FORM GEN. 160 (Rev. 8-12)

CITY OF LOS ANGELES

INTER-DEPARTMENTAL CORRESPONDENCE

DATE: May 13, 2013

TO: Honorable Jose Huizar, Chair
Honorable Dennis P. Zine, Vice Chair
Honorable Tom LaBonge, Member
Honorable Paul Koretz, Member
Honorable Richard Alarcon, Member
Energy & Environment Committee

FROM: Enrique C. Zaldivar, Director
Bureau of Sanitation

SUBJECT: **FINAL ENVIRONMENTAL IMPACT REPORT ON REGULATION OF SINGLE-USE CARRYOUT BAGS (COUNCIL FILE NO. 11-1531)**

Each year, over two billion single-use plastic carryout bags are consumed in the City of Los Angeles (City) and most end up as litter or in landfills. The City spends millions of dollars annually on prevention, cleanup, and other activities to reduce litter. To address this issue, the City has undertaken numerous actions over the years. In 2004, the City Council directed the Bureau of Sanitation (Sanitation) and other partners to create a Los Angeles River Plastic Industry Task Force to reduce the amount of discarded plastics, including plastic bags, reaching the City's waterways. In 2005, the Mayor and the City Council adopted an "Adopt-a-River" program to clean up litter and undertake an anti-litter education program. In 2008, the Mayor and City Council adopted a citywide policy statement banning the use of plastic carryout bags at all supermarkets and retail establishments beginning January 1, 2010, if a fee had not been established by that time; and to include a point of sale fee on all other single-use bags, such as paper or compostable bags, if a fee or tax for their use was not adopted by that date.

In January 2010, State Assembly Bill 1998, supported by the City (CF#10-0002-S65), would have banned single-use plastic carryout bags, placed a small fee on single-use paper bags, and created a performance standard for reusable bags. There was a wide range of support for the bill, including the California Grocers Association and many environmental groups, but the bill was defeated in the State Senate in August 2010. Concerns over adverse environmental impacts and negative aesthetic effects of single-use plastic bag litter have led many communities to ban such plastic bags within their jurisdictions. More than 50 California counties and cities have adopted ordinances banning single-use plastic bags including cities of Santa Monica, Manhattan Beach, Malibu, Long Beach, West Hollywood, Pasadena, Glendale, Calabasas, and counties of Los Angeles, San Francisco, Santa Clara, San Luis Obispo, Marin, and San Mateo.

On May 23, 2012, the City Council (Motion 10A, Council File No. 11-1531) directed Sanitation to prepare an Environmental Impact Report (EIR) on banning of plastic single-use carryout bags and mandating a charge on paper single-use carryout bags in the City.

Final Environmental Impact Report

The attached Final EIR was prepared in response to the above mentioned motion analyzing the objectives, environmental impacts, and alternatives to the proposed project. The proposed project has the following objectives:

- Reducing the billions of single-use plastic carryout bags currently consumed in the City;
- Reducing the adverse environmental impacts associated with single-use plastic carryout bags on air quality, biological resources, water quality, and solid waste landfills;
- Deterring the use of single-use paper carryout bags in the City;
- Promoting a shift toward the use of reusable carryout bags; and
- Reducing litter and the associated adverse impacts to stormwater systems, aesthetics, and the marine environment.

Public Education Plan

For the past six years, Sanitation has had an ongoing but informal outreach effort encouraging City residents to make the switch away from single-use plastic carryout bags to reusable bags. Sanitation has worked with supermarkets to provide bins for customers to recycle their plastic bags, participated in many outreach activities and events including Earth Day, Day Without a Bag, and America Recycles Day, and distributed over 250,000 reusable bags in the last six years to assist the public in moving from single-use carryout bags. In 2012, Sanitation developed and implemented an extensive Reusable Bag Policy Outreach Plan that conducted intercepts and public engagements in the all 15 City Council Districts including areas of low income/poverty groups, for grocery store shoppers. Following is a short list of City's public education and outreach activities on single-use plastic carryout bag:

- Sanitation contributed $5,000 towards the preparation of Single-use Carryout Bag Master Environmental Assessment with the Green Cities California, a collective group of ten cities representing thirty percent of the population of the state, whose goal is to adopt sustainability practices and policies.
- Sanitation staff distributed reusable bags at five Sanitation Open House events conducted every year since 2008.
- Sanitation partnered with Heal the Bay to distribute reusable bags during Earth Day, Day Without a Bag, and America Recycles Day week since 2008.
- Sanitation staff conducted public briefings at Neighborhood Council Alliance meetings throughout the City.

Sanitation will implement a comprehensive, citywide public education plan for one year. A citywide outreach and education program has been developed and will be implemented concurrent with passage of the ordinance. Sanitation will partner with all stakeholders, including

the distribution of over 100,000 reusable bags in all communities and also includes the following activities:

- Send an email blast to all stakeholders at the passage of ordinance.
- Partner with affected stores to distribute multi-language educational flyers and redusable bags throughout the City.
- Partner with all 95 neighborhood councils and all 15 Council Districts to educate public.
- Coordinate with environmental groups such as Heal the Bay to distribute reusable bags on events like Earth Day, Day Without a Bag, and America Recycles Day.

Recommendations

Based on City Council's original direction and the findings in the EIR, Sanitation recommends that the City Council to:

1. CERTIFY that the final Environmental Impact Report, for the Single-Use Carryout Bag Ordinance (Ordinance), SCH No. 201209053(EIR): 1) complies with the California Environmental Quality Act (CEQA) and constitutes a valid environmental clearance for the adoption of the Ordinance; 2) reflects the City's independent judgment and analysis as to the environmental impacts associated with adoption of the Ordinance; and 3) that the City Council has reviewed and considered the information in the EIR before adopting the Ordinance.
2. ADOPT the Ordinance implementing the Reusable Bag Policy, banning plastic single-use carryout bags at stores, with grace periods for education and outreach, and to allow stores to deplete their stock of plastic single-use carryout bags.

Sanitation respectfully appreciates your consideration.

ECZ:jb

Attachment:

Final EIR on Single-Use Carryout Bag Ordinance

c: City Councilmembers
Romel Pasqual, Deputy Mayor
Suzie Black, Deputy Mayor
Capri Maddox, Board of Public Works
Jerilyn Mendoza, Board of Public Works
Gerry Miller, CLA
Miguel Santana, CAO
Eric Villanueva, Office of the City Clerk

Final
Environmental Impact Report

Single-Use Carryout Bag Ordinance

City of Los Angeles
Bureau of Sanitation

May 2013

PARSONS BRINCKERHOFF

Final
Environmental Impact Report

Single-Use Carryout Bag Ordinance

City of Los Angeles

State Clearinghouse No. 201209053

May 2013

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Summary

The Project

In California, nearly 20 billion (20,000,000,000) single-use plastic carryout bags are used annually, and most end up as litter or in landfills[1]. Each year, billions of these single-use plastic bags are consumed in the City of Los Angeles (City), impacting Los Angeles communities and the environment, including when littered. The City spends millions of dollars each year on prevention, cleanup, and other activities to reduce litter.[2]

As stated in the project objectives, to reduce the adverse environmental impacts associated with single-use plastic carryout bags, including plastic bag litter, the City of Los Angeles is proposing to adopt and implement an ordinance to regulate the use of single-use plastic carryout bags and promote the use of reusable bags within the City. The proposed ordinance would:

(1) Ban plastic single-use carryout bags at the point of sale in retail stores and require retailers to provide reusable bags to consumers for sale or at no charge, and

(2) Mandate a charge on recycled content paper single-use carryout bags at the point of sale in retail stores.

A grace period of six months for large retailers and one year for small retailers would be provided to allow retailers to phase out their stocks of plastic carryout bags. Upon completion of the grace period, retailers would be required to charge $0.10 per paper bag, which would be retained by the retailer. During the grace period, the retailers could continue to provide plastic carryout bags and would not be required to provide paper carryout bags at no cost to consumers for the purpose of carrying out their purchases.

The grace period would include a public education component conducted by the City's Bureau of Sanitation (BOS or Bureau). The Bureau has already been conducting a public education program for several years. The program activities include disseminating information to the public and public outreach, providing information to the City's Neighborhood Councils, working with retail stores throughout Los Angeles to install recycling bins for plastic and paper bags and providing information to the customers, and participating in many major events promoting the use of reusable bags throughout the City to help raise awareness about the benefits of using reusable bags. Since 2005, the Bureau has purchased and distributed over 250,000 reusable bags to encourage shoppers to switch from using single-use carryout bags. The Bureau will continue these activities throughout the grace period, including conducting workshops with the Neighborhood Councils about the project.

The proposed ordinance would apply to retail stores in the City, including large retailers (full-line self-serve retail stores with two million dollars or more in gross annual sales, and stores of at least 10,000 square feet of retail space that generate sales or use tax), and small retailers (supermarkets, grocery stores, drug stores, convenience food stores, food marts, pharmacies, or other entities engaged in the retail sale of a limited-line of goods that include milk, bread, soda, and snack food, including those stores that sell alcohol). The proposed ordinance would not apply to other types

[1] Master Environmental Assessment on Single-Use and Reusable Bags, Green Cities California, March 2010.

[2] City of Los Angeles Wastewater Collection Systems Division, Cleanup Cost of Catch Basins, 2006-2001.

of retail stores such as clothing stores and stores that sell durable goods that do not typically distribute large volumes of single-use plastic bags to customers. Also, the retailers would be required to provide at the point of sale, free of charge, paper bags or reusable bags to consumers participating in the California Special Supplemental Food Program for Women, Infants and Children or in the Supplemental Food Program.

The proposed ordinance would not ban plastic or paper bags that are used by customers and the store to protect or contain meat or prepared food; or used for bagging fruits, vegetables, and other fresh produce; or for other goods that must be protected from moisture, damage or contamination, and which are typically placed inside a carryout bag at the point of sale. Pharmacy plastic bags used to carry out prescription drugs would be exempt from the proposed ordinance, as would be other specialty stores. Dry cleaners could continue to provide dry cleaning plastic bags, and retailers could continue to provide specialty plastic bags for suits, dresses and similar clothing items. Restaurants and other food service providers could continue to provide plastic bags to customers for prepared take-out food intended for consumption off the premises, as could vendors at City farmers' markets.

Project Objectives

The City's objectives for the proposed ordinance include:

- Reducing the billions of single-use plastic carryout bags currently consumed in the City of Los Angeles each year;
- Reducing the adverse environmental impacts associated with single-use plastic carryout bags, including impacts to air quality, biological resources (including marine environments), water quality, and solid waste;
- Deterring the use of single-use paper carryout bags by retail customers in the City
- Promoting a shift toward the use of reusable carryout bags; and
- Reducing litter and the associated adverse impacts to stormwater systems, aesthetics, and the marine environment.

Project Location and Surrounding Uses

The proposed ordinance would apply throughout the City of Los Angeles, which encompasses approximately 469 square miles, stretching from the Angeles National Forest to the north to the Pacific Ocean to the south.

Adjoining areas include unincorporated Los Angeles County, South Bay, the Gateway Cities, the San Gabriel Valley, and the Foothills. The City of Los Angeles' territory surrounds the Cities of Beverly Hills, West Hollywood, and San Fernando, and nearly surrounds the Cities of Culver City and Santa Monica.

Environmental Impacts

The City of Los Angeles prepared this EIR to analyze the potentially significant environmental impacts associated with the proposed ordinance project. The analysis contained in this EIR indicates that the proposed ordinance would result in beneficial impacts with regard to air quality, biological resources, and hydrology and water quality, and solid waste. All other impacts analyzed in this EIR were found to be less than significant. Table S-1 summarizes the environmental impacts associated with the adoption and implementation of the proposed ordinance.

Table S-1
Summary of Environmental Impacts

	Environmental Impact	Mitigation Measures	Level of Impact after Mitigation
Air Quality	With the implementation of the proposed ordinance, nearly 2 billion single-use plastic carryout bags per year would be replaced by reusable carryout bags, and the use of single-use paper bags in the City would be deterred by charging a $0.10 fee at the point of sale. As a result, under the "worst case" scenario, the proposed ordinance would reduce emissions that contribute to ground level ozone by 54% and atmospheric acidification by 34%. Using data collected by the County of Los Angeles following the implementation of the County's Single Use Bag Ordinance, it is anticipated that the proposed ordinance would result in reducing the emissions that contribute to ground level ozone by approximately 59% and atmospheric acidification by approximately 42% per year.	Impact would be beneficial; no mitigation is required.	Impact would be beneficial; no mitigation is required.
Biological Resources	Elimination of nearly 2 billion single-use plastic bags per year would significantly reduce plastic bag litter that could enter sensitive habitats, thus reducing litter-related harmful impacts to marine, costal, river, and inland sensitive habitats and sensitive wildlife species.	Impact would be beneficial; no mitigation is required.	Impact would be beneficial; no mitigation is required.
Forest Resources	Under a conservative scenario, the proposed ordinance may result in an initial temporary replacement of some single-use plastic carryout bags with paper bags, which are manufactured of wood pulp and recycled materials. However, the preliminary data submitted by stores following the implementation of the Los Angeles County's ordinance - which banned single-use plastic carryout bags and imposed a $0.10 charge on paper carryout bags, shows a significant overall reduction of 34% in paper carryout bag usage within the Los Angeles County between 2009 and 2012, including a nearly 13% reduction within the first three quarters of the year after the	No significant impact would occur and no mitigation is required.	No significant impact would occur and no mitigation is required.

Table S-1 Summary of Environmental Impacts			
	Environmental Impact	**Mitigation Measures**	**Level of Impact after Mitigation**
	enactment of the ordinance[3]. Since then, the County has released additional information that in third quarter of 2012, annual paper bag usage per store continued to decline. The data indicate that the use of paper carryout bags in large stores not only did not temporarily increase as a result of a ban of single-use plastic carryout bags, but actually decreased significantly after the enactment of the ordinance. As with the County of Los Angeles, a similar effect is anticipated to occur within the City of Los Angeles. Overall, trees cut down for virgin material to manufacture the paper carryout bags are those trees that are commercially grown for paper manufacturing. Therefore, there would be no increase in cutting of old-growth forest. In addition, the proposed ordinance requires single-use paper carryout bags to have no less than 40% recycled content (and currently, there are paper bags on the market that contain 100% recycled content), which would reduce the loss of trees as a result of any fluctuations in demand for single-use paper carryout bags in City of Los Angeles.		
Greenhouse Gas Emissions	It is anticipated that as a result of the proposed ordinance, within one year, GHG emissions associated with the manufacturing, transportation and disposal of carryout bags used in the City would be approximately 75,329 metric tons of CO_2e per year. This represents an increase of approximately 0.006 CO_2e metric tons per capita, which would be less than the State target emission rate of 9.6 metric tons of CO_2e per capita.	Impact would be less than significant and no mitigation is required.	Impact would be less than significant and no mitigation is required.
Hydrology and Water Quality	The implementation of the proposed ordinance would reduce the amount of litter that could enter storm drains, local waterways, and the Pacific Ocean by eliminating nearly 2 billion single-use plastic bags per year, thus improving water quality. The proposed ordinance does not involve any construction of new structures, such as manufacturing facilities, that could result in an increase in impervious surfaces that would	Impact would be beneficial; no mitigation is required. Impact would be less than significant and no mitigation is required.	Impact would be beneficial; no mitigation is required. Impact would be less than significant and no mitigation is required.

[3] County of Los Angeles, Department of Public Works, July 2012. http://dpw.lacounty.gov/epd/aboutthebag

Table S-1 Summary of Environmental Impacts			
	Environmental Impact	**Mitigation Measures**	**Level of Impact after Mitigation**
	potentially reduce groundwater levels. There are no known reusable bags manufacturing facilities in Los Angeles, and future facilities manufacturing reusable bags, if any, would use water supplied by the City from its portfolio of water sources and be subject to the City's water allocations, as applicable.		
Mineral Resources	The proposed ordinance would not result in impacts to mineral resources in relation to the loss of availability of a known mineral resource recovery site. There are three areas within the City with mineral resources (sand and gravel) of state-wide or regional importance; however, the proposed ordinance is a ban of single-use plastic carryout bags at retail stores that would not affect these locally-important sand and gravel mineral resources.	There would be no impact to mineral resources recovery sites.	There would be no impact to mineral resources recovery sites.
	Oil is a mineral resource that is present, and being extracted, in the City. Single-use plastic bags and reusable non-woven plastic polypropylene bags are produced using a by-product of gas or oil refining. While there are no known single-use plastic or reusable bags manufacturing facilities in Los Angeles, the manufacture of these bags for use within the City would involve petroleum and/or natural gas. However, any potential use of petroleum in the manufacturing process of reusable bags and the remaining single-use plastic bags, for use in the City is anticipated to be offset by the elimination of natural gas/petroleum used in manufacturing of over 2 billion single-use plastic bags currently consumed in the City every year. No significant impact to local oil fields is anticipated.	Impact would be less than significant and no mitigation is required.	Impact would be less than significant and no mitigation is required.

Table S-1 Summary of Environmental Impacts			
	Environmental Impact	**Mitigation Measures**	**Level of Impact after Mitigation**
Sanitation Services	The proposed ordinance includes a public education component that would be conducted by the City's Bureau of Sanitation (BOS) during the grace period, which extends 6 months for large retailer and 12 months for small retailers. The BOS has already been conducting a public education program for several years. The program activities include disseminating information to the public and public outreach, providing information to the City's Neighborhood Councils, working with retail stores throughout Los Angeles to install recycle bins for plastic bags and provide information to the customers, and participating in many major events promoting the use of reusable bags throughout the City to help raise awareness about the benefits of using reusable bags. Since 2005, the BOS has purchased and distributed over 250,000 reusable bags to encourage shoppers to switch from using single-use carryout bags. The BOS would continue these activities throughout the grace period, including conducting workshops with the neighborhood councils about the project. Public outreach and education are an integral part of the BOS's activities. BOS has already been conducting an extensive public information program as part of its day-to-day activities. Continuing these activities would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives of sanitation services.	Impact would be less than significant and no mitigation is required.	Impact would be less than significant and no mitigation is required.
Traffic	Under the "worst case" scenario where all reusable bags are delivered to retail stores in separate truck loads, the implementation of the proposed ordinance has a potential to add approximately 5.8 truck trips per day. However, the bags are typically delivered to supermarkets and retail stores as part of larger mixed loads of groceries and merchandise. Therefore, there may not be an actual net increase in truck traffic from the change in bag use, particularly since paper and reusable bags could be included in regular mixed loads deliveries to the grocery stores, supermarkets, and other retail stores.	Impact, if any, would be less than significant and no mitigation is required.	Impact, if any, would be less than significant and no mitigation is required.

Table S-1 Summary of Environmental Impacts			
	Environmental Impact	**Mitigation Measures**	**Level of Impact after Mitigation**
	Nonetheless, such "worst case" scenario's addition of 5.8 truck trips per day to the streets and highway system within the approximately 469 square-mile City of Los Angeles has no potential to result in any significant traffic impact on the freeway and street system.		
Noise	Under the "worst case" scenario, the addition of 5.8 truck trips to the streets and highway system within the City has no potential to result in any discernable increase in the ambient noise levels. This impact, if any, would be less than significant.	Impact, if any, would be less than significant and no mitigation is required.	Impact, if any, would be less than significant and no mitigation is required.
Utilities and Service Systems	***Water:*** Reusable bags do not require special washing care and would likely be washed on a regular basis along with a household's regular laundry load[4]. Since few if any families have (or are likely to ever have) a large supply of reusable shopping bags that would require laundering all at once, it is anticipated that the reusable bags would be washed in regular laundry loads as needed. This would not result in increased water use, as the wash loads would occur with or without the bags and such bags are not washed often (typically once a month). Additionally, most of the new reusable bags distributed by retailers and others are made from plastics that can be easily cleaned with a damp sponge. Nonetheless, in order to consider the most conservative, albeit unlikely, scenario, even if up to 25% of all reusable bags were to be washed separately by hand instead of along with a household's regular laundry, the potential increase in water demand due to implementation of the proposed ordinance is within the capacity of Los Angeles Department of Water and Power's water supply.	Impact would be less than significant and no mitigation is required.	Impact would be less than significant and no mitigation is required.
	Wastewater: The additional wastewater generation under this scenario would not exceed the remaining capacity of the treatment plants serving the City as there is adequate capacity to treat the additional wastewater, and no new facilities would be necessary.	Impact would be less than significant and no mitigation is required.	Impact would be less than significant and no mitigation is required.

[4] Green Cities Master Environmental Assessment, March 2010.

Table S-1 Summary of Environmental Impacts			
	Environmental Impact	**Mitigation Measures**	**Level of Impact after Mitigation**
	Solid Waste: The City of Los Angeles has implemented a successful comprehensive program of diverting solid waste from landfills and has achieved a diversion rate of 72% as of 12/31/2012. Paper products, including paper grocery bags, are part of the diverted solid waste. Therefore, considering the reported 13% reduction in single-use paper bag usage within the first three quarters after the implementation of the County of Los Angeles ban on single use plastic carryout bags and the diversion rate achieved by the City, the proposed ordinance is anticipated to reduce the amount of solid waste in comparison to that associated with the current use of more than 2 billion single-use plastic carryout bags per year in the City.	Impact would be beneficial; no mitigation is required.	Impact would be beneficial; no mitigation is required.

Alternatives to the Project

The following alternatives to the proposed Single-Use Carryout Bag Ordinance project are examined in this EIR:

Alternative 1: "No Project" Alternative

Pursuant to this alternative, the proposed ordinance would not be adopted and implemented. As a result, the existing use of single-use plastic carryout bags in the City of Los Angeles would remain unchanged with the corresponding adverse environmental effects remaining at current levels. Leaving the use of plastic bags at 2,031,232,707 or more annually would not achieve any of the City's objectives for the project.

Alternative 2: Ban Both Plastic and Paper Single-Use Carryout Bags

Pursuant to this alternative, as with the proposed ordinance, the use of single-use plastic carryout bags in the City would also be reduced by 95% and 5% of the plastic bags would remain in use. However, the single-use plastic bags would be replaced solely with reusable bags. This alternative would result in an 81% reduction in the annual volume of carryout bags when compared to the proposed ordinance.

As this alternative would also eliminate single-use paper carryout bags, it would promote the shift towards reusable bags to a greater extent than the proposed ordinance. Therefore, in comparison, it would result in much greater beneficial environmental impacts on air quality, biological resources, hydrology and water quality, as well as in additional beneficial impacts associated with a net reduction in greenhouse gas emissions and reduction in truck deliveries. This alternative would achieve all of the City objectives more rapidly and to a greater extent than the proposed ordinance. However, this alternative would be inconsistent with ordinances of surrounding jurisdictions.

Alternative 3: Ban Plastic Single-Use Carryout Bags and Impose a Higher Fee on Single-Use Paper Carryout Bags

Pursuant to this alternative, single-use plastic carryout bags would be banned as in the proposed ordinance, but a higher fee of $0.25 per paper bag would be charged at the point of sale to deter the use of single-use paper bags and promote a shift toward the use of reusable bags by retail customers in the City. With a higher fee, it is anticipated that the use of paper bags would be reduced in comparison to the proposed ordinance because of the additional cost ($0.25 per bag instead of $0.10 as proposed in the ordinance). Therefore, overall this alternative would result in greater beneficial environmental impacts in comparison to the proposed ordinance as well as in additional beneficial impacts associated with the reduction in greenhouse gas emissions and truck delivery. As with Alternative 2, this alternative would achieve City objectives more rapidly and to a greater extent than the proposed ordinance. However, this alternative would be inconsistent with ordinances of surrounding jurisdictions.

Alternative 4: Proposed Ordinance Without a Grace Period

This alternative, identified during the Notice of Preparation public review process, would eliminate the proposed grace period. As a result, the retailers would begin charging a $0.10 fee for a paper carryout bag at the point of sale on the effective date of the ordinance.

Pursuant to this alternative, the long-term use of carryout plastic, paper, and reusable bags would be the same as with the proposed ordinance. However, with the elimination of the grace period, this alternative would implement the proposed ordinance immediately, with the corresponding immediate result of eliminating 95% of the single use plastic carryout bags at specified retailers and the corresponding shift toward the use of reusable carryout bags within the City of Los Angeles. As a result, the beneficial environmental impacts associated with the proposed ordinance would be realized more rapidly by preventing the likely use of single-use plastic carryout bags throughout the grace period, which would effectively delay the ban on single-use plastic carryout bags by 6 to 12 months. Therefore, in comparison with the proposed ordinance, this alternative would result in an additional environmental benefit of more rapidly eliminating the adverse environmental impacts associated with the single-use plastic carryout bags.

This alternative would achieve the City's objectives more rapidly, including deterring the use of single-use paper carryout bags by retail customers in the City, promoting a shift toward the use of reusable carryout bags, and reducing litter – which includes both plastic and paper bag litter - and the associated adverse impacts to stormwater systems, aesthetics, and the marine environment.

Alternative 5: Impose a Fee on Single-Use Plastic Carryout Bags

AB 2449, which prohibits local jurisdiction from imposing fees on single-use plastic carryout bags, expired on January 1, 2013. In September 2012, SB 1219 was signed into law. SB 1219 extended the AB 2449 in-store recycling program requirements until 2020 but eliminated the AB 2449 prohibition on imposition of fees on single-use plastic carryout bags by local jurisdictions. This alternative considers a fee of $0.25 for single-use plastic bags at the point of sale. Other countries have instituted fees on single-use plastic carryout bags, including Ireland, Italy, Belgium, and Switzerland. Assuming the level of effectiveness of the $0.25 fee per plastic bag is comparable to that reported by the Ireland's government after the imposition of such a fee, this alternative could result in up to a 95% reduction in the use of plastic bags in the City of Los Angeles. As a result, the use of carryout bags pursuant to this alternative would be equivalent to that of Alternative 2, whereby the use of single-use plastic carryout bags in the City would also be reduced by 95%, and 5% of the plastic bags would remain in use. However, pursuant to this alternative the plastic bags would be replaced solely with reusable bags, which would result in an 81% reduction in the annual volume of carryout bags when compared to the proposed ordinance.

Environmental effects pursuant to this alternative would be the same as those of Alternative 2. Therefore, in comparison to the proposed ordinance, this alternative would result in much greater beneficial environmental impacts, as well as additional beneficial impacts associated with a net reduction in greenhouse gas emissions and a reduction in truck deliveries. This alternative would also achieve all City objectives more rapidly and to a greater extent than the proposed ordinance. However, this alternative would be inconsistent with ordinances of surrounding jurisdictions.

Environmentally Superior Alternative

Alternative 2, Ban on Both Single-Use Plastic and Single-Use Paper Carryout Bags and Alternative 5, Impose a Fee on Single-Use Plastic Carryout Bags, are considered to be the environmentally superior alternatives to the proposed project because they would result in greater beneficial environmental impacts and in a most rapid achievement of all of the City's objectives for the project. However, these alternatives would be inconsistent with the single-use carryout bag ordinances already enacted throughout California, including those of the Cities of San Monica, Manhattan Beach, Malibu, Long Beach, West Hollywood, Laguna Beach, Pasadena, Glendale, San Jose, San Francisco, Palo Alto, and Calabasas, as well as the Counties of Los Angeles, San Francisco, Santa Clara, San Luis Obispo, Marin, and San Mateo, among others. As such, these alternatives could cause confusion for the customers and present a challenge to the retailers.

Alternative 3, Ban Single-Use Plastic Carryout Bags and Impose a Higher Fee on Single-Use Paper Carryout Bags and Alternative 4, Proposed Ordinance Without a Grace Period, are also environmentally superior to the proposed project. In the long term, Alternative 3 could also result in a lower annual use of paper carryout bags due to the additional cost of purchasing those bags, and Alternative 4 would implement the proposed ordinance more rapidly by eliminating the likely 6 to 12-month continuation of the use of plastic carryout bags. Both of these alternatives would achieve all of the City objectives for the project, but to a lesser extent when compared to Alternative 2 and Alternative 5. In addition, Alternative 3 would be inconsistent with ordinances of surrounding jurisdictions.

Areas of Controversy and Issues to be Resolved

The Notice of Preparation (NOP) process did not identify areas of controversy with regards to the proposed project, except for the issue of the grace period, which is part of the proposed ordinance. The comments about the grace period delineated potential environmental effects and fiscal costs to the retailers if the retailers were to be required to provide paper bags or reusable bags free of charge at the point of sale during that period, which could delay the achievement of the project objectives.

Other comments received expressed the support of the project and many provided information addressing the beneficial effects of the project.

1.0 Introduction

Purpose of the EIR

This Environmental Impact Report (EIR) has been prepared to evaluate the environmental effects of the adoption and implementation of the proposed City of Los Angeles Single-Use Carryout Bag Ordinance banning single-use plastic carryout bags and instituting a charge for paper carryout bags at specified retail stores in the City of Los Angeles. The proposed ordinance constitutes a project for the purposes of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines.

According to the *Guidelines for Implementation of the California Environmental Quality Act*, an "EIR is an informational document which will inform public agencies, decision makers, and the public generally of the significant environmental effects of a project on the environment, identify possible ways to minimize the significant effects, and describe alternatives to the project."

This EIR is an informational document to be used by decision makers, public agencies, and the general public. It is not a policy document of the City of Los Angeles (City). The EIR will be used by the City of Los Angeles in assessing the impacts of the proposed project prior to taking action on the project.

Legal Requirements and Environmental Process

This EIR has been prepared in accordance with the CEQA (Public Resources Code, Section 21000 et seq.) and the CEQA *Guidelines* (California Code of Regulations, Title 14, Section 15000 et seq.). The City of Los Angeles is the lead agency for this EIR, as defined in Section 21067 of CEQA.

Notice of Preparation and Initial Study

Pursuant to CEQA and the CEQA Guidelines, an Initial Study was prepared for this project. The Initial Study concluded that the project might have a significant effect on the environment.

A Notice of Preparation (NOP) for this EIR was issued by the City of Los Angeles on September 20, 2012 in accordance with the requirements of the CEQA Guidelines, Sections 15082(a) and 15375. The NOP indicated that an EIR was being prepared and invited comments on the project from the public and public agencies. The Bureau of Sanitation also held meetings to receive public input on the proposed project and the NOP and Initial Study, as follows:

- October 2, 2012, 5:30 pm to 7:30 pm - Deaton Auditorium (in Police Administration Building),100 W. 1st Street, Los Angeles, CA 90015
- October 3, 2012, 5:30 pm to 7:30 pm - Wilmington Recreation Center (Multi-Purpose Room), 325 Neptune Ave, Wilmington, CA 90744

- October 4, 2012, 5:30 pm to 7:30 pm - Cheviot Recreation Center Auditorium, 2551 Motor Ave, Los Angeles, CA 90064
- October 10, 2012, 5:30 pm to 7:30 pm - Van Nuys City Hall, 14410 Sylvan Street, Van Nuys, CA 91401

The comments received in response to the NOP primarily addressed the following:

- Support for the proposed ban of single-use plastic carryout bags in the City of Los Angeles

- Concerns about adverse effects associated with the 6-month grace period for large and 12-month grace period for small retailers and support for eliminating the grace period

- Provision of information and evidence on behalf of 1,002,149 stakeholders that the proposed project would result in beneficial – and not adverse, environmental effects

- Addressing the issue of what to use to line trash cans for wet trash in the public education component of the project

The NOP, Initial Study, and the comment letters received in response to the NOP are included in Appendix A of this Draft EIR.

Draft EIR Public Review and Comment

The Draft EIR was circulated for public review and comment from January 25, 2013 to March 11, 2013. The public was invited to comment in writing on the information contained in the document. Persons and agencies commenting were encouraged to provide information that they believed was missing from the Draft EIR, or to identify where the information could be obtained The Bureau of Sanitation also held seven public meetings to receive comments on the Draft EIR, as follows:

- February 19, 2013 - Wilmington Recreation Center (Multi-Purpose Room), 325 Neptune Avenue, Wilmington, CA 90744
- February 20, 2013 - Cheviot Hills Recreation Center Auditorium, 2551 Motor Avenue, Los Angeles, CA 90064
- February 21, 2013 – Deaton Auditorium (in Police Administration Building), 100 W. 1st Street, Los Angeles, CA 90015
- February 25, 2013 – Panorama Recreation Center, 8600 Hazeltine Avenue, Panorama City, CA 91402
- February 26, 2013 – Shadow Ranch Recreation Center, 22633 Vanowen Street, Canoga Park, CA 91307
- February 27, 2013 – South L.A. Sports Activity Center, 7020 S. Figueroa Street, Los Angeles, CA 90003
- February 28, 2013 – Lou Costello Recreation Center, 3141 E. Olympic Boulevard, Los Angeles, CA 90023

Final EIR

All comments received during the public review on the Draft EIR and responses to the comments are included in Chapter 7.0 of this Final EIR. Appropriate revisions to the Draft EIR in response to comments and information received are identified by shading the revised text in the Final EIR, as illustrated in this sentence.

Contact Person

The primary contact person regarding information presented in this Final EIR is Karen Coca, Division Manager, Solid Resources Citywide Recycling Division, City of Los Angeles Department of Public Works, Bureau of Sanitation, 1149 S. Broadway, 5th Floor, Mail Stop 944, Los Angeles, CA 90015.

Scope of the Project

The project is the proposed ordinance to ban single-use plastic carryout bags within the City of Los Angeles, charge a fee on single-use paper carryout bags, and promote the use of reusable carryout bags at specified retailers within the City. A six-month grace period would be provided for large retailers and a one-year grace period would be provided for small retailers, which would include a public education component.

Scope of Environmental Analysis

Pursuant to CEQA and the CEQA Guidelines, an Initial Study was prepared for the project. The Initial Study concluded that the proposed project will result in no impact in the following environmental issue areas:

- Aesthetics
- Agriculture Resources
- Cultural Resources
- Geology/Soils
- Land Use/Planning
- Population / Housing
- Public Services (other than Sanitation)
- Recreation

The Initial Study concluded that the project might have a significant effect on the environment with respect to the following issue areas that are addressed in this Final EIR:

- Air Quality
- Biological Resources
- Greenhouse Gas Emissions
- Forest Resources
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Mineral Resources
- Noise
- Public Services (Sanitation)
- Traffic
- Utilities/Service Systems

Intended Uses of the EIR

This Final EIR will be used by the City of Los Angeles to provide information necessary for environmental review of discretionary actions and approvals for the proposed Single-Use Carryout Bag Ordinance. These actions include:

Lead Agency

City of Los Angeles City Council

- Certification of Final Environmental Impact Report
- Adoption of the proposed City of Los Angeles Single-Use Carryout Bag Ordinance

Other Public Agencies

No approval from any other public agency is required.

2.0 Project Description

Project Background

In California, nearly 20 billion (20,000,000,000) single-use plastic carryout bags are used annually, and most end up as litter or in landfills[5]. Each year, billions of these single-use plastic carryout bags are consumed in the City of Los Angeles (City), impacting Los Angeles communities and the environment, including when littered. The City spends millions of dollars each year on prevention, cleanup, and other activities to reduce litter.[6] To address this issue, the City has undertaken numerous actions over the years, including:

- In 2004, the City directed Bureau of Sanitation and other partners to create a Los Angeles River Plastics Industry Task Force to reduce the amount of discarded plastics - including plastic bags, reaching the City's waterways;

- In 2005, the Mayor and the City Council adopted "Adopt-a-River" program to clean up litter and undertake anti-litter education program; and

- In 2008, the City Council issued a policy statement to adopt a citywide policy banning the use of plastic carryout bags at all supermarkets and retail establishments and instituting a point of sale fee on all other single-use bags.

Since then, the City Council directed the Bureau of Sanitation to report back to City Council with next steps necessary to implement a citywide ban of single-use plastic carryout bags, and directed the Bureau of Sanitation to begin environmental review and return with an implementation plan for the ban of single-use plastic carryout bags.

Concerns over adverse environmental impacts and negative aesthetic effects of single-use plastic bags litter and its effects on wildlife have led many California's communities to ban such plastic bags within their jurisdictions. More than 50 California Counties and Cities have adopted ordinances banning single-use plastic bags, notwithstanding numerous legal challenges and litigation by certain representatives of the plastic bag industry[7]. Among others, they include:

- City of Santa Monica
- City of Manhattan Beach
- City of Malibu
- City of Long Beach
- City of West Hollywood
- City of Laguna Beach
- City of Pasadena

[5] Master Environmental Assessment on Single-Use and Reusable Bags, Green Cities California, March 2010.

[6] City of Los Angeles Wastewater Collection Systems Division, Cleanup Cost of Catch Basins, 2006-2010.

[7] Ordinance to Ban Plastic Carryout Bags in Los Angeles County Final EIR, County of Los Angeles. October 2010; Save the Plastic Bag Coalition, http://www.savetheplasticbag.com/

- City of Glendale
- City of San Jose
- City of San Francisco
- City of Palo Alto
- City of Calabasas
- County of Los Angeles
- County of San Francisco
- County of Santa Clara
- County of San Luis Obispo
- County of Marin
- County of San Mateo

These jurisdictions, among others, have adopted ordinances banning single-use plastic carryout bags and instituting a point of sale fee for single-use paper carryout bags.

As in California, other local jurisdictions have also been adopting bans on single-use plastic carryout bags across the nation, among them the Cities of Washington, D.C.; Telluride, Colorado; Austin, Texas; and Portland, Oregon, as well as the entire State of Hawaii. World-wide, single-use plastic carryout bags have been banned in Mexico City, and by jurisdictions in England, Australia, India, Bangladesh, and Rwanda, among others. Other countries instituted fees on single-use plastic carryout bags, including Ireland, Italy, Belgium, and Switzerland.

The Project

As stated in the project objectives, to reduce the adverse environmental impacts associated with single-use plastic carryout bags, including plastic bag litter, the City of Los Angeles is proposing to adopt and implement an ordinance to regulate the use of single-use carryout bags and promote the use of reusable bags within the City. The proposed ordinance would:

(1) Ban plastic single-use carryout bags at the point of sale in the specified retail stores and require retailers to provide reusable bags to consumers for sale or at no charge, and

(2) Mandate a charge on recycled content paper single-use carryout bags at the point of sale in the specified retail stores.

A grace period of six months for large retailers and one year for small retailers would be provided to allow retailers to phase out their stocks of plastic carryout bags. Upon completion of the grace period, retailers would have to charge $0.10 per paper bag, which would be retained by the retailer. During the grace period, the retailers could continue to provide plastic carryout bags, and would not be required to provide paper carryout bags at no cost to consumers for the purpose of carrying out their purchases.

The grace period would include a public education component conducted by the City's Bureau of Sanitation. The Bureau of Sanitation has already been conducting a public education program for several years. Program activities include disseminating information to the public and public outreach, providing information to the City's Neighborhood Councils, working with retail stores throughout Los Angeles to install recycling bins for plastic and paper bags and providing information to the customers, and participating in many major events promoting the use of reusable bags throughout the City to help raise awareness about the benefits of using reusable

bags. Since 2005, the Bureau has purchased and distributed 250,000 reusable bags to encourage shoppers to switch from using single-use carryout bags. The Bureau of Sanitation will continue these activities throughout the grace period, including conducting workshops with the Neighborhood Councils about the project.

The proposed ordinance would apply to the specified retail stores in the City, including large retailers (full-line self-serve retail stores with two million dollars, or more, in gross annual sales, and stores of at least 10,000 square feet of retail space that generate sales or use tax), and small retailers (supermarkets, grocery stores, drug stores, convenience food stores, food marts, pharmacies, or other entities engaged in the retail sale of a limited-line of goods that include milk, bread, soda, and snack food, including those stores that sell alcohol). The proposed ordinance would not apply to other types of retail stores such as clothing stores and stores that sell durable goods that do not typically distribute large volumes of single-use plastic carryout bags to customers. Also, the retailers would be required to provide at the point of sale, free of charge, paper bags or reusable bags to consumers participating in the California Special Supplemental Food Program for Women, Infants and Children or in the Supplemental Food Program.

A "reusable bag" is defined as a bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following criteria:

(1) Has a minimum lifetime of 125 uses, which for the purposes of this subsection, means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet;
(2) Has a minimum volume of 15 liters;
(3) Is machine washable or is made from a material that can be cleaned or disinfected;
(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;
(5) Has printed on the bag, or on a tag that is permanently affixed to the bag, the name of the manufacturer, the location (country) where the bag was manufactured, a statement that the bag does not contain lead, cadmium, or any other heavy metal in toxic amounts, and the percentage of postconsumer recycled material used, if any; and
(6) If made of plastic, is a minimum of at least 2.25 mils thick.

A "plastic single-use carryout bag" means any bag provided to a customer at the point of sale which is made predominantly of plastic derived from either petroleum, natural gas, or a biologically-based source, such as corn or other plant sources, whether or not such bag is compostable and/or biodegradable.

In addition, the proposed ordinance would not ban plastic or paper bags that are used by customers and the store to protect or contain meat or prepared food; or used for bagging fruits, vegetables, and other fresh produce; or for other goods that must be protected from moisture, damage or contamination, and which are typically placed inside a carryout bag at the point of sale. Pharmacy plastic bags used to carry out prescription drugs would be exempt from the proposed ordinance, as would be other specialty stores. Dry cleaners could continue to provide dry cleaning plastic bags, and retailers could continue to provide specialty plastic bags for suits, dresses and similar clothing items. Restaurants and other food service providers could continue to provide plastic bags to customers for prepared take-out food intended for consumption off the premises, as could vendors at City farmers' markets.

