or in cases of undue hardship. Automatic exemptions: 2) Outside prepared / packaged food is exempt however purveyors are encouraged to follow the ordinance provisions. 3) Reused coolers and ice chests. 4) Aluminum disposable svc ware 5) Situations of emergency supply and svcs procurement.	City Administrator issues written warning notice. \$100 for 1st violation following warning. \$200 for 2nd violation following warning. \$500 for 3rd and subsequent violations following warning. Enforcement is complaint driven and enforced by City staff. Administrative hearings can be requested.	Commercial and residential food scraps collection program turns food packaging waste into compost.	1) City Administrator to conduct a study one year after the ordinance becomes effective. 2) Vendor may charge a "take out fee" to customers to cover the cost difference of switching to an approved service ware product. 3) On 5/10/06, public meeting was held to inform food vendors and community about the proposed ordinance and get feedback on how to make it more effective.

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Orange County	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Californians Against Waste (CAW) website reports that a government facility expanded polystyrene ban is in place in Orange County and cities of Aliso Viejo, Huntington Beach, Laguna Hills, Laguna Woods, San Clemente, San Juan Capistrano and Santa Margarita Water District.
Pacific Grove	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Californians Against Waste (CAW) report that the City's expanded polystyrene ban requires that all takeout food packaging be recyclable or compostable.
Palo Alto	Ord. No.5039 (On file) Effective date 6/11/09 Compliance date: 4/22/10	Food vendors, restaurants, City facilities / projects / events.	Expanded polystyrene or non-recyclable plastic.	Fiber or paper disposable food service container. Biodegradable or compostable plastic food service container.	1) Director of PW may grant a one year exemption to those who demonstrate undue hardship (such as lack of available service ware alternatives or deprivation of a legally protected right.) Applicant to submit factual documentation relevant to claimed exemption. Automatic exemptions: 2) Outside prepared / packaged food is exempt however purveyors are encouraged to follow the ordinance provisions. 3) Reused cooler and ice chests. 4) Situations of emergency supplies and svc procurement.	Violators are guilty of an infraction as defined in Chapter 1.08 of the Palo Alto Municipal Code "Infraction. Any person convicted of an infraction for a violation of this code, as expressly provided herein or specified by state law, shall be punished by a fine not exceeding \$250.00."	None	1) On 1/12/09, Palo Alto Recycling Center stopped accepting expanded polystyrene peanuts and expanded polystyrene blocks due to ongoing logistical and quality control challenges and minimal recycling market. All expanded polystyrene material is landfilled. 2) Preemption clause states that ordinance and provisions are null & void upon adoption of any state or federal law/regulation imposing the same limits on the prohibited products. 3) Section 3 of the ordinance states that an environmental review per CEQA Guidelines confirmed that the ban did not have the potential to result in a significant impact on the environment. A Negative Declaration was prepared, made available for public review from 8/29/08 through 9/17/08. 4) Palo Alto conducted an Initial Study (IS) and Draft Negative Declaration (DND) according to CEQA requirements (see attached). Although the original environmental analysis (DND and IS) included banning all polystyrene food containers, the scope of the proposed draft Ordinance was modified to a ban on Expanded Polystyrene (foam), but not Oriented Polystyrene (clear or plastic) containers. Project's scope and impact is less.
Pittsburg	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Californians Against Waste (CAW) report that 50% of takeout food packaging be recyclable or compostable.
Richmond	Ord 37-09 N.S. (On file) Effective: 7/1/10	Food vendors, restaurant, City facilities / projects / events.	Expanded polystyrene disposable food ware.	Biodegradable and compostable food ware.	1) Outside prepared / packaged food is exempt however purveyors are encouraged to follow the ordinance provisions. 2) Reused coolers and ice chests. 3) Aluminum disposable svc ware 4) Emergency supply and svcs procurement.	City Manager issues a warning notice. Continued violations are subject to sections 1.04.100 and Chapter 2.62 of the Richmond Municipal Code.	Commercial green waste program	Vendor may charge a "take out fee" to customers to cover the cost difference of switching to an approved service ware product.
San Bruno	Ordinance (On file) Effective: 4/1/10	Food vendors, City facilities / projects / events.	Polystyrene disposable food service containers.	Biodegradable, compostable, reusable / recyclable food service ware.	1) City Manager (CM) may grant one year exemption in cases which demonstrate that no alternative exists or that application would cause undue hardship. Applicant may reapply for subsequent annual extention on basis of continued hardship. Automatic exceptions: 2) Outside prepared / packaged food is exempt however purveyors are encouraged to follow the ordinance provisions. 3) Reused coolers and ice chests.	City Manager issues a written warning. Ascending penalties are \$100 (1st violation after warning), \$200 (2nd violation after warning), \$500 (3rd and subsequent violation after warning). City may enter vendor's premises to verify compliance.	None	1) City-related facilities/concessions/events allowed to use up existing supply of polystyrene disposable svc ware. 2) Section 3 of the Ordinance states that the City has determined that this Ordinance is not a "project" for purposes of CEQA, as that term is defined in CEQA Guidelines Section 15378. Because it is not a "project," this Ordinance is not subject to CEQA's requirements. Further, even if this Ordinance is deemed a "project" and therefore subject to CEQA, the Ordinance is exempt for the following reasons: (1) under CEQA Guidelines Section 15061(b)(3), it is not a project which has the potential for causing a significant effect on the environment; and (2) under CEQA Guidelines Section 15308, it is an maintenance, restoration enhancement, or protection of the environment." 3) Notice of CEQA Exemption Form has been made available on the City's website.

