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CALIFORNIA



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October 12, 2011

City Council
Room 395
City Hall

#1 BOS
(of 9/16/11)

Subject: ADOPTION OF POLICY TO BAN SINGLE-USE BAGS IN THE CITY OF LOS ANGELES

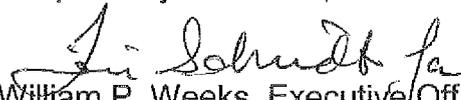
As recommended in the accompanying report of the Director of the Bureau of Sanitation, which this Board has adopted, and as requested by the Mayor's Office, the Board of Public Works hereby forwards for City Council approval the recommendation that your Honorable Body:

1. Adopt a Citywide policy to ban single-use carryout bags in specified retailers, and require retailers to provide reusable bags to customers for sale or at no charge;
2. Approve staff positions for implementation of the single-use bag ban;
3. Request the City Attorney's Office to draft an ordinance banning all single-use carryout bags from specified retailers.

FISCAL IMPACT

Funding for the CEQA process will be provided by the Citywide Recycling Trust Fund (CRTF), fund 46D. Available Bureau funding sources do not have the ongoing available funds to sustain this program and necessary staff over the long term, or their use for this project is not appropriate.

Respectfully submitted,


William P. Weeks, Executive Officer
Board of Public Works

WPW/TS:mp

cc: Mayor Antonio R. Villaraigosa
Attn: Pamela Finley



"Policy"

AS AMENDED
ADOPTED BY THE BOARD
PUBLIC WORKS OF THE CITY
of Los Angeles California
AND REFERRED TO THE MAYOR
OCT 12 2011

REVISED 10-06-2011

DEPARTMENT OF PUBLIC WORKS
BUREAU OF SANITATION
BOARD REPORT NO. 1
SEPTEMBER 16, 2011


Executive Officer

CD: ALL

ADOPTION OF POLICY TO BAN SINGLE-USE BAGS IN THE CITY OF LOS ANGELES

RECOMMENDATIONS

That the Board:

- * 1. Direct the Bureau to begin the California Environmental Quality Act (CEQA) environmental review process;
- * 2. Request the Bureau to report back on the progress of the CEQA analysis within 90 days of the Board's approval of this report; and
- 3. Approve and forward this report to the Mayor and City Council with a request to:
 - a. Adopt a Citywide policy to ban single-use carryout bags in specified retailers, and require retailers to provide reusable bags to customers for sale or at no charge;
 - b. Approve staff positions for implementation of the single-use bag ban;
 - c. Request the City Attorney's Office to draft an ordinance banning all single-use carryout bags from specified retailers.

TRANSMITTALS

- 1. Motions, Council File #10-2362, Council File #11-1531
- 2. Draft City of Los Angeles Single-Use Bag Ban Ordinance
- 3. HDR Recommendations for CEQA Documentation for City of Los Angeles Single-Use Carryout Bag Ban Ordinance
- 4. Plastic Bag Ban Ordinances from:
 - A. County of Los Angeles
 - B. City of San Francisco
 - C. City of San Jose
 - D. City of Santa Monica
- 5. Educational Outreach Materials:
 - A. Earth Day Bag Giveaway 2009 Press Release
 - B. A Day Without a Bag 2009 Press Release
 - C. Bring Your Bag Wednesday Flyer
 - D. Reusable Bag Retailer Incentives
 - E. Bring Your Bag Flyer for City Hall Farmers Market
 - F. Reusable Bag Giveaway Events

DISCUSSION

The City of Los Angeles has examined the issue of plastic bag litter since 2004, when a Reyes-Perry motion directed the Bureau of Sanitation (Bureau) and other partners to create a Los Angeles River Plastics Industry Task Force to combat the amount of discarded single-use plastic bags reaching the City's waterways. Litter from plastic bags impact roadways, waterways, neighborhoods, and parks in Los Angeles, creating visual blight and reducing property values. Animals can ingest or become tangled in plastic debris, becoming unable to eat, or move. This Task Force created a report which was adopted by the Mayor and City Council in 2005, which called for an 'Adopt-a-River' program to clean up litter, and an anti-litter education program.

The City of Los Angeles manages a comprehensive recycling program that annually collects over 240,000 tons of recyclables and 480,000 tons of yard trimmings from single family residence and multifamily of four units or less. The City had achieved a diversion rate of 65% from landfills with the help of recycling programs such as backyard composting; apartment and multi-family recycling; commercial and office recycling; LAUSD school recycling; construction and demolition recycling; restaurant food waste recycling; and used tire recycling. Paper and plastic bags, along with plastic wrap, are being recycled in the residential and multifamily blue bin programs. Since 2007, the City of Los Angeles has worked with supermarkets to provide bins for customers to recycle their plastic bags. The Bureau has also participated in many outreach activities and events including Earth Day, Day Without a Bag, and America Recycles Day, and has distributed over 250,000 reusable bags in the last five years to assist the public in moving from single-use carryout bags.

In response to a Reyes-Smith motion in January 2008, the Bureau brought forward a report which was adopted by the City Council in July 2008. Along with a ban on the use of expanded polystyrene by City Departments, the following policy statement to ban single-use plastic carryout bags was adopted:

"Adopt a citywide policy banning the use of plastic carryout bags at all supermarkets and retail establishments beginning January 1, 2010, if a fee has not been established by that time; and imposing a point of sale fee on all other single-use bags, such as paper or compostable bags, if a fee or tax for their use has not been adopted by that date."

It is estimated that 1.2 to 2.3 billion single-use plastic carryout bags and 400 million single-use paper bags are used annually in the City. These bags become a major component of litter on streets and in waterways. In previous reports, the State of California has estimated that less than 5 percent of plastic bags and approximately 21 percent of single-use paper bags are recycled State wide.

AB2449 requires that the following stores implement a recycling program for single-use plastic bags: 1) A retail establishment that has over 10,000 square feet of retail space that generates sales tax and has a licensed pharmacy, and 2) A supermarket that has a full-line, self-service, retail store with gross annual sales of \$2 million or more and which sells a line of dry groceries, canned goods, non-food items, or perishable goods. Also under AB2449, reusable bags are required to be offered for sale, if there are minimum durability standards for a bag to be termed reusable.

In 2009, these stores reported to CalRecycle the purchase of 53,000 tons of single use plastic bags, but only 1,500 tons were collected at the stores and were recycled, a rate of 3%. In FY 2010-2011, the Bureau multi-faceted recycling program, (Single family, multi family, apartment and in-store recycling, etc) recycled an estimated 379 million single use plastic bags distributed in the City. While this is higher than the State average, the unrecycled single use bags remain a major component of litter on streets and in waterways.

The City of Los Angeles is prohibited by state law AB 2449 from placing a point of sale fee on single-use plastic bags, therefore the actions taken by communities around the state have been to ban single-use plastic bags, and place a store charge on the sale of single-use paper bags. The State of California, despite having a number of bills introduced which would either place a fee or implement a ban of single-use plastic bags, has not been successful in creating a statewide program to address this issue.

On September 6, 2011, the City Council introduced a motion (Koretz-Krekorian) which directed the Bureau to begin environmental review and return with an implementation plan for a single-use bag ban which includes not only plastic bags, but also paper and other materials used for these products.

Through recent studies, both single-use paper bags and single-use biodegradable bags have been found to have greater greenhouse gas (GHG) emissions through their production and use than a single-use plastic bag. Reusable bags, even when only used 10 times, generate much less emissions.

Therefore, the Bureau considers a consumer's change from single-use plastic to single-use paper bags to be a less favorable option than to require reusable bags only in retail stores, and is recommending that all carryout bags from designated stores be reusable only, with no carryout bags allowed that do not meet strict reusable performance standards. A produce or product bag, made without handles and intended to carry meats, produce, or other items inside the store to prevent them from coming into contact with other items, should still be allowed for use.

PLASTIC BAG BANS IN CALIFORNIA

There are a number of municipalities in California that have passed single-use plastic bag bans, including the cities of San Francisco, Fairfax, and Malibu. These bans were not legally challenged, but when the cities of Oakland, Manhattan Beach, and Marin County implemented single-use bag bans, their actions were challenged on the basis of inadequate CEQA review for the action and policy. In these cases, courts directed the jurisdictions to prepare a full Environmental Impact Report (EIR) to examine the proposed program and its potential for significant impacts. The County of Los Angeles and the cities of San Jose and Santa Monica all prepared EIR's and have passed single-use plastic bag bans. Manhattan Beach took the decision to prepare an EIR to the California State Supreme Court, which decided that, due to the small impact of this policy decision, that a ban in Manhattan Beach did not warrant an EIR. No other community has adopted a single-use carryout ban that includes all product types, such as paper, plastic, compostable, and biodegradable.

Manhattan Beach

In July 2008, the City of Manhattan Beach adopted a plastic bag ban ordinance and negative declaration. Save the Plastic Bag Coalition challenged it on the basis of inadequate CEQA review. The court ruled in favor of Save the Plastic Bag Coalition disallowing the ordinance and directed the City of Manhattan Beach to prepare an EIR. The City of Manhattan Beach appealed their case, and on July 14, 2011, the California Supreme Court sided with Manhattan Beach allowing the plastic bag ban to go forward without going through a lengthy environmental documentation process. The court quoted that "substantial evidence and common sense" show that the ban would not harm the environment significantly because of the small population size and number of retailers in Manhattan Beach. The Court also stated "the analysis would be different for a ban on plastic bags by a larger governmental body, which might precipitate a significant increase in paper bag consumption." In footnote 10 of the Court Opinion, it stated that other levels of government will need to conduct "an appropriately comprehensive environmental review."

Santa Clara County

On April 26, 2011, the County of Santa Clara approved the ordinance prohibiting the distribution of single-use carryout plastic bags by preparing an Initial Study and adopting a Negative Declaration. Retailers can sell customers single-use paper bags that are 100 percent recyclable and contain a minimum of 40 percent post-consumer waste at a cost of 15 cents each. The ordinance would go into effect on January 1, 2012.

West Hollywood

On February 22, 2011, the West Hollywood council passed a motion to begin the process of compiling EIR data for a draft ordinance to ban plastic bags.

Santa Monica

On February 8, 2011, Santa Monica's City Council unanimously voted to certify the EIR and adopted an ordinance to prohibit all retail establishments in Santa Monica from providing "single-use plastic carryout bags" to customers and allow charging not less than ten cents per each "paper carryout bag." The paper carryout bags must be made from 100% recycled material with a 40% post-consumer recycled content. The ordinance exempts restaurants and other food service providers. Without any legal challenge, the single-use plastic carryout bag ban ordinance took effect on March 9, 2011. The City of Santa Monica began enforcing the ban September 1, 2011, allowing stores a six-month grace period to get the word out and use their existing stock of paper and plastic bags.

Calabasas

On February 1, 2011, the Calabasas City Council unanimously (5-0) voted in favor of the plastic bag ban ordinance. The City of Calabasas relied on the EIR certified by the Los Angeles County and prepared the ordinance exactly the same as Los Angeles County's. On the second reading on February 9, 2011, the Calabasas City Council unanimously approved and adopted a plastic bag ban ordinance. The ordinance became effective on July 1, 2011 for major supermarkets, and will take effect on January 1, 2012 for all other stores.

Santa Barbara

On February 1, 2011, the Santa Barbara City Council referred to the Ordinance Committee consideration of four options for reducing the distribution of single-use bags throughout the City; adopt an ordinance to prohibit the distribution of single-use plastic bags, mandate that stores participate in a "Where's Your Bag" campaign, put a "Ban the Bag" measure on the ballot, or take no action. On April 19, 2011, the Ordinance Committee voted 2-1 to take no further action on the issue.

Marin County

The Marin County claimed a categorical exemption to CEQA requirements for their proposed ordinance on plastic bag ban. On January 25, 2011, the Board of Supervisors unanimously adopted the proposed ordinance that banned single-use plastic bags and mandated a five cent charge on paper bags at all groceries, convenience stores and pharmacies. On February 24, 2011, Save the Plastic Bag Coalition petitioned for a writ of mandate to require Marin County to develop an EIR for their single-use bag ordinance. A hearing has been scheduled for September 13, 2011 in Marin County Superior Court.

San Jose

On December 14, 2010, the San Jose City Council voted 10-1 to certify the EIR and adopted an ordinance to ban the distribution of single-use carryout plastic bags by the retailers. The ordinance will take effect on January 1, 2012. Retailers may still provide paper bags made of 40% post-consumer recycled material. However, to discourage the use of 40 percent recycled content paper bags, the ordinance would require stores to charge a fee of \$0.10 per bag for the first 2 years and \$0.25 per bag after that.

Long Beach

On December 7, 2010, Long Beach City Council approved the drafting of an ordinance banning plastic bags at citywide stores by a 6-2 vote. The City of Long Beach prepared an addendum to Los Angeles County's EIR keeping all the provisions exactly same. The ordinance took effect in larger stores on August 1, 2011, and expands to other stores in February of 2012. The Save the Plastic Bag Coalition filed a petition for writ of mandate against the City of Long Beach on June 9, 2011.

Fremont

On November 27, 2010, the City of Fremont Council unanimously reiterated their intention to pass a law banning plastic grocery bags effective from January 2012, after Alameda County completes an environmental study on the issue.

Sunnyvale

On November 16, 2010, Sunnyvale City Council voted for the development of an ordinance to ban single-use carryout plastic bags and require covered businesses to charge \$0.15 for recycled content paper bags. Staff will begin working on the ordinance and a review of potential environmental impacts and come back to Council in 2011 for adoption of the ordinance.

Los Angeles County

On November 16, 2010, the Los Angeles County Board of Supervisors adopted an ordinance and certified an EIR prohibiting the distribution of single-use plastic carryout bags at certain stores in the unincorporated area of the Los Angeles County, and requiring said stores to charge \$0.10 for each recyclable paper bag provided to a customer. The ban is in effect from July 1, 2011, for supermarkets and January 1, 2012 for liquor stores, food marts, and convenience stores. On October 3, 2011, the County's ordinance was formally challenged by Hilex Poly and several California residents. Hilex Poly contends that the County's decision to ban the use of plastic carry out bags and impose a fee on paper bags violates Proposition 26.

Santa Cruz

In September 2010, the Santa Cruz City Council unanimously approved studying a ban on plastic bags dispensed by grocery stores, eateries and merchants. The ban instructs retailers to charge customers 10 cents for each paper bag. On February 15, 2011, the county of Santa Cruz sent a notice of intent to adopt a mitigated negative declaration banning the single-use carryout plastic bags. The Santa Cruz County Supervisors are waiting until after a multi-jurisdictional waste management meeting in September, 2011. That meeting could lead to local cities such as Santa Cruz and Capitola considering a ban on plastic bags.

Palo Alto

On March 30, 2009, the City of Palo Alto adopted an ordinance and Negative Declaration banning plastic bags at four stores. However, the Save the Plastic Bag Coalition filed a lawsuit against the City of Palo Alto for adopting the ordinance without preparing an EIR. In July 2009, a settlement agreement was reached that the City of Palo Alto would not expand the ordinance to any more stores without first preparing an EIR. The original ordinance is still in effect.

Berkeley

In November 2008, the City of Berkeley proposed an ordinance that would have encouraged reusable bag use by banning plastic bags and requiring retailers to collect a \$0.25 fee on paper bags. The ordinance was not approved because the city officials want to wait until the Alameda County-wide report documenting the environmental effects of the ban would have completed, which is expected by December 2011.

Fairfax

In November 2008, the Town of Fairfax passed the ballot measure C on Plastic Bag Reduction by a landslide, 79% of the vote, banning plastic bags. The customers were encouraged to do their part by bringing their own reusable bags and market vendors will have paper and compostable bags available. The ordinance took effect on May 4, 2009.

Malibu

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 located within or doing business within the city limits. The City of Malibu prepared an Initial Study and adopted a Negative Declaration banning the use of single-use non-compostable and compostable plastic shopping bags.

San Francisco

On November 20, 2007, the City of San Francisco passed an ordinance prohibiting supermarkets and chain pharmacy stores from using disposable plastic bags. The City did not prepare any CEQA documents and their ordinance was not challenged. The ordinance required supermarkets and retail pharmacies to use certified compostable plastic bags, 100% recyclable paper bags made with at least 40% post-consumer content, and/or reusable bags.

Oakland

The City of Oakland adopted a plastic bag ban ordinance in July 2007. The Save the Plastic Bag Coalition challenged the City of Oakland on the basis of an inadequate CEQA review for the ban and policy. The Court directed the City to prepare an EIR and the City's ordinance was revoked on November 21, 2007.

NATIONAL AND INTERNATIONAL PLASTIC BAG BANS

Washington D.C., Brownsville, TX, some Canadian cities, Bangladesh, China, Ireland, Italy, Mexico City, Rwanda, South Africa, South Australia, and Taiwan have plastic bag bans and/or fees in place. Bans are being proposed in Hawaii, Arkansas, Oregon and Western Australia.

State Legislative Activities

During 2008, the City Council adopted a position of support for AB 2829 (Davis), which would have placed a statewide fee on single-use plastic bags. Also in play at the time of the City's policy action, Assembly Bill (AB) 2058 (Levine) was under consideration in the State Legislature. AB 2058 would have prohibited a store from providing plastic carryout bags to customers unless the store demonstrated an increased diversion rate of 70% of plastic carryout bags. The bill would have required stores not complying with the diversion rate requirements to provide plastic carryout bags to a customer for at least \$0.25 per bag with the funds being shared between the store, State agencies, and local jurisdictions for litter abatement programs. However, in November 2008, AB 2058 returned from committee without further action.

Assembly Member Julia Brownley introduced AB 68 and AB 1998 in the 2009-10 Legislative Session. AB 68 would have prohibited a store from providing a single-use carryout bag to a customer unless the store charged a fee of not less than \$0.25 per bag at the point of sale. In January 2010, AB 68 failed to pass the State Assembly. AB 1998, supported by the City (CF#10-0002-S65), would have banned single-use plastic carryout bags, placed a small fee on single-use paper bags, and created a performance standard for reusable bags. There was a wide range of support for the bill, including the California Grocers Association and many environmental groups, but the bill was defeated in the Senate in August 2010. The following were proposed bills in current 2011-12 legislation session regarding plastic bags:

Assembly Bill 298, Brownley (2011) would prohibit a manufacturer from selling or distributing a reusable bag in California unless the guidelines for cleaning and disinfection of the bag are printed on the bag or on a tag attached to the bag. On April 28, 2011, AB 298 passed the Assembly floor with 49 to 25 votes. It has been referred to Senate committee on Environmental Quality as of May 12, 2011, but has not moved out of Committee during this legislative session.

Senate Bill 915, Calderon (2011) would have established a mandatory level of recycled content in plastic bags, require plastic bag use reduction, require CalRecycle to establish a working group of stakeholders to develop strategies for increasing the recycling of plastic bags and develop suggestions for funding increased consumer awareness. The bill could not pass the Senate floor by June 3, 2011 and will not be considered for the current 2011-12 legislative session.

Therefore, no statewide program or policy has been adopted, and in the absence of a statewide policy that would be consistent across the state the Bureau is recommending the adoption of a City Policy/Ordinance to affectuate the ban of single use carryout bags.

CITY ACTIVITIES IN SUPPORT OF THE POLICY

The Bureau held several meetings in 2010 and 2011 with representatives from the Board of Public Works, Mayor's Office, Council Offices, and City Attorney's Office to seek direction on banning single-use carryout bags in the City of Los Angeles. The City Attorney's Office advised that the City must complete its own environmental analysis of any proposed ordinance banning the use of single-use bags. That analysis may rely, in part, on the analysis conducted by Los Angeles County for its plastic bag ordinance.

Bureau staff met with the County staff during the scoping and contracting process for the County's single-use plastic carryout bag ban EIR. The County EIR purports to analyze impacts of imposing bag bans in both incorporated and unincorporated areas of the County, and includes several alternatives to the program. The EIR was circulated from June 2, 2010 to July 16, 2010. On November 16, 2010, the County Board of Supervisors adopted the final EIR and an ordinance prohibiting the distribution of single-use plastic carryout bags at certain stores in the unincorporated area of the county, and would require said stores to charge \$0.10 for each recyclable paper bag provided to a customer. The ban went into effect July 1, 2011, for supermarkets, and is scheduled to go into effect January 1, 2012 for liquor stores, food marts, and convenience stores. The total number of businesses affected under this ordinance is approximately 1,057.

In 2009, the Bureau contributed \$5,000 towards the Single-use Carryout Bag Master Environmental Assessment (MEA) with the Green Cities California, a collective group of 10 cities representing thirty percent of the population of the state, whose goal is to adopt sustainability practices and policies. The MEA can be used as a reference document for technical studies during EIR preparation. The final MEA was completed on March 8, 2010. The overview of findings is as follows:

- **Single-Use Plastic Carryout Bags:** Nearly 20 billion single-use high density polyethylene (HDPE) plastic grocery bags are used annually in California, and most end up in landfills or as litter. In fact, of the four types of bags considered, plastic bags had the greatest impact on litter
- **Single-Use Paper Bags:** Kraft paper bags are recycled at a significantly higher rate than single-use plastic bags. Still, over its lifetime, a single-use paper bag has significantly larger greenhouse gas (GHG) emissions and results in greater atmospheric acidification, water consumption, and ozone production than a plastic bag. Paper bags would biodegrade when littered into water bodies which would deplete it of oxygen, potentially impacting aquatic life.
- **Single-Use Biodegradable Bags:** Although biodegradable bags are thought to be an eco-friendly alternative to HDPE plastic bags, they have greater environmental impacts at the manufacturer level, resulting in more GHG emissions and water consumption than conventional plastic bags. In addition, biodegradable bags may degrade only under composting conditions. Therefore, when littered, they will have a similar impact on aesthetics and marine life as HDPE plastic bags.
- **Reusable Bags:** Reusable bags can be made from plastic or cloth and are designed to be used hundreds of times. Assuming the bags are reused at least a few times, reusable bags have significantly lower environmental impacts, on a per use basis, than single-use bags. Some of the reviewed Life Cycle Assessments indicate that use of a non-woven plastic reusable bag results in particularly large environmental benefits.
- **Effects of Policy Options on Single-Use Bags:** In other regions of the world, fees and bans on bags have resulted in dramatic drops in consumption. For instance, the Irish plastic bag tax immediately resulted in greater than 90% reduction in use. Due to California law AB 2449, no fee program on plastic bags can be introduced. A change to state law allowing a fee program would also be an option. However, local bans on single-use plastic carryout bags, as well as a charge on other single-use bags, may be implemented to minimize use.

In 2010, a task directive was issued to a consultant to prepare an assessment of the City's options in regards to the CEQA requirements for a citywide ban on distribution of single-use plastic bags, and a store charge on all other single-use bags. This document includes summary information from the environmental documentation prepared by other municipalities in California that have adopted plastic bag bans. This document was completed in January 2011 (Transmittal # 2).

PROGRAM AND ORDINANCE DEVELOPMENT

The Bureau recommends that the City move forward with a ban of all single-use bags, including all types of plastic and paper. The Bureau proposes to use an enforcement model similar to the one adopted by the County, including inspection of store locations and potentially citing those that will not come into compliance. Upon adoption of the recommendations the City Attorney would be requested to draft an ordinance to enforce the single-use carryout bag ban.

In the City of Los Angeles, there are 1,800-2,000 stores that are identified as supermarket or grocery stores, and potentially 7,500 retail stores of the type included in the County's ordinance, which includes drug stores, convenience food store, food marts, or engaging in the retail sale of a limited line of goods including milk, bread, soda and snack foods.

The Bureau also recommends that the City adopt the following definition of 'Reusable Bag', to ensure consistency with the County of Los Angeles and include enhanced performance standards:

'Reusable Bag' means a bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements: 1) has a minimum lifetime of 125 uses, including the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet; 2) has a minimum volume of 15 liters; 3) is machine washable or can be cleaned or disinfected; 4) does not contain lead, cadmium, or any other heavy metal in toxic amounts, as defined by applicable state and federal standards and regulations for packaging or reusable bags; 5) has printed on the bag, or on a tag that is permanently affixed to the bag, the name of the manufacturer, the location (country) where the bag was manufactured, a statement that the bag does not contain lead, cadmium, or any other heavy metal in toxic amounts, and the percentage of postconsumer recycled material used, if any; and 6) if made of plastic, is a minimum of 2.25 mils thick.

The City's enforcement should model the County of Los Angeles for consistency. The following is the enforcement language proposed:

- a) Affected retailer violating this ordinance, would be issued a written warning. Failure to comply would be an infraction.
- b) The First violation would result in a fine of \$100.00.
- c) A second violation would result in a fine of \$200.00.
- d) A third and any subsequent violations would result in a fine of \$500.00.

A fine would be imposed for each day a violation occurs.

The violation can be appealed to the City's Board of Public Works, whose decision is final.

Exemptions

Exemptions exist in most plastic bag bans that the Bureau recommends as part of the enforcement program. They include:

1. A Low-Income Exemption on paying for reusable bags;
2. An Exemption for restaurants.

Implementation of Single Use Bag Ban

If the recommendations of this report are approved, the appropriate CEQA review and final ordinance would return to the City Council for adoption, including approval for resources needed for the program. The draft ordinance suggests a system that will be modeled on the County of Los Angeles enforcement model.

The County of Los Angeles (County) ban is being enforced in two phases. In the first phase, large retail grocery stores are targeted, of which there are 67 in the County unincorporated area. For the second phase, about 1,000 stores are targeted, including all liquor and mini-market type stores.

In the City of Los Angeles, there are over 1,800 supermarkets and grocery stores, and potentially 7,500 retailers of the same size and type that are currently addressed in the County ordinance after Phase II implementation. The City's program would encompass all retailers under the same definitions as the County's program, but with a six-month grace period for small retail outlets.

The Bureau will conduct an education program upon the adoption of the single-use bag ordinance to ensure that retailers understand their responsibilities. Outreach materials in several languages will be distributed to all affected businesses during the six-month grace period envisioned for the program. To inform the affected retailers, the Bureau will mail letters explaining the ordinance and requesting their compliance. The City's website will also include information on the single-use carryout bag ban ordinance to educate the public who frequent these retail stores. The Bureau will answer inquiries and respond to complaints from the public. The following personnel will be required for public outreach and the table below shows their annual salaries including overhead (CAP) costs and one-time costs:

- a) One (1) full time Clerk Typist for answering inquiries or responding to complaints from the public, as well as preparing mailings.
- b) One (1) full time Management Analyst II or equivalent to resolve the complaints, and to manage compliance data for the program.

In the City of Los Angeles, there are at least 7,500 retailers which would be affected by the ordinance, both large and small. Based on complaints from the public, or observation by enforcement staff, a retailer may be non-compliant with the ordinance and need to be inspected multiple times before achieving compliance. It is expected that many retailers will comply with the ordinance with public outreach. However, non compliant retailers may have to be reinspected at least twice before a compliance fine is levied or they come into compliance. The estimated total number of inspections to be performed on an annual basis is approximately 12,000.

