



CITY COUNCIL STAFF REPORT

DATE: March 5, 2014

NEW BUSINESS

SUBJECT: DISCUSS THE REGULATION OF SINGLE-USE CARRYOUT PLASTIC BAGS BY RETAIL ESTABLISHMENTS

FROM: David H. Ready, Executive Director

BY: Office of Sustainability

SUMMARY

Mayor Pougnet has requested the City Council discuss regulation of single-use carry out plastic bags by retail establishments in consideration of a city-wide ordinance that will transition businesses away from such use and promote reusable bags within the City of Palm Springs.

RECOMMENDATION

1. Direct Staff and the Sustainability Commission as appropriate.

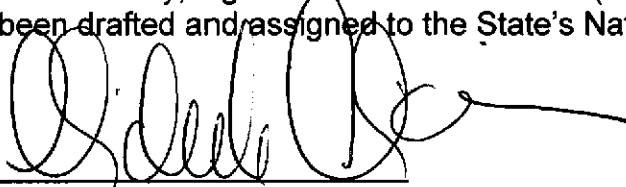
BACKGROUND

In April, 2012, the City of Palm Springs Sustainability Commission began to consider regulations that would ban the use of single use plastic bags. A Commission Waste Subcommittee was formed which researched existing regulations throughout the state and the nation. On March 28, 2013, the Sustainability Commission held a Study Session on this issue and invited local grocers as well as the statewide California Grocers Association. Members of the public attended and the majority of attendees including grocers supported a plastic bag regulation.

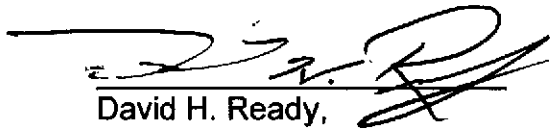
On May 21, 2013, the Sustainability Commission voted unanimously to approve the drafting of a plastic bag ordinance as well as a resolution of support for State Senate Bill 405 eliminating plastic bag use statewide. The draft ordinance was completed at the end of May 2013. Subsequently, outreach efforts by the Commission increased and presentations were made to neighborhood groups, local businesses and the Coachella Valley Association of Governments (CVAG). In late 2013, CVAG requested a presentation at their Technical Working Group for Solid Waste which resulted in continued work on a draft model ordinance. On February 13, 2014, the CVAG Energy

and Environmental Resources Committee approved the model ordinance. Subsequently, on February 24, 2014, the CVAG Executive Committee voted to approve its use by member agencies if they chose to pursue plastic bag legislation.

Concurrently, legislation at the state level (SB270 - "Single Use Bag Phase Out") has been drafted and assigned to the State's Natural Resources Committee.



Michele Mician,
Sustainability Manager



David H. Ready,
City Manager

Attachments:

1. Coachella Valley Association of Governments Staff Report
2. Draft Model Single Use Plastic Bag Ordinance
3. Fact Sheets and Supplemental Letters

ITEM 7B

**Coachella Valley Association of Governments
Executive Committee
February 24, 2014**



Staff Report

Subject: Consideration of Support for Statewide Plastic Bag Legislation and Completion of Draft Plastic Bag Ordinance

Contact: Katie Barrows, Director of Environmental Resources (kbarrows@cvag.org)

Recommendation: The Executive Committee:

- 1) Authorize letters of support for proposed statewide legislation on single-use carryout bags; and
- 2) Approve the Draft Model Plastic Bag Ordinance for consideration by member agencies and suspend further work on it pending the status of state legislation.

Technical Advisory Committee: CONCURS (Meeting of February 10th)

Energy and Environmental Resources Committee: CONCURS (Meeting of February 13th)

Background: Since the Executive Committee directed staff to develop a model regional Single Use Plastic Bag Ordinance in October 2013, CVAG staff has been working with our Solid Waste and Recycling Technical Working Group (TWG) on the draft model regional ordinance. The draft ordinance is ready for review by the Executive Committee. At the same time, state legislation has been introduced to implement a statewide phase out of single use carryout bags. The Executive Committee is being asked to: 1) support proposed statewide legislation, and 2) approve the model regional Plastic Bag Ordinance so that it may be considered by member agencies, and suspend further work on it pending status of state legislation.