Project Objectives

The City's objectives for the proposed ordinance include:

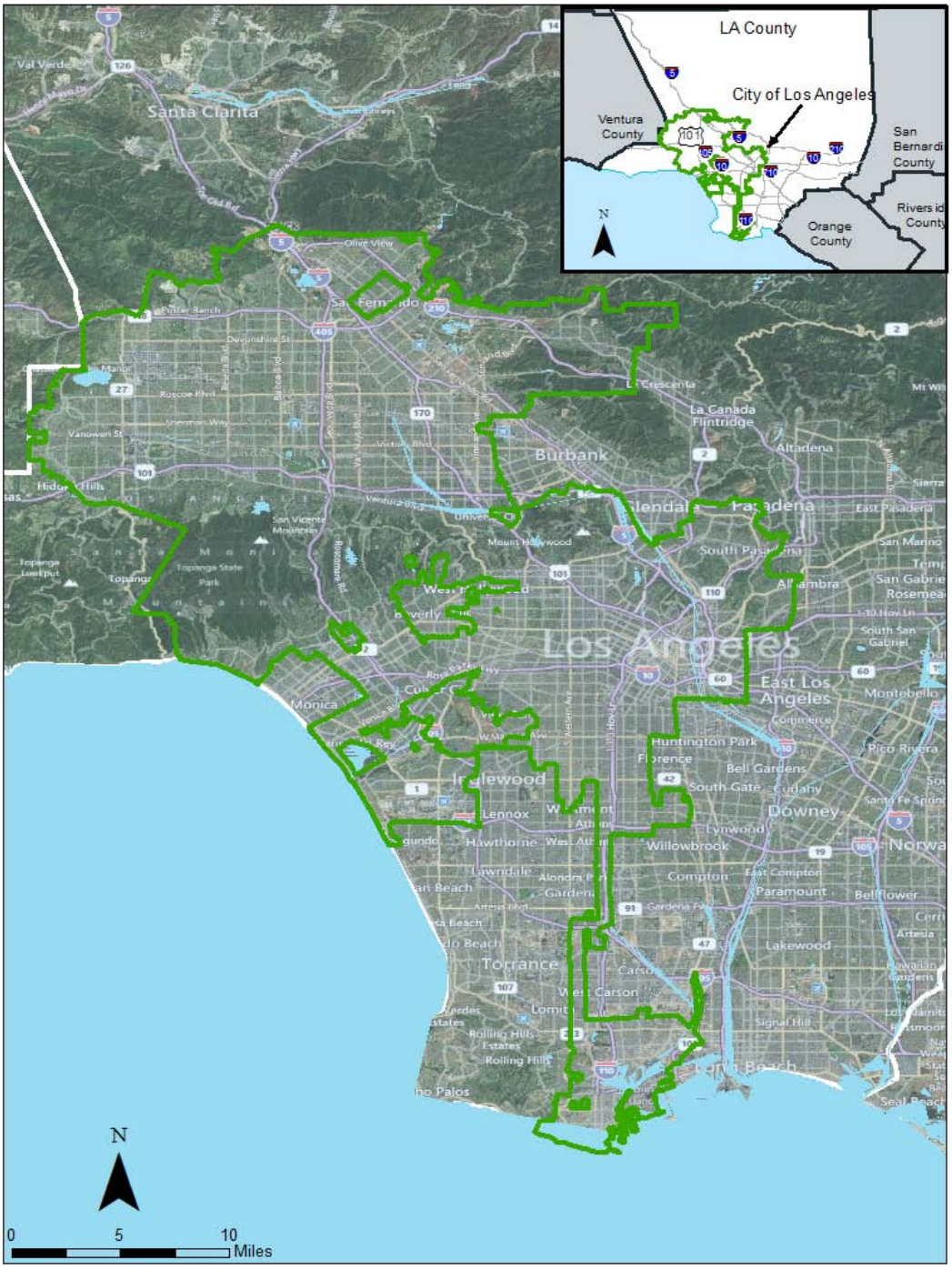
- Reducing the billions of single-use plastic carryout bags currently consumed in the City of Los Angeles each year;
- Reducing the adverse environmental impacts associated with single-use plastic carryout bags, including impacts to air quality, biological resources (including marine environments), water quality, and solid waste;
- Deterring the use of single-use paper carryout bags by retail customers in the City;
- Promoting a shift toward the use of reusable carryout bags; and
- Reducing litter and the associated adverse impacts to stormwater systems, aesthetics, and the marine environment.

Project Location and Surrounding Uses

The proposed ordinance would apply throughout the City of Los Angeles, which encompasses approximately 469 square miles, stretching from the Angeles National Forest to the north to the Pacific Ocean to the south (see Figure 2-1).

Adjoining areas include unincorporated Los Angeles County, South Bay, the Gateway Cities, the San Gabriel Valley, and the Foothills. The City of Los Angeles' territory surrounds the Cities of Beverly Hills, West Hollywood, and San Fernando, and nearly surrounds the Cities of Culver City and Santa Monica.

Figure 2-1
Project Location



Source: UCLA Mapshare, 2012.

Project Actions

The following public actions and approvals are required for the project.

Lead Agency

City of Los Angeles City Council

- Certification of the Final EIR
- Adoption of the proposed City of Los Angeles Single-Use Carryout Bag Ordinance

Other Agencies

No other agency has discretionary authority over any aspect of the proposed City of Los Angeles Single-Use Carryout Bag Ordinance.

3.0 Environmental Impact Analysis

This section of the EIR examines the potential environmental effects of the proposed City of Los Angeles Single-Use Carryout Bag Ordinance for the specific issue areas that were identified through the Initial Study and NOP process as having the potential for a significant impact.

Each environmental issue is evaluated in the following manner:

Environmental Setting describes the existing environmental conditions as they exist before the commencement of the project to provide a baseline for comparing "before the project" and "after the project" environmental conditions.

Impact Criteria define and list specific criteria that were identified through the Initial Study and NOP process as having the potential for a significant impact. Other impact criteria that were fully addressed in the Initial Study for a given issue area (see Appendix A) are not further addressed in the EIR analysis. Appendix G of the CEQA Guidelines is the source of impact criteria for the proposed project in this EIR analysis as these criteria are appropriate to the specifics of the proposed project, and since "….an ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting" (CEQA Guidelines Section 15064 [b]). Principally, "… a substantial, or potentially substantial, adverse change in any of the physical conditions within an area affected by the project, including land, air, water, flora, fauna, ambient noise, and objects of historic and aesthetic significance" constitutes a significant impact. An economic or social change by itself shall not be considered a significant effect on the environment, but may be considered in determining whether the physical change is significant" (CEQA Guidelines Section 15382).

Environmental Impact presents evidence, based to the extent possible on scientific and factual data, about the cause and effect relationship between the project and potential changes in the environment. The exact magnitude, duration, extent, frequency, range or other parameters of a potential impact are ascertained to the extent possible to provide facts in support of finding the impact to be or not to be significant. In determining whether impacts may be significant, all the potential effects, including direct effects, reasonably foreseeable indirect effects, and considerable contributions to cumulative effects, are considered. If, after thorough investigation, a particular impact is too speculative for evaluation, that conclusion is noted (CEQA Guidelines Section 15145).

Mitigation Measures are identified, if needed, to reduce or avoid the potentially significant impact identified in the EIR analysis. Standard existing regulations, requirements, and procedures applicable to the project are considered a part of the existing regulatory environment.

Level of Impact after Mitigation indicates what effect will remain after application of mitigation measures, and whether the remaining effect is considered significant. When impacts, even with the inclusion of mitigation measures, cannot be mitigated to a level considered to be less than significant, they are identified as "unavoidable significant impacts."

Cumulative Impact - the impact analysis concludes with a discussion of cumulative effects, which evaluates the impacts associated with the proposed ordinance in conjunction with other adopted and pending single-use plastic carryout bag ordinances.

3.1 Air Quality

This section provides an overview of existing air quality conditions and evaluates potential impacts associated with the proposed ordinance. The analysis focuses on air pollution from two perspectives: daily emissions and pollutant concentrations. "Emissions" refer to the quantity of pollutants released into the air, measured in pounds per day (ppd). "Concentrations" refer to the amount of pollutant material per volumetric unit of air, measured in parts per million (ppm) or micrograms per cubic meter ($\mu g/m^3$).

Environmental Setting

Air Pollutants and Ambient Air Quality Standards

Criteria air pollutants are defined as pollutants for which the Federal and State governments have established ambient air quality standards for outdoor concentrations to protect public health. The Federal and State standards have been set at levels above which concentrations could be harmful to human health and welfare. These standards are designed to protect the most sensitive persons from illness or discomfort. The California State standards are more stringent than Federal standards, especially in the case of respirable particulate matter (PM_{10}) and sulfur dioxide (SO_2).

Table 3.1-1 outlines current Federal and State ambient air quality standards, and sources and health effects of these criteria pollutants. Additional information about health effects associated with each pollutant is provided in the South Coast Air Quality Management District (SCAQMD) CEQA Air Quality Handbook, which is hereby incorporated by reference.

Table 3.1-1
Ambient Air Quality Standards and Air Pollutant Sources and Effects

<table>
<tr><th colspan="5">Table 3.1-1
Ambient Air Quality Standards and Air Pollutant Sources and Effects</th></tr>
<tr><th>Air Pollutant</th><th>State Standards</th><th>Federal Standards (Primary)</th><th>Sources</th><th>Health Effects</th></tr>
<tr><td>Ozone (O_3)</td><td>0.09 ppm, 1-hr. avg.

0.07 ppm, 8-hr. avg.</td><td>0.075 ppm, 8-hr. avg.</td><td>Atmospheric reaction of organic gases with nitrogen oxides in sunlight</td><td>Aggravation of respiratory and cardiovascular diseases, irritation of eyes, impairment of cardiopulmonary function, plant leaf injury</td></tr>
<tr><td>Respirable Particulate Matter (PM_{10})</td><td>50 $\mu g/m^3$, 24-hr. avg.

20 $\mu g/m^3$, AAM</td><td>150 $\mu g/m^3$, 24-hr. avg.</td><td>Stationary combustion of solid fuels, construction activities, industrial processes, industrial chemical reactions</td><td>Reduced lung function, aggravation of the effects of gaseous pollutants, aggravation of respiratory and cardio-respiratory diseases, increased coughing and chest discomfort, soiling, reduced visibility</td></tr>
</table>

Table 3.1-1
Ambient Air Quality Standards and Air Pollutant Sources and Effects

Air Pollutant	State Standards	Federal Standards (Primary)	Sources	Health Effects
Fine Particulate Matter (PM2.5)	12 μg/m^3, AAM	12 μg/m^3, 24-hr. avg**	Combustion from mobile and stationary sources, atmospheric chemical reactions	Health problems, including asthma, bronchitis, acute and chronic respiratory symptoms such as shortness of breath and painful breathing, and premature deaths.
Carbon Monoxide (CO)	9.0 ppm, 8-hr. avg. 20 ppm, 1-hr. avg.	9 ppm, 8-hr. avg. 35 ppm, 1-hr. avg.	Incomplete combustion of fuels and other carbon-containing substances such as motor vehicle exhaust, natural events, such as decomposition of organic matter	Reduced tolerance for exercise, impairment of mental function, impairment of fetal development, death at high levels of exposure, aggravation of some heart diseases (angina)
Nitrogen Dioxide (NO_2)	0.18 ppm, 1-hr. avg. 0.03 ppm AAA	100 ppb, 1-hr avg. 53 ppb AAA	Motor vehicle exhaust, high-temperature stationary combustion, atmospheric reactions	Aggravation of respiratory illness, reduced visibility, reduced plant growth, formation of acid rain
Sulfur Dioxide (SO_2)	0.25 ppm 1-hr. avg. 0.04 ppm, 24-hr avg.	75 ppb, 1-hr avg.	Combustion of sulfur-containing fossil fuels, smelting of sulfur-bearing metal ores, industrial processes	Aggravation of respiratory diseases (asthma, emphysema), reduced lung function, irritation of eyes, reduced visibility, plant injury, deterioration of metals, textiles, leather, finishes, coating, etc.
Lead (Pb)	1.5 μg/m^3, 30 day avg.	0.15 μg/m^3, rolling 3-month avg.	Contaminated soil and water	Increased body burden, impairment of blood formation and nerve conduction
Visibility-Reducing Particles	Visibility of 10 miles or more due to particles when relative humidity is less than 70%	No federal standards		Visibility impairment on days when relative humidity is less than 70%

** On December 14, 2012, U.S. EPA lowered the federal primary PM2.5 annual standard from 15.0 micrograms per cubic meter to 12.0 micrograms per cubic meter. The new annual standard will become effective 60 days after publication in the Federal Register.
Abbreviations: ppm = parts per million by volume; ppb = parts per billion by volume; μg/m^3 = micrograms per cubic meter; AAM = annual arithmetic mean
Sources: California Air Resources Board, Air Quality Standards and Attainment Status data, December 2012; and SCAQMD Air Quality Handbook.

The City of Los Angeles is located within the South Coast Air Basin (Basin). The Basin continues to exceed Federal and State ambient air quality standards for ozone (O_3), particulate matter ($PM_{2.5}$ and PM_{10}), and lead (Pb).

Toxic Air Contaminants (TAC)

TACs are generally defined as contaminants that are known or suspected to cause serious health problems, but do not have a corresponding ambient air quality standard. TACs are also defined as an air pollutant that may increase a person's risk of developing cancer and/or other serious health effects; however, the emission of a toxic chemical does not automatically create a health hazard. Other factors, such as the amount of the chemical; its toxicity, and how it is released into the air, the weather, and the terrain, all influence whether the emission could be hazardous to human health. TACs are emitted by a variety of industrial processes such as petroleum refining, electric utility and metal plating operations, commercial operations such as gasoline stations and dry cleaners, and motor vehicle exhaust, and may exist as PM_{10} and $PM_{2.5}$ or as vapors (gases). TACs include metals and other particles, gases absorbed by particles, and certain vapors from fuels and other sources.

Diesel engines emit a complex mixture of air pollutants, composed of gaseous and solid material[8]. The visible emissions in diesel exhaust include $PM_{2.5}$ and PM_{10}. These particles have hundreds of chemicals adsorbed onto their surfaces, including many known or suspected carcinogens and mutagens. Compared to other air toxics that the California Air Resources Board (CARB) has identified and controlled, diesel PM emissions are estimated to be responsible for about 70% of the total ambient air toxics risk. In addition to these general risks, diesel PM can also be responsible for elevated localized or near-source exposures ("hot-spots").

The emission of toxic substances into the air can be damaging to human health and to the environment. Human exposure to these pollutants at sufficient concentrations and durations can result in cancer, toxics poisoning, and rapid onset of sickness, such as nausea or difficulty in breathing. Other less measurable effects include immunological, neurological, reproductive, developmental, and respiratory problems, some of which may not become apparent for years after exposure. Pollutants deposited onto soil or into lakes and streams affect ecological systems, and eventually human health, through consumption of contaminated food and water. The carcinogenic potential of TACs is a particular public health concern because many scientists currently believe that there is no "safe" level of exposure to carcinogens. Any exposure to a carcinogen poses some risk of contracting cancer.

Ground Level Ozone and Atmospheric Acidification

In terms of air quality, ground level ozone and atmospheric acidification are of particular concern. Ozone is found in two regions of the Earth's atmosphere – at ground level and in the upper regions of the atmosphere. Both types of ozone have the same chemical composition (O_3). While upper atmospheric ozone protects the earth from the sun's harmful rays, ground level ozone is the main component of smog.

"Smog" is a mixture of pollutants but is primarily made up of ground-level ozone. Smog usually is produced through a complex set of photochemical reactions involving volatile organic

[8]California Air Resources Board, Health Effects of Diesel Exhaust, 2010.

compounds (VOCs) and nitrogen oxides in the presence of sunlight that result in the production of ozone. Smog-forming pollutants come from many sources, such as automobile exhausts, power plants, factories, and many consumer products, including paints, hair spray, charcoal starter fluid, solvents, and even plastic popcorn packaging. In typical urban areas, at least half of the smog precursors come from cars, buses, trucks, and boats.

Major smog occurrences often are linked to heavy motor vehicle traffic, high temperatures, sunshine, and calm winds. Weather and geography affect the location and severity of smog. Because temperature regulates the length of time it takes for smog to form, smog can form faster and be more severe on a hot and sunny day. When temperature inversions occur (warm air stays near the ground instead of rising) and winds are calm, smog may stay trapped over the city for days. As traffic and other sources add more pollutants to the air, the smog gets worse. Smog is often more severe away from the pollution sources because the chemical reactions that cause smog occur in the atmosphere while the reacting chemicals are being moved by the wind. Severe smog and ground-level ozone problems exist in many major cities, including much of California, including the City of Los Angeles.

Ground level ozone—what we breathe—can harm human health. Even relatively low levels of ozone can cause health effects. People with lung disease, children, older adults, and people who are active outdoors may be particularly sensitive to ozone. Children are at greatest risk from exposure to ozone because their lungs are still developing and they are more likely to be active outdoors when ozone levels are high, which increases their exposure. Children are also more likely than adults to have asthma.

Ozone also affects sensitive vegetation and ecosystems, including forests, parks, wildlife refuges and wilderness areas. In particular, ozone harms sensitive vegetation, including trees and plants during the growing season.

Air pollutant emissions, in particular emissions of nitrogen and sulfur dioxides (NO_2 and SO_2), have caused regional scale acidification of the atmosphere and sensitive aquatic and terrestrial ecosystems in North America and Europe. These chemical changes commonly known as “acid rain” are making the oceans more acidic (that is, decreasing the pH of the oceans) and affecting terrestrial ecosystems.

Monitored Air Quality

The South Coast Air Quality Management District (SCAQMD) is the agency principally responsible for comprehensive air pollution control in the region and it monitors air quality conditions at 37 locations throughout the Basin. There are six air quality monitoring stations within the SCAQMD’s system that cover most City of Los Angeles communities: North Main Street for Central Los Angeles, VA Hospital for West Los Angeles, Compton – 700 North Bullis Road for South Central Los Angeles, Westchester Parkway for the LAX Airport Area, Burbank – West Palm Avenue for East San Fernando Valley, and Reseda for West San Fernando Valley. The North Main Street Monitoring Station is located near City Hall and was used to characterize existing levels of ambient air quality in the City of Los Angeles.

Table 3.1-2 shows pollutant levels, the State and Federal standards, and the number of exceedances recorded at the North Main Street Monitoring Station. As shown, criteria pollutants CO, NO_2, and SO_2 did not exceed the State and Federal standards from 2009 to 2011. However, the one-hour State standard for O_3 was exceeded one to three times during this period. The 8-

hour State standard for O_3 was exceeded up to five times while the 8-hour Federal standard for O_3 was exceeded two times. The 24-hour State standard for PM_{10} was exceeded four times during this period and the annual State standard for $PM_{2.5}$ was also exceeded each year from 2009 to 2011. The 24-hour Federal standard for PM_{10} was not exceeded, while the annual Federal $PM_{2.5}$ was exceeded five to eight times between 2009 and 2011.

Table 3.1-2
2009-2011 Ambient Air Quality Data at the North Main Street Monitoring Station

Pollutant	Pollutant Concentration and Standards	2009	2010	2011
Ozone (O_3)	Maximum 1-hr Concentration (ppm)	0.14	0.10	0.13
	Days 0.09 ppm State 1-hr standard exceeded	3	1	1
	Maximum 8-hr Concentration (ppm)	0.10	0.08	0.07
	Days 0.07 ppm State 8-hr standard exceeded	5	1	0
	Days 0.075 ppm National 8-hr standard exceeded	2	1	0
Carbon Monoxide (CO)	Maximum 1-hr concentration (ppm)	3	3	n/a
	Days 20 ppm State1-hr standard exceeded	0	0	n/a
	Days 35 ppm National 1-hr standard exceeded	0	0	n/a
	Maximum 8-hr concentration (ppm)	2.2	2.3	2.4
	Days 9.0 ppm State 8-hr standard exceeded	0	0	0
	Days 9 ppm National 8-hr standard exceeded	0	0	0
Nitrogen Dioxide (NO_2)	Maximum 1-hr Concentration (ppm)	0.12	0.09	0.11
	Days 0.18 ppm State 1-hr standard exceeded	0	0	0
	Days 0.100 ppm National 1-hr standard exceeded	n/a	n/a	n/a
Respirable Particulate Matter (PM_{10})	Maximum 24-hr concentration (µg/m^3)	70	41	53
	Days 50 µg/m^3 State 24-hr standard exceeded	4	0	1
	Days150 µg/m^3 National 24-hr standard exceeded	0	0	0
Fine Particulate Matter ($PM_{2.5}$)	Maximum 24-hr concentration (µg/m^3)	64	39	49
	Exceed State Standard (12 µg/m^3)	Yes	Yes	Yes
	Days 35 µg/m^3 National 24-hr standard exceeded*	7	5	8
Sulfur Dioxide (SO_2)	Maximum 24-hr Concentration (ppm)	0.002	0.002	0.002
	Days 0.04 ppm State 24-hr standard exceeded	0	0	0
	Days > 0.14 ppm National 24-hr standard exceeded	0	0	0

*On December 14, 2012, U.S. EPA lowered the federal primary PM2.5 annual standard from 15.0 micrograms per cubic meter to 12.0 micrograms per cubic meter.

n/a = not available

Source: CARB, Air Quality Data Statistics, *Top 4 Summary*, http://www.arb.ca.gov/adam/topfour/topfour1.php, accessed October 22, 2012. CO pollutant concentration was obtained from SCAQMD, Historical Data by Year, available at http://www.aqmd.gov/smog/historicaldata.htm.

Sensitive Receptors

The SCAQMD defines sensitive receptors as persons particularly susceptible to health effects due to exposure to an air contaminant. The examples of land uses (sensitive sites) where sensitive receptors are typically located include schools, playgrounds and childcare centers; long-term health care facilities; rehabilitation centers; convalescent centers; hospitals; retirement homes, and residences. There are numerous sensitive receptors located throughout the City of Los Angeles.

Current Air Pollutant Emissions Associated with Single-Use Carryout Bags

Single-use plastic carryout bags can affect air quality in two ways: through emissions associated with manufacturing processes, and through emissions associated with truck trips for the delivery of single-use carryout bags to retailers. Based on the City of Los Angeles population of approximately 3,825,297 persons in 2012[9], and a statewide estimate of approximately 531 single-use plastic carryout bags used per person per year[10], retail customers in the City of Los Angeles currently use an estimated 2,031,232,707 single-use plastic carryout bags per year.

Various studies have estimated air emissions for the different carryout bags (single-use plastic, paper or reusable bags) to determine a per bag emissions rate. To provide statistics for measuring, or metrics, to determine environmental impacts associated with the proposed ordinance, reasonable assumptions based upon the best available sources of information from the studies utilized in this analysis have been established. These include specific metrics that compare impacts on a per bag basis for single-use plastic, single-use paper and low-density polyethylene (LDPE) reusable carryout bags as follows: (1) air pollutant emissions associated with the manufacturing and transportation of one single-use paper carryout bag result in 1.9 times the impact on atmospheric acidification as air pollutant emissions associated with one single-use plastic carryout bag; (2) similarly, on a per bag basis, a reusable carryout bag that is made of LDPE plastic would result in 3 times the atmospheric acidification compared to a single-use plastic carryout bag if the LDPE bag is only used one time; (3) in addition, on a per bag basis, a single-use paper carryout bag has 1.3 times the impact on ground level ozone formation of a single-use plastic carryout bag; and (4) finally, a reusable carryout bag that is made of LDPE plastic and only used one time would result in 1.4 times the ground level ozone formation of a single-use plastic carryout bag[11,12,13,14,15].

The above statistics use the LDPE carryout bag as a representative reusable bag in evaluating air quality impacts. There is no known available Life Cycle Assessment that evaluates all types of reusable bags (canvas, cotton, nylon, etc.) with respect to potential air pollutant emissions.

[9]California Department of Finance, Demographic Research Unit, 2012 City Population Rankings.
[10]Green Cities Master Environmental Assessment (MEA), March 2010.
[11]Joseph, Stephen L., Letter to the City of Santa Monica: RE: Santa Monica single-use carryout bag ordinance: comments on and objections to Draft Environmental Impact Report, July 22, 2010.
[12]Ecobilan, Environmental Impact Assessment of Carrefour Bags: An Analysis of the Life Cycle of Shopping Bags of Plastic, Paper, and Biodegradable Material, February 2004.
[13]Fund for Research into Industrial Development, Growth and Equity (FRIDGE), Socio-Economic Impact of the Proposed Plastic Bag Regulations, 2002.
[14]Green Cities California, Master Environmental Assessment on Single-Use and Reusable Bags, March 2010.
[15]City of Santa Monica, Santa Monica Single-use Carryout Bag Ordinance Final Environmental Impact Report (SCH# 2010041004), January 2011.

However, the emissions from all types of reusable bags are lower than emissions from single-use plastic and paper carryout bags because reusable bags are used multiple times, and may be used 100 times or more[16]. Thus, the air pollutant emissions from these bags are expected to be comparable to, or lower than the LDPE bag emissions.

Delivery trucks that transport single-use carryout bags from manufacturers or distributors to the local retailers also contribute air pollutant emissions. Assuming that those deliveries are made in separate dedicated loads by diesel trucks and each truck carries 2,080,000 single-use plastic carryout bags per truck load[17], approximately 977 annual truck trips are needed to deliver the single-use plastic bags consumed in the City. Diesel fuel emissions from these trips contribute to the local and regional air pollutant emissions.

Table 3.1-3 lists the annual emissions contributing to ground level ozone and atmospheric acidification using the per-bag impact rates discussed above and the estimated number of existing single-use plastic carryout bags used in the City. As shown, manufacturing and transportation of single-use plastic bags that are currently used in the City each year generates an estimated 46,718 kilograms (kg) of emissions associated with ground level ozone and 2,201,856 kg of emissions associated with atmospheric acidification.

Table 3.1-3
Estimated Current Emissions from Single-Use Plastic Carryout Bags Contributing to Ground Level Ozone and Atmospheric Acidification (AA)

Number of Bags Used per Year	Ozone Emissions Rate per Bag /a/	Ozone Emissions (kg) per 1,000 Bags /b/	Ozone Emissions per Year (kg)	AA Emission Rate per Bag /a/	AA Emissions (kg) per 1,000 Bags /c/	AA Emissions per Year (kg)
2,031,232,707	1.0	0.023	46,718	1.0	1.084	2,201,856

/a/ Impact rate per bag as stated in Stephen L. Joseph, 2010; Ecobilan, 2004; FRIDGE, 2002; and Green Cities California MEA, 2010; Santa Monica Single-use Carryout Bag Ordinance Final EIR, January 2011, County of San Mateo Single Use Bag Ban Ordinance, June 2012
/b/ Emissions per 1,000 bags from Ecobilan, 2004; Santa Monica Single-use Carryout Bag Ordinance Final EIR, January 2011
/c/ Emissions per 1,000 bags from FRIDGE, 2002; Green Cities California MEA, 2010; Santa Monica Single-use Carryout Bag Ordinance Final EIR, January 2011; County of San Mateo Single Use Bag Ban Ordinance, June 2012.

Regulations Applicable to Manufacturing Facilities

Title V Permit. Title V is a federal program designed to standardize air quality permits and the permitting process for major sources of emissions across the country. The name ”Title V” comes from Title V of the 1990 Clean Air Act Amendments, which require the United States Environmental Protection Agency (USEPA) to establish a national, operating permit program. Accordingly, USEPA adopted regulations [Title 40 of the Code of Federal Regulations, Chapter 1, Part 70 (Part 70)], which require states and local permitting authorities to develop and submit a federally enforceable operating permit program for USEPA approval. Title V only applies to “major sources.” USEPA defines a major source as a facility that emits, or has the potential to emit any criteria pollutant or hazardous air pollutant at levels equal to or greater than the Major

[16]Green Cities California Master Environmental Assessment (MEA), March 2010).
[17]City of Santa Monica, Santa Monica Single-use Carryout Bag Ordinance Final Environmental Impact Report, January 2011; County of San Mateo Single Use Bag Ban Ordinance, June 2012.

Source Thresholds (MST). The MST for criteria pollutants may vary depending on the attainment status (e.g., marginal, serious, extreme) and the Criteria Pollutant or Hazardous Air Pollutant (HAP) of the geographic area in which the facility is located. Single-use carryout bag manufacturing facilities that emit any criteria pollutant or HAP at levels equal to or greater than the MST of the local air quality management district must obtain, and maintain compliance with, a Title V permit.

South Coast Air Quality Management District Equipment Permits. The SCAQMD is the agency principally responsible for comprehensive air pollution control in the region. Specifically, the SCAQMD is responsible for monitoring air quality, as well as planning, implementing, and enforcing programs designed to attain and maintain State and Federal ambient air quality standards in the district. SCAQMD programs include air quality rules and regulations that regulate stationary sources, area sources, point sources, and certain mobile source emissions. The SCAQMD is also responsible for establishing stationary source permitting requirements and for ensuring that new, modified, or relocated stationary sources do not create net emission increases.

SCAQMD requires operators that plan to build, install, alter, replace, or operate any equipment that emits or controls the emission of air contaminants to apply for, obtain and maintain equipment permits. Equipment permits ensure that emission controls meet the need for the South Coast Region to make steady progress toward achieving and maintaining federal and state ambient air quality standards. Equipment permits also ensure proper operation of control devices, establish recordkeeping and reporting mechanisms, limit toxic emissions, and control dust or odors. In addition, the SCAQMD routinely inspects operating facilities to verify that equipment has been built and installed as required and to confirm that the equipment operates in compliance with SCAQMD rules and regulations.

Regulations Applicable to Delivery Trucks

On-Road Heavy-Duty Diesel Vehicles (In-use) Regulation. The regulation **(**Division 3, Chapter 1. Section 2025) requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Heavier trucks (with gross vehicular weight greater than 26,000 pounds) must be retrofitted with PM filters beginning January 1, 2012, and older trucks must be replaced starting January 1, 2015 according to the schedule specified in the rule. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. This regulation is intended to reduce emissions of diesel PM, oxides of nitrogen, and other criteria pollutants. All diesel trucks making deliveries of single-use carryout bags in California would be required to adhere to this regulation.

Diesel-fueled Commercial Motor Vehicle Idling Limit. The purpose of this airborne toxic control measure is to reduce public exposure to diesel particulate matter and other air contaminants by limiting the idling of diesel-fueled commercial motor vehicles. The regulation applies to diesel-fueled commercial motor vehicles that operate in the State with gross vehicular weight ratings of greater than 10,000 pounds that are or must be licensed for operation on highways. The in-use truck requirements require operators of both in-state and out-of-state registered sleeper berth equipped trucks to manually shut down their engine when idling more than five minutes at any location within California.

Toxic Air Contaminants. The SCAQMD has a long and successful history of reducing air toxics and criteria pollutant emissions in the South Coast Air Basin (Basin). SCAQMD has an extensive control program, including traditional and innovative rules and policies (*Air Toxics*

Control Plan for the Next Ten Years, March 2000). To date, the most comprehensive study on air toxics in the Basin is the Multiple Air Toxics Exposure Study (MATES-III)[18], conducted by the SCAQMD. The monitoring program measured more than 30 air pollutants, including both gases and particulates. The monitoring study was accompanied by a computer modeling study in which SCAQMD estimated the risk of cancer from breathing toxic air pollution throughout the region based on emissions and weather data. MATES-III found that the cancer risk in the region from carcinogenic air pollutants ranges from about 870 in a million to 1,400 in a million, with an average regional risk of about 1,200 in a million.

Impact Criteria

The proposed ordinance would have a significant impact related to air quality if it would:

- Violate any air quality standard or contribute substantially to an existing or projected air quality violation;
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors); and /or
- Expose sensitive receptors to substantial pollutant concentrations.

The SCAQMD has developed specific significance thresholds for operational air quality impacts. A significant impact related to air quality would occur if the proposed project would generate regional emissions that exceed the daily amounts presented in Table 3.1-4.

Table 3.1-4
SCAQMD Daily Operational Emissions Thresholds

Criteria Pollutant	Pounds Per Day
Volatile Organic Compounds (VOC)	55
Nitrogen Oxides (NO_X)	55
Carbon Monoxide (CO)	550
Sulfur Oxides (SO_X)	150
Fine Particulates ($PM_{2.5}$)	55
Particulates (PM_{10})	150
Source: SCAQMD, 2012.	

[18] Harbor Community Monitoring Study (HCMS), May 2009.

Environmental Impact

Ozone and Atmospheric Acidification

The intent of the proposed ordinance is to reduce the number of single-use plastic carryout bags used in the City of Los Angeles, reduce the environmental impacts related to single-use plastic carryout bags, deter the use of single-use paper carryout bags, and promote the use of reusable bags by retail customers within the City of Los Angeles.

As described in the Environmental Setting, on a per bag basis, emissions associated with single-use paper carryout bag production and transportation is equivalent to 1.9 times the impact on atmospheric acidification as the production and transportation of a single-use plastic carryout bag that is made of LDPE plastic. On a per bag basis, the production and transportation of a reusable carryout bag that is made of LDPE plastic results in 3 times the atmospheric acidification of the production and transportation of a single-use plastic carryout bag. Reusable bags may be made of various materials other than LDPE, including plant-based textiles such as cotton or canvas. Nonetheless, because LDPE reusable bags are one of the most common types of reusable bags and are of similar durability and weight (approximately 50 to 200 grams) as other types of reusable bags, this analysis utilizes the best available information regarding specific properties on a per bag basis to disclose environmental impacts associated with the proposed ordinance. However, the emissions from all types of reusable bags are lower than single-use plastic and paper carryout bags because reusable bags are used multiple times. Thus, the air pollutant emissions from the production and transportation of these bags are expected to be comparable to the LPDE bag or lower[19]. Similarly, on a per bag basis, the production and transportation of a single-use paper carryout bag has 1.3 times the impact on ground level ozone formation compared to the production and transportation of a single-use plastic carryout bag and the production and transportation of a reusable carryout bag that is made of LDPE plastic results in 1.4 times the ground level ozone formation of the production and transportation of a single-use plastic carryout bag.[20,21,22]

A reusable bag results in greater impacts to ground level ozone formation and atmospheric acidification than a single-use plastic bag on a per bag production and transportation basis; however, unlike single-use plastic bags, reusable carryout bags are intended to be used multiple times, conservatively estimated to be at 52 times, even though reusable bags may be used 100 times or more[23]. Therefore, fewer total single-use carryout bags would need to be manufactured as a shift toward the use of reusable bags occurs. Regulated retailers providing paper carryout bags would be required to sell recycled-content paper carryout bags that are made with a minimum of 40% postconsumer recycled content to customers for $0.10 per bag. This mandatory charge would create a disincentive to customers to request single-use paper carryout bags when shopping at regulated stores and is intended to promote a shift toward the use of reusable carryout bags by consumers in the City, as evidenced by the data collected by the County of Los Angeles

[19] County of Santa Clara, Initial Study for Single-use Carryout Bag, October 2010.
[20] Joseph, Stephen L., Letter to the City of Santa Monica: RE: Santa Monica single-use carryout bag ordinance: comments on and objections to Draft Environmental Impact Report, July 22, 2010.
[21] Fund for Research into Industrial Development, Growth and Equity (FRIDGE), Socio-Economic Impact of the Proposed Plastic Bag Regulations, 2002.
[22] Green Cities California, Master Environmental Assessment on Single-Use and Reusable Bags, March 2010.
[23] This represents a conservative estimate. According to the March 2010 MEA on Single-use and Reusable Bags, reusable bags may be used 100 times or more.

after enacting a ban on single-use plastic carryout bags and instituting a $0.10 charge per paper bag (discussed further below).

This analysis assumes that as a result of the proposed ordinance, about 30% of the plastic carryout bags currently used in the City would be replaced by recycled paper carryout bags, and about 65% would be replaced by reusable bags , as shown in Table 3.1-5. It is assumed that 5% of the existing single-use plastic carryout bags used in the City would remain in use since the proposed ordinance does not apply to some retailers who distribute single-use plastic carryout bags (e.g., restaurants) and these retailers would continue to distribute single-use plastic carryout bags after the proposed ordinance is implemented. Thus, for this analysis, it is assumed that approximately 102 million plastic carryout bags would continue to be used annually within the City after implementation of the proposed ordinance. It is also assumed that approximately 609 million paper carryout bags would replace approximately 30% of the plastic carryout bags currently used in the City. This 1:1 replacement ratio is considered conservative, because the volume of a single-use paper carryout bag (20.48 liters) is generally equal to approximately 1.5 times the volume of a single-use plastic carryout bag (14 liters), such that fewer paper bags would ultimately be needed to carry the same number of items.

Table 3.1-5
Existing Plastic Bag Replacement Assumptions

Type of Bag	Replacement Assumption	Bags Used Post-Ordinance	Explanation
Single-Use Plastic	5% (remaining)	101,561,635	Because the proposed ordinance does not apply to all retailers, some single-use plastic bags would remain in circulation.
Single-Use Paper	30%	609,369,812	Although the volume of a single-use paper carryout bag is generally 150% of the volume of a single-use plastic bag and fewer paper bags would be needed to carry the same number of items, it is conservatively assumed that paper would replace plastic at a 1:1 ratio.
Reusable	65%	25,390,409	Although a reusable bag is designed to be used up to hundreds of times, it is conservatively assumed that a reusable bag would be used by a customer once per week for one year (52 times).
	Total	**736,321,856**	
Source**:** Based on rates utilized in the City of San Jose EIR, City of Santa Monica EIR, and County of San Mateo EIR			

To estimate the number of reusable carryout bags that would replace approximately 65% of the 2.031 billion of plastic carryout bags used annually in the City, it is conservatively assumed that a reusable carryout bag would be used by a customer only once per week for one year (52 times). Based on the estimate of 52 uses, approximately 1.32 billion single-use plastic carryout bags that would be removed as a result of the proposed ordinance would be replaced by approximately 25 million reusable carryout bags. This amounts to about seven reusable bags per person per year

based on a City population of 3,825,297. This analysis assumes that as a result of the proposed ordinance the approximately 2.03 billion single-use plastic carryout bags currently used in the City annually would be reduced to approximately 736 million total bags as a result of the proposed ordinance.

It should be noted that no known large-scale manufacturing facilities of carryout bags are located within the City. Nevertheless, for a conservative estimate, emissions associated with both manufacturing and transportation of carryout bags to retailers within the City is estimated in this analysis. Table 3.1-6 provides such a conservative theoretical estimate of the post-ordinance air pollutant emissions from bag manufacturing and transportation that contribute to the development of ground level ozone and atmospheric acidification.

Table 3.1-6
Emissions Acidification from Carryout Bags Contributing to Ground Level Ozone and Atmospheric Acidification (AA)

Carryout Bag Type	Number of Bags Used per Year	Ozone Emissions Rate per Bag /a/	Ozone Emissions (kg) per 1,000 Bags /b/	Ozone Emissions per Year (kg)	AA Emission Rate per Bag /a/	AA Emissions (kg) per 1,000 Bags /c/	AA Emissions per Year (kg)
Single-Use Plastic	101,561,635	1.0	0.023	**2,336**	1.0	1.084	**110,093**
Single-Use Paper	609,369,812	1.3	0.03	**18,281**	1.9	2.06	**1,255,302**
Reusable	25,390,409	1.4	0.032	**812**	3.0	3.252	**82,570**
			Total	**21,429**		**Total**	**1,447,965**
			Existing	**46,718**		**Existing**	**2,201,856**
			Net Change	**(25,289)**		**Net Change**	**(753,891)**

/a/ Impact rate per bag as stated in Stephen L. Joseph, 2010; Ecobilan, 2004; FRIDGE, 2002; and Green Cities California MEA, 2010; Santa Monica Single-use Carryout Bag Ordinance Final EIR, January 2011.
/b/ Emissions per 1,000 bags from Ecobilan, 2004; Santa Monica Single-use Carryout Bag Ordinance Final EIR, January 2011, and County of San Mateo Single Use Bag Ban Ordinance EIR, June 2012.
/c/ Emissions per 1,000 bags from FRIDGE, 2002 and Green Cities California MEA, 2010; Santa Monica Single-use Carryout Bag Ordinance Final EIR, January 2011; and EIR; and County of San Mateo Single Use Bag Ban Ordinance EIR, June 2012.

As shown, under this scenario the increased use of reusable carryout bags in the City would reduce emissions that contribute to ground level ozone by approximately 25,289 kg per year - a 54% reduction, and would reduce emissions that contribute to atmospheric acidification by approximately 753,891 kg per year - a 34% reduction. This represents a “worst case” scenario of bag use associated with the proposed ordinance at the time it goes into effect. According to data collected by the County of Los Angeles after the County’s Single-Use Bag Ordinance was enacted, approximately 125,000 paper bags were provided annually per large store compared to approximately 2.2 million plastic bags and 196,000 single-use paper bags provided per store prior to the ordinance going into effect in the third quarter of 2011. Single-use paper carryout bag

usage continues to decline with an overall reduction of 34% between 2009 and the first quarter of 2012, including a nearly 13% reduction occurring within the first three quarters of the year following the enactment of the ordinance[24]. Since then, the County of Los Angeles has released further information that in third quarter of 2012, annual paper bag usage per store declined to approximately 121,000 per store. The data indicate that the use of paper carryout bags in large stores not only did not temporarily increase as a result of a ban of single-use plastic carryout bags, but actually decreased significantly after the enactment of the ordinance. As with the County of Los Angeles, a similar effect is anticipated to occur within the City of Los Angeles. Therefore, it is anticipated that within one year, emissions that contribute to ground level ozone and atmospheric acidification (Table 3.1-7) would be reduced by approximately 27,665 kg per year - a 59% reduction, and to atmospheric acidification a reduction of approximately 17,081 kg per year – a 42% reduction.

Table 3.1-7
Anticipated Emissions Contributing to Ground Level Ozone and Atmospheric Acidification (AA)

Carryout Bag Type	Number of Bags Used per Year	Ozone Emissions Rate per Bag /a/	Ozone Emissions (kg) per 1,000 Bags /b/	Ozone Emissions per Year (kg)	AA Emission Rate per Bag /a/	AA Emissions (kg) per 1,000 Bags /c/	AA Emissions per Year (kg)
Single-Use Plastic	101,561,635	1.0	0.023	**2,336**	1.0	1.084	**110,093**
Single-Use Paper	530,151,736	1.3	0.03	**15,905**	1.9	2.06	**1,092,112**
Reusable	25,390,409	1.4	0.032	**812**	3.0	3.252	**82,570**
			Total	**19,053**		**Total**	**1,284,775**
			Existing	**46,718**		**Existing**	**2,201,856**
			Net Change	**(27,665)**		**Net Change**	**(917,081)**

/a/ Impact rate per bag as stated in Stephen L. Joseph, 2010; Ecobilan, 2004; FRIDGE, 2002; and Green Cities California MEA, 2010; Santa Monica Single-use Carryout Bag Ordinance Final EIR, January 2011.
/b/ Emissions per 1,000 bags from Ecobilan, 2004; Santa Monica Single-use Carryout Bag Ordinance Final EIR, January 2011, and County of San Mateo Single Use Bag Ban Ordinance EIR, June 2012.
/c/ Emissions per 1,000 bags from FRIDGE, 2002 and Green Cities California MEA, 2010; Santa Monica Single-use Carryout Bag Ordinance Final EIR, January 2011; and EIR; and County of San Mateo Single Use Bag Ban Ordinance EIR, June 2012.

Air pollutant emissions from manufacturing facilities are regulated under the Clean Air Act and are subject to requirements set by the SCAQMD. Both paper carryout bag manufacturing facilities and reusable carryout bag manufacturing facilities that emit any criteria pollutant or hazardous air pollutant at levels equal to or greater than the Major Source Thresholds of the local air quality management district are required to obtain and maintain compliance with a Title V permit. Adherence to permit requirements would ensure that a manufacturing facility would not violate any air quality standards. Manufacturing facilities would also be required to obtain

[24] County of Los Angeles, Department of Public Works, July 2012. http://dpw.lacounty.gov/epd/aboutthebag

equipment permits for emission sources through the local air quality management district which ensures that equipment is operated and maintained in a manner that limits air emissions in the region. Compliance with applicable regulations would ensure that manufacturing facilities would not generate emissions conflicting with or obstructing implementation of the applicable air quality plan, violate any air quality standard or contribute substantially to an existing or projected air quality violation or result in a cumulatively considerable net increase of any criteria pollutant.

As described above, the proposed ordinance would reduce emissions associated with ground level ozone and atmospheric acidification. Therefore, the proposed ordinance would result in a beneficial impact related to regional air quality emissions.

Truck Emissions

Long-term emissions may be generated by trucks that deliver carryout bags (recycled paper and reusable) in the City. California Air Resources Board's EMFAC2011 computer program was used to calculate mobile emissions resulting from the number of trips generated by the proposed ordinance. Under a "worst-case" conservative scenario where all recycle paper and reusable bags are delivered in separate truck loads, the proposed ordinance may generate 5.8 net new truck trips per day each with a roundtrip length of 20 miles. Table 3.1-8 shows that emissions associated with such trips would be negligible and substantially below the SCAQMD regional significance thresholds.

