

## REPORT OF THE CHIEF LEGISLATIVE ANALYST

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DATE: March 30, 2020

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso  Council File No: 20-0002-S34  
Chief Legislative Analyst Assignment No: 20-03-0297

SUBJECT: S. 3263 (Udall)

**CLA RECOMMENDATION:** Adopt the attached Resolution (Krekorian – Koretz – Blumenfield) to include in the City's 2019 - 2020 Federal Legislative Program SUPPORT for S. 3263 (Udall), which would set requirements related to waste and recycling collection systems for a variety of products and materials including plastics.

### SUMMARY

On March 6, 2020 a Resolution (Krekorian – Koretz – Blumenfield) was introduced in Council to support S. 3263 (Udall), the Break Free from Plastic Pollution Act of 2020. The bill would amend the Solid Waste Disposal Act (SWDA) to reduce the production and use of certain single-use plastic products such as plastic-utensils, paper, packaging, and beverage containers. Beginning on January 1, 2022 the bill would make producers of these products financially responsible for collecting these items for recycling or compost after use. The bill would also establish a program to refund consumers for returning beverage containers and establish a tax on carryout bags. Producers would be required to include specific labels on their products that would inform consumers if the items are recyclable, compostable, or reusable based on Environmental Protection Agency (EPA) guidelines. The Resolution, therefore, seeks an official position of the City of Los Angeles to support S. 3263 (Udall), to prevent pollution from products and packaging.

### BACKGROUND

On October 20, 1965, President Lyndon B. Johnson signed the Solid Waste Disposal Act into law, marking the beginning of legislation to address the Nation's issue of waste disposal. It regulates the treatment, storage, and the disposal of non-hazardous and hazardous waste. The Act also set regulations for ways to eliminate trash in an environmentally safe manner. The SWDA intended to promote the protection of health and the environment. It established procedures to separate recyclable and reusable material from solid waste. The goal was to reduce or eliminate hazardous waste wherever possible to diminish environmental danger. Several amendments have been made over the last few decades to maintain the demand for waste regulations.

The Solid Waste Disposal Act was amended by the Resource Recovery Act of 1970 giving the EPA the funding they needed to source the programs established by the SWDA. In 1976 it was amended by the Resource Conservation and Recovery Act (RCRA) establishing hazardous waste regulations including "cradle to cradle" standards, meaning from its place of origin to disposal.

In 1980 the SWDA was amended by the Used Oil Recycling Act requiring producers to label oil as recyclable. The Solid Waste Disposal Act Amendments of 1980 allowed the EPA to regulate coal mining waste under the hazardous waste standards. Specifically, the Hazardous and Solid Waste Amendments of 1984 concentrated on increased standards for the disposal of hazardous waste.

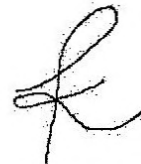
In 1988 the Act was amended to track medical waste disposal that was polluting the shorelines in the East Coast. In 1992 the Federal Facility Compliance Act ensured Federal facilities were also responsible for waste disposal with the same private company's standards as stated in the SWDA. The latest amendment to the SWDA was the Land Disposal Program Flexibility Act of 1996 which changed the standards of waste disposal to protect our waters.

For decades, plastic pollution has been a rising National issue. As the demand for plastic grows, so does the production. In the United States, excessive use of plastic waste has been growing at an alarming rate. Millions of plastic waste that can be reused and recycled end up buried in a landfill or dumped in our oceans each year. As stated by the Plastic Pollution Coalition, six times more plastic waste is burned in the United States than recycled. The Nation is lacking legislation to regulate plastic waste, therefore, City should support the amendment of Solid Waste Disposal Act by S. 3263 (Udall) to protect the public health and the environment.

BILL STATUS

S 3263

02/11/2020 Introduced in Senate



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Kimberly Tejada  
Analyst

SMT:kat

Attachments: Resolution (Krekorian – Koretz – Blumenfield)

**RESOLUTION**

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, eight of the 10 most commonly polluted plastic items, which includes utensils and food wrappers, are not practically recyclable in America's municipal recycling system; and

WHEREAS, over 90 percent of U.S. plastic waste is never recycled, and every year about 32 million tons of plastic is landfilled or incinerated; and

WHEREAS, S. 3263, the Break Free From Plastic Pollution Act of 2020 is currently pending before Congress; and

WHEREAS, S. 3263 would amend the Solid Waste Disposal Act to reduce the production and use of certain single-use plastic products and packaging to prevent pollution from consumer products and packaging from entering into animal and human food chains and waterways, and otherwise harm the global ecosystem; and

WHEREAS, S. 3263, the Break Free From Plastic Pollution Act of 2020 would make the product producers take responsibility for their waste, requiring them to design, manage and finance waste and recycling programs;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2019-2020 Federal Legislative Program SUPPORT of S. 3263, the Break Free From Plastic Pollution Act.

PRESENTED BY: Paul Krekorian  
PAUL KREKORIAN  
Councilmember, 2<sup>nd</sup> District

SECONDED BY: Paul Korts  
Barbara Blumengarten

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