Depending upon the frequency of inspections, level of enforcement, size of the retailer, location, and distance between retailers to be inspected, an inspector would be expected to perform an average of 15 inspections per day. Many municipalities have adopted single-use plastic bag bans, but the City of Los Angeles encompasses 458 square miles and several times more retail outlets than other California cities or counties. Inspection staffing levels would allow retailers to be inspected annually, and takes into account compensated time off for the inspection staff. If a retailer is cited under the program, they would be able to appeal the decision to the Board of Public Works. This would require staff to prepare a Board Report for each instance, as well as attending briefings and Board meetings. The Bureau estimates that four Environmental Compliance Inspectors will be required to perform field inspections and respond to complaints.

The final staffing needs will be determined and funding source(s) identified during the development of the final Single-Use Bag Ban Ordinance.

Public Education and Reusable Bag Giveaways

The Bureau has held many major events promoting the use of reusable bags throughout the City to help raise awareness about the benefits of using reusable bags as opposed to single-use bags. Since 2005, the Bureau has purchased and distributed over 250,000 reusable bags through retailers, nonprofit groups, and neighborhood councils to encourage shoppers to stop using single-use bags. Some examples of the events are listed in Transmittal 4.

The long-term goal is to reduce the use of single-use bags throughout California by empowering shoppers, and the community at large, to take simple and direct actions to eliminate unsightly debris and save taxpayer dollars.

Proposed Implementation Timeline for a Citywide Ban on Single-Use Carryout Bags

The Bureau, in consultation with other City agencies, has prepared a draft timeline for completion of the environmental analysis, Implementation Plan, and an Ordinance for Mayor and City Council consideration:

- December 2010 – a consultant was tasked with the evaluation of environmental documentation produced by the County of Los Angeles, City of Santa Monica, City of San Jose, and the Master Environmental Assessment. The consultant provided a report evaluating all documentation for its use in preparing an environmental documentation for the City in March 2011.
- October 2011 – The Mayor and City Council adopt the recommendations in this report, and direct the Bureau to proceed with the environmental documentation process.
- Proposed Date of Effect of Ban: September 2012.

The timeline for the preparation of appropriate environmental documentation would vary.

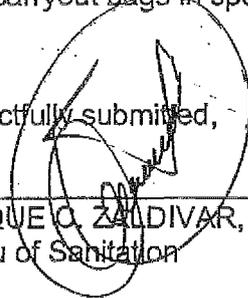
Funding Information

Funding for the CEQA process will be provided by the Citywide Recycling Trust Fund (CRTF), fund 46D. Available Bureau funding sources do not have the ongoing available funds to sustain this program and necessary staff over the long term, or their use for this project is not appropriate.

CONCLUSION

The Bureau recommends a direction to begin with the CEQA process necessary to implement a citywide ban of single-use plastic carryout. This would include a request to the City Attorney to prepare a final draft ordinance banning single-use carryout bags in specific stores within the City of Los Angeles.

Respectfully submitted,



ENRIQUE C. ZALDIVAR, Director
Bureau of Sanitation

Prepared by:
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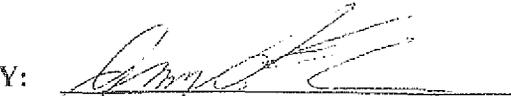
MOTION

Over six billion single-use plastic bags are used in Los Angeles County each year, and these bags often enter the region's litter stream even when they are thrown away or put into recycling bins. They often end up being blown into local waterways and environments, and there create significant environmental hardship.

Recently, AB 1998, a bill that would have banned the use of single-use plastic bags throughout the state, failed to pass out of the State Legislature, even though it had received support from the California League of Cities and the California Grocers Association. The City of Los Angeles has adopted a city-wide ban that was to be effective on or after January 1st, 2010, and is currently working with the County of Los Angeles to complete an Environmental Impact Report, and has contributed to statewide Master Environmental Assessment relating to such a ban that would satisfy CEQA requirements. In light of the failure of AB 1998 to pass, the City should move forward with its own local ban.

I THEREFORE MOVE, that the Bureau of Sanitation be instructed to report back to the City Council with the next steps necessary to implement a citywide ban of single-use plastic bags, and include in that report the status of the County's Environmental Impact Report and the State's Master Environmental Assessment that relate to single-use plastic bags.

PRESENTED BY:


Greig Smith
Councilmember, 12th District

SECONDED BY:




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AB

I. "Reusable bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements: (1) has a minimum lifetime of 125 uses, which for purposes of this ordinance, means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet; (2) has a minimum volume of 15 liters; (3) is machine washable; (4) does not contain lead, cadmium, or any other heavy metal in toxic amounts; (5) has printed on the bag, or on a tag that is permanently affixed to the bag, the name of the manufacturer, the location (country) where the bag was manufactured, a statement that the bag does not contain lead, cadmium, or any other heavy metal in toxic amounts, and the percentage of postconsumer recycled material used, if any; and (6) if made of plastic, is a minimum of at least 2.25 mils thick.

J. "Store" means any of the following retail establishments located within the City of Los Angeles: (1) A full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, that sells a line of dry grocery, canned goods, or nonfood items and some perishable items; (2) A store of at least 10,000 square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code) and that has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code; or (3) A drug store, pharmacy, supermarket, grocery store, convenience food store, foodmart, or other entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control.

Plastic carryout bags prohibited

A. No store shall provide to any customer a plastic carryout bag.

B. This prohibition applies to bags provided for the purpose of carrying away goods from the point of sale and does not apply to produce bags or product bags.

Recycled paper carryout bags prohibited

A. No store shall provide to any customer a recycled paper carryout bag.

B. This prohibition applies to bags provided for the purpose of carrying away goods from the point of sale and does not apply to produce bags or product bags.

Permitted bags

All stores shall provide or make available to a customer only reusable bags for the purpose of carrying away goods or other materials from the point of sale, subject to the terms of this Chapter. Nothing in this Chapter prohibits customers from using bags of any type that they bring to the store themselves or from carrying away goods that are not placed in a bag, in lieu of using bags provided by the store.

Use of reusable bags

- A. All stores must provide reusable bags to customers, either for sale or at no charge.
- B. Each store is strongly encouraged to educate its staff to promote reusable bags and to post signs encouraging customers to use reusable bags.

Operative date

This Chapter shall become operative on xxx date.

Severability

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision will not affect the validity of the remaining portions of the ordinance. The Los Angeles City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this ordinance would be subsequently declared invalid.

No conflict with federal or state law

Nothing in this ordinance is intended to create any requirement, power or duty that is in conflict with any federal or state law.

11-1531

MOTION

ENERGY & ENVIRONMENT

SEP 06 2011

An estimated 2.3 billion single use plastic carryout bags and 400 million single use paper bags are used annually in the City of Los Angeles. These bags become a major component of litter on the City's streets and waterways impairing water bodies. It is estimated that only 5 percent of plastic bags and 21 percent of single use paper bags are recycled. Single-use bags (both paper and plastic) create significant environmental consequences.

In 2008, the City Council adopted a report issued by the Bureau of Sanitation, in response to a Reyes-Smith motion, recommending the City adopt a citywide ban on the use of plastic carryout bags at all supermarkets and retail establishments beginning January 1, 2010.

To address the over-use of these plastic and paper bags in our City's retail and grocery stores, the Bureau, since 2005, has disseminated over 250,000 reusable bags through various city wide events along with education and outreach material. In addition, since 2007 the City has worked with supermarket retailers to provide bins for customers to recycle their plastic bags. While the City has done its part to encourage recycling and reduce the consumption of single-use plastic bags on a local level, the need for comprehensive State legislation still exists.

State law prohibits local jurisdictions from placing a point of sale fee on single use plastic bags. Despite having a number of bills introduced in the State Legislature which would implement a ban on single-use plastic bags, the State has not yet been successful in creating a statewide program to address the issue. As such, communities around the state have taken actions to ban single use plastic bags and place a store charge on the sale of single-use paper bags. The Bureau believes that Council should seriously consider a change in policy. Banning single-use plastic and promoting the use of single-use paper is a less favorable option than to requiring that only reusable bags be used in supermarkets and specified retailers.

Given the underlying premise for regulating the use of single-use carry-out bags to protect the environment, reduce litter and improve water quality, it is crucial that the City adopt a policy that all single use carry-out bags, regardless of the material, be addressed in a comprehensive matter.

I THEREFORE MOVE that the City Council:

1. Adopt a citywide policy to ban single-use carryout bags at specified retailers, which can sell reusable bags that meet performance criteria;
2. Direct the Bureau of Sanitation to begin the necessary environmental review process;
3. Instruct the Bureau of Sanitation to return with a final implementation plan; and,
4. Request the City Attorney's Office to draft an ordinance, with the assistance of the Bureau of Sanitation, that would ban all single-use carryout bags from specified retailers in the City. The ordinance should adhere to the "Pertinent Provisions" detailed on the pages attached to this motion.
5. Request the City Attorney to work with the Bureau of Sanitation on establishing the proper enforcement mechanisms, with an escalating fine structure, for this ordinance consistent with the proposed code enforcement policy.

SEP 06 2011
MS

PRESENTED BY: *Paul Koretz*
PAUL KORETZ,
Councilmember, 5th District

SECONDED BY: *Paul Kelporian*

ORIGINAL

**PERTENANT PROVISIONS TO BE INCLUDED IN ORDINANCE TO BAN THE
USE OF SINGLE USE BAGS IN THE CITY OF LOS ANGELES**

Definitions

The following definitions apply to this Chapter:

- A. **"Customer"** means any person purchasing goods from a store.
- B. **"Operator"** means the person in control of, or having the responsibility for, the operation of a store which may include, but is not limited to, the owner of the store.
- C. **"Person"** means any natural person, firm, corporation, partnership, or other organization or group however organized.
- D. **"Plastic carryout bag"** means any bag made predominantly of plastic derived from either petroleum or a biologically-based source, such as corn or other plant sources, which is provided to a customer at the point of sale. "Plastic carryout bag" includes compostable and biodegradable bags but does not include reusable bags, produce bags, or product bags.
- E. **"Postconsumer recycled material"** means a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. "Postconsumer recycled material" does not include materials and by-products generated from, and commonly reused within, an original manufacturing and fabrication process.
- F. **"Produce bag"** or **"product bag"** means any bag without handles used exclusively to carry produce, meats, or other food items to the point of sale inside a store or to prevent such food items from coming into direct contact with other purchased items.
- G. **"Recyclable"** means material that can be sorted, cleansed, and reconstituted using available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. "Recycling" does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.
- H. **"Recyclable paper carryout bag"** means a paper bag that meets all of the following requirements: (1) contains no old growth fiber, (2) is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) postconsumer recycled material; (3) is capable of composting, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400; (4) is accepted for recycling in curbside programs in the County; (5) has printed on the bag the name of the manufacturer, the location (country) where the bag was manufactured, and the percentage of postconsumer recycled material used; and (6) displays the word "Recyclable" in a highly visible manner on the outside of the bag.

CITY OF LOS ANGELES SINGLE-USE BAG BAN DRAFT ORDINANCE

An ordinance relating to regulating the use of all plastic and paper single-use carryout bags and promoting the use of reusable bags within the City of Los Angeles.

The City Council of the City of Los Angeles ordains as follows:

I. DEFINITIONS

The following definitions apply to this Section:

- A. "Customer" means any person purchasing goods from a store.
- B. "Operator" means the person in control of, or having the responsibility for, the operation of a store, which may include, but is not limited to, the owner of the store.
- C. "Paper carryout bag" means any bag made predominately of paper materials, including but not limited to virgin, recycled or recyclable paper materials, which is provided to a customer at the point of sale. "Paper carryout bag" does not include reusable bags, produce bags, or product bags.
- D. "Person" means any natural person, firm, corporation, partnership, or other organization or group however organized.
- E. "Plastic carryout bag" means any bag made predominantly of plastic derived from either petroleum or a biologically-based source, such as corn or other plant sources, which is provided to a customer at the point of sale. "Plastic carryout bag" includes compostable and biodegradable bags but does not include reusable bags, produce bags, or product bags.
- F. "Postconsumer recycled material" means a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. "Postconsumer recycled material" does not include materials and by-products generated from, and commonly reused within, an original manufacturing and fabrication process.
- G. "Produce bag" or "product bag" means any bag without handles used exclusively to carry produce, meats, or other food items to the point of sale inside a store or to prevent such food items from coming into direct contact with other purchased items.
- H. "Recyclable" means material that can be sorted, cleansed, and reconstituted using available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. "Recycling does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.
- I. "Reusable bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements:
 - (1) has a minimum lifetime of 125 uses, which for purposes of this Ordinance, means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet;

- (2) has a minimum volume of 15 liters;
 - (3) is machine washable;
 - (4) does not contain lead, cadmium, or any other heavy metal in toxic amounts;
 - (5) has printed on the bag, or on a tag that is permanently affixed to the bag, the name of the manufacturer, the location (country) where the bag was manufactured, a statement that the bag does not contain lead, cadmium, or any other heavy metal in toxic amounts, and the percentage of postconsumer recycled material used, if any; and
 - (6) if made of plastic, is a minimum of at least 2.25 mils thick.
- J. "Store" means any of the following retail establishments located within the City of Los Angeles:
- (1) a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, that sells a line of dry grocery, canned goods, or nonfood items and some perishable items;
 - (2) A store of at least 10,000 square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code) and that has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code; or
 - (3) a drug store, pharmacy, supermarket, grocery store, convenience food store, foodmart, or other entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control.

II. SINGLE-USE CARRYOUT BAGS PROHIBITED

- A. No store shall provide to any customer a single-use, Plastic carryout bag or Paper carryout bag.
- B. This prohibition applies to bags provided for the purpose of carrying away goods from the point of sale and does not apply to produce bags or product bags.

III. PERMITTED BAGS

- A. All stores shall provide or make available to a customer only Reusable bags for the purpose of carrying away goods or other materials from the point of sale, subject to the terms of this Ordinance. Nothing in this Ordinance prohibits customers from using bags of any type that they bring to the store themselves or from carrying away goods that are not placed in a bag, in lieu of using bags provided by the store.

IV. USE OF REUSABLE BAGS

- A. All stores must provide reusable bags to customers, either for sale or at no charge.
- B. Each store is strongly encouraged to educate its staff to promote reusable bags and to post signs encouraging customers to use reusable bags.

V. EXEMPT CUSTOMERS

- A. All stores must provide at the point of sale, free of charge, reusable bags to any customer participating either in the California Special Supplemental Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code or in the Supplemental Food Program pursuant to Chapter 10 (commencing with Section 15500) of Part 3 of Division 9 of the Welfare and Institutions Code.

VI. OPERATIVE DATE

- A. This Ordinance shall become operative on July 1, 2012, for stores defined in Subsections J(1) and J(2). For stores defined in Subsection J(3), this Ordinance shall become operative on January 1, 2013.

VII. ENFORCEMENT AND VIOLATION – PENALTY

- A. The Department of Public Works has primary responsibility for enforcement of this Ordinance. The Department of Public Works is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this Ordinance, including but not limited to, investigating violations, issuing fines and entering the premises of any store during business hours. The County of Los Angeles, including but not limited to its Department of Agricultural Commissioner/Weights and Measures and its Department of Public Health, may assist with this enforcement responsibility by entering the premises of a store as part of their regular inspection functions and reporting any alleged violations to the City's Department of Public Works.
- B. The Department of Public Works is authorized to enter into an agreement with the County of Los Angeles for the County's enforcement services rendered within the City of Los Angeles in furtherance of this Ordinance.
- C. If the Department of Public Works determines that a violation of this Ordinance has occurred, it will issue a written warning notice to the operator of a store that a violation has occurred and the potential penalties that will apply for future violations.
- D. Any store that violates or fails to comply with any of the requirements of this Ordinance after a written warning notice has been issued for that violation shall be guilty of an infraction.
- E. If a store has subsequent violations of this Ordinance that are similar in kind to the violation addressed in a written warning notice, the following penalties will be imposed and shall be payable by the operator of the store:
- (1) A fine not exceeding one hundred dollars (\$100.00) for the first violation after the written warning notice is given;
 - (2) A fine not exceeding two hundred dollars (\$200.00) for the second violation after the written warning notice is given; or
 - (3) A fine not exceeding five hundred dollars (\$500.00) for the third and any subsequent violations after the written warning notice is given.
- F. A fine shall be imposed for each day a violation occurs or is allowed to continue.

- G. All fines collected pursuant to this Ordinance shall be deposited into the Citywide Recycling Trust Fund (CRTF) of the Department of Public Works to assist the department with its costs of implementing and enforcing the requirements of this Ordinance.
- H. Any store operator who receives a written warning notice or fine may request an administrative review of the accuracy of the determination or the propriety of any fine issued, by filing a written notice of appeal with the Board of Public Works no later than 30 days after receipt of a written warning notice or fine, as applicable. The notice of appeal must include all facts supporting the appeal and any supporting documentation, including copies of all photos, statements and other documents, that the appellant wishes to be considered in connection with the appeal. The appeal will be heard by the Board of Public Works. The Board of Public Works will conduct a publicly noticed hearing concerning the appeal within 45 days from the date that the notice of appeal is filed, or on a later date if agreed upon by the appellant and the Board of Public Works, and will give the appellant at least 10 days prior written notice of the date of the hearing. The Board of Public Works may sustain, rescind, or modify the written warning notice or fine, as applicable. The Board of Public Works will have the power to waive any portion of the fine in a manner consistent with its decision. The decision of the Board of Public Works is final and effective on the date of the Board hearing where its decision is made.

VIII. SEVERABILITY

- A. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision will not affect the validity of the remaining portions of the Ordinance. The Los Angeles City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this Ordinance would be subsequently declared invalid.

IX. NO CONFLICT WITH FEDERAL OR STATE LAW

- A. Nothing in this Ordinance is intended to create any requirement, power or duty that is in conflict with any federal or state law.

**Recommendations for CEQA Environmental Documentation for
City of Los Angeles Single-Use Carryout Bag Ban Ordinance**

**Prepared by HDR, Inc.
January 7, 2011**

BACKGROUND

In July 2008, the City of Los Angeles Mayor and City Council adopted a policy statement related to the feasibility of recycling and/or banning the use of plastic bags and expanded polystyrene items in the City. The Council adopted the Energy and Environment Committee recommendations to adopt a Citywide policy banning the use of plastic carry-out bags at all supermarkets and retail establishments beginning January 1, 2010, if a statewide fee had not been established by that time; and to impose a point of sale fee on all other single-use bags, such as paper or compostable bags, if a statewide fee or tax for their use has not been adopted by that date.

Two State Assembly Bills (AB) have been considered in the state legislature related to plastic carryout bags. In the 2007-08 legislative session, AB 2058 (Levine-Brownley-Davis) would have placed a \$0.25 fee per single-use carryout bag, but it was returned from the Senate Appropriations Committee without further action. AB 1998 (Brownley) introduced during the 2009-10 legislative session, would have banned single-use plastic bags, placed a small fee on single use paper bags, and created a performance standard for reusable bags (e.g., certification from the Department of Resources, Recycling and Recovery that bags meet specific requirements, are designed and manufactured for at least 100 uses, and are made of washable material that does not contain lead or any other heavy metal in a toxic amount). AB 1998 had a wide range of support, including the California Grocers Association, Los Angeles City Council, and many environmental groups. However, the bill was defeated in the Senate Appropriations Committee in August 2010. Therefore, the City is pursuing adoption of an ordinance to ban the use of plastic carry-out bags pursuant to the City Council's July 2008 action.

Several jurisdictions within California have adopted, proposed or are considering single-use plastic carryout bag ban ordinances. Adopting a "Bag Ban" ordinance has been found to be a discretionary action and environmental review by the agency is required pursuant to the California Environmental Quality Act (CEQA). The following jurisdictions have plastic carryout bag ban ordinances in effect: City and County of San Francisco (November 2007); City of Malibu (May 2008); City of Palo Alto¹ (March 2009); County of Los Angeles (November 2010); and City of San Jose² (December 2010). The following jurisdictions are undergoing

¹ On September 17, 2008, February 13, 2009, and March 16, 2009, the Save the Plastic Bag Coalition filed formal legal objections with the City of Palo Alto regarding its proposed plastic bag ban ordinance. The City of Palo Alto adopted the ordinance and Negative Declaration on March 30, 2009 banning plastic bags at four stores. In April 2009, the Coalition filed a lawsuit against the City of Palo Alto for adopting the ordinance without preparing an EIR. The City of Palo Alto and the Coalition settled their case in July 2009. In the settlement agreement, the City of Palo Alto agreed not to expand the ordinance to any more stores without first preparing an EIR. The original ordinance is still in effect.

² The City of San Jose certified the EIR for its plastic carryout bag ban ordinance but at the time of writing is still within the 30 day challenge period. The 30 day period will expire mid-January 2011 (dependent upon the exact date the Notice of Determination was filed).

environmental review for proposed ordinances: City of Santa Monica; City of Oakland³; Santa Clara County; City of Manhattan Beach;⁴ and Marin County⁵. The following jurisdictions⁶ are considering ordinances: City of Long Beach; City of Sunnyvale; City of Fremont; and City of Los Angeles.

HDR was retained by the City of Los Angeles to review and assess Environmental Impact Reports (EIRs) prepared for Single-Use Carryout Bag Ban Ordinances and the Master Environmental Assessment (MEA) prepared for Green Cities California. The following environmental documents were reviewed (included on the accompanying CD):

- County of Los Angeles
 - Ordinances to Ban Plastic Carryout Bags EIR Volume I – Draft EIR (June 2010)
 - Ordinances to Ban Plastic Carryout Bags EIR Volume II – Technical Appendices (June 2010)
 - Ordinances to Ban Plastic Carryout Bags EIR Volume III – Response to Public Comments (October 2010)
- City of Santa Monica
 - Single-Use Carryout Bag Ordinance Draft EIR (June 2010)
- City of San Jose
 - Single-Use Carryout Bag Ordinance Draft EIR (July 2010)
 - Single-Use Carryout Bag Ordinance First Amendment to the Draft EIR (October 2010)
- Green Cities California
 - Single Use Master Environmental Assessment on Single Use and Reusable Bags (March 2010)

A summary table presenting an overview of the environmental issues analyzed for each of these EIRs and MEA can be found in Attachment 1. During the course of this review, HDR found that the County of Los Angeles EIR is the most pertinent to the City of Los Angeles. The Los Angeles County Board of Supervisors adopted an ordinance banning plastic carryout bags and

³ City of Oakland adopted a plastic bag ban ordinance in July 2007 which bans the use of plastic bags provided at the point of sale at affected retail establishments. The Save the Plastic Bag Coalition challenged the City of Oakland on the basis of inadequate CEQA review for the ban and policy. The Court directed the City to prepare an EIR and the City's ordinance was revoked on November 21, 2007.

⁴ City of Manhattan Beach adopted a plastic bag ban ordinance and negative declaration in July 2008. The Save the Plastic Bag Coalition challenged the City on the basis of inadequate CEQA review for the ban and policy. The trial court directed the City to prepare an EIR. In January 2010, the Court of Appeals affirmed the trial court decision and vacated the ordinance and disallowed reenactment, pending preparation of an EIR. On April 23, 2010, the California Supreme Court granted review of this decision.

⁵ Marin County developed a Negative Declaration for their proposed plastic bag ban. Adoption of the Negative Declaration and proposed plastic bag ban has been postponed until January 25, 2011 while County Supervisors reviewed a planned legal threat from Save the Plastic Bag Coalition.

⁶ This list is not inclusive as many more jurisdictions may be considering adoption of a plastic carryout bag ban ordinance.

imposing a ten cent charge on recyclable paper carryout bags and certified the Final EIR on November 16, 2010. This ordinance (Attachment 2) was analyzed as part of Alternative 5 in the County's Final EIR and a summary of the approach for the analysis of key issues is included below.

County of Los Angeles Ordinance to Ban Plastic Carryout Bags

The County's ordinance will ban the issuance of plastic carryout bags and place a ten cent charge on the issuance of recyclable paper carryout bags by an affected store, as defined below. The ordinance requires a store to provide or make available to a customer only recyclable paper carryout bags or reusable bags. The ordinance also encourages a store to educate its staff to promote reusable bags and to post signs encouraging customers to use reusable bags. The stores that will be affected are located within the County unincorporated areas and include one of the following:

- A full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, that sell a line of dry grocery, canned goods, or non-food items and some perishable items; or
- A store of at least 10,000 square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 [commencing with Section 7200] of Division 2 of the Revenue and Taxation Code) and that has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code; or
- A drug store, pharmacy, supermarket, grocery store, convenience food store, food mart, or other entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control.

The implementation of the ordinance is phased. Larger grocery stores and pharmacies will have until July 1, 2011 to comply, and all other affected stores will have until January 1, 2012 to comply.

For this ordinance, the definition of plastic carryout bags includes compostable and biodegradable plastic carryout bags; therefore, these types of plastic bags will be banned as well. The ordinance imposes a ten cent charge on the recyclable paper carryout bag and requires that the paper bags be one hundred percent (100%) recyclable overall, contain a minimum of forty percent (40%) post-consumer recycled material, and are accepted for recycling in curbside programs in the County, among other criteria. With respect to reusable bags, the Ordinance requires that the reusable bag be designed for a minimum lifetime of 125 uses, be machine washable, and not contain lead, cadmium, or any other heavy metals in toxic amounts, among other criteria.

All monies collected by a store will be retained by the store and may be used for costs associated with complying with the requirements of the ordinance, actual costs of providing recyclable paper carryout bags, or costs associated with a store's educational materials or campaigns

encouraging the use of reusable bags, if any. The ordinance also requires affected stores to report to the Department of Public Works on a quarterly basis, the number of recyclable paper carryout bags provided, the total monies collected by that store, and a summary of any efforts the store has undertaken to promote the use of reusable bags by customers during the prior quarter.

The ordinance does exempt the ten cent charge for those customers who are participating either in the California Special Supplemental Food Program for Women, Infants, and Children or the Supplemental Food Program. For these customers, stores must provide at the point of sale, free of charge, either reusable bags or recyclable paper carryout bags or both, at the store's option.

Based on the analysis in the Final EIR, comments from stakeholders, research conducted by the Department of Public Works, and available resources, the County determined that a ten cent charge on paper carryout bags is sufficient to avoid a wholesale switch by customers from single-use plastic bags to paper carryout bags and to minimize the potential for trading one set of environmental impacts for another. The County concluded that the ten cent charge is large enough to deter a significant transition to paper carryout bags, while allowing an affected store to recover the reasonable cost of compliance with the ordinance.

County of Los Angeles Ordinance to Ban Plastic Carryout Bags Final EIR

The EIR prepared for the County's ordinance included an analysis of potential environmental effects resulting from adoption of the proposed plastic carryout bag ordinance. The original proposed project studied in the EIR would have banned the issuance of plastic carryout bags at the larger supermarkets and retail establishments with a pharmacy in the County unincorporated areas, but did not include a fee on recyclable paper bags. The EIR further evaluated impacts that could occur if all 88 incorporated cities (including the City of Los Angeles) within the County adopted similar ordinances.

Because the original project analyzed within the EIR did not include imposition of a fee on recyclable paper bags, the EIR included conservative assumptions about the conversion of plastic bag use to paper bag use. Based on a survey of bag usage in the County conducted by Sapphos Environmental, the EIR assumed that the plastic carryout bag ban would increase the number of reusable bags by at least 15%. Therefore, in a conservative worst-case scenario, the bag ban would prompt an 85% conversion from plastic to paper. To be even more conservative, the EIR analyzed both an 85 and 100 percent conversion from plastic to paper.