Table 3.1-8
Emissions from Increased Truck Trips

	Emissions (pounds per day)					
Emissions Source	**VOC**	**NO_X**	**CO**	**SO_X**	**$PM_{2.5}$**	**PM_{10}**
Trucks	<1	<4	<1	0.0	<1	<1
SCAQMD Significance Threshold	**55**	**55**	**550**	**150**	**55**	**150**
Exceeds Threshold?	No	No	No	No	No	No

However, while the recycled paper and reusable bags may be delivered in dedicated loads to regional distributors who then distribute the bags for deliveries within the City of Los Angeles, the bags are typically delivered to supermarkets and retail stores as part of larger mixed loads of groceries and merchandise[25]. Therefore, there may not be an actual net increase in truck traffic from the change in bag use, particularly since paper and reusable carryout bags could be included more frequently in regular mixed loads deliveries to the grocery stores, supermarkets, and other retail stores. Therefore, impact related to truck emissions, if any, would be less than significant.

Carbon Monoxide Concentrations

There is a direct relationship between traffic/circulation congestion and CO impacts since exhaust fumes from vehicular traffic are the primary source of CO. CO is a localized gas that dissipates very quickly under normal meteorological conditions. Therefore, CO concentrations decrease

[25] City of San Jose Single-Use Carryout Bag Ordinance EIR, October 2010.

substantially as distance from the source (intersection) increases. The highest CO concentrations are typically found in areas directly adjacent to congested roadway intersections. The 5.8 trips per day that may be generated due to delivery of recycled paper and reusable bags to stores would be dispersed throughout the City and would not be concentrated in any particular area. No significant increase in CO concentrations at sensitive receptor locations would be expected. Therefore, the proposed ordinance would result in a less-than-significant impact related to mobile source CO concentrations.

Toxic Air Contaminant Emissions

The SCAQMD recommends that health risk assessments be conducted for substantial sources of diesel particulate emissions (e.g., truck stops and warehouse distribution facilities) and has provided guidance for analyzing mobile source diesel emissions. The proposed ordinance would not include any elements that would generate a substantial number of heavy-duty equipment operations or daily truck trips in a single localized area. Any indirect increase in TAC emissions from paper or reusable carryout bag manufacturing facilities affected by the proposed ordinance - though no such facilities are known to be located in the City - would be controlled by the owners of the carryout bag manufacturing facilities in compliance with all applicable local, regional, and national air quality standards. Therefore, the proposed ordinance would result in a less-than-significant impact related to TAC emissions.

Mitigation Measures

Impact related to air quality would be beneficial as the proposed ordinance would reduce the amount of emissions that contribute to ground level ozone and atmospheric acidification. No mitigation measures are required.

Level of Impact after Mitigation

Impact related to air quality would be beneficial as the proposed ordinance would reduce the amount of emissions that contribute to ground level ozone and atmospheric acidification. No mitigation measures are required.

Cumulative Impact

Adopted and pending single-use carryout bag ordinances would continue to reduce the amount of single-use plastic and paper carryout bags used, and promote a shift toward reusable carryout bags. Similar to the proposed ordinance, such ordinances would be expected to generally reduce the overall number of bags manufactured and associated air pollutant emissions, while existing and future manufacturing facilities would continue to be subject to Federal and State air pollution regulations. Similar to the proposed ordinance, other adopted and pending ordinances could incrementally reduce the amount emissions that contribute to ground level ozone and atmospheric acidification, which would result in a significant beneficial effect on air quality. Therefore, the proposed ordinance could contribute to a cumulatively considerable beneficial effect on air quality.

3.2 Biological Resources

This section examines the potential impact of the proposed City of Los Angeles Single-Use Carryout Bag Ordinance on biological resources.

Environmental Setting

The City of Los Angeles is a densely populated area comprising approximately 469 square miles. It is the second most populous city in the United States, with a population of approximately 3,825,297 residents[26]. While the area within the City's boundaries is highly urbanized and densely populated, the City is also home to a rich biodiversity of plant and animal species, and a wide variety of ecosystems and habitats in its mountain and coastal areas[27]. Much of the remaining natural open space in the City is found in or adjacent to the foothill regions of the San Gabriel, Santa Susana, Santa Monica and Verdugo Mountains, the Simi Hills, and along the Pacific Ocean coastline between Malibu and the Palos Verdes Peninsula.

In the natural open space of the Santa Monica/Verdugo Mountain, chaparral, a dense and impenetrable brushland, is the predominant vegetation and supports characteristic wildlife species. In contrast, open-structured coastal scrub and grassland are prevalent on lower-elevation south-facing slopes of these ranges, and also in the Simi Hills, Santa Susana and San Gabriel Mountains within the City. Each of these mountain ranges supports streamside, or riparian woodlands of willow and oak, and occasionally sycamore, cottonwood, alder and maple. Within the Northwest San Fernando Valley, a small area on the north slope of the Santa Susana Mountains supports coniferous woodland of bigcone spruce (at unusually low elevation); a species not found elsewhere in the City.

The coastal and marine habitats of the City of Los Angeles have been altered by urban development and other human disturbance, and during last century, approximately 95% of wetlands along the Los Angeles coast disappeared largely due to water being diverted by flood control and drainage systems, development of wetland habitats, encroachment, water contamination, and other impacts associated with urbanization[28]. Santa Monica Bay and San Pedro Bay are important coastal resources often threatened by water-born contamination from land-based sources[29]. However, a number of sensitive species still have the potential to occur in these environments. Along the coast, sandy beaches, rocky cliffs, headlands and promontories provide habitat requirements of marine intertidal invertebrates, fishes and mammals, shorebirds, birds-of-prey, migratory songbirds, and waterfowl, as well as numerous unusual and restricted plant species and insects. Similarly, the coastal saltmarsh, saltflats, freshwater marsh, riparian scrub, bluffs and dunes of the southwestern coastal area, including the El Segundo Dunes which

[26] California Department of Finance, Demographic Research Unit, 2012 City Population Rankings.
[27] City of Los Angeles Planning Department. *Conservation Element of the Los Angeles General Plan.* 10 March, 2001 http://cityplanning.lacity.org/
[28] City of Los Angeles Planning Department. Conservation Element of the Los Angeles General Plan, 2001. http://cityplanning.lacity.org/
[29] Ibid.

support the entire world population of the El Segundo Blue butterfly, support a great number of unique, threatened, and endangered plants and animals.

Overall, more than 180 plant and animal species inhabit a diverse range of over 20 types of habitats[30]:

- Chaparral in the Santa Monica/Verdugo Mountain slopes (higher-elevation south-facing slopes)
- Open-structured coastal scrub and grassland in the Simi Hills, Santa Susana, and San Gabriel Mountains (lower-elevation south-facing slopes)
- Sandy beaches, rocky cliffs, headlands, and peninsula dunes
- Marshes and bluffs
- Rivers, creeks, and watersheds
- Bays and the Pacific Ocean

The Los Angeles River, Ballona Creek, Santa Monica Bay, and the Dominguez watershed[31] (see Figure 3.2-1**)** are major watersheds providing biological habitats in the City.

The Los Angeles River watershed covers a land area of approximately 834 square miles. Local stewardship efforts have helped transform the Los Angeles River into a valuable flood protection and recreational resource, as well as a home for a diverse set of local birds, plants, and fish[32]. Ballona Creek, a 9-mile long flood protection channel that drains the Los Angeles basin[33], includes the Ballona wetlands, is one of the two remaining coastal saltmarsh habitats in Los Angeles County, and is used as a breeding ground for several state-listed endangered species. The approximately 414 square-mile Santa Monica Bay watershed is home to numerous fish and avian species, including many sensitive and special status species[34]. The bays and the open ocean are home to a rich range of marine species including brown pelican and marine mammals including whales, seals, southern sea otter, the California sea lion, and many other sensitive species. The Dominguez watershed, located in the southern portion of the City, spans approximately 133 square miles. As it runs through a highly-developed, urbanized area dominated by residential and industrial land uses - including the Port of Los Angeles, it provides value for biological resources primarily within its soft-bottom channels and drainage areas, and in retention and detention basins[35].

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[30] City of Los Angeles Planning Department. Conservation Element of the Los Angeles General Plan, 2001. http://cityplanning.lacity.org/

[31] Chapter 9: Infrastructure Systems Element, Los Angeles City General Plan, 2009. (http://cityplanning.lacity.org/cwd/framwk/chapters/09/09.htm)

[32] Watershed Management Division, Los Angeles Department of Public Works. http://dpw.lacounty.gov/wmd/watershed/LA/

[33] Watershed Management Division, Los Angeles Department of Public Works. http://dpw.lacounty.gov/wmd/watershed/bc/

[34] City of Santa Monica Single-use Carryout Bag Ordinance Final EIR, January 2011.

[35] County of Los Angeles Department of Public Works. Dominguez Watershed Management Final Master Plan, Section 2, 2004. http://dpw.lacounty.gov/wmd/watershed/dc/DCMP/masterplan.cfmhttp://dpw.lacounty.gov/wmd/watershed/dc/DCMP/docs/Section%202%20Background%20Information%20Report.pdf

Figure 3.2-1 Major Watersheds

Special Status Species

The City's fish and wildlife resources are diverse mainly due to the wide range of coastal and mountainous inland habitats in the City of Los Angeles. Some of the species are threatened or endangered by extinction. Examples of sensitive species protection and propagation enhancement programs for unique native plant and animal species and migratory species that exist within the City include Belding's Savannah Sparrow, California condor, California Least Tern, California Native Oaks, and the El Segundo Blue butterfly[36]. Special status plant and animal species and sensitive habitats in the City of Los Angeles and the greater Los Angeles area are illustrated in Figure 3.2-2 and Figure 3.2-3.

[36] City of Los Angeles Planning Department. Conservation Element of the Los Angeles General Plan, 2001. http://cityplanning.lacity.org/

Figure 3.2-2 Plant Species Special Occurences within the Greater Los Angeles Area

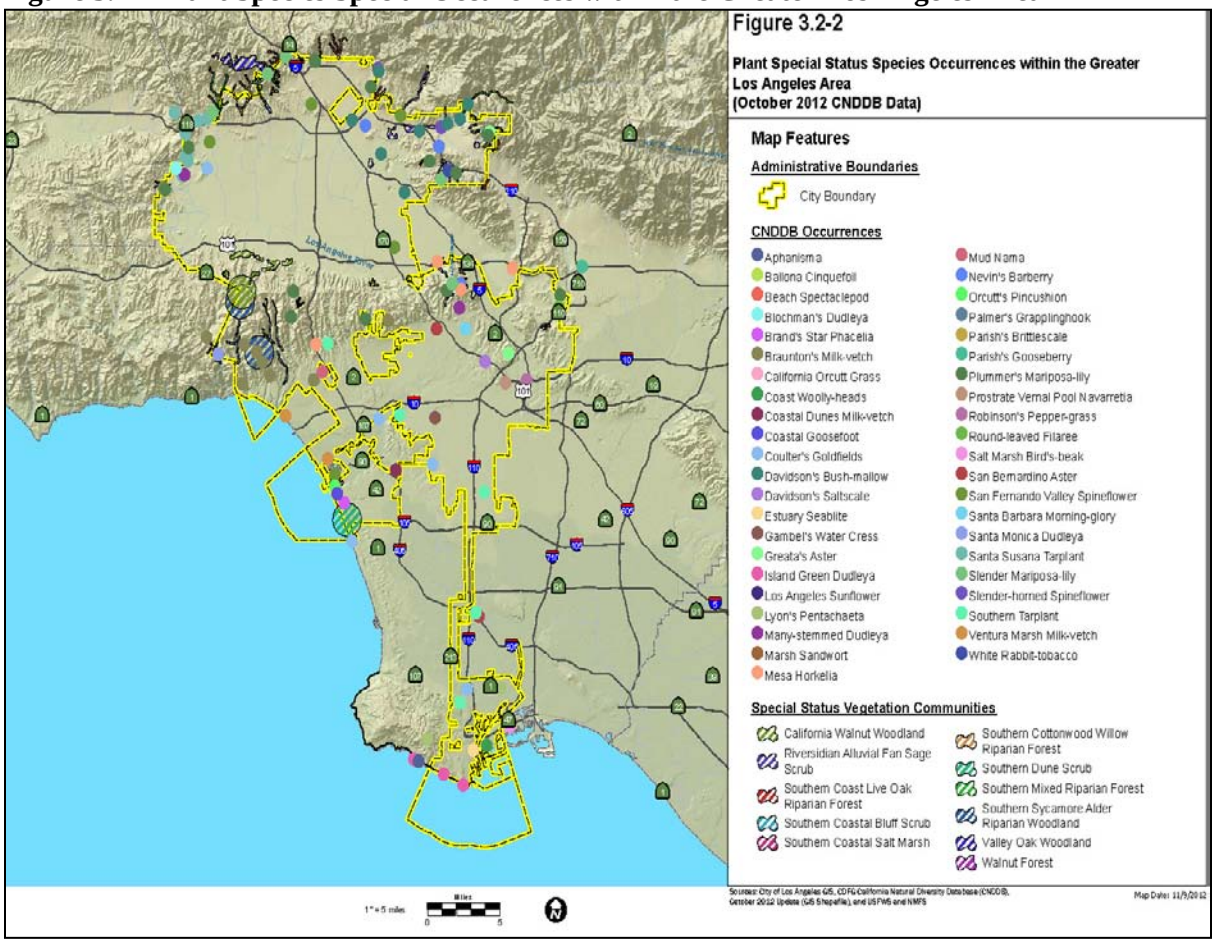
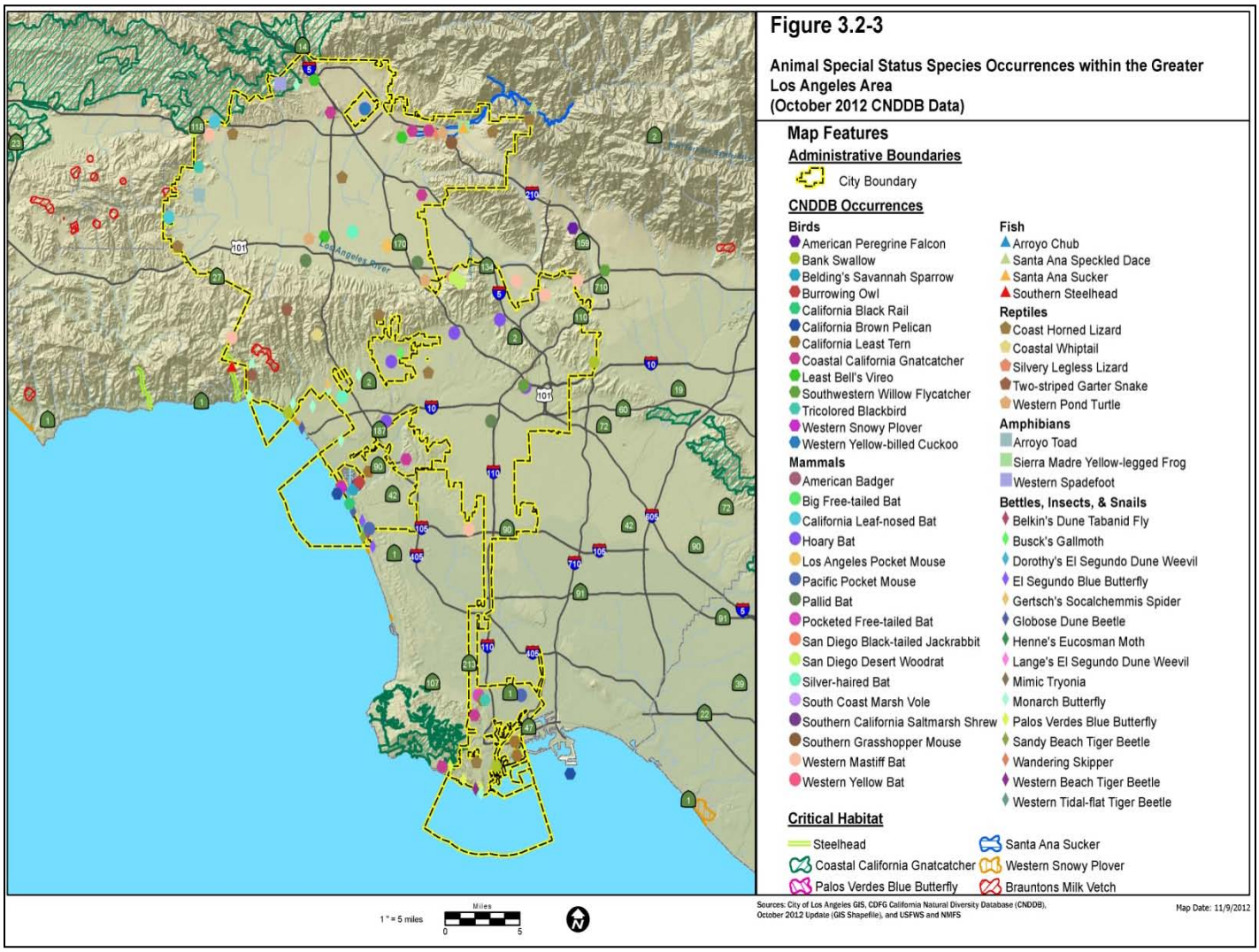


Figure 3.2-3 Animal Species Special Occurrences within the Greater Los Angeles Area



Effects of Plastic Bags on Existing Biological Resources

One of the most ubiquitous and long-lasting changes to the environment caused by modern anthropogenic forces is the accumulation and fragmentation of plastics throughout terrestrial and aquatic environments[37]. Designed only for single-use, plastic single-use carryout bags have a high propensity to become litter with a number of adverse effects[38]. Plastic films, including plastic bags, account for 7% to 30% of all litter in the Los Angeles area.

Typical single-use plastic carryout bags weigh approximately 5 to 9 grams and are made of thin (less than 2.25 mm thick) high density polyethylene (HDPE)[39]. While a customer may reuse a single-use plastic carryout bag at home for lining waste baskets or picking up pet waste, eventually the bags are disposed in the landfill or recycling facility or are discarded as litter. Although some recycling facilities handle plastic bags, most reject them because they can get caught in the machinery and cause malfunctions, or are contaminated after use. It is estimated that only about 5% of the plastic bags in California and nationwide are currently recycled[40].

The majority of single-use plastic carryout bags end up as litter or in the landfill, and even those in the landfill may be blown away as litter due to their light weight and resistance to breaking-down[41]. Plastic debris has accumulated in forests, hillsides, meadows, and others terrestrial environments; in the open ocean; on shorelines of even the most remote islands; and in the deep sea. Larger and smaller, broken-down or micro-plastic debris, including plastic bags, may choke and starve wildlife, absorb toxic materials and degrade micro-plastics that may be subsequently digested.[42]

Stormwater runoff can carry floatable materials through the street gutters to the catch basins of the stormwater collection system, to nearby creeks, rivers, beaches and harbors. Single-use plastic carryout bags and styrofoam food containers are a significant portion of the trash in urban surface water runoff, and in 2007 plastic bag litter comprised up to 25% of the litter stream entering the Los Angeles River Watershed via storm drains[43]. As a result of the litter impairing water quality in the Los Angeles River, the City has been installing full capture devices to prevent litter from entering the waterways via storm drains, in compliance with the Regional Water Quality Control Board permit requirements. The devices are designed to trap particles of 5 mm or larger during specified intensity storm events. Once all these devices are installed, the City is deemed to be in compliance with the trash total maximum daily loads (TMDL) in areas served by a full capture system within the Los Angeles River watershed[44]. While these devices are one of the methods of capturing litter during specified intensity of storm events, there still may be litter entering the

[37] Barnes D.K.A., Galgani F., Thompson, R.C., Barlaz M. "Accumulation and fragmentation of plastic debris in global environments." Philosophical Transactions of The Royal Society of Biological Sciences. 364 (1526). 2009. http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2873009/

[38] Heal the Bay, Surfrider Foundation, 5 Gyres, 7th Generation Advisors, Team Marine Comments on Initial Study – City of Los Angeles' Single-Use Bag Ordinance, October 18, 2012.

[39] Santa Monica Single-use Carryout Ordinance EIR, City of Santa Monica, 2011.

[40] US EPA, 2005; Green Cities California MEA, 2010; and Boustead, 2007.

[41] Master Environmental Assessment on Single-use and Reusable Bags. March 2010.

[42] Barnes, et al. "Accumulation and fragmentation of plastic debris in global environments", cited *Phil. Trans. R. Soc. B 364* (2009)

[43] Heal the Bay, Surfrider Foundation, 5 Gyres, 7th Generation Advisors, Team Marine Comments on Initial Study – City of Los Angeles' Single-Use Bag Ordinance, October 18, 2012.

[44] California Regional Water Quality Control Board, Trash Total Maximum Daily Loads for the Los Angeles River, July, 2007.

waterways via the drains during more intense storm events, and transport of plastic carryout bag litter by wind action and direct disposal into the waterways will not be reduced.

Plastic—especially plastic bags and PET bottles—is the most pervasive type of marine litter around the world[45]. The accumulation of plastic fragments in marine environments is of particular concern because they are difficult to remove from the environment and because they have the potential to be ingested by organisms at all levels of the food chain. Over 260 species of wildlife, including invertebrates, turtles, fish, seabirds, and mammals have been reported to ingest or become entangled in plastic debris. The harmful results include impaired movement and feeding, reduced reproductive ability, lacerations, ulcers, and death[46]. Sea turtles sometimes mistake plastic bags for jellyfish, one of their primary food sources. Many have been found bloated with plastic bags in their digestive tracts or gut[47]. The small plastic resin pellets used to manufacture plastic bags often flow to storm drains. Mistaken for fish eggs, they are also often consumed by marine life[48]. According to the Los Angeles Regional Water Quality Control Board, a major trash problem is the broader phenomenon that affects ocean waters, as small pieces of plastic called "nurdles" float at various depths in the ocean. As sunlight and UV radiation renders plastic brittle, wave energy pulverizes the brittle material, with a subsequent chain of adverse effects on the various filter-feeding organisms found near the ocean's surface. Studies indicate that in the North Pacific the number of large floating plastic and smaller fragments is increasing[49].

The proportion of macro- and micro-plastic particles in the ocean can vary globally. According to the 2007 International Coastal Clean-up (ICC) report by the Ocean Conservancy, plastic bags were the fourth most common debris item collected worldwide. Over 7 million plastic bags were collected during annual ICC events over the last 25 years[50]. In 2010, the Ocean Conservancy found that 14.6% of marine wildlife found entangled were entangled by plastic bags.[51] Literature on the quantifiable effects of plastic bag debris on wildlife continues to expand as researchers strive to fully understand the environmental consequences on biological resources, since in particular, environmental consequences of microscopic debris in the deep sea is still poorly understood[52].

Impact Criteria

The proposed project would have a significant impact on biological resources if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S.

[45] United Nations Environment Programme, Marine Litter: A Global Challenge, 2009.
[46] Green Cities California Master Environmental Assessment on Single-use and Reusable Bags. March 2010.
[47] Ibid.
[48] Green Cities California: Master Environmental Assessment on Single-use and Reusable Bags. March 2010.
[49] Watershed Protection Division, Department of Public Works, Bureau of Sanitation, City of Los Angeles. City of Los Angeles High Trash-Generation Areas and Control Measures. January 2002.
[50] Heal the Bay, Surfrider Foundation, 5 Gyres, 7th Generation Advisors, Team Marine Comments on Initial Study – City of Los Angeles' Single-Use Bag Ordinance, October 18, 2012.
[51] Ocean Conservancy. "Trash Travels: 2010 Report." 2010: http://act.oceanconservancy.org/images/2010ICCReportRelease_pressPhotos/2010_ICC_Report.pdf
[52] Barnes D.K.A., Galgani F., Thompson, R.C., Barlaz M. "Accumulation and fragmentation of plastic debris in global environments." Philosophical Transactions of The Royal Society of Biological Sciences. 364 (1526). 2009: http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2873009/

Fish and Wildlife Service;

- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service; and/or

- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Environmental Impact

The proposed City of Los Angeles Single-Use Carryout Bag Ordinance does not include any physical activities that would result in direct impacts on biological resources. The ordinance would prohibit specified retail stores from providing single-use plastic carryout bags to customers, place a $0.10 charge per bag on the distribution of paper carryout bags, and promote the use of reusable bags in the City of Los Angeles. Reusable bags have not been widely noted to have adverse impacts upon biological resources. Although reusable bags do eventually get discarded and become part of the waste stream, the fact that they can be reused multiple times means that the number of reusable bags in the waste stream is much lower than the number of single-use paper or plastic carryout bags, which are generally only used once or twice. The smaller number of reusable bags in the waste stream means that reusable bags are less likely to be littered and due to their heavier weight in comparison to single-use plastic and paper bags, reusable bags are less likely to be blown from a landfill or trash receptacles and thus less likely to become litter[53]. Therefore, the reusable bags are less likely to end up in wildlife habitats.

Single-use paper carryout bags are less likely to become litter compared to single-use plastic carryout bags because of their heavier weight, biodegradability of the materials, and recyclability[54], and therefore, the single-use paper carryout bags are less likely to end up in wildlife habitats. The proposed ordinance is anticipated to deter the use of single-use paper carryout bags by instituting a point of sale fee for the bags. The preliminary data submitted by stores during the first three quarters of the year following Los Angeles County's ordinance - which banned single-use plastic carryout bags and imposed a charge on single-use paper carryout bags, shows a significant reduction of 13% in paper bag usage within Los Angeles County after the enactment of the ban compared to usage prior to the enactment of the ordinance[55]. Since then, the County of Los Angeles has released information that in third quarter of 2012, annual paper bag usage per store declined further to approximately 121,000 per store. These data show that the use of paper bags at retail stores not only did not temporarily increase as a result of a ban on single-use plastic carryout bags, but actually decreased significantly after the enactment of the ordinance.

Impacts to State-designated Sensitive Habitats

Litter, including single-use plastic carryout bags, enters terrestrial and marine environments Floatable trash has been noted to inhibit the growth of aquatic vegetation, decreasing spawning

[53] Heal the Bay, Surfrider Foundation, 5 Gyres, 7th Generation Advisors, Team Marine Comments on Initial Study – City of Los Angeles' Single-Use Bag Ordinance, October 18, 2012.[54] Green Cities California MEA, 2010
[54] Green Cities California MEA, 2010
[55] County of Los Angeles, Department of Public Works, July 2012. http://dpw.lacounty.gov/epd/aboutthebag

areas and habitats for fish and other living organisms[56]. The proposed ordinance is intended to reduce the amount of litter attributed to plastic bag waste at the source, which would be expected to result in a beneficial indirect impact upon State-designated sensitive habitats by reducing the amount of litter in these areas.

Single-use paper carryout bags also have the potential to enter the terrestrial and marine environment as litter. Paper carryout bags are typically produced from Kraft paper and weigh anywhere from 50-100 grams, depending on whether or not the bag includes handles[57]. A single-use paper carryout bag weighs substantially more (approximately 40-90 grams more) than single-use plastic bags. Because of the weight, biodegradability of the materials, and recyclability, single-use paper bags are less likely to become litter compared to single-use plastic bags[58]. In addition, because single-use paper bags are not as resistant to breakdown, there would be less risk of entanglement if entering the marine environment compared to single-use plastic bags. Also, although not a healthy food source, if ingested, a single-use paper bag can be chewed effectively and may be digested by many species including marine animals[59]. Thus, although single-use paper bag litter may enter habitats and affect sensitive species in the terrestrial and marine environment, the impact would be less than that of single-use plastic bags. In addition, as discussed previously the data collected by the County of Los Angeles showed that the use of paper bags in large stores not only did not temporarily increase as a result of a ban of single-use plastic carryout bags, but actually decreased significantly after the enactment of the ordinance.

Reusable bags may also become litter and enter the terrestrial and marine environment; however, these bags differ from the single-use bags in their weight and longevity. Reusable bags can be made from plastic, vinyl, or from a variety of plant-based textiles, such as cotton. Built to withstand many uses, reusable bags weigh at least 10 times what a single-use plastic bag weighs and 2 times what a single-use paper bag weighs, therefore restricting the movement by wind. Reusable bags are typically reused multiple times, and then usually disposed either in a landfill or in a recycling facility. Because of the weight and sturdiness of these bags, reusable bags are less likely to be discarded as litter, or carried from landfills by wind as litter compared to single-use plastic and paper carryout bags. In addition, since reusable bags can be used 100 times or more[60], reusable bags would be disposed of less often than single-use carryout bags. As such, reusable bags are less likely to enter the terrestrial and marine environment as litter. Therefore, reusable bags would generally be expected to result in fewer impacts to sensitive species than single-use plastic and paper carryout bags.

Impacts to Rare, Threatened, and Endangered Species

A number of special status species occur or have a potential to occur within the City of Los Angeles, as illustrated in Figures 3.2-2 and 3.2-3.

According to the Regional Water Quality Control Board (RWQCB) for the Los Angeles Region, trash has potentially harmful impacts to aquatic species, and plastic bags are one of the most common items of trash observed by RWQCB staff[61]. An ad hoc committee on the Los Angeles

[56] City of Los Angeles High Trash Generation Areas and Control Measures, January 2002.
[57] AEA Technology, 2009.
[58] Green Cities California, Master Environmental Assessment on Single-use and Reusable Bags, March 2010.
[59] Ibid
[60] Ibid
[61] Regional Water Quality Control Board, Los Angeles Region. Trash Total Maximum Daily Loads for the Los Angeles River Watershed, July 2007.

River and Watershed Protection Division reported in 2004 that plastic bag litter collected at a catch basin cleaning event in the City comprised 25% of litter by weight and 19% by volume.[62] Seabirds, sea turtles, and marine mammals that feed on or near the ocean surface are especially prone to ingesting plastic debris that floats[63]. The impacts include fatalities as a result of ingestion, starvation, suffocation, infection, drowning, and entanglement[64]. Preventing trash from entering water bodies, such as the Los Angeles River, has the potential to improve habitats and aquatic life. The proposed City of Los Angeles Single-Use Carryout Bag Ordinance is expected to promote a shift to the use of reusable carryout bags by the City of Los Angeles retail customers and would, therefore, incrementally reduce the amount of litter associated with single-use plastic carryout bags entering water bodies and terrestrial environments. Stores making available paper carryout bags would be required to sell paper carryout bags made with a 40% post-consumer recycled content to customers for not less than $0.10 per bag. This requirement would create a deterrent to customers to request single-use paper carryout bags when shopping at regulated stores and is intended to promote a major shift toward the use of reusable carryout bags by consumers in the City of Los Angeles. Removing nearly 2 billion single-use plastic carryout bags consumed annually in the City would be expected to generally reduce litter-related impacts to sensitive species, including rare, threatened, or endangered species. Therefore, sensitive species would benefit from the proposed ordinance, which would reduce the amount of litter which could enter the terrestrial and marine environments and habitats. Impact would be beneficial.

Impacts to Federally Protected Wetlands

Removing nearly 2 billion single-use plastic carryout bags that are consumed in the City annually would be expected to improve surface water quality by reducing the potential for single-use plastic carryout bags to end up in surface waters[65]. Therefore, the proposed ordinance would be anticipated to result in a beneficial impact to federally protected wetlands.

Mitigation Measures

Impact to biological resources would be beneficial and no mitigation is required.

Level of Impact after Mitigation

Impact to biological resources would be beneficial and no mitigation is required.

[62] Characterization of Urban Litter; Ad Hoc Committee on Los Angeles River and Watershed Protection Division, 2004.

[63] California Ocean Protection Council, 2008; National Research Council, 2008; and U.S. EPA, 2002

[64] California Ocean Protection Council, 2008; Gregory, Murray R. 2009. "Environmental Implications of Plastic debris in Marine Settings – Entanglement, Ingestion, Smothering, Hangers-on, Hitch-hiking and Alien Invasions." In Philosophical Transactions of the Royal Society Biological Sciences, 364: 2013–2025.

[65] Anacostia Watershed Society. December 2008.

Cumulative Impact

Adopted and pending carryout bag ordinances would generally have beneficial effects with respect to sensitive biological resources since each ordinance is intended to reduce the amount of single-use plastic carryout bags in each respective jurisdiction, which would reduce litter that enters terrestrial and marine habitats. The impact associated with the proposed City of Los Angeles Single-use Carryout Bag Ordinance on biological resources would also be beneficial. Therefore, the proposed ordinance is anticipated to contribute to the regional beneficial cumulative impact to biological resources.

3.3 Greenhouse Gas Emissions

This section provides an overview of existing greenhouse gas (GHG) conditions and evaluates the climate change impacts associated with the proposed ordinance.

Environmental Setting

The greenhouse effect refers to a planet-wide, overall warming that results when the atmosphere traps heat radiating from Earth toward space. Certain gases in the atmosphere act like the glass in a greenhouse – allowing sunlight to pass into the greenhouse, but blocking heat from escaping into space. The gases that contribute to the greenhouse effect include water vapor, carbon dioxide (CO_2), methane (CH_4), nitrogen dioxide (NO_2), and chlorofluorocarbons. While the greenhouse effect is essential to life on earth, emissions from burning fossil fuels, deforestation, and other causes have increased the concentration of greenhouse gases (GHGs) to dangerous levels.

In addition to CO_2, CH_4, and NO_2, GHGs include hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and water vapor. Of all the GHGs, CO_2 is the most abundant pollutant that contributes to climate change through fossil fuel combustion. CO_2 comprised 83.3% of the total GHG emissions in California in 2002. The other GHGs are less abundant but have higher global warming potential than CO_2. To account for their higher potential, emissions of other GHGs are frequently expressed in the equivalent mass of CO_2, denoted as CO_2e. The CO_2e of CH_4 and NO_2 represented 6.4% and 6.8% respectively, of the 2002 California GHG emissions. Other high global warming potential gases represented 3.5% of these emissions. In addition, there are a number of human-made pollutants - such as carbon monoxide, nitrogen oxides, non-methane volatile organic compounds (VOCs), and sulfur dioxide - that have indirect effects on terrestrial or solar radiation absorption by influencing the formation or destruction of other climate change emissions.

Effects of Climate Change

Globally, climate change has the potential to affect numerous environmental resources through potential impacts related to future air temperatures and precipitation (rain/hail/snow) patterns. Scientific modeling predicts that continued GHG emissions at or above current rates would induce more extreme climate changes during the 21st century than were observed during the 20th century. Scientists have projected that the average global surface temperature could rise by 1.0-4.5 degrees Fahrenheit (°F) (0.6-2.5 degrees Celsius (°C)) in the next 50 years, and the increase may be as high as 2.2-10°F (1.4-5.8°C) in the next century. According to the California Environmental Protection Agency (Cal/EPA) 2010 Climate Action Team Biennial Report, potential impacts of climate change in California may include loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more

drought years[66]. Below is a summary of some of the most important and far-reaching potential effects that could occur in California as a result of climate change.

Sea Level Rise. Climate change has the potential to induce substantial sea level rise in the coming century[67]. The rising sea level increases the likelihood and risk of flooding. The study identifies a sea level rise on the California coast over the past century of approximately 8 inches. Based on the results of various global climate change models, sea level rise is expected to continue. The California Climate Adaptation Strategy estimates a sea level rise of up to 55 inches by the end of this century.

Air Quality. Higher temperatures, which are conducive to air pollution formation, could worsen air quality in California. Climate change may increase the concentration of ground-level ozone, but the magnitude of the effect, and therefore its indirect effects, are uncertain. If higher temperatures are accompanied by drier conditions, the potential for large wildfires could increase, which, in turn, would further worsen air quality. Additionally, severe heat accompanied by drier conditions and poor air quality could increase the number of heat-related deaths, illnesses, and asthma attacks throughout the State[68].

Water Supply. Analysis of paleoclimatic (pre-historic) data (such as tree-ring reconstructions of stream flow and precipitation) indicates a history of naturally and widely varying hydrologic conditions in California and the west, including a pattern of recurring and extended droughts. Uncertainty remains with respect to the overall impact of climate change on future water supplies in California. However, the average early spring snowpack in the Sierra Nevada decreased by about 10% during the last century, a loss of 1.5 million acre-feet of snowpack storage. During the same period, sea level rose 8 inches along California's coast. California's temperature has risen about 1°F (about 0.6°C), mostly at night and during the winter, with higher elevations experiencing the highest increase. Many Southern California cities have experienced their lowest recorded annual precipitation twice within the past decade. In a span of only two years, Los Angeles experienced both its driest and wettest years on record.

This uncertainty complicates the analysis of future water demand, especially where the relationship between climate change and its potential effect on water demand is not well understood. The Sierra snowpack provides the majority of California's water supply by accumulating snow during our wet winters and releasing it slowly during our dry springs and summers. Based upon historical data and modeling, the California Department of Water Resources projects that the Sierra snowpack will experience a 25% to 40% reduction from its historic average by 2050, and the climate change is also anticipated to bring warmer storms that result in less snowfall at lower elevations, reducing the total snowpack.

Hydrology. As discussed above, climate change could potentially affect: the amount of snowfall, rainfall, and snow pack; the intensity and frequency of storms; flash floods, extreme rain or snow events, coincidental high tide and high runoff events; sea level rise and coastal flooding; coastal erosion; and the potential for salt water intrusion. Sea level rise may be a product of climate change through two main processes: expansion of sea water as the oceans warm and melting of ice over land. A rise in sea levels could result in coastal flooding and erosion and could jeopardize California's water supply due to salt water intrusion. Increased storm intensity and

[66]California Environmental Protection Agency, Climate Action Team Biennial Report, April 2010.
[67]California Climate Change Center, The Impacts of Sea-Level Rise on the California Coast, May 2009.
[68]California Energy Commission, Inventory Draft 2009 Biennial Report to the Governor and Legislature, Staff Draft Report, March 2009.

frequency could affect the ability of flood-control facilities, including levees, to handle storm events.

Agriculture. California has a $30 billion agricultural industry that produces half of the country's fruits and vegetables. Higher CO_2 levels can stimulate plant production and increase plant water-use efficiency. However, if temperatures rise and drier conditions prevail, water demand could increase; crop-yield could be threatened by a less reliable water supply; and greater air pollution could render plants more susceptible to pest and disease outbreaks. In addition, temperature increases could change the time of year certain crops, such as wine grapes, bloom or ripen, and thereby affect their quality[69].

Ecosystems and Wildlife. Climate change and the potential resulting changes in weather patterns could have ecological effects on a global and local scale. Increasing concentrations of GHGs are likely to accelerate the rate of climate change. Scientists project that the average global surface temperature could rise by 1.0-4.5°F (0.6-2.5°C) in the next 50 years, and 2.2-10°F (1.4-5.8°C) in the next century, with substantial regional variation. Soil moisture is likely to decline in many regions, and intense rainstorms are likely to become more frequent. Sea level could rise as much as 2 feet along most of the U.S. coast. Rising temperatures could have four major impacts on plants and animals: (1) timing of ecological events; (2) geographic range; (3) species' composition within communities; and (4) ecosystem processes, such as carbon cycling and storage[70,71].

The above-mentioned potential impacts identify the possible effects of climate change at a global and potentially statewide level. In general, scientific modeling tools are currently unable to predict specifically what impacts would occur locally with a similar degree of accuracy. In general, regional and local predictions are made based on downscaling statewide models[72].

Global Greenhouse Gas Emissions

Data describing atmospheric GHG concentrations over the past 800,000 years show that concentrations of CO_2 have increased since pre-industrial times, from approximately 280 parts per million (ppm) to approximately 353 ppm in 1990 and approximately 379 ppm in 2005.[73] In 2000, the United Nations International Panel on Climate Change described potential global emission scenarios for the coming century. The scenarios vary from a best-case characterized by low population growth, clean technologies, and low GHG emissions; to a worst-case where high population growth and fossil-fuel dependence result in extreme levels of GHG emissions. While some degree of climate change is inevitable, most climate scientists agree that to avoid dangerous climate change, atmospheric GHG concentrations need to be stabilized at 350 to 400 ppm.

California Greenhouse Gas Emissions

Based upon the California Air Resources Board (CARB) California Greenhouse Gas Inventory for 2000-2009[74], California produced 457 million metric tons of CO_2e in 2009. The major source

[69]California Climate Change Center, Climate Scenarios for California, 2006.
[70]Parmesan, C., Ecological and Evolutionary Responses to Recent Climate Change, 2004.
[71]Parmesan C, Galbraith H., Observed Ecological Impacts of Climate Change in North America, Pew Center for Global Climate Change, 2004.
[72]California Energy Commission, Inventory Draft 2009 Biennial Report to the Governor and Legislature. Staff Draft Report, March 2009.
[73]City of West Hollywood, Climate Action Plan, September 6, 2011.
[74] (http://www.arb.ca.gov/cc/inventory/data/data.htm)

of GHG in California is transportation, contributing 38% of the State's total GHG emissions. Electricity generation is the second largest source, contributing 23% of the State's GHG emissions.

Greenhouse Gas Emissions from Carryout Bags

Carryout bags have the potential to contribute to the generation of GHGs through emissions associated with manufacturing process, through truck trips delivering carryout bags to retailers, and through disposal as part of landfill decomposition.

Manufacturing Process. The manufacturing process for plastic carryout bags, whether single-use or reusable, starts with petroleum and/or natural gas, and consumes energy that generates GHG emissions. In addition, fertilizers that are used on crops for cotton, pulp, and similar materials which are utilized in the manufacture of plant-based textile reusable carryout bags, also generate GHG emissions. The amount of GHG emissions varies depending on the type and quantity of carryout bags produced. The manufacturing process is the largest emitter of GHGs due to the high volume of fuel that is used during the process.

Truck Trips. Delivery trucks that transport carryout bags from manufacturers or distributors to local retailers also generate GHG emissions. Based on a baseline population estimate in the City of 3,825,297 persons in 2012 and a statewide estimate of approximately 531 single-use plastic carryout bags used per person per year, retail customers in the City currently use an estimated 2,031,232,707 single-use plastic carryout bags per year. Assuming 2,080,000 plastic bags per truck load, approximately 977 annual truck trips (an average of about 2.7 trips per day) would be needed to deliver these carryout bags[75].

Disposal/Degradation. Most carryout bags that do not become litter or are not recycled are deposited in a landfill where they are left to decompose and degrade. Depending on the type and materials used, a carryout bag will degrade at various rates. CH_4 is emitted when carryout bag materials degrade in anaerobic conditions in a landfill[76].

GHG Emission Rates per Bag. Various studies have estimated GHG emissions for the different carryout bags (single-use plastic, paper or reusable bags) to determine a per bag GHG emissions rate. The Boustead Report, commissioned by the Progressive Bag Alliance, a consortium of plastic bag manufacturers, compared single-use plastic and paper carryout bags and assumed that one single-use paper bag could carry the same quantity of groceries as 1.5 single-use plastic bags[77]. Based on the Boustead Report, 1,500 single-use plastic bags would generate 0.04 metric tons of CO_2e as a result of manufacturing, transport, and disposal. Based on the Scottish Report, GHG emissions associated with the manufacture, use, and disposal of a single-use paper bag are 3.3 times greater than the emissions generated by the manufacture, use and disposal of a single-use plastic bag[78]. Thus, based on the single-use plastic bag GHG emissions rate of 0.04 metric tons CO_2e per 1,500 from the Boustead Report, single-use paper bags would emit 0.132 metric tons CO_2e per 1,000 bags (0.04 x 3.3 = 0.132). If only used once, the manufacture, use and disposal of a reusable low-density polyethylene (LDPE) carryout bag results in 2.6 times the

[75]City of Santa Monica, Santa Monica Single-use Carryout Bag Ordinance Final Environmental Impact Report (SCH# 2010041004), January 2011.
[76]Green Cities California, Master Environmental Assessment on Single-Use and Reusable Bags, March 2010.
[77]Boustead Consulting and Associates Ltd., Life Cycle Assessment for Three Types of Grocery Bags – Recyclable Plastic; Compostable, Biodegradable Plastic; and Recycled, Recyclable Paper, 2007.
[78]AEA Technology. 2005. Proposed Plastic Bag Levy - Extended Impact Assessment (Scottish Report), 2005.

