

**CALENDAR ITEM
C99**

A Statewide

08/14/12

S Statewide

S. Pemberton

**CONSIDER SUPPORTING STATE LEGISLATION THAT WOULD PROHIBIT
STORES THAT HAVE A CERTAIN AMOUNT OF SALES OR RETAIL
FLOOR SPACE FROM PROVIDING SINGLE-USE CARRYOUT BAGS**

INTRODUCTION:

State Lands Commission staff has been reviewing various legislative proposals introduced in the 2011-12 legislative session that involve lands under the Commission's jurisdiction. This report describes proposed legislation (AB 298 – Brownley) that would prohibit stores that have a certain amount of sales or retail floor space from providing single-use carryout bags and would authorize these stores to make recycled paper, compostable, or reusable bags available for purchase by customers. The legislation also sets standards for the definition of "reusable," requires stores to provide plastic bag recycling collection bins, and creates a reusable bag certification program administered by the Department of Resources Recycling and Recovery. This report further proposes that the Commission consider adopting a support position on this legislation.

LEGISLATIVE PROPOSAL:

AB 298 (Brownley): Solid waste: single-use carryout bags

SUMMARY:

AB 298 prohibits stores that have a certain amount of sales or retail floor space from providing single-use carryout bags and requires these stores to comply with various requirements, including making recycled paper, compostable, or reusable bags available to customers for sale. The bill also sets standards for the definition of "reusable," requires stores to provide plastic bag recycling collection bins, and creates a reusable bag certification program administered by the Department of Resources Recycling and Recovery (CalRecycle) and funded by a producer fee paid to CalRecycle. Beginning July 1, 2015, these requirements, apart from the requirement to provide plastic bag collection bins, would be imposed on convenience food stores and foodmarts.

CALENDAR ITEM NO. C99 (CONT'D)

Manufacturers would be prohibited from selling or distributing reusable bags unless they are made from a material that can be cleaned or disinfected, and that do not contain lead, cadmium or other heavy metal in toxic amounts.

Stores would also be required to provide customers participating in the California Special Supplemental Food Program for Women, Infants, and Children with a reusable grocer bag or recycled paper bag at no cost. The bill would also allow cities, counties and the state to impose civil liability of up to \$500 for the first violation, \$1,000 for the second, and \$2,000 for third and subsequent violations. These penalties do not apply to the certification procedures.

BACKGROUND:

Nineteen billion plastic bags are used in California every year, costing taxpayers approximately \$25 million annually to collect and dispose. Less than 5% of all single use plastic bags are recycled. Litter and marine debris from single use plastic bags pollute California's beaches, ocean, and other waterways, most of which involve state-owned sovereign land subject to the public trust. Plastic waste is the predominate form of marine debris, estimated to comprise 60-80% of all marine debris and 90% of all floating debris. Most plastic marine debris exists as small plastic particles. These plastic pieces are ingested by aquatic organisms and negatively affect hundreds of animal species worldwide.

Approximately fifty local jurisdictions in California have already passed ordinances banning single use bags, placing 33% of Californians under a single use bag ordinance. Banning single use bags statewide will significantly reduce plastic waste, reduce ocean pollution, and help maintain a healthy ecosystem. Given that the environmental hazards of single use plastic bags are well documented, the state should establish uniform standards for all of California.

OTHER PERTINENT INFORMATION:

Single-use bag ordinances are in place in numerous countries and major U.S. cities, including China, Denmark, Australia, Bangladesh, the United Kingdom, France, Rwanda, Somalia, Italy, Ireland, New York City, Seattle, and Washington, D.C. Altogether, twenty-five percent of the world's population now lives in areas with bans or fees on plastic bags.

The California State Lands Commission has supported three similar bills in previous years, including adopting a resolution at their June 1, 2009 meeting in support of state legislation that would have significantly reduced litter and marine debris and encouraged the use of reusable shopping bags by taking measures such as placing a fee on single-use shopping bags.

AB 298 was approved by the Senate Environmental Quality Committee on July 2, 2012, on a 5-2 vote and is awaiting consideration in the Senate Appropriations Committee. It

CALENDAR ITEM NO. C99 (CONT'D)

is supported by the following organizations: Heal the Bay (Sponsor), Environment California (Sponsor), Californians Against Waste (Sponsor), California Coastkeeper Alliance, Canyon Land Conservation Fund, Clean Water Action, Earthwise, Humboldt Waste Management Authority, Los Angeles County Board of Supervisors, Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force, Marin County Hazardous and Solid Waste Management Joint Powers Authority, Product Policy Institute, San Francisco Department of the Environment, Santa Clara Board of Supervisors, Save Our Shores, Surfrider Foundation, and World Centric.

It is opposed by the following organizations: AEP Industries, American Forest and Paper Association, Bradley Packaging Systems, Command Packaging, Crown Poly, Elkay Plastics, Emerald Packaging, Epsilon Plastics, Heritage Bag Company, Heritage Plastics, Montebello Plastics, Muehlstein US, Omega Extruding of California, RDM Industries, and the Western Plastics Association.

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

1. Adopt a support position on AB 298 (Brownley).