The EIR concluded that all environmental effects would be less than significant with the exception of cumulative greenhouse gas (GHG) emissions. The EIR identified increased GHG emissions associated with an increase in paper bag manufacturing and disposal of paper bags in landfills. However, the quantitative GHG emission impacts of the proposed ordinances would be expected to be below the level of significance compared to the County's target 2020 GHG emissions.

There are no defined criteria for establishing significance on a cumulative level for GHG. However, certain representatives of the plastic bag industry have claimed that paper carryout bags are substantially worse for the environment from a GHG emissions perspective. On this

basis, and specific to this project only, and because the County is attempting to evaluate the impacts of the proposed ordinances from a conservative worst-case scenario, this EIR concluded that the life cycle impacts resulting from an 85- and 100-percent conversion from plastic to paper carryout bags may be cumulatively significant.

In the Final EIR, the County included mitigations to reduce GHG emissions but concluded that the impacts would not be reduced to below a level of significance. Therefore, the County Board of Supervisors adopted a Statement of Overriding Considerations finding that the economic, environmental and policy benefits of implementing the ordinance, outweigh and override the one adverse effect of the recommended ordinance.

The County added Alternative 5: Ban Plastic Carryout Bags and Impose a Fee on Paper Carryout Bags for All Supermarkets and Other Grocery Stores, Convenience Stores, Pharmacies, and Drug Stores in Los Angeles County to the Final EIR. Alternative 5 expanded the project to cover additional retail establishments and included a minimum of five cent fee on paper bags. (The County Board of Supervisors adopted a ten cent fee). Due to the fee on paper bags, the County revised its assumptions for the conversion rate from plastic to paper bags. Based on results from bags fees implemented in Ireland and Washington, DC, it was assumed that the percentage increase of paper bag usage would be minimal. However, the County was unable to predict the exact number of plastic and paper carryout bags that would be eliminated upon implementation of Alternative 5. To evaluate impacts in a conservative worst-case scenario, the County assumed for the purposes of this analysis that 50 percent of customers would switch from using plastic carryout bags to paper carryout bags upon implementation of Alternative 5, and 50 percent of customers would switch from using plastic carryout bags to reusable bags. This assumption is consistent with the analysis undertaken in the City of Santa Monica Nexus Study, and is very conservative in light of the carryout bag reductions found in Washington, D.C. and Ireland. Based on this assumption, the indirect environmental impacts (e.g., increased air emissions, GHGs, water consumption and energy consumption) identified in the Draft EIR analysis related to an increase use and manufacturing of paper bags would be reduced.

The EIR was certified in November 17, 2010. The statute of limitation for challenging an EIR (30 days from the date that the Notice of Determination was filed) ended on December 18, 2010. Based on personal communication with Coby Skye, County of Los Angeles Department of Public Works on December 23, 2010, no legal challenges have been filed.

EVALUATION OF ENVIRONMENTAL REVIEW OPTIONS FOR THE CITY'S PLASTIC CARRYOUT BAG BAN ORDINANCE

The City has four options, described below, for environmental review pursuant to CEQA for its plastic carryout bag ban ordinance based upon the following facts:

- The County's ordinance is similar to the City of Los Angeles' adopted policy statement for the City's future plastic carryout bag ban ordinance; and
- The County's EIR analyzed potential environmental effects from adoption of similar ordinances in all 88 cities within the County (including City of Los Angeles).

Option 1: Adopt the City's Ordinance under Prior Environmental Review

If the City of Los Angeles adopts a plastic carryout bag ordinance virtually identical to the County's adopted bag ban ordinance then the City could approve its ordinance as a responsible agency and make a finding that prior environmental review has been conducted by the County of Los Angeles. Responsible agency is defined in *Section 15381 of the CEQA Guidelines* as "a public agency which proposes to carry out or approve a project, for which a lead agency is preparing or has prepared an EIR or Negative Declaration. For the purposes of CEQA, the term 'responsible agency' includes all public agencies other than the lead agency which have discretionary approval power over the project. The County of Los Angeles was the lead agency for the County's Bag Ban EIR. While the City of Los Angeles did not have discretionary approval power over the County's specific proposed bag ban ordinance applicable only to unincorporated areas of the County, the County's EIR included as part of the project's description the adoption of similar bag ban ordinances in the incorporated cities within the County. Because the City has discretionary approval power over adoption of its own ordinance within the jurisdiction of the City boundary, the City is considered a responsible agency.

As discussed above, the County's EIR included as part of the project description and the analysis the assumption that all 88 cities within the County of Los Angeles would adopt similar ordinances. Therefore, the environmental analysis included in the County's Final EIR covered all potential environmental effects associated with the City of Los Angeles passing the same ordinance. As a result, no additional CEQA review would be required.

Option 2: Prepare an Addendum to the County of Los Angeles Final EIR

Under this option, the City of Los Angeles would prepare an Addendum to the County of Los Angeles's Final EIR pursuant to *CEQA Guidelines Section 15164* which states:

- a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in section 15162 calling for preparation of a subsequent EIR have occurred.
- b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.
- c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration
- d) The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.
- e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

As explained above under Option 1, the City would be considered a responsible agency and can prepare an addendum to the County's EIR. The following CEQA Guidelines dictate the legal requirements for the Addendum:

CEQA Guidelines Section 15162 states when an EIR has been certified, no subsequent EIR shall be prepared for the project unless the lead agency determines, on the basis of substantial evidence one or more of the following:

1. Substantial changes requiring major revision of the previous EIR due to the involvement of a new significant environmental effect or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR; or
3. New information of substantial importance is made known.

The Addendum would present the City's proposed ordinance as the project description. A discussion would be provided showing the similarities between the City's ordinance and the project described in the County's EIR. The addendum would also need to support the conclusion that the proposed changes to the project (i.e., revisions to the project description) will not result in new significant impacts nor substantially increase the severity of previously disclosed impacts beyond those already identified in the County's EIR (CEQA Section 15162 noted above). The City would also need to document that a subsequent or supplemental EIR need not be prepared. This documentation may occur within a staff report or within a stand alone Addendum. The format for this process is flexible and can be adapted. A formal public review process is not legally required for adoption of an addendum.

Option 3: Prepare an EIR

Option 3a: Prepare a Supplement to the County of Los Angeles Final EIR

Under this option, the City would prepare a supplement to the County's EIR pursuant to *Section 15163 of the CEQA Guidelines*, which states:

- (a) The lead or responsible agency may choose to prepare a supplement to an EIR rather than a subsequent EIR if:
 1. Any of the conditions described in Section 15162 would require the preparation of a subsequent EIR, and
 2. Only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.
- (b) The supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.
- (c) A supplement to an EIR shall be given the same kind of notice and public review as is given to a draft EIR under Section 15087.

- (d) A supplement to an EIR may be circulated by itself without recirculating the previous draft or final EIR.

As discussed above under Option 1, the City would be considered a responsible agency and could prepare a supplement to the County's EIR. The Supplemental EIR would include a project description specific to the City's ordinance and would update the environmental analysis accordingly. It is anticipated that the City's Supplemental EIR would similarly address the following environmental impact areas: air quality, greenhouse gases, water quality (eutrophication), public services (energy), utilities and services (water consumption), and hazards and hazardous materials (public health).

Because the County's EIR was thorough, conservative, and included analysis of potential environmental impacts from a plastic carryout bag ban ordinance adopted in the City of Los Angeles, the environmental analysis within the Supplemental EIR could tier off the analysis within the County's analysis with the exception of the following suggested modifications:

1. The City should revise the analysis to address only environmental effects related to the City's ordinance as opposed to cumulative environmental impacts associated with ordinances within the unincorporated areas of the County and 87 other incorporated cities.
2. If the City's ordinance includes a fee on issuance of paper carryout bags, then the environmental analysis prepared for Alternative 5 of the County's EIR would be most relevant to the City's Supplemental EIR. A majority of the environmental impact areas, including air quality, GHGs, energy, and water consumption would be analyzed for indirect effects due to a potential increase in the production, manufacture, distribution, and disposal of paper carryout bags. As discussed above, the County's Draft EIR analysis assumed a conservative worst case scenario of 85% and 100% conversion from plastic bags to paper bags resulting from the proposed ordinance. Alternative 5 in the Final EIR assumed a 50% conversion rate from plastic to paper if the County adopted a minimum 5 cent fee on recyclable paper bags. Alternative 5 explained that the environmental impacts identified for indirect effects related to increased paper bag usage would be minimized with Alternative 5 but the specific analysis was not updated. Therefore, the City's Supplemental EIR should update the County's analysis for air quality, GHGs, energy and water consumption based on the lower plastic to paper conversion rates.
3. The County's EIR concluded that impacts related to increased paper carryout bag manufacturing (e.g., increased air pollution, water usage, and energy consumption) are less than significant primarily because paper bag manufacturing does not occur in the County, Air Basin, or State. For GHG emissions however, the County did take a global view and found impacts related to increased GHG emissions from increased paper bag usage due in part to manufacturing (and due to increased paper bags in landfills) to be cumulatively significant. Although the County was not challenged on these conclusions, additional analysis of cumulative effects related to increased air pollution, energy consumption, and water consumption may be warranted.

4. Finally, opposition groups have begun conducting a public advertising campaign promoting alleged public health impacts associated with increased use of reusable carryout bags. The general assertion is that bacteria from food may remain within reusable bags and then spread to humans by repeated use of the same bag. The City's EIR should expand the County's discussion of these potential public health effects within the Supplemental EIR.

The Supplemental EIR would have two public review periods: a 30-day public review period for the Notice of Preparation and a 45-day public review period for the Supplemental EIR. The City would then address public comments in a Final EIR. It is anticipated that the City would make a similar finding of significant and unmitigated that the County did for GHG emissions. Therefore, the City would need to adopt a Statement of Overriding Considerations finding that the economic, environmental and policy benefits of implementing the ordinance, outweigh and override the one adverse effect of the recommended ordinance.

Option 3b: Prepare a Stand Alone EIR

This option would be similar to the previous option of supplementing the County's EIR with the exception that the City would prepare a stand alone EIR, unrelated to the County's EIR. The same issue areas would be expected to be addressed in the EIR including: air quality, greenhouse gases, water quality (eutrophication), public services (energy), utilities and services (water consumption), and hazards and hazardous materials (public health). The City could elect to prepare new technical studies or utilize the technical studies/analysis prepared for the County's EIR. The appropriateness of those studies would have to be evaluated in light of the requirement that an environmental document must address the existing conditions at the time of the issuance of the Notice of Preparation.

The same modifications suggested above under Option 3b would apply to the City's stand alone EIR and the same public review and statement of overriding considerations requirements would apply.

Option 4: Recirculate the County of Los Angeles Final EIR for Public Review within the City of Los Angeles

According to personal communication with Coby Skye, County of Los Angeles Department of Public Works, this option is being evaluated by another incorporated city within the County of Los Angeles. The purpose of this option would be to rely solely on the environmental analysis within the County's EIR (similar to the recommendation under Option 1 to prepare an Addendum) and provide an additional opportunity for stakeholders within the City to review the County's EIR. HDR does not recommend this approach because of the multiple challenges that arise including:

1. It is atypical for a responsible agency to circulate another lead agency's EIR.
2. Presumably recirculating the County's EIR would also provide an opportunity for public comment. It is unclear how the City could address public comments on an already certified EIR.

3. Because the EIR would be circulated in its current form and not modified to address the specifics of the City's ordinance, this option may create confusion regarding what the City's proposed ordinance includes.
4. This approach could also serve to open up a legally adequate and certified EIR for challenge.

If the City wanted to ensure that its stakeholders had the opportunity to review the County's EIR, there are other options for making it publicly available which would not include the City formally recirculating the County's EIR.

CONCLUSION

Based on our assessment of all of the EIRs listed above, but primarily the County of Los Angeles EIR, HDR recommends the City pursue Option 1—Adopt the City's Ordinance under Prior Environmental Review if the City's proposed ordinance is virtually identical to the County's adopted ordinance. If there are some changes in what the City would like to propose in its ordinance, then HDR recommends Option 2—Prepare an Addendum to the County of Los Angeles Final EIR. This option allows for modifications of the County's EIR to specifically address the City's ordinance. Both Options 1 and 2 are the most cost and time effective option when compared to preparing a supplemental EIR (Option 3a), standalone EIR (Option 3b) or recirculating the County's EIR (Option 4). HDR looks forward to working with the City to further evaluate its options for implementing the environmental review process for the City's proposed plastic carryout bag ban ordinance.

Attachments:

- Attachment 1: Review of Single-Use Plastic Bag Ban Ordinance Environmental Impact Reports
- Attachment 2: County of Los Angeles Ordinance to Ban Plastic Carryout Bags
- Attachment 3: CD containing the following environmental documents reviewed for this assessment: County of Los Angeles EIR Volumes I, II, and III; City of Santa Monica Draft EIR, City of San Jose Draft EIR and First Amendment to the Draft EIR; and the Green Cities California MEA

ATTACHMENT 1

**Review of Single-Use Plastic Bag Ban Ordinance
Environmental Impact Reports**

Attachment 1: Review of Single-Use Plastic Bag Ban Ordinance Environmental Impact Reports (EIRs)

	Los Angeles County – Ordinances to Ban Plastic Carryout Bags Draft and Final EIR	City of Santa Monica – Single-Use Carryout Bag Ordinance Draft EIR	City of San Jose – Single-Use Carryout Bag Ordinance Draft and Final EIR	Green Cities California – Master Environmental Assessment
Status	Bag Ban Ordinance approved and Environmental Impact Report (EIR) certified on Nov. 16, 2010	Draft EIR released for public review June 7, 2010 City Hall meeting to review the EIR on January 25, 2011	Bag Ban Ordinance approved and EIR certified on Dec. 16, 2010	Published on March 8, 2010
Proposed Project	The proposed ordinances being considered would ban the issuance of plastic carryout bags by any retail establishment, defined herein, that is located in the unincorporated territory or incorporated cities of the County. The retail establishments that would be affected by the proposed ordinances include any that (1) meet the definition of a "supermarket" as stated in the California Public Resources Code, Section 14526.5; or (2) are buildings with over 10,000 square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law and have a pharmacy licensed pursuant to Chapter 9 of Division 2 of the Business and Professions Code.	The proposed ordinance would prohibit retailers from distributing both petroleum and bio-based single-use carryout plastic bags at the point of sale. The proposed ordinance would not prohibit the distribution of plastic "product bags" such as those distributed within a grocery store for bagging produce. The ordinance would also impose a "Green Fee" on paper carryout bags at all Santa Monica grocery stores, convenience stores, mini-marts, liquor stores and pharmacies, and requires that paper bags are at a minimum made of 40% post-consumer, recycled content and 100% recyclable. It is anticipated that the Green Fee would be approximately \$0.25 per paper bag with approximately \$0.10 of this amount being retained by the affected stores to offset their costs. The fee would not apply to other types of retail stores such as department stores, clothing stores, and stores that sell durable goods and, as such, do not typically distribute single-use plastic carryout bags to customers in large volumes. In addition, the Green Fee would not apply to paper bags distributed by vendors at the City's Farmers' Markets.	The ordinance prohibits the free distribution of single-use carryout paper and plastic bags at the point of sale for all commercial retail businesses in San Jose except restaurants and nonprofit charitable reuse organizations. An exception is made for paper bags containing at least 40% recycled content, which can be provided to customers for a minimum store charge (to deter use of the paper bags and encourage consumers to switch to reusable bags). The business is required to charge for the exempt paper bags so that the cost of carryout bags is no longer hidden in the price of the merchandise, and the customer can choose whether to pay or not to pay the cost of the bag. Stores operated by non-profit charitable reuse retailers such as Goodwill or the Salvation Army and public eating establishments would not be required to charge for the exempt paper bags. The ordinance would exclude plastic or paper bags that are used by customers or the store to protect or contain meat, fresh produce, food prepared at the establishment, or other goods that must be protected from moisture, damage, or contamination, and that are typically placed inside a carryout bag at the point of sale. Restaurants, take-out food establishments, or any other businesses that receive their revenue primarily from the sale of food cooked or otherwise prepared at the establishment would be exempt from the ordinance. The fee on paper bags would be \$.25 but only \$.10 per bag would be required initially. To further discourage the use of 40% recycled content paper bags ("exempt" paper bags), the full \$.25 would be charged for exempt paper bags two years after the ordinance is first adopted.	The Master Environmental Assessment (MEA) ¹ is neither an ordinance proposal nor an EIR. The MEA was prepared on the subject of single-use, or disposable, grocery shopping bags. As such, it brings together a comprehensive collection of information about single-use grocery bags including existing regulations, life-cycle analysis, potential impacts on the environment, reusable bags, and the use of fees to encourage consumers to reuse bags. The information within the MEA is intended to help cities and counties to determine the significance of actions that they may take to cut back on the use of single-use grocery bags.
Air Quality				
Considerations	The primary air quality issue is the potential for indirect impact upon air quality due to a potential increase in the production, manufacture, distribution, and disposal of paper carryout bags. EIR Considerations: (1) Indirect emissions based on life cycle assessments; (2) Criteria pollutant emissions resulting from disposal of paper carryout bags in landfills; (3) Emissions resulting from increased delivery trips; (4) Indirect local impacts: (a) Carbon monoxide (CO) concentrations at sensitive receptors; (b) Toxic air contaminants; (c) Odors; and (5) Cumulative impacts.	EIR Considerations: (1) Ground level ozone and atmospheric acidification (AA) from carryout bags; (2) Emissions from reusable carryout bag manufacturing facility; (3) Impacts associated with truck trips that deliver carryout bags; and (4) Cumulative impacts.	EIR Considerations: (1) Indirect emissions from increased paper bag use; and (2) Emissions resulting from increased delivery trips.	MEA Considerations: (1) Atmospheric acidification; (2) Criteria pollutants; and (3) Ground-level ozone.

¹ The California Environmental Quality Act (CEQA) authorizes the use of Master Environmental Assessments (MEAs) in order to provide information which may be used or referenced in EIRs or negative declarations (CEQA Guidelines Section 15169). An MEA is not an EIR or other CEQA analysis because it does not reach conclusions regarding local significance and does not propose either mitigation measures or alternatives.

Attachment 1: Review of Single-Use Plastic Bag Ban Ordinance Environmental Impact Reports (EIRs)

	Los Angeles County – Ordinances to Ban Plastic Carryout Bags Draft and Final EIR	City of Santa Monica – Single-Use Carryout Bag Ordinance Draft EIR	City of San Jose – Single-Use Carryout Bag Ordinance Draft and Final EIR	Green Cities California – Master Environmental Assessment
Key Assumptions	<p>Key Assumptions:</p> <ul style="list-style-type: none"> Based on survey of bag usage in the County conducted by Sapphos Environmental, EIR assumes that the plastic bag ban would increase the number of reusable bags by at least 15%. Therefore, conservative worst-case scenario, bag ban would prompt an 85% conversion from plastic to paper. The EIR assumed both an 85% and 100% conversion from plastic to paper to quantify worst-case air quality effects. EIR assumes every store above 10,000 square feet currently uses 10,000 plastic carryout bags per day. Acknowledged that this is an overestimate, as Statewide data indicates that this number is likely to be closer to approximately 5,000 plastic carryout bags per day. Taking into account that a paper bag can hold approximately 1.5 times the amount of groceries than plastic bags, and the greater volume of paper bags relative to plastic bags, a conversion from plastic to paper would be expected to result in an increased number of trucks currently required to deliver carryout bags to supermarkets. 	<p>Key Assumptions:</p> <ul style="list-style-type: none"> Approximately 26 million single-use carryout bags are used per year by retailers (Santa Monica Nexus Study). Based on the proposed Green Fee (at least \$0.25 per bag), it is anticipated that a reduction of approximately 50% of the total single-use bags (plastic and paper) would be achieved, reducing the number of single-use bags to approximately 13 million. In order to replace the volume of groceries contained in the 13 million single-use plastic bags that would be removed, an increase of approximately 250,000 reusable bags per year would be purchased by customers at retail stores. Added to the approximately 150,000 reusable bags that are currently purchased each year in Santa Monica, the proposed ordinance would result in a total of approximately 400,000 reusable bags per year. 	<p>Key Assumptions:</p> <ul style="list-style-type: none"> Approximately 500 million single-use plastic carryout bags and 68 million single-use paper carryout bags are given away per year in San José. The proposed ban will reduce single-use plastic bags by approximately 95% or more. It is not known with any certainty what will happen to the number of paper bags used in San José. 	<p>Key Assumptions:</p> <p>Many LCAs factor in the unequal carrying capacity and frequency of reuse for each type of bag when determining overall environmental impacts. For instance, in one year, a typical consumer/household who requires as many as 500-600 single-use plastic bags may consume approximately 150-450 paper bags, 500-600 biodegradable plastic bags, or 1-3 reusable bags in place of the plastic bags.</p> <p>End-of-life disposal significantly impacts lifecycle emissions and environmental impacts. Some studies assume no recycling of single-use bags, whereas others assume precise percentages of bags sent for recycling, landfill, and combustion for energy recovery. Conclusions regarding precise emissions and environmental impacts associated with single-use bags in California would require a study with end-of-life assumptions specific to California. Such study has not been produced to date.</p>
Impact Analysis	<p>(1) Indirect Emissions: The results from the analysis for the life cycle assessments (LCAs) presented in this EIR demonstrate the largely speculative nature of the analysis due to the large number of assumptions used in the studies and the challenges inherent in applying the results of these studies to Los Angeles County. Aside from being speculative, it is also not necessary to extrapolate LCA data to determine emission levels for the South Coast Air Quality Management District (SCAQMD) portion of the South Coast Air Basin (SCAB) and the Antelope Valley Air Quality Management District (AVAQMD) portion of the Mojave Desert Air Basin (MDAB), when it appears that paper carryout bag manufacturing does not occur in the County unincorporated and incorporated areas of the SCAB and MDAB.</p> <p>(2) Criteria Pollutant Emissions Resulting from Disposal of Paper Carryout Bags in Landfills: Due to conversion from plastic to paper bags which go to landfills at the end of life, NOx emissions from transport of paper carryout bags to landfills would increase. Even though these results generated from the LCA data may not be applicable to the operational thresholds of significance, which are intended for discrete projects, these results would still be below the level of significance if compared to the operational thresholds of significance set by SCAQMD for the SCAB and AVAQMD for the MDAB.</p> <p>(3) Increased Delivery Trips: Delivery truck trips would increase due to conversion from plastic bags to paper bags. However, the emissions from delivery truck trips would be expected to be well below the SCAQMD and AVAQMD thresholds of significance.</p> <p>(4) Indirect Local Impacts: (a) CO Hotspots: As described above, the proposed ordinances would not be expected to generate a substantial number of vehicle trips. In addition, any trips generated due to delivery of bags to stores would be</p>	<p>(1) Indirect Emissions: Emissions associated with single-use paper bag production results in 1.9 times the impact on atmospheric acidification as a single-use plastic bag. On a per bag basis, a reusable carryout bag that is made of low density polyethylene (LDPE)² plastic would result in 3 times the atmospheric acidification compared to a single-use plastic bag. Similarly, based on a per bag basis, a single-use paper bag has 1.3 times the impact on ground level ozone formation compared to a single-use plastic bag and a reusable carryout bag that is made of LDPE plastic would result in 1.4 times the ground level ozone formation compared to a single-use plastic bag. However, when accounting for the reduction in the amount of overall carryout bags, the proposed ordinance would reduce emissions associated with atmospheric acidification and ground level ozone. Reducing the amount of single-use plastic bags that are manufactured and transported in Santa Monica combined with an approximately 50% reduction in the total amount of single-use carryout bags would reduce air emissions.</p> <p>(2) Manufacturing Facilities: A reusable carryout bag manufacturing facility that emits any criteria pollutant or hazardous air pollutant at levels equal to or greater than the Major Source Thresholds (MST) of the local air quality management district would need to obtain and maintain compliance with a Title V permit. Adherence to permit requirements would ensure that a manufacturing facility would not violate any air quality standards. Manufacturing</p>	<p>(1) Indirect Emissions and Manufacturing Facilities: The possibility of a short term increase in the use of single-use paper carryout bags of somewhere between 37 and 69 million bags during the first two years of the ordinance would, using the assumptions from the Boustead LCA, result in annual reductions in the emissions of SOx, NOx, and CO in communities manufacturing single-use kraft paper and plastic carryout bags, compared to existing conditions. Even if single-use paper bag use were to increase despite users having to pay for the bags, air quality impacts in the locations where both types of bags are manufactured will be reduced and they will further decline with the higher fee.</p> <p>An initial increase in single-use paper bag use could lead to temporary incremental increases in air emissions associated with their manufacture and delivery. A substantial decrease in the emissions associated with plastic bag manufacture and delivery would be occurring simultaneously. Based on available information, it cannot be definitively determined what the net increases or decreases in air emissions from these activities might be.</p> <p>Since paper bags will be required to have at least 40% recycled content under the proposed ordinance, the total quantity of emissions resulting from a change from a plastic to a paper bag may not increase substantially because manufacture of paper bags using recycled content results in less pollutant emissions than manufacture using virgin</p>	<p>(1) Atmospheric Acidification and Criteria Pollutants: A reusable LDPE plastic bag results in 3 times the atmospheric acidification of HDPE plastic bags. Used multiple times, the LDPE reusable bag has a less significant impact than HDPE bags on a per use basis. A paper bag has 1.9 times the impact of HDPE plastic bags on atmospheric acidification (Ecobian Study). The Franklin Associates (1990) study, reviewed by FRIDGE (2002), suggests that atmospheric emissions for plastic bags are 63-73% less than paper bags at 0% recycling. Even assuming 0% plastic bag recycling and 100% paper recycling and a ratio of two plastic bags per paper bag, atmospheric emissions per 10,000 bags are 10.84 kg for plastic bags compared to 14.61 kg for paper bags. Emission categories analyzed include particulates, nitrogen oxides, hydrocarbons, sulfur oxides, carbon monoxide, and odorous sulfur.</p> <p>(2) Ground-level Ozone: Ozone precursors and particulate matter are emitted into the atmosphere when fuel is burned during the manufacture of plastic and paper bags. Comparison of these emissions from manufacture of various bags indicates the following results, according to Ecobian (2004): a reusable LDPE plastic bag results in 1.4 times the ground level ozone formation of HDPE plastic bags; when used multiple times, a reusable LDPE plastic bag has a less significant impact than HDPE plastic bags on a per use basis; and a paper bag has 1.3 times the impact of HDPE plastic bags on ground level ozone formation.</p>

² LDPE: Low density polyethylene- typical material used in reusable plastic grocery bags