GHG emissions of a single-use high-density polyethylene (HDPE) plastic bag[79]. Therefore, reusable LDPE carryout bags would emit 0.104 metric tons CO_2e per 1,000 bags if used only once; if used 20 times, a reusable LDPE carryout bag results in 10% of the GHG emissions of a single-use HDPE plastic bag[80].

The above statistics use the reusable LDPE carryout bag as a representation of reusable bags in evaluating GHG impacts. (There is no known available Life Cycle Assessment that evaluates all types of reusable bags, such as canvas, cotton, etc. with respect to potential GHG emissions) However, given the potential high rate of reuse of all types of reusable bags[81], the GHG emissions from these bags are expected to be comparable to or lower than the LPDE bag.

Table 3.3-1 lists the GHG emissions using the per-bag impact rates discussed above and the estimated number of existing single-use plastic bags used in the City. Manufacturing and transportation of single-use plastic bags currently used in the City each year generates an estimated 54,166 metric tons CO_2e per year.

Table 3.3-1
Current Greenhouse Gas Emissions from Plastic Carryout Bags

Bag Type	Number of Bags Used per Year	GHG Impact Rate per Bag	CO_2e Emissions (metric tons per 1,500 bags) /a/	CO_2e per Year (metric tons)	CO_2e per Person /b/
Single-Use Plastic	2,031,232,707	1.0	0.04	54,166	0.014

/a/ Based on Boustead Report, 2007; Santa Monica Single-use Carryout Bag Ordinance Final EIR, January 2011, San Mateo County Single-Use Bag Ban Ordinance Final EIR, December 2012.
/b/ Based on the 2012 City population of 3,825,297, California Department of Finance Demographic Research Unit.

Greenhouse Gas Emissions and Climate Change Regulations

A number of federal, state, regional, and local laws, policies and regulations have been developed to combat global warming and climate change. The federal laws, policies and regulations most applicable to the proposed project include:

Energy Independence and Security Act. The Energy Independence and Security Act of 2007 includes several key provisions that will increase energy efficiency and the availability of renewable energy, which are expected to reduce greenhouse gas emissions. First, the Act sets a Renewable Fuel Standard that requires fuel producers to use at least 36 billion gallons of biofuel by 2022. Second, it increased Corporate Average Fuel Economy Standards to require a minimum average fuel economy of 35 miles per gallon for the combined fleet of cars and light trucks by 2020. Third, the adopted bill includes a variety of new standards for lighting and for residential and commercial appliance equipment. The equipment includes residential refrigerators, freezers, refrigerator-freezers, metal halide lamps, and commercial walk-in coolers and freezers.

[79]Ibid.
[80]Ibid.
[81]This represents a very conservative estimate since according to the Green Cities California MEA on Single-use and Reusable Bags, reusable bags may be used 100 times or more.

National Fuel Efficiency Policy. The National Fuel Efficiency Policy aims at increasing fuel economy and reducing greenhouse gas pollution.[82] The Policy is expected to increase fuel economy by more than 5% by requiring a fleet-wide average of 35.5 miles per gallon by 2016 starting with model years 2012. However, federal fuel economy standards have not yet been promulgated to establish specific benchmarks.

Heavy Duty Regulations. The Heavy-Duty National Program establishes the first fuel efficiency requirements for medium- and heavy-duty vehicles beginning with the model year 2014. It is estimated that the combined standards will reduce CO_2 emissions by about 270 million metric tons and save about 530 million barrels of oil over the life of vehicles built for the 2014 to 2018 model years, providing $49 billion in net program benefits. The reduced fuel use alone will enable $50 billion in fuel savings to accrue to vehicle owners, or $42 billion in net savings when considering technology costs. A second phase of regulations is planned for model years beyond 2018.

California has also adopted a series of laws to reduce emissions of GHGs into the atmosphere, including:

Executive Order (E.O.) S-3-05. E.O. S-3-05 set the following GHG emission reduction targets: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; and by 2050, reduce GHG emissions to 80% below 1990 levels. It calls for the Secretary of the Cal/EPA to be responsible for coordination of State agencies and progress reporting. A recent California Energy Commission report concludes that the primary strategies to achieve this target should be a major "decarbonization" of electricity supplies and fuels, and major improvements in energy efficiency.[83]

In response to the Executive Order, the Secretary of the Cal/EPA created the Climate Action Team (CAT). The CAT currently has members from 18 State agencies and departments, and 10 working groups which coordinate policies among their members. The working groups focus on reducing GHG emissions and facilitating climate change adaptation in the major areas of Agriculture; Biodiversity; Energy; Forestry; Land Use and Infrastructure; Ocean and Coastal; Public Health; Water; State Government, and Research. The CAT is responsible for preparing reports that summarize the State's progress in reducing GHG emissions. The most recent CAT Report was published in December 2010 and discusses mitigation and adaptation strategies, State research programs, policy development, and future efforts.

Assembly Bill 32 (AB 32). The California Global Warming Solutions Act of 2006, also known as AB 32, focuses on reducing GHG emissions in California, and requires CARB to adopt rules and regulations that would achieve a reduction in GHG emissions to a level equivalent to Statewide levels in 1990, by 2020. To achieve this goal, AB 32 mandates that CARB establish a quantified emissions cap, institute a schedule to meet the cap, implement regulations to reduce Statewide GHG emissions from stationary sources, and develop tracking, reporting, and enforcement mechanisms to ensure that reductions are achieved. Because the intent of AB 32 is to limit 2020 emissions to the level of 1990 emissions, it is expected that the regulations would affect many existing sources of GHG emissions and not just new general development projects. Senate Bill (SB) 1368, a companion bill to AB 32, requires the California Public Utilities

[82]The White House Office of the Press Secretary, President Obama Announces National Fuel Efficiency Policy, May 2009, available at http://www.whitehouse.gov/the_press_office/President-Obama-Announces-National-Fuel-Efficiency-Policy/, accessed February 6, 2012.
[83]California Energy Commission, California's Energy Future – The View to 2050, May 2011.

Commission and the California Energy Commission to establish GHG emission performance standards for the generation of electricity. These standards will also apply to power that is generated outside of California and imported into the State.

AB 32 charges CARB with the responsibility to monitor and regulate sources of GHG emissions in order to reduce those emissions. On June 1, 2007, CARB adopted three discrete early action measures to reduce GHG emissions. These measures involved complying with a low carbon fuel standard, reducing refrigerant loss from motor vehicle air conditioning maintenance, and increasing methane capture from landfills.[84] On October 25, 2007, CARB tripled the set of early action measures. The second set of approved measures include improving truck efficiency (i.e., reducing aerodynamic drag), electrifying port equipment, reducing perfluorocarbons from the semiconductor industry, reducing propellants in consumer products, promoting proper tire inflation in vehicles, and reducing sulfur hexaflouride emissions from the non-electricity sector. CARB has determined that the total Statewide aggregated GHG 1990 emissions level and 2020 emissions limit is 427 million metric tons of CO_2e. The 2020 target reductions are currently estimated to be 174 million metric tons of CO_2e.

The CARB AB 32 Scoping Plan contains the main strategies to achieve the 2020 emissions cap. The Scoping Plan was developed by CARB with input from the CAT and proposes a comprehensive set of actions designed to reduce overall carbon emissions in California, improve the environment, reduce oil dependency, diversify energy sources, and enhance public health while creating new jobs and improving the State economy. The GHG reduction strategies contained in the Scoping Plan include direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, and market-based mechanisms such as a cap-and-trade system. Key approaches for reducing GHG emissions to 1990 levels by 2020 include:

- Expanding and strengthening existing energy efficiency programs as well as building and appliance standards
- Achieving a Statewide renewable electricity standard of 33%
- Developing a California cap-and-trade program that links with other Western Climate Initiative partner programs to create a regional market system
- Establishing targets for transportation-related GHG emissions for regions throughout California, and pursuing policies and incentives to achieve those targets, and
- Adopting and implementing measures to reduce transportation sector emissions

CARB has also developed GHG mandatory reporting regulations that require reporting for certain types of facilities that make up the bulk of the stationary source emissions in California. The regulation language identifies major facilities as those that generate more than 25,000 metric tons of CO_2 per year. These facilities, which include cement plants, oil refineries, electric generating facilities/providers, co-generation facilities, and hydrogen plants and other stationary combustion sources make up 94% of the point source CO_2 emissions in California.

Senate Bill 375 (SB 375). SB 375 (Steinberg, Chapter 728, Statutes of 2008) provides a means for achieving AB 32 goals through the reduction in emissions from cars and light trucks. SB 375 requires new Regional Transportation Plans (RTPs) to include Sustainable Communities Strategies (SCSs). This legislation also allows the development of an Alternative Planning Strategy (APS) if the targets cannot be feasibly met through an SCS. The APS is not included as part of an RTP.

[84]California Air Resources Board, Proposed Early Action Measures to Mitigate Climate Change in California, April 2007.

Executive Order (E.O.) S-1-07, the Low Carbon Fuel Standard. E.O. S-1-07 requires a reduction of at least 10% in the carbon intensity of California's transportation fuels by 2020. Implementation of the Low Carbon Fuel Standard has been assigned to CARB. The Low Carbon Fuel Standard has been identified by ARB as a discrete early action item in the Adopted *Climate Change Scoping Plan*. CARB expects the Low Carbon Fuel Standard to achieve the minimum 10% reduction goal; however, many of the early action items outlined in the *Climate Change Scoping Plan* work in tandem with one another.

Executive Order S-13-08. Executive Order S-13-08 directs California to develop methods for adapting to climate change impacts through preparation of a Statewide Plan. In response to this order, the California Natural Resources Agency coordinated with ten State agencies, multiple scientists, a consulting team, and stakeholders to develop the first Statewide, multi-sector adaptation strategy in the country. The resulting report, *2009 California Climate Adaptation Strategy*, summarizes the best-known science to assess the vulnerability of the State to climate change impacts, and outlines possible solutions that can be implemented within and across State agencies to promote resiliency. This strategy is the first step in an evolving process to reduce California's vulnerability to climate change impacts. Adaptation refers to efforts that prepare the State to respond to the impacts of climate change - adjustments in natural or human systems to actual or expected climate changes to minimize harm or take advantage of beneficial opportunities. California's ability to manage its climate risks through adaptation depends on a number of critical factors. These include its baseline and projected economic resources, technology, infrastructure, institutional support and effective governance, public awareness, access to the best available scientific information, sustainably-managed natural resources, and equity in access to these resources.

Senate Bill 1368 (SB 1368). SB 1368 (Perata, Chapter 598, Statutes of 2006) directs the California Energy Commission and the California Public Utilities Commission to adopt a performance standard for greenhouse gas emissions for the future electricity used in California, regardless of whether it is generated in-State or purchased from other states.

California Air Resources Board (CARB). CARB has developed draft interim thresholds of significance for GHGs that may be adopted by local agencies for their own use. The proposal does not attempt to address every type of project that may be subject to CEQA, but instead focuses on common project types that, collectively, are responsible for substantial GHG emissions – specifically, industrial, residential, and commercial projects. CARB is developing thresholds in these sectors to advance climate objectives, streamline project review, and encourage consistency and uniformity in the analysis of GHG emissions under CEQA.

South Coast Air Quality Management District (SCAQMD). The SCAQMD adopted a "Policy on Global Warming and Stratospheric Ozone Depletion" in 1990. The policy commits the SCAQMD to consider global impacts in rulemaking and in drafting revisions to the Air Quality Management Plan. In 1992, the SCAQMD Governing Board reaffirmed this policy and adopted amendments to the policy.

In 2008, the SCAQMD Governing Board adopted an interim GHG significance threshold for stationary source/industrial projects where the SCAQMD is the lead agency. However, SCAQMD has yet to adopt a GHG significance threshold for land use development projects (e.g., residential/commercial projects) and has formed a GHG Significance Threshold Working Group

to further evaluate potential GHG significance thresholds[85] and provide guidance to local lead agencies on determining significance for GHG emissions in their CEQA documents. Members of the working group include government agencies implementing CEQA and representatives from various stakeholder groups. The working group is currently discussing multiple methodologies for determining project significance. These methodologies include categorical exemptions, consistency with regional GHG budgets in approved plans, a numerical threshold, performance standards, and emissions offsets.

Green LA Action Plan. The goal of the Green LA Action Plan (Plan) is to reduce greenhouse gas emissions 35%t below 1990 levels by 2030[86]. The Plan identifies objectives and actions designed to make the City a leader in confronting global climate change. The measures would reduce emissions directly from municipal facilities and operations, and create a framework to address City-wide GHG emissions. The Plan identifies focus areas for implementation of GHG reduction strategies, including energy, water, transportation, land use, waste, port, and airport, and ensuring that changes to the local climate are incorporated into planning and building decisions.

The City has developed an implementation document, "ClimateLA" that presents the existing GHG inventory for the City, includes enforceable GHG reduction requirements, provides mechanisms to monitor and evaluate progress, and includes mechanisms that allow the plan to be revised in order to meet targets. By 2030, the plan aims to reduce GHG emissions by 35% from 1990 levels, which were estimated to be approximately 54.1 million metric tons.

To achieve these reductions the City has developed strategies that focus on energy, water use, transportation, land use, waste, open space and greening, and economic factors. To reduce emissions from energy usage, ClimateLA includes the following goals: increase the amount of renewable energy provided by the Los Angeles Department of Water and Power; present a comprehensive set of green building policies to guide and support private sector development; reduce energy consumed by City facilities and utilize solar heating where applicable; and help citizens to use less energy. With regard to waste, ClimateLA sets the goal of recycling 70% of trash by 2015. With regard to open space and greening, ClimateLA includes the following goals: create 35 new parks; revitalize the Los Angeles River to create open space opportunities; plant one million trees throughout the City; identify opportunities to "daylight" streams; identify promising locations for stormwater infiltration to recharge groundwater aquifers; and collaborate with schools to create more parks in neighborhoods.

Impact Criteria

The proposed project would have a significant impact related to greenhouse gas emissions if it would:

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; and/or

[85]South Coast Air Quality Management District, Greenhouse Gases CEQA Significance Thresholds, http://www.aqmd.gov/ceqa/handbook/GHG/GHG.html.
[86]City of Los Angeles, Green LA: An Action Plan to Lead the Nation in Fighting Global Warming, May 2007.

- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

The State has not determined significance thresholds for evaluating potential impacts on GHG, however, CARB has determined that the total Statewide aggregated GHG 1990 emissions level and 2020 emissions limit is 427 million metric tons of CO_2e per year. This equates to a target emission rate of 9.6 metric tons of CO_2e per capita per year.

Environmental Impact

Greenhouse Gas Emissions

The intent of the proposed ordinance is to reduce the number of single-use plastic carryout bags in trash loads, reduce the environmental impacts related to single-use plastic carryout bags, deter the use of single-use paper carryout bags, and promote the use of reusable carryout bags by retail customers.

As described in the Environmental Setting, the manufacture, transport, and disposal of each single-use paper bag generates 3.3 times more GHG emissions than the manufacture, transport, and disposal of a single-use plastic bag. If only used once, the manufacture, use, and disposal of a reusable LDPE carryout bag results in 2.6 times the GHG emissions of a single-use HDPE plastic bag. Thus, on a per bag basis, single-use plastic carryout bags have less impact than single-use paper carryout bags. However, reusable carryout bags are intended to be used multiple times. With reuse of reusable carryout bags, the total number of carryout bags that would be manufactured, transported and disposed of would be reduced. Under conservative assumptions, the proposed ordinance would result in replacement of single-use plastic bags currently used in the City (approximately 2.03 billion annually) with approximately 609 million recycled-content and recyclable paper bags and approximately 25 million reusable bags; the use of approximately 102 million single-use plastic bags would remain.

Furthermore, a report prepared by the United Kingdom's Environment Agency, "Life Cycle Assessment of Supermarket Carrier Bags: a Review of the Bags Available in 2006," evaluated the environmental impacts of various types of "supermarket carrier bags" using the HDPE plastic carryout bag as a baseline for estimating other bags' "global warming potential." The UK study reports estimates how many times reusable bags of various types would need to be used in order to take them "below the global warming potential of HDPE bags," which are single-use plastic carryout bags. The UK report indicates that LDPE reusable bags have lower global warming potential than HDPE carryout bags after four uses, non-woven polypropylene bags after 11 uses, and cotton bags after 131 uses. Even if as many as 40.3% of HDPE carryout bags are re-used as "bin liners" (trash can liners), the report states that LDPE reusable bags have lower global warming potential after 5 uses, non-woven polypropylene bags after 14 uses, and cotton bags after 173 uses. These levels of a multiple use are within the reusable bags' design life of 125 uses, are reasonably attained through typical use over a longer period of time.

The UK study concludes that reusable bags of any type initially require more "upstream" material and energy resources as they are designed to be more durable than single-use carryout bags, but since the reusable bags' higher production impacts are distributed over multiple uses, they have a lower overall impact over time on climate change.

Another study, prepared by the Australia Department of Environment and Heritage, 2002, shows that over the course of a year, virtually any type of reusable bag is environmentally superior to single-use plastic carryout bags with respect to GHG emissions, material consumption, litter, and primary energy use.

Table 3.3-2 provides a conservative "worst case" scenario estimate of GHG emissions for the proposed ordinance project. Under this scenario, although the total number of carryout bags would be substantially reduced by the proposed ordinance, GHG emissions associated with the manufacturing, transport, and disposal of carryout bags would increase by 31,620 metric tons of CO_2e per year compared to existing conditions, primarily because of the increase in the use of single-use paper bags. The GHG emissions associated with the manufacturing, transportation and disposal of carryout bags used in the City would be approximately 85,786 metric tons of CO_2e per year. This represents approximately 0.00019% of California's Statewide GHG inventory of 457 million metric tons of CO_2e per year. The per capita increase of 0.008 CO_2e per person would be less than the State target emission rate of 9.6 metric tons of CO_2e per capita. Therefore, under this "worst case" scenario, the proposed ordinance would result in a less than significant impact related to GHG emissions.

Table 3.3-2
"Worst Case" Scenario Estimated Greenhouse Gas Emissions from Carryout Bags

Bag Type	Number of Bags Used per Year	GHG Impact Rate per Bag	CO_2e Emissions (metric tons)	CO_2e per Year (metric tons)	CO_2e per Person /c/ (metric tons)
Single-Use Plastic	101,561,635	1.0	0.04 per 1,500 bags /a/	2,708	0.0008
Single-Use Paper	609,369,812	3.3	0.132 per 1,000 bags /b/	80,437	0.021
Reusable	25,390,409	2.6	0.104 per 1,000 bags /b/	2,641	0.0007
			Total	**85,786**	**0.022**
			Existing	**54,166**	**0.014**
			Net Change	**31,620**	**0.008**

/a/ Based on Boustead Report, 2007.
/b/ Based on AEA Technology Scottish Report, 2005.
/c/ Based on the 2012 City population of 3,825,297 residents.

However, the preliminary data submitted by stores during the first three quarters of the year following the implementation of the Los Angeles County's ordinance - which banned single-use plastic carryout bags and imposed a $0.10 charge on paper carryout bags, shows a significant overall reduction of 34% in paper carryout bag usage within Los Angeles County between 2009 and 2012, including a substantial nearly 13% reduction occurring within the first three quarters of the year following the implementation of the ordinance[87]. The data indicate that the use of paper

[87] County of Los Angeles, Department of Public Works, July 2012. http://dpw.lacounty.gov/epd/aboutthebag

carryout bags in large stores not only did not temporarily increase as a result of a ban of single-use plastic carryout bags, but actually decreased significantly after the enactment of the ordinance. As with the County of Los Angeles, a similar effect is anticipated to occur within the City of Los Angeles. Therefore, it is anticipated that as a result of the proposed ordinance, within one year, GHG emissions associated with the manufacturing, transportation and disposal of carryout bags used in the City would be approximately 75,329 metric tons of CO_2e per year (Table 3.3-3). This represents the per capita increase of approximately 0.006 metric tons of CO_2e per person (a reduction of over 25% in comparison with the "worst case" scenario), which would be less than the State target emission rate of 9.6 metric tons of CO_2e per capita. Therefore, the project impact would be less than significant.

Table 3.3-3
Estimated Greenhouse Gas Emissions from Carryout Bags

Bag Type	Number of Bags Used per Year	GHG Impact Rate per Bag	CO_2e Emissions (metric tons)	CO_2e per Year (metric tons)	CO_2e per Person /c/ (metric tons)
Single-Use Plastic	101,561,635	1.0	0.04 per 1,500 bags /a/	2,708	0.0008
Single-Use Paper	530,151,736	3.3	0.132 per 1,000 bags /b/	69,980	0.018
Reusable	25,390,409	2.6	0.104 per 1,000 bags /b/	2,641	0.0007
			Total	**75,329**	**0.020**
			Existing	**54,166**	**0.014**
			Net Change	**21,163**	**0.006**

/a/ Based on Boustead Report, 2007.
/b/ Based on AEA Technology Scottish Report, 2005.
/c/ Based on the 2012 City population of 3,825,297 residents.

Consistency with Adopted Plans, Policies, and Regulations

The CAT Report identifies a recommended list of strategies that the State could pursue to reduce GHG emissions and meet the goals of the Executive Order S-3-05. These are strategies that could be implemented by various State agencies to ensure that the Governor's targets are met and can be met with the existing authority of the State agencies. In addition, in 2008 the California Attorney General published *The California Environmental Quality Act Addressing Global Warming Impacts at the Local Agency Level*. This document provides information that may be helpful to local agencies in carrying out their duties under CEQA as they relate to global warming. Included in this document are various measures that may reduce the global warming related impacts of a project**.** Tables 3.3-4 illustrates that the proposed ordinance would be consistent with both the GHG reduction strategies set forth by the 2006 CAT Report.

Table 3.3-4
Proposed Ordinance Consistency with Applicable Climate Change Action Team Greenhouse Gas Emissions Reduction Strategies

Strategy	Project Consistency
Vehicle Climate Change Standards AB 1493 (Pavley, Chapter 200, Statutes of 2002) requires the State to develop and adopt regulations that achieve the maximum feasible and cost-effective reduction of climate change emissions emitted by passenger vehicles and light duty trucks.	**Consistent** The trucks that deliver carryout bags to and from manufacturers, distribution centers, and stores within the City on public roadways would be in compliance with CARB vehicle standards that are in effect at the time of vehicle purchase.
Diesel Anti-Idling CARB Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling (§2485) limits diesel-fueled commercial motor vehicle idling. .	**Consistent** Current State law restricts diesel truck idling to five minutes or less. Diesel trucks operating from and making deliveries to the City are subject to this law.
Alternative Fuels: Biodiesel Blends Require the use of 1% to 4% biodiesel displacement of California diesel fuel.	**Consistent** The diesel vehicles that deliver carryout bags to and from manufacturers, distribution centers, and stores within the City on public roadways could utilize this fuel once it is commercially available.
Alternative Fuels: Ethanol Increased use of E-85 fuel.	**Consistent** Truck drivers delivering carryout bags could choose to purchase flex-fuel vehicles and utilize this fuel once it is commercially available regionally and locally.
Heavy-Duty Vehicle Emission Reduction Measures Increased efficiency in the design of heavy duty vehicles and an education program for the heavy-duty vehicle sector.	**Consistent** The heavy-duty trucks that deliver carryout bags to and from manufacturers, distribution centers, and stores within the City on public roadways would be subject to all applicable CARB efficiency standards that are in effect at the time of vehicle manufacture.
Achieve 50% Statewide Recycling Goal Achieving the State's 50% waste diversion mandate as established by the Integrated Waste Management Act of 1989, (AB 939, Sher, Chapter 1095, Statutes of 1989), will reduce climate change emissions associated with energy intensive material extraction and production as well as methane emission from landfills.	**Consistent** The City has completed a comprehensive waste reduction and recycling plan in compliance with State Law AB 939, which requires every city in California to reduce the waste it sends to landfills by 50% by the year 2000. The City has adopted a plan to achieve a 75% reduction by the year 2013. Any disposal of carryout bags would be required to adhere to the existing standards.
Fuel-Efficient Replacement Tires & Inflation Programs State legislation established a Statewide program to encourage the production and use of more efficient tires.	**Consistent** Carryout bag delivery drivers could purchase tires for their vehicles that comply with state programs for increased fuel efficiency.

Table 3.3-4
Proposed Ordinance Consistency with Applicable Climate Change Action Team Greenhouse Gas Emissions Reduction Strategies

Strategy	Project Consistency
Alternative Fuels: Non-Petroleum Fuels Increasing the use of non-petroleum fuels in California's transportation sector, as recommended in the California Energy Commission's 2003 and 2005 Integrated Energy Policy Reports.	**Consistent** Carryout bag delivery drivers could purchase alternative fuel vehicles and utilize these fuels once they are commercially available regionally and locally.

The proposed ordinance is also consistent with the 2008 Attorney General's Greenhouse Gas Reduction Measures diesel anti-idling limits, which set specific limits on idling time for commercial vehicles, including delivery vehicles. The CARB's Airborne Toxic Control Measure (ATCM) to Limit Diesel-Fueled Commercial Motor Vehicle Idling restricts diesel truck idling to five minutes or less. Diesel trucks delivering carryout bags to and from manufacturers, distribution centers, and stores within the City are subject to this State law. Therefore, the proposed ordinance would not conflict with the adopted plans, policies, and regulations.

Mitigation Measures

Impacts related to GHG emissions would be less than significant. No mitigation measures are required.

Level of Impact after Mitigation

Impacts related to GHG emissions would be less than significant. No mitigation measures are required.

Cumulative Impact

Adopted and pending carryout bag ordinances of more than 50 other jurisdictions within California would continue to reduce the amount of single-use plastic and paper carryout bags and promote a shift toward reusable carryout bags. Similar to the proposed ordinance, such ordinances would be expected to generally reduce the overall number of manufactured, transported and disposed of single-use carryout bags. Based on the incremental increase in per capita emissions, those ordinances are not expected to generate a significant cumulative increase in GHG emissions. Therefore, the proposed ordinance would not result in cumulative impacts or contribute to a cumulatively considerable impact from GHG emissions to the environment.

3.4 Forest Resources

This section examines the potential impact on forest resources associated with the adoption and implementation of the proposed City of Los Angeles Single-Use Carryout Bag Ordinance.

Environmental Setting

The City of Los Angeles is the largest city in California, and with a population of 3.8 million residents, it is the second largest urban area in the nation. No natural or commercially-grown forests are located within the City. No commercially-grown forests are located in the vicinity of the City and the only remaining substantial natural forests are located outside the City's boundaries, within the Angeles National Forest (Angeles Forest) and on the north slope of the Santa Susana Mountains (mostly within the Santa Clarita Woodlands Park).

Impact Criteria

Impact is considered significant if the proposed project would:

- Result in the loss of forest land or conversion of forest land to non-forest use, and/or involve other changes in the existing environment which, due to their location or nature, could result in the conversion of forest land to non-forest use.

Environmental Impact

Paper bags generally consist of both virgin and recycled materials. Virgin material used in the manufacture of kraft paper (brown paper grocery bags are usually made of kraft paper) is typically pulp chips made from trees. According to statements made by representatives of the American Forest & Paper Association[88], most of the trees used to manufacture paper are grown for that purpose by the lumber industry in commercially grown forests, and billions of acres of the world's forests and approximately 70% of the US forested lands are working commercial forests[89]. Recycled paper is used widely in the manufacturing of paper bags and currently, there are paper bags on the market that contain 100% recycled content.

Under a conservative scenario, the implementation of the proposed ordinance may result in an initial temporary replacement of some single-use plastic carryout bags with paper bags, which are manufactured of wood pulp and recycled materials. However, the preliminary data submitted by stores following the implementation of the Los Angeles County's ordinance - which banned single-use plastic carryout bags and imposed a $0.10 charge on paper carryout bags, shows a

[88] Single-Use Carryout Bag Ordinance Draft EIR, City of San Jose, July 2010.
[89] American Forest & Paper Association, 2012; http://www.afandpa.org/ourindustry.aspx?id=35.

significant overall reduction of 34% in paper carryout bag usage within the Los Angeles County between 2009 and 2012, including a nearly 13% reduction within the first three quarters of the year after the enactment of the ordinance[90]. Since then, the County of Los Angeles has released further information that in third quarter of 2012, annual paper bag usage per store declined to approximately 121,000 per store. The data indicate that the use of paper carryout bags in large stores not only did not temporarily increase as a result of a ban of single-use plastic carryout bags, but actually decreased significantly after the enactment of the ordinance. As with the County of Los Angeles, a similar effect is anticipated to occur within the City of Los Angeles. Overall, trees cut down for virgin material to manufacture the paper carryout bags are those trees that are commercially grown for paper manufacturing. Any fluctuations in demand for paper carryout bags in the City of Los Angeles might cause those trees to be harvested sooner or later for paper manufacturing than they would otherwise have been. . As there are no forests within the City of Los Angeles, no impact on forest resources would occur within the City.

The proposed ordinance requires single-use paper carryout bags to have no less than 40% recycled content (and currently, there are paper bags on the market that contain 100% recycled content), which would reduce the loss of trees as a result of any fluctuations in demand for single-use paper bags in City of Los Angeles. The City's proposed ordinance is intended to deter the use of single-use paper carryout bags by instituting a point of sale fee for each single-use paper carryout bag, and encourage the use of reusable carryout bags that can be used multiple times, and not once or twice and then discarded.

Since the majority of paper carryout bags supplied to the greater Los Angeles metropolitan area are produced in and delivered from states outside of California and from countries outside of the United States, including Canada, a detailed analysis of a potential impact to forest resources around the world is too speculative and would be unreasonably burdensome. Specifically, the location and type of forest (certified sustainable, plantations, reforested, etc.) and the specific amount of wood fiber procured from trees that could be attributed to the project is too speculative to evaluate. The CEQA Guidelines state, "An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible" and Section 15145 of the CEQA Guidelines states, "If, after a thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact."

Mitigation Measures

The proposed project would not result in a significant impact to forest resources. Therefore, no mitigation is required.

Level of Impact after Mitigation

The proposed project would not result in a significant impact to forest resources. Therefore, no mitigation is required.

[90] County of Los Angeles, Department of Public Works, July 2012. http://dpw.lacounty.gov/epd/aboutthebag

Cumulative Impact

Adopted and pending carryout bag ordinances would generally have neutral effects with respect to forest resources because each ordinance is intended to reduce the amount of single-use plastic bags in each respective jurisdiction and deter the use of paper carryout bags. In addition, each ordinance is reviewed by the local jurisdiction with discretionary approval authority of the ordinance and undergoes environmental review as deemed appropriate. Potential significant impacts to forest resources would be minimized through this review process, which requires mitigation to reduce significant impacts to the greatest extent feasible. The forest impacts associated with the proposed City of Los Angeles Single-Use Carryout Bag Ordinance would not be significant and would not contribute to any significant cumulative impact to forest lands.

3.5 Hazards and Hazardous Materials

This section examines whether the implementation of the proposed Single-Use Carryout Bag ordinance would expose people to significant adverse effects related to hazardous materials within the City of Los Angeles compared to existing conditions.

Environmental Setting

Manufacturing, transport, disposal, and use of hazardous materials are extensively regulated by a comprehensive array of federal, state, and local regulations and overseen by numerous regulatory and other agencies, as follows.

Regulatory Framework

Federal

Primary federal agencies with responsibility for hazardous materials management include the US Environmental Protection Agency (USEPA), Department of Labor, Federal Occupational Safety and Health Administration (OSHA), and United States Department of Transportation (USDOT).

Clean Water Act. Congress passed the Clean Water Act (CWA) in 1972, which authorized the USEPA to set federal water quality regulations. The CWA requires each state to develop Total Maximum Daily Load (TMDL) levels for all pollutant-impaired waters. Each state must:

- Identify water bodies that are water quality limited. These water bodies are then placed on the State's "303(d) List" (CWA Section 303 (d)(1) requires each state to identify the waters within its boundaries that do not meet water quality standards).
- Prioritize and target water bodies for TMDL's
- Develop TMDL plans to attain and maintain water quality standards for all water quality limited waters

The TMDL is a number that represents the assimilative capacity of a receiving water (such as a river or creek) to absorb a pollutant. The TMDL is the sum of the wasteload allocations for point sources (specific physical sources, such as a pollution outflow pipe) and nonpoint sources (broad area sources, such as a plowed field or mining waste heap), plus an allotment for natural background sources of pollutants, and a margin of safety. TMDLs can be expressed in terms of mass per time (the traditional approach), or in other ways, such as a percentage reduction or other appropriate measure relating to a state water quality objective. A TMDL is implemented by reallocating the total allowable pollution among the different pollutant sources (through the permitting process or other regulatory means) to ensure that the water quality objectives are achieved.

In short, a TMDL establishes a maximum limit for a specific pollutant that can be discharged into a water body without causing it to become impaired. A given water body may have more than one pollutant that will require the establishment of a TMDL.

TMDLs are enforced through State and Federal discharge permits issued to cities, such as the Municipal Stormwater National Pollutant Discharge Elimination System (NPDES) permit and Publicly Owned Treatment Works (POTWs) permit. Violation of these permits can result in exposure to both civil and criminal liabilities. Upon establishment of TMDLs by the State or US EPA, the State is required to incorporate the TMDLs into the State Water Quality Management Plan.

In California, TMDLs are prepared by the Regional Water Quality Control Boards and adopted by the State Water Resources Control Board as part of each region's Basin Plan. TMDLs are adopted to regulate a variety of pollutants (e.g., bacteria, sediment, heavy metals, pesticides and other toxic pollutants, and nutrients), including trash.

Resource Conservation and Recovery Act (RCRA). RCRA gives the USEPA the authority to control hazardous waste from "cradle-to-grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste by "large-quantity generators" (1,000 kilograms/month or more). Under RCRA regulations, hazardous wastes must be tracked from the time of generation to the point of disposal. At a minimum, each generator of hazardous waste must register and obtain a hazardous waste activity identification number. If hazardous wastes are stored for more than 90 days or treated or disposed at a facility, any treatment, storage, or disposal unit must be permitted under RCRA. Additionally, all hazardous waste transporters are required to be permitted and must have an identification number. RCRA allows individual states to develop their own program for the regulation of hazardous waste as long as it is at least as stringent as RCRA. The USEPA has delegated RCRA enforcement to the State of California.

Occupational Safety and Health Act. The Occupational Safety and Health Act, which is implemented by the Federal Occupational Safety and Health Administration (OSHA), contains provisions with respect to hazardous materials handling. Federal OSHA requirements, as set forth in Title 29 of the Code of Federal Regulations (CFR) Section 1910, et. seq., are designed to promote worker safety, worker training, and a worker's right–to-know. OSHA has delegated the authority to administer OSHA regulations to the State of California.

Title 49 of the CFR - which contains the regulations set forth by the Hazardous Materials Transportation Act - specifies additional requirements and regulations with respect to the transport of hazardous materials. Title 49 of the CFR requires that every employee who transports hazardous materials receive training to recognize and identify hazardous materials and become familiar with hazardous materials requirements. Drivers are also required to be trained in function and commodity specific requirements.

State

Primary State agencies with jurisdiction over hazardous chemical materials management are the Department of Toxic Substances Control (DTSC) and the Regional Water Quality Control Board (RWQCB). Other State agencies involved in hazardous materials management are California Occupational Safety and Health Administration (Cal/OSHA), the Department of Industrial Relations (State OSHA implementation), State Office of Emergency Services (OES—California Accidental Release Prevention implementation), California Department of Fish Game (CDFG), California Air Resources Board (CARB), California Highway Patrol (CHP), State Office of

Environmental Health Hazard Assessment (OEHHA—Proposition 65 implementation) and the Department of Resources Recycling and Recovery (CalRecycle).

Authority for the statewide administration and enforcement of RCRA rests with the California EPA's (Cal-EPA) Department of Toxic Substances Control (DTSC). While DTSC has primary State responsibility in regulating the generation, storage and disposal of hazardous materials, DTSC may further delegate enforcement authority to local jurisdictions. In addition, DTSC is responsible for and/or provides oversight for contamination cleanup, and administers State-wide hazardous waste reduction programs. DTSC operates programs to accomplish the following: (1) deal with the aftermath of improper hazardous waste management by overseeing site cleanups; (2) prevent releases of hazardous waste by ensuring that those who generate, handle, transport, store, and dispose of wastes do so properly; and (3) evaluate soil, water, and air samples taken at sites.

Cal/OSHA is administered and enforced by the Division of Occupational Safety and Health (DOSH). Cal-OSHA is very similar to the Federal OSHA program. For example, both programs contain rules and procedures related to exposure to hazardous materials during demolition and construction activities. In addition, Cal-OSHA requires employers to implement a comprehensive, written Injury and Illness Prevention Program (IIPP). An IIPP is an employee safety program for potential workplace hazards, including those associated with hazardous materials.

SB 1219. Senate Bill 1219 (Chapter 384, Statutes of 2012) repealed the provisions preempting local regulatory action contained in the previous Assembly Bill 2449, while extending the recycling requirements of AB 2449 until January 1, 2020. AB 2449, which expired on January 1, 2013, restricted the ability of cities and counties to regulate single-use plastic grocery bags through the imposition of a fee on plastic bags.

Certified Unified Program Agency. The primary local agency, known as the Certified Unified Program Agency (CUPA), with responsibility for implementing federal and State laws and regulations pertaining to hazardous materials management is the Los Angeles County Health Department, Environmental Health Division. The Unified Program is the consolidation of six state environmental regulatory programs into one program under the authority of a CUPA. A CUPA is a local agency that has been certified by Cal/EPA to implement the six state environmental programs within the local agency's jurisdiction. The six consolidated programs are:

- Hazardous Materials Release Response Plan and Inventory (Business Plans)
- California Accidental Release Prevention (CalARP)
- Hazardous Waste (including Tiered Permitting)
- Underground Storage Tanks (USTs)
- Above Ground Storage Tanks (Spill Prevention Control and Countermeasures (SPCC) requirements)
- Uniform Fire Code (UFC) Article 80 Hazardous Material Management Program (HMMP) and Hazardous Material Identification System (HMIS)

As the CUPA for the County of Los Angeles, the Los Angeles County Health Department, Environmental Health Division maintains the records regarding location and status of hazardous materials sites in the county and administers programs that regulate and enforce the transport, use, storage, manufacturing, and remediation of hazardous materials. By designating a CUPA, Los Angeles County has accurate and adequate information to plan for emergencies and/or disasters and to plan for public and firefighter safety.

City of Los Angeles Fire Department (LAFD). A Participating Agency (PA) is a local agency that has been designated by the local CUPA to administer one or more Unified Programs within their jurisdiction on behalf of the CUPA. The LAFD is a PA with the Los Angeles County Health Department, Environmental Health Division as the CUPA. The LAFD administers hazardous materials environmental compliance programs within City jurisdiction. These programs include a hazardous materials disclosure and business plan, UST program, aboveground storage tank (AST) spill prevention control and countermeasure, hazardous waste generator program (administered by LAFD), and the California Accidental Release Prevention Program.

The LAFD monitors the storage of hazardous materials in the City for compliance with local requirements. Specifically, businesses and facilities which store more than threshold quantities of hazardous materials, as defined in Chapter 6.95 of the California Health and Safety Code, are required to file an Accidental Risk Prevention Program with the LAFD. This program includes information such as emergency contacts, phone numbers, facility information, chemical inventory, and hazardous materials handling and storage locations.

Existing Conditions

The issues concerning hazardous materials and the regulation of single-use plastic and paper carryout bags, and reusable bags have revolved around their manufacturing process[91]. Although hazardous materials may be used in the process of manufacturing single-use plastic, single-use paper, and reusable carryout bags, there are no such bag manufacturing facilities within the City of Los Angeles. Most importantly however, any existing or potential future facilities that manufacture bags, regardless of their locations, would be required to comply with the California Health and Safety Code Section 25531-25543.3, that established a program for the prevention of accidental releases of regulated hazardous substances.

Presently, more than 2 billion single-use plastic bags, millions of single-use paper bags, and reusable bags are consumed in the City of Los Angeles. The intent of the proposed ordinance is to reduce the amount of single-use plastic and paper carryout bags consumed and to promote a major shift towards reusable carryout bags by retail customers in the City. Neither the current conditions nor the proposed ordinance involves the routine transport, use, or disposal of hazardous materials as defined by the Hazardous Materials Transportation Uniform Safety Act.[92] Once manufactured, the finished single-use plastic and paper carryout bags and reusable carryout bags do not meet the criteria of a hazardous waste, because they do not possess at least one of the four characteristics of hazardous wastes - ignitability, corrosivity, reactivity, or toxicity. These bags do not appear on any of the special USEPA lists[93], and are not considered to be hazardous material.

[91] The manufacturing process is addressed in detail in the Master Environmental Assessment on Single-Use and Reusable Bags, Green Cities California, March 2010, and addressed in numerous EIRs prepared by other California jurisdictions for similar single-use plastic carryout ordinances, including those of the Cities of San Francisco, San Jose, and Ukiah.

[92] Code of Federal Regulations, Title 40, Chapter 1, Parts 106–180.

[93] Code of Federal Regulations, Title 40, Chapter 1, Part 261: "Identification and Listing of Hazardous Waste."

Impact Criteria

The proposed project would have a significant impact related to hazards and hazardous materials if it would:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials

Environmental Impact

The proposed ordinance is expected to eliminate approximately 95% of the over two billion single-use plastic carryout bags which are currently used per year within the City of Los Angeles. With the implementation of the proposed ordinance, under conservative assumptions approximately 5% of the existing single-use plastic carryout bag usage would continue, about 30% of the single-use plastic carryout bags would be replaced with paper carryout bags containing at least 40% post-consumer content; and the remaining 65% would be replaced with reusable bags.

According to the County of Los Angeles data collected after the first year of implementing the County's Single-Use Bag Ordinance, from quarter to quarter paper bag usage continues to decline, with a 34% percent overall reduction between 2009 and the first quarter of 2012, with a 13% reduction occurring within the first three quarters of the enactment of the ordinance[94]. Since then, the County of Los Angeles has released further information that in third quarter of 2012, annual paper bag usage per store continued to decline. Based on these data, the proposed ordinance may result in an initial increase of approximately 530 million single-use paper bags, with this number decreasing over time. The proposed ordinance would require single-use paper bags to contain no less than 40% post-consumer recycled content. Since recycled content reduces chemical use in manufacturing paper compared to virgin content, this requirement would result in a proportionally smaller incremental increase in the use of toxic chemicals associated with paper bag manufacture than the overall percentage of the increased use of paper bags. Furthermore, brown kraft paper bags (the type most commonly used in shopping bags) do not require the use of chlorine or other bleaching agents, and recycled paper does not require the powerful chemicals used to break up wood fiber (lignins) in virgin feedstock.

As discussed previously, neither the single-use paper bags nor the reusable bags are considered hazardous materials because they do not possess at least one of the four characteristics of hazardous wastes - ignitability, corrosivity, reactivity, or toxicity, and do not appear on special U.S. Environmental Protection Agency lists[95] Therefore, the proposed ordinance would not involve the routine transport, use, or disposal of hazardous materials as defined by the Hazardous Materials Transportation Uniform Safety Act[96].

The plastic bag industry has raised the issue of hygiene associated with reusable bags, arguing that using reusable bags for bagging food creates a potential for cross-contamination and exchange of

[94]County of Los Angeles, About the Bag, Announcements: September 2012. http://dpw.lacounty.gov/epd/aboutthebag/index.cfm

[95]Code of Federal Regulations, Title 40, Chapter 1, Part 261: "Identification and Listing of Hazardous Waste".