At the Energy and Environmental Resources Committee meeting on February 13, the proposed statewide legislation as well as the model ordinance were discussed. Several members indicated that their city would likely consider the ordinance before final action is taken on the state legislation. After some discussion, the Energy and Environmental Resources Committee voted to forward the model ordinance to the Executive Committee with a recommendation to support the state legislation and approve the model ordinance. The vote was nine in favor with two abstentions (Cathedral City and Indian Wells abstained; the City of Rancho Mirage and the Imperial Irrigation District were absent). The Technical Advisory Committee also discussed the matter at their meeting on February 10. Following some discussion, the TAC recommendation was to support the state legislation, forward the model ordinance to the Energy and Environmental Resources Committee, and put the ordinance on the next TAC agenda for review and consideration.

Statewide Legislation: Recently significant progress has been made in the California

legislature on statewide plastic bag legislation. On January 24, 2014, Senator Alex Padilla (D-Pacoima), Senator Kevin de Leon (D-Los Angeles) and Senator Ricardo Lara (D-Huntington Park/Long Beach) announced support for new legislation to phase out single-use carryout bags in California grocery stores, convenience stores, and liquor stores. Senators de Leon and Lara both voted against similar legislation by Senator Padilla in 2013, which fell 3 votes short of the 21 votes needed for passage in the State Senate. The new bill, SB 270, is currently pending in the Assembly Labor Committee. Due to the support from key legislators, industry groups, labor and environmentalists, the state legislation is expected to be more successful than last year's effort.

SB 270 has just been introduced and the provisions of this proposed legislation have not been finalized. Based on information from Senator Padilla's website, if approved, the new bill, SB 270 will:

- Prohibit, beginning July 1, 2015, large grocery stores from providing single-use carryout bags (i.e., paper, plastic or other material) to a customer at the point-of-sale.
- Prohibit, beginning July 1, 2016, convenience stores and liquor stores from providing single-use carryout bags (i.e., paper, plastic or other material) to a customer at the point-of-sale.
- Authorize a store to make a recyclable paper bag available for purchase for a minimum of ten cents (\$0.10).
- Allow ordinances adopted prior to September 1, 2014 to continue to be enforced.
- Make loans and grants available for single-use plastic bag manufacturers who transition their manufacturing to reusable grocery bags.
- Require as a condition of receiving a loan or grant that the manufacturer retain and retrain existing employees for the manufacturing of reusable grocery bags.

A fact sheet on SB 270 from Senator Padilla's office is attached for your information. The proposed legislation includes many of the same provisions as the proposed CVAG regional model ordinance. The proposed CVAG model ordinance, similar to SB 270, includes a 10-cent charge for recycled paper bags as a means to encourage use of reusable bags. In SB 270, the time frame for implementation of the statewide phase out is longer than the proposed CVAG draft model ordinance. Smaller stores would have a full year more than large stores to comply with the single-use bag phase out, instead of six months. The proposed state legislation also identifies thresholds for recycled content for reusable plastic bags for sale in California. SB 270 also includes provisions to address concerns about job losses in the plastic bag manufacturing industry. If approved, it would provide a fund for loans and grants to help retain and retrain workers and encourage manufacturers to produce reusable bags instead of single-use plastic bags.

The proposed state legislation addresses many of the concerns that prompted the CVAG Executive Committee to consider a regional model ordinance, including the very real environmental cost to marine life, birds and other wildlife. In the windy desert environment, plastic bags create unsightly litter. Because so few of the bags are recycled (only 5% according to CalRecycle), single-use plastic bags increase costs to local governments for clean-up. The combined cost of single-use plastic bags to California consumers and state and local government for use, clean-up and disposal is estimated to be in the tens of millions of dollars annually. Based on the experience of local jurisdictions that have enacted ordinances a statewide policy would save local governments millions of dollars annually. Ninety California communities, including Los Angeles County, Huntington Beach, Culver City, San Jose, Glendale, Pasadena, and Davis, have already enacted ordinances phasing out plastic bags. In doing so, many of these communities have eliminated the significant costs associated with

plastic bags, as well as substantially reduced the volume of bags entering their landfills. The new plastic bag legislation is supported by a coalition of environmental, labor, and business groups, including Californians Against Waste, Environment California, Heal the Bay, Clean Seas Coalition, California League of Conservation Voters, Coastkeepers, Surfrider, United Food and Commercial Workers (UFCW) Western States Council, California Grocers Association, and the California Retailers Association.

