

**CALENDAR ITEM
C03**

A Statewide

06/02/14

S Statewide

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**CONSIDER SUPPORTING STATE LEGISLATION THAT WOULD PROHIBIT STORES THAT
HAVE A SPECIFIED AMOUNT OF DOLLAR SALES OR RETAIL FLOOR SPACE FROM
PROVIDING A SINGLE-USE CARRYOUT BAG TO A CUSTOMER, WITH CERTAIN
EXCEPTIONS AND SUBJECT TO VARIOUS CONDITIONS**

INTRODUCTION:

State Lands Commission (Commission) staff has been reviewing various legislative proposals introduced in the 2013-14 legislative session that involve lands under the Commission's jurisdiction. This report describes proposed legislation (SB 270 Padilla, De Leon, and Lara), that would ban single-use carryout bags in supermarkets and drugstores and allow paper, reusable, and in some jurisdictions, compostable, bags to be sold with a minimum 10 cent charge. The bill also includes standards and incentives for single-use bag manufacturers to transition to making reusable bags.

LEGISLATIVE PROPOSAL:

SB 270 (Padilla, De Leon, and Lara): Solid waste: single-use carryout bags

DESCRIPTION OF THE BILL:

SB 270 would ban single-use carryout bags in supermarkets and drugstores beginning July 1, 2015, and in smaller grocery stores and convenience stores beginning July 1, 2016. Stores would be allowed to provide reusable grocery bags to customers if the reusable bag was made by a producer certified pursuant to the provisions of the bill and if the bag meets numerous conditions, such as being designed for at least 125 uses over a distance of 175 feet, having a volume capacity of at least 15 liters, being machine washable or made from a material that can be disinfected, and having a tag printed on or attached to the bag with specified information.

A reusable grocery bag made from plastic must be made from a minimum percent of postconsumer recycled material, have the capacity to carry 22 pounds for 125 uses or more over a distance of 175 feet, and be at least 2.25 mils thick. Non-plastic reusable bags made from natural or synthetic fabric must be sewn, capable of carrying 22

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pounds 125 times over the distance of 175 feet, and shall have a minimum fabric weight of at least 80 grams per square meter.

Beginning January 1, 2016, plastic bag producers would have to obtain certification from a third-party prior to selling or distributing a reusable grocery bag in California. The certification must include the name, locations, and contact information of all sources of postconsumer recycled material and suppliers of postconsumer recycled material. The certification shall also include how the postconsumer recycled material is obtained, and information demonstrating that the postconsumer recycled material is cleaned using appropriate washing equipment.

The Department of Resources, Recycling and Recovery (CalRecycle) would be required to ensure that producers and stores are complying with the aforementioned requirements. As part of that process, CalRecycle would have to provide a mechanism for receiving proof of certification online and would have to publish a list on its website with contact information of certified reusable grocery bag producers, a list of producers that are in compliance, and a list of third-party certification entities that are recognized by the CalRecycle.

CalRecycle would be authorized to suspend or revoke a certification of a reusable bag producer if the department finds there is evidence that bag producers are out of compliance with the bill. CalRecycle would also be authorized to establish a fee schedule for bag producers to generate fee revenue to cover the CalRecycle's costs to implement and enforce the certification provisions of the bill.

Stores that make reusable bags available for purchase may not sell the bag for less than ten cents to ensure that the cost of providing a reusable bag is not subsidized by a customer who does not require a bag. Stores would not, however, be able to charge customers participating in the California Special Supplemental Food Program for Women, Infants, and Children for the cost of a reusable or recycled bag.

Local jurisdictions and the state may impose civil liability on a person or entity that knowingly violates these provisions, or reasonably should have known that it violated these provisions. Penalties would be in the amount of five hundred dollars (\$500) for the first violation, one thousand dollars (\$1,000) for the second violation, and two thousand dollars (\$2,000) for the third and subsequent violations.

A local jurisdiction that has adopted before September 1, 2014 an ordinance, resolution, regulation, or rule relating to reusable grocery bags, single-use carryout bags, or

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recycled paper bags may continue to enforce and implement that ordinance, resolution, regulation, or rule that was in effect before that date.

Finally, the bill would appropriate two million dollars (\$2,000,000) from an unidentified non-General Fund to CalRecycle for the purposes of providing loans and grants for the creation and retention of jobs and economic activity in California for the manufacture and recycling of plastic reusable grocery bags that use recycled content. Grant recipients must agree, as a condition of receiving a grant, to retain and retrain existing employees for the manufacturing of reusable grocery bags that meet the requirements of the bill.

OTHER PERTINENT INFORMATION:

1. 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, approximately 25% percent of the world's population now lives in areas with bans or fees on single-use plastic bags.
2. In California, approximately nineteen billion plastic bags are used every year, costing 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 waterways, most of which involve state-owned sovereign land subject to the common law Public Trust Doctrine. 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.
3. Approximately one-third of local jurisdictions in California have already passed ordinances banning single-use bags, placing one-third 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, Commission staff believes it is beneficial for the State to establish uniform standards for all of California.
4. The Commission has supported five similar bills in prior years, including adopting a resolution at its June 1, 2009 meeting in support of state legislation that would

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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 bags.

5. SB 270 was approved on May 14, 2014 by the Assembly Natural Resources Committee on a 5-3 vote and is pending in the Assembly Appropriations Committee.
6. SB 270 is supported by All One Ocean, Azul, California Association of Environmental Health Administrators, California Coastkeeper Alliance, Californians Against Waste, the City of Concord, the City of Encinitas, the City of Long Beach, Contra Costa Clean Water Program, the County of Santa Clara, Environment CA, Friends Committee on Legislation in CA, Green Cities California, GreenWaste Recovery, Heal the Bay, Hidden Resources, Mendocino Solid Waste Management Authority, Natural Resources Defense Council, Plasticbaglaws.org San Francisco Department of the Environment, Santa Barbara Channelkeeper, Sierra Club CA, Surfrider Foundation, Team Marine, Zero Waste San Diego, 5 Gyres Institute, and 7th Generation Advisors.
7. SB 270 is opposed by Advance Polybag, Inc., American Forest and Paper Association, American Progressive Bag Association, California Recycling Market Development Zones Association, California Manufacturers and Technology Association, Crown Poly, Elkay Plastics Co., Inc., Hilex Poly, National Black Chamber of Commerce, National Federation of Independent Businesses, The Plastics Industry Trade Association, Third Baptist Church of San Francisco, the US Black Chamber, Inc., and hundreds of individuals

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

1. Adopt a support position on SB 270 (Padilla, De Leon, and Lara).