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	<p>dispersed throughout the County and would not be concentrated in any particular area. Therefore, no significant increase in CO concentrations at sensitive receptor locations would be expected. (b) Toxic Contaminants: Any indirect increase in toxic air contaminant emissions from paper carryout bag manufacturing facilities—though it appears none are located in the region, would be controlled by the owners of the paper carryout bag manufacturing facilities in compliance with applicable local, regional, and national air quality standards. Therefore, there would be no expected toxic air contaminant emissions as a result of the proposed ordinances, and there would be no corresponding significant impacts to human health. (c) Odor: Any indirect increase in odor emissions from paper carryout bag manufacturing facilities would be controlled by the owners of the paper carryout bag manufacturing facilities in compliance with applicable local, regional, and national air quality standards. Any indirect increase in odor emissions from the decomposition of paper carryout bags in landfills within the County would also be controlled by the individual landfills in compliance with AVAQMD Rule 1150.1 or SCAQMD Rule 1150.1, Control of Gaseous Emissions from Active Landfills.</p> <p>(5) Cumulative impacts: Since the proposed ordinances would not be expected to create a significant impact on air quality within the SCAQMD or the AVAQMD, would not be expected to create a significant number of vehicle trips, and would not be expected to promote employment or population growth, the proposed ordinances would be expected to cause a less than significant cumulative air quality impact. Implementation of the proposed ordinances would be consistent with the policies, plans, and regulations for air quality set forth by the County. Any related projects in the County must also comply with the County's air quality regulations. Therefore, implementation of the proposed ordinances would not be expected to result in cumulative impacts when considered with construction and operation of the related past, present, or reasonably foreseeable, probable future projects.</p>	<p>facilities would also be required to obtain equipment permits for emission sources through the local air quality management district which ensures that equipment is operated and maintained in a manner that limits air emissions in the region. Compliance with applicable regulations would ensure that manufacturing facilities would not generate emissions conflicting with or obstructing implementation of the applicable air quality plan, violate any air quality standard or contribute substantially to an existing or projected air quality violation or result in a cumulatively considerable net increase of any criteria pollutant.</p> <p>(3) Emissions Associated with Delivery Trips: Implementation of the proposed ordinance would generate air pollutant emissions associated with an incremental increase in truck trips that deliver paper and reusable carryout bags to local retailers. However, emissions would not exceed SCAQMD operational significance thresholds.</p> <p>(4) Cumulative Impacts: Less than significant - similar analysis as County of LA's EIR.</p>	<p>material. In addition, paper bags used in grocery stores are bigger than the high density polyethylene (HDPE)³ plastic bags and would require fewer bags for more merchandise.</p> <p>(2) Emissions Associated with Delivery Trips: The elimination of 95% of the single-use plastic bags used every day in San José, and a long term reduction in the number of single-use paper bags, would result in a decrease in the shipping capacity used to transport those bags to their regional distribution centers and eventually to stores in San José. Since the bags are transported to users in mixed loads, there may be no reduction in trips. Capacity in the trucks may be used to transport reusable bags offered for sale in the stores, or other commodities handled by the distributor.</p>	
Mitigation Measures	None required	None required	None required	N/A
Conclusion	Less than Significant	Less than significant	Less than significant	N/A
Greenhouse Gas Emissions				
Considerations	<p>The analysis of Greenhouse Gas (GHG) emissions in this EIR focuses on carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O) emissions, which may occur as a result of the manufacture, distribution, and disposal of paper, plastic, or reusable bags. The emissions of CO₂, CH₄, and N₂O are reported as carbon dioxide equivalent (CO₂e).</p> <p>EIR Considerations: Similar to the air quality analysis, GHG emissions were evaluated in three main areas: (1) Potential indirect GHG emissions resulting from the life cycle of paper carryout bags, (2) potential indirect GHG emissions resulting from the disposal of paper carryout bags in landfills, (3) potential indirect GHG emissions resulting from increased delivery truck trips; and (4) cumulative impacts.</p>	<p>EIR Considerations: (1) Potential indirect GHG emissions resulting from the life cycle of paper carryout bags</p>	<p>EIR Considerations: (1) Potential indirect GHG emissions resulting from the life cycle of paper carryout bags</p>	<p>MEA Considerations: (1) Bag manufacture, transport and disposal</p>
Key Assumptions	<p>Thresholds of Significance:</p> <p>(1) Inconsistency with laws and regulations in managing GHG emissions</p> <p>(2) Inconsistency with the goal to reduce GHG emissions to 1990 levels (approximately 427 million metric tons or 9.6 metric tons of CO₂e per capita)</p>	<p>Thresholds of Significance:</p> <p>GHG thresholds based on California Air Pollution Control Officers Association (CAPCOA):</p> <p>(1) Generate greenhouse gas emissions, either directly or</p>	<p>Thresholds of Significance:</p> <p>Bay Area Air Quality Management District (BAAQMD) recently adopted an updated version of its Air Quality Guidelines (June 2010) including a threshold for GHG</p>	<p>Assumptions: A switch to reusable bags is predicted to result in decreased transport-related emissions due to less bag manufacturing and collection at disposal. However,</p>

³ HDPE: High density polyethylene- typical material used in single-use plastic grocery bags

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	by 2020 as required by Assembly Bill (AB) 32	indirectly, that may have a significant impact on the environment. (2) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. Santa Monica has selected a dual threshold methodology that considers the 10,000 tons of CO _{2e} /year threshold as a quantitative benchmark for significance and qualitative consideration of the California Environmental Protection Agency's (CalEPA's) GHG emissions reduction strategies. A project's contribution to cumulative impacts to global climate change is considered cumulatively considerable if the project would generate 10,000 tons CO _{2e} /year. For projects that would generate fewer than 10,000 tons CO _{2e} /year, the impact would be considered cumulatively considerable if the project would be inconsistent with one or more of the 2006 California EPA's Climate Action Team (CAT) Report and the 2008 Attorney General's Greenhouse Gas Reduction Report.	emissions. Under the threshold, if a project would result in operational related GHG emissions of 1,100 metric tons of CO _{2e} a year or more, it would make a cumulatively considerable contribution to GHG emissions and result in a cumulatively significant impact to global climate change. The guidelines also outline a methodology for estimating greenhouse gases, including use of the Urban Emissions (URBEMIS) model for direct emissions from land use projects.	because HDPE plastic bags have a significantly lower volume than paper or reusable bags, a switch from plastic to paper may result in short-term increase in transportation. Any increase is thought to be insignificant, on the order of one additional truck trip per day per small city.
Impact Analysis	<p>(1) Indirect Emissions: A comparison of the emissions of the life cycle of plastic carryout bags and paper carryout bags indicates that conversion to paper carryout bags would increase emissions of GHGs. When measured against the 2020 carbon footprint per capita of 9.6 metric tons of CO_{2e} suggested by the California Air Resources Board (CARB), the increase is between 0.03% and 0.09%. The ordinance would not conflict with the goals of AB 32. Also, any indirect increase in GHG emissions from paper carryout bag manufacturing facilities would be controlled by the owners of the paper carryout bag manufacturing facilities in compliance with applicable local, regional, and national air quality standards. Coordination with SCAQMD further indicates that evaluation of indirect impacts of the proposed ordinances due to increases in the manufacturing of paper carryout bags would be speculative.</p> <p>(2) Disposal of Paper Bags in Landfills: Depending on which LCA is used, increase in GHG emissions due to disposal of paper carryout bags in landfills would be between 0.0045% to 0.05% of the 2020 target emissions for the County. These results are likely to be overestimates for the County, as emissions from active landfills in the County are strictly controlled by SCAQMD Rule 1150.1 and AVAQMD Rule 1150.1, Control of Gaseous Emissions from Active Landfills. However, even under the worst-case scenario the increases resulting from plastic to paper bag conversion would be expected to be below the level of significance when considered in context with California's 2020 GHG emissions target of 427 million metric tons per year and the County's 2020 GHG emissions target of 108 million metric tons per year.</p> <p>(3) GHG Emissions from Increased Delivery Trips: Assuming a total of 36 additional trips required to deliver paper carryout bags would result in 71 metric tons per year or 0.00008% of the County's target emissions for 2020. The proposed ordinances would be expected to be consistent with the County Energy and Environmental Policy, particularly with the Environmental Stewardship Program set forth in the policy. In addition, the proposed ordinances would be</p>	<p>(1) Indirect Emissions: The proposed ordinance would incrementally increase GHG emissions compared to existing conditions. However, the proposed ordinance would not exceed suggested CAPCOA thresholds and would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.</p> <p>Although the total number of carryout bags would be reduced by approximately 13 million bags per year, as a result of the increase of single-use paper bags, GHG emissions associated with the manufacturing, transport, and disposal of carryout bags would increase by approximately 501 CO_{2e} per year compared to existing conditions. This represents approximately 0.00038% of California's statewide GHG inventory of 492 million CO_{2e} per year. The increase of GHG emissions would be less than 10,000 CO_{2e} per year and the ordinance would be consistent with the California EPA's CAT strategies and measures suggested in the Attorney General's Greenhouse Gas Reduction Report.</p>	<p>(1) Indirect Emissions: Since single-use paper bags sold to consumers will be required to have at least 40% recycled content under the proposed ordinance, the total quantity of greenhouse gas emissions resulting from a change from a plastic to a paper bag may not increase substantially because manufacture of paper using recycled content results in less greenhouse gas emissions than manufacture using virgin material. The data from the Boustead LCA shows that there could be an annual reduction in greenhouse gas emissions of as much as 9,600 tons of CO_{2e} compared to existing conditions with the reduction in plastic bag use and the anticipated increase in paper bag use. A fee of \$.25 would result in a reduction of as much as 15,000 tons of CO_{2e}.</p>	<p>(1) Bag Manufacture, Transport and Disposal: The Ecobian study (2004) concludes that the paper bag has a significantly larger impact on air quality than single-use plastic bags. Paper bag production, use, and disposal results in 3.3 times the GHG emissions associated with HDPE single-use plastic bags. If only used once, a reusable LDPE bag results in 2.6 times the GHG emissions of a single-use HDPE plastic bag. That said, a reusable bag used 3 times will have fewer GHG emissions per use than a plastic bag. These results match those of an earlier study conducted by Franklin Associates (1990), which concluded that paper bags, compared to HDPE plastic bags, create 90% more GHG emissions.</p> <p>SYKE (2009) also examined reusable bags and concluded that because of high emissions associated with cotton production and the fact that waste bags would need to be used in addition to the cotton bags, the cotton bag must be used more than 180 times before its climate impact is smaller than the climate impacts of a continuous use of recycled plastic. The authors surmised that if the cotton bag is used enough times in conjunction with small waste bags, then the combination may be better than the conventional plastic bag, but not better than the paper bag or plastic bag made of recycled materials. In short, the study argued that if reusable bags are used, they should be made of other fibers than cotton. An earlier study by Hyder Consulting (2007) suggests that the non-woven polypropylene "Green Bag" would offer significant GHG savings, on a level of about 6 kilograms (kg) per household per year.</p>

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	<p>expected to comply with the strategies established by the County for GHG emissions reduction established pursuant to their participation in the California Climate Action Registry (CCAR). Therefore, indirect GHG emissions associated with the proposed ordinances would be expected to be below the level of significance.</p> <p>(4) Cumulative Impacts: The ordinances would increase GHG emissions associated with an increase in paper bag manufacturing and disposal of paper bags in landfills. However, the quantitative GHG emission impacts of the proposed ordinances would be expected to be below the level of significance compared to the County's target 2020 GHG emissions. There are no defined criteria for establishing significance on a cumulative level for GHG. However, certain representatives of the plastic bag industry have claimed that paper carryout bags are substantially worse for the environment from a GHG emissions perspective. On this basis, and specific to this project only, and because the County is attempting to evaluate the impacts of the proposed ordinances from a conservative worst-case scenario, this EIR concluded that the life cycle impacts resulting from an 85% and 100% conversion from plastic to paper carryout bags may be cumulatively significant.</p> <p>As for GHG emissions resulting from increased vehicle trips, since the proposed ordinances would not generate a significant number of vehicle trips and would not promote employment or population growth, the proposed ordinances would be expected to cause a less-than-significant cumulative GHG emission impact, when considered on a local, regional, or global scale.</p>			
Mitigation Measures	<p>The County added the following mitigation measure to the Final EIR that would minimize the potential increase in use of paper carryout bags and indirectly offset GHG emissions.</p> <p>Mitigation Measure MM-GHG-1: Implement and/or expand public outreach and educational programs to increase the percentage of paper carryout bags that are recycled curbside.</p> <p>If the adopted ordinance includes a fee or charge on the issuance of paper carryout bags of at least \$0.05, consider increases to the fee or charge to further reduce consumption of paper carryout bags.</p> <p>Distribute reusable grocery bags, free of charge within the project area to encourage further transitions to reusable bags. Consider public/private partnerships to offset costs of distribution.</p> <p>Implement an outreach program for affected stores to encourage consumer transition to reusable bags, to reduce double bagging, and to encourage reuse and in-store recycling of paper carryout bags.</p> <p>Encourage grocery stores to implement energy efficiency technology particularly in relation to storage of cold and frozen foods (assuming a reduction of 0.65 metric ton carbon dioxide equivalent for each megawatt hour saved).</p> <p>Consider converting public vehicles to low-emitting fuels (assuming a reduction of 0.45 metric ton carbon dioxide equivalent for each 1,000 vehicle miles</p>	None required	None required	N/A

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	traveled). Consider funding conversion of vehicles through participation in South Coast Air Quality Management District's Carl Moyer Program.			
Conclusion	Less than significant on a project level. Cumulatively significant and unmitigated with regards to indirect GHG emissions resulting from manufacturing of paper carryout bags and disposal of paper bags in landfills. While the incorporation of Mitigation Measure GHG-1 would monitor and reduce the consumption of paper carryout bags caused by the proposed ordinances and indirectly offset GHG emissions resulting from end of life to the maximum extent feasible, the County has decided that no emission reduction credit will be taken for the measure, and for the purposes of the decision-making process, the County will proceed with the conclusion that indirect impacts to GHG emissions resulting from end of life would remain cumulatively considerable. No feasible mitigation identified.	Less than significant	Less than significant	N/A
Biological Resources				
Considerations	EIR Considerations: The initial Study ruled out biological resources as a potential impact area. However, the EIR includes a biological resources section to demonstrate biological benefits of the ordinances through (1) Reduction in litter.	EIR Considerations: (1) Reduction in litter	EIR Considerations: (1) Plastic litter in water bodies; (2) injury to wildlife; (3) Paper bag litter; and (4) Cutting down trees for paper manufacturing	MEA Considerations: (1) Effects of litter on terrestrial animal species, birds and marine species that ingest plastic bags or the residue for plastic, paper, and reusable bags.
Key Assumptions	N/A	N/A	N/A	N/A
Impact Analysis	(1) Reduction in Litter: The ban would result in a reduction in plastic bag litter in the marine environment and correspond in potentially beneficial impacts upon biological resources. Paper and reusable bags are not noted to have substantial adverse impacts on biological resources. They are less likely to be littered and less likely to end up in wildlife habitats	Reduction in Litter: A total reduction of approximately 13 million carryout bags in the City (including removing approximately 20 million single-use plastic bags) would be expected to generally reduce litter-related impacts to sensitive species. Impacts to sensitive species such as sea turtles, mammals, and bird species would benefit from the proposed ordinance, which would reduce the amount litter entering the marine environment.	(1) Plastic Litter: A substantial reduction in the number of single-use carryout plastic bags would produce a reduction in plastic litter entering waterways and flowing to San Francisco Bay and then into the ocean. A reduction of plastic litter entering natural water bodies would have a beneficial impact on wildlife dependent upon those ecological systems, as well as on the visual quality of the stream and Bay, and the visual quality of the streets, parks and both public and private properties currently subject to impacts from plastic bag litter. (2) Injury to Wildlife: The ordinance will substantially reduce the incidence of injuries to wildlife from plastic bag litter, including injuries to marine and riparian wildlife in and adjacent to San José. (3) Paper Bag Litter: A significant increase in the number of single-use recycled content paper bags, even a short term increase, could result in an associated increase in paper bag litter. While the increased organics loading represented by the increased paper that enters waterways would be an adverse impact, it would not create substantial risks of injury or harm to wildlife. Due to the ephemeral nature of paper, the litter exists for a considerably shorter length of time. The impact itself (creation of increased paper litter) would be short term, since experience in other locations and the survey of local residents indicates that even if there should be a significant increase in single-use paper bag use immediately after project implementation, the quantity of single-use carryout paper bags will return to	(1) Reduction in Litter: Non-biodegradable Plastic Bags: Plastic grocery bags enter the biological environment primarily as litter. Less directly, the small plastic pellets that are eventually manufactured into bags often end up in storm drains. Mistaken for fish eggs, they are consumed by marine life. A study conducted by Tokyo University geochemist Hideshige Takada found that the toxic chemicals in plastic pellets accumulate in birds at levels of up to one million times the normal level in seawater. Biodegradable Plastic Bags: According to the ExcelPlas Australia (2004) study, material density is more important than degradability in determining the risk of harmful impacts to marine wildlife. Biodegradable plastic bags may have a similar impact, because they only biodegrade at a relatively fast rate when in a composting facility in the presence of microorganisms. In oceans they can take more than five months to partially decompose, leaving a substantial time period during which they may affect wildlife. In a study of early Mater-BI material composed of thermoplastic starch and polycaprolactone, McClure (1996) concluded that starch-based plastics are likely to be a lower risk to marine animals than conventional HDPE plastics. However, Herrera et al (2008) points out that while partially degraded smaller pieces of plastic are less likely to be consumed by large marine animals, they may be mistaken as food for smaller animals. It is still uncertain whether or not these smaller pieces pose a significant risk, as they may continue to

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			existing levels within a brief period of time, or two years at most, when the full fee of \$.25 takes effect. (4) Trees: A short term increase in paper bag use may also result in a short term increase in trees cut down for virgin material to manufacture the paper bags. The estimated increase could range from approximately 15,000 to as many as 40,000 more trees cut down in a year; they would consist mostly of commercially grown "pulp trees". The tree plantations are replanted and new trees grown to replace them. While the short term loss of trees is a negative impact, this increase is a relatively minor temporary increase in wood used for commercial paper manufacturing, should the increased demand in San José occur. The habitat loss and any associated erosion resulting from this incremental addition to tree removal would be short term and relatively minor.	degrade in the smaller animals' digestive tracts. Paper: Paper grocery bags are also released into the environment as litter. They generally have less impact on wildlife because they are not as resistant to breakdown as plastic, therefore running less risk of entanglement, and while probably not as healthy a food source as natural foods, if ingested they can be chewed effectively and may be digested by many animals. The literature on the biological effects of paper grocery bag litter is practically non-existent. Less directly, as with plastic bags, the manufacture of paper bags also has adverse effects on wildlife. Reusable Bags: Although no reviewed studies comprehensively reviewed the impacts of reusable bags on biological resources, it is believed that these bags will not have a significant impact on marine life. Due to the weight and sturdiness of these bags made for multiple uses, reusable bags are unlikely to be littered or carried from landfills by the wind as litter. Therefore, they are less likely to enter the oceans as waste. However, additional research is needed to identify other potential biological resource hazards associated with various types of reusable bags.
Mitigation Measures	None required	None required	None required	N/A
Conclusion	No Impact	Less than significant	Less than significant	N/A
Hydrology & Water Quality				
Considerations	EIR Considerations: (1) Drainage; (2) Surface water quality; (3) Groundwater; and (4) Cumulative impacts	EIR Considerations: (1) Water quality; and (2) Waste discharge requirements.	EIR Considerations: (1) Plastic bag litter into waterways; and (2) Water quality impacts related to paper bag manufacturing	MEA Considerations: (1) Hydrology; and (2) Water quality
Key Assumptions	N/A	N/A	N/A	Methodology: Review of LCAs and trash total maximum daily load (TMDL) regulations
Impact Analysis	Drainage: The proposed ordinances would be expected to reduce plastic bag litter and have a positive impact on the surface water drainage and storm drain systems in the County. Surface Water Quality: The potential for an 85% conversion from the use of plastic to paper carryout bags would result in an increase in eutrophication of approximately 15 kilograms (kg) of phosphate equivalent per day for the stores in the unincorporated territory of the County, and 88 incorporated cities of the County. Assuming 100% conversion to the use of paper carryout bags, this would result in an increase in eutrophication of approximately 17 kg of phosphate equivalent per day for the stores in the unincorporated territory of the County and 88 incorporated cities of the County. Increased demand for reusable bags may also have the potential to indirectly increase eutrophication impacts from facilities that manufacture reusable bags. However, they are assumed to be less than plastic and paper bags. The County is considering adopting a performance standard for reusable bags to further reduce eutrophication impacts.	(1) Water Quality: Although the proposed ordinance would incrementally increase the number of single-use paper and reusable bags within Santa Monica, the overall reduction in the total amount of carryout bags would incrementally reduce the amount of litter and waste entering storm drains, improving water quality. (2) Waste Discharge Requirements: A shift toward reusable bags could potentially alter processing activities related to bag production, which could potentially degrade water quality in some instances and locations. However, bag manufacturers would be required to adhere to existing regulations including National Pollutant Discharge Elimination System (NPDES) Permit requirements, AB 258 and the California Health and Safety Code.	(1) Plastic Bag Litter: The proposed ordinance would reduce the proliferation of plastic bag litter into waterways. (2) Water Quality: Incremental and temporary increases in water quality impacts, should they occur, would be not significant at a paper bag manufacturing plant that meets current national Clean Water Act standards for water discharged back into the environment.	(1) Hydrology: Plastic bag litter can block waterways (primarily storm drains) resulting in contamination and changes in waterflow to surrounding areas. (2) Water Quality: According to the Ecobilan study (2004), paper bags have 14 times the impact of HDPE plastic bags on eutrophication (e.g., nitrate and phosphate emissions into water that stimulate excessive growth of algae and other aquatic life) as a result of their manufacturing process. Reusable LDPE bags have 2.8 times the impact when used only once. The Franklin Associates (1990) study suggests that paper bags generate 12 times the level of eutrophication as HDPE plastic bags during manufacture. This assessment covered dissolved solids, biological oxygen demand (BOD), suspended solids, and acids. According to ExcelPlas Australia (2004), as the use of renewable resources for polymer production increases, so does the impact on eutrophication due to the application of

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	<p>The proposed ordinances would also ban the issuance of biodegradable and compostable plastic carryout bags. Biodegradable bags have been noted to have worse impacts upon eutrophication than standard plastic carryout bags have, so the inclusion of biodegradable bags in the proposed ordinances would result in potentially positive impacts upon surface water quality.</p> <p>While a quantitative analysis for eutrophication has been undertaken, determining the level of significance of eutrophication impacts from bag manufacturing would be speculative due to the lack of an established baseline or significance threshold and would be inapplicable given the fact that the manufacturing facilities for paper carryout bags appear not to be located within the County.</p> <p>Any indirect increase in pollutant discharge from manufacturing plants due to increased demand for paper carryout bags would be regulated and controlled by the local, regional, and federal laws applicable to each manufacturing plant.</p> <p>Any adverse indirect impact upon water quality due to eutrophication would likely be offset by the positive impacts that the proposed ordinances would be expected to have upon water quality due to a decrease of litter attributed to plastic carryout bags in water bodies.</p> <p>Groundwater: Paper carryout bags supplied to the greater Los Angeles metropolitan area are produced in and delivered from states outside of California, or from countries outside of the United States, such as Canada. Therefore, there would be no anticipated manufacturing-related impacts to groundwater within the County.</p> <p>Cumulative: No impacts</p>			<p>fertilizers to the land and runoff of nutrients into waterways. This assessment suggests that the manufacture of degradable bags may be especially harmful in this impact area. Again, this is an indirect effect of bag use. More directly, degradation of biodegradable bags into a wide range of products and residues after their use, some of which may be toxic unless the bag is compostable, could contribute to the biological oxygen demand (BOD) and chemical oxygen demand (COD) of aquatic regions with unknown consequences</p>
Mitigation Measures	None required	None required	None required	N/A
Conclusion	Less than significant	Less than significant	Less than significant	N/A
Public Services and Utilities (including Energy)				
Considerations	<p>Issuance of plastic carryout bags could potentially result in the increased manufacture of paper carryout bags, which may lead to increased water consumption, energy consumption, and solid waste disposal.</p> <p>EIR Considerations: (1) Wastewater treatment; (2) Storm drain systems; (3) Water supply; (4) Solid waste; and (5) Energy conservation/consumption</p>	Ruled out as less than significant in Initial Study	<p>EIR Considerations: (1) Solid waste; (2) Stormwater & drainage; (3) Water supply & wastewater; and (4) Energy consumption</p>	<p>MEA Considerations: (1) Solid waste services (litter); (2) Water consumption; and (3) Energy consumption</p>
Key Assumptions	N/A		<p>Assumptions: An initial short term increase of between 37 and 69 million single-use paper carryout bags could occur when the initial \$.10 fee on paper bags is first imposed.</p>	N/A
Impact Analysis	<p>(1) Wastewater Treatment: A conversion to paper would result in an increase in wastewater. The increase in the amount of wastewater generated would not be significant when compared to the total wastewater treated daily in the County. Reusable bags would require less wastewater than plastic bags.</p> <p>(2) Storm Drains: Less plastic bags would be littered resulting in positive effect to storm drains and catch basins.</p>		<p>Solid Waste: The proposed ordinance may lead to a short term increase in the number of single-use paper bags used if consumers that are unable to acquire free single-use carryout bags are willing to pay a fee to use paper bags. However, due to the City's recycling programs, increasing the number of paper bags used in San José will not result in a substantial increase in solid waste sent to landfills.</p>	<p>Solid Waste: Reduction in plastic bag litter would result in significant cost savings to the City.</p> <p>Solid waste production from bag manufacture and disposal is generally considered higher for paper bags than for plastic bags. The Ecobilan study (2004) indicates that solid waste production is 2.7 times greater, by weight, for paper bags than for HDPE plastic bags. Similarly, an LDPE plastic</p>