Draft Model Plastic Bag Ordinance: Considerable work has been done to prepare the model ordinance for your consideration. At their January 13 meeting, the Technical Working Group recommended the draft ordinance be forwarded to the Energy and Environmental Resources Committee, with some additions and changes they proposed. As noted, the draft model ordinance was presented to the Energy and Environmental Resources Committee on February 13. The ordinance version approved by the Energy and Environmental Resources Committee is attached for your consideration, with one minor change. A part of the definition of "store" was inadvertently omitted from the draft ordinance included in the Energy and Environmental Resources agenda packet. A part of the definition has been added as item N(5), "Store does not include Public Eating Establishments or Nonprofit Charitable Reusers." This statement clarifies that the ordinance does not apply to restaurants and non-profit organizations such as food banks. If approved by the Executive Committee, the model ordinance would then be available for consideration by individual member agencies. Individual member agencies may determine whether to consider adoption of the model ordinance.

The following discussion provides a review of some of the issues considered in the ordinance. The TWG considered a variety of issues in their review of the draft ordinance. In the discussion over the last several months, the desire for reliable studies on the impacts of plastic bags and ordinances to limit their use has been expressed. An October 2013 study, *Plastic Bag Bans: Analysis of Economic and Environmental Impacts*, completed by the Equinox Center for the City of San Diego provides useful information about the issues surrounding plastic bag ordinances: <http://www.equinoxcenter.org/assets/files/Plastic%20Bag%20Ban%20Web%20Version%2010-22-13%20CK.pdf>.

Some of the findings of this study related to economic impacts include:

- Local economies, comprised of affected retailers and their customers, are not negatively impacted in the long-term.
- San Jose and San Francisco have reported "no sustained negative impact to retailers."
- Estimated cost of \$7.70 per household in first year of ordinance to purchase reusable bags and fees for paper bag use. These recurring costs should decrease over time due to long lifespan of reusable bags.

The cost to local jurisdictions of cleaning up plastic bags was also considered by the TWG. Several sources have described these costs. For example the City of San Diego spends approximately \$160,000 per year cleaning up plastic bag litter. An estimated \$34 million to \$107 million is spent each year to manage plastic bag litter in our state. The Natural Resources Defense Council has estimated that California cities spend about \$11 per resident to clean up litter which ends up in our oceans as marine pollution. The City of Calabasas includes information on their website: <http://cityofcalabasas.com/environmental/plastic-bags.html> which indicates that "In Los Angeles County, public agencies spend tens of millions of dollars each year on litter prevention, enforcement and clean up. Plastic bags contribute greatly to this problem." The cost of cleaning up plastic bags ultimately costs taxpayers millions every year.

Another issue considered by the TWG is the impact of plastic bags to local waste haulers. According to the California Integrated Waste Management Board, plastic bags make up only 0.4 percent of the overall landfill disposal waste stream but account for as much as 25 percent of the litter stream. At the TWG meeting on December 16, representatives of Burrtec indicated that plastic bags create problems for them because they clog their equipment, blow in the wind during the waste hauling process to become litter, and have no value in the recycling market. A letter received via email from Palm Springs Disposal Services with similar concerns is attached for your information.

The TWG also discussed the issue of how the ordinance would apply to special events and farmer's markets. To address this issue, one option would be to consider including specific language regarding special events and farmers markets. For example, the City of Glendale includes two exemptions in its adopted ordinance providing that, "recyclable paper carryout bags may be distributed free of charge . . . at Farmer's Markets" and "at any City facility, any event held on City property, or at any City sponsored event." Other cities with adopted ordinances encourage the distribution of reusable bags, as a promotional item. The TWG recommended that this issue be considered by each jurisdiction to determine how the ordinance would apply to special events.

The potential impacts to public health have been considered by many of the jurisdictions with adopted ordinances. For example, the Environmental Impact Report (EIR) prepared for the City of Glendale includes a discussion of this issue. The report states that, ". . . the health risks, if any, from reusable bags can be minimized if the consumer takes appropriate steps, such as washing and disinfecting the bags, using them only for groceries . . ." and other precautions. The draft model ordinance does provide for produce or product bags to continue to be offered for meat, produce and any product that needs to be kept separate from other groceries. The Glendale EIR also states that "A representative of the Los Angeles County Department of Public Health has state that the public health risks of reusable bags are minimal."

In addition to the various issues regarding the ordinance, the TWG also discussed the need for outreach and education about plastic bags, the problems they cause, and the benefits of alternatives, such as reusable bags. They recommended that potential funding sources for outreach and education be explored.

Staff has contacted other jurisdictions that have a plastic bag ordinance in place. Generally, the feedback on the success of already adopted local plastic bag ordinances has been very positive.