ATTACHMENT 2: POLYSTYRENE ORDINANCE

City	Polystyrene* Ordinance	Affected Businesses / Organizations	Banned Food Service Ware	Preferred Food Service Ware (ASTM**)	Exemptions	Violation Procedure	Organic Recycling Programs / Services	Notes
San Francisco	Ordinance 295-06 (On file) Effective: 6/1/07	Food vendors, restaurants, City facilities / projects / events.	Disposable food svc. ware containing polystyrene foam. This does NOT include aluminum items or reused coolers and ice chests.	Biodegradable / compostable or recyclable food service ware.	City Administrator may grant an annual exception based upon undue hardship or unique circumstantial difficulty.	City Administrator issues written violation warnings to violators of sections 1603(a) or 1604(b). Continued violations are subject to: a) Infraction which is punishable by a \$100 fine (1st violation), \$200 (2nd violation in same year) and \$250 (each subsequent violation in same year). b) Administrative civil liability citation of \$100 (1st liquidated damage), \$200 (2nd LD in same year) and \$500 for subsequent LDs in same year. c) City Attorney may seek civil penalties of \$100 (1st violation), \$200 (2nd violation) and \$250 (subsequent violation in any given year). Administrative hearings can be requested. Any resulting penalty decision can be contested in Superior Court within 20 days after svc of City's decision.	Existing residential food scrap and commercial compost collection program.	1. In 1988, the SF Board of Supervisors adopted Ord. 542-88 (Health Code Section 469-469.10) which banned the use of food packaging and plastic food service ware made with chlorofluorocarbons (CFC) with the stipulation that it would be void upon enactment/adoption of state or federal law imposing limits on the use of CFC's in the manufacture of plastic foams. Effective 1994, the federal gvmt banned the use of CFCs in the manufacture of foam products making SF's 1988 ordinance void. 2) By 6/1/08, City staff to submit a report to the Board of Supervisors recommending changes, if any, to this ordinance (i.e. banning additional products).
San Mateo County	Ordinance (On file) Effective: 7/1/08	County facilities or associated food providers.	Non-recyclable plastic (which includes polystyrene) disposable food service ware.	Biodegradable, compostable, reusable, or recyclable plastic food service ware.	County Manager or Board of Supervisors approves waivers. Waivers may be granted due to: a) In response to an emergency, b) No compliant contractors are capable of providing goods/services that meet County's requirements c) No suitable alternative exists and imposing the Ordinance would cause economic hardship.	Not specified	Commercial food waste and composting program.	
Santa Cruz County	Ord. No. 4920 (On file) Effective: 10/8/08	Retail food establishment County facilities / contractors.	Disposable food service ware and non-food packaging may not contain polystyrene.	Biodegradable / compostable or recyclable product.	1) No exemptions which allow for the use of polystyrene foam disposable food service ware. 2) City Manager may grant a renewable, annual exemption based upon written documentation that this would be an undue hardship or unique circumstantial difficulty. 3) Outside prepared / packaged food is exempt however purveyors are encouraged to follow the ordinance provisions. 4) Reused ice chests and coolers.	City Manager issues a written warning to violator who is granted 30 days to comply. Ascending penalties are \$100 (1st violation 30 days after 1st warning), \$200 (2nd violation 60 days after 1st warning), and \$500 (3rd violation 90 days after 1st warning and each additional 30 day period of non-compliance). Food providers who violate the ordinance in connection with commercial/non-commercial special events are assessed the following fines: \$200 (event of 1-200 persons), \$400 (event of 210-400 persons), \$600 (event of 401 -600 persons, and \$1,000 (event of 600 or mre persons).	None	County contract / leases include a provision in which a breach will result in \$100 (1st liquidated damage), \$200 (2nd LD in same year) and \$500 for subsequent LDs in same year.