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	<p>(3) Water supply: Amount varies depending on which LCA data is used but paper bag manufacturing consumes slightly more water than plastic bag manufacturing. Reusable bag manufacturing would require less water.</p> <p>(4) Solid Waste: Use of paper bags would increase solid waste generation compared to plastic bags but would represent 0.05 to 0.07% of the total daily capacity of the landfills in the County.</p> <p>(5) Energy Consumption/Conservation: Use of paper bags would increase energy consumption due to the life cycle of paper carryout bags. However, even when assuming the unlikely worst-case scenario of 100% conversion from the use of plastic carryout bags to the use of paper carryout bags as the amount of electricity consumption would not be significant when compared to the total energy consumption in the County.</p>		<p>To the extent that the proposed project may incrementally reduce the resources required to keep litter cleaned up on school campuses, in public parks, and on the grounds of other public facilities (e.g., in the landscaping and on the grounds of libraries, fire stations, etc.), it may free up staff and funding to maintain other parts of the facilities.</p> <p>Stormwater & Drainage: A substantial increase in paper bag use, should it occur, could increase the quantity of paper litter in the streets and creeks. However, because kraft bags are not as easily windblown and are relatively short-lived as litter, they would not create the substantial creek litter problems that plastic bags cause. As documented in the Anacostia study, paper litter is visibly present in the streets (near the sources of litter), but becomes less and less prevalent as it moves through the watershed.</p> <p>Water Supply & Wastewater: An increase in the laundering of reusable bags could lead to an increased use of potable water. However, the incremental impact of adding a few shopping bags to mixed laundry loads a few times a year will not substantially increase the use of potable water or the generation of wastewater. Further reducing the likelihood of the ordinance causing a significant increase in water use, most of the new reusable bags being distributed by local businesses are made from plastics that can be easily cleaned with a damp sponge.</p> <p>Energy: Although there may be an initial short term increase in use of single-use paper bags, the paper bags will be required to have at least 40% recycled content under the proposed ordinance. Manufacture of paper using recycled content requires less energy than manufacture using virgin material. In addition, paper bags used in grocery stores are bigger than the HDPE plastic bags and would require fewer bags for more merchandise. Even a short term increase in single-use paper carryout bags used in San Jose as a result of the ban on single-use plastic carryout bags would not result in increased energy use in the manufacture of single-use bags at various locations, given that the number of single-use bags distributed in San Jose is expected to be reduced by 90%.</p>	<p>bag used only once creates 2.8 times, by weight, the solid waste of an HDPE plastic bag.</p> <p>The Bouslead Consulting study (2007) assumes that paper bags can hold the same quantity of groceries as 1.5 plastic bags, and suggests that the production of municipal solid waste associated with paper bags is almost 5 times that, by weight, of HDPE plastic bags. Compostable plastic bags produce almost 3 times the solid waste of HDPE plastic bags.</p> <p>Water Consumption: The Ecobilan report (2004) indicates that water consumption over a paper bag's life cycle is 4 times that of an HDPE plastic bag. A reusable LDPE plastic bag results in 2.6 times the consumption of water of an HDPE plastic bag when compared on a per bag basis.</p> <p>Reuse of the LDPE plastic bag three times is sufficient for per-use water consumption impacts to be less than for HDPE plastic bags. The Australian study conducted by Hyder Consulting (2007) corroborates this finding, suggesting that compared to the conventional plastic bag, the non-woven polypropylene "Green Bag" would offer water consumption savings of 7 liters per household per year. The Bouslead Study compared paper, HDPE plastic, and compostable plastic bags, assuming that one paper bag can carry the same quantity of groceries as 1.5 plastic bags. Study results indicate that water use for both paper and compostable plastic bags is more than 16 times the use for HDPE plastic bags. Water used in manufacturing is an indirect effect of bag use and may not result in a direct impact to a community, unless it is home to a bag manufacturer.</p> <p>Water used in manufacturing is an indirect effect of bag use and may not result in a direct impact to a community, unless it is home to a bag manufacturer.</p> <p>Energy Consumption: Since energy needs are dependent on fuel source, material components, technology, and location (including transport), the following discussion of previous LCA results may have little direct local impact.</p>
Mitigation Measures	None required		None required	N/A
Conclusion	Less than Significant		Less than significant	N/A
Traffic				
Considerations	Ruled out as less than significant in Initial Study	EIR Considerations: (1) Additional local truck delivery trips	EIR Considerations: (1) Additional local truck delivery trips	MEA Considerations: (1) Additional local truck delivery trips
Key Assumptions		Assumptions: Based on an average of 28 million single-use carryout bags used per year in Santa Monica.	Methodology: Review of Bouslead LCA	Report: City of Palo Alto

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		approximately 36 truck trips per year (approximately 0.14 truck trips per work day) are currently necessary to deliver carryout bags to City retailers.		
Impact Analysis		(1) Additional Local Truck Delivery Trips: The proposed ordinance is expected to generate less than one net new average weekday truck trip. No impacts to circulation network.	(1) Additional Local Truck Delivery Trips: A temporary increase in single-use paper bag use might lead to an increase in the frequency of truck trips needed to deliver a greater number of paper carryout bags to San José. Considered under the criteria of the City's Level-of-Service policy, the increased traffic generated by the proposed ordinance would be minimal (one truck trip per day maximum) and would not exceed the established threshold required for preparing a Traffic Impact Analysis (i.e., it would not generate a substantial increase in peak hour traffic).	(1) Additional Local Truck Delivery Trips: A shift in bag use is unlikely to have any discernible effect on traffic at a local level. In anticipation of regulating the use of plastic bags within Palo Alto, the City determined that short-term additional truck trips needed to transport more paper bags would be approximately one additional truck trip within the city per day. More research is needed to determine the precise number of additional truck trips that may be generated at a local level as a result of delivering new bags to grocery stores.
Mitigation Measures		None required	None required	N/A
Conclusion		Less than significant	Less than significant	N/A
Land Use & Aesthetics				
Considerations	Ruled out as less than significant in Initial Study	Ruled out as less than significant in Initial Study	EIR Considerations: (1) Land use (change in behavior); (2) Aesthetics (litter); and (3) Agriculture	MEA Considerations: (1) Aesthetics (litter); and (2) Agriculture
Key Assumptions			N/A	N/A
Impact Analysis			<p>(1) Land Use (Change in Behavior): The proposed ordinance would result in an immediate net reduction of approximately 95% of the single-use carryout plastic bags given away annually in San José, the number of such bags that become litter is anticipated to be reduced accordingly (by 95%). A widespread public education campaign, including distribution and sale of reusable bags in advance of the ordinance taking effect, is being carried out by the City. The City estimates that within a brief time period the number of single-use paper carryout bags sold in retail stores would return to current levels or below.</p> <p>There may be an increase in sale of wastebasket liners in San José, for those customers who previously used freely distributed carryout bags to line wastebaskets. However, the number of wastebasket liners sold will never approach the 500 million plastic bags given away in San José each year.</p> <p>In the near term, the proposed ordinance might lead to a short-term increase in single-use paper bags used because the exempt bags will still be available at the check-out stand for a fee. However, no physical change would need to occur at the retail stores that would cease to give away single-use plastic carryout bags at the point sale. The total number of exempt bags sold at check-out stands would be substantially fewer than the combined total of plastic and paper carryout bags formerly given away free.</p> <p>A reduction in the 500 million single-use carryout plastic bags handed out to shoppers in San José each year, either</p>	<p>(1) Aesthetics: When improperly disposed of (i.e., not recycled or sent to a landfill), grocery bags contribute to the visual effects of litter. In particular, HDPE plastic bags that are not disposed of in a landfill are likely to end up as litter. Even those bags set out for collection as garbage or for recycling or at a landfill may be blown away as litter due to their light weight.</p> <p>The Los Angeles County Staff Report on Plastic Bags (2007) summarizes several studies conducted on plastic litter. Based on five studies, the report suggests that plastic films, which include plastic bags, account for 7-30% by weight of all litter in the Los Angeles area. HDR Consulting (2008) conducted an audit of San Francisco large litter (items over 4 square inches), and concluded that bags constituted 5.9% of that litter in 2008. Plastic bags account for 73% of the bag litter, while paper accounts for the remaining 27%.</p> <p>(2) Agriculture Previous LCAs do not thoroughly address the potential impacts of various grocery bags on agricultural resources. Consequently, the extent to which the manufacture of corn-based biodegradable bags may affect US corn production is unknown. There has been the suggestion that plastic bags in litter can jam farm machinery, but there is no evidence that this is a common problem.</p>

Attachment 1: Review of Single-Use Plastic Bag Ban Ordinance Environmental Impact Reports (EIRs)

	Los Angeles County – Ordinances to Ban Plastic Carryout Bags Draft and Final EIR	City of Santa Monica – Single-Use Carryout Bag Ordinance Draft EIR	City of San José – Single-Use Carryout Bag Ordinance Draft and Final EIR	Green Cities California – Master Environmental Assessment
			<p>completely or by a substantial percentage, would directly result in a reduction in the quantity of litter on the ground and in the streams, Bay and ocean.</p> <p>(2) Aesthetics: A temporary increase in demand for paper bags could result in a slightly higher percentage of the litter stream being comprised of paper bags for that period of time which is a beneficial impact. The relatively minor aesthetic impacts of a short term increase in paper bags entering the litter stream as a result of the project would be offset by the substantial reduction in the much more visible and long-lived plastic bag litter.</p> <p>(3) Agriculture: Litter is a contaminant that is found on agricultural land as well as in urban areas. Plastic that breaks into smaller pieces and remains in the soil reduces its fertility and permeability. Reducing the quantity of plastic litter generated in the urban areas of San José will also reduce the quantity of plastic litter that contaminates the farmland in and adjacent to the urban areas.</p>	
Mitigation Measures			None required	N/A
Conclusion			Less than significant	N/A
Hazards & Hazardous Materials/ Public Health				
Considerations	Ruled out as less than significant in Initial Study	Ruled out as less than significant in Initial Study	EIR Considerations: (1) Hazardous materials released in environment; (2) Suffocation; and (3) Cockroach infestations.	MEA Considerations: (1) Food residue leading to public health concerns (Hygiene section of MEA)
Key Assumptions				
Impact Analysis			<p>(1) Hazardous Materials: A temporary increase in the number of single-use paper bags used may lead to a short term increased demand for paper. Since the proposed ordinance would limit single-use carryout paper bags to 40% post consumer recycled content bags, this requirement would result in a proportionally smaller incremental increase in the use of toxic chemicals than the overall percentage of increased use of paper bags (because recycled content reduces the chemical use in manufacturing paper compared to virgin content).</p> <p>(2) Suffocation: Thin plastic film is a source of risk for injury or death to infants and young children if the plastic is placed over or near their faces. The risk would be reduced because there will be fewer plastic bags in homes. None of the reusable bags, including reusable plastic bags, are apt to be as great a risk as the thin HDPE single-use bags that they would be replacing.</p> <p>(3) Potential Increase in Cockroaches: An increase in single-use paper bags used in San José. Should such an increase occur, it would not result in a significant increase in cockroach populations or the adverse conditions associated</p>	Food Residue: Food residue on reusable bags may lead to the growth of mold or harbor bacteria, which in turn may come in contact with other foods. This concern is mostly associated with reusable plastic bags; reusable cloth bags – commonly used in California – are more durable and are routinely tossed into the laundry for cleaning. No definitive conclusions reported.

Attachment 1: Review of Single-Use Plastic Bag Ban Ordinance Environmental Impact Reports (EIRs)

	Los Angeles County – Ordinances to Ban Plastic Carryout Bags Draft and Final EIR	City of Santa Monica – Single-Use Carryout Bag Ordinance Draft EIR	City of San Jose – Single-Use Carryout Bag Ordinance Draft and Final EIR	Green Cities California – Master Environmental Assessment
			with cockroaches since the existence of paper bags is only one of dozens of attractive havens that can harbor cockroaches (including walls, attics, old furniture, old appliances, cardboard boxes, old books and magazines, etc.). None of these other sources would be influenced by the ordinances.	
Mitigation Measures			None required	N/A
Conclusion			Less than Significant	N/A
Alternatives	<p>Alternatives Considered But Rejected:</p> <ul style="list-style-type: none"> Require stores to provide compostable or biodegradable carry-out bags <p>Alternatives Fully Analyzed:</p> <ul style="list-style-type: none"> No Project Alternative Alternative 1: Ban Plastic and Paper Carryout Bags in Los Angeles County Alternative 2: Ban Plastic Carryout Bags and Impose a Fee on Paper Carryout Bags in Los Angeles County Alternative 3: Ban Plastic Carryout Bags for All Supermarkets and Other Grocery Stores, Convenience Stores, Pharmacies, and Drug Stores in Los Angeles County Alternative 4: Ban Plastic and Paper Carryout Bags for All Supermarkets and Other Grocery Stores, Convenience Stores, Pharmacies, and Drug Stores in Los Angeles County Alternative 5: Ban Plastic Carryout Bags and Impose a Fee on Paper Carryout Bags for All Supermarkets and Other Grocery Stores, Convenience Stores, Pharmacies, and Drug Stores in Los Angeles County (added to Final EIR) <p>Environmentally Superior Alternative: Alternative 4, Ban Plastic and Paper Carryout Bags for All Supermarkets and Other Grocery Stores, Convenience Stores, Pharmacies, and Drug Stores in Los Angeles County</p>	<p>Alternatives Fully Analyzed:</p> <ul style="list-style-type: none"> Alternative 1: No Project Alternative 2: Ban on Single-use Plastic Bags, No Green Fee for Single-use Paper Bags Alternative 3: Ban Both Single-use Plastic and Paper Bags <p>Environmentally Superior Alternative: Alternative 3: Ban Both Single-use Plastic and Paper Bags</p>	<p>Alternatives Considered But Rejected:</p> <ul style="list-style-type: none"> Education, Recycling, and Litter Control Exemption for Degradable Plastic Bags Rebate for the Use of Reusable Bags for Customers Fee on Single-Use Paper and Plastic Bags <p>Alternatives Fully Analyzed:</p> <ul style="list-style-type: none"> Alternative 1: No Project Alternative 2: Landfill Ban Alternative 3: Increased Recycled Content in Single-Use Paper Bags Alternative 4: Ban on All Single-Use Carryout Bags <p>Environmentally Superior Alternative: Alternative 4: Ban on all Single-Use Carryout Bags</p>	N/A
Significant & Unavoidable Impacts	Cumulative GHG Emissions	None	None	N/A
Summary of Issues Raised During Public Review				
Save the Plastic Bag Coalition	<ul style="list-style-type: none"> Rejects assumption that banning plastic bags will result in increased use of reusable bags Objects to use of 85% and 100% plastic bag to paper bag conversion factors Environmental impacts of reusable bags not disclosed (i.e., landfill, hygiene) Objects to the use of all global or statewide sources of CO₂ emissions as threshold of significance for GHG impacts Non-biodegradability of plastic bags in landfills is environmentally beneficial Objects to disregarding impacts from paper carryout bag manufacturing because the impacts occur out of state The purpose of catch basins is to catch plastic litter and other litter Rejects assertion that banning plastic bags will result in reduced litter costs Failure to disclose the result of the US EPA Equivalencies Calculator Lack of cumulative impact analysis 	Final EIR not yet available	<ul style="list-style-type: none"> Request educational outreach material to include accurate information EIR only addresses impacts of LDPE reusable bags A system to ensure minimum recycled content paper is not established yet, which could place grocers at risk of not meeting the paper bag requirements Increased risk of cockroaches from paper bag usage Environmental effects of eliminating in-store plastic bag recycling programs Environmental impacts of reusable bags not disclosed (i.e., landfill, hygiene, cockroaches) Reusable bags handed out by the County of LA (Brag about Your Bag) contain lead and mercury Unfair international labor standards in manufacturing 	N/A

ORDINANCE NO. _____

An ordinance amending Title 12 – Environmental Protection of the Los Angeles

County Code, relating to regulating the use of plastic carryout bags and recyclable paper carryout bags and promoting the use of reusable bags within the County unincorporated area.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Chapter 12.85 is hereby added to read as follows:

12.85.010 Definitions.

The following definitions apply to this Chapter:

- A. "Customer" means any person purchasing goods from a store.
- B. "Operator" means the person in control of, or having the responsibility for, the operation of a store, which may include, but is not limited to, the owner of the store.
- C. "Person" means any natural person, firm, corporation, partnership, or other organization or group however organized.
- D. "Plastic carryout bag" means any bag made predominantly of plastic derived from either petroleum or a biologically-based source, such as corn or other plant sources, which is provided to a customer at the point of sale. "Plastic carryout bag" includes compostable and biodegradable bags but does not include reusable bags, produce bags, or product bags.
- E. "Postconsumer recycled material" means a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. "Postconsumer recycled material" does not include materials and by-products

generated from, and commonly reused within, an original manufacturing and fabrication process.

F. "Produce bag" or "product bag" means any bag without handles used exclusively to carry produce, meats, or other food items to the point of sale inside a store or to prevent such food items from coming into direct contact with other purchased items.

G. "Recyclable" means material that can be sorted, cleansed, and reconstituted using available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. "Recycling" does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

H. "Recyclable paper carryout bag" means a paper bag that meets all of the following requirements: (1) contains no old growth fiber, (2) is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) post-consumer recycled material; (3) is capable of composting, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400; (4) is accepted for recycling in curbside programs in the County; (5) has printed on the bag the name of the manufacturer, the location (country) where the bag was manufactured, and the percentage of postconsumer recycled material used; and (6) displays the word "Recyclable" in a highly visible manner on the outside of the bag.

I. "Reusable bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements: (1) has a minimum lifetime of 125 uses, which for purposes of this subsection, means

the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet; (2) has a minimum volume of 15 liters; (3) is machine washable; (4) does not contain lead, cadmium, or any other heavy metal in toxic amounts; (5) has printed on the bag, or on a tag that is permanently affixed to the bag, the name of the manufacturer, the location (country) where the bag was manufactured, a statement that the bag does not contain lead, cadmium, or any other heavy metal in toxic amounts, and the percentage of postconsumer recycled material used, if any; and (6) if made of plastic, is a minimum of at least 2.25 mils thick.

J. "Store" means any of the following retail establishments located within the unincorporated area of the County:

(1) A full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, that sells a line of dry grocery, canned goods, or nonfood items and some perishable items;

(2) A store of at least 10,000 square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code) and that has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code; or

(3) A drug store, pharmacy, supermarket, grocery store, convenience food store, foodmart, or other entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control.

12.85.020 Plastic carryout bags prohibited.

- A. No store shall provide to any customer a plastic carryout bag.
- B. This prohibition applies to bags provided for the purpose of carrying away goods from the point of sale and does not apply to produce bags or product bags.

12.85.030 Permitted bags.

All stores shall provide or make available to a customer only recyclable paper carryout bags or reusable bags for the purpose of carrying away goods or other materials from the point of sale, subject to the terms of this Chapter. Nothing in this Chapter prohibits customers from using bags of any type that they bring to the store themselves or from carrying away goods that are not placed in a bag, in lieu of using bags provided by the store.

12.85.040 Regulation of recyclable paper carryout bags.

- A. Any store that provides a recyclable paper carryout bag to a customer must charge the customer 10 cents (\$0.10) for each bag provided, except as otherwise provided in this Chapter.
- B. No store shall rebate or otherwise reimburse a customer any portion of the 10-cent (\$0.10) charge required in Subsection A, except as otherwise provided in this Chapter.
- C. All stores must indicate on the customer receipt the number of recyclable paper carryout bags provided and the total amount charged for the bags.
- D. All monies collected by a store under this Chapter will be retained by the store and may be used only for any of the following purposes: (1) costs associated with

complying with the requirements of this Chapter, (2) actual costs of providing recyclable paper carryout bags, or (3) costs associated with a store's educational materials or education campaign encouraging the use of reusable bags, if any.

E. All stores must report to the Director of Public Works, on a quarterly basis, the total number of recyclable paper carryout bags provided, the total amount of monies collected for providing recyclable paper carryout bags, and a summary of any efforts a store has undertaken to promote the use of reusable bags by customers in the prior quarter. Such reporting must be done on a form prescribed by the Director of Public Works, and must be signed by a responsible agent or officer of the store confirming that the information provided on the form is accurate and complete. For the periods from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31, all quarterly reporting must be submitted no later than 30 days after the end of each quarter.

F. If the reporting required in Subsection E is not timely submitted by a store, such store shall be subject to the fines set forth in Section 12.85.080.

12.85.050 Use of reusable bags.

A. All stores must provide reusable bags to customers, either for sale or at no charge.

B. Each store is strongly encouraged to educate its staff to promote reusable bags and to post signs encouraging customers to use reusable bags.

12.85.060 Exempt customers.

All stores must provide at the point of sale, free of charge, either reusable bags or recyclable paper carryout bags or both, at the store's option, to any customer participating either in the California Special Supplemental Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code or in the Supplemental Food Program pursuant to Chapter 10 (commencing with Section 15500) of Part 3 of Division 9 of the Welfare and Institutions Code.

12.85.070 Operative date.

This Chapter shall become operative on July 1, 2011, for stores defined in Subsections J(1) and J(2) of Section 12.85.010. For stores defined in Subsection J(3) of Section 12.85.010, this Chapter shall become operative on January 1, 2012.

12.85.080 Enforcement and violation—penalty.

A. The Director of Public Works has primary responsibility for enforcement of this Chapter. The Director of Public Works is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this Chapter, including, but not limited to, investigating violations, issuing fines and entering the premises of any store during business hours. The Director of the Department of Agricultural Commissioner/Weights and Measures and the Director of Public Health may assist with this enforcement responsibility by entering the premises of a store as part of their regular inspection functions and reporting any alleged violations to the Director of Public Works.

B. If the Director of Public Works determines that a violation of this Chapter has occurred, he/she will issue a written warning notice to the operator of a store that a violation has occurred and the potential penalties that will apply for future violations.

C. Any store that violates or fails to comply with any of the requirements of this Chapter after a written warning notice has been issued for that violation shall be guilty of an infraction.

D. If a store has subsequent violations of this Chapter that are similar in kind to the violation addressed in a written warning notice, the following penalties will be imposed and shall be payable by the operator of the store:

(1) A fine not exceeding one hundred dollars (\$100.00) for the first violation after the written warning notice is given;

(2) A fine not exceeding two hundred dollars (\$200.00) for the second violation after the written warning notice is given; or

(3) A fine not exceeding five hundred dollars (\$500.00) for the third and any subsequent violations after the written warning notice is given.

E. A fine shall be imposed for each day a violation occurs or is allowed to continue.

F. All fines collected pursuant to this Chapter shall be deposited in the Solid Waste Management Fund of the Department of Public Works to assist the department with its costs of implementing and enforcing the requirements of this Chapter.

G. Any store operator who receives a written warning notice or fine may request an administrative review of the accuracy of the determination or the propriety of

any fine issued, by filing a written notice of appeal with the Director of Public Works no later than 30 days after receipt of a written warning notice or fine, as applicable. The notice of appeal must include all facts supporting the appeal and any statements and evidence, including copies of all written documentation and a list of any witnesses, that the appellant wishes to be considered in connection with the appeal. The appeal will be heard by a hearing officer designated by the Director of Public Works. The hearing officer will conduct a hearing concerning the appeal within 45 days from the date that the notice of appeal is filed, or on a later date if agreed upon by the appellant and the County, and will give the appellant 10 days prior written notice of the date of the hearing. The hearing officer may sustain, rescind, or modify the written warning notice or fine, as applicable, by written decision. The hearing officer will have the power to waive any portion of the fine in a manner consistent with the decision. The decision of the hearing officer is final and effective on the date of service of the written decision, is not subject to further administrative review, and constitutes the final administrative decision.

12.85.090 Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision will not affect the validity of the remaining portions of the ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each

and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this ordinance would be subsequently declared invalid.

12.85.10 No conflict with federal or state law.

Nothing in this ordinance is intended to create any requirement, power or duty that is in conflict with any federal or state law.

[1285TMCC]

C. THIRUNAVATHA

City Manager
City of Tempe, Arizona

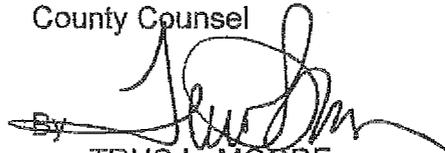
ATTACHMENT 3
Environmental Documents Reviewed
(Included on Enclosed CD)

ANALYSIS

This ordinance amends Title 12 – Environmental Protection of the Los Angeles County Code, by adding a Chapter regulating the use of plastic carryout bags and recyclable paper carryout bags and promoting the use of reusable bags within the County unincorporated area.

Pursuant to this new Chapter, plastic carryout bags, as defined, may no longer be distributed by affected stores and a 10-cent (\$0.10) charge for recyclable paper carryout bags distributed by those stores will apply.

ANDREA SHERIDAN ORDIN
County Counsel

By 
TRUC L. MOORE
Deputy County Counsel
Public Works Division

TLM:ia

09/23/10 (Requested)

11/16/10 (Revised)

ORDINANCE NO. _____

An ordinance amending Title 12 – Environmental Protection of the Los Angeles County Code, relating to regulating the use of plastic carryout bags and recyclable paper carryout bags and promoting the use of reusable bags within the County unincorporated area.

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- C. "Person" means any natural person, firm, corporation, partnership, or other organization or group however organized.
- D. "Plastic carryout bag" means any bag made predominantly of plastic derived from either petroleum or a biologically-based source, such as corn or other plant sources, which is provided to a customer at the point of sale. "Plastic carryout bag" includes compostable and biodegradable bags but does not include reusable bags, produce bags, or product bags.
- E. "Postconsumer recycled material" means a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. "Postconsumer recycled material" does not include materials and by-products

generated from, and commonly reused within, an original manufacturing and fabrication process.

F. "Produce bag" or "product bag" means any bag without handles used exclusively to carry produce, meats, or other food items to the point of sale inside a store or to prevent such food items from coming into direct contact with other purchased items.

G. "Recyclable" means material that can be sorted, cleansed, and reconstituted using available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. "Recycling" does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

H. "Recyclable paper carryout bag" means a paper bag that meets all of the following requirements: (1) contains no old growth fiber, (2) is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) post-consumer recycled material; (3) is capable of composting, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400; (4) is accepted for recycling in curbside programs in the County; (5) has printed on the bag the name of the manufacturer, the location (country) where the bag was manufactured, and the percentage of postconsumer recycled material used; and (6) displays the word "Recyclable" in a highly visible manner on the outside of the bag.

I. "Reusable bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements: (1) has a minimum lifetime of 125 uses, which for purposes of this subsection, means

the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet; (2) has a minimum volume of 15 liters; (3) is machine washable or is made from a material that can be cleaned or disinfected; (4) does not contain lead, cadmium, or any other heavy metal in toxic amounts, as defined by applicable state and federal standards and regulations for packaging or reusable bags; (5) has printed on the bag, or on a tag that is permanently affixed to the bag, the name of the manufacturer, the location (country) where the bag was manufactured, a statement that the bag does not contain lead, cadmium, or any other heavy metal in toxic amounts, and the percentage of postconsumer recycled material used, if any; and (6) if made of plastic, is a minimum of at least 2.25 mils thick.

J. "Store" means any of the following retail establishments located within the unincorporated area of the County:

(1) A full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, that sells a line of dry grocery, canned goods, or nonfood items and some perishable items;

(2) A store of at least 10,000 square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code) and that has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code; or

(3) A drug store, pharmacy, supermarket, grocery store, convenience food store, foodmart, or other entity engaged in the retail sale of a limited line of goods

that includes milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control.

12.85.020 Plastic carryout bags prohibited.

- A. No store shall provide to any customer a plastic carryout bag.
- B. This prohibition applies to bags provided for the purpose of carrying away goods from the point of sale and does not apply to produce bags or product bags.

12.85.030 Permitted bags.

All stores shall provide or make available to a customer only recyclable paper carryout bags or reusable bags for the purpose of carrying away goods or other materials from the point of sale, subject to the terms of this Chapter. Nothing in this Chapter prohibits customers from using bags of any type that they bring to the store themselves or from carrying away goods that are not placed in a bag, in lieu of using bags provided by the store.

12.85.040 Regulation of recyclable paper carryout bags.

- A. Any store that provides a recyclable paper carryout bag to a customer must charge the customer 10 cents (\$0.10) for each bag provided, except as otherwise provided in this Chapter.
- B. No store shall rebate or otherwise reimburse a customer any portion of the 10-cent (\$0.10) charge required in Subsection A, except as otherwise provided in this Chapter.
- C. All stores must indicate on the customer receipt the number of recyclable paper carryout bags provided and the total amount charged for the bags.

D. All monies collected by a store under this Chapter will be retained by the store and may be used only for any of the following purposes: (1) costs associated with complying with the requirements of this Chapter, (2) actual costs of providing recyclable paper carryout bags, or (3) costs associated with a store's educational materials or education campaign encouraging the use of reusable bags, if any.

