

**REPORT OF THE  
CHIEF LEGISLATIVE ANALYST**

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DATE: June 14, 2021

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

FROM: Sharon M. Tso   
Chief Legislative Analyst

Council File No: 21-0002-S100  
Assignment No: 21-05-0399

SUBJECT: S. 984 (Merkley) / H.R. 2238 (Lowenthal)

CLA RECOMMENDATION: Adopt the attached Resolution (Koretz – Krekorian – O’Farrell) to include in the City’s 2021 - 2022 Federal Legislative Program SUPPORT for S. 984 (Merkley) and H.R. 2238 (Lowenthal) the Break Free from Plastic Pollution Act, which would address the plastic pollution crisis that is contaminating our air, water, and land.

SUMMARY

On April 14, 2021 a Resolution (Koretz – Krekorian – O’Farrell) was introduced in Council to support S. 984 (Merkley) and H.R. 2238 (Lowenthal), the Break Free From Plastic Pollution Act (BFFPPA). The Resolution states plastic pollution has become one of the most pressing environmental issues. The production of disposable plastic products overwhelms the ability of the world to deal with them. Single-use plastics account for 40 percent of the plastic produced every year and many of these products such as plastic bags and food wrappers have a lifespan of minutes to hours, yet they may persist in the environment for hundreds of years. Every year, about 8 million tons of plastic waste escapes into the oceans and millions of animals are killed by plastics, from birds to fish and other marine organisms. The Resolution states that S. 984 (Merkley) and H.R. 2238 (Lowenthal) seek to reduce plastic pollution and increase recycling to protect communities from toxic emissions and plastic waste. The Break Free from Plastic Pollution Act (BFFPPA) would shift the responsibility of waste cleanup to the corporations that produced the plastics, and eliminate waste export loopholes.

BACKGROUND

On March 25, 2021, S. 984 was introduced in the Senate by Senator Merkley and on March 26, 2021, H.R. 2238 was introduced in the House of Representatives by Representative Lowenthal, which seek to amend the Solid Waste Disposal Act to reduce the production and use of certain single-use plastic products and packaging. The bills seek to increase the responsibility of producers in the design, collection, reuse, recycling, and disposal of their consumer products and packaging, to prevent discarded consumer products and packaging from entering into animal and human food chains and waterways, and for other purposes. The BFFPPA will reduce throwaway plastics, enact producer responsibility, combat false solutions such as incineration, and pause new or expanding plastic production.

The bills intend to shift responsibility for waste management and recycling to the manufacturers and producers to hold companies accountable for their products. The bills also seek to set up a

national beverage container refund program, establish minimum recycled content standards, phase out certain single-use plastic products that are not recyclable, and prohibit plastic waste from being exported to developing countries that do not have sufficient infrastructure to deal with the overwhelming amounts of plastic waste. The BFFPPA will place a moratorium on new and expanding plastic facilities until the Environmental Protection Agency updates and creates vital environmental and health regulations for those facilities.

Plastic production disproportionately affects low-income communities, indigenous and communities of color, by polluting the air, water, and soil. There is an average of 144 toxic chemicals in plastic, and petrochemical facilities and plastic-burning incinerators are often located in these communities. Harmful emissions and greenhouse gases released from these facilities affect the health of individuals in these communities at a higher rate. The bills seek to increase statewide laws across the Country and outline plastic reduction strategies to improve the health of the public and the planet. The BFFPPA would reduce plastic pollution by increasing recycling rates and protect frontline and fence line communities. The bills would also shift the cost of plastic waste management to the producers of the plastic; thereby holding big plastic polluting corporations accountable for their plastic waste, saving local governments billions of dollars in clean up. In addition, the bills would create more employment opportunities in the reuse and refill systems; therefore, the City should support S. 984 (Merkley) and H.R. 2238 (Lowenthal), the Break Free from Plastic Pollution Act.

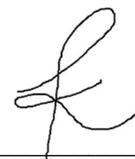
BILL STATUS

*S. 984*

03/25/2021     Introduced in Senate  
Read twice and referred to the Committee on Finance.

*H.R. 2238*

03/29/2021     Referred to the Subcommittee on Water Resources and Environment.  
Action By: Committee on Transportation and Infrastructure  
03/26/2021     Referred to the Committee on Energy and Commerce, and in addition to  
the Committees on Ways and Means, Transportation and Infrastructure,  
and Foreign Affairs, for a period to be subsequently determined by the  
Speaker, in each case for consideration of such provisions as fall within  
the jurisdiction of the committee concerned.  
03/26/2021     Introduced in House



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Kimberly A. Tejada  
Analyst

SMT:kat

Attachments: Resolution (Koretz – Krekorian – O’Farrell)

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, plastic pollution has become one of the world's most pressing environmental crises; and

WHEREAS, the dramatic increase in production and use of disposable plastic products overwhelms the ability of the world to deal with the resulting waste; and

WHEREAS, single-use plastics account for 40 percent of the plastic produced every year and many of these products, such as plastic bags and food wrappers, are used and discarded within minutes, yet they may persist in the environment for hundreds of years; and

WHEREAS, every year, about 8 million tons of plastic waste escapes into the oceans; and

WHEREAS, millions of animals are killed by plastics every year, from birds to fish and other marine organisms; and

WHEREAS, in March 2021, the Break Free From Plastic Pollution Act was introduced in the United States Senate as S. 984 (Merkley) and in the United States House of Representatives as H.R. 2238 (Lowenthal), which would reduce plastic pollution, increase recycling and protect communities from toxic emissions; and

WHEREAS, the Break Free From Plastic Pollution Act would shift the responsibility of waste cleanup to the corporations that produced the plastics, establish an extended producer responsibility program for packaging, establish minimum recycled content mandates for certain products, establish a national container deposit system, and eliminate waste export loopholes;

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 2021-2022 Federal Legislative Program SUPPORT for S. 984 (Merkley) and H.R. 2238 (Lowenthal), the Break Free From Plastic Pollution Act, and any similar legislation that would help minimize plastic pollution.

*Paul Krekorian*

*Paul Koretz*

PRESENTED BY: \_\_\_\_\_

PAUL KREKORIAN  
Councilmember, 2nd District

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PAUL KORETZ  
Councilmember, 5th District

*Mitch O'Farrell*

SECONDED BY

MITCH O'FARRELL  
Councilmember, 13th District

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APR 14 2021