ATTACHMENT 2: POLYSTYRENE ORDINANCE

City	Polystyrene* Ordinance	Affected Businesses / Organizations	Banned Food Service Ware	Preferred Food Service Ware (ASTM**)	Exemptions	Violation Procedure	Organic Recycling Programs / Services	Notes
Santa Monica	Ord No. 2216 (On file) City-related Compliance: 2/9/07 Non-City Compliance: 2/9/08	Food providers, City facilities / projects / events.	Expanded polystyrene or non-recyclable plastic.	Not specified	Director of Environmental and Public Works Management Dept (EPWM) can grant a one year partial or whole exemption based upon economic hardship or lack of available service ware alternatives. Applicant may reapply for subsequent annual extension on basis of continued hardship.	Director of EPWM issues a written warning notice. Ascending penalties are \$100 (1st violation after warning) and \$250 fine (2nd and future violations after warning). City has ability to inspect premises to verify compliance.	Commercial food waste (F.O.G. only) collection program.	"Non-Recyclable Food Service Container Report" has been made available on City's website.
Scotts Valley	Ord. No. 182 (On file) Effective: 6/17/09	Food providers, City facilities / projects / events.	Polystyrene foam disposable food service ware.	Biodegradable, compostable or recyclable disposable food service ware.	1) No exemptions which allow for the use of polystyrene foam disposable food service ware. 2) City Manager may grant a renewable, one year exemption based upon written documentation that this would be an undue hardship or unique circumstantial difficulty. 3) Outside prepared / packaged food is exempt however purveyors are encouraged to follow the ordinance provisions. 4) Reused ice chests and coolers.	City Manager issues a written warning to violator who is granted 30 days to comply. Ascending penalties are \$100 (1st violation 30 days after 1st warning), \$200 (2nd violation 60 days after 1st warning), and \$500 (3rd violation 90 days after 1st warning and each additional 30 day period of non-compliance).	Not specified	1) City may charge a "take out" fee to cover the cost difference by switching to approved, disposable service ware. 2) City contract / leases / rental agreements include a provision in which a breach will result in \$100 (1st liquidated damage), \$200 (2nd LD in same year) and \$500 for subsequent LDs in same year.
Seaside	Ord. No. 985 (On file) Effective: 8/4/10	Not specified	Polystyrene food service ware.	Biodegradable takeout packaging.	Not specified	Not specified	Not specified	
Sonoma County	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Californians Against Waste (CAW) report that there is a expanded polystyrene ban in government facilities.
South San Francisco	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Californians Against Waste (CAW) report that the City's polystyrene ban requires that all takeout food packaging be recyclable or compostable.
Ventura County	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Information unavailable	Californians Against Waste (CAW) report that there is a expanded polystyrene ban in government facilities.