Staff requests that the Executive Committee authorize letters of support for SB 270. Staff further recommends that the Executive Committee approve the attached draft model ordinance. The model ordinance would then be available for consideration by individual member agencies. Pending action by the Executive Committee, CVAG would suspend further work on the ordinance until the status of statewide legislation can be determined.

Fiscal Analysis: None at this time.

Attachments:

1. Draft Model Ordinance Relating to Single-Use Carryout Plastic Bags
2. Fact Sheet on SB 270
3. Letter from Palm Springs Disposal

4. DRAFT
(As approved by the Energy & Environmental Resources Committee,
February 13, 2014)
ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY/COUNTY OF
[] AMENDING CHAPTER [INSERT
MUNICIPAL CODE SECTION GOVERNING HEALTH OR
ENVIRONMENT] RELATING TO SINGLE-USE CARRYOUT
PLASTIC BAGS AND PROHIBITING THE FREE DISTRIBUTION
OF RECYCLED PAPER BAGS, BY RETAIL ESTABLISHMENTS,
TO BE EFFECTIVE [INSERT DATE].**

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

WHEREAS, about twenty-two million (22,000,000)^a single-use carryout plastic bags are distributed by retail establishments in the City each year; and

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

WHEREAS, numerous studies have documented the prevalence of single-use carryout plastic bags littering the environment and blocking storm drains; in the Coachella Valley, single use plastic bags create a litter problem which is aggravated by windy conditions here; and

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

WHEREAS, the City Council of the City of [CITY NAME] is the decision-making body for the approval and adoption of this Ordinance; and

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

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, over 90 jurisdictions in California have approved ordinances that impose 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

^a This number is for the City of Palm Desert. This number would need to be calculated for each jurisdiction, based on population.

SECTION 2. This ordinance shall become effective on the thirtieth (30) day following passage.

SECTION 3. *[CEQA explanation to be added here when that is determined. Mitigated Negative Declaration should be sufficient]*

SECTION 4. That the City Clerk of the City of [CITY NAME] California, is hereby directed to provide at City Hall and to publish a notice of this ordinance with the attached Exhibit A in the Desert Sun, a newspaper of general circulation, published and circulated in the City of [CITY NAME], California. This ordinance shall be in full force and effect thirty (30) days after its adoption.

ADOPTED THIS _____ DAY OF _____, _____

[MAYOR]

ATTEST:

[CITY CLERK]

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF _____)

I, [CITY CLERK], City Clerk of the City of _____, California, do hereby certify that Ordinance No. _____ is a full, true, and correct copy, and was introduced at a regular meeting of the _____ City Council on _____, 2014, and adopted at a regular meeting of the City Council held on _____, 2014 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

[CITY CLERK]
CITY OF _____, CALIFORNIA

EXHIBIT A

**CHAPTER _____ SECTION _____
USE OF SINGLE-USE CARRYOUT PLASTIC BAGS**

SECTIONS:

- ___ **Findings and Purpose**
- ___ **Definitions**
- ___ **Single-Use Carryout Plastic Bags Prohibited**
- ___ **Permitted Bags**
- ___ **Carryout Bag Regulations**
- ___ **Exempt Customers**
- ___ **Operative Date**
- ___ **Penalties and Enforcement**
- ___ **Severability**

___ **Findings and Purpose**

- A. The City Council of the City of [CITY NAME] finds and determines that the City is committed to protecting the public health, safety, welfare, and environment, and that in order to meet these goals, it is necessary for the City to promote the public purposes served by this Chapter and adopt the following regulations pursuant to these findings.
- B. The City finds that ordinances limiting the use of Single-use Carryout Plastic Bags have been proven to reduce the amount of pollution and improve quality of life for the citizens of [CITY NAME] .
- C. The City finds that, except in unusual circumstances, it is feasible and reasonable for parties who provide Single-use Carryout Plastic Bags to easily transition to paper bags and move to a model that charges for paper bag use by consumers.
- D. The City of [CITY NAME] recognizes that plastic bags are a public nuisance and affect public health and impact tourism and quality of life to both residents and visitors in _____.

___ **Definitions**

- A. "Customer" means any Person obtaining goods from a Store.
- B. "Food Bank" (*Consider adding definition for food bank that clarifies that it is not a store*).