E. All stores must report to the Director of Public Works, on a quarterly basis, the total number of recyclable paper carryout bags provided, the total amount of monies collected for providing recyclable paper carryout bags, and a summary of any efforts a store has undertaken to promote the use of reusable bags by customers in the prior quarter. Such reporting must be done on a form prescribed by the Director of Public Works, and must be signed by a responsible agent or officer of the store confirming that the information provided on the form is accurate and complete. For the periods from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31, all quarterly reporting must be submitted no later than 30 days after the end of each quarter.

F. If the reporting required in Subsection E is not timely submitted by a store, such store shall be subject to the fines set forth in Section 12.85.080.

12.85.050 Use of reusable bags.

A. All stores must provide reusable bags to customers, either for sale or at no charge.

B. Each store is strongly encouraged to educate its staff to promote reusable bags and to post signs encouraging customers to use reusable bags.

12.85.060 Exempt customers.

All stores must provide at the point of sale, free of charge, either reusable bags or recyclable paper carryout bags or both, at the store's option, to any customer participating either in the California Special Supplemental Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code or in the Supplemental Food Program pursuant to Chapter 10 (commencing with Section 15500) of Part 3 of Division 9 of the Welfare and Institutions Code.

12.85.070 Operative date.

This Chapter shall become operative on July 1, 2011, for stores defined in Subsections J(1) and J(2) of Section 12.85.010. For stores defined in Subsection J(3) of Section 12.85.010, this Chapter shall become operative on January 1, 2012.

12.85.080 Enforcement and violation—penalty.

A. The Director of Public Works has primary responsibility for enforcement of this Chapter. The Director of Public Works is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this Chapter, including, but not limited to, investigating violations, issuing fines and entering the premises of any store during business hours. The Director of the Department of Agricultural Commissioner/Weights and Measures and the Director of Public Health may assist with this enforcement responsibility by entering the premises of a store as part of their regular inspection functions and reporting any alleged violations to the Director of Public Works.

B. If the Director of Public Works determines that a violation of this Chapter has occurred, he/she will issue a written warning notice to the operator of a store that a violation has occurred and the potential penalties that will apply for future violations.

C. Any store that violates or fails to comply with any of the requirements of this Chapter after a written warning notice has been issued for that violation shall be guilty of an infraction.

D. If a store has subsequent violations of this Chapter that are similar in kind to the violation addressed in a written warning notice, the following penalties will be imposed and shall be payable by the operator of the store:

(1) A fine not exceeding one hundred dollars (\$100.00) for the first violation after the written warning notice is given;

(2) A fine not exceeding two hundred dollars (\$200.00) for the second violation after the written warning notice is given; or

(3) A fine not exceeding five hundred dollars (\$500.00) for the third and any subsequent violations after the written warning notice is given.

E. A fine shall be imposed for each day a violation occurs or is allowed to continue.

F. All fines collected pursuant to this Chapter shall be deposited in the Solid Waste Management Fund of the Department of Public Works to assist the department with its costs of implementing and enforcing the requirements of this Chapter.

G. Any store operator who receives a written warning notice or fine may request an administrative review of the accuracy of the determination or the propriety of

any fine issued, by filing a written notice of appeal with the Director of Public Works no later than 30 days after receipt of a written warning notice or fine, as applicable. The notice of appeal must include all facts supporting the appeal and any statements and evidence, including copies of all written documentation and a list of any witnesses, that the appellant wishes to be considered in connection with the appeal. The appeal will be heard by a hearing officer designated by the Director of Public Works. The hearing officer will conduct a hearing concerning the appeal within 45 days from the date that the notice of appeal is filed, or on a later date if agreed upon by the appellant and the County, and will give the appellant 10 days prior written notice of the date of the hearing. The hearing officer may sustain, rescind, or modify the written warning notice or fine, as applicable, by written decision. The hearing officer will have the power to waive any portion of the fine in a manner consistent with the decision. The decision of the hearing officer is final and effective on the date of service of the written decision, is not subject to further administrative review, and constitutes the final administrative decision.

12.85.090 Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision will not affect the validity of the remaining portions of the ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each

and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this ordinance would be subsequently declared invalid.

12.85.10 No conflict with federal or state law.

Nothing in this ordinance is intended to create any requirement, power or duty that is in conflict with any federal or state law.

[1285TMCC]

FILE NO. 070085

ORDINANCE NO.

81-07

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[Plastic Bag Reduction Ordinance.]

Ordinance amending the San Francisco Environment Code by adding Chapter 17, sections 1701 through 1709, to: (1) require the use of compostable plastic, recyclable paper and/or reusable checkout bags by grocery stores located in the City and County of San Francisco, and (2) provide penalties for violations.

Note: Additions are single-underline italics Times New Roman; deletions are ~~strikethrough italics Times New Roman~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

- (a) The City and County of San Francisco has a duty to protect the natural environment, the economy, and the health of its citizens.
- (b) The City and County of San Francisco has adopted citywide goals of 75% landfill diversion by 2010 and zero waste by 2020.
- (c) The expansive usage of plastic shopping bags and their typical disposal creates an impediment to San Francisco's landfill diversion goals.
- (d) Plastic shopping bags are difficult to recycle and currently contaminate material that is processed through San Francisco's recycling and composting programs.
- (e) Plastic shopping bags create significant litter problems in San Francisco's neighborhoods, highlighted by local residents in a series of public meetings held by the Department of the Environment, and also litter community beaches, sewer systems and the San Francisco Bay.
- (f) Plastic ~~grocery~~-shopping bags have significant environmental impacts each year, including the felling of over 14 million trees, and use of over 12 million barrels of oil for

1 bags in the U.S., as well as the death of over 100,000 marine animals from plastic
2 entanglement.

3 (g) Governments in several countries have banned or taken action to discourage
4 the use of plastic bags, including the Republic of Ireland, which has achieved a 90% decrease
5 in shopping bag usage.

6 Section 2. The San Francisco Environmental Code is hereby amended by adding
7 Chapter 17, Section 1701 through 1709, to read as follows:

8 SEC. 1701. SHORT TITLE.

9 *This Ordinance shall be entitled the "Plastic Bag Reduction Ordinance."*

10 SEC. 1702. DEFINITIONS.

11 *For the purposes of this Ordinance, the following words shall have the following meanings:*

12 (a) *"ASTM Standard" means the American Society for Testing and Materials (ASTM)'s*
13 *International standard D6400 for compostable plastic, as that standard may be amended from time to*
14 *time.*

15 (b) *"Compostable Plastic Bag" means a plastic bag that (1) meets the conforms to*
16 *California labeling law (Public Resources Code Section 42355 et seq.), which requires*
17 *meeting the current ASTM-Standard Specifications Standards- for compostability; (2) contains*
18 *less than 75% petroleum derived content the percentage to be reviewed annually with the*
19 *target of achieving no products derived from petroleum by 2010 is certified and labeled as*
20 *meeting the ASTM-Standard by a recognized verification entity such as the Biodegradable*
21 *Product Institute; (3) contains no products derived from genetically modified organisms, and-*
22 *conforms to requirements to ensure that the renewable based product content is maximized*
23 *over time as set forth in Department of the Environment regulations; (4) conforms to*
24 *requirements to ensure that products derived from genetically modified feedstocks are phased*
25

1 out over time as set forth in Department of the Environment regulations; and (5) displays the
2 word phrase "Green Cart Compostable" and the word "Reusable" in a highly visible manner on
3 the outside of the bag.

4 (c) "Checkout bag" means a carryout bag that is provided by a grocery store to a customer
5 at the point of sale.

6 (d) "Department" means the Department of the Environment.

7 (e) "Director" means the Director of the Department of the Environment.

8 (f) "Grocery Store" means a retail establishment located within the geographical
9 limits of the City and County of San Francisco that meets either of the following requirements:

10 (1) is a full line, self-service retail store supermarket with gross annual sales of two
11 million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or
12 nonfood items and some perishable items. For purposes of determining which retail
13 establishments are grocery stores supermarkets, the City shall use the annual updates of the
14 Progressive Grocer Marketing Guidebook and any computer printouts developed in
15 conjunction with the guidebook; or

16 (2) has over 5,000 square feet of retail space that generates sales or use tax pursuant
17 to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with
18 Section 7200) of Division 2 of the Revenue and Taxation Code) is a retail pharmacy with at
19 least five locations under the same ownership within the geographical limits of San Francisco
20 that has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of
21 Division 2 of the Business and Professions Code

22 (f) "Highly visible manner" means (1) for compostable plastic bags, displaying the word
23 both of the following in green lettering contrasting with the bag's background color that is at
24 least two inches high: (i) the phrase "Green Cart Compostable" either on the front and back
25

1 of the bag together with a solid green band at least one-half inch thick circling the
2 circumference of the bag, or repeatedly, as a band of text or text alternating with solid stripe,
3 circling the circumference of the bag, and (ii) the word "Reusable" displayed on the front and
4 and/or either back of the bag or repeatedly in a band circling the circumference of the bag in
5 green lettering contrasting with the bag's background color that is at least two inches high;
6 and (2) for recyclable paper bags, displaying the word words "Reusable" and "Recyclable" on the
7 front or and/or back of the bag in blue lettering contrasting with the bag's background color that is at
8 least two inches high, and (3) for both compostable plastic bags and recyclable paper bags, as
9 otherwise required by Department of the Environment regulation regulations.

10 (a) "Person" means an individual, trust, firm, joint stock company, corporation,
11 cooperative, partnership, or association.

12 (h) "Pharmacy" means a retail use where the profession of pharmacy by a
13 pharmacist licensed by the State of California in accordance with the Business and
14 Professions Code is practiced and where prescriptions (and possibly other merchandise) are
15 offered for sale, excluding such retail uses located inside a hospital.

16 (i) "Recyclable" means material that can be sorted, cleansed, and reconstituted using San
17 Francisco's available recycling collection programs for the purpose of using the altered form in the
18 manufacture of a new product. Recycling does not include burning, incinerating, converting, or
19 otherwise thermally destroying solid waste.

20 (j) "Recyclable Paper Bag" means a paper bag that meets all of the following
21 requirements: (1) contains no old growth fiber, (2) is 100% recyclable overall and contains a minimum
22 of 40% post-consumer recycled content, and (3) displays the words "Reusable" and "Recyclable" in a
23 highly visible manner on the outside of the bag.

1 (k) "Reusable Bag" means a bag with handles that is specifically designed and
2 manufactured for multiple reuse and is either (1) made of cloth or other machine washable fabric,
3 and/or (2) made of durable plastic that is at least 2.25 mils thick.

4 (l) "Grocery Store" means a retail establishment located within the geographical limits
5 of the City and County of San Francisco that meets either of the following requirements:

6 (1) is a full-line, self-service retail store supermarket with gross annual sales of two
7 million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood
8 items and some perishable items. For purposes of determining which retail establishments are grocery
9 stores supermarkets, the City shall use the annual updates of the Progressive Grocer Marketing
10 Guidebook and any computer printouts developed in conjunction with the guidebook, or

11 (2) has over 5,000 square feet of retail space that generates sales or use tax pursuant
12 to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with
13 Section 7200) of Division 2 of the Revenue and Taxation Code) is a retail pharmacy with at
14 least five locations under the same ownership within the geographical limits of San Francisco
15 that has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of
16 Division 2 of the Business and Professions Code

17 **SEC. 1703. MANDATORY USE OF RECYCLABLE AND COMPOSTABLE CHECKOUT BAGS.**

18 (a) All Grocery Stores shall provide only the following as checkout bags to customers:
19 recyclable paper bags, and/or compostable plastic bags, and/or reusable bags.

20 (b) Violation of the requirements set forth in subsection (a) shall subject a Grocery Store to
21 penalties set forth in Section 1705.

22 (c) Nothing in this section shall be read to preclude Grocery Stores from making reusable
23 bags available for sale to customers.

24 **SEC. 1704. IMPLEMENTATION.**

1 The Director, after a public hearing, may adopt and may amend guidelines, rules, regulations
2 and forms to implement and enforce this Ordinance.

3 **SEC. 1705. ENFORCEMENT AND PENALTIES.**

4 (a) Any person who violates this Ordinance shall be guilty of an infraction. If charged as
5 an infraction, upon conviction thereof, said person shall be punished by (1) a fine not exceeding
6 \$100.00 for a first violation, (2) a fine not exceeding \$200.00 for a second violation within the same
7 year, and (3) a fine not exceeding \$500.00 for each additional violation within the same year.

8 (b) In the event that the City adopts an ordinance creating a procedure for the City
9 Administrator to impose and review imposing and reviewing Administrative Penalties pursuant to
10 California Government Code Section 53069.4, the City may impose Administrative Penalties for
11 violation of this Ordinance as follows: (1) in an amount not exceeding \$100.00 for the first violation,
12 (2) in an amount not exceeding \$200.00 for the second violation in the same year, and (3) in an amount
13 not exceeding \$500.00 for each subsequent violation in the same year.

14 (c) The City Attorney may seek legal, injunctive, or other equitable relief to enforce this
15 Ordinance, including without limitation, civil penalties in an amount not exceeding \$200.00 for the first
16 violation, \$400.00 for the second violation, and \$600.00 for each subsequent violation in any given
17 year.

18 (d) The City may not recover both administrative and civil penalties for the same violation.

19 **SEC. 1706. OPERATIVE DATE.**

20 This All of the requirements set forth in this Ordinance shall become operative as to Stores
21 that are supermarkets six (6) months after its effective date. All of the requirements set forth in
22 this Ordinance shall become operative as to Stores that are pharmacies one (1) year after its
23 effective date.

24 **SEC. 1707. SEVERABILITY.**

1 If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held
2 to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision
3 shall not affect the validity of the remaining portions of the Ordinance. The Board of Supervisors
4 hereby declares that it would have passed this Ordinance and each and every section, subsection,
5 sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any
6 portion of this Ordinance would be subsequently declared invalid or unconstitutional.

7 **SEC. 1708. NO CONFLICT WITH FEDERAL OR STATE LAW.**

8 Nothing in this Ordinance shall be interpreted or applied so as to create any requirement,
9 power or duty in conflict with any federal or state law.

10 **SEC. 1709. UNDERTAKING FOR THE GENERAL WELFARE.**

11 In undertaking the implementation of this Ordinance, the City is assuming an undertaking only
12 to promote the general welfare. It is not assuming, nor is it imposing on its officer and employees, an
13 obligation for breach of which it is liable in money damages to any person who claims that such breach
14 proximately caused injury.

15 APPROVED AS TO FORM:
16 DENNIS J. HERRERA, City Attorney

17 By: 
18 Catharine Barnes
19 Deputy City Attorney
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22
23
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25



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Ordinance

File Number: 070085

Date Passed:

Ordinance amending the San Francisco Environment Code by adding Chapter 17, sections 1701 through 1709, to: (1) require the use of compostable plastic, recyclable paper and/or reusable checkout bags by stores located in the City and County of San Francisco, and (2) provide penalties for violations.

February 13, 2007 Board of Supervisors — SUBSTITUTED

March 27, 2007 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick,
Mirkarimi, Peskin, Sandoval
Noes: 1 - Jew

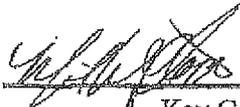
April 10, 2007 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick,
Mirkarimi, Peskin, Sandoval
Noes: 1 - Jew

File No. 070085

I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on April 10, 2007 by
the Board of Supervisors of the City and
County of San Francisco.

4/20/07
Date Approved

 FOR
Kay Gulbengay
Interim Clerk of the Board

Mayor Gavin Newsom



CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk
200 East Santa Clara Street
San José, California 95113
Telephone (408) 535-1260
FAX (408) 292-6207

City Clerk

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)
CITY OF SAN JOSE)

I, Dennis Hawkins, City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "Ordinance No. 28877", the original copy of which is attached hereto, was passed for publication of title on the 14th day of December, 2010, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the 11th day of January, 2011, by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE, ROCHA; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of 11th day of February, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this 19th day of January, 2011.

(SEAL) 
DENNIS HAWKINS, CMC
CITY CLERK & EX-OFFICIO
CLERK OF THE CITY COUNCIL

ORDINANCE NO. 28877

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING CHAPTER 9.10 OF TITLE 9 OF THE SAN JOSE MUNICIPAL CODE TO ADD A NEW PART 13 TO BAN SINGLE-USE CARRYOUT BAGS, AND PROHIBIT THE FREE DISTRIBUTION OF RECYCLED PAPER BAGS, BY RETAIL ESTABLISHMENTS, TO BE EFFECTIVE JANUARY 1, 2012

WHEREAS, on November 17, 2010, the Planning Commission of the City of San José, pursuant to the provisions of the California Environmental Quality Act of 1970, together with guidelines promulgated pursuant thereto and Title 21 of the San José Municipal Code, all as amended to date, certified that certain environmental impact report prepared for a Single-Use Carryout Bag Ordinance, under File No. PP-09-193 (the "EIR"); and

WHEREAS, on December 14, 2010, the City Council of the City of San Jose conducted an administrative hearing on an Appeal of the Planning Commission's certification of the EIR for the Single-Use Carryout Bag Ordinance, under File No. PP-09-193, to add Part 13 to Chapter 9.10 of Title 9 of the San Jose Municipal Code to ban single-use carryout bags, and prohibit the free distribution of recycled paper bags by retail establishments; and

WHEREAS, the City Council of the City of San José is the decision-making body for the approval and adoption of this Ordinance; and

WHEREAS, this Council has adopted Resolution No. 75688 setting forth the findings of the decision-making body in connection with the environmental impacts identified in the EIR in connection with the approval and adoption of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Chapter 9.10 of Title 9 of the San Jose Municipal Code is hereby amended by adding a new Part to be numbered and entitled and to read as follows:

Part 13

Single-Use Carryout Bag

9.10.2010 Definitions

The definitions set forth in this Section shall govern the application and interpretation of this Part 13.

- A. "Customer" means any Person obtaining goods from a Retail Establishment.
- B. "Nonprofit Charitable Reuser" means a charitable organization, as defined in Section 501(c)(3) of the Internal Revenue Code of 1986, or a distinct operating unit or division of the charitable organization, that reuses and recycles donated goods or materials and receives more than fifty percent (50%) of its revenues from the handling and sale of those donated goods or materials.
- C. "Person" means any natural person, firm, corporation, partnership, or other organization or group however organized.
- D. "Prepared Food" means foods or beverages which are prepared on the premises by cooking, chopping, slicing, mixing, freezing, or squeezing, and which require no further preparation to be consumed. Prepared Food does not include any raw, uncooked meat product or fruits or vegetables which are chopped, squeezed, or mixed.
- E. "Recycled Paper Bag" means a paper bag provided at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the establishment that contains no old growth fiber

and a minimum of forty percent (40%) post-consumer recycled content; is one hundred percent (100%) recyclable; and has printed in a highly visible manner on the outside of the bag the words "Reusable" and "Recyclable," the name and location of the manufacturer, and the percentage of post-consumer recycled content.

- F. "Public Eating Establishment" means a restaurant, take-out food establishment, or any other business that receives 90% or more of its revenue from the sale of Prepared Food to be eaten on or off its premises.
- G. "Retail Establishment" means any commercial establishment that sells perishable or nonperishable goods including, but not limited to, clothing, food, and personal items directly to the Customer; and is located within or doing business within the geographical limits of the City of San José. Retail Establishment does not include Public Eating Establishments or Nonprofit Charitable Reusers.
- H. "Reusable Bag" means either a bag made of cloth or other machine washable fabric that has handles, or a durable plastic bag with handles that is at least 2.25 mil thick and is specifically designed and manufactured for multiple reuse.
- I. "Single-Use Carryout Bag" means a bag other than a Reusable Bag provided at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment. Single-Use Carryout Bags do not include bags without handles provided to the Customer (1) to transport produce, bulk food or meat from a produce, bulk food or meat department within a store to the point of sale; (2) to hold prescription medication dispensed from a pharmacy; or (3) to segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a Reusable Bag or Recycled Paper Bag.

9.10.2020 Single-Use Carryout Bag

- A. No Retail Establishment shall provide a Single-Use Carryout Bag to a Customer, at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment except as provided in this Section.
- B. On or before December 31, 2013, a Retail Establishment may make available for sale to a Customer a Recycled Paper Bag for a minimum charge of ten cents (\$0.10).
- C. On or after January 1, 2014, a Retail Establishment may make available for sale to a Customer a Recycled Paper Bag for a minimum charge of twenty-five cents (\$0.25).
- D. Notwithstanding this Section, no Retail Establishment may make available for sale a Recycled Paper Bag unless the amount of the sale of the Recycled Paper Bag is separately itemized on the sale receipt.
- E. A Retail Establishment may provide a Customer participating in the California Special Supplement Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code; and a Customer participating in the Supplemental Food Program pursuant to Chapter 10 (commencing with Section 15500) of Part 3 of Division 9 of the California Welfare and Institutions Code, with one (1) or more Recycled Paper Bags at no cost through December 31, 2013.

9.10.2030 Recordkeeping and Inspection

Every Retail Establishment shall keep complete and accurate record or documents of the purchase and sale of any Recycled Paper Bag by the Retail Establishment, for a minimum period of three (3) years from the date of purchase and sale, which record

shall be available for inspection at no cost to the City during regular business hours by any City employee authorized to enforce this Part. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be available at the Retail Establishment address. The provision of false information including incomplete records or documents to the City shall be a violation of this Section.

SECTION 2. This ordinance shall be effective on January 1, 2012.

PASSED FOR PUBLICATION of title this 14TH day of December, 2010, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, HERRERA, KALRA,
LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: CONSTANT.

ABSENT: NONE.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:



LEE PRICE, MMC
City Clerk

City Council Meeting: February 8, 2011

Santa Monica, California

ORDINANCE NUMBER (CCS)
(City Council Series)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SANTA MONICA PROHIBITING RETAIL ESTABLISHMENTS FROM PROVIDING
SINGLE USE PLASTIC CARRYOUT BAGS AND REGULATING THE USE OF PAPER
CARRY OUT BAGS

WHEREAS, about nineteen billion (19,000,000,000) single use bags are used annually in California but less than 5% are recycled; and

WHEREAS, there are approximately eighteen hundred and seventy-five (1875) commercial and retail establishments in the City of Santa Monica ("the City") most of which provide single use, disposable carry out bags to their customers; and

WHEREAS, about twenty six million (26,000,000) single use carry out bags are distributed by retail establishments in the City each year; and

WHEREAS, most of these single use carry out bags are made from plastic or other material that does not readily decompose; and

WHEREAS, numerous studies have documented the prevalence of single use plastic carry out bags littering the environment, blocking storm drains and fouling beaches; and

WHEREAS, the City's taxpayers must bear the brunt of the clean-up costs; and

WHEREAS, plastic bags are a significant source of marine debris and are hazardous to marine animals and birds which often confuse single use plastic carry out bags for a source of food. The ingestion of these bags can result in reduced nutrient absorption and death to birds and marine animals; and

WHEREAS, even though single use paper bags are made from renewable resources and are much less environmentally problematic than single use plastic bags, they do require significant environmental resources to manufacture, transport, and recycle and/or dispose of; and

WHEREAS, from an overall environmental and economic perspective, the best alternative to single use plastic carryout bags is a major shift to reusable bags; and

WHEREAS, this ordinance requires stores that decide to make recycled paper carry out bags available to pass-through to their customers the reasonable cost of providing bags;

WHEREAS, the City has completed an analysis to determine the reasonable cost pass-through that would reimburse retailers for the their costs of providing recycled paper carry out bags to their customers; and

WHEREAS, based on this analysis, the City has determined that a minimum cost pass-through of \$0.10 per paper bag would cover the reasonable cost to a store of providing the paper bags to its customers; and

WHEREAS, other jurisdictions have imposed paper bag fees on the customers requesting these bags and these fees have proven very effective at generating a major shift in consumer behavior toward the use of reusable bags and significantly reducing bag consumption; and

WHEREAS, the City has completed an analysis to determine the reasonable cost pass-through that would reimburse retailers for the their costs of providing recycled paper carry out bags to their customers; and

WHEREAS, the proceeds from the collection of the paper bag pass-through would be retained by the retailer and this ordinance does not specify how the retailers must expend the monies collected; and

WHEREAS, customers can avoid this cost pass-through by using reusable bags; and

WHEREAS, no portion of the cost pass-through will be provided to the City and consequently, the City will not receive any revenues from the retailers' collection of the paper bag pass-through; and

WHEREAS, therefore, the cost pass-through is not a fee subject to Proposition 26; and

WHEREAS, a paper bag cost pass-through is an essential element of the proposed ordinance as it is intended to provide a disincentive to customers to request paper bags when shopping at regulated stores and to promote a shift towards the use of reusable bags by Santa Monica consumers; and

WHEREAS, there are several alternatives to single use carry out bags readily available in the City, including reusable bags produced locally from sustainable materials; and

WHEREAS, an important goal of the City's Sustainable City Plan is to procure and use sustainable products and services; and

WHEREAS, it is the City's desire to whenever possible conserve resources, reduce the amount of green house gas emissions, waste, beach litter and marine pollution and to protect the public health and welfare including local wildlife, all of which increase the quality of life for Santa Monica's residents and visitors.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 5.45 is hereby added to the Santa Monica Municipal Code as follows:

CHAPTER 5.45 SINGLE-USE CARRYOUT BAG ORDINANCE

Section 5.45.010 Definitions

(a) "Carry Out Bag" means any bag that is provided by a Retail Establishment at the point of sale to a customer for use to transport or carry away purchases, such as merchandise, goods or food, from the retail establishment. Carry Out Bags do not include Product Bags as defined in this Chapter.

(b) "Food Provider" means any person or establishment in the City of Santa Monica, that provides prepared food for public consumption on or off its premises and includes, without limitation, any store, shop, sales outlet, restaurant, Grocery Store, delicatessen, or catering truck or vehicle.

(c) "Grocery Store" means any Retail Establishment that sells groceries, fresh, packaged, canned, dry, prepared or frozen food or beverage products and similar items, and includes, without limitation, supermarkets, convenience stores, liquor stores and gasoline stations.

(d) "Paper Bag Cost Pass-Through" means the cost which must be collected by retailers from their customers when providing a Recycled Paper Bag.

(e) "Pharmacy" means any retail store, where prescriptions, medications, controlled or over the counter drugs, personal care products or health supplement goods or vitamins are sold, but excluding any licensed pharmacy located within a hospital.

(f) "Product Bag" means any bag, provided to a customer for use within a Retail Establishment to assist in the collection or transport of products to the point-of-sale within the Retail Establishment.

(g) "Recycled Paper Bag" means a paper carryout bag provided by a store to a customer at the point of sale that meets all of the following requirements:

(1) Except as provided in subdivision (2) of this subsection (g), the paper carryout bag contains a minimum of 40 percent postconsumer recycled materials.

(2) An eight pound or smaller recycled paper bag shall contain a minimum of 20 percent postconsumer recycled material.

(3) The paper carryout bag is accepted for recycling in curbside programs in a majority of households that have access to curbside recycling programs in the City.

(4) The paper carryout bag is capable of composting, consistent with the timeline and specifications of the American Society of Testing and Material (ASTM) Standard Specification for Compostable Plastics D6400, as published in September 2004.

(5) Printed on the paper carryout bag is the minimum percentage of postconsumer content.