[96]Code of Federal Regulations, Title 40, Chapter 1, Parts 106–180.

bacteria, especially when raw meat is involved, and that this may lead to the growth of mold or harbor bacteria which in turn, may come in contact with other foods.

In 2009, the Environment and Plastics Industry Council (EPIC), a standing committee of the Canadian Plastics Industry Association, examined the cleanliness of reusable bags in Canada.[97] The study involved 25 used reusable bags and 4 control bags (three unused reusable bags and one unused single-use plastic bag) analyzed in two series of testing. The first series included 1 used reusable bag and 1 unused reusable bag as a control. The second series tested 24 used reusable bags and 3 control bags (two unused reusable bags and one unused single-use plastic bag). The reusable plastic bags tested ranged in age from one month to three years. The plastic bags in this study were tested for "total plate count" (i.e., all readily grown, but not necessarily harmful, aerobic bacteria), total coliforms, E. coli, Salmonella, mold, and yeast. The unused control bags showed no evidence of bacteria, mold, yeast or total coliforms.[98] Out of the 25 used reusable bags tested, 16 showed the presence of some level of bacteria (i.e., readily grown, but not necessarily harmful, aerobic bacteria), 5 contained yeast, and 6 contained mold. The study said that an unacceptable total coliform count was found in 3 of the reusable bags, indicating the possible presence of intestinal bacteria. Most of the bags containing unacceptable total coliform count were in the bags that had been used for one to three years. Of these three bags, one had been exposed to a meat spill and had never been washed, and all three had been in use for at least one to three years. No E. coli or Salmonella bacteria were detected in any of the bags in the study.

A study funded by the American Chemistry Council in 2010 made similar findings.[99] Eighty-four reusable bags were collected from shoppers in three cities and all were found to contain bacteria. The study found that bacteria could be eliminated by ordinary washing, but that 97% of the shoppers said they had never washed their bags. The authors of the study deliberately spilled meat juices on a bag and then placed it inside a hot car truck for two hours to show accelerated bacteria growth. The study found bacteria and coliforms in most of the bags and E. Coli in 12% of the bags. The likely source of the contamination was thought to be raw meat and/or other raw food. The study warned of the danger of allowing raw meat or meat juices to contact food traditionally eaten raw (such as fruits and vegetables). Since most people put produce into separate plastic bags that are not regulated by this proposed ordinance and most supermarkets and grocery stores also put raw meat into plastic packages and/or into a secondary plastic bag as well, this problem is not likely to arise or be significant. This study also evaluated the benefit of machine or hand washing the reusable bags and found bacteria levels were almost entirely eliminated when washed.

Also, a study was conducted to identify the quantities of bacteria on everyday household surfaces and items and published in the *Journal of Applied Microbiology*. The study evaluated the presence of bacteria in ten kitchens in the United States[100]. The study tested sink basins, faucet handles, table tops, counter tops, refrigerator doors, oven controls, cutting boards, and sponges. The first scenario analyzed in the study tested surfaces in each household that were maintained

[97]San Jose DEIR citing Sporometrics. Grocery Carry Bag Sanitation: A Microbiological Study of Reusable Bags and "First or Single-Use" Plastic Bags. 2009.

[98]Coliforms are defined as rod-shaped gram-negative non-spore forming organisms. Coliforms are abundant in the feces of warm-blooded animals, and are also be found in the aquatic environment, in soil and on vegetation. Coliforms are easy to culture and their presence is used to indicate that other pathogenic organisms of fecal origin *may* be present.

[99]City of San Jose Single-Use Carryout Plastic Bag Ordinance Draft EIR, citing Charles P. Gerba, David Williams and Ryan G. Sinclair**,** "Assessment of the Potential for Cross Contamination of Food Products by Reusable Shopping Bags," http://uanews.org/pdfs/GerbaWilliamsSinclair_BagContamination

[100]San Jose DEIR citing Josephson, K.L., Rubino, J.R., Pepper, I.L. "Characterization and quantification of bacterial pathogens and indicator organisms in household kitchens with and without the use of a disinfectant cleaner". *Journal of Applied Microbiology*, Vol. 83 No.6, pp.737-50. 1997.

and cleaned in a normal fashion, but without the use of a disinfectant. Of the samples, 99% tested positive for some level of bacteria and 46% showed the presence of some amount of total coliforms. The second scenario tested surfaces that were maintained and cleaned in a normal fashion with "casual use" of a disinfectant. Of the samples, 95% showed the presence of some level of bacteria and 87% showed the presence of total coliforms.

The studies demonstrated that people are routinely exposed to bacteria and other microbiological contaminants. The results of the reusable bag studies showed that reusable bags were substantially lower in the quantities of such contaminants than surfaces and objects commonly found in the home, including kitchen surfaces where food is kept and prepared. Although levels of microbiological contamination may occur in reusable bags, proper cleaning of the bags, as with any other object that may come in contact with grocery products, would further reduce the potential for exposure of any food items to harmful bacteria.

The proposed ordinance would not ban plastic or paper bags that are used by customers and the store to protect or contain meat or prepared food; or used for bagging fruits, vegetables, and other fresh produce; or for other goods that must be protected from moisture, damage or contamination, and which are typically placed inside a carryout bag at the point of sale. Thus, the routine use of reusable bags as they are most commonly used, to carry packaged groceries and other purchases home from a store, would not expose users to unusual or excessive levels of harmful bacteria or other microbiological contaminants. Also, as with any other household items, washing the bags when they become soiled would further reduce the likelihood of such exposure. Therefore, impacts would be less than significant.

Representatives of plastic bag manufacturers have also raised the issue of the degree to which paper bags attract and house cockroaches, as cockroaches can spread infectious diseases and their droppings can trigger asthmatic attacks. According to information provided by a number of sources, including the City of New York Health Department, the University of Connecticut, and the University of Nebraska, cockroaches will eat virtually any organic substance. This includes human food, grease, paper, pet food, garbage, the glue on can labels, and the detritus found on dirty clothes. Cockroaches are attracted to any location where there is food and moisture, and will live in the walls, cupboards, furniture, in piles of dirty laundry, under appliances, in garbage cans and recycling containers, within the seals on refrigerator doors, and in any pile of paper or cardboard, including paper bags and magazines. They can enter a home in boxes, bags, soft drink cartons, televisions, radios, used appliances and furniture, or they travel through tiny cracks in the walls or along plumbing. Different species of cockroaches will live in kitchens, bathrooms, bedrooms, and basements. All of the advice provided for getting rid of cockroaches includes not allowing piles of cardboard or paper (including paper bags) to accumulate and putting all garbage and recycling in containers with tight fitting lids[101]. While the implementation of the proposed ordinance may replace some of the plastic carryout bags currently used in the City with single-use paper bags, according to data collected by the County of Los Angeles after the first year of the County's Single-Use Bag Ordinance, approximately 125,000 paper bags were provided per large store compared to approximately 2.2 million plastic bags and 196,000 single-use paper bags provided per store annually prior to the ordinance going into effect in the third quarter of 2011.

[101]San Jose DEIR, citing Environmental Health Watch. "Cockroach Control Guide". 2010. <http://www.ehw.org/Asthma/ASTH_Cockroach_Control.htm> ; Environmental Health Watch. "Cockroach Control Guide". 2010. <http://www.ehw.org/Asthma/ASTH_Cockroach_Control.htm>; University of Connecticut Integrated Pest Management. "Integrated Pest Management for Cockroaches". <http://www.hort.uconn.edu/ipm/homegrnd/htms/roach.htm>; New York City Department of Health and Mental Hygiene. "Cockroach". 2010. <http://www.nyc.gov/html/doh/html/ehs/ehscroach.shtml>; and Barb Ogg, Ph.D., and Clyde Ogg. "Least Toxic Cockroach Control". http://lancaster.unl.edu/enviro/pest/factsheets/120-94.htm.

Single-use paper carryout bag usage continues to decline with an overall reduction of 34% between 2009 and the first quarter of 2012, including a nearly 13% reduction occurring within the first three quarters of the year following the enactment of the ordinance[102]. The data indicate that the use of paper carryout bags in large stores not only did not temporarily increase as a result of a ban of single-use plastic carryout bags, but actually decreased significantly after the enactment of the ordinance. As with the County of Los Angeles, a similar effect is anticipated to occur within the City of Los Angeles and there is no reason to believe that the proposed ordinance would cause accumulations of piles of cardboard or paper (including paper bags). Also, paper bags are accepted in the City of Los Angeles' curbside recycling program. Moreover, the existence of paper bags is only one of several of attractive havens that can harbor roaches (including walls, attics, old furniture, old appliances, cardboard boxes, old books and magazines, etc.), none of which would be affected by the proposed ordinance. Impact would therefore be less than significant.

Mitigation Measures

Impacts related to hazards and hazardous materials would be less than significant. No mitigation measures are required.

Level of Impact after Mitigation

Impacts related to hazards and hazardous materials would be less than significant. No mitigation measures are required.

Cumulative Impact

As discussed above, the proposed ordinance would require paper bags to contain 40% post-consumer content which reduces chemical use in manufacturing paper compared to virgin content. The proposed ordinance would also not increase exposure to bacteria over that which is typically found in a kitchen, and there is no reason to believe the proposed ordinance would result in accumulations of paper bags which could harbor cockroaches. Since the proposed ordinance does not involve the routine transport, use, or disposal of hazardous materials as defined by the Hazardous Materials Transportation Uniform Safety Act[103], it would not contribute to such cumulative impact, and hygiene-related hazards associated with reusable bags and paper bags would not be cumulatively considerable.

[102] County of Los Angeles, Department of Public Works, July 2012. http://dpw.lacounty.gov/epd/aboutthebag
[103] Code of Federal Regulations, Title 40, Chapter 1, Parts 106–180.

3.6 Hydrology and Water Quality

This section provides an overview of hydrology and water quality conditions in the City of Los Angeles and evaluates impacts associated with implementation of the proposed ordinance.

Environmental Setting

Surface Waters

The Los Angeles Regional Water Quality Control Board (LARWQCB) divides surface waters into (from largest to smallest) hydrologic units, areas, and subareas, and groundwater into major groundwater basins. Parts of the City are located within all four of the major watersheds that make up the Los Angeles-San Gabriel Hydrologic Unit: Ballona Creek, Dominguez Channel, Los Angeles River, and Santa Monica Bay (Figure 3.6-1). The Los Angeles-San Gabriel Hydrologic Unit covers most of Los Angeles County and small areas of southeastern Ventura County, with the drainage area comprising approximately 1,608 square miles. The Los Angeles-San Gabriel Hydrologic Unit is highly urbanized and much of the area is covered with semi-permeable or non-permeable material, i.e., paving. The Los Angeles River, San Gabriel River, and Ballona Creek, which are the major drainage systems in the City, drain the four watersheds of the Transverse Mountain Ranges into the Pacific Ocean. Therefore, trash in the City's creeks and rivers can ultimately end up in the Pacific Ocean.

Surface Water Quality

The Basin Plan developed by the LARWQCB, outlines conservation practices for the enhancement of water resources, and lists beneficial uses for inland surface waters, harbors, and groundwater basins. The Basin Plan designates beneficial uses for surface water and groundwater, sets narrative and numerical water quality objectives that must be attained (or maintained) to protect designated beneficial uses, and describes implementation programs to protect all waters in the region. According to the Basin Plan, uncontrolled pollutants from non-point sources are believed to be the greatest threats to rivers and streams within the LARWQCB region[104].

The LARWQCB requires all cities and counties within the region to develop and implement comprehensive urban runoff control programs that both remediate existing problems, and prevent future water quality problems. The City's Water Quality Compliance Master Plan for Urban Runoff which includes strategies and programs intended to improve water quality in the City and meet existing surface water quality regulations. According to the

[104]Los Angeles Regional Water Quality Control Board, Water Quality Control Plan: Los Angeles Region, 1994.

Figure 3.6-1 Major Watersheds

Plan, many of the surface water bodies in the LARWQCB region do not meet water quality goals for algae, bacteria, chloride, debris, metals, nutrients, oil and grease, salts, trash, and toxic organic compounds. Ballona Creek, the Los Angeles River, and the San Gabriel River watersheds contain pollutants typical of urban runoff, such as trash, metals, coliform bacteria, oil and grease, nutrients, and toxic organic compounds, such as pesticides and herbicides (a list of impaired waters in the City is provided in Appendices D and E of the Greater Los Angeles County Integrated Regional Water Management Plan). The most effective way to reduce the level of contamination from surface runoff is through the control of pollutants prior to their discharge to the drainage system.

Single-use plastic carryout bags can affect water quality both as a result of litter from discarded, post-consumer bags, and from chemical emissions released during their manufacturing. The most common way that these bags affect water quality is by becoming litter since, due to their lightweight and the difficulty of recycling plastic bags, a large percentage of single-use plastic carryout bags end up as litter[105]. When litter enters water bodies directly via wind action and direct disposal or it enters the storm drain system, it is capable of clogging storm drains or being transported into the local watershed and coastal habitat, violating waste discharge requirements. Additionally, the manufacturing of single-use plastic carryout bags, which utilizes preproduction plastic, may also degrade water quality if released either directly into a surface water body or indirectly through stormwater runoff.

Fewer single-use paper carryout become litter than single-use plastic carryout bags due to their weight and recyclability; however, water quality may be degraded as a result of the chemicals and materials used in their manufacturing process, including fertilizers, pesticides and other chemicals used in the production of raw materials (such as pulp) discharged into water bodies, either directly or indirectly through stormwater runoff, may increase the potential for higher than natural concentrations of trace metals, biodegradable wastes, and excessive major nutrients such as nitrogen and phosphorus.

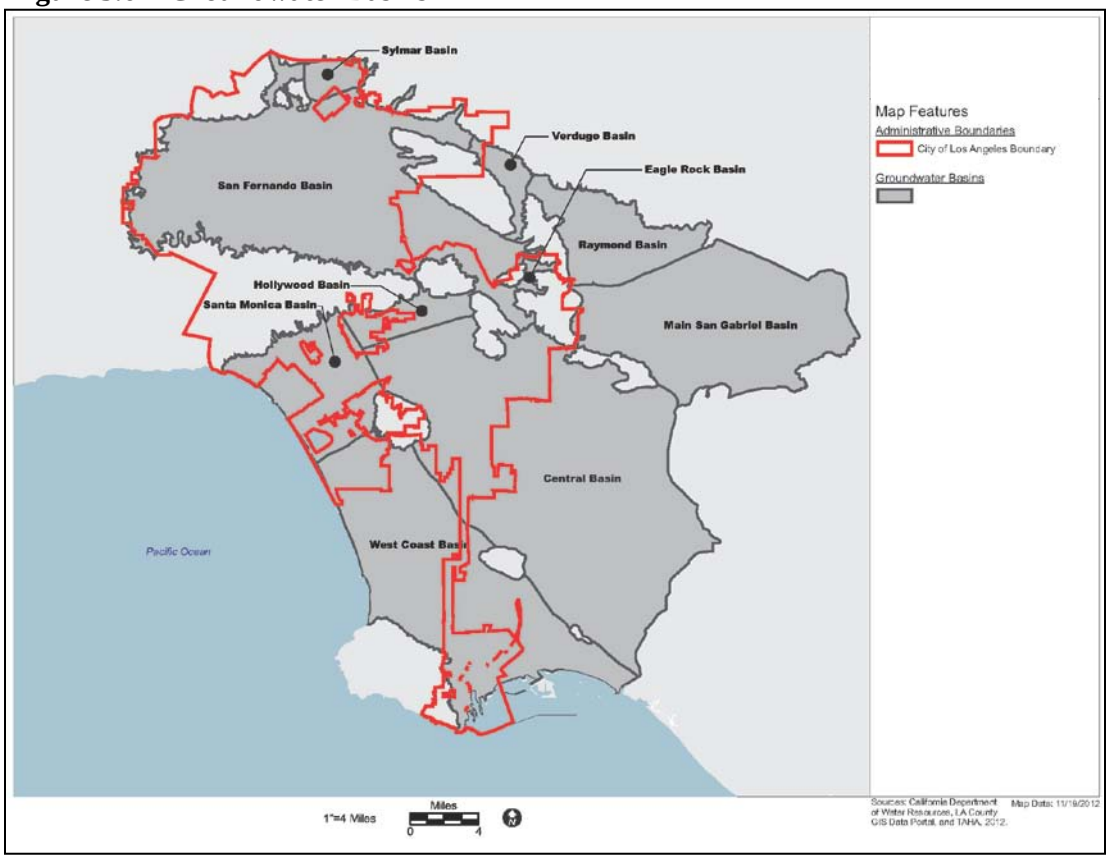
Reusable bags are less likely to become litter compared to single-use plastic and paper carryout bags because of their weight and sturdiness[106]. However, similar to single-use paper carryout bags, if chemicals and materials used in manufacturing process are released, either directly into a stream or indirectly via stormwater runoff, they could degrade water quality in local water bodies.

Groundwater

The Coastal Plain of the Los Angeles Groundwater Basin underlies most of the City's territory, and is comprised of the West Coast Basin, the Central Basin, the Santa Monica Basin, and the Hollywood Basin (see Figure 3.6-2). Groundwater accounts for most of the region's local (i.e., non-imported) supply of fresh water; however, groundwater from the Coastal Plain of Los Angeles Groundwater Basin is not used as a substantial source of fresh water for the region.

[105]Green Cities California, Master Environmental Assessment on Single-Use and Reusable Bags, 2010.
[106]Ibid.

Figure 3.6-2 Groundwater Basins



Groundwater Quality

According to the Basin Plan, the general quality of groundwater in the Los Angeles region has degraded substantially from historic levels. Much of the degradation reflects chemicals such as fertilizers and pesticides typically used on lawns and agricultural lands, which can degrade groundwater when irrigation waters containing such substances seep into the subsurface. Though no longer common in the City, where septic tanks are used, nitrogen and pathogenic bacteria from overloaded or improperly sited septic tanks can seep into groundwater and result in health risks to those who rely on groundwater for domestic supply. In areas with industrial or commercial activities, aboveground and underground storage tanks contain vast quantities of hazardous substances. Thousands of these tanks in the region have leaked or are leaking, discharging petroleum fuels, solvents, and other hazardous substances into the subsurface. The leaks, as well as other underground discharges that result from inadequate handling, storage, and disposal practices can seep into the subsurface and pollute groundwater[107].

A separate groundwater quality problem occurs in the Central and West Coast Basins where seawater intrusion has occurred in these basins and is now under control in most areas through an artificial recharge system consisting of spreading basins and injection wells that form fresh water barriers along the coast. Groundwater in the lower aquifers of these basins is generally of good quality, but large plumes of saline water have been trapped behind the barrier of injection wells in the West Coast Basin, degrading significant volumes of groundwater with high concentrations of

[107]Los Angeles Regional Water Quality Control Board, Water Quality Control Plan: Los Angeles Region,1994.

chloride. Furthermore, the quality of groundwater in parts of the upper aquifers of both the Central and West Coast basins is degraded by both organic and inorganic pollutants from a variety of sources, such as leaking underground tanks, leaking sewer lines, and illegal discharges. As the aquifers and confining layers in these alluvial basins are typically interconnected, the quality of groundwater in the deeper production aquifers is threatened by migration of pollutants from the upper aquifers.

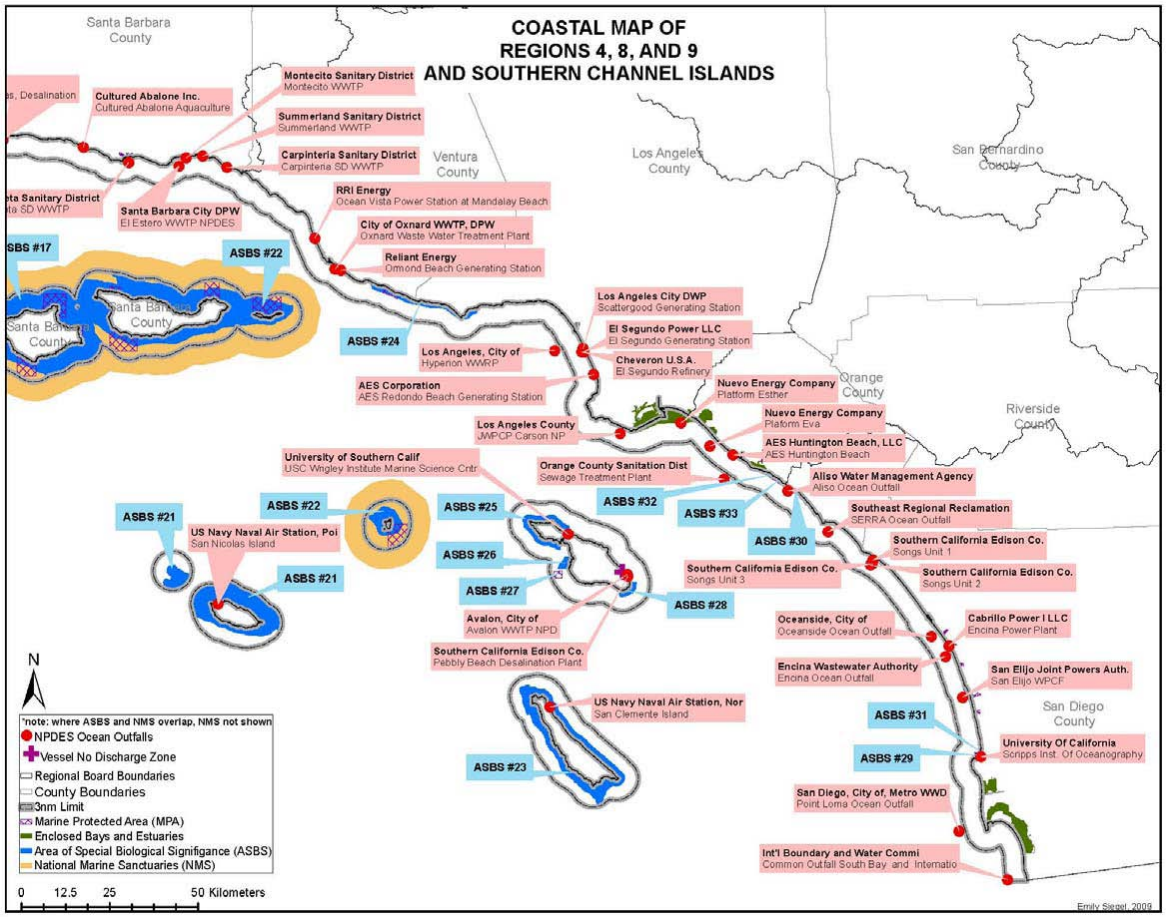
Water Quality Regulations

The federal Clean Water Act (CWA) and the California Ocean Plan are the primary regulations for pollutant discharges in California. The CWA established minimum national water quality goals and created the National Pollutant Discharge Elimination System (NPDES) permit system to regulate the quality of discharged wastewater. Municipal and industrial stormwater runoff is regulated under this system and all dischargers must obtain NPDES permits.

The California Ocean Plan is a water quality control plan for marine waters and prohibits discharges into Areas of Special Biological Significance[108] (see Figure 3.6-4). The CWA has established 126 "priority contaminants" (metals and organic chemicals) and the California Ocean Plan has established effluent limitations for 21 of these pollutants.

[108] California Ocean Plan, State Water Resources Control Board, 2009.

Figure 3.6-3 California Ocean Plan



The U.S. Environmental Protection Agency (USEPA) is the primary federal agency responsible for implementing the CWA. The State Water Resources Control Board (SWRCB), Ocean Unit, is the responsible agency for the development and updating of statewide water quality control plans, policies, and standards involving marine waters, including the California Ocean Plan. The SWRCB oversees the Regional Water Quality Control Boards (RWQCBs) that in turn, develop regional Basin Plans.

The City of Los Angeles is located within the jurisdiction of the Los Angeles Regional Water Quality Control Board (LARWQCB) which has jurisdiction over the coastal drainages between Rincon Point (on the coast of western Ventura County) and the eastern Los Angeles County line, which includes the entire City of Los Angeles. As required by the CWA, the LARWQCB adopted the Basin Plan for the Los Angeles Region, which established water quality objectives for surface waters and groundwater within the Los Angeles region. Section 303(d) of the CWA requires that the LARWQCB identify impaired waters and establish Total Maximum Daily Loads (TMDLs) - the maximum amount of a pollutant that a water body can receive and still safely meet water quality standards - to ensure the attainment of the water quality objectives. The LARWQCB has adopted TMDLs for trash as an amendment to the Basin Plan. Trash TMDLs are specifically tied to water quality objectives for “floating materials” and “solid”, suspended and settleable materials. Plastic carryout bags are considered a component of trash because discarded plastic carryout bags can be found in stormwater runoff and discharges.

The City of Los Angeles General Plan, Conservation and Framework Element also address water quality issues. The intent of the Conservation Element is the conservation and preservation of natural resources. The Conservation Element contains policies intended to protect the ocean from contamination and the Framework Element contains policies that address stormwater and water quality (see Table 3.6-1).

Table 3.6-1
Relevant General Plan Water Quality Goals, Objectives, and Policies

Policy/Objective	Policy /Objective Description
CONSERVATION ELEMENT – OCEAN	
Policy 1	Continue to reduce pollutant discharge into the bays from both natural and human sources.
Policy 3	Continue to support and/or participate in programs to clean bay sediments and/or mitigate potentially harmful effects of contaminants in the sediments and waters of the bays.
FRAMEWORK ELEMENT – STORMWATER	
Objective 9.6	Pursue effective and efficient approaches to reduce stormwater runoff and protect water quality.
Policy 9.6.2	Establish standards and/or incentives for the use of structural and non-structural techniques which mitigate flood-hazards and manage stormwater pollution.
Policy 9.6.3	The City's watershed-based approach to stormwater management will consider a range of strategies designed to reduce flood hazards and manage stormwater pollution. The strategies considered will include, but not necessarily be limited to: a. Support regional and City programs which intercept run off for beneficial uses including groundwater recharge; b. Protect and enhance the environmental quality of natural drainage features; c. Create stormwater detention and/or retention facilities which incorporate multiple-uses such as recreation and/or habitat; d. On-site detention/retention and reuse of runoff; e. Mitigate existing flood hazards through structural modifications (flood proofing) or property buy-out; f. Incorporate site design features which enhance the quality of off-site runoff; and g. Use land use authority and redevelopment to free floodways and sumps of inappropriate structures which are threatened by flooding and establish appropriate land uses which benefit or experience minimal damages from flooding.
Policy 9.6.4	Proactively participate in inter-agency efforts to manage regional water resources, such as the Santa Monica Bay Restoration Project, the Los Angeles River Master Plan, the Los Angeles River Parkway Project and the Los Angeles County Drainage Area Water Conservation and Supply Feasibility Study.

Table 3.6-1
Relevant General Plan Water Quality Goals, Objectives, and Policies

Policy/Objective	Policy /Objective Description
Objective 9.7	Continue to develop and implement best-management-practices-based stormwater programs which maintain and improve water quality.
Policy 9.7.1	Continue the City's active involvement in the regional NPDES municipal stormwater (MS4) permit.
Policy 9.7.3	Investigate management practices which reduce stormwater pollution to identify technically feasible and cost effective-approaches, through: a. Investigation of sources of pollution using monitoring, modeling and special studies; b. Prioritization of pollutants and sources; c. Conducting research and pilot projects to study specific management practices for the development of standards; and d. Developing requirements which establish implementation standards for effective management practices.
Policy 9.9.3	Protect existing water supplies from contamination, and clean up groundwater supplies so those resources can be more fully utilized.
Policy 9.9.5	Maintain existing rights to groundwater and ensure continued groundwater pumping availability.
City of Los Angeles, *General Plan Conservation Element* and *The Citywide General Plan Framework*, 2001.	

Impact Criteria

The proposed ordinance would have a significant impact related to hydrology and water quality if it would:

- Violate any water quality standards or waste discharge requirements
- Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table, and/or
- Otherwise substantially degrade water quality

Environmental Impact

Water Quality

Litter

With implementation of the proposed ordinance, under the "worst case" scenario, 5% of existing single-use plastic carryout bag usage would continue, 30% would be replaced with recyclable paper carryout bags, and the remaining 65% would be replaced with reusable carryout bags. Based on these estimates, of the approximately 2 billion single-use plastic bags used annually in the City of Los Angeles, only 100 million would continue to be used annually. According to the County of Los Angeles announcement on the first year of implementing the County's Single-Use Bag Ordinance, 125,000 paper bags were provided per large store compared to approximately 2.2 million plastic bags and 196,000 single-use paper bags provided per store annually prior to the ordinance going into effect in the third quarter of 2011. Single-use paper carryout bag usage continues to decline with an overall reduction of 34% between 2009 and the first quarter of 2012, including a nearly 13% reduction occurring within the first three quarters of the year following the enactment of the ordinance[109]. Since then, the County of Los Angeles has released further information that in third quarter of 2012, annual paper bag usage per store continued to decline. The City of Los Angeles is part of the Los Angeles county and it is anticipated that the City would have a similar reduction in single-use paper bag usage following the implementation of the proposed ordinance.

The potential for each type of single-use bag to become litter is based on the bag's weight, material, and quantity used. As previously described, the majority of single-use plastic bags end up as litter or are deposited at landfills. Single-use plastic bags that become litter may enter storm drains from surface water runoff or may be blown directly into local waterways by the wind. Single-use plastic bag litter that enters the storm drain system can block or clog drains resulting in contamination. According to the Green Cities California Master Environmental Assessment (MEA), almost 20 billion plastic grocery bags are consumed annually in California. In the City, more than two billion single-use plastic bags are used annually. The 95% reduction in the overall number of single-use plastic bags used in the City anticipated to occur with implementation of the proposed ordinance is expected to have a commensurate reduction in the potential for single-use plastic bags to enter and clog area storm drains.

Single-use paper bags have the potential to enter stormdrains and directly enter local waterways as litter via wind action and direct deposit. However, as described above, due to their weight and recyclability, single-use paper bags are less likely to become litter compared to single-use plastic bags. Further, because single-use paper bags disintegrate when soaked with water, they would be less likely to block or clog drains. Therefore, single-use paper bags, the use of which may temporarily increase with implementation of the proposed ordinance, would be less likely to result in storm drain blockage or contamination than under current conditions. As described above, due to the weight and sturdiness of reusable bags, reusable bags are less likely to become littler than both single-use plastic and paper bags. The increased use of reusable bags, which is anticipated and encouraged under the proposed ordinance, would not degrade water quality as a result of litter compared to existing conditions.

[109] County of Los Angeles, Department of Public Works, July 2012. http://dpw.lacounty.gov/epd/aboutthebag

The proposed ordinance is anticipated to remove approximately 1,900,000,000 single-use plastic carryout bags per year in the City, which fundamentally addresses the source of plastic bag litter entering the impaired waterways, thus improving water quality. Thus, the proposed ordinance would result in a beneficial impact on water quality.

Manufacturing

Single-use plastic bag manufacturers use "pre-production plastic", and single-use paper and reusable bag manufacturers use various chemicals and materials such as fertilizers and pesticides. If these materials and chemicals are released, either directly into a stream or indirectly via stormwater runoff, higher natural concentrations of trace metals, biodegradable wastes (which affect dissolved oxygen levels), and excessive major nutrients such as nitrogen and phosphorus may be found in local water bodies, thereby degrading water quality.

Single-use plastic bags are manufactured using pre-production plastic. Pre-production plastic which typically occurs as plastic resin pellets, are a concern when accidentally released into storm drains during use or transport. Other products used in the manufacturing process, such as petroleum and natural gas, also have the potential to be accidentally released during transport or use. Plastic manufacturing, handling, and transportation are subject to regulations and must implement best management practices to prevent and control the accidental release of contaminates, as regulated by the US EPA.

Single-use paper bags are typically made from kraft pulp which is produced by chemically separating cellulose from lignin. Although it does not directly discharge pollutants, the paper bag manufacturing process may utilize fertilizers, pesticides and other chemicals in the production of raw materials. While the direct discharge of pollutants into waters of the United States is not permitted by the NPDES program, these chemicals may increase the potential for higher concentrations of trace metals, biodegradable wastes, and excessive major nutrients such as nitrogen and phosphorus in waters, causing eutrophication, (i.e. depletion of oxygen in water whereby a body of water becomes rich in dissolved nutrients from fertilizers or sewage that encourage the growth and decomposition of oxygen-depleting plant life and results in harm to other organisms). According to the Green Cities California MEA, a single-use paper bag has 14 times the impact of one single-use plastic bag on eutrophication, stimulating excessive growth of algae and other aquatic life. Eutrophication degrades water quality and causes a variety of problems, including a lack of oxygen in the water.

Reusable bags can be manufactured with various materials, including polyethylene (PE) plastic, polypropylene (PP) plastics, multiple types of cloth (cotton canvas, nylon, etc.), and recycled plastic beverage containers (polyethylene terephthalate, or PET), among others. The potential for water quality to be degraded is dependent on the type of material used in the manufacturing process. Similar to paper bags, certain types of reusable bags, such as cotton canvas, may utilize fertilizers, pesticides and other chemicals during production of raw materials and manufacturing. These pollutants may cause eutrophication if released into the waterways. According to the Green Cities California MEA, a single reusable low density polyethylene (LDPE) bag has 2.8 times the impact of a single-use plastic bag on eutrophication.

While there are no known single-use plastic, paper, or reusable bags manufacturing facilities within the City of Los Angeles, as is the case for all manufacturing operations, any manufacturer of single-use plastic, paper bags, and reusable bags would be subject to all applicable federal, State, regional and local water quality standards and waste discharge requirements, including NPDES and the City's Water Quality Compliance Master Plan for Urban Runoff and Stormwater

Program. NPDES program requirements regulate discharges to surface and groundwater and waste disposal sites, and require clean up of discharges of hazardous materials and other pollutants. The City's Water Quality Compliance Master Plan for Urban Runoff and City's Stormwater Program requires the preparation and implementation of a Standard Urban Stormwater Mitigation Plan (SUSMP) to reduce the discharge of pollutants in stormwater, including implementation of best management practices during operation.

With implementation of the proposed ordinance, the number of single-use plastic bags manufactured in response to demand for those bags in the City would be significantly reduced, as would the number of single-use paper bags (based on the Los Angeles County data showing a 13% reduction rate within the first three quarters after the implementation of the County's ordinance banning single-use plastic carryout bags in 2011)[110]. Since then, the County of Los Angeles has released further information that in third quarter of 2012, annual paper bag usage per store continued to decline. The reusable bags manufactured for use in the City would incrementally increase to address demand created in the absence of single-use plastic bags. However, as reusable bags would be expected to replace millions of single-use plastic and paper bags because they would be used repeatedly, water quality impacts associated with the manufacturing of reusable bags would be reduced compared to the manufacturing of single-use plastic and paper bags. Consequently, the proposed ordinance would reduce overall impacts to water quality associated with bag manufacturing. Furthermore, as described above, manufacturing facilities would be required to adhere to existing federal, State and local regulations water quality regulations. Therefore, this impact would be beneficial a long term.

Groundwater

Industrial activities, such as the manufacturing of single-use paper and plastic bags, and reusable bags have the potential to create discharges that can seep into the subsurface and pollute groundwater. These activities are subject to all applicable federal, State and local water quality standards and waste discharge requirements, including the NPDES program requirements, and the City's Water Quality Compliance Master Plan for Urban Runoff and City's Stormwater Program.

While the manufacturing of single-use plastic and paper bags, and reusable bags presents similar risks for groundwater contamination, reusable bags would be expected to replace millions of single-use plastic and/or paper bags. Accordingly, the number of reusable bags manufactured to satisfy demand in the City of Los Angeles would be considerably smaller than the number of single-use plastic and paper carryout bags. Therefore, the proposed ordinance would be expected to indirectly reduce the potential for harmful compounds to be discharged into groundwater supplies during manufacturing, resulting in a beneficial impact.

The proposed ordinance does not involve any construction of new structures, such as manufacturing facilities, that could result in an increase in impervious surfaces that would potentially reduce groundwater levels. There are no known reusable bags manufacturing facilities in Los Angeles, and any future facility manufacturing reusable bags, if any, would use water supplied by the City from its portfolio of water sources and be subject to the City's water allocations, as applicable. Therefore, the proposed ordinance would result in a less than significant impact related to groundwater.

[110] County of Los Angeles, About the Bag, Announcements: September 2012.
[111] County of Los Angeles, About the Bag, Announcements: September 2012 and March 2013.

Mitigation Measures

Impact related to water quality would be beneficial and impact related to groundwater would be less than significant. No mitigation measures are required.

Level of Impact after Mitigation

Impact related to water quality would be beneficial and impact related to groundwater would be less than significant. No mitigation measures are required.

Cumulative Impact

In California, more than 50 Cities and Counties already adopted single-use plastic bag ordinances, and more such ordinances are anticipated to be adopted in the future. As discussed above, with implementation of the proposed ordinance, the number of single-use plastic bags entering the storm drain system as litter and being manufactured would be significantly reduced, thereby reducing water quality impacts associated with single-use plastic bags and complying with applicable water quality standards and waste discharge requirements. Further, the number of single-use paper bags is anticipated to be significantly reduced as a result of the past, present and foreseeable future proposed ordinances (based on the Los Angeles County data showing a 13% reduction rate within the first three quarters of the year after the implementation of the County's ordinance banning single-use plastic carryout bags in 2011 and further information released by County of Los Angeles that in third quarter of 2012, annual paper bag usage per store continued to decline.[111]), while manufacturing of single-use paper bags and reusable bags would continue to be addressed through compliance with applicable federal, State and local water quality regulations, including NPDES. Accordingly, implementation of the proposed ordinance in combination with the past, present, or reasonably foreseeable, probable future ordinances would result in a beneficial cumulative impact on water quality.

The adopted and reasonably foreseeable future ordinances, and the proposed ordinance, do not involve any construction of new structures, such as manufacturing facilities, that could result in an increase in impervious surfaces that would potentially reduce groundwater levels. As with the proposed ordinance, any future facility manufacturing reusable bags would use water supplied by the appropriate jurisdictional water provider from its portfolio of water sources and be subject to the provider's water allocations, as applicable. Therefore, the proposed ordinance would result in a less than significant cumulative impact related to groundwater.

[111] County of Los Angeles, About the Bag, Announcements: September 2012 and March 2013.

3.7 Mineral Resources

This section examines mineral resources and evaluates potential impacts associated with the proposed City of Los Angeles Single-Use Bag Ordinance project. Statewide/regional and local mineral resources are addressed and the proposed project is evaluated in terms of whether its implementation would result in the permanent loss of, or loss of access to, mineral resources occurring within the City of Los Angeles.

Environmental Setting

Fossil fuels are the primary raw material used in the production of plastic bags, and essential to the modern manufacturing process used to produce other types of bags. According to Hyder Consulting (2007), single-use plastic bags and reusable non-woven plastic polypropylene bags are produced using a by-product of gas or oil refining. Although kraft paper bags (commonly used in grocery stores), cotton bags, and starch-based biodegradable bags are manufactured from renewable resources, significant fossil fuel use is required for the manufacture of these types of bags[112].

Most plastic bags that are produced domestically use ethane, which is a byproduct of natural gas refining. Imported single-use bags often originate as oil. In the United States, plastics are made from liquid petroleum gases (LPG), natural gas liquids (NGL), and natural gas. LPG are by-products of petroleum refining, and NGL are removed from natural gas before it enters transmission pipelines. In 2010, about 191 million barrels of LPG and NGL were used in the United States to make plastic products in the plastic materials and resins industry, equal to about 2.7% of total U.S. petroleum consumption."[113] According to the cradle-to-grave Boustead Consulting study (2007), approximately 23.2 kilograms (kg) of fossil fuel is used in the manufacture of 1,000 paper bags composed of at least 30% recycled fiber, whereas it takes 14.9 kg for 1500 single-use PE plastic bags and 41.5 kg for 1500 compostable plastic bags[114].

Statewide/Regional Mineral Resources

The California Board of Mining and Geology adopted guidelines for the management of mineral resources and preparation of local plans. The guidelines require local general plans to reference the State-identified mineral deposits and sites that are identified by the State geologist for conservation and/or future mineral extraction.

The State geologist classified Mineral Resources Zone-2 (MRZ-2) sites within the City of Los Angeles. MRZ-2 sites contain potentially significant sand and gravel deposits which are to be conserved. Any proposed development plan must consider access to the deposits for purposes of

[113] U.S. Energy Information Administration: "Frequently Accessed Questions." Accessed April 17, 2013: http://www.eia.gov/tools/faqs/faq.cfm?id=34&t=6

[114] Boustead Associates (2007) assumes that 1500 plastic bags have an equivalent carrying capacity of 1000 paper bags.

extraction. According to the City of Los Angeles General Plan Framework EIR, a MRZ-2 area is partially located in the northern portion of the Southeast Los Angeles Community Plan Area, primarily north of Vernon Avenue between Figueroa Street and Alameda Street[115].

Local Mineral Resources

Additionally, the Los Angeles Basin is known to be a source of petroleum. Most of the petroleum is from the Lower Pliocene (3 to 5 million years old) and from the Upper Miocene (5 to 11 million years old) rock formations. Oil deposits underlie portions of downtown and west Los Angeles, the harbor area and the Santa Monica and San Pedro bays. Twenty producing oil fields lie wholly or partially within the City. The Wilmington field is one of the largest in the State, with 1,332 wells that produce 54,612 barrels of oil per day[116].

Regulatory Framework

Federal

Bureau of Land Management. The Bureau of Land Management (BLM), an agency within the United States Department of the Interior, administers 261 million surface acres of America's public lands, located primarily in 12 Western States. The BLM is responsible for managing commercial energy and mineral production from the public lands in an environmentally sound and responsible manner. The BLM is responsible for the leasing of federal oil and gas and geothermal minerals and is also responsible for supervising the exploration, development, and production operations of these resources on both Federal and Indian lands. The BLM is responsible for maintaining viable national policies and processes for solid minerals resources under Federal jurisdiction. Solid minerals include coal and non-energy leasable minerals, hard rock minerals on acquired lands, locatable minerals, and salable minerals.

State

Surface Mining and Reclamation Act. The Surface Mining and Reclamation Act of 1975 (SMARA) requires that the State Mining and Geology Board (Board) map areas throughout the State of California that contain regionally significant mineral resources. Construction aggregate resources (sand and gravel) deposits were the first commodity selected for classification by the Board. Once mapped, the Board is required to designate for future use those areas that contain aggregate deposits that are of prime importance in meeting the region's future need for construction-quality aggregates. The primary objective of SMARA is for each jurisdiction to develop policies that will conserve important mineral resources, where feasible, that might otherwise be unavailable when needed. SMARA requires that once policies are adopted, local agency land use decisions must be in accordance with its mineral resource management policies. These decisions must also balance the mineral value of the resource to the market region as a whole, not just their importance to the local jurisdiction.

Division of Oil, Gas, and Geothermal Resources. The Division of Oil, Gas, and Geothermal Resources (DOGGR) within the State Department of Conservation supervises the drilling, operation, maintenance, and abandonment of oil, gas, and geothermal wells to protect the environment, public health, and safety, and encourage good conservation practices. DOGGR

[115]City of Los Angeles, City of Los Angeles General Plan Framework EIR, Figures GS-1 and GS-6.
[116]City of Los Angeles, City of Los Angeles General Plan Framework EIR.

collects data on the location of groundwater, oil, gas, and geothermal resources, and records the location of all drilled and abandoned wells.