- C. "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.
- D. "Operator" means the person in control of, or having the responsibility for, the operation of a Store, which may include, but not be limited to, the owner of the Store.
- E. "Paper Bag Cost Pass-Through" means the cost which must be collected by retailers from their customers when providing a Recycled Paper Bag.
- F. "Person" means any natural person, firm, corporation, partnership, or other organization or group however organized.
- G. "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.
- H. "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.
- I. "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.
- J. "Public Eating Establishments" means a restaurant, take-out food establishment, or any other business that receives ninety percent (90%) or more of its revenue from the sale of Prepared Food to be eaten on or off its premises.
- K. "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. The Recycled Paper 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.

- L. "Reusable Bag" means a bag that has handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements: (1) is machine washable or is made of material that can be cleaned or disinfected; (2) has a minimum lifetime of one hundred twenty-five (125) uses, which for purposes of this subsection, means the capability of carrying a minimum of twenty-two (22) pounds one hundred twenty-five (125) times over a distance of at least one hundred seventy-five (175) feet; (3) if made of a plastic, it must be at least two and one-quarter (2.25) mil thick; (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.
- M. "Single-Use Carryout Plastic 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 Plastic 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.
- N. "Store" means any of the following retail establishments located within the City limits of the [City/County] of _____:
- (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 sells any perishable or non-perishable goods including, but not limited to clothing, food, or personal items, and 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); 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; or
 - (4) A store of less than 10,000 square feet of retail space that sells any perishable or non-perishable goods including, but not limited to, clothing, food, or personal items, and 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).

- (5) Store does not include Public Eating Establishments or Nonprofit Charitable Reusers.

___ **Single-Use Carryout Plastic Bags Prohibited**

- A. No Store shall provide to any customer a Single-Use Carryout Plastic Bag.
- B. This prohibition applies to bags provided for the purpose of carrying away goods and does not apply to produce bags or product bags.

___ **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.

___ **Carryout Bag Regulations**

- A. No Store, to include grocery store or pharmacy, shall provide a Single-Use Carryout Plastic 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. No person shall distribute a Single-Use Carryout Plastic Bag at any City facility, City-managed concession, City-sponsored event, or City-permitted event unless otherwise provided in this Section.
- C. Single-use Carryout Plastic Bags may be distributed to customers by food providers for the purpose of safeguarding health and safety during the transportation of prepared take-out foods and liquids intended for consumption away from the food provider's premises.
- D. A Store shall make Recycled Paper Bags available to Customers for a minimum charge of ten cents (\$.10) per bag. The sale of each bag shall be separately itemized on the sale receipt.
- E. All Stores must keep records of the total number of Recycled Paper Bags provided; the total amount of monies collected for providing Recycled Paper Bags, and a summary of any efforts a Store has undertaken to promote the use of reusable bags by customers in the prior calendar year. Such records must be

made available for the City Manager, or his/her designee, to review at any time. These records may be kept at the retailer's corporate office.

___ **Exemptions**

- A. A Store may 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 Section 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 or Reusable Bags at no cost.

___ **Operative Date**

This Chapter shall become operative six (6) months after its effective date for Stores defined in Subsections N(1) and N(2) of the Definitions Section. This Chapter shall become operative twelve (12) months after its effective date for Stores defined in Subsections N(3) and N(4) of the Definitions Section.

___ **Penalties and Enforcement**

- A. The City Manager, or his/her designee, has primary responsibility for enforcement of this Chapter. The City Manager, or his/her designee, is authorized to promulgate regulations and take any and all other actions reasonable and necessary to enforce this Chapter.
- B. If the City Manager, or his/her designee, 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. All administrative civil fines shall be established and set forth by resolution of the City Council. Established fines may be modified as appropriate by City resolution.

___ **Severability**

The City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance as hereby adopted shall remain in full force and effect.

Senator Alex Padilla

Fact Sheet

SB 270 – PADILLA

Single-Use Bag Phase Out to be amended

Summary

SB 270 would phase out single-use plastic bags in California grocery stores, convenience stores, liquor stores, and pharmacies.

Background

Each year in California, more than 13 billion single-use plastic bags are handed out by retailers. According to the United States Environmental Protection Agency, 88% of plastic bags and sacks are not recycled. In California, only 3% are recycled, according to CalRecycle. Plastic bags cause litter, slow sorting and jam machinery at recycling centers costing California more than \$25 million dollars each year to collect and bury the plastic bag waste. According to a study commissioned by the US Marine Debris Monitoring Program, plastic bags remain one of the top items found consistently during annual beach cleanups.