(h) "Retail Establishment" means any person, including any corporation, partnership, business, facility, vendor, organization or individual that sells or provides merchandise, goods or materials, including, without limitation, clothing, food, or personal items of any kind, directly to a customer; Retail Establishment includes, without limitation, any Grocery Store, department store, hardware store, Pharmacy, liquor store, restaurant, catering truck, convenience store, and any other retail store or vendor.

(i) "Reusable bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements: (1) has a minimum lifetime of 125 uses, which for purposes of this subsection, means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet; (2) has a minimum volume of 15 liters; (3) is machine washable or is made from a material that can be cleaned or disinfected; (4) does not contain lead, cadmium, or any other heavy metal in toxic amounts, as defined by applicable state and federal standards and regulations for packaging or reusable bags; (5) has printed on the bag, or on a tag that is permanently affixed to the bag, the name of the manufacturer, the location (country) where the bag was manufactured, a statement that the bag does not contain lead, cadmium, or any other heavy metal in toxic amounts, and the percentage of postconsumer recycled material used, if any; and (6) if made of plastic, is a minimum of at least 2.25 mils thick.

(j) "Single Use Plastic Carry Out Bag" means any bag that is less than 2.25 mils thick and is made predominately of plastic derived from petroleum or from bio-based sources, such as corn or other plant sources.

5.45.020 Prohibitions

(a) No Retail Establishment in the City shall provide a Single-Use Plastic Carry Out Bag to a customer unless otherwise permitted pursuant to Section 5.45.040.

(b) No Grocery Store or Pharmacy in the City shall provide any type of bag to a customer at the point of sale except a Reusable Bag or a Recycled Paper Bag unless otherwise permitted pursuant to Section 5.45.040.

(c) No person shall distribute a Single-Use Plastic Carry Out Bag at any City Facility, City-managed concession, City sponsored event, or City permitted event unless otherwise permitted pursuant to Section 5.45.040.

(d) No person shall distribute a Single Use Plastic Carry Out Bag or any paper bag at the Santa Monica Farmers Markets, except eight pound or smaller Recycled Paper Bags for mushrooms may be distributed free of charge.

5.45.030 Recycled Paper Bags Cost Pass-Through

(a) Subject to subsection (b) of this Section, a Grocery Store or Pharmacy may only provide a Recycled Paper Bag to a customer if it collects a Paper Bag Cost Pass-through from the customer for each Recycled Paper Bag provided.

(b) The Paper Bag Cost Pass-through shall not be less than 10 cents unless a store has previously submitted a full accounting to the City, signed by a responsible manager under penalty of perjury that identifies all costs including bag purchase, shipping, handling and storage, showing a lesser actual cost to the store for each bag. Any such accounting shall expire one year from the date of original submission and a new accounting would need to be resubmitted.

(e) No Grocery Store or Pharmacy collecting a Paper Bag Pass-through pursuant to this Section shall rebate or otherwise reimburse a customer for any portion of this pass-through.

(f) All Grocery Stores and Pharmacies shall indicate on the customer transaction receipts the number of Recycled Paper Bags provided and the total amount of the Paper Bag Pass-through.

(g) On a semi-annual basis or as otherwise may be required by the Director of the Office of Sustainability and the Environment, or his or her designee, each Grocery Store and Pharmacy required to collect a Paper Bag Pass-through shall report to the City, on a form prescribed by the Office of Sustainability and the Environment, all payments of Paper Bag Pass-throughs received. The form shall be signed by a responsible officer or agent of the Grocery Store or Pharmacy who shall swear or affirm that the information provided on the form is true and complete. Every Grocery Store or Pharmacy shall also keep complete and accurate record or documents of the purchase and sale of any Recycled Paper Bag by the Grocery Store or Pharmacy for a minimum period of three (3) years from the date of purchase and sale, which record shall be available for inspection at no cost to the City during regular business hours by an City employee authorized to enforce this Chapter.

5.45.040 Exemptions

(a) Notwithstanding the prohibitions contained in Section 5.45.020:

(1) Single-Use Plastic Carry Out Bags may be distributed to customers by Food Providers for the purpose of safeguarding public health and safety during the transportation of prepared take-out foods and liquids intended for consumption away from the Food Provider's premises.

(2) Retail Establishments may distribute Product Bags and may make Reusable Bags available to customers whether through sale or otherwise.

(b) Notwithstanding the requirements contained in Section 5.45.030:

A store shall provide a customer participating in the California Special Supplemental Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the California Health and Safety Code and a customer participating in the Supplemental Food Program pursuant to Chapter 10 (commencing with Section 15500) of Part 3 of Division 9 of the California Welfare and Institutions Code, with a reusable bag or a recycled paper bag at no cost at the point of sale.

(c) The City Manager, or his or her designee, including the Director of the Office of Sustainability and the Environment (OSE), may exempt a Retail Establishment from the requirements of this Chapter for up to a one year period, upon a showing by the Retail Establishment that the conditions of this Chapter would cause undue hardship. An "undue hardship" shall only be found in:

1. Circumstances or situations unique to the particular Retail Establishment such that there are no reasonable alternatives to Single-Use Plastic Carryout Bags or a Paper Bag Pass-through cannot be collected; or

2. Circumstances or situations unique to the Retail Establishment such that compliance with the requirements of this Chapter would deprive a person of a legally protected right.

(d) If a Retail Establishment requires an exemption beyond the initial exemption period, the Retail Establishment must re-apply prior to the end of the exemption period and must demonstrate continued undue hardship if it wishes to have the exemption extended. Extensions may only be granted for intervals not to exceed one year.

(e) An exemption application shall include all information necessary for the City to make its decision, including but not limited to documentation showing the factual support for the claimed exemption. The City Manager or his or her designee may require the applicant to provide additional information to permit the City to determine facts regarding the exemption application.

(f) The City Manager or his or her designee may approve the exemption application, in whole or in part, with or without conditions.

(g) Exemption decisions are effective immediately, are final and are not appealable.

(h) The City Council may by resolution establish a fee for exemption applications. The fee shall be sufficient to cover the costs of processing the exemption application.

5.45.050 Remedies.

(a) The City Manager, or his or her designee, is authorized to establish regulations and to take any and all actions reasonable and necessary to

obtain compliance with this Chapter, including, but not limited to, inspecting any retail establishment's premises to verify compliance.

(b) Any person violating this Section shall be guilty of an infraction, which shall be punishable by a fine not exceeding two hundred fifty dollars, or a misdemeanor, which shall be punishable by a fine not exceeding one thousand dollars, or by imprisonment in the County Jail for a period not exceeding six months or by both such fine and imprisonment.

(c) The City Attorney may seek legal, injunctive, or other equitable relief to enforce this Chapter.

(d) Administrative enforcement of this ordinance shall proceed pursuant to Santa Monica Municipal Code Chapter 1.09, with the fines to be graduated for repeat violations in amounts set forth by City Council resolution.

(e) Each violation of this Chapter shall be considered a separate offense

(f) The remedies and penalties provided in this section are cumulative and not exclusive, and nothing in this Chapter shall preclude any person from pursuing any other remedies provided by law.

(g) Notwithstanding any other provision of this Ordinance, commencing on September 1, 2011, this Ordinance may be enforced through any remedy as provided for in this Section. Prior to September 1, 2011, this Ordinance shall not be enforced.

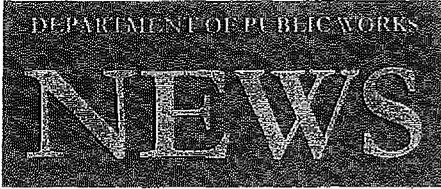
SECTION 2. Any provision of the Santa Monica Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective thirty (30) days from its adoption.

APPROVED AS TO FORM:

MARSHA JONES MOUTRIE
City Attorney



City of Los Angeles • Department of Public Works • Public Affairs Office
200 N. Spring St., M-165 • LA, CA 90012 • (213) 978-0333 • FAX (213) 978-0332

Contact: Jimmy Tokeshi
(213) 978-1699
(213) 978-0333

Email: Jimmy.Tokeshi@lacity.org

*For additional news releases regarding
the activities of the Dept. of Public Works,
log on to: <http://lacity.org/bpw/pressreleases.htm>*

FOR IMMEDIATE RELEASE

**LA CITY BUREAU OF SANITATION DELIVERS REUSABLE BAGS ON EARTH DAY
City, Business and Community Partners Join in Grassroots Effort to Distribute 25,000 Free
Reusable Bags**

LOS ANGELES (April 21, 2009)—The City of Los Angeles Bureau of Sanitation today announced the availability of free reusable bags to city residents to mark Earth Day, April 22. The global day of observance highlights education and environmental stewardship to protect the environment.

“The adverse environmental impacts of single-use plastic and paper bags have tremendous cost and ecological implications that threaten marine life and harm the environment,” said Board of Public Works President Cynthia M. Ruiz. “As more residents make use of reusable bags in their daily shopping routines, this responsible substitute will make a positive difference on the environment. Earth Day reminds us all to rise above the old practice of using single-use plastic and paper bags, and help sustain Mother Earth with the right choices.”

The Department of Public Works Bureau of Sanitation committed to the goal of distributing 25,000 free reusable bags throughout the City in an outreach effort that included the Office of the Mayor, Los Angeles City Council, Neighborhood Councils, retail partners Ralphs/Food 4 Less, Super A Foods Supermarkets and Vallarta Supermarkets, and local community based organizations for their respective Earth Day events.

The retail partner reusable bag distribution locations are:

- Ralphs, 3670 Crenshaw Blvd, Los Angeles, CA 90016
- Ralphs, 4030 S Western Ave, Los Angeles, CA 90062
- Super A Foods, 425 S. Soto St., Los Angeles, CA 90033
- Super A Foods, 2925 Division St., Los Angeles, CA 90065
- Vallarta Supermarkets, 10175 N. San Fernando, Pacoima, CA 91331
- Vallarta Supermarkets, 13715 Van Owen St., Van Nuys, CA 91606

- MORE -

LA CITY BUREAU OF SANITATION DELIVERS REUSABLE BAGS ON EARTH DAY
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“Our mission on environmental protection and public health includes our effort to strengthen our community partnerships and work more closely with city residents, businesses, and neighborhood leaders,” said Bureau of Sanitation Director Enrique C. Zaldivar. “The distribution of reusable bags on Earth Day will bolster the move away from single-use plastic and paper bags, and build a broad-base of support for more workable and effective environmental policies and actions.”

The distribution of reusable bags are intended to support City residents with the pending single-use bag ban scheduled to take effect in January 2010 as adopted by the Mayor and the Los Angeles City Council last year. The reusable bag distribution is consistent with the City’s waste reduction and diversion goals of RENEW LA and the Bureau of Sanitation’s development of a Zero Waste Plan.

For more information about the Department of Public Works’ Bureau of Sanitation and City services provided on solid resources, wastewater and watershed protection, please visit www.lacity.org/SAN.

About Board of Public Works

The five-commissioner Board of Public Works manages the Department of Public Works, the City’s second largest municipal division focused on the essential needs of residents for a better quality of life and environmental protection. With a \$559 million operating budget, the department awards more than \$500 million in public service contracts annually that provide for the construction, renovation, and operation of public programs and services including: municipal buildings and treatment facilities; streets, street lights, and urban forest; bridges and sidewalks; sewers and storm drains; integrated solid waste management and recycling; graffiti removal and beautification grants. The Board is committed to the delivery of quality customer service, to help neighborhoods thrive and benefit from healthier living and working environments. For more information, visit www.lacity.org/bpw.

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City of Los Angeles • Department of Public Works • Public Affairs Office
200 N. Spring St., M-165 • LA, CA 90012 • (213) 978-0333 • FAX (213) 978-0332



FOR IMMEDIATE RELEASE

**CITY OF L.A. JOINS HEAL THE BAY'S "A DAY WITHOUT A BAG" TO PROMOTE
HANDS-ON ENVIRONMENTAL STEWARDSHIP**

Bureau of Sanitation Contributes 5,000 Reusable Bags to Reduce Use of Single-Use Bags

LOS ANGELES (December 16, 2009)—The City of Los Angeles Department of Public Works Bureau of Sanitation joins the regional environmental group Heal the Bay and a coalition of local governments, community groups, environmental organizations and businesses to encourage Southland residents to forgo single-use plastic and paper bags, and make use of reusable bags when shopping. "A Day Without a Bag" on Thursday, December 17, highlights the third annual environmental and educational event created to raise awareness of the ecological hazards and disposal costs of single-use bags, which commonly litter streets, neighborhoods, waterways and oceans.

"A Day Without A Disposable Bag" reminds us of our collective environmental challenges and the need to address single-use plastic or paper bags," said Enrique C. Zaldivar, director of the Bureau of Sanitation. "The simplest way each of us can save tens of millions of bags from entering the waste stream is to remember to use a reusable bag. It's a simple concept, but one with far reaching benefits when we all act together to reduce, reuse and recycle to prevent waste and litter."

The City of Los Angeles Bureau of Sanitation donated 5,000 reusable bags to Heal the Bay's "A Day Without A Bag" for distribution at giveaway sites in the City of Los Angeles.

Locations and times in the City of Los Angeles are:

- Baldwin Hills Crenshaw Plaza in front of Walmart hosted by City of L.A. Bureau of Sanitation (12:00pm to 4:00pm)
3650 West Martin Luther King Blvd., 2nd Floor, Los Angeles, CA 90008
- Big Saver hosted by Urban Semillas & Anahuak (11:00am to 1:00pm | 5:00pm to 6:00pm)
2619 N. Figueroa St., Cypress Park, CA 90065
- Cabrillo Marine Aquarium (12:00pm to 5pm)
3720 Stephen M. White Dr., San Pedro, CA 90731

- MORE -

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Bureau of Sanitation Contributes 5,000 Reusable Bags to Reduce Use of Single-Use Bags

Page 2 of 3

- Farmers Market hosted by Coejl (11:00am to 1:00pm)
3rd St. and Fairfax Ave., Los Angeles, CA 90036
- Food 4 Less hosted by Urban Semillas & Anahuak (11:00am to 1:00pm | 5:00pm to 6:00pm)
5100 N. Figueroa St., Highland Park, CA 90042
- L.A. City Councilman Tony Cardenas Sun Valley Field Office (9:00am to 5:00pm)
9300 Lauren Canyon Blvd., Sun Valley, CA 91331
- L.A. City Councilman Bill Rosendahl Westchester Field Office (9:00am to 5:00pm)
7166 W. Manchester Ave., Westchester, CA 90045
- L.A. City Councilman Dennis Zine Reseda Field Office (9:00am to 5:00pm)
19040 Vanowen St., Reseda, CA 91335
- Ralphs hosted by Nobel Middle School Recycling Club (2:00pm to 6:00pm)
21431 Devonshire St., Chatsworth, CA 91311
- Ralphs hosted by Pacific Palisades Green Initiative (2:00pm to 4:00pm)
15120 W. Sunset Blvd., Pacific Palisades, CA 90272
- Ralphs hosted by Tree People (11:00am to 1:00pm)
14049 Venture Blvd., Sherman Oaks, CA 91423
- Super King Market hosted by City of L.A. Bureau of Sanitation (12:00pm to 4:00pm)
2716 N. San Fernando Rd., Glassell Park, CA 90065
- Vallarta Supermarket #18 hosted by City of L.A. Bureau of Sanitation (12:00pm to 4:00pm)
10175 N. San Fernando Rd., Pacoima, CA 91331
- Vallarta Supermarket #25 hosted by City of L.A. Bureau of Sanitation (12:00pm to 4:00pm)
3425 Whittier Blvd., Boyle Heights, CA 90023
- Village Green hosted by Palisades Cares (12:00pm to 4:00pm)
864 Swarthmore Ave., Pacific Palisades, CA 90272

For more information on Heal the Bay's "A Day Without A Bag" and updates on all giveaway locations, please visit www.healthebay.org/nobagday. For information about the City of Los Angeles Bureau of Sanitation, please call (800) 773-2489 or visit www.lacitySAN.org. To learn more about the city moving toward "Zero Waste" and the future of solid waste management, please visit www.zerowaste.lacity.org.

- MORE -

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About Board of Public Works

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TRANSMITTAL SC



AND MONDAY, TUESDAY, THURSDAY, FRIDAY.
REUSE IT. AGAIN, AGAIN AND AGAIN.

ON THE ROAD TO
ZERO
WASTE in the PWB



Bring & USE your reusable BAG at the following retail establishments near the PWB & they will provide you with the following discount on your purchase (make sure to ask):

All promotions are for a limited time only.

Robeks

Promotion: \$1 discount given at the time of purchase.

SUBWAY

Promotion: Free cookie at the time of purchase.

IRVING

Promotion: 10 cent discount at the time of purchase through May 21, 2010.



Promotion: 10% discount given at the time of purchase.

Starbucks®

Promotion: 10% discount given at the time of purchase on 5/5/10 and 5/6/10.

Retail Facilities in your neighborhood who give reusable bag incentives:

Retailer	Incentive
Albertsons	receive \$0.05 discount for every reusable bag that is used
CVS	buy a tag for a dollar, receive or save \$1.00 every 4 times the card is scanned
Henry's	\$0.05 for every bag you bring in to the store
Ikea	Store charges \$0.59 for each plastic bag they provide, bring your reusable bag and save \$
Ralphs	earn points on the store discount card
Sprouts	receive \$0.05 discount for every reusable bag that is used
Subway	buy their bag and every time you use it in the store you receive a free cookie
Target	receive \$0.05 discount for every reusable bag that is used
Trader Joe's	receive a raffle ticket and be entered into a drawing for a prize

EVERY WEDNESDAY - USE A REUSABLE BAG!**Facts to help us practice conservation**

- An average person will use more than 350 paper and/or plastic bags in a single year.
- A plastic bag takes approximately 450 to 1,000 years to degrade in landfill.

- Plastic bags "photodegrades" into molecules in our oceans, which is consumed by plankton and
- Making paper bags starts with one part pulp and 400 parts of water.
- Paper bags generate 70% more emissions, and 50 times more water pollutants than plastic bags.

- In 1999 more than 14 million trees were cut down to produce 10 billion paper bags that were used by Americans that year!

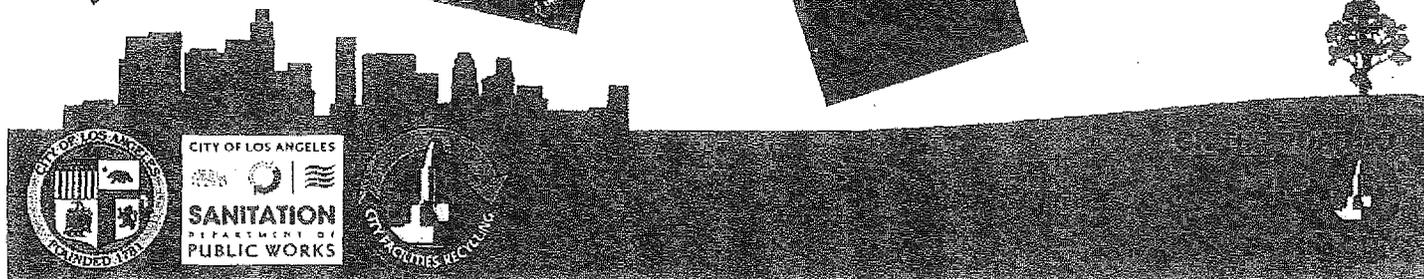
We're bringing

BRING YOUR BAG Wednesday! to Farmers' Market Thursdays!

on
October 21st
2010



AND MONDAY, TUESDAY, THURSDAY, FRIDAY.
REUSE IT. AGAIN, AGAIN AND AGAIN.



Bag Giveaway Events

As a way to encourage residents to decrease their use of disposable plastic bags, the Bureau of Sanitation (Bureau) distributed reusable bags for free at various events through retailers, nonprofits and community groups, Neighborhood Councils, and Council offices throughout the City of Los Angeles. Some examples of these events are:

- A Day Without A Bag, December 2007
 - First Day Without A Bag (Dec. 20, 2007) - A press event was held at the Grove, and the Bureau contributed 5,000 bags and staffed 5 distribution sites in the City.
- Earth Day, April 22, 2008
 - The Bureau partnered with 50 grocery stores within the City of Los Angeles and distributed 50,000 bags on Earth Day.
- A Day Without A Bag, Dec. 2008
 - The Bureau contributed 5,000 bags distributed in the City of Los Angeles and staffed 4 out of the 20 locations in the City. Public Affairs staff also conducted a media day to distribute 260 additional bags to 13 TV stations and supported Heal the Bay's press conference with the Mayor and Council District 12.
- Earth Day – April 2009 – 25,000 bags
 - 26 Neighborhood Councils distributed 16,400 bags
 - Mayor's office distributed 400 bags
 - All 15 Council offices received 500 bags to distribute within their district
 - Non-profit groups participated including: Heal the Bay, California State University Northridge, South Los Angeles Work Source Center, and Open Charter Magnet School
 - Grocery stores were also involved in the giveaway events including: Vallarta Supermarkets, Superior Grocers, Numero Uno Markets, and Ralph's Markets.
- "Got Your Bags?" Keep California Beautiful Statewide Campaign – October 29, 2009
 - Bureau's Solid Resources Citywide Recycling Division (SRCRD) supported Keep California Beautiful's "Got Your Bags?" statewide campaign with a Los Angeles press conference.
- "Brag About Your Bag" L.A. County Campaign - November 14, 2009 – December 17, 2009
 - The Bureau supported County's "Brag About Your Bag" campaign (from November 14, 2009 through December 17, 2009) by staffing an outreach table at the kickoff event/press conference on November 10, 2009.

- "A Day Without A Bag" - December 17, 2009
 - The Bureau participated in Heal the Bay's third annual "A Day Without A Bag" event on December 17, 2009 and donated and helped to distribute 5,000 reusable bags to shoppers at fifteen (15) locations throughout the City.

- Earth Day - April 22, 2010
 - The Bureau conducted another bag giveaway for Earth Day on April 22, 2010 at LA Live.
 - Bureau staff had an outreach table at the event.
 - The Mayor's Office and each Council office received 500 bags to distribute.

- Bring Your Bag Wednesdays - May 5, 2010
 - The Bureau launched the "Bring Your Bag Wednesdays" campaign on May 5, 2010. The campaign will encourage employees to start using their reusable bags on Wednesdays, while also encouraging them to use them beyond Wednesdays by using them on a daily basis.
 - Approximately 500 bags were given away to the Department of Public Works employees in the Public Works Building (PWB).
 - Each employee was asked to sign a pledge to use their reusable bag. The pledge cards will be put together in a display to incorporate the building management's campaign "Turn Over a New Leaf" in the PWB.
 - To encourage employees to use their bags, SRCRD compiled a list of retailer incentives and handed them out with each bag given.

- Environmentally Preferable Purchasing (EPP) Fair - May 12, 2010
 - Bureau staff gave away approximately 700 bags to City employees and constituents at the EPP fair sponsored by General Services Department.
 - Each City employee was asked to sign a pledge to use their reusable bag. The pledge cards will be included in the Public Works Building display "Turn Over a New Leaf".
 - Information about recycling and the handling of household hazardous waste was also distributed at the event in addition to the list of reusable bag incentives.

- The Valley Economic Alliance's Valley Economic Summit - May 13, 2010
 - SRCRD gave away approximately 150 bags to people in attendance.

- Second Chance Week Kickoff Event - October 12, 2010
 - A bag giveaway was held in conjunction with the annual Second Chance Week campaign that highlights the reuse aspect of "Reduce, Reuse, Recycle". 800 bags were given away at the two kickoff events that took place at City Hall East and the PWB. Five hundred additional bags were

given to recycling coordinators who distributed them to staff in their department for contributing professional clothing to the drive.

- City Hall Farmers Market - October 21, 2010
 - SRCRD gave away approximately 1600 bags to people in attendance. Farmers Market vendors assisted SRCRD staff in giving out the reusable bags as attendees made purchases at their respective booth. Vendors and attendees were very supportive of the reusable bag giveaway.
- CalRecycle - October 25, 2010
 - SRCRD gave CalRecycle 50 reusable bags for a Halloween fair giveaway.
- Department of Water and Power - October 26, 2010
 - SRCRD gave Department of Water and Power 200 reusable bags to hand out to employees through various raffles. Employees became aware of the bags during the Second Chance Week reusable bag giveaway.
- Kidz Harvest Fair in Highland Park, CA - October 30, 2010
 - SRCRD distributed 400 bags at the annual Kidz Harvest Fair in Highland Park to the children in attendance.
- Nurses Guild, Bethany Baptist Church of West Los Angeles Holiday Food Drive - November 3, 2010
 - SRCRD gave 100 reusable bags to the Nurses Guild to be used for their annual Holiday food drive.
- Southern California Waste Management Forum - November 4, 2010
 - SRCRD gave the LARA program 90 reusable bags to be distributed at Southern California Waste Management Forum's annual conference & exhibit.
- "2010 Children's Day, Salute to Kids" - November 20, 2010
 - SRCRD gave 650 reusable bags to this event at Woodley Park with up to 50,000 people attending.
- Heal the Bay's Day Without a Bag Event - December 16, 2010
 - SRCRD staffed 4 City locations and gave 1600 reusable bags to the public.
- Reusable Bag - "Caught in the Act" - February and March 2011
 - SRCRD gave 200 more bags away at the City Hall Farmers Market the first Thursday of February. Each consecutive Thursday through March SRCRD was on the look-out for people bringing their bags back to the Farmers Market. Those people "caught" were given a small prize as well as entered into a raffle for a Farmers Market gift basket at the end of the Market day each week.

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- In conjunction to the "Caught in the Act" at the Market SRCRD enrolled the Recycling Coordinators to be on the look-out in their facilities. The following were given bags and participated in the campaign:
 - GSD - 10 bags
 - EMD - 30 bags
 - City Attorney - 650 bags
- Mayor's Office and Alex Helou - February 10, 2011
 - SRCRD gave SRSSD 200 reusable bags for events attended by the Mayor's office.
- The Valley Business Expo '11 - February 10, 2011
 - SRCRD gave 200 reusable bags away at this Business event.
- NBA Walk, Run, Dribble Fit Event - February 18 2011
 - SRCRD gave SRSSD 200 reusable bags for this event.
- Recycling Refresher Course at Terminal Island - March 01, 2011
 - SRCRD gave 50 reusable bags to employees who attended the Recycling Refresher Course.
- Micheltorina Elementary School Rain Barrel Event - April 2, 2011
 - SRCRD gave 200 reusable bags to Susan Hutchinson to support this event.
- Ciclovía - April 10, 2011 - 100,000 expected for event
 - SRCRD gave 300 reusable bags to Susan Hutchinson to support this event.
- SLNC Earth Day Solar Conference and Workshop - April 23, 2011
 - SRCRD gave 100 reusable bags to Susan Hutchinson to support this event.
- SLNC Earth Day Neighborhood Clean Up and Block Party - April 24, 2011
 - SRCRD gave 400 reusable bags to Susan Hutchinson to support this event.
- San Fernando Valley Green Building Expo – June 23, 2011
 - SRCRD gave 200 reusable bags away at this event.
- Los Angeles City Mall Bag Give-Away event – June 28, 2011
 - The Bureau of Sanitation, Zero Waste Program distributed 500 reusable bags to patrons of the LA Mal. Many of the LA Mall food vendors participated by offering discounts to customers using the reusable bags.