California Geologic Survey (CGS). Based on guidelines adopted by the CGS, areas known as Mineral Resource Zones (MRZ) are classified according to the presence or absence of significant deposits, as defined below. These classifications indicate the potential for a specific area to contain significant mineral resources:

- **MRZ-1**: Areas where available geologic information indicates there is little or no likelihood for presence of significant mineral resources.
- **MRZ-2**: Areas underlain by mineral deposits where geologic data indicate that significant measured or indicated resources are present or where adequate information indicates that significant mineral deposits are present or where it is judged that a high likelihood for their presence exists.
- **MRZ-3**: Areas containing known mineral occurrences of undetermined mineral resource significance.
- **MRZ-4**: Areas of no known mineral occurrences where geologic information does not rule out the presence or absence of significant mineral resources.

Much of the area within the MRZ sites in Los Angeles was developed with structures prior to the MRZ classification and, therefore, is unavailable for extraction.

Local

City of Los Angeles General Plan Safety and Conservation Element. The City of Los Angeles General Plan provides growth and development policies by providing a comprehensive long-range view of the City as a whole. The Safety and Conservation Element of the General Plan consists of an identification and analysis of the existing natural resources in the City of Los Angeles. Policies of the Safety and Conservation Element include the preservation of mineral resources and access to these resources. The applicable Safety Element and Conservation Element policies and objectives are shown in Table 3.7-1.

Table 3.7-1
Safety Element and Conservation Element Policies

Policy	Policy Description
SAFETY ELEMENT – HAZARDS MITIGATION	
Policy 1.1.4	Health/environmental protection. Protect the public and workers from the release of hazardous materials and protect City's water supplies and resources from contamination resulting from accidental release or intrusion resulting from a disaster event, including protection of the environment and public from potential health and safety hazards associated with program implementation.
CONSERVATION ELEMENT - RESOURCE MANAGEMENT (FOSSIL FUELS) - PETROLEUM (OIL AND GAS)	
Policy 1	Continue to encourage energy conservation and petroleum product reuse.
Policy 3	Continue to protect neighborhoods from potential accidents and subsidence associated with drilling, extraction, and transport operations, consistent with California Department of Conservation, Division of Oil and Gas requirements.

Source: City of Los Angeles General Plan, Safety Element, 1996, and Conservation Element, 2001.

Oil Drilling District and Rock and Gravel District Procedures. To regulate subsurface extraction activities, the City established Oil Drilling District procedures in 1948 and Rock and Gravel District procedures in 1951. Both contain provisions for imposing and monitoring mitigation measures to prevent significant subsidence related to oil and gas extraction and mining activities. The districts are established as overlay zones and are administered by the Department of City Planning with the assistance of other City agencies. The City Oil Administrator is responsible for monitoring oil extraction activities and has the authority to recommend additional mitigation measures to the Planning Commission after an Oil Drilling District is established. The Planning Department Office of Zoning Administration issues and administers oil drilling permits and may impose additional mitigation measures, as deemed necessary, after a permit has been granted, such as measures to address subsidence.

City of Los Angeles Municipal Code (LAMC). To comply with SMARA, the City of Los Angeles adopted in 1975 the 'G' Surface Mining supplemental use provisions (LAMC Section 13.03). Subsequent amendments have brought the City's provisions into consistency with new state requirements. The 'G' provisions are land use, not mineral conservation regulations. They regulate the establishment of sand and gravel districts, extraction operations, mitigation of potential noise, dust, traffic, and other potential impacts, as well as post-extraction site restoration. Other conditions may be imposed by the City if deemed appropriate.

The 'O' Oil Drilling supplemental use district provisions of the Municipal Code (Section 13.01) were initially enacted in 1953. They delineate the boundaries within which surface operations for drilling, deepening, or operation of an oil well or related facilities are permitted, subject to conditions and requirements set forth in the code and by a Department of City Planning Zoning Administrator, the Fire Department, and the City's Petroleum Administrator of the Office of Administrative and Research Services. The conditions protect surrounding neighborhoods and the environment from potential impacts, e.g., noise, hazard, spills, and visual blight. In addition, the Department of Water and Power monitors drilling operations to assure protection of water wells and aquifers. Property owners, including the City, receive oil production royalties from lands (e.g., city streets) that lie within oil drilling districts.

Impact Criteria

The proposed project would have a significant impact related to mineral resources if it would:

- Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; and/or
- Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

Environmental Impact

According to data collected by the County of Los Angeles after the County's Single-Use Bag Ordinance was enacted, approximately 125,000 paper bags were provided annually per large store compared to approximately 2.2 million plastic bags and 196,000 single-use paper bags provided per store prior to the ordinance going into effect in the third quarter of 2011. Single-use paper carryout bag usage continues to decline with an overall reduction of 34% between 2009 and the

first quarter of 2012, including a nearly 13% reduction occurring within the first three quarters of the year following the enactment of the ordinance[117]. Since then, the County of Los Angeles has released further information that in third quarter of 2012, annual paper bag usage per store continued to decline. The data indicate that the use of paper carryout bags in large stores not only did not temporarily increase as a result of a ban of single-use plastic carryout bags, but actually decreased significantly after the enactment of the ordinance. Based on these data, it is anticipated that there would be a similar reduction in paper bag use with the proposed ordinance. Therefore, the proposed ordinance would not be expected to directly affect the extraction of mineral resources used in manufacturing of paper bags, and is not expected to result in a significant impact to mineral resources.

The proposed ordinance would not result in impacts to mineral resources in relation to the loss of availability of a known mineral resource recovery site. There are three areas with sand and gravel resources of state-wide or regional importance within the City; however, the proposed ordinance is a ban of single-use plastic carryout bags at retail stores that would not affect these mineral resources. Oil is also a mineral resource that is present, and being extracted, in the City. Single-use plastic bags and reusable non-woven plastic polypropylene bags are produced using a by-product of gas or oil refining. While there are no known single-use plastic or reusable bags manufacturing facilities in Los Angeles, the manufacture of these bags for use within the City would involve petroleum and/or natural gas. However, any potential use of petroleum in the manufacturing process of reusable bags, and the remaining single-use plastic bags, for use in the City is anticipated to be offset by the elimination of petroleum used in manufacturing of over 2 billion single-use plastic bags currently consumed in the City every year. No significant impact to local oil fields is anticipated.

Mitigation Measures

Impact to mineral resources would be less than significant. No mitigation measures are required.

Level of Impact after Mitigation

Impact to mineral resources would be less than significant. No mitigation measures are required.

Cumulative Impact

As discussed above, the results of the first year assessment of the County of Los Angeles' Single-Use Bag Ordinance showed that at applicable stores single-use plastic bag were eliminated and paper bag use was significantly reduced. Therefore, a similar reduction in paper bag use is anticipated with the City proposed ordinance, as well as with similar ordinances adopted by other jurisdictions. Therefore, the proposed ordinance would not result in a cumulatively considerable contribution to impact to mineral resources.

[117] County of Los Angeles, Department of Public Works, July 2012. http://dpw.lacounty.gov/epd/aboutthebag

3.8 Noise

This section examines the potential noise impacts associated with the adoption and implementation of the proposed City of Los Angeles Single-Use Carryout Bag Ordinance.

Environmental Setting

The City of Los Angeles is the second largest city in the nation with numerous noise sources, including aircraft, rail, highway and freeway transportation systems, and the day-to-day activities of its residential, commercial, and industrial uses. Transportation systems are a primary source of urban noise, and they include noise generated by truck traffic. The traffic noise generated by trucks includes the noise associated with the approximately 2.7 trips per day (see Section 3.10, Traffic) for delivery of single-use plastic carryout bags that are consumed in the City.

Impact Criteria

Impact is considered significant if the proposed project would result in:

- A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project, and/or
- A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project

Environmental Impact

The proposed ordinance is intended to lead to a reduction in the use of single-use plastic carryout bags, and an increase in the use of reusable carryout bags. The increased use of reusable carryout bags, as well as the use of recyclable single-use paper carryout bags that would be available for purchase by customers at the regulated stores, may lead to an additional 5.8 truck trips per day delivering those bags (see Section 3.10, Traffic). This estimate of the potential change in truck trips is based on a conservative "worst case", albeit unlikely, scenario where all bags are delivered by truck in separate, dedicated loads. The scenario's assumptions also include: (1) an assumption that 5% of existing plastic bag use in the City would remain since the proposed ordinance would not apply to some retailers who distribute single-use plastic carryout bags (such as restaurants, dry cleaners, and farmer's markets); (2) an assumption that 30% of existing plastic bag use would convert to recyclable single-use paper carryout bag use on a 1:1 ratio, even though a paper carryout bag generally has a 1.5 times greater volume than a plastic bag (20.48 liters versus 14 liters), and the preliminary data submitted by stores during the first three quarters of the year following the enactment of the Los Angeles County ordinance - which banned single-use plastic carryout bags and imposed a charge on paper bags - shows a significant overall decline in

single-use paper carryout bag usage with an overall reduction of 34% between 2009 and the first quarter of 2012, including a nearly 13% reduction occurring within the first three quarters of the year following the enactment of the ordinance[118], and (3) an assumption that 65% of plastic bag use would convert to reusable bags where a reusable bag is conservatively assumed to be used by a customer only once per week for one year, or 52 times[119].

Under this "worst case" scenario, the implementation of the proposed ordinance has a potential to add approximately 5.8 truck trips per day to the street and highway system within the approximately 469 square-mile City of Los Angeles. It is anticipated that such trucks would utilize major regional freeways and routes (including the I-5, I-10, I-210, I-405, I-605, I-710 and SR-2, SR-60, SR-91, SR-110, and SR-118 freeways) and major arterial streets in the city (including Sepulveda Boulevard, Van Nuys Boulevard, Pico Boulevard, Wilshire Boulevard, Vermont Avenue, Venice Boulevard, Washington Boulevard, Slauson Avenue, and Manchester Avenue) that carry commercial traffic.

However, while the bags may be delivered in dedicated truck loads to regional distributors who then distribute the bags for deliveries within Los Angeles, the bags are typically delivered to supermarkets and retail stores as part of regularly scheduled larger mixed loads of groceries and merchandise[120] by trucks and vans. Therefore, there may not be an actual net increase in truck traffic and thus, in truck noise from the change in bag use, particularly since paper and reusable bags could be continued to be included in each regularly scheduled mixed load delivery to the grocery stores, supermarkets, and other retail stores.

Even with the addition of up to 5.8 truck trips per day under the "worst case" scenario to the existing freeways and the City's roadways system, the project has no potential to double existing traffic volumes as to result in a noticeable increase in noise levels[121] along any roadway. Impact would be less than significant.

Mitigation Measures

Impact, if any, would be less than significant and therefore no mitigation is necessary.

Level of Impact after Mitigation

Impact, if any, would be less than significant and therefore no mitigation is necessary.

[118] County of Los Angeles, Department of Public Works, July 2012. http://dpw.lacounty.gov/epd/aboutthebag

[119] City of Santa Monica Single-Use Carryout Bag Ordinance EIR, January 2011; County of San Mateo Single Use Bag Ban Ordinance EIR, January 2012.

[120] City of San Jose Single-Use Carryout Bag Ordinance EIR, October 2010.

[121] A 3 dB(A) change in noise level is considered to be just-perceivable by the average person. The decibel (dB) is the unit used to measure the intensity of a sound, and the decibel scale which gives more weight to those frequencies used in human speech, the dB(**A**), is an expression of the relative loudness of sounds in air as perceived by the human ear. A change in power ratio by a factor of two (doubling) is approximately a 3 dB change.

Cumulative Impact

Numerous ordinances banning single-use plastic carryout bags in California, that cover more than 50 County and City jurisdictions, have already been implemented, and additional ordinances are likely to be adopted and implemented in the future throughout California. The implementation of the proposed ordinance together with the implementation of other jurisdictions' ordinances is intended to substantially reduce the use of plastic bags and promote the shift to reusable bags by shoppers and customers. The truck trips associated with the delivery of reusable and paper carryout bags would occur throughout California's extensive freeway and street systems and would be partially offset by the reduction in delivery of single-use plastic carryout bags. Also, while the reusable and paper carryout bags may be delivered in dedicated loads to regional distributors who then distribute the bags for deliveries within the City of Los Angeles and other California cities and counties, the bags are typically delivered to supermarkets and retail stores as part of larger mixed loads of groceries and merchandise[122]. Therefore, there may not be an actual cumulative increase in truck traffic noise from the change in bag use, particularly since paper and reusable bags could continue to be included in each mixed load delivery to the grocery stores, supermarkets, and other retail stores. Impact, if any, would be less than significant.

[122]City of San Jose Single-Use Carryout Bag Ordinance EIR, October 2010.

3.9 Sanitation Services

This section examines the potential impact on the City's sanitation services associated with the public education component of the proposed City of Los Angeles Single-Use Carryout Bag Ordinance.

Environmental Setting

The City's Bureau of Sanitation (BOS) provides waste-related services within the City of Los Angeles for over 3 million residents and for the City's businesses. These services include solid waste collection and disposal, recycling of various types of recyclable wastes, management of universal (also known as 'household hazardous') and electronic waste, wastewater collection and treatment, stormwater collection and diversion, and watershed protection.

Solid Resources

The BOS's Solid Resources activities include: the management and operation of the approximately 750 vehicles that collect refuse and recyclables from the City's single-family residences; the closure and monitoring of City's retired landfills; regional green waste mulching operations for the green waste and yard trimmings collected by the City, and public education programs that teach and encourage recycling and backyard composting. The BOS manages a comprehensive recycling program that annually collects over 240,000 tons of recyclables and 480,000 tons of yard trimmings. With a goal of 75% diversion of refuse from landfills by 2020, the BOS has developed and implemented effective and economically feasible source reduction, buy-recycled, Environmentally Preferable Purchasing (EPP), and reuse programs, activities, and policies for its residential, businesses, and institutional users. The BOS has also created a pilot program to expand collection of recycling to apartments and other multi-family residential units; developed a facilities plan to determine better ways of processing recyclables; and brought alternative technologies for consideration in a quest to find options to landfill disposal of refuse.

The BOS also collects everyday household hazardous wastes - such as paint, paint thinners, cleaners and solvents, used oil, furniture polish and unwanted electronic equipment at permanent collection sites throughout the City known as S.A.F.E. CENTERS, and sponsors periodic mobile collection events throughout the city where residents can drop off their waste to be disposed of properly, instead of ending up in the City's waterways.

Wastewater

The BOS is responsible for operating and maintaining one of the world's largest wastewater collection and treatment systems. Over 6,500 miles of sewers serve more than 4,000,000 residential and business customers in Los Angeles and 29 contracting cities and agencies. These sewers are connected to the City's four wastewater and water reclamation plants that process an average of 550 million gallons of wastewater each day of the year. The BOS services include:

cleaning, clearing blockages and repairing catch basins; channel and debris basin cleaning**;** storm drain maintenance and repair, and stormwater pollution abatement.

Watershed Protection

The City is developing many programs to help reduce the amount of contaminated runoff in our urban watershed. This broad-based program uses a multi-pronged approach to reduce water pollution and improve the receiving waters and their aquatic environments. Some of the methods that are used include: public education and outreach; commercial/industrial facilities inspection; private development plan approval; construction development activities inspection; illicit discharge and illicit dumping site investigations; and monitoring of the City's receiving water bodies. The BOS is also: developing and supporting collaborative water quality studies and programs; developing and implementing design and engineering solutions; enforcing the City's Stormwater Ordinance; and conducting outreach activities and public education.

Impact Criteria

Impact is considered significant if the proposed project would:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives of sanitation services.

Environmental Impact

The proposed ordinance includes a public education component that would be conducted by the City's BOS during the grace period, which extends 6 months for large retailer and 12 months for small retailers. The BOS has already been conducting a public education program for several years. The program activities include disseminating information to the public and public outreach, providing information to the City's Neighborhood Councils, working with retail stores throughout Los Angeles to install recycle bins for plastic and paper bags and provide information to the customers, and participating in many major events promoting the use of reusable bags throughout the City to help raise awareness about the benefits of using reusable bags. Since 2005, the BOS has purchased and distributed 250,000 reusable bags to encourage shoppers to switch from using single-use carryout bags. The BOS would continue these activities throughout the grace period, including conducting workshops with the Neighborhood Councils about the project. Public outreach and education are an integral part of the BOS's activities and BOS has already been conducting an extensive public information program as part of its day-to-day activities. Continuing these activities would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives of sanitation services. Impact would be less than significant.

Mitigation Measures

Impact would be less than significant, and therefore no mitigation is necessary.

Level of Impact after Mitigation

Impact would be less than significant, and therefore no mitigation is necessary.

Cumulative Impact

Numerous ordinances banning single-use plastic carryout bags in California, covering more than 50 County and City jurisdictions, have already been implemented, and additional ordinances could be adopted and implemented in the future throughout California. Some of the ordinances include a public education component that is conducted by each jurisdiction banning single-use plastic carryout bags. As public information and outreach is a part of these services within each City and County, no cumulatively significant impact would occur.

3.10 Traffic

This section examines the potential traffic impact associated with the adoption and implementation of the proposed City of Los Angeles Single-Use Carryout Bag Ordinance.

Environmental Setting

Currently, 2,031,232,707 - more than two billion - single-use plastic carryout bags per year are consumed in the City of Los Angeles. As a 'worst-case' scenario, delivering these bags to retail stores in separate dedicated loads by truck would result in approximately 977 annual truck trips, or 2.7 trips per day (see Table 3.10-1).

Impact Criteria

Impact is considered significant if the proposed project would:

- Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit, and/or

- Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways

Environmental Impact

The proposed ordinance is intended to lead to a reduction in the use of single-use plastic bags and an increased use of reusable bags. The increased use of reusable bags, as well as the use of recyclable paper bags that would be available for purchase by customers at the regulated stores, may lead to additional truck trips delivering those bags. This estimate of the potential change in truck trips is based on a conservative "worst case" scenario, albeit unlikely, where it is assumed that: (1) 5% of existing plastic bag use in the city would remain since the proposed ordinance would not apply to some retailers who distribute single-use plastic bags (such as restaurants, dry cleaners, and farmer's markets); (2) 30% of existing plastic bag use would convert to recyclable paper bags on a 1:1 ratio even though a paper carryout bag generally has 1.5 times greater volume than a plastic bag (20.48 liters versus 14 liters) and the preliminary data submitted by large stores during the first three quarters following the Los Angeles County's ordinance - which banned single-use plastic carryout bags and imposed a charge on paper bags, shows a significant decline in single-use paper carryout bag usage with an overall reduction of 34% between 2009 and the first quarter of 2012, including a nearly 13% reduction occurring within the first three quarters of

the year following the enactment of the ordinance. Since then, the County of Los Angeles has released further information that in third quarter of 2012, annual paper bag usage per store continued to decline[123]. These data indicate that the use of single-use paper carryout bags in large stores not only did not temporarily increase as a result of a ban on single-use plastic carryout bags, but actually decreased significantly after the enactment of the ordinance; and (3) 65% of existing bag use would convert to reusable bags where a reusable bag is conservatively assumed to be used by a customer only once per week for one year, or 52 times[124]. Table 3.10-1 summarizes the estimated existing and future truck trips per day if all bags are delivered in separate dedicated truck loads.

Table 3.10-1
Estimated Truck Trips per Day for Separate Dedicated Load Delivery

Bag Type	Number of Bags per Year	Number of Bags per Truck Load(2)	Truck Trips per Year	Truck Trips per Day
Existing Truck Trips for Plastic Bags				
Single-Use Plastic	2,031,232,707	2,080,000	977	2.7
Future Truck Trips following the Implementation of the Proposed Ordinance				
Single-Use Plastic(1)	101,561,635	2,080,000	50	0.14
Single-Use Paper(1)	609,369,812	217,665	2,800	7.7
Reusable (1)	25,390,409	108,862	233	0.64
Total			3,083	8.45
Existing Truck Trips for Plastic Bags			(977)	(2.7)
Net New Truck Trips			2,106	5.8

1. Based on a worst case estimate with 5% of existing plastic bag use in the city remaining, 30% of existing plastic bag use converting to recyclable paper bags, and 65% converting to reusable bags (based on 52 uses per year for a reusable bag).
2. City of Santa Monica Single-Use Carryout Bag Ordinance EIR, January 2011; County of San Mateo Single Use Bag Ban Ordinance EIR, January 2012.

Under this theoretical "worst case" scenario, the implementation of the proposed ordinance would have a potential to add approximately 5.8 truck trips per day to the streets and highway system within the 469 square-mile area of the City of Los Angeles. Under this scenario, it is anticipated that such trucks would utilize major regional freeways and routes (including the I-5, I-10, I-210, I-605, I-710 and SR-60, SR-91, SR-110, and other freeways) and major arterial streets in the city (including Sepulveda Boulevard, Pico Boulevard, Wilshire Boulevard, Vermont Avenue, and Venice Boulevard) that carry commercial traffic. However, while the bags may be delivered in

[123]County of Los Angeles, Department of Public Works, July 2012. http://dpw.lacounty.gov/epd/aboutthebag
[124]City of Santa Monica Single-Use Carryout Bag Ordinance EIR, January 2011; County of San Mateo Single Use Bag Ban Ordinance EIR, January 2012.

dedicated loads to regional distributors who then distribute the bags for deliveries within the City of Los Angeles, the bags are typically delivered to supermarkets and retail stores as part of larger mixed loads of groceries and merchandise[125]. Therefore, there may not be an actual net increase in truck traffic from the change in bag use, particularly since paper and reusable bags could continue to be included in each regularly-scheduled mixed load delivery to the grocery stores, supermarkets, and other retail stores.

The public education component of the project, that would be conducted during the grace period of 6 months for large and 12 months for small retailers, would at most generate four car trips per week or 0.57 trips per day by City staff attending workshops with neighborhood councils and others and events promoting the shift to reusable bags. This temporary short-term addition of less than one trip per day would have no impact on traffic conditions in the city's circulation system.

The addition of up to 5.8 truck trips per day under the "worst case" scenario to existing freeways and the City extensive circulation system has no potential to result in a conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system within the City of Los Angeles or with applicable congestion management programs for freeways serving the city. Impact, if any, would be less than significant.

Mitigation Measures

Impact, if any, would be less than significant and no mitigation is necessary.

Level of Impact after Mitigation

Impact, if any, would be less than significant and no mitigation is necessary.

Cumulative Impact

Numerous ordinances banning single-use plastic carryout bags in California that cover more than 50 County and City jurisdictions have already been implemented, and additional ordinances could be adopted and implemented in the future throughout California. The implementation of the proposed ordinance together with the implementation of other jurisdictions' ordinances would substantially reduce the use of plastic bags and promote the shift to reusable bags by shoppers and customers. The truck trips associated with the delivery of reusable and paper bags would occur throughout the entire state of California's extensive freeway and street systems and would be partially offset be the reduction in delivery of plastic bags. Also, while the reusable and paper bags may be delivered in dedicated loads to regional distributors who then distribute the bags for deliveries within the City of Los Angeles and other California cities and counties, the bags are typically delivered to supermarkets and retail stores as part of larger mixed loads of groceries and merchandise[126]. Therefore, there may not be an actual cumulative increase in truck traffic from the change in bag use, particularly since paper and reusable bags could continue to be included in each regularly scheduled mixed load delivery to the grocery stores, supermarkets, and other retail stores. Impact, if any, would be less than significant.

[125] City of San Jose Single-Use Carryout Bag Ordinance EIR, October 2010
[126] Ibid.

3.11 Utilities/Service Systems

This section examines potential impacts associated with the proposed ordinance on water, wastewater, and solid waste utilities systems.

Environmental Setting

Water

The Los Angeles Department of Water and Power (LADWP) manages the water supply and water delivery for the City of Los Angeles. The LADWP serves approximately 3.9 million residents within a 469 square-mile area with its system of 7,100 miles of water pipelines. The City's water supply has four sources of water: the Metropolitan Water District (MWD), the Los Angeles Aqueduct (LAA), groundwater, and recycled water. These four water sources comprise 52%, 36%, 11%, and 1% percent of the City's water supply, respectively[127]. During the 2010-2011 fiscal year, LADWP supplied approximately 480,302 acre-feet of water[128].

Local Groundwater

The LADWP traditionally extracts groundwater from 9 well fields throughout City-owned property within Owens Valley. In accordance with a long-term groundwater management plan, groundwater pumped from Owens Valley by LADWP is used in Owens Valley and in the City. LADWP's planned pumping for the 2011-12 runoff year is 91,000 acre-feet[129]. Additionally, LADWP currently exercises its adjudicated extraction rights in 5 local groundwater basins: San Fernando, Sylmar, Eagle Rock, Central, and West Coast. These local sources provide approximately 87,000 acre-feet, 3,405 acre-feet, 15,000 acre-feet, 1,503 acre-feet, and 500 acre-feet of groundwater, respectively[130], and collectively provide about 11% of LADWP's water portfolio.

The LADWP plans to continue production from its groundwater basins in the coming years to offset reductions in imported water supplies. However, extraction from the groundwater basins is limited by the water quality and is subject to overdraft protection. Both the LADWP and California Department of Water Resources (DWR) have programs in place to monitor wells to prevent overdraft. LADWP's groundwater pumping practice is based on a "safe-yield" operation. The objective, over a period of years, is to extract an amount of groundwater equal to the native and imported water that recharges the groundwater basins.

[127]LADWP, Facts and Figures website, https://www.ladwp.com/ladwp/faces/ladwp/aboutus/a-water/a-w-factandfigures
[128]An acre-foot of water is equivalent to 325,851 gallons of water.
[129] LADWP, Annual Owens Valley Report, May 2011.
[130]LADWP, Local Groundwater website, https://www.ladwp.com/ladwp/faces/ladwp/aboutus/a-water/a-w-sourcesofsupply/a-w-sos-localgroundwater

Los Angeles Aqueduct (LAA)

Snowmelt runoff from the Eastern Sierra Nevada Mountains and groundwater from Owens Valley Groundwater Basin are collected and conveyed to the City via the LAA. LAA supplies can fluctuate yearly due to varying hydrologic conditions. In recent years, the LAA supplies have been less than the historical average because of LADWP's obligations to perform environmental restoration in Mono and Inyo Counties. Average deliveries from the LAA system have been approximately 239,100 acre-feet of water annually over the last five fiscal years. Based on computer modeling results, LADWP projects that the average annual LAA delivery is expected to be approximately 244,000 acre-feet per year in year 2030[131].

Metropolitan Water District of Southern California (MWD)

The LADWP purchases water from the MWD to supplement its water supplies from the LAA and local groundwater basins. The MWD is the largest water wholesaler for domestic and municipal uses in Southern California. The MWD imports its water supplies from Northern California through the State Water Project (SWP), California Aqueduct (CAA), and the Colorado River through the MWD-owned Colorado River Aqueduct. The MWD is a consortium of 26 member agencies, which includes the LADWP. The MWD service area encompasses the service areas of its 26 member agencies, covering approximately 5,200 square miles, and includes portions of the Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura counties. Per Section 135 of the MWD Act, each of MWD's 26 member agencies has a preferential right to purchase water from the MWD[132]. As of June 30, 2006, the LADWP has a preferential right to purchase 21.16% of MWD's total water supply.

Due to the effects of dry weather conditions and environmental restrictions on water pumping operations within San Francisco Bay/Sacramento-San Joaquin River Delta (Delta), the MWD water supplies may not meet future water demand of its member agencies. To address this possibility, the MWD and its 26 member agencies have prepared a Water Supply Allocation Plan (WSAP). If the MWD cannot meet member water demand for any given year, it uses a formula within the WSAP to allocate water to member agencies in a fair and efficient manner.

Recycled Water

Recycled water is produced by the Hyperion Treatment Plant (HTP), Terminal Island Water Reclamation Plant (TIWRP), Donald C. Tillman Water Reclamation Plant (DCTWRP), and the Los Angeles-Glendale Water Reclamation Plan (LAGWRP). Currently, recycled water is provided for landscape irrigation and commercial uses. Table 3.11-3 provides details about services, capacity, and average daily flows of these treatment plants.

Water Conservation

The City of Los Angeles consistently ranks among the lowest in per person water consumption when compared to other California's cities[133]. This significant accomplishment has resulted from the City's sustained implementation of effective water conservation policies, programs, and ordinances since the 1980s.

[131]LADWP, 2010 Urban Water Management Plan, Chapter 11: Water Supply Reliability and Financial Integrity, page 228, January 2011.

[132]The Metropolitan Water District Act was passed in 1928 to form the MWD. The MWD Act governs how the MWD operates within the State.

[133]LADWP, 2010 Urban Water Management Plan, Chapter Three: Water Conservation, January 2011, page 47.

The City's commitment to and success in effectively implementing water conservation measures is most clearly illustrated by Citywide water use during the fiscal year 2009/2010 which was below the year 1979 water use levels[134].

Water conservation can be seen as both a demand control measure and/or a supply asset. LADWP identifies conservation as a crucial supply asset in a continued effort to reduce MWD purchases and increase local supply reliability through 2035[135]. To this end, LADWP has set a water conservation goal in the Water Supply Action Plan of reducing potable water demands by an additional 50,000 acre-feet per year by 2030. Furthermore, State legislation, which postdates several City water conservation ordinances, has only strengthened the City's commitment to water conservation and provides added assurance that the City will continue its leadership role in managing demand for water in the near and distant future.

Water Supply Treatment Processes

LADWP supplies water that meets or exceeds all health-related State and Federal standards. LADWP accomplishes that by: (1) filtration of its water supply; (2) security measures safeguarding access to water supply and storage areas; (3) control of algae growth in groundwater and reservoirs; (4) continuous disinfection of water entering mains; and (5) regular water quality testing, inspection, and cross-control prevention.

The water is filtered and treated at the Los Angeles Aqueduct Filtration Plant to ensure a safe drinking water supply. Once at the filtration plant, all water travels through screens that remove environmental debris, such as twigs and dead leaves. Bacteria and other impurities that can affect taste, odor, and color are eliminated by injections of ozone, which acts as a powerful disinfectant, without leaving any residue or byproducts in the water supply. Treatment chemicals are then quickly dispersed into the water, which cause the remaining fine particles to aggregate into mats called floc, which are subsequently removed via a 6 foot-deep coal filter. The final step is the addition of chlorine and fluoride which ensure lasting disinfection.

The City's groundwater supply in the San Fernando and Central Basins is generally clean. LADWP pumps from the clean parts of the basins and disinfects this groundwater with chlorine as a safeguard against microorganisms. Additionally, LADWP continuously monitors the water supply to ensure that all water meets water quality standards, and shows results that are far below the maximum contaminant levels permitted by Federal or State regulations[136].

Water Use Associated with Single-Use Bags

The manufacturing processes of both single-use plastic and single-use paper bags use water, but to different extents. Several studies have shown that the production of single-use paper bags requires more water than does the production of single-use plastic bags, including the Ecobilan Study and the Boustead Study[137,138]. These studies provide specific data, on a per bag basis, for single-use plastic, single-use paper, and LDPE reusable bags. However, water use for paper bags

[134] *Ibid.*

[135] LADWP, 2010 Urban Water Management Plan, Chapter Three: Water Conservation, January 2011, page 224.

[136] LADWP, 2011 Drinking Water Quality Report.

[137] Ecobilan. February 2004. Environmental Impact Assessment of Carrefour Bags: An Analysis of the Life Cycle of Shopping Bags of Plastic, Paper, and Biodegradable Material. Prepared for: Carrefour Group. Neuilly-sur-Seine, France.

[138] Boustead Consulting and Associates Ltd. 2007. Life Cycle Assessment for Three Types of Grocery Bags – Recyclable Plastic; Compostable, Biodegradable Plastic; and Recycled, Recyclable Paper.

varies depending on which Life Cycle Assessment (LCA) data is utilized. The Ecobilan Study determined that per 9,000 liters of groceries, the manufacturing of plastic bags uses 52.5 liters (or 13.87 gallons) of water, paper bags use 173 liters (or 45.7 gallons) of water, and reusable bags (assuming they are used 52 times) use 1.096 liters (0.29 gallons) of water. Similarly, though using slightly different assumptions and data, the Boustead LCA study determined that the manufacturing of single-use bags would require approximately 58 gallons of water for 1,500 plastic bags and approximately 1,004 gallons of water for 1,000 paper bags (assuming that one paper bag could carry the same quantity of groceries as 1.5 plastic bags). The Boustead data does not include estimates for reusable bags. Utilizing the data from these two different studies, Tables 3.11-1 and 3.11-2 summarize the existing water use associated with the manufacture of single-use plastic bags used in the City. As shown, the manufacture of single-use plastic bags currently consumes between 134 and 241 acre-feet of water. Since no manufacturing facilities are located in the City, water consumption associated with single-use plastic bag use does not directly affect LADWP's water supply or conveyance.

Table 3.11-1
Current Water Consumption Associated with Single-Use Plastic Bags based on Ecobilan Data

	Number of Single-Use Plastic Bags	Gallons of Water per bag	Gallons of Water per year	Acre-feet of Water per year
Single-Use Plastic	2,031,232,707	0.0216	43,821,917.51	134.48

Source: Ecobilan. February 2004. Environmental Impact Assessment of Carrefour Bags: An Analysis of the Life Cycle of Shopping Bags of Plastic, Paper, and Biodegradable Material. Prepared for: Carrefour Group. Neuilly-sur-Seine, France.

Table 3.11-2
Current Water Consumption Associated with Single-Use Plastic Bags based on Boustead Data

	Number of Single-Use Plastic Bags	Gallons of Water per bag	Gallons of Water per year	Acre-feet of Water per year
Single-Use Plastic	2,031,232,707	0.0387	78,540,998.00	241.00

Source: Boustead Consulting and Associates Ltd. 2007. Life Cycle Assessment for Three Types of Grocery Bags – Recyclable Plastic; Compostable, Biodegradable Plastic; and Recycled, Recyclable Paper. Prepared for Progressive Bag Affiliates.

Wastewater

Wastewater generated within the City is collected and treated by the Bureau of Sanitation's (BOS) wastewater conveyance and treatment systems. The BOS operates and maintains the wastewater collection and treatment for the City and 29 contract cities and agencies. The City's sewage system is comprised of the Hyperion Treatment Plant Service Area (HSA), the Terminal Island Treatment Plant Service Area, and more than 6,700 miles of public sewers which convey

approximately 400 million gallons per day (mgd) of wastewater[139]. The City's public sewers serve a population of over 4 million persons.

Wastewater Treatment

City wastewater is treated at the Hyperion Treatment Plan (HTP), the Terminal Island Water Reclamation Plant (TIWRP), the Donald C. Tillman Water Reclamation Plant, the Los Angeles - Glendale Water Reclamation Plant, and a small amount of wastewater is treated at the County of Los Angeles' Sanitation Districts' Joint Water Pollution Control Plan in Carson (Table 3.11-3)[140]. With the exception of the Harbor area, the majority of the City's wastewater conveyance and treatment is served by the Hyperion Sanitary Sewer System. Wastewater in the Hyperion Sanitary Sewer system is treated at the HTP.

The HTP is located in the community of Playa Del Rey and has a treatment capacity of 450 mgd and its solids handling facilities can process approximately 468 dry tons of solids per day[141]. The HTP performs both primary treatment (i.e., the removal of large objects) and secondary treatment of wastewater (i.e., degradation of biological content)[142,143].

Table 3.11-3
Wastewater Treatment/Reclamation Plants Summary

Wastewater Treatment/Reclamation Plant	Treatment Level	Capacity (mgd)	Average Flows (mgd)
Donald C. Tillman Water Reclamation Plant	Tertiary to Title 22 Standards with Nitrification/Dentrification	80	67
Los Angeles - Glendale Water Reclamation Plant	Tertiary to Title 22 Standards with Nitrification/Dentrification	20	20
Terminal Island Water Reclamation Plant	Tertiary; Advanced treatment (MF/RO) of 5mgd	30	17.5
Hyperion Treatment Plant	Full secondary	450	362
Source: City of Los Angeles Department of Public Works, Bureau of Sanitation, About Wastewater website, http://www.lacitysan.org/wastewater/factsfigures.htm			

Treated wastewater from the HTP is discharged into the Santa Monica Bay through a 5-mile outfall pipe. All discharges into the Santa Monica Bay are regulated by the Nation Pollutant Discharge Elimination System (NPDES) permit (number CA0109991). The HTP outfall discharges primary and secondary treated wastewater at a depth of 187 feet. The HTP also has a 1-mile outfall which is in standby condition in case of an emergency. A small remaining portion

[139]City of Los Angeles Department of Public Works, L.A Sewers, About Treatment Plants website, http://www.lasewers.org/treatment_plants/about/index.htm
[140]City of Los Angeles Department of Public Works, Bureau of Sanitation, About Wastewater website, http://www.lacitysan.org/wastewater/factsfigures.htm
[141]Ibid.
[142]Ibid.
[143]City of Los Angeles Department of Public Works, Bureau of Sanitation, City of Los Angeles Integrated Resources Plan, December, 2006.

of wastewater is reused to recharge barrier walls. Treated sewer sludge, or biosolids are not discharged into the Santa Monica Bay. Biosolids are primarily reused in agriculture[144].

Wastewater Generation Associated with Single-Use Plastic Bags

Various studies have estimated wastewater generation associated with single-use plastic, paper and reusable bags manufacturing to determine a per bag wastewater use rate. The Ecobilan study determined that per 9,000 liters of groceries, the manufacture of plastic bags would generate 50 liters of wastewater, while the manufacture of paper bags would generate 130.7 liters of wastewater and the manufacture of reusable bags (assuming they are used 52 times per year) would generate 2.63 liters of wastewater. Table 3.11-4 shows the existing wastewater generation associated with the manufacture of the approximately 2.03 billion single-use plastic bags currently used in the City annually. As shown, the manufacture of single-use plastic bags currently generates approximately 114,343 gallons of wastewater per day (or 0.11 mgd). Since no manufacturing facilities are located in the City, wastewater generation associated with single-use plastic bag use does not directly affect any wastewater conveyance or treatment facilities in the City.

Table 3.11-4
Current Wastewater Generation Associated with Single-Use Plastic Bags based on Ecobilan Data

	Number of Single-Use Plastic Bags	Gallons of Wastewater per bag	Gallons of Wastewater per day	Wastewater (mgd)
Single-Use Plastic	2,031,232,707	0.0205	114,342.90	0.11

Source: Ecobilan. February 2004. Environmental Impact Assessment of Carrefour Bags: An Analysis of the Life Cycle of Shopping Bags of Plastic, Paper, and Biodegradable Material. Prepared for: Carrefour Group. Neuilly-sur-Seine, France.

Solid Waste

Approximately 2.03 billion single-use plastic bags are used in the City per year. Despite efforts to implement recycling programs, only about 5% of the plastic bags in California and nationwide are currently recycled[145]. Therefore, the majority of single-use plastic bags are disposed in a landfill. In addition, due to the lightweight nature of single-use plastic bags, many end up as litter, and studies have found that plastic accounts for up to 90% percent of trash, and single-use disposable plastic bags make up a large portion of the litter in streams, rivers, and the ocean[146].

The Bureau of Sanitation (BOS) and private waste management companies are responsible for the collection, disposal, and recycling of solid waste in the City. Solid waste generated by single-family and some multi-family residences is collected by BOS[147]. Remaining multi-family residences and all industrial and commercial buildings contract with private waste haulers to collect, dispose, and recycle their solid waste.

[144] *Ibid.*
[145] US EPA, 2005; Green Cities California MEA, 2010; and Boustead, 2007
[146] CalRecycle. Shopping? Take Reusable Bags! (Nov 23. 2011), http://www.calrecycle.ca.gov/publiced/holidays/ReusableBags.htm
[147] City of Los Angeles General Plan, The Citywide General Plan Framework: An Element of The City of Los Angeles General Plan, August 2001.

Refuse collected within the City of Los Angeles reaches any of the following landfills in Los Angeles County: Antelope Valley, Calabasas, Chiquita, Lancaster, Puente Hills, Scholl Canyon, and Sunshine Canyon Landfills, as well as disposal sites outside Los Angeles County. Table 3.11-5 lists the location, permitted capacity, remaining capacity, permitted daily intake capacity, the average daily volume of solid waste disposed of at the landfills serving the City of Los Angeles, and the approximate tons per day of solid waste that the City of Los Angeles disposed of at each landfill. As shown therein, the City of Los Angeles primarily uses the Sunshine Canyon and Chiquita Canyon landfills. Refuse collected by private haulers is disposed of at the same landfills, and at the waste-to-energy facilities listed in Table 3.11-5. The Class III landfills accepting waste from the City have a total daily intake capacity of 41,700 tons per day and a remaining capacity of 121 million tons.

Table 3.11-5
Solid Waste Facilities Serving the City of Los Angeles

Facility Name	Location	Closure Date	Remaining Capacity (tons) /a/	Permitted Daily Intake Capacity (tons/day)	2011 Average Daily Disposal (tons/day)	Amount of Solid Waste from the City of Los Angeles (tons/day)
CLASS III LANDFILLS						
Antelope Valley	Palmdale	1/1/2019	16,093,000	1,800	365	19
Calabasas	Agoura	9/30/2025	5,712,000	3,500	779	413
Chiquita Canyon	Valencia	11/24/2019	4,900,000	6,000	4,264	2,428
Lancaster	Lancaster	12/31/2012	309,400	1,700	809	349
Puente Hills	Industry	10/31/2013	7,550,400	13,200	5,116	419
Sunshine Canyon	LA City & County	2/6/2037	82,389,030	12,100	7,801	4,272
Scholl Canyon	Glendale	12/31/2024	3,618,000	3,400	747	8
	Total Class III Landfills		**120,571,830**	**41,700**	**19,881**	**7,908**
INERT WASTE FACILITIES AND OTHER REFUSE FACILITIES						
Azusa Land Reclamation	Azusa	1/1/2025	64,215,000	6,500	357	517
Commerce Refuse-to-Energy	Commerce	N/A	466,000,000	1,000	464	103
Peck Road	Monrovia	N/A	11,250,000	1,210	0	38
Southeast Resource Recovery Facility	Long Beach	N/A	1.6 billon	2,240	1,572	87
Total Inert Waste and Other Refuse Facilities			**2.13 billion**	**10,950**	**2,393**	**745**

/a/ The remaining capacity is as of December 31, 2011.

Source: County of Los Angeles Department of Public Works, *Countywide Integrated Waste Management Plan – 2011 Annual Report*, October 2012; County of Los Angeles Department of Public Works, Solid Waste Information Management System, Detailed Solid Waste Disposal Activity Report by Jurisdiction of Origin website, http://dpw.lacounty.gov/epd/swims/disposal/reports.aspx,.

In 2011, approximately 2.99 million tons of solid waste originating in the City was disposed of at the landfills and other solid waste facilities listed in Table 3.11-5[148].

Numerous studies have been conducted to determine a solid waste rate per single-use plastic (carryout) bag. Utilizing EPA recycling rates and Ecobilan data, it is determined that a single-use plastic bag would generate 0.0074 kilograms (kg) of solid waste per bag. When using EPA recycling rates in conjunction with Boustead data, it is determined that single-use plastic bags would generate 0.0047 kg of waste per bag. It should be noted that reusable plastic bags are not included in Boustead approximations. Utilizing these studies, Tables 3.11-6 and 3.11-7 estimate the amount of solid waste associated with single-use plastic bags within the City.

Table 3.11-6
Current Solid Waste Generation Associated with Single-Use Plastic Bags based on Ecobilan Data

Number of Single-Use Plastic Bags Per Year	5% Recycling Rate/a/	Solid Waste per Bag (kg)	Solid Waste per Year (tons)
2,031,232,707	1,929,671,072	0.0074	15,741

Sources: /a/ Green Cities California MEA, March 2010
Environmental Impact Assessment of Carrefour Bags: An Analysis of the Life Cycle of Shopping Bags of Plastic, Paper, and Biodegradable Material. Prepared for: Carrefour Group. Neuilly-sur-Seine, France.