*Polystyrene Foam" means and includes blown polystyrene and expanded and extruded foams (sometimes called Styrofoam, a Dow Chemical Co. trademarked form of polystyrene foam insulation) which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene).

**American Standard for Testing and Material (ASTM) International Standards D6400 or D6868 for biodegradable and compostable plastics.



MEMORANDUM

Engineering Division

To: Recycling and Source Reduction Advisory Commission (RSRAC)
Through: Kathleen Phalen, Utility Engineer *KP*
From: Elizabeth Koo, Administrative Analyst *ek*
Subject: Summary of Green Cities California Master Environmental Assessment
Date: April 19, 2010

This memorandum provides a brief overview of the Master Environmental Assessment (MEA) released by Green Cities California (GCC) on the subject of single-use, or disposable grocery shopping bags. The information provided by the MEA can be used to understand the impact of policy actions such as imposition of fees or bans.

BACKGROUND

Green Cities California (GCC) is a coalition of twelve local jurisdictions working collaboratively on sustainable policies and programs. GCC prepared and released a specialized Master Environmental Assessment (MEA) for public review on March 8, 2010. The MEA summarizes the existing studies on the environmental impacts of single-use plastic, paper, compostable and reusable bags, as well as the impacts of policy options such as fees and bans on bags. The centralized information is intended to assist jurisdictions in determining the significance of actions that they may take to cut back on the use of single-use grocery bags.

While the MEA can be used by local governments in the preparation of Environmental Impact Reports (EIRs), it does not qualify as an independent CEQA analysis because it does not reach conclusions regarding local significance nor propose either mitigation measures or alternatives. Nevertheless, the MEA is a useful reference for understanding the impacts of restricting the use of single-use grocery bags.

DISCUSSION

The MEA presents centralized information on single-use and reusable grocery bags. The four general types of bags are characterized as follows:

1) Single-use plastic bags:

- The life-cycle of plastic bags begins with the conversion of crude oil or natural gas into hydrocarbon monomers, which are further processed into polymers and

then plastic resins which have an unclear degradation process and are an environmental concern as a marine life food hazard;

- Plastics (all types) are almost 10% of California's waste stream, while plastic grocery bags are 1.3% of the plastic waste stream;
- Upon discard, 5% are recycled, 14% are incinerated, and 81% are landfilled;
- The thin-film plastic bag material can be recycled at some facilities, although recycling rates are very low and contamination in general recycling streams causes recycling machinery malfunctions;
- Concerns regarding negative environmental and aesthetic impacts have prompted bans in some communities.

2) Single-Use Biodegradable bags:

- Biodegradable bags are typically made from synthetic or biologically produced polyesters that are designed to degrade via natural processes (i.e., fungi, algae and bacteria metabolic decomposition);
- Life cycle assessment studies show that post-use options include: reuse, recycling, landfill or composting;
- Decomposition takes months or years, even in ideal composting environments, and does occur in dry, anaerobic landfill conditions;
- Not all recycling facilities can process biodegradable bags and they cannot be recycled with other plastic bags.

3) Single-use paper bags:

- Paper bags have a larger carrying capacity than plastic bags and the recycled paper content allows for end-of-life recycling;
- Life cycle assessment studies show that post-use options include: reuse, landfill disposal, litter, composting or recycling;
- Paper products make up 17% of California's disposal waste stream while paper bags account for 2.5% of the paper waste stream;
- Upon discard, 21% are recycled, 14% are incinerated, and 65% are landfilled;
- Paper bag may have a greater impact on environment than single-use plastic bags due to larger resource requirements for production and transport.