October 3, 2011

Ms. Karen Coca
Environmental Affairs Officer
Los Angeles Bureau of Sanitation
200 North Spring Street
Los Angeles, CA 90012-4801

Dear Ms. Coca:

The Renewable Bag Council and the American Forest & Paper Association appreciate the opportunity to share our perspective on policy efforts to ban paper bags offered at retail in the City of Los Angeles.

The Renewable Bag Council (RBC) is comprised of manufacturers and converters of renewable, recycled, recyclable, and compostable Kraft paper used for checkout bags at grocery and retail outlets throughout Los Angeles and across the United States. The group is affiliated with the American Forest & Paper Association (AF&PA), which is the national trade association of the forest products industry, representing pulp, paper, packaging and wood products manufacturers, and forest landowners. AF&PA companies make products essential for everyday life from renewable and recyclable resources that sustain the environment. The forest products industry accounts for approximately 5 percent of the total U.S. manufacturing GDP, putting it on par with the automotive and plastics industries. Industry companies produce \$175 billion in products annually and employ nearly 900,000 people earning \$50 billion in annual payroll. The industry is among the top 10 manufacturing sector employers in 47 states. In California, the industry employs more than 22,500 individuals and has over 480 paper manufacturing facilities.

To begin, we wish to highlight the fact that the paper bag is a recycling success story. Many paper bags contain more than 30 percent recycled material, and in some cases, retailers use paper bags made of 100 percent recycled paper. Not only are paper bags made from recycled paper, they are highly recycled themselves and are a fixture in community recycling programs throughout California. In fact, Los Angeles residents frequently use paper bags as their containers when recycling other paper products such as newspapers, magazines, envelopes, juice and milk cartons, and printer paper—all items that are accepted at the curb in this City. According to the U.S. Environmental Protection Agency, the paper bag boasts a national recycling rate of almost 50 percent. In 2010, 63.5 percent of the paper and paper-based packaging used in the U.S. was recovered for recycling – that's 334 pounds for every man, woman, and child.

From a manufacturing perspective, a little known fact is that paper mills on average fulfill about two-thirds of their energy needs through carbon neutral, renewable biomass energy that is generated and consumed on site at these facilities. This is power that would otherwise need to be sourced from the electricity grid. Moreover, pulp and paper mills are also highly efficient operations, utilizing the thermal energy generated at our facilities for space heating and drying applications, as well as the production of steam used to drive turbines and produce power.

From a raw material perspective, paper bags are made from a renewable resource. Our member companies alone plant 1.7 million trees each day in North America. In fact, according to the U.S. Forest Service, the country has more forested acres today in 2011 than we did in 1953. Demand for forest products—whether it be paper bags, envelopes, newsprint, or lumber—is the engine that drives the forest growing cycle. Since most of the forestland in the U.S. is privately held, these landowners—mainly families with parcels of 300 acres or fewer—depend on an economic return on their investment to keep their forested acres forested. Without markets for forest fiber, these landowners will inevitably find alternatives for recouping their investment. These alternatives are typically either conversion to row crop agriculture or sale of the property for development, resulting in permanent deforestation.

Despite the tremendous progress that has already been made, the paper industry has no intention of resting on its laurels. In March we announced a new, voluntary industry fiber recovery goal to exceed 70 percent by 2020. This goal is part of the most extensive set of quantifiable sustainability goals set by a major U.S. manufacturing industry. This new initiative, *Better Practices, Better Planet 2020* is the next phase in the forest products industry's efforts building on our legacy as a leader in sustainability – from raw materials and product manufacturing to the health and safety for our workforce and economic contributions to our communities.

Within *Better Practices, Better Planet 2020*, we have set specific, challenging goals for increasing paper recovery for recycling, increasing our energy efficiency by 10 percent, reducing our greenhouse gas emissions by 15 percent and promoting sustainable forestry practices, while continuing to strive for the safest workplaces possible for our employees.

The Renewable Bag Council and American Forest & Paper Association respectfully request that the Bureau of Sanitation and the Board of Public Works be mindful of the many positive environmental attributes of the paper bag as it crafts a bag policy for the City. In light of the environmental performance of our product and the commitment of our industry to paper recovery and recycling, we believe that efforts to ban paper bags as a means to reduce litter are misguided and could have negative unintended consequences. We encourage the Bureau and the Board to avoid measures that penalize paper and, as always, we stand ready to assist you and offer our expertise as a resource as you begin to shape policy on this important issue.

Contact: Patrick Rita
202/261-1324



Californians Against Waste

Conserving Resources. Preventing Pollution. Protecting the Environment.

Received re: BOS 09-16-2011

October 7, 2011

Andrea Alarcón, Commissioner
Los Angeles Board of Public Works
200 North Spring Street
Los Angeles, CA 90012-4801

Re: Reduction of Single-Use Carryout Bags – Support

Dear Commissioner Alarcón:

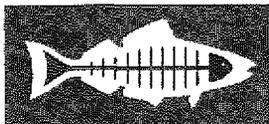
We urge the Board of Public Works to initiate the development of an ordinance to phase out single-use plastic shopping bags in the City of Los Angeles (LA).

The cost to consumers and the environment of single-use plastic bags has been found to far exceed their utility. Retailers in Los Angeles spend more than \$63 million annually to provide consumers with so-called 'free' shopping bags. These costs are passed on to consumers as higher costs for food and groceries.

Single-use plastic bags pose a uniquely high cost to the city and the environment. The physical properties of plastic bags cause them to become 'inadvertent litter' after being properly disposed, blowing out of trash cans, garbage and recycling trucks, transfer stations, and landfills. The City will spend an estimated \$85 million to meet Total Maximum Daily Load requirements for the Los Angeles River and Ballona Creek. In addition, a 2004 study of 30 LA storm drain catch basins found that plastic bags were 25% by weight of the litter collected. When they are no longer visible to the naked eye, plastic bags are still not fully gone but rather simply broken and dispersed into smaller particles that may absorb toxins and undermine water, food, and soil quality. Efforts to try to recycle single-use plastic bags through the curbside recycling program have proven to be a costly failure.

It's time for the City of Los Angeles to join with other forward thinking communities and end this unnecessary blight. Attached is a summary of ordinances adopted in other jurisdictions, along with our recommendations of elements of a successful ordinance.

Your staff has estimated that retailers in Los Angeles distributed some 2.3 billion single-use plastic bags and 400 million paper bags. By every measure, the elimination of those 2.3 billion single-use plastic bags will represent a substantial net environmental benefit. The experience of San Francisco found that a simple ban of single-use plastic—without any measure to curb paper bags—resulted in just an 18 percent increase in paper bag distribution. If the same trend held for Los Angeles, the result would be a better than 80 percent reduction in total bag use, and a savings to Los Angeles consumers of better than \$38 million annually.



Heal the Bay



October 10, 2011

Councilmember Paul Koretz
200 North Spring Street
Los Angeles, CA 90012-3239

RE: SUPPORT – Single-use Bag Ban

Dear Councilmember Koretz:

The undersigned groups write in strong support of your motion introduced on September 6, 2011 for the City of Los Angeles to adopt a single-use bag ban. Specifically, the motion calls for a citywide policy to ban single-use bags at large grocery stores, retail pharmacies and foodmarts and for the Bureau of Sanitation and the City Attorney to undertake necessary environmental review.

Our organizations are extremely concerned with the environmental and economic impacts of single-use bag pollution in inland and coastal communities throughout our City. Californians use an estimated 12 billion single-use plastic bags every year. The City of San Francisco estimated that to clean up, recycle, and landfill plastic bags costs the city 17 cents per bag. This figure does not include all of the energy costs associated with producing single-use bags, or the negative environmental, economic and public health costs associated with single-use bag litter.

We can no longer recycle our way out of this problem. Despite efforts to expand recycling programs, less than 5% of single-use plastic bags are currently being recycled. The rest of these bags end up in our landfills or as litter, clogging stormdrain systems, and making their way to our waterways and ocean. Plastic lasts for hundreds of years in our environment and may never biodegrade in the ocean. As a result, it poses a persistent threat to wildlife. Over 267 species worldwide have been impacted by plastic litter, including plastic bags.

Paper bags are not a viable alternative to plastic bags. Paper bag production contributes to deforestation, greenhouse gas emissions, and waterborne wastes from the pulping and paper making process. Even compostable plastic bags made of plant-based sources have not proven to degrade in the ocean. Instead, they require industrial composting facilities, which the City does not currently have.

Los Angeles County, Long Beach, Calabasas, Santa Monica, Malibu, Manhattan Beach, San Francisco, San Jose, Santa Clara County, Santa Cruz County, Marin County, Fairfax, and Palo Alto have banned plastic bags and dozens of other cities in California are considering this approach.

The City of Los Angeles has a critical role to play in becoming a true leader in eliminating plastic bag waste and preventing the proliferation of plastic pollution in our communities. Thus we strongly support your motion and urge the Council to move forward a single-use bag ban expeditiously.

Sincerely,



Kirsten James
Water Quality Director
Heal the Bay

Leslie Mintz Tamminen
Ocean Program Director
Seventh Generation Advisors

Juli Schulz
Rise Above Plastics Program Leader
Surfrider Foundation West LA/Malibu Chapter

Julia Ritchie
Ocean Associate
Environment California

Miriam Gordon
California Director
Clean Water Action / Clean Water Fund

cc: City of Los Angeles Board of Public Works

That said, a simple provision to end the wasteful and costly practice of hiding the cost of shopping bags (i.e. requiring retailers to charge the actual cost of paper bags), is likely to further motivate consumers to bring their own reusable bags. The experience of Washington, DC found that a charge of just five cents on bags resulted in a 65 percent reduction in bag use by consumers.

Californians Against Waste has worked with retailers, bag manufacturers, and local governments in an effort to try to manage single-use plastic bags through recycling. We sponsored AB 2449 (Levine), which provides in-store recycling for plastic bags. Despite establishing the state's largest collection infrastructure for any single material, efforts to manage single-use plastic bags through recycling have failed. Recent efforts to enact a statewide ban of plastic bags with AB 1998 (Brownley) failed to pass the legislature last year. Municipalities, who are primarily responsible for the cleanup of plastic litter, should not wait for state action.

Plastic marine pollution is global problem with local solutions. We appreciate the efforts of the Bureau of Sanitation and the Board of Public Works on this issue and look forward to working with you to develop an ordinance that is a benefit to both consumers and the environment in Los Angeles.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Murray". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark Murray
Executive Director

cc: Board of Public Works Commissioners

Elements of a Successful Single-Use Bag Ordinance

- Prohibition on the distribution of single-use plastic carryout bags.
- Prohibition on the distribution of single-use paper bags with less than 40 percent postconsumer recycled content.
- End the wasteful and costly practice of hiding the price of carryout bags, by requiring retailers to charge not less than the actual average cost of providing recycled paper bags.
- Stores retain revenue, but required to report the amount charged and number of bags sold
- Store definition:
 - gross annual sales of \$2 million or more selling food and nonfood goods
 - at least 10,000 square feet of retail space with a licensed pharmacy
 - pharmacy, convenience store, or other retail store selling a limited line of food goods
- Ordinance can be customized to phase in stores, restaurants, clothing retailers, nonprofits, farmers markets, etc., with different implementation dates based on store size/category
- Exemptions for protective/produce type bags, WIC/lower income
- Defines reusable bags as: Handled bag specifically designed and manufactured for multiple reuse and:
 - made of cloth or other machine washable fabric, and/or made of durable plastic that is at least 2.25 mils thick
 - meets lead and other heavy metal safety requirements as specified for packaging under state Toxics in Packaging law (Health & Safety Code Sections 25214.11-25214.26)
 - Several California companies are leading the globe in the manufacture of durable, reusable bags made from recycled materials. As this market becomes more fully developed, jurisdictions may want to consider policies and incentives to promote the use of California manufactured reusable bags with the highest level of post-consumer recycled material.

Single-Use Bag Ordinances in CA (as of September 2011)

Local Jurisdiction	Description	Effective	CEQA/Strategy	Other Elements
San Francisco	plastic ban	2007/2008	Exemption	Allows compostable plastic bags
Oakland	plastic ban	n/a	Exemption	Allows compostable plastic bags
Fairfax	plastic ban	2008	Voter Initiative	Ban includes all retail and restaurants
Malibu	plastic ban	2008/2009	Exemption	Ban includes all retail and restaurants
Manhattan Beach	plastic ban	2012	Neg Dec	Ban includes all retail and restaurants
Palo Alto	plastic ban	2009	Neg Dec	Ban includes large supermarkets only
Los Angeles County	plastic ban, 10 c fee paper	2011/2012	EIR	
San Jose	plastic ban, 10/25 c fee paper	2012	EIR	Ban includes all retail except nonprofit, Limited exemption for WIC/low income
Marin County	plastic ban, 5 c fee paper	2012	Exemption	Limited free giveaway of reusable bags
Santa Monica	plastic ban, 10 c fee paper	2011/2011	EIR	Ban includes farmers markets
Calabasas	plastic ban, 10 c fee paper	2011/2012	used LAC EIR	
Santa Clara County	plastic ban, 15 c fee paper	2012	Neg Dec	Ban includes all retail except nonprofit, Limited exemption for WIC/low income,
Long Beach	plastic ban, 10 c fee paper	2011/2012	used LAC EIR	Ban includes farmers markets
Santa Cruz County	plastic ban, 10/25 c fee paper	2012	Mit Neg Dec	Ban includes restaurants (but they can give paper bags for free)





Received re: #1 BOS 09-16-2011

October 11, 2011

Ms. Andrea A. Alarcon
President, City of Los Angeles Board of Public Works
200 North Spring Street
Los Angeles, CA 90012

Re: Plastic/Paper Retail Bag Prohibition - Oppose

Dear Ms. Alarcon:

The American Chemistry Council (ACC), a national trade association of manufacturing companies - including domestic producers of fully recyclable plastic bags - is opposed to a proposed ordinance to ban both fully recyclable plastic bags as well as paper bags. In our view, enactment of such an ordinance would:

- Unnecessarily raise grocery costs for county residents;
- Increase City spending at a time of substantial operating deficits;
- Potentially put at risk several hundred manufacturing jobs in the region;
- Ironically result in the dismantling of a local plastics recycling infrastructure that has been steadily diverting more plastic bags and wraps material from disposal each year and;
- Require the city to spend scarce resources to implement these new requirements, audit the collection of bag tax revenue and ensure overall compliance.

HIGHER GROCERY COSTS FOR LOS ANGELES RESIDENTS

The Bureau of Sanitation staff report calls for "A low-income exemption on paying for reusable bags." This exemption acknowledges the draft ordinance is a financial burden to some, however, those that may be unemployed, single parents, seniors, or families that may be struggling to make ends meet would also be overlooked. This ordinance would raise grocery costs for Los Angeles residents.

Furthermore, data shows most people already reuse their plastic retail bags for pet waste, lunches, umbrella holders, and other uses. No free carryout bags mean people will have to purchase bags for these same uses. For example, in Ireland, plastic bag regulation resulted in sales of other plastic bags increasing over 400%¹.

NEW BUREAUCRACY & CITY SPENDING REQUIRED

The proposed policy calls for over \$235,000 in new city spending to hire full time city staff to oversee implementation and management of this program and to ensure compliance. With on-going substantial operating deficits and cuts to public safety departments and other city services, it is arguably a questionable use of taxpayer money to create a "bag bureaucracy" when other, more cost-effective bag policy options are available.

LOCAL MANUFACTURING JOBS AT RISK

Southern California is home to several plastic bag manufacturing facilities, employing several hundred residents. Passage of this ordinance could put those jobs at risk, not to mention the hundreds of other jobs associated with suppliers and vendors. With the local unemployment rate near 13%, it is incomprehensible an ordinance that may put thousands of residents out of work is being considered.

¹ PIFA, 2004 (also validated by the Scottish Parliament ERDC Committee - Economic and Rural Development Committee) PIFA/Mike Kidwell Associates, 2006



PLASTIC BAG/FILM RECYCLING IS INCREASING

Allegations that plastic bag and film recycling is failing are false. At the request of the Los Angeles County Public Works (LACPW) Department, ACC recently commissioned a study by Moore Recycling Associates, Inc. to: **1)** quantify the pounds of plastic bags and film collected for recycling from material recovery facilities (MRFs) in the County from 2007 through 2009; **2)** delineate the percentage of plastic bags collected versus total film; and **3)** determine how much of the total film was from the unincorporated areas of Los Angeles County.

- The study reveals a 39 percent growth in the recycling of plastic bags and other film plastics (*see examples below*).
- The recycling of plastic bags alone grew 62 percent during this period suggesting that residents have become accustomed to putting their plastic bags into their curbside recycling bins.
- In the unincorporated areas of the county, curbside collection of plastic bags and film increased by 40 percent from 2007 to 2009.

In addition to local curbside collection programs, California law requires all large grocery stores and pharmacies to provide a recycling bin for plastic bags. These bins provide a statewide consumer infrastructure that can capture not only recyclable plastic grocery bags but newspaper, dry cleaning, toiletry, and other bags and film as well (e.g., product wraps for cases of soda, paper towels, etc.). Ironically, if plastic bags are banned, stores in the City of Los Angeles could simply opt out of providing and servicing the bins and thus eliminate a convenient consumer recycling infrastructure. This was the case after the City of San Francisco banned plastic bags. Passage of this ordinance would have the perverse effect of dismantling a local and convenient recycling infrastructure.

WHAT ABOUT REUSE?

Surveys consistently show that most people "reuse" their plastic grocery bags for multiple purposes such as picking up pet waste, lining home trash cans or carrying damp clothes. A ban on this product will require consumers to purchase new plastic bags for these very same uses.

REDUCING BAG LITTER AND DISPOSAL THROUGH COLLABORATIVE EFFORTS

Reducing bag litter and waste can be accomplished by limiting unnecessary bagging, enhancing and promoting recycling programs and encouraging consumers to use reusable bags. ACC and its members have consistently been willing to work toward this goal and, in fact, sponsored legislation (AB 1141 – C. Calderon) in 2009 that would have created an annual fund of nearly \$25 million [paid for by bag manufacturers] to support recycling and storm water pollution prevention programs statewide.

In our view, bag litter and disposal can be reduced with a policy encouraging consumers to use reusable bags and to recycle their plastic bags. These activities can be undertaken through partnerships between industry, retailers, the City, recyclers and environmental organizations all without the burden of additional regulation, unintended environmental impacts, job loss, or negative economic impacts on consumers.

Thank you for the opportunity to provide these comments and we would welcome the opportunity to discuss potential recycling opportunities in the City of Los Angeles. If you or your staff has any questions or comments, please do not hesitate to contact me at 916-448-2581 or via email at tim_shestek@americanchemistry.com.

Sincerely,



Tim Shestek
Senior Director, State Affairs

cc: Members, Los Angeles Board of Public Works; City Clerk



Received re: #1 BOS 09-16-2011

October 11, 2011

Ms. Andrea A. Alarcon
President, Board of Public Works
City of Los Angeles
200 North Spring Street
Los Angeles, CA 90012



RE: Policy to Ban Single-Use Bags – Oppose Unless Amended

Dear President Alarcon,

On behalf of the California Grocers Association, I write to inform you of our opposition to the currently proposed policy to Ban Single-Use Carryout Bags unless amended. CGA is concerned the ban on all single-use carryout bags will unnecessarily burden consumers and retailers without providing additional environmental gain.

The California Grocers Association is a non-profit, statewide trade association representing the food industry since 1898. CGA represents approximately 500 retail member companies operating over 6,000 food stores in California and Nevada, and approximately 300 grocery supplier companies. Retail membership includes chain and independent supermarkets, convenience stores and mass merchandisers. CGA members include a significant number of grocery companies operating in the City of Los Angeles.

A number of California cities and counties, including several in Los Angeles County, have regulated carryout bags by both banning plastic carryout bags and allowing recyclable paper carryout bags for a charge, including the Cities of Long Beach and San Jose. This approach to bag regulation has achieved the intended environmental impact, while providing predictability for consumers and eliminating competitive disadvantages for retailers.

As stated in the September 16, 2011, Board Report No. 1 California law prevents placing a point of sale fee on single use plastic bags. The Board Report also highlights a 90% reduction in single-use bag use when a charge is placed on the bag. CEQA review on ordinances which allow recyclable paper carryout bags for a charge and the *Master Environmental Assessment on Single-Use and Reusable Bags* show no negative environmental impact from allowing recyclable paper carryout bags for a charge. The claim consumers will simply switch from single-use plastic bags to single paper bags with a charge placed on them is unfounded.

The purpose of allowing recyclable paper carryout bags for a charge is to encourage reusable bag use while still allowing consumers an affordable option for unplanned or unexpected purchases. Under the current proposal, City of Los Angeles consumers would only have the option of purchasing a new reusable bag, which cost an average a \$1.00 per bag. In comparison, in Los Angeles County the same consumer has the option of receiving a 40% post-consumer recycled content, fully recyclable paper bag for only \$0.10. The proposed policy would create a drastic competitive disadvantage for retailers in the City of Los Angeles who compete directly with stores in Los Angeles County.

Ms. Andrea Alarcon

October 11, 2011

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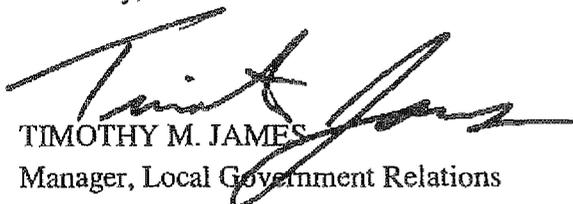
CGA believes the recommendation to ban all single-use carryout bags does not add significant environmental benefit to the city and only creates difficulties for consumers when transporting their purchased goods. Specific to retailers, the proposal will create a competitive disadvantage to City of Los Angeles retailers since they will be charging an average of \$0.90 more to consumers who need an additional bag to transport their purchases.

If the City of Los Angeles would like to increase the environmental benefit received by a carryout bag ordinance it should expand application of the widely accepted Los Angeles County approach to additional retailers as many California jurisdictions have done. Most notable is the City of San Jose, with over one million residents, whose ordinance bans plastic bags and charges for paper bags at all retailers, regardless of size or types of products sold.

The evidence presented by the City of Los Angeles in favor of carryout bag regulation is very clear the concern with single-use bags are the bags themselves, not where the bag is received or what it may carry. CGA believes the City of Los Angeles must genuinely consider the environmental impact of single-use bags at all retail types before deciding on any specific policy direction. Not considering the impact of single-use bags provided by all retailers runs counter to the arguments made for regulating single-use bags.

Unfortunately, CGA must oppose the current proposal to ban all single-use bags unless amended to include all retailers, and allow for the sale of paper carryout bags. Please consider CGA a partner in encouraging reusable bag use in the City of Los Angeles.

Sincerely,



TIMOTHY M. JAMES
Manager, Local Government Relations

cc: Members, City of Los Angeles Board of Public Works
Ms. Arleen P. Taylor, Executive Officer, City of Los Angeles Board of Public Works
Mr. Enrique C. Zaldivar, Director, City of Los Angeles Bureau of Sanitation

Received re: #1 BOS 09/16/2011



October 11, 2011

Mr. Enrique Zaldivar
Director - Department of Public Works, Bureau of Sanitation
City of Los Angeles

Re: Proposed Single-Use Plastic Bag Ordinance

Dear Mr. Zaldivar:

As founder and President of Command Packaging, Vernon, California, the plastic bag ordinance is critical to my company and our 250 full time employees. Unfortunately I am not able to be at today's meeting in person but want to offer my future assistance and my belief that the City of Los Angeles can improve the environment without killing jobs or burdening residents.

As a local business we have worked hard to be responsive to the needs of the community and our employees. The recent bag bans in California have negatively impacted our ability to hire and grow. As a result, we have developed a plastic recycling business and a cost-effective reusable bag that is made in Los Angeles. If allowed to develop, both of these business have the potential to create green manufacturing jobs and positively impact the community and environment.

With each city ban however, more consumers believe that plastic is evil. This has to stop.

I am pleased that the city acknowledges that allowing paper bags to become the single-use bag of choice is a horrible strategy however bans are not a practical solution either. We need solutions that allow businesses to evolve while meeting the needs of the community.

The city should not:

- Ban either paper or plastic bags. A ban will only create new markets for the same products, increase the amount of plastic and paper in the community, and fails to solve the problem.
- Create more strain on businesses and consumers. More companies will leave the area and create more jobs in China while passing the financial cost on to residents.

The city should:

- Create a goal and a timetable and allow the free-market to find the answers.
- Work with industry to solve the problem.
- Create short term incentives for consumers and businesses to change behaviors and long-term penalties for those who don't.



Mr. Enrique Zaldivar

October 11, 2011

Page two

If there is genuine interest by the DPW to find solutions that solve the problem without destroying an entire industry I am happy to provide specific details of a plan that will work to eliminate single-use bags and create local jobs. We can produce reusable bags in the USA that are more green and cost-effective than the reusable bags currently being imported to the USA from China. The city has to have the courage to establish the goals and give industry the time to make it happen.

My company has already diverted millions of pounds of plastic from local landfills and recycled it back into plastic bags. We have also already developed the reusable bag that is made locally from recycled plastic. If the city will work with us to create an ordinance that creates a gateway for plastic recycling and locally manufactured reusable bags, we can accomplish the city's goals without exporting more jobs to China.

I look forward to speaking with you further about creating a win-win opportunity.

Sincerely,

Peter M. Grande
CEO

COMMENTS BY

Received re: #1 BOS 09-16-2011

**SAVE THE PLASTIC BAG COALITION
TO CITY OF LOS ANGELES BOARD OF PUBLIC WORKS
REGARDING PROPOSED CARRYOUT BAG BAN**

OCTOBER 12, 2011

Save The Plastic Bag Coalition opposes the banning of plastic carryout bags. However, if the City of Los Angeles insists on proceeding with a ban, we have two comments at this time.

1. AN EIR MUST BE PREPARED

The County EIR determined that a polypropylene or cotton reusable bag must be used at least 104 times before delivering environmental benefits compared to a plastic carryout bag. The City cannot be certain that each and every polypropylene and cotton reusable bag will be used on average at least 104 times. Therefore the proposed ordinance may result in a significant negative environmental impact.

Accordingly, pursuant to CEQA, we demand that the City of Los Angeles prepare an EIR before banning plastic and paper bags. All rights are reserved.

2. THE REUSABLE BAG DEFINITION MUST BE CHANGED TO CONFORM TO THE COUNTY DEFINITION

According to the City's proposed language, a "reusable bag" must be "machine washable." This language is copied from an old version of the County's draft ordinance.

The County version, as adopted by the Board of Supervisors, allows reusable bags that are "machine washable or... made from a material that can be cleaned or disinfected."

We request that you change the language to conform to the County version.

This is critically important as polyethylene reusable bags that can be "cleaned or disinfected" are manufactured right here in Los Angeles and elsewhere in California. As noted in the County EIR, a polyethylene reusable bag need only be used three times before delivering environmental benefits compared to a plastic carryout bag.

Stephen Joseph, Counsel
Save The Plastic Bag Coalition
Phone: (415) 577-6660
Website: www.savetheplasticbag.com
E-mail: savetheplasticbag@earthlink.net