Table 3.11-7
Current Solid Waste Generation Associated with Single-Use Plastic Bags based on Boustead Data

Number of Single-Use Plastic Bags Per Year	5% Recycling Rate/a/	Solid Waste per Bag (kg)	Solid Waste per Year (tons)
2,031,232,707	1,929,671,072	0.0047	9,998

Sources: /a/ Green Cities California MEA, March 2010
Boustead Consulting and Associates Ltd. 2007. Life Cycle Assessment for Three Types of Grocery Bags – Recyclable Plastic; Compostable, Biodegradable Plastic; and Recycled, Recyclable Paper. Prepared for Progressive Bag Affiliate.

As indicated, single-use plastic bags within the City generate approximately 15,741 tons of solid waste per year, based on the Ecobilan data, and 9,998 tons of solid waste per year based on Boustead data.

Regulations Applicable to the Project

A wide range of existing laws and regulations govern water, wastewater, and solid waste. The laws and regulations most applicable to the proposed project include:

[148]County of Los Angeles Department of Public Works, Solid Waste Information Management System, Detailed Solid Waste Disposal Activity Report by Jurisdiction of Origin website, *http://dpw.lacounty.gov/epd/swims/disposal/reports.aspx*

Senate Bill 1219. Senate Bill 1219 (Chapter 384, Statutes of 2012 extended the recycling requirements of a former AB 2449 until January 1, 2020. AB 2449 (Chapter 845, Statutes of 2006) states that affected stores must supply at least one plastic bag collection bin in a publicly accessible spot to collect used bags for recycling. The store operator must also make reusable bags available to shoppers for purchase. AB 2449 applies to retail stores of over 10,000 square feet that include a licensed pharmacy and to supermarkets (grocery stores with gross annual sales of $2 million or more that sell dry groceries, canned goods, nonfood items, or perishable goods). Stores are required to maintain records of their compliance and make them available to CalRecycle or local jurisdiction.

California Integrated Waste Management Act. The California Integrated Waste Management Act required each local city and county governing body to divert 50% of all solid waste by January 1, 2000, through source reduction, recycling, and composting activities, and required the participation of the residential, commercial, industrial, and public sectors. The Act also declares that the lack of adequate areas for collecting and loading recyclable materials that are compatible with surrounding land uses is a significant impediment to diverting solid waste and constitutes an urgent need for State and local agencies to address access to solid waste for source reduction, recycling, and composting activities.

Executive Order S-06-08. In 2008, California Governor Arnold Schwarzenegger issued Executive Order S-06-08, which declared that there is a statewide drought and encouraged local water districts and agencies to "reduce water consumption locally and regionally. In response to the Executive Order, the City and the Los Angeles Department of Water and Power (LADWP) amended and implemented by ordinance the Emergency Water Conservation Plan (EWCP).

Urban Water Management Planning Act. The Urban Water Management Planning Act requires urban water suppliers to develop water management plans to actively pursue the efficient use of available supplies. Every five years, water suppliers are required to develop Urban Water Management Plans (UWMPs) to identify short-term and long-term water demand management measures to meet growing water demands. The LADWP, as a water supplier, has prepared and adopted an UWMP. The latest LADWP UWMP was completed in the year 2010.

Water Conservation Act. The Water Conservation Act was enacted requiring water agencies to reduce per capita water use by 20% by 2020 (known as 20x2020). This includes increasing recycled water use to offset potable water use. Water suppliers are required to set a water use target for 2020 and an interim target for 2015 using one of four methods stipulated in the Act. Failure to meet adopted targets will result in the ineligibility of a water supplier to receive water grants or loans administered by the State. In compliance with the Act, LADWP has calculated its baseline per capita water use, its urban use target for 2020, and its interim water use target for 2015. Table 3.11-8 details the results of LADWP's calculations.

Table 3.11-8
20x20 Base and Target Data for Water Use per Capita

20x2020 Required Data	**Gallons Per Capita per Day (GPCD)**
BASE PER CAPITA DAILY WATER USE	
10-Year Average /a/	152
5-Year Average /b/	145
2020 TARGET USING METHOD 3 /c/	

Table 3.11-8 20x20 Base and Target Data for Water Use per Capita	
20x2020 Required Data	**Gallons Per Capita per Day (GPCD)**
95% of Hydrologic Region Target (149 gpcd)	142
95% Of Base Daily Capita Water Use 5-Year Average (145 gpcd)	138
Actual 2020 Target	138
2015 Interim Target	145
/a/ Ten-year average based on fiscal year 1995/96 to 2004/05 /b/ Five-year average based on fiscal year 2003/04 to 2007/08 /c/ Methodology requires smaller of two results to be actual water use target to satisfy minimum water use target. **S** Source: LADWP Urban Water Management Plan 2010, Chapter Three: Water Conservation, Exhibit 3C, page 52.	

City of Los Angeles General Plan (Framework). The Framework is a general, long-term, programmatic document with goals, objectives and policies that are implemented by the various individual elements of the City of Los Angeles General Plan. The goals, objectives, and policies of the Framework related to water supply, storage, and delivery infrastructure most relevant to the proposed project are listed in Table 3.11-9.

Table 3.11-9
Relevant General Plan Water Supply Goals, Objectives and Policies

Goal/Objective/Policy	Description
Goal 9C	Adequate water supply, storage facilities, and delivery system to serve the needs of existing and future residents and businesses.
Objective 9.8	Monitor and forecast water demand based upon actual and predicted growth.
Policy 9.8.1	Monitor water usage and population and job forecasts to project future water needs.
Objective 9.9	Manage and expand the City's water resources, storage facilities, and water lines to accommodate projected population increases and new or expanded industries and businesses.
Policy 9.9.1	Pursue all economically efficient water conservation measures at the local and statewide level.
Policy 9.9.2	Develop reliable and cost-effective sources of alternative water supplies, including water reclamation and exchanges and transfers.
Policy 9.9.3	Protect existing water supplies from contamination, and clean up groundwater supplies so those resources can be more fully utilized.
Policy 9.9.4	Work to improve water quality and reliability of supply from the State Water Project and other sources.
Policy 9.9.5	Maintain existing rights to groundwater and ensure continued groundwater pumping availability.
Policy 9.9.9	Clean or replace where necessary, deficient water distribution lines in the City.
Objective 9.10	Ensure that water supply, storage, and delivery systems are adequate to support planned development.
Policy 9.10.1	Evaluate the water system's capability to meet water demand resulting from the Framework Element's land use patterns.
Source: City of Los Angeles, The Citywide General Plan Framework, An Element of the City of Los Angeles General Plan, re-adopted 2001.	

Emergency Water Conservation Plan (EWCP). The City's EWCP is found in LAMC Chapter XII, Article I. The purpose of the EWCP is to provide a mandatory water conservation plan to minimize the effect of a water shortage to City water users. The provisions outlined within the EWCP are intended to significantly reduce the consumption of water over an extended period of time, thereby extending the available water required for the City water users while reducing the hardship of the City and the general public to the greatest extent possible. The EWCP contains five water conservation phases which correspond to the levels of severity of water shortage, with more stringent water conservation measures to be implemented in each successive phase[149].

Impact Criteria

The proposed project would result in a significant impact on utilities and service systems if it would:

- Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects
- Not have sufficient water supplies available to serve the project from existing entitlements and resources, or needing new or expanded entitlements
- Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board
- Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments; and/or
- Not be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs

Environmental Impact

The City of Los Angeles currently uses approximately 2,031,232,707 single-use plastic bags per year. Under a conservative scenario, the proposed ordinance may result in 5% of the existing single-use plastic bag usage to continue; 30% of plastic bags to be replaced with 40% post-consumer content paper bags; and 65% percent to be replaced with reusable bags.

Water

The proposed ordinance would increase the use of reusable bags as a result of banning the mass distribution of single-use plastic carryout bags by retailers. There are no manufacturing facilities

[149]LADWP, Fact Sheet: Revised Water Conservation Ordinance, 2010.

of single-use paper bags within the City. Therefore, manufacturing facilities would not utilize LADWP's water supply.

The plastic bag industry has contended that the reusable bags could create unhygienic environments and promote food-borne illnesses unless laundered regularly; however, reusable bags do not require special washing care and would likely be washed on a regular basis along with a household's regular laundry load[150]. Since few if any families have (or are likely to ever have) a large supply of reusable shopping bags that would require laundering all at once, it is anticipated that the reusable bags would be washed in regular laundry loads as needed. This would not result in increased water use, as the wash loads would occur with or without the bags and such bags are not washed often (typically once a month). Additionally, most of the new reusable bags distributed by retailers and others are made from plastics that can be easily cleaned with a damp sponge. Nonetheless, in order to consider the most conservative, albeit unlikely, scenario, this analysis assumes that up to 25% of all reusable bags would be washed separately by hand instead of along with a household's regular laundry, resulting in a potential increase in the City water demand (Table 3.11-10) of approximately 234 acre-feet per year.

Table 3.11-10
Water Use from Reusable Bag Cleaning

Number of Additional Reusable Bags Washed by Hand	Number of times washed per year /a/	Gallons of Water per Wash	Total Gallons per Year	Acre Feet per Year (AFY)
6,347,602	12	1	76,171,227	**233.8**
/a/ Assumes that each bag is washed once a month.				

The total existing water supply of LADWP is approximately 480,302 acre-feet per year and is projected to be approximately 701,200 acre-feet per year by year 2030. Based on LADWP water supply estimates, this conservative estimate of additional water demand associated with reusable bag hand washing would represent approximately 0.0005% percent of the current supply and 0.0003% of the projected 2030 supply. Thus, the potential increase in water demand due to implementation of the proposed ordinance is within the capacity of LADWP's water supply and the impact would be less than significant.

Wastewater

The manufacture of single-use bags produces wastewater. However, because there are no known carryout bag manufacturing facilities located within the City, the use of single-use plastic bags does not currently affect wastewater conveyance or treatment facilities serving the City.

Assuming that 100% of the water used to hand wash reusable bags would become wastewater, approximately 0.209 mgd would enter the sewer system and require treatment at the City's treatment plants. As discussed above, the existing remaining capacity of sewer treatment plants serving the City is approximately 113.5 mgd. This represents about 0.0018% percent of the available capacity of City treatment plants. This additional wastewater generation would not exceed the remaining capacity of the treatment plants. There is adequate capacity to treat the additional wastewater that may result from the proposed ordinance under this conservative

[150]Green Cities Master Environmental Assessment, March 2010.

scenario, and no new facilities would be necessary. Therefore, impact would be less than significant.

Solid Waste

The proposed ordinance does not involve any physical development. However, use of carryout bags would require disposal at the end of use. Table 3.11-10 represents a theoretical worst-case scenario estimate of the change in solid waste generation that could result from the proposed ordinance using the Ecobilan and the Boustead data.

Table 3.11-11
Solid Waste Due to Carryout Bags based on Ecobilan and Boustead Data

Type of Bags	Number of Bags	Solid Waste per Bag per Day (kg)	Solid Waste per Year (short tons)
Ecobilan Data			
Plastic/a/	96,483,553	0.0074	784
Paper	609,369,812	0.0087	5,844
Reusable (used 52 times per year)	25,390,409	0.0010	28
		Total	6,656
		Existing	*9,998*
		Net Change	**-3,342**
Boustead Data			
Plastic/a/	96,483,553	0.004	426
Paper	609,369,812	0.021	14,106
		Total	14,532
		Existing	*9,998*
		Net Change	**4,534**
/a/ Including 5% recycling rate, Green Cities California MEA. March 2010.			

Based on the Ecobilan data, the proposed ordinance could result in a reduction of approximately 3,342 tons per year of solid waste, while based on the Boustead data there could be an increase of approximately 4,534 tons per year of solid waste, primarily due to this methods evaluation of paper bag waste. This increase would represent 0.003% of the remaining capacity of all Class III landfills serving the City.

However, according to the County of Los Angeles announcement on the first year of implementing the County's Single Use Bag Ordinance, 125,000 paper bags were provided per large store compared to approximately 2.2 million plastic bags and 196,000 single-use paper bags provided per store annually prior to the ordinance going into effect in the third quarter of 2011. Single-use paper carryout bag usage continues to decline with an overall reduction of 34% between 2009 and the first quarter of 2012, including a nearly 13% reduction occurring within the first three quarters of the year following the enactment of the ordinance. Since then, the County of Los Angeles has released further information that in third quarter of 2012, annual paper bag usage per store continued to decline[151]. The City of Los Angeles is part of the Los Angeles County and

[151] County of Los Angeles, About the Bag, Announcements: September 2012, http://dpw.lacounty.gov/epd/aboutthebag/index

it is anticipated that the City would have a similar reduction in single-use paper bag usage following the implementation of the proposed ordinance. Also, the City's has a successful comprehensive program of diverting solid waste from landfills and has achieved a diversion rate of 72% as of December 31, 2012. Paper products, including paper grocery bags, are part of the diverted solid waste. Therefore, considering the reported 13% reduction in single-use paper bag usage and the 72% diversion rate achieved by the City, the total amount of solid waste would be approximately 2,570 tons per year versus 9,998 tons of waste per year associated with the current use of single-use plastic carryout bags, resulting in a reduction of approximately 7,428 tons of solid waste per year. Therefore, the proposed ordinance is anticipated to result in a beneficial impact on the landfills the City uses for disposal of solid waste.

Mitigation Measures

Impacts related to water and wastewater would be less than significant, and impact related to solid waste is anticipated to be beneficial. No mitigation measures are required.

Level of Impact after Mitigation

Impacts related to water and wastewater would be less than significant, and impact related to solid waste is anticipated to be beneficial. No mitigation measures are required.

Cumulative Impact

Water

Similar to the proposed ordinance, other adopted and pending ordinances may incrementally increase water use associated with washing of reusable bags for hygienic purposes. However, based on the potential incremental water use of approximately 234 acre-feet per year with the proposed ordinance (if up to 25% of the reusable bags are washed separately and not as part of a household's regular laundry load), other ordinances would not be expected to generate an increase in water that would exceed water supplies in their respective regions. In addition, because other agencies may have separate water supplies than those that serve the City, the proposed ordinance's increase in water demand would not impact water supplies in those areas. Therefore, the proposed ordinance would not result in a cumulatively considerable contribution to water demand, and impact related to water would not be cumulatively considerable.

Wastewater

Similar to the proposed ordinance, other adopted and pending ordinances may incrementally increase wastewater associated with washing of reusable bags. However, based on the potential incremental increase in wastewater associated with the proposed ordinance (approximately 0.209 mgd), other ordinances would not be expected to generate an increase in wastewater that would exceed the capacity of a wastewater treatment plant or require new or expanded facilities within their respective regions. In addition, because other agencies may have separate treatment plants than those that serve the City, the proposed ordinance's increase in wastewater would not impact

treatment plants in those areas. Therefore, the proposed ordinance would not result in a cumulatively considerable contribution to wastewater generation and impact related to wastewater would not be cumulatively considerable.

Solid Waste

While other adopted and pending ordinances may incrementally increase solid waste associated with carryout bags based on the Boustead study, however, based on discussion above, these ordinances may actually result in a reduction of solid waste based on the Ecobilan study and on each jurisdiction's waste reduction programs and diversion rates. Based on the County of Los Angeles data and the City of Los Angeles current recycling rate, the proposed ordinance is anticipated to reduce the amount of solid waste by approximately 7,428 tons per year. Therefore, the proposed ordinance is anticipated not to contribute to cumulative solid waste generation.

4.0 Alternatives to the Project

The following discussion considers alternatives to the proposed City of Los Angeles Single-Use Carryout Bag Ordinance project. Through comparison of these alternatives, the relative advantages of each can be weighed and analyzed.

The CEQA Guidelines state that an EIR need not consider every conceivable alternative to the project [Section 15126.6(a)], or an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative [Section 15126.6(f)(3)]. The Guidelines require that a range of alternatives be addressed "governed by 'a rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice." The discussion of alternatives must focus on alternatives that are potentially feasible and capable of achieving major project objectives while avoiding or substantially lessening any significant environmental effects of the project [CEQA Guidelines, Section 15126.6(f)].

Primary City objectives for the proposed ordinance project are to:

- Reduce the billions of single-use plastic carryout bags currently consumed in the City of Los Angeles each year;
- Reduce the adverse environmental impacts associated with single-use plastic carryout bags, including impacts to air quality, biological resources (including marine environments), water quality, and solid waste;
- Deter the use of single-use paper carryout bags by retail customers in the City;
- Promote a shift toward the use of reusable carryout bags; and
- Reduce litter and the associated adverse impacts to stormwater systems, aesthetics, and the marine environment.

The analysis in the EIR indicates that the proposed ordinance project would result in beneficial impacts with regard to air quality, biological resources, and hydrology and water quality. The project was found to result in either a less than significant impact or no impact on other environmental factors analyzed in the EIR. Therefore, the discussion of the alternatives to the proposed project focuses on the alternatives that could achieve the project objectives to a greater extent and/or more rapidly.

The alternatives considered and compared to the project in the EIR include:

Alternative 1: "No Project" alternative required by CEQA

Alternative 2: Ban both Plastic and Paper Single-Use Carryout Bags

Alternative 3: Ban Single-Use Plastic Carryout Bags and Impose a Higher Fee on Single-Use Paper Carryout Bags

Alternative 4: Proposed Ordinance Without a Grace Period

Alternative 5: Impose a Fee on Single-Use Plastic Carryout Bags

Alternative 1: No Project

The No Project alternative, required to be evaluated in the EIR, considers "existing conditions…as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services" [CEQA Guidelines Section 15126.6(e)(2)].

Pursuant to this alternative, the proposed ordinance would not be adopted and implemented. As a result, the existing use of single-use plastic carryout bags in the City of Los Angeles would remain unchanged with the corresponding adverse environmental effects remaining at current levels. The existing conditions are described in the Environmental Setting section of each environmental issue analyzed in the EIR. Leaving the consumption of single-use plastic carryout bags at 2,031,232,707 or more annually would not achieve any of the City's objectives for the project.

Alternative 2: Ban both Plastic and Paper Single-Use Carryout Bags

The proposed ordinance would ban single-use plastic carryout bags and institute a $0.10 fee at the point of sale for a paper single-use carryout bag at the specified retailers within the City. This alternative considers a ban on both plastic and paper single-use carryout bags.

Bag Use Effects

The proposed ordinance was assumed to result in the 95% reduction in single-use plastic carryout bags consumed in the City, with 5% of plastic bags remaining since the proposed ordinance applies to specified, and not all, retail stores. The plastic bags were conservatively assumed to be replaced by approximately 30% paper bags and 65% reusable bags.

Pursuant to Alternative 2, the use of single-use plastic carryout bags in the City would also be reduced by 95%, and 5% of the plastic bags would remain in use. However, the plastic bags would be replaced solely with reusable bags. As shown in Table 4-1, this alternative would result in an 81% reduction in the annual volume of carryout bags when compared to the proposed ordinance.

Table 4-1
Estimated Bag Use Alternative 2 versus Proposed Ordinance

Type of Bag	Alternative 2*	Proposed Ordinance**	Explanation
Single-Use Plastic	101,561,635	101,561,635	Because the proposed ordinance does not apply to all retailers, some single-use plastic bags would remain in circulation.
Single-Use Paper	0	609,369,812	Although the volume of a single-use paper carryout bag is generally 150% of the volume of a single-use plastic carryout bag and fewer paper bags would be needed to carry the same number of items, it is conservatively assumed that paper would replace plastic at a 1:1 ratio.
Reusable	37,109,059	25,390,409	Although a reusable bag is designed to be used up to hundreds of times, it is conservatively assumed that a reusable bag would be used by a customer only once per week for one year (52 times).
Total	**138,670, 694**	**736,321,856**	

*Based on an assumption of 5% existing plastic bags use in the City remaining, and 95% conversion to reusable bags
**Refer to Table 3.1-5 in Section 3.1, Air Quality

Environmental Effects

With the proposed ordinance, the increased use of reusable carryout bags in the City would reduce air pollutant emissions that contribute to ground level ozone by approximately 54%, and emissions that contribute to atmospheric acidification by approximately 34%. In comparison, Alternative 2 would reduce emissions that contribute to ground level ozone by approximately 92% and emissions that contribute to atmospheric acidification by approximately 90% (see Table 4-2). As such, Alternative 2 would be about twice as effective in reducing air pollutant emissions, resulting in a proportionally greater beneficial impact on air quality.

Table 4-2
Alternative 2 Emissions that Contribute to Ground Level Ozone and Atmospheric Acidification (AA)

Bag Type	Number of Bags Used per Year	Ozone Emissions Rate per Bag	Ozone Emissions (kg) per 1,000 Bags	Ozone Emissions per Year (kg)	AA Emission Rate per Bag	AA Emissions (kg) per 1,000 Bags	AA Emissions per Year (kg)
Single-Use Plastic	101,561,635	1.0	0.023	2,336	1.0	1.084	110,093
Single-Use Paper	0	1.3	0.03	0	1.9	2.06	0
Reusable	37,109,059	1.4	0.032	1,187	3.0	3.252	120,717
Alternative 2 Total				**3,523**			**230,810**
Proposed Ordinance Total				**21,429**			**1,447,965**
Alternative 2 Net Change vs. Proposed Ordinance (Difference)				**(17,906)**			**(1,217,155)**
Existing Total				**46,718**			**2,201,856**
Alternative 2 Net Change vs. Existing (Difference)				**(43,195)**			**(1,971,046)**
Source: Refer to Table 3.1-6 in Section 3.1, Air Quality.							

Also, in comparison with the proposed ordinance, Alternative 2 would result in a substantial reduction in greenhouse gases emissions (GHG). As shown in Table 4-3, this alternative would reduce greenhouse gas emissions by more than 92% in comparison to the proposed ordinance and by approximately 88% in comparison to the existing conditions and thus, would result in an additional significant beneficial impact.

Table 4-3
Alternative 2 Estimated Greenhouse Gas Emissions

Bag Type	Number of Bags Used per Year	GHG Emissions Rate per Bag	CO_2e Emissions (metric tons)	CO_2e per Year (metric tons)	CO_2e per Person
Single-Use Plastic	101,561,635	1.0	0.04 per 1,500 bags	2,708	0.0008
Single-Use Paper	0	3.3	0.132 per 1,000 bags	0	0.0000
Reusable	37,109,059	2.6	0.104 per 1,000 bags	3,859	0.0007
Alternative 2 Total				**6,567**	**0.0015**
Proposed Ordinance Total				**85,786**	**0.022**
Alternative 2 Net Change vs. Proposed Ordinance (Difference)				**(79,219)**	**(0.0025)**
Existing Total				**54,166**	**0.014**
Alternative 2 Net Change vs. Existing (Difference)				**(47,599)**	**(0.0065)**
Source: Refer to Table 3.3-2 in Section 3.3, Greenhouse Gas Emissions.					

In comparison with the proposed ordinance, the ban on both plastic and paper single-use carryout bags would also have a significantly greater beneficial impact on all biological resources, including marine environments, by considerably reducing plastic bag as well as paper bag litter and the associated hazards to sensitive habitats and species.

Similarly, with a ban on paper bags as well as plastic bags, this alternative would have a much greater beneficial impact in reducing waste disposal needs associated with both types of these bags. Consequently, Alternative 2 would result in a much greater beneficial impact on hydrology and water quality by reducing single-use paper bag litter in addition to the plastic bag litter that could enter storm drains and waterways, as well as the potential water quality impacts associated with the manufacturing of these bags for use in the City. As this alternative would result in an 81% reduction in the annual volume of carryout bags when compared to the proposed ordinance, and would eliminate single-use paper bags (a 100% reduction) at specified retailers, it would substantially reduce overall impacts to water quality associated with bag manufacturing, including indirectly reducing the potential for harmful compounds to be discharged into groundwater supplies during the manufacturing process.

Alternative 2 would eliminate single-use paper bags and thus would promote the shift towards reusable bags to a greater extent than the proposed ordinance. The reusable bags, same as other household items, are anticipated to be washed along with a household's regular laundry and not result in an increase in water consumption. Nonetheless, even if a quarter of all reusable bags were to be washed separately be hand every month, Alternative 2 would result in a water use of approximately 341 acre-feet of water per year. The total existing water supply of LADWP is approximately 480,302 acre-feet per year and is projected to be approximately 701,200 acre-feet per year by year 2030. Based on LADWP water supply estimates, this conservative estimate of additional water demand associated with reusable bag hand washing would represent approximately 0.0007% percent of the current supply and 0.0005% of the projected 2030 supply. Thus, this potential, albeit unlikely, increase in water demand pursuant to Alternative 2 is within the capacity of LADWP's water supply and impact would be less than significant. Assuming that 100% of the water used to hand wash reusable bags would become wastewater, approximately 0.304 million gallons per day (mgd) would enter the sewer system and require treatment at the City's treatment plants. With the existing remaining capacity of sewer treatment plants serving the City of approximately 113.5 mgd, this represents about 0.0027% percent of the available capacity of City treatment plants. This additional wastewater generation would not exceed the remaining capacity of the treatment plants.

As with the proposed ordinance, this alternative would result in a beneficial effect of reducing solid waste by eliminating single-use paper bags and significantly increasing the use of reusable bags, which are recyclable if LDPE, HDPE, or Polypropylene (PP), or compostable if cotton or canvas.

In terms of traffic, under a theoretical "worst case" scenario where all reusable bags are delivered in separate dedicated loads to the retailers, Alternative 2 would eliminate 1.63 trucks per day (versus an addition of 5.8 trucks per day for the proposed ordinance) from the streets and highway system within the City of Los Angeles, which is a beneficial impact.

Therefore, in comparison to the proposed ordinance, Alternative 2 would result in much greater beneficial environmental impacts, as well as in additional beneficial impacts associated with a net reduction in greenhouse gas emissions and reduction in truck deliveries.

Relation to Project Objectives

This alternative would reduce the billions of single-use plastics carryout bags currently consumed in the City of Los Angeles each year; reduce the adverse environmental impacts associated with single-use plastic carryout bags, including impacts to air quality, biological resources (including marine environments), water quality, and solid waste; substantially reduce the use of single-use paper bags by retail customers in the City; promote a shift toward the use of reusable carryout bags; and reduce litter and the associated adverse impacts to stormwater systems, aesthetics, and the marine environment. Thus, Alternative 2 would not only achieve all of the City objectives, but would achieve these objectives more rapidly and to a greater extent than the proposed ordinance.

However, this alternative would be inconsistent with ordinances of surrounding jurisdictions.

Alternative 3: Ban Single-Use Plastic Carryout Bags and Impose a Higher Fee on Single-Use Paper Carryout Bags

The proposed ordinance stipulates a $0.10 fee on a single-use carryout paper bag at the point of sale; this alternative considers a fee of $0.25 fee per bag.

Bag Use Effects

Pursuant to this alternative, a higher fee of $0.25 per paper bag would be charged at the point of sale to deter the use of single-use paper bags and promote a shift toward the use of reusable bags by retail customers in the City. With a higher fee, it is anticipated that the use of paper bags would be reduced in comparison to the proposed ordinance because of the additional cost of $0.15 per bag.

With a higher fee, it is assumed that the plastic bags would be replaced by approximately 6% paper bags and 89% of reusable bags[152], with 5% of the current volume of plastic bags remaining. As shown in Table 4-4, this alternative would result in a 75% reduction in the annual volume of carryout bags when compared to the proposed ordinance.

[152]City of San Jose Final EIR, October 2010, County of San Mateo Final EIR, January 2012.

Table 4-4
Estimated Bag Use Alternative 3 versus Proposed Ordinance

Type of Bag	Alternative 3	Proposed Ordinance*
Single-Use Plastic	101,561,635	101,561,635
Single-Use Paper	44,179,311	609,369,812
Reusable	34,784,860	25,390,409
Total	**180,525,806**	**736,321,856**
*Refer to Table 3.1-5 in Section 3.1, Air Quality		

Environmental Effects

With the proposed ordinance, the increased use of reusable carryout bags in the City would reduce air pollutant emissions that contribute to ground level ozone by approximately 54%, and emissions that contribute to atmospheric acidification by approximately 34%. In comparison, Alternative 3 would reduce emissions that contribute to ground level ozone by approximately 90% and emissions that contribute to atmospheric acidification by approximately 86% (see Table 4-5). As such, Alternative 3 would be nearly twice as effective in reducing air pollutant emissions, resulting in a proportionally greater beneficial impact on air quality.

Table 4-5
Alternative 3 Emissions that Contribute to Ground Level Ozone and Atmospheric Acidification (AA)

Bag Type	Number of Bags Used per Year	Ozone Emissions Rate per Bag	Ozone Emissions (kg) per 1,000 Bags	Ozone Emissions per Year (kg)	AA Emission Rate per Bag	AA Emissions (kg) per 1,000 Bags	AA Emissions per Year (kg)
Single-Use Plastic	101,561,635	1.0	0.023	2,336	1.0	1.084	110,093
Single-Use Paper	44,179,311	1.3	0.03	1,325	1.9	2.06	91,009
Reusable	34,784,860	1.4	0.032	1,113	3.0	3.252	113,120
			Alternative 3 Total	**4,774**			**314,222**
			Proposed Ordinance Total	**21,429**			**1,447,965**
			Alternative 3 Net Change vs. Proposed Ordinance (Difference)	**(16,655)**			**(1,133,743)**
			Existing Total	**46,718**			**2,201,856**
			Alternative 3 Net Change vs. Existing (Difference)	**(41,944)**			**(1,887,634)**
Source: Refer to Table 3.1-6 in Section 3.1, Air Quality.							

In comparison with the proposed ordinance, Alternative 3 would result in a substantial reduction in greenhouse gases emissions (GHG). As shown in Table 4-6, Alternative 3 would reduce greenhouse gas emissions by approximately 86% in comparison to the proposed ordinance and by approximately 78% in comparison to the existing conditions. Therefore, this alternative would result in an additional significant beneficial impact.

Table 4-6
Alternative 3 Estimated Greenhouse Gas Emissions

Bag Type	Number of Bags Used per Year	GHG Emissions Rate per Bag	CO_2e Emissions (metric tons)	CO_2e per Year (metric tons)	CO_2e per Person
Single-Use Plastic	101,561,635	1.0	0.04 per 1,500 bags	2,708	0.0008
Single-Use Paper	44,179,311	3.3	0.132 per 1,000 bags	5,832	0.0015
Reusable	34,784,860	2.6	0.104 per 1,000 bags	3,618	0.001
			Alternative 3 Total	**12,158**	**0.003**
			Proposed Ordinance Total	**85,786**	**0.022**
			Alternative 3 Net Change vs. Proposed Ordinance (Difference)	**(73,628)**	**(0.019)**
			Existing Total	**54,166**	**0.014**
			Alternative 3 Net Change vs. Existing (Difference)	**(42,008)**	**(0.011)**
Source: Refer to Table 3.3-2 in Section 3.3, Greenhouse Gas Emissions.					

In comparison with the proposed ordinance, the imposition of higher fee of $0.25 on paper single-use carryout bags would also have a significantly greater beneficial impact on biological resources, including marine environments. As with the proposed ordinance this alternative would substantially reduce the volume of plastic bag litter, but in comparison it would also reduce paper bag litter by 80%, thus reducing the associated hazards to sensitive habitats and species.

With a higher fee on paper bags, this alternative would also have a greater beneficial impact in reducing waste disposal needs associated with both types of these bags by reducing the total volume of paper bags in comparison with the proposed ordinance. Consequently, Alternative 3 would result in a substantially greater beneficial impact on hydrology and water quality by reducing single-use paper bag litter in addition to the plastic bag litter that could enter storm drains and waterways, as well as the potential water quality impacts associated with the manufacturing of these bags. As this alternative would result in a 75% reduction in the annual volume of carryout bags when compared to the proposed ordinance, it would also reduce overall impacts to water quality associated with bag manufacturing, including indirectly reducing the potential for harmful compounds to be discharged into groundwater supplies during the manufacturing process.

By imposing a higher fee on single-use paper bags, Alternative 3 would promote a shift toward reusable bags to a greater extent than the proposed ordinance. The reusable bags, same as other household items, are anticipated to be washed along with a household's regular laundry and not result in an increase in water consumption. Nonetheless, even if a quarter of all reusable bags were to be washed separately be hand every month, Alternative 3 would result in a water use of approximately 320 acre-feet of water per year. The total existing water supply of LADWP is approximately 480,302 acre-feet per year and is projected to be approximately 701,200 acre-feet per year by year 2030. Based on LADWP water supply estimates, this conservative estimate of additional water demand associated with reusable bag hand washing would represent approximately 0.0007% percent of the current supply and 0.0005% of the projected 2030 supply. Thus, this potential, albeit unlikely, increase in water demand pursuant to Alternative 3 is within the capacity of LADWP's water supply and impact would be less than significant. Assuming that 100% of the water used to hand wash reusable bags would become wastewater, approximately 0.286 million gallons per day (mgd) would enter the sewer system and require treatment at the City's treatment plants. With the existing remaining capacity of sewer treatment plants serving the City of approximately 113.5 mgd, this represents about 0.0025% percent of the available capacity of City treatment plants. This additional wastewater generation would not exceed the remaining capacity of the treatment plants.

As with the proposed ordinance, this alternative would result in a beneficial effect of reducing solid waste by significantly reducing the number of single-use paper bags and increasing the use of reusable bags, which are recyclable if LDPE, HDPE, or Polypropylene (PP), or compostable if cotton or canvas.

In terms of traffic, under a theoretical "worst case" scenario where all bags are delivered in separate dedicated loads to the retailers, Alternative 3 would eliminate 1.13 trucks per day (versus an addition of 5.8 trucks per day for the proposed ordinance) from the streets and highway system within the City; a beneficial impact.

Therefore, overall this alternative would result in greater beneficial environmental impacts in comparison to the proposed ordinance as well as in additional beneficial impacts associated with the reduction in greenhouse gas emissions and truck deliveries.

Relation to Project Objectives

This alternative would achieve all objectives of City of Los Angeles Single-Use Carryout Bag Ordinance. With a higher fee, it is anticipated that the use of single-use paper carryout bags would be reduced in comparison to the proposed ordinance because of the additional cost. As a result, the objective of deterring the use of single-use paper carryout bags would be achieved to a greater extent, and the objective of promoting a shift to reusable bags could occur more rapidly and to a greater extent than under the proposed ordinance.

However, this alternative would be inconsistent with ordinances of surrounding jurisdictions.

Alternative 4: Proposed Ordinance Without a Grace Period

The proposed ordinance includes a grace period of six months for large retailers and one year for small retailers to allow retailers to phase out their stocks of plastic carryout bags. During that

period, the retailers could continue to provide plastic carryout bags, and would not be required to provide paper carryout bags at no cost to consumers for the purposes of carrying out their purchases.

This alternative, identified during the Notice of Preparation public review process, would eliminate the grace period. As a result, the retailers would begin charging a $0.10 fee for a paper carryout bag at the point of sale at the effective date of the ordinance.

Bag Use Effects

Pursuant to this alternative, the long-term use of carryout plastic, paper, and reusable bags would be the same as with the proposed ordinance. However, without the grace period, this alternative would implement the proposed ordinance immediately, with the corresponding immediate result of eliminating 95% of the single use plastic carryout bags at specified retailers and the corresponding shift toward the use of reusable carryout bags within the City of Los Angeles. As a result, the beneficial environmental impacts associated with the proposed ordinance would be realized more rapidly. This is because the retailers with existing supplies of plastic carryout bags purchased before the proposed ordinance becomes law would be able to use them until their supplies run out, and thus the proposed ordinance is likely to result in a continuation of the use of plastic bags by retailers until the grace period ends. If so, the grace period would in effect delay the implementation of the ban on single-use plastic carryout bags by 6 to 12 months.

Environmental Effects

The long-term environmental impacts of this alternative would be the same as those associated with the proposed ordinance. However, without the grace period, the beneficial environmental impacts associated with the proposed ordinance would be realized more rapidly by preventing the likely use of single-use plastic carryout bags throughout the grace period, which would effectively delay the ban on single-use plastic carryout bags by 6 to 12 months. Therefore, in comparison with the proposed ordinance, this alternative would result in an additional environmental benefit of more rapidly eliminating the adverse environmental impacts associated with the single-use plastic carryout bags.

Relation to Project Objectives

Alternative 4 would achieve all City objectives more rapidly, including deterring the use of single-use paper carryout bags by retail customers in the City, promoting a shift toward the use of reusable carryout bags, and reducing litter – which includes both plastic and paper bag litter - and the associated adverse impacts to stormwater systems, aesthetics, and the marine environment.

Alternative 5: Impose a Fee on Single-Use Plastic Carryout Bags

AB 2449, which prohibits local jurisdiction from imposing fees on single-use plastic carryout bags, expired on January 1, 2013. In September 2012, SB 1219 was signed into law. SB 1219

extended the AB 2449 in-store recycling program requirements until 2020 but eliminated the AB 2449 prohibition on imposition of fees on single-use plastic carryout bags by local jurisdictions. This alternative considers a fee of $0.25 for single-use plastic bags at the point of sale that would be retained by the retail store. Although Proposition 26, which took effect on November 3, 2010, requires a two-thirds voter approval of such a fee by a local government, the California Court of Appeals Second Appellate District ruled on February 21, 2013 that "the paper carryout bag charge is not a tax for the purposes of article XIII C because the charge is payable to and retained by the retail store and is not remitted to the county".

Other countries have instituted fees on single-use plastic carryout bags or are considering similar measures, including Ireland, Italy, Belgium, and Switzerland.

Ireland became the first country to require that retail stores charge for plastic bags[153] by instituting a fee equivalent to about 24 U.S. cents on plastic shopping bags on March 4, 2002. According to the Irish Department of the Environment, Heritage & Local Government, this caused the use of single-use plastic carryout bags to drop from 328 to 21 per person. In 2007, after per capita use rose to 31, the fee was increased to about 35 U.S. cents. (Revenues from the fee are deposited into the Ireland's Environment Fund for waste management, recycling, and other environmental initiatives.)

Before Ireland imposed the fee, the government estimated that retail outlets gave away more than 1.2 billion single-use plastic carryout bags each year. The government states that plastic bag litter has dropped by 95% since it imposed the fee.

Assuming the level of effectiveness of the $0.25 fee per plastic bag is comparable to that reported by Ireland's government after the imposition of such a fee, this alternative could result in up to a 95% reduction in the use of plastic bags in the City of Los Angeles. As a result, the use of carryout bags pursuant to this alternative would be equivalent to that of Alternative 2, whereby the use of single-use plastic carryout bags in the City would also be reduced by 95%, and 5% of the plastic bags would remain in use. However, the plastic bags would be replaced solely with reusable bags, since retail stores would not start providing free paper bags. As shown in Table 4-1, this would result in an 81% reduction in the annual volume of carryout bags when compared to the proposed ordinance.

Environmental Effects

Environmental effects pursuant to this alternative would the same as those of Alternative 2. Therefore, in comparison to the proposed ordinance, this alternative would result in much greater beneficial environmental impacts, as well as in additional beneficial impacts associated with a net reduction in greenhouse gas emissions and reduction in truck deliveries.

Relation to Project Objectives

As with Alternative 2, this alternative would not only achieve all of the City objectives, but would achieve these objectives more rapidly and to a greater extent than the proposed ordinance.

[153] http://www.scotland.gov.uk/Publications/2005/08/1993259/33019

However, this alternative would be inconsistent with ordinances of surrounding jurisdictions.

Environmentally Superior Alternative

Alternative 2, Ban on Both Single-Use Plastic and Single-Use Paper Carryout Bags and Alternative 5, Impose a Fee on Single-Use Plastic Carryout Bags are considered to be the environmentally superior alternatives to the proposed project because they would result in greater beneficial environmental impacts and in a most rapid achievement of all of the City's objectives for the project. However, these alternatives would be inconsistent with the single-use carryout bag ordinances already enacted throughout California, including those of Cities of San Monica, Manhattan Beach, Malibu, Long Beach, West Hollywood, Laguna Beach, Pasadena, Glendale, San Jose, San Francisco, Palo Alto, and Calabasas, as well as the Counties of Los Angeles, San Francisco, Santa Clara, San Luis Obispo, Marin, and San Mateo, among others. As such, these alternatives could cause confusion for the customers and present a challenge to the retailers.

Alternative 3, Impose a Higher Fee on Single-Use Paper Carryout Bags and Alternative 4, Proposed Ordinance Without a Grace Period, are also environmentally superior to the proposed project. In the long term, Alternative 3 could also result in a lower annual use of paper carryout bags due to the additional cost of purchasing those bags, and Alternative 4 would implement the proposed ordinance more rapidly by eliminating the likely 6 to 12-month continuation of the use of plastic carryout bags. Both of these alternatives would achieve all of the City objectives for the project, but to a lesser extent when compared to Alternative 2 and Alternative 5. However, Alternative 3 would be inconsistent with ordinances of surrounding jurisdictions.

5.0 Growth-Inducing and Irreversible Effects

Growth-Inducing Impact

CEQA Guidelines require a discussion of "…ways in which the project could foster economic or population growth…in the surrounding environment," including the project's potential to remove obstacles to population growth. For example, the extension of infrastructure may encourage or facilitate other activities that could induce growth, and the types of projects that provide housing and infrastructure to support additional growth are typically considered to result in growth-inducing effects.

The intent of the proposed ordinance is to significantly reduce the amount of litter in the City attributable to the single-use plastic carryout bags and the associated adverse environmental impacts. The implementation of the proposed ordinance to ban single-use plastic carryout bags in specified retail stores would not result in any changes in the existing land uses or new physical development that could directly or indirectly induce substantial economic or population growth within the City of Los Angeles. While there are no known plastic, paper or reusable bag manufacturing facilities in the City, jobs related to the proposed ordinance, if any, could be filled by the City's existing labor force which currently has an unemployment rate of nearly 10%[154] so the project would not affect the long-term local or regional employment patterns. In addition, revenues generated by sales of paper and reusable carryout bags to customers would remain with the affected stores. Therefore, the proposed ordinance would not result in or contribute to a growth-inducing impact.

Significant Irreversible Effects

The proposed ordinance would ban specified retail establishments in the City from distributing single-use plastic carryout bags, or paper carryout bags at no charge, and would institute a 10 cent ($0.10) charge for each paper carryout bag at the point of sale. The objective of the proposed ordinance is to reduce adverse environmental impacts related to single-use carryout bags and promote a shift toward the use of reusable bags. The implementation of the proposed ordinance to ban single-use plastic carryout bags in specified retail stores would not result in any changes in the existing land uses or new physical development within the City. Therefore, the proposed ordinance would not alter or cause irreversible physical alterations to the existing land resources or their uses.

As discussed in Chapter 3.0, Environmental Impact Analysis, the shift toward reusable bags within the City would not result in any significant adverse impact on environmental resources and would incrementally reduce air pollutant emissions, be consistent with applicable plans, policies, and regulations related to reducing greenhouse gas emissions, and would result in beneficial effects on air quality, biological resources, hydrology and water quality, and solid waste.