Plastic bags are also harmful to the environment killing thousands of birds, turtles and other species. Most plastics do not degrade. Although they represent only 2.2% of waste stream in California, plastic waste is the predominate form of marine debris. Plastics are estimated to compose 60-80% of all marine debris and 90% of all floating debris worldwide.

Plastics not only entangle marine life, they are also ingested by marine life and birds. Most plastic marine debris exists as small plastic particles due to excessive UV radiation exposure and subsequent photo-degradation. The Convention on Biological Diversity reports a total of 663 species have been affected by plastic marine pollution through entanglement or ingestion.

The California Coastal Commission reports that “birds, fish and mammals often mistake plastic for food. Some birds even feed it to their young. With plastic filling their stomachs, animals have a false feeling of being full, and may die of starvation. Sea turtles mistake plastic bags for jellyfish, one of their favorite foods. Even grey whales have been found dead with plastic bags and sheeting in their stomachs.”

The Scripps Institution of Oceanography at UC San Diego found evidence of plastic waste in more than 9% of the stomachs of fish collected in the North Pacific Subtropical Gyre and estimate that fish who reside in the intermediate ocean depths ingest 12,000- to 24,000 tons of plastic per year.

According to the United States Environmental Protection Agency, reducing the use of an item is one of the most effective ways to save our natural resources and protect the environment. To date, many local jurisdictions in California have enacted ordinances. The ordinances vary with some requiring a charge for paper carry-out bags and others banning both single-use plastic and paper

FOR MORE INFORMATION – Contact Angela Manetti, Office of Senator Alex Padilla (916) 651-4020

carryout bags. These ordinances have both eliminated the costs associated with plastic bags as well as substantially reduced the volume and costs associated with paper bags in communities.

For example, San Francisco, Los Angeles County, San Jose, and San Luis Obispo County are already experiencing the benefits of reducing the use of plastic bags. After just one year of implementation of its bag ordinance, the City of San Jose is reporting 50% cleaner creeks. Los Angeles County is reporting a 95% reduction of all single-use bags distributed, including a 30% reduction of paper bags.

Existing Law

Section 42254 and 42257 of the Public Resources Code requires large grocery stores to establish a plastic bag recycling program and sunsets on January 1, 2020.

Current California law is silent on the reduction of single-use plastic bags.

This Bill

This bill would:

- prohibit large grocery stores, on and after July 1, 2015, from providing a *single-use carryout bag* (i.e., paper, plastic, or other material) to a customer at the point-of-sale.
- prohibit convenience and liquor stores, on and after July 1, 2016, from providing a *single-use carryout bag* (i.e., paper, plastic, or other material) to a customer at the point-of-sale.
- authorize a store, on and after July 1, 2015, to provide a *reusable grocery bag* (i.e., cloth or durable plastic) to a customer, which may be made available for purchase.

- authorize a store to make a *recyclable paper bag* available for purchase for a minimum of ten cents (\$0.10).
- specify standards and certification process for reusable grocery bags.
- allow ordinances adopted prior to September 1, 2014 to continue to be enforced.
- prohibit any local agency from enforcing an ordinance related to single-use carryout bags after January 1, 2015.
- make loans and grants available for single-use plastic bag manufacturers who transition their manufacturing to reusable grocery bags
- require as a condition of receiving a loan or grant that the manufacturer retain and retrain existing employee for the manufacturing of reusable grocery bags

Palm Springs Disposal Services

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P O Box 2711
Palm Springs, CA 92263-2711
www.palmspringsdisposal.com
Telephone: (760) 327-1351
Fax: (760) 323-5132

To: CVAG Executive Committee (c/o Katie Barrows)

The purpose of this letter is to inform the committee of the impact that plastic shopping bags have on waste hauling and waste hauling equipment.

In our industry it is imperative that the communities we serve are kept free of litter, this means that anything is inside the waste container before and during the time of collection stays in the waste container. Because of the windy conditions here in the Coachella Valley plastic bag material can be considered a nuisance for waste haulers, loose materials such as plastic shopping bags are light weight and can easily blow away in the slightest of breezes. Occasionally we receive calls on loose material blowing out of waste containers during collection and the culprit is usually plastic bag type material.

Palm Springs Disposal Services does not own or operate a MRF (Material Recovery Facility) station so we cannot speak for them on the issue of plastic shopping bags but we do know that because of how thin and light weight the plastic bag material is it will constantly jam the moving parts of the sorting line machines, causing downtime. We also know that this material is considered recyclable, although at this time has no value what so ever.

Sincerely,

Chris Cunningham

Palm Springs Disposal Services