4) Reusable Bags

- Reusable bags can be made from various materials including polyethylene, plastic and polypropylene plastics, multiple types of cloth and recycled plastic beverage containers;
- Due to their larger size and weight, they require more materials for manufacturing than disposable bags;

- May yield the best environmental option over the full life cycle of the bags if they are frequently reused.

The MEA highlights areas of potential environmental concerns arising from the use of grocery bags. The areas include:

- 1) Aesthetics: When improperly disposed, grocery bags contribute to the visual effects of litter. Each type of bag poses a different visible impact.
 - Plastic bags: High visibility and inability to decompose.
 - Biodegradable bags: May pose more of a substantial litter risk than plastic bags because they are more likely to be discarded due to the belief that they biodegrade readily. In reality, achieving ideal degradation conditions are difficult and additionally, recycling facilities are not set up to handle both degradable and regular plastic bag materials in the same processing stream.
 - Paper bags: Pose less of a litter risk because their biodegradability, weight and recyclability.
 - Reusable bags: Produced in smaller quantities than plastic bags and purchased by consumers for multiple uses. Because of their durability and monetary value, they are less likely to be discarded after use.
- 2) Air Quality: Grocery bag manufacturing, transport and disposal result in greenhouse gas emissions among other undesirable environmental changes (such as atmospheric acidification and ground level ozone formation). As an example, a switch to reusable bags is predicted to result in decreased transport-related emissions due to less bag manufacturing and collection at disposal. However, a switch from plastic to paper may result in short-term increase in transportation because plastic bags have a significantly lower volume than paper or reusable bags.
- 3) Biological Resources: Grocery bags can have a direct effect on wildlife:
 - Plastic bags: Enter the biological environment as litter, which can adversely affect terrestrial animal species, birds, and marine species that ingest the plastic bags (or residue of plastic bags) or become entangled with the bag itself.
 - Paper bags: Are also released into the environment as litter. Generally have less impact on wildlife because they are not as resistant to breakdown as plastic (therefore less risk of entanglement and less harmful if ingested.)
 - Reusable bags: Unlikely to become litter since bags are designed to be reused.
- 4) Hydrology/Water Consumption/Water Quality: Grocery bag disposal can adversely affect local hydrology. Plastic bag litter can adversely affect water quality (i.e. contamination), create negative health impacts for freshwater and marine organisms, and block waterways resulting in changes in waterflow to surrounding areas. Additionally, bag manufacturing uses substantial amounts of water.

- 5) Mineral Resources: Fossil fuel is significant in grocery bag production. One of the main benefits of biodegradable bags (which are composed of starched-based polymers) is the potential for lower consumption of non-renewable resources due to greater dependence on renewable resources such as crops.
- 6) Public Services: Disposable grocery bags contribute to litter and can contaminate composting and recycling efforts as well as result in substantial costs (i.e. processing/composting contamination costs, collection and disposal costs, street cleaning costs and future landfill liability costs) for communities.
- 7) Recreation: Contamination of recreational areas such beaches, parks, and playgrounds can have a negative impact. For example, the combination of physical contamination of the beach area and perceived lower quality of coastal waters may negatively impact beach use and recreation.
- 8) Utility/Energy/Service Systems: Important from a broad perspective because the energy associated with production and disposal of each bag type varies substantially. However, because the energy needs are dependent on fuel sources, material components, technology and locations (including transport), there is little direct impact.

The MEA found that usage of grocery bags can be influenced by economic instruments (i.e., fees, taxes, rebates), regulations (i.e., bans) or social marketing campaigns (i.e., education). These different mechanisms have been implemented worldwide with varying effectiveness. The MEA noted that the lessons applicable to California concern the connection between fees and a customer's behavior change. For example, fees can be introduced upstream (to producers, etc.) or downstream (to consumers). Although the former are easier to implement, they are less effective at reducing plastic bag consumption, as they do not directly address consumer behavior. Fees that are directly passed onto consumer have been effective at altering behavior. Additionally, bans are ideally evaluated in a local context since variables such as demographics and economic and social environments can have a strong effect on how consumers respond to bans.