[154] http://research.stlouisfed.org/fred2/series/CALOSA7URN, January 2013

6.0 Preparers of the EIR

Lead Agency

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7.0 Responses to Comments on Draft EIR

The Draft EIR for the proposed ordinance was made available for a public review and comment period pursuant to the State CEQA Guidelines, Sections 15105 and 15087, beginning on January 25, 2013 and ending on March 11, 2013. The Bureau of Sanitation also held seven public meetings to receive comments on the Draft EIR, as follows:

- February 19, 2013 - Wilmington Recreation Center (Multi-Purpose Room), 325 Neptune Avenue, Wilmington, CA 90744
- February 20, 2013 - Cheviot Hills Recreation Center Auditorium, 2551 Motor Avenue, Los Angeles, CA 90064
- February 21, 2013 – Deaton Auditorium (in Police Administration Building), 100 W. 1st Street, Los Angeles, CA 90015
- February 25, 2013 – Panorama Recreation Center, 8600 Hazeltine Avenue, Panorama City, CA 91402
- February 26, 2013 – Shadow Ranch Recreation Center, 22633 Vanowen Street, Canoga Park, CA 91307
- February 27, 2013 – South L.A. Sports Activity Center, 7020 S. Figueroa Street, Los Angeles, CA 90003
- February 28, 2013 – Lou Costello Recreation Center, 3141 E. Olympic Boulevard, Los Angeles, CA 90023

Written comments received during the public review period for the Draft EIR are then presented in chronological order by the date of correspondence. Each comment letter is designated a number, and individual comments within each letter are also numbered. Responses to the comments are provided. Appropriate revisions to the Draft EIR in response to comments and information received are identified by shading the clarified and/or updated text in the Final EIR, as illustrated in this sentence.

Written comments were received from the following persons:

1. Singleton, Dave, Program Analyst, Native American Heritage Commission. January 29, 2013.
2. Spirit, Maria Joyous. February 1, 2013.
3. Lee, Mandy, Director, Government Affairs, California Retailers Association. February 6, 2013.
4. Demmers, Linda, President, Greater Griffith Park Neighborhood Council. February 20, 2013.
5. Cadwallader, Craig, Surfrider Foundation, south Bay Chapter. February 19, 2013.
6. Tamminen, Leslie, Seventh Generation Advisors. February 20, 2013.
7. Carroll, Sean, Environment California. February 20, 2013.
8. Joy, M, Citizen of W.LA. February 20, 2013.
9. Kelson, Laurie. February 22, 2013.
10. Mariano, Xavier. February 25, 2013.
11. Pearson, Harvey. February 25, 2013.
12. Clark, Nancy. February 26, 2013.
13. Waters, Ed. February 26, 2013.

14. Backlar, Shelly, FOLAR. February 26, 2013.
15. Sinclair, Duncan. February 27, 2013.
16. Kirschbaum, Saran, Co-chair, SoRo Green Team. February 28, 2013.
17. Allen, Jack. March 4, 2013.
18. Chin, Frank. March 6, 2013.
19. Leffert, Steven, Chair, Land Use and Planning Committee, Lake Balboa Neighborhood Council. March 7, 2013.
20. James, Kirsten, Water Quality Director, Heal the Bay; Gordon, Miriam, California State Director, Clean Water Action/Clear Water Fund; Mintz Tamminen, Leslie, Ocean Program Director, Seventh Generation Advisors; Howe, Angela, Legal Director, Surfrider Foundation; Utter, Emily, Policy Director, Bag It; Hunt, Brad, Program Manager, Save Our Shores; Weaver, Nathan, Oceans Advocate, Environment California; Moody Stuart, Board President, Green Sangha; Wilson, Stiv, Policy Director, The 5 Gyres Institute; Waiya, Mati, Executive Director, Wishtoyo; Russo, Daniella, Executive Director, Plastic Pollution Coalition; Crosson, Liz, Executive Director, Los Angeles Waterkeeper; Chin, Christopher, Executive Director, The Center for Oceanic Awareness, Research, and Education (COARE); Gutierrez, Marce, Executive Director, Azul. March 8, 2013.
21. Lee, Mandy, Director, Government Affairs, California Retailers Association. March 8, 2013.
22. Talalla, Ida, Founder-Coordinator, Echo Park TAP. March 11, 2013.
23. Rita, Patrick, Renewable Bag Council. March 11, 2013.
24. Stein, Steven R., Principal, Environmental Resources Planning, LLC. March 11, 2013.
25. Joseph, Stephen L., Counsel, Save the Plastic Bag Coalition. March 11, 2013, with a supplemental submission of March 26, 2013.
26. Pat Proano, Assistant Deputy Director, Environmental Programs Division, County of Los Angeles Department of Public Works. March 25, 2013.

1. Singleton, Dave, Program Analyst, Native American Heritage Commission. January 29, 2013.

Comment 1-1

The information regarding state statutes relating to Native American historic properties or resources of religious and cultural significance to American Indian tribes and interested Native American individuals is acknowledged. As discussed in the Initial Study (Appendix A of the Draft EIR), the implementation of the proposed ordinance to ban single-use plastic carryout bags at the point of sale at specified retail stores within the City of Los Angeles would not result in any changes in the existing land uses, new physical development, or construction activity. Therefore, the implementation of the proposed ordinance would not affect any of the City's existing historic structures or resources, archeological or paleontological resources, or disturb any human remains.

STATE OF CALIFORNIA Arnold Schwarzenegger, *Governor*

NATIVE AMERICAN HERITAGE COMMISSION
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(916) 653-4082
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January 29, 2013

Ms. Karen Coca, Planner
City of Los Angeles Bureau of Sanitation
1149 Broadway, 5th Floor
Los Angeles, CA 90015

Comment Letter 1

RE: SCH# 2012091053 – Single-Use Carry-Out Bag Ordinance, Los Angeles County

Dear Ms. Coca:

Comment

The Native American Heritage Commission has reviewed the Notice of Preparation (NOP) regarding the above referenced project. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

- ✓ Contact the appropriate Information Center for a record search to determine:
  - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for pubic disclosure. 1-1
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
  - A Sacred Lands File Check.
  - A list of appropriate Native American Contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contact List Attached**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
  - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Dave Singleton
Program Analyst
(916) 653-6251

CC: State Clearinghouse

Attachment: Native American Contacts list

Native American Contacts
Los Angeles County
January 28, 2013

Fernandeno Tataviam Band of Mission Indians
Ronnie Salas, Cultural Preservation Department
1019 - 2nd Street, Suite #1
San Fernando CA 91340
rsalas@tataviam-nsn.gov
(818) 837-0794 Office

(818) 837-0796 Fax

Fernandeno
Tataviam

Gabrieleno/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
PO Box 693
San Gabriel , CA 91778
GTTribalcouncil@aol.com
(626) 286-1632
(626) 286-1758 - Home
(626) 286-1262 -FAX

Gabrielino Tongva

LA City/County Native American Indian Comm
Ron Andrade, Director
3175 West 6th St, Rm. 403
Los Angeles , CA 90020
randrade@css.lacounty.gov
(213) 351-5324
(213) 386-3995 FAX

Gabrielino Tongva Nation
Sam Dunlap, Cultural Resources Director
P.O. Box 86908
Los Angeles , CA 90086
samdunlap@earthlink.net

(909) 262-9351 - cell

Gabrielino Tongva

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
Private Address
,
tattnlaw@gmail.com
310-570-6567

Gabrielino Tongva

Gabrielino Tongva Indians of California Tribal Council
Robert F. Dorame, Tribal Chair/Cultural Resources
P.O. Box 490
Bellflower , CA 90707
gtongva@verizon.net
562-761-6417 - voice
562-761-6417- fax

Gabrielino Tongva

S an Fernando Band of Mission Indians
John Valenzuela, Chairperson
P.O. Box 221838
Newhall , CA 91322
tsen2u@hotmail.com
(661) 753-9833 Office
(760) 885-0955 Cell
(760) 949-1604 Fax

Fernandeño
Tataviam
Serrano
Vanyume
Kitanemuk

Kern Valley Indian Council
Robert Robinson, Co-Chairperson
P.O. Box 401
Weldon , CA 93283
brobinson@iwvisp.com
(760) 378-4575 (Home)
(760) 549-2131 (Work)

Tubatulabal
Kawaiisu
Koso
Yokuts

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the propoed SCH#2012091053; CEQA Notice of Completion; proposed Mitigated Negative Declaration for the Single-Use Carry-out Bag Ordeinance; Los Angeles County, California.

Native American Contacts
Los Angeles County
January 28, 2013

Gabrieleno Band of Mission Indians
Andrew Salas, Chairperson
P.O. Box 393 Gabrielino
Covina , CA 91723
(626) 926-4131
gabrielenoindians@yahoo.com

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the propoed SCH#2012091053; CEQA Notice of Completion; proposed Mitigated Negative Declaration for the Single-Use Carry-out Bag Ordeinance; Los Angeles County, California.

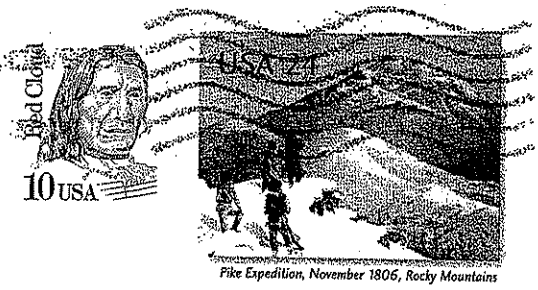
2. Spirit, Maria Joyous. February 1, 2013.

Comment 2-1

Your opinion that the single-use plastic carryout bags should not be banned is acknowledged. As discussed in the Summary and Project Description sections of the EIR, the proposed ordinance would not apply to all types of retail stores such clothing stores and stores that sell durable goods that do not typically distribute large volumes of single-use plastic bags to customers. The proposed ordinance would not ban plastic or paper bags that are used by customers and the store to protect or contain meat or prepared food; or used for bagging fruits, vegetables, and other fresh produce; or for other goods that must be protected from moisture, damage or contamination, and which are typically placed inside a carryout bag at the point of sale. Pharmacy plastic bags used to carry out prescription drugs would be exempt from the proposed ordinance, as would be other specialty stores. Dry cleaners could continue to provide dry cleaning plastic bags, and retailers could continue to provide specialty plastic bags for suits, dresses and similar clothing items. Restaurants and other food service providers could continue to provide plastic bags to customers for prepared take-out food intended for consumption off the premises, as could vendors at City farmers' markets.

Retailers would be required to provide at the point of sale, free of charge, paper bags or reusable bags to consumers participating in the California Special Supplemental Food Program for Women, Infants and Children or in the Supplemental Food Program. The ordinance also includes a 6-month grace period for large retailers and a 12-month grace period for small retailers. During the grace period, retailers could continue to provide plastic carryout bags. Upon completion of the grace period, retailers would be required to charge $0.10 per paper bag for those customers wishing to purchase paper bags.

Maria Joyous Spirit
10577 Ashton Ave.
Los Angeles, CA 90024-



Ms Kerry Cox, Dir Mgr
Recycling Div - Sanitation
1149 So. Broadway 5th Fl, Mail Stop 944
Los Angeles 90015
CA

© 2005 USPS recycled

Comment Letter 2

Comment

Feb. 1, 2012
PLEASE do not add to our expenses by eliminating current PLASTIC BAGS we receive for purchases from vendors. They are USED RECYCLED for many uses now. Having further fees + expenses for purchases, with clamp protect against leaking + contaminating reused costly ~~[illegible]~~ bags are expensive. Many others, poor, frugal + responsible citizens CANNOT afford to pay more. This attempt to price us further is unhealthy, expensive + not a benefit to taxpayers + ratepayers. Do NOT BAN Plastic bags. Reuse them. Most people DO so. 2-1

3. Lee, Mandy, Director, Government Affairs, California Retailers Association. February 6, 2013.

Comment 3-1

Your comment in support of the six-month grace period for large retailers is acknowledged.

Comment 3-2

The ordinance does not preclude other types of retailers from following the ordinance, should they choose to do so.

Comment Letter 3

CALIFORNIA RETAILERS ASSOCIATION
980 NINTH STREET, SUITE 2100 · SACRAMENTO, CA 95814
(916) 443-1975 · FAX (916) 441-4218

February 6, 2012

Karen Coca
Division Manager
Solid Resources Citywide Recycling Division
Bureau of Sanitation, City of Los Angeles
1149 S. Broadway 5th Floor MS #944
Los Angeles, CA 90015

RE: Comments for Draft EIR

Dear Ms. Coca:

The California Retailers Association (CRA) appreciates the opportunity to provide comment and feedback on the proposed City of Los Angeles Single-Use Bag Ordinance.

The California Retailers Association is the only statewide trade association representing all segments of the retail industry including general merchandise, department stores, mass merchandisers, supermarkets, fast food restaurants, chain drug and convenience stores, as well as specialty retailers such as auto, book and home improvement stores. CRA works on behalf of California's retail industry, which currently operates over 164,200 stores with sales in excess of $571 billion annually and employing 2,776,000 people – nearly one fifth of California's total employment.

Comment

Based upon the project summary provided in the Draft EIR, there are elements of the proposed ordinance that we support and would appreciate seeing in the final version of the ordinance that will be voted on by the City Council. CRA appreciates the six-month grace period for large retailers, which will allow them to phase out their existing stock of plastic carryout bags. Requiring a charge on paper bags is a critical piece in cost recovery for retailers and has been a uniform standard in all bag ordinances that have adopted thus far. We also appreciate that the ordinance only applies to a limited class of retailers, namely grocery and pharmacies, recognizing that retailers that sell durable goods do not distribute large amounts of single-use bags to consumers. However, a mechanism should be included to allow these other classes of retailers to opt-in to the requirements if they choose to. Lastly, we appreciate that the ordinance exempts produce, pharmacy and garment bags.

3-1

3-2

Thank you for your time and effort on crafting this ordinance. If you have any questions, please contact Mandy Lee at (916) 443-1975.

Sincerely,

Mandy Lee
Director, Government Affairs

4. Demmers, Linda, President, Greater Griffith Park Neighborhood Council. February 20, 2013.

Comment 4-1

The comment that the Greater Griffith Park Neighborhood Council fully supports the proposed ordinance, as well as Alternative 3 (a higher paper bag fee) as providing more effective disincentive to the shoppers is acknowledged.

Comment 4-2

The Greater Griffith Park Neighborhood Council's opinion that a 6-month grace period is sufficient, while the 12-month grace period will only increase the negative effect on the environment, is acknowledged.

Comment 4-3

The Greater Griffith Park Neighborhood Council's encouragement for the City of Los Angeles to join the ranks of other cities in California – the Cities of Santa Monica, Manhattan Beach, Malibu, Long Beach, West Hollywood, Laguna Beach, Pasadena, San Jose, San Francisco, Palo Alto, Calabasas, as well as the Counties of Los Angeles, San Francisco, Santa Clara, San Luis Obispo, Marin and San Mateo – that have already banned the single-use plastic bag, is acknowledged.

PRESIDENT
Linda Demmers
VICE PRESIDENTS
Lisa Sedano – Administration
Chris McKinley – Communications
TREASURER
Nelson Bae
SECRETARY
Kris Anderson

CITY OF LOS ANGELES

GREATER GRIFFITH PARK NEIGHBORHOOD COUNCIL

Your Neighborhood. Your Voice. Your Council

CERTIFIED COUNCIL #36

PO Box 27003
Los Angeles, CA 90027

(213) 973-9758

info@ggpnc.org

www.ggpnc.org

February 20, 2013

Honorable Antonio Villaraigosa
Mayor City Of Los Angeles
200 North Spring St., Rm. 303
Los Angeles, CA 90012

Re: Single Use Plastic Bags

Dear Mayor Villaraigosa:

The Greater Griffith Park area is positioned in areas of environmental sensitivity. Bordered by the Los Angeles River on one side and Griffith Park on the other we feel a particular connection to our local environment. Many wildlife and people in all areas all over the City and the world are affected adversely by the single use plastic bag (LDPE –Low Density Polyethylene).

Comment

The single use plastic LPDE bag adversely affects many sectors addressed in the draft EIR Single-Use Carryout Bag Ordinance (City of Los Angeles-State Clearinghouse No. 201209053), such as air quality, biological resources, greenhouse gases, forest resources, hydrology and water quality, mineral resources, noise, sanitation services, traffic, and utilities. This in part affects wildlife, flora and fauna and our rivers and oceans.

The GGPNC wrote a letter to Mayor Villaraigosa on June 29, 2010 supporting the ban and by a unanimous vote reaffirmed this support at its regularly scheduled publicly noticed meeting on February 19, 2013.
The Neighborhood Council and its Green Committee is still in full support of the proposed plastic bag ban and its objectives in the EIR on page 10. "The City's objectives for the proposed ordinance include:

4-1

- Reducing the billions of single-use plastic carryout bags currently consumed in the City
- of Los Angeles each year;
- Reducing the adverse environmental impacts associated with single-use plastic carryout
- bags, including impacts to air quality, biological resources (including marine
- environments), water quality, and solid waste;
- Deterring the use of single-use paper carryout bags by retail customers in the City
- Promoting a shift toward the use of reusable carryout bags; and
- Reducing litter and the associated adverse impacts to storm water systems, aesthetics, and the marine environment."

In pursuant to the ideas on page 16 in the EIR the GGPNC supports Alternative 3 (a higher bag use fee) in combination with a 6-month grace period for all business. We believe that the increased fee of .25 cents per paper bag rather then .10 per bag will be a more effective disincentive for shoppers. Furthermore, six months should be sufficient time for business' to go through their current supply of single use plastic bags and purchase recycled content paper bags in order to comply with the ordinance. The additional six months, making it one year total, will only increase the negative effect on our environment. 4-1 con't 4-2

We encourage the City to move quickly to join the ranks of other progressive cities in the State of California that have already banned the single use plastic bag. The Cities of Santa Monica, Manhattan Beach, Malibu, Long Beach, Glendale, West Hollywood, Laguna Beach, Pasadena, San Jose, San Francisco, Palo Alto, and Calabasas, as well as the Counties of Los Angeles, San Francisco, Santa Clara, San Luis Obispo, Marin, and San Mateo have all banned plastic bag use in various retail establishments.

Plastic entering into our diverse ecosystem has become a monstrous problem. We are now seeing turtles, birds, fish and land animals being poisoned by the ingestion or absorption of littered plastic bags as well as bags that inadvertently escape from landfills and waste bins. The EIR states on page 52 that actually only 5% of all single use plastic bags that are attempted to be put into the recycle stream are recycled. There is no way to effectively contain or recycle the 2 billion bags per year that City residents use. 4-3

In conclusion the GGPNC fully supports the implementation of the Single Use Carry Out Bag Ordinance and the science behind the creation of the Draft EIR. Moving forward in the near future we would also support a ban on paper bags.

Sincerely,

Linda Demmers
President Greater Griffith Park Neighborhood Council

By: Adam Meltzer
Green Committee Chair, GGPNC

cc: LaBonge, Tom (CD4)
Garcetti, Eric (CD13)
LA City Council Members
Coca, Karen City of Los Angeles Bureau of Sanitation

5. Cadwallader, Craig, Surfrider Foundation, South Bay Chapter. February 20, 2013.

Comment 5-1

The definition of the plastic bag is included in the proposed ordinance. Please see responses to Comment Letter 6.

Comment 5-2

The Surfrider Foundation's opposition to Alternative 1, "No Project" Alternative, is acknowledged.

Comment 5-3

The Surfrider Foundation's support of Alternative 2 (Ban Both Plastic and Paper Single-Use Carryout Bags) and Alternative 4 (Proposed Ordinance Without a Grace Period), and its urging the City to adopt Alternative 4, are acknowledged.

Public Meeting Comment Card

Notice of Completion of Environmental Impact Report for the Proposed Single-Use Carryout Bag Ordinance in the City of Los Angeles

Name: CRAIG CADWALLADER	Address: PO BOX 3875	
Affiliation: SURFRIDER FOUNDATION SOUTH BAY CHAPTER	Phone: 310,545-3014	Email: RAP@SURFRIDER-SOUTHBAY.ORG

Comments:

1. NEED SPECIFIC DEFINITION OF PLASTIC BAGS — WE SUPPORT THE LA COUNTY DEFINITION AND ADDITIONAL POINTS WE WILL ADDRESS IN OUR WRITTEN COMMENTS (5-1)
2. WE DO NOT SUPPORT ONE (5-2)
3. WE SUPPORT ALTERNATIVES 2 & 4, BUT URGE THE CITY TO ADOPT ALTERNATIVE 4 WITH THE MODIFICATIONS TO DEFINITIONS OF PLASTIC BAG AND REUSABLE BAGS (5-3)

If you need more space, please use backside of the card

Comment

6. Tamminen, Leslie, Seventh Generation Advisors. February 20, 2013.

Comment 6-1

Your support of the project is acknowledged.

Public Meeting Comment Card

Notice of Completion of Environmental Impact Report for the Proposed Single-Use Carryout Bag Ordinance in the City of Los Angeles

Name: LESLIE TAMMINEN

Address:

Affiliation: SEVENTH GEN. ADVISORS

Phone: 310 780 3344

Email: Leslie.Tammineu@gmail.com

Comments:

SUPPORT

Comment 6-1

If you need more space, please use backside of the card

7. Carroll, Sean, Environment California. February 20, 2013.

Comment 7-1

Your opinion that the plastic pollutant is a major threat to the environment is acknowledged.

Comment 7-2

Your statement that the plastic bag bans work and that reusable bag use increased in San Jose from 0.3% to 60% is acknowledged.

Public Meeting Comment Card

Notice of Completion of Environmental Impact Report for the Proposed Single-Use Carryout Bag Ordinance in the City of Los Angeles

Name: Sean Carroll	Address: 12 25th Ave Venice CA 90291	
Affiliation: Environment California	Phone: 310-948-8415	Email:

Comments:

1) Plastic pollution is a major threat to our environment — ~~96~~ 1/3 of leatherback turtles have plastic in their stomach (7-1)

2) Plastic bag bans work — in San Jose reuseable bag use has increased in ~~shop~~ shoppers from 0.3% to 60% (7-2)

If you need more space, please use backside of the card

8. Joy, M. February 20, 2013.

Comment 8-1

The Bureau of Sanitation provided information about the Draft EIR and public meetings on the Draft EIR in numerous ways, including (1) publishing a notice of completion and availability of Draft EIR in five different language newspapers, (2) sending an email blast to over one thousand stakeholders, (3) making the Draft EIR document available for review on its website and at major City libraries, and (4) holding seven public meetings to receive comments on the Draft EIR, including the meeting that the commenter attended and at which the commenter submitted a comment card. The commenter also provided a separate comment letter utilizing the information provided about how to submit comments (see Comment Letter 2).

Prior to the preparation of the Draft EIR, a Notice of Preparation (NOP) for the Draft EIR was issued by the City of Los Angeles on September 20, 2012 and published in five different language local newspapers. The NOP indicated that an EIR was being prepared and invited comments on the project from the public and public agencies. The Bureau of Sanitation also held four meetings to receive public input on the proposed project and the NOP.

Comment 8-2

The commenter's objections to the proposed ordinance are acknowledged. Please note that, as discussed in the Draft EIR, the proposed ordinance does not ban plastic bags at all stores within the City (please see Response to Comment 2-1). As a result, approximately 101,561,635 (101.6 million) plastic carryout bags per year will continue to be consumed annually within the City, as reported in the Draft EIR.

Comment 8-3

The commenter's opinions about the organization and format of the public meeting that commenter attended are acknowledged. All public meetings included a presentation on the Draft EIR with information how to provide comments, followed by the input provided by the meeting's participants.

Please also see response to Comment 8-1 about public information and notices about the Draft EIR.

2/20/2013 5:30 pm
Chariot Hills

Public Meeting Comment Card

Notice of Completion of Environmental Impact Report for the Proposed Single-Use Carryout Bag Ordinance in the City of Los Angeles

Name: [illegible]	Address: Westwood	
Affiliation: Citizen of LA	Phone:	Email:

Comments: There has been very little outreach + info for public to know how/when to respond re EIR with only 1 copy to just barely be looked at in public meeting. That only postally sent comments were allowed on internet letters + limits responses (obviously not wanted) Failing letter of state law insuring a small insufficient response so those in favor can push their ordinance. The (5) people attending this meeting show how poorly these meetings + ways to reject the ordinance is barely known + so hardly possible for many others. The 5:30 pm time also avoids the working people from attending meetings to object to ordinance (over)

If you need more space, please use backside of the card

Comment

8-1

the "consultant" pd by city did not state her position re ordinance or mission to attendees, so transparency is NOT included here. A sentence in report about amt bags used in "26" yr indicates how data is used to attempt to support w/ euphemisms + misleading stats to pass this ordinance. No copies for take home reading are available nor email address for others to object easily - only postal replies accepted. Why? Only 4 libraries have report + who knows to ask for it if no meeting is attended? No copies of powerpt pages were available as handout either. Many elderly people could not attend meeting at heavy traffic time (5:30 so don't) can't attend to speak out + object to how/process. Public info + outreach has been limited + set up to have few if any attend or write (email) to object.

Many @ Venice neighborhood council meeting have voiced OBJECTIONS to "EIR" + feel they have been propagandized, pushed into being "P.C." vs. practical in their economic lives. Recycling + reuse of plastic bags is an economic necessity for many LA people. The convenience, useability, versatility of using plastic bags is not mentioned anywhere. Store bought bags get dirty + are not hygienic, bulky + hard to drop around.

8-2

Cont'd from other card (3)

Public Meeting Comment Card

Notice of Completion of Environmental Impact Report for the Proposed Single-Use Carryout Bag Ordinance in the City of Los Angeles

Name: Joy	Address:	
Affiliation:	Phone:	Email:

Comments: It is noticeable that presenters = consultants are defensive + not interested in hearing objections but also are only following the law but not impartial nor honest about why + what they are doing. One man gave an anecdotal story of his "10 yrs in my trunk" having another type of bag, trying to generalize unfairly + respond to someone else's objection. That behavior is intended to inhibit further objections. The handout does not list presenter consultant name or email either, avoiding attorneys ~~wanting~~ contacting for info later. Why? Other 3 men in ~~pre~~ organizing not introduced as to who they are or from where? Why?

No one mentions that these sheets w/ private name (4) + addresses or emails from prior meeting are made available, disclosed to anyone reading "the draft" @ IR or entry table @ meeting

8-3

This mailed blog to those who have less access + ability to obtain the info being imposed on them, hoodwinking all LA citizens for the benefits/reasoning of only a few. There should be more public info + notice than has been so far anywhere since all communities are affected. This ordinance is secretly + slyly being imposed on a trusting public that will later create resentment, distrust + be uncooperative w/ city councils in future. Only after 45' of meeting when I asked for staff to ID themselves did they agree to do so, barely late. So there are only 3 public here presumably 2 taking notes, not ID'd. (Not even water was available either) Y'all seem realizing that we "the people of LA" are being railroaded into a ban many if not most DO NOT WANT A BAN and have almost NO VOICE in this ordinance decision. (NOTE Y sides included here)

If you need more space, please use backside of the card

9. Kelson, Laurie. February 22, 2013.

Comment 9-1

Without any evidence provided, it is not known that all plastic and paper bags currently available at grocery stores are made in the U.S., or that most reusable bags are not. Given this lack of information, it is not clear on what basis the commenter assumes that American jobs will be lost as a result of the ordinance.

Please note that the EIR does not evaluate or discuss economic impacts, as these are outside the scope of the environmental review required by the California Environmental Quality Act (CEQA).

Comment 9-2

The commenter's statement that most reusable bags cannot be washed is incorrect. Reusable bags can be washed. As referenced in the Draft EIR (Section 3.5 "Hazards and Hazardous Materials"), a 2010 study funded by the American Chemistry Council "evaluated the benefit of machine or hand washing the reusable bags and found bacteria levels were almost entirely eliminated when washed." See also Response to Comment 9-3.

Comment 9-3

Section 3.5 of the Draft EIR, "Hazards and Hazardous Materials" discusses the hygiene and safety of reusable bags and cites several studies that have investigated this issue. A 2010 study funded by the American Chemistry Council found that although contamination of reusable bags can occur from contact with raw meat or meat juices, this problem is not likely to arise or be significant, as most supermarkets and grocery stores put raw meat into plastic packages and/or into secondary plastic bags, which are not affected by the proposed ordinance.

A study published in the *Journal of Applied Microbiology*, also cited in Section 3.5 of the Draft EIR, found that people are routinely exposed to bacteria and other microbiological contaminants. The results of the reusable bag studies showed that reusable bags were substantially lower in the quantities of such contaminants than surfaces and objects commonly found in the home, including kitchen surfaces where food is kept and prepared. Although levels of microbiological contamination may occur in reusable bags, proper cleaning of the bags, as with any other object that may come in contact with grocery products, would further reduce the potential for exposure of any food items to harmful bacteria.

Hazards from the proposed ordinance were determined to be less than significant, because, as stated in the Draft EIR, the proposed ordinance would not ban plastic or paper bags that are used to protect or contain meat or prepared food, and reusable bags would not expose users to unusual levels of harmful bacteria or other microbiological contaminants. In addition, the sources of the worst contamination (such as blood from meat or milk) would result in a visible stain and/or unpleasant odors that would prompt washing. As with any other household items, washing reusable bags when they become soiled would reduce the likelihood of exposure.

Recently, an unpublished research paper by Jonathan Klick and Joshua D. Wright alleged that the San Francisco ban on plastic bags had caused an increase in bacterial foodborne illnesses and deaths, and garnered media attention. The City of San Francisco Department of Public Health, an agency responsible for monitoring and studying infectious diseases, responded to these allegations in a public memorandum (dated February 10, 2013) stating the following:

"Based on our review of this paper, and our disease surveillance and death registry data, the Klick and Wright's (sic) conclusion that San Francisco's policy of banning of plastic bags has caused a significant increase in gastrointestinal bacterial infections and a '46 percent increase in the deaths from foodborne illnesses' is not warranted."

More than 50 California Counties and Cities have already adopted ordinances banning single-use plastic bags. This is in addition to the Cities of Washington, D.C., Telluride, Colorado, Austin, Texas, and Portland, Oregon, as well as the entire state of Hawaii, and jurisdictions in the United Kingdom, Australia, India, Bangladesh, and Rwanda, among others countries. These jurisdictions represent a combined population of tens of millions of people who are not using single-use plastic carryout bags, with no history of increasing rates of illness, illness breakouts, or epidemics resulting from the use of reusable bags.

Comment 9-4

The statement that reusable bags are not recyclable is incorrect. As stated throughout the Draft EIR, reusable bags may be made from variety of materials, including LDPE plastic, nylon, cloth, and others. LDPE plastic and nylon are recyclable, and most cloth bags are biodegradable.

As stated in Section 3.2 Biological Resources, "Although reusable bags do eventually get discarded and become part of the waste stream, the fact that they can be reused multiple times means that the number of reusable bags in the waste stream is much lower than the number of single-use paper or plastic carryout bags, which are generally only used once or twice."

In addition, Section 3.2 states that reusable bags would be disposed of less often than single-use carryout bags, and as such, reusable bags are less likely to enter the terrestrial and marine environment as litter.

Comment 9-5

The Draft EIR does not state that bags designed for single use cannot be used more than once. One finding of a 2011 United Kingdom Environment Agency report comparing the global warming potential of typical supermarket carrier bags[155] is that "Whatever type of bag is used, the key to reducing the impacts is to reuse it as many times as possible and where reuse for shopping is not practicable, other reuse, e.g. to replace bin liners, is beneficial." The re-use potential of both paper and single-use (HDPE) plastic carryout bags is limited, in contrast to reusable bags, which are designed to be used 125 times or more.

[155] Environment Agency (UK), 2011. "Life Cycle Assessment of Supermarket Carrier Bags: a Review of the Bags Available in 2006."

Furthermore, as discussed in the Draft EIR, the proposed ordinance does not ban plastic bags at all stores within the City. The proposed ordinance would not ban plastic or paper bags that are used by customers and the store to protect or contain meat or prepared food; or used for bagging fruits, vegetables, and other fresh produce; or for other goods that must be protected from moisture, damage or contamination, and which are typically placed inside a carryout bag at the point of sale. Pharmacy plastic bags used to carry out prescription drugs would be exempt from the proposed ordinance, as would be other specialty stores. Dry cleaners could continue to provide dry cleaning plastic bags, and retailers could continue to provide specialty plastic bags for suits, dresses and similar clothing items. Restaurants and other food service providers could continue to provide plastic bags to customers for prepared take-out food intended for consumption off the premises, as could vendors at City farmers' markets.

As a result, over 101 million plastic carryout bags per year would continue to be consumed within the City, as reported in the Draft EIR.

Comment 9-6

The Draft EIR describes and quantifies the traffic impacts of truck transporting such bags within the City of Los Angeles in Section 3.10, Traffic, which states the following:

"The truck trips associated with the delivery of reusable and paper bags would occur throughout the entire state of California's extensive freeway and street systems and would be partially offset be the reduction in delivery of plastic bags. Also, while the reusable and paper bags may be delivered in dedicated loads to regional distributors who then distribute the bags for deliveries within the City of Los Angeles and other California cities and counties, the bags are typically delivered to supermarkets and retail stores as part of larger mixed loads of groceries and merchandise. Therefore, there may not be an actual cumulative increase in truck traffic from the change in bag use, particularly since paper and reusable bags could continue to be included in each regularly scheduled mixed load delivery to the grocery stores, supermarkets, and other retail stores. Impact, if any, would be less than significant."

Furthermore, the related transportation impacts associated with all bags (single-use plastic bags, paper bags, and reusable bags) on air quality and GHG emissions are fully addressed in Section 3.1, Air Quality, and Section 3.3, Greenhouse Gases.

Comment 9-7

Please see Response to Comment 9-3.

Case No. EIR-13-002-BS

The following are deficiencies in the draft EIR regarding single use bag ban:

Comment

1. The plastic and paper bags available now at grocery stores are made in America. The majority of the reusable are not. Most are made in China. American jobs will be taken away. 9-1

2. Most reusable bags cannot be washed. The ones that can be washed can only be washed in cold water. Bacteria can only be killed in hot water. 9-2

3. Studies show the reusable bags are full of bacteria. This is a health hazard. Bacteria grows in the unwashed bags which are kept in the trunk of the car for convenience. The heat of the truck causes the bacteria to grow. 9-3

4. Reusable bags are not recyclable. They are thrown in the trash just like the paper and plastic market bags. 9-4

5. Market bags, both paper and plastic, have many uses which make them reusable bags too. 9-5
   a) Plastic is used for animal clean up and garbage. If these bags are eliminated, people will buy bags for that purpose: No Bags Saved.
   b) Paper bags can be used to line the kitchen garbage can. Again, bags will have to be purchased for this purpose: No Bags Saved.

6. No savings in truck trips. All bags paper, plastic and reusable have to get to the store. 9-6

7. Studies on cross contamination in reusable bags causes health hazards. Has the CDC (Centers for Disease Control) weighed in on this EIR? Why have tests not be done on the reusable bags? 9-7

Laurie Kelson
Encino CA 91436

Laurie Kelson
2/22/13

10. Mariano, Xavier. February 25, 2013.

Comment 10-1

Your comment that some people use plastic carryout bags for trash and picking up animal waste is acknowledged. As discussed in the Summary and Project Description sections of the Draft EIR, the proposed ordinance would not apply to all retail stores such as clothing stores and stores that sell durable goods that do not typically distribute large volumes of single-use plastic bags to customers. The proposed ordinance would not ban plastic or paper bags that are used by customers and the store to protect or contain meat or prepared food; or used for bagging fruits, vegetables, and other fresh produce; or for other goods that must be protected from moisture, damage or contamination, and which are typically placed inside a carryout bag at the point of sale. Pharmacy plastic bags used to carry out prescription drugs would be exempt from the proposed ordinance, as would be other specialty stores. Dry cleaners could continue to provide dry cleaning plastic bags, and retailers could continue to provide specialty plastic bags for suits, dresses and similar clothing items. Restaurants and other food service providers could continue to provide plastic bags to customers for prepared take-out food intended for consumption off the premises, as could vendors at City farmers' markets.

Public Meeting Comment Card

Notice of Completion of Environmental Impact Report for the Proposed Single-Use Carryout Bag Ordinance in the City of Los Angeles

Name: XAVIER MARIANO	Address: 20355 SHERMAN WAY APT 247 WINNETKA CA 91306	
Affiliation: CSUN STUDENT	Phone: 818 593 0447	Email: RONIN-T9@YAHOO.COM

Comments: THE PLASTIC GROCERY BAGS THAT I GET FROM THE STORE, I SAVE THEM AT HOME AND USE THEM AS TRASH BAGS FOR THE SMALL TRASH CANS AT HOME, PEOPLE USE THEM TO PICK UP ANIMAL WASTE, AND USE FOR DIRTY LAUNDRY.

Comment 10-1

If you need more space, please use backside of the card

11. Pearson, Harvey. February 25, 2013.

Comment 11-1

Your opinion that all paper carryout bags should have handles is acknowledged. The ordinance does not specify the type of paper bags because the determination of whether paper bags offered by specific stores have handles is made by individual businesses.

Comment 11-2

In addition to reducing harm to the marine environment, the objectives of the proposed ordinance include reducing impacts to air quality, biological resources (including marine environments), water quality, and solid waste, and reducing litter and the associated impacts to stormwater systems and aesthetics.

The proposed ordinance provides for the option of purchasing a paper carryout bag for ten cents and all stores will offer reusable bags for purchase. More than 50 California cities and counties already implemented similar ordinance, including the Cities of Long Beach, West Hollywood, Santa Monica, Manhattan Beach, Malibu, Laguna Beach, Pasadena, San Jose, San Francisco, Palo Alto, Calabasas, as well as the Counties of Los Angeles, San Francisco, Santa Clara, San Luis Obispo, Marin and San Mateo, whereby their residents transitioned successfully from single-use plastic bags to reusable bags.

Comment 11-3

Concerning emissions and smog, Section 3.1, Air Quality, of the Draft EIR presents the analyses of the proposed ordinance's potential impact on air quality. The analyses show that the increased use of reusable carryout bags in the City would reduce emissions that contribute to ground level ozone, with the main component of smog. As discussed in the Draft EIR, it is anticipated that within one year, emissions that contribute to ground level ozone would be reduced by 87% with the implementation of the proposed ordinance.

Comment 11-4

As discussed in the Draft EIR, the Bureau of Sanitation (BOS) has been conducting a public education program for several years which includes working with retail stores throughout Los Angeles to install recycle bins for plastic and paper carryout bags and provide information to customers.

Instituting a redemption value of 5 or 10 cents per plastic bag, as suggested by the commenter, is not a feasible alternative to the project because the "California Redemption Value (CRV)" container recycling program is administered by a State department (the California Department of Resources Recycling and Recovery), not the City of Los Angeles.

Comment 11-5

The intent of the proposed ordinance is to reduce the amount of single-use plastic and paper carryout bags consumed and to promote a major shift towards reusable carryout bags by retail customers in the City. Your opinion that the ordinance's intent should be not just to reduce the amount of the single-use plastic bags but to reduce the total amount of all kinds and sizes of non-biodegradable plastic bags is acknowledged.

Comment 11-6

Please see Response to Comments 9-2 and 9-3.

Harvey Pearson
4437 Ambrose Ave., Apartment #15
Los Feliz, CA 90027
(323) 665-2963

Attn. Los Angeles Bureau of Sanitation/Members of the Los Angeles City Council;
Resident Comments on the:
Environmental Impact Report and the Proposed Ordinance itself---
Specifically, the "Single Use (Carryout) Bag Ban" Ordinance and its EIR

Dear all involved:

Comment

Off the top --- First of all, it seems to me that any such ordinance, if passed, should not have a hodge podge of markets in the city, in which some will sell only paper bags that don't have handles, while some will sell those that do (the latter thus displaying, better, i.e., stronger, carrying strength). If, for example, Trader Joes, Whole Foods, Lassens, and Ralph's "Fresh Fare" markets are selling 100% of their paper bags with handles, then Vons, Albertsons and non-Fresh Fare Ralph's markets must, in my opinion, be required to do likewise. This uniformity will help prevent unsupported (viz., enclosed in plastic) paper bag only breaks and their resulting spills. 11-1

I.) Is the environmental "gain" for a few deep sea fish, etc. (from a "single use" carryout plastic bag ban) worth the "pain" to so many city-dwelling human beings from the loss of their convenience (a *burdensome* loss of convenience to many) of their multi-faceted uses? 11-2

A.) Take seniors---especially those who don't drive a car and, ergo, who have no car trunk to have been filled with dozens (much less one) of "reusable" bags available at their convenience.

1.) particularly those numerous oldsters who live in small size, "single" apartments and thus have scant room to keep a decent-sized shopping cart. 11-3

a.) especially those seniors, et al who take impromptu walks, in which they happen to make an unplanned, and, ergo, unprepared, side trip to and from their local market.

I.) albeit, those who can still drive now and then will be more likely than before to regularly drive to the market---thereby *adding* smog-producing fumes to the

atmosphere, along with increased parking space competition; thus, actually inadvertently contributing a *negative/*adverse impact effect on the environment! 11-3 con't

2.) Alternatives to such a ban:

A.) Encourage many more carryout plastic bag users to bring their recyclable (i.e., unsoiled) bags to for profit recycling centers, say adjacent to for profit cans & bottles recycling centers, that, like they do for cans and bottles, will pay for them (by weight or by piece).

1.) The proprietor at a "Red Planet Recycling Center", which was located in a Ralphs supermarket parking lot, informed me that he receives not only large size container loads of cans and bottles, but likewise handles ones filled to the top with recyclable carry out plastic bags (90% of them which he said are not so soiled that they can't be recycled) ! He further informed me that he used to carry those cans over to the market's plastic bags depository himself, but, tiring of doing that for nothing, he now disposes of them in the kind of trash that will end up in a landfill instead. 11-4

a.) He would resume taking them over to the depository--- if he got, say 5 or 10 cents per bag, or some equivalent amount by weight.

b.) The cost for such payouts could/should be covered by a plastic carryout bag fee charged to customers at the point of purchase; in lieu of the proposed paper bag fee..

c.) Doing so is once again perfectly legal under current state law.

B.) Use biodegradable plastic (hemp, for eg.)

3.) In my opinion, any such ordinance's, main objective should not, as is currently stated in the proposed ordinance itself, be just be to reduce the number of the "single use" plastic carryout bags that wind up in landfills or the ocean, but to reduce the *total* amount of all kinds and sizes of non-biodegradable plastic bags, etc. that may do so.

A.) My apartment building's own "dumpster" can be seen as being increasingly filled with LARGE size (non-biodegradable) plastic bags that are obviously filled with trash, etc. Each such large size bag may well contribute the equivalent of five or more carryout plastic bags to the city waste stream. This would, no doubt, be because people are already using larger size plastic bags in anticipation of the carryout size plastic bags ban, that would result in their losing these smaller, so-called "Single-Use", ones 11-5

4.) Would typical, hard to wash correctly, reusable bags be sanitary, or would they typically become repeat health hazards?: Most reusable bags seen for sale up front in most stores have polyethylene in them. That means (per when you can manage to actually read the very small print label with cleaning instructions) they must be either be meticulously hand-cleaned, or else, if machine-washed, washed separately on the machine's "delicate" cycle only. Plus, no bleach (the best disinfectant) may be used, and, last but not least, they may not be machine dried. 11-6

A.) Checkers where such a system is already in place will tell you ('when the boss is not listening') that many would-be reusable bag shoppers are bringing in bags that they feel are too "filthy" for them to safely handle (them) in a sanitary manner!

C.) Two law professors in San Francisco recently reported that San Francisco has had an increased sickness, and even death, rate since that city first passed its ground-breaking plastic bag ban several years ago now. 11-6 con't

---Naturally, as it were, some naysayers attack the conclusions of the professors' study as a "sham" report. However, there have been other studies, some highly scientific, alleging likewise as well. What if they are right? Now, I don't believe we/the Los Angeles City Council should take such chances with the city's public's