The MEA concluded with the observation that proposed bans have resulted in legal challenges over their potential environmental effects and therefore have not been implemented. Any consideration of a ban should receive careful deliberation.

HF&H Consultants Legislative Update (April 2010)

Solid Waste & Diversion		
Bill	Status	Overview
AB 479	Two-year Bill Amended 8/17/09 Senate Appropriations Committee	<p>This bill requires that on January 1, 2020, and annually thereafter, CalRecycle ensures 75% of all solid waste generated is source reduced, recycled or composted. It also requires that by January 1, 2011, all jurisdictions implement a commercial recycling program and any owner or operator of a business that contracts for solid waste services and generates more than four cubic yards of material per week arrange for recycling services. This bill would require CalRecycle to review a jurisdiction's compliance with this bill as part of the AB 939 compliance review process. This bill changes the submission date of jurisdictions' AB 939 annual report from September 1 to May 1.</p> <p>Organization Positions:</p> <ul style="list-style-type: none"> • CAW (Californians Against Waste): Support • SWANA: Oppose • Los Angeles County Task Force: Oppose • CSAC (California State Association of Counties): Oppose • League of California Cities: Neutral
AB 737	Amended 9/4/09 Senate Appropriations Committee	<p>This bill would require CalRecycle to adopt programs to increase statewide diversion to 75% by 2020. This bill also requires that jurisdictions implement commercial recycling programs by January 1, 2011.</p> <p>Organization Positions:</p> <ul style="list-style-type: none"> • CAW: Support • SWANA: Oppose • Los Angeles County Task Force: Oppose • CSAC: • League of California Cities: Watch
SB 25	Amended 5/28/2009 Assembly Natural Resources Committee	<p>This bill would require CalRecycle to develop a strategic and comprehensive plan to achieve a 60% and 75% diversion rate from landfill disposal or transformation. Fees paid by disposal facilities would be increased from \$1.40 to \$2.13 per ton on January 1, 2012. This bill would provide grants and loans to public agencies to fund illegal dumping prevention programs. This bill would require every jurisdiction with a population of 200,000 or more to adopt a commercial recycling ordinance.</p> <p>Organization Positions:</p> <ul style="list-style-type: none"> • CAW: Support • SWANA: Oppose • Los Angeles County Task Force: Oppose • CSAC: Oppose • League of California Cities: Pending

HF&H Consultants Legislative Update (April 2010)

Plastic Bag Bills		
Bill	Status	Overview
AB 903	Amended 8/17/2009 Senate Appropriations Committee	<p>This bill would require a manufacturer of compostable plastic bags to ensure that these bags are readily identifiable from other plastic bags.</p> <p>Organization Positions:</p> <ul style="list-style-type: none"> • CAW: Support • SWANA: Watch • Los Angeles County Task Force: • CSAC: • League of California Cities: Watch
AB 1998	Introduced 2/17/2010 Assembly Natural Resources Committee	<p>This bill would require a store, on and after July 1, 2011, to either make reusable bags available for purchase or provide paper carryout bags subject to a \$0.25 fee.</p> <p>Organization Positions:</p> <ul style="list-style-type: none"> • CAW: Support • SWANA: • Los Angeles County Task Force: • CSAC: • League of California Cities: Watch
AB 2138	Introduced 2/18/2010 Assembly Natural Resources Committee	<p>This bill would prohibit a food provider, on and after July 1, 2013, from distributing disposable food containers or single-use plastics which have not been determined to meet a specified composting or recycling criteria.</p> <p>Organization Positions:</p> <ul style="list-style-type: none"> • CAW: Support • SWANA: • Los Angeles County Task Force: • CSAC: • League of California Cities: Support in concept
SB 228	Amended 1/25/2010 Assembly Natural Resources Committee	<p>Correspondences with AB 903. This bill prohibits compostable plastic bags from displaying a chasing arrow sign or recycling type symbol of any kind.</p> <p>Organization Positions:</p> <ul style="list-style-type: none"> • CAW: • SWANA: Pending review • Los Angeles County Task Force: • CSAC: • League of California Cities:

HF&H Consultants Legislative Update (April 2010)

Grants and Loans		
Bill	Status	Overview
AB 7	Signed by Governor	Reinstates funding for recycling centers and programs under the California Bottle Bill. This bill also prevents further cuts to recyclers, local governments, conservation corps and other components of the state's Bottle Bill.
AB 983	Amended 9/9/2009 Senate Environmental Quality Committee	<p>This bill increases the amount for grants to certified community conservation corps for beverage container litter reduction/prevention and recycling programs.</p> <p>Organization Positions:</p> <ul style="list-style-type: none"> • CAW: • SWANA: • Los Angeles County Task Force: • CSAC: Support if amended • League of California Cities: Pending
Product Stewardship		
Bill	Status	Overview
AB 1343	Amended 7/13/2009 Held at Senate Appropriations Committee	<p>This bill would require architectural paint manufacturers to develop and implement strategies to promote the reuse, and manage the end-of-life impact of post-consumer paint.</p> <p>Organization Positions:</p> <ul style="list-style-type: none"> • CAW: Support • SWANA: Support • Los Angeles County Task Force: Support • CSAC: Support • League of California Cities: Support
AB 2139	Introduced 2/18/2010	<p>This bill would create the California Product Stewardship Act and defines a "covered product" as including sharps, residential pesticide containers, personal use propane tanks, butane lighters, and single-use packaging. This bill would require CalRecycle to establish baseline collection rates for covered products by July 1, 2011.</p> <p>Organization Positions:</p> <ul style="list-style-type: none"> • CAW: Support • SWANA: • Los Angeles County Task Force: • CSAC: • League of California Cities: Support

HF&H Consultants Legislative Update (April 2010)

Product Stewardship (Continued)		
Bill	Status	Overview
AB 2176	Introduced 2/19/2010 Assembly Desk	<p>This bill requires producers of mercury containing lamps to participate in a product stewardship program, under a plan approved by CalRecycle, and requires a fee on non-mercury containing lamps.</p> <p>Organization Positions:</p> <ul style="list-style-type: none"> • CAW: Support • SWANA: • Los Angeles County Task Force: • CSAC: • League of California Cities: Watch
AB 2398	Introduced 2/19/2010 Assembly Desk	<p>This bill requires carpet producers to participate in a product stewardship program, under a plan approved by CalRecycle.</p> <p>Organization Positions:</p> <ul style="list-style-type: none"> • CAW: Support • SWANA: • Los Angeles County Task Force: • CSAC: • League of California Cities: Watch
SB 1100	Introduced 2/17/2010 Senate Environmental Quality Committee	<p>This bill would require household battery manufacturers to submit and implement a stewardship plan approved by the Department of Toxic Substances Control. This bill also requires battery manufacturers to meet annual recycling goals and report data to the Department of Resources, Recycling and Recovery.</p> <p>Organization Positions:</p> <ul style="list-style-type: none"> • CAW: Support • SWANA: • Los Angeles County Task Force: • CSAC: Support • League of California Cities: Support

HF&H Consultants Legislative Update (April 2010)

Greenhouse Gas Bills		
Bill	Status	Overview
AB 478	Amended 7/16/2009 Senate Appropriations Committee	<p>This bill would require CalRecycle to consult with the ARB prior to adopting rules and regulations relating to solid waste and recycling management to reduce greenhouse gas emissions.</p> <p>Organization Positions:</p> <ul style="list-style-type: none"> • CAW: Support • SWANA: Oppose • Los Angeles County Task Force: Oppose • CSAC: Watch • League of California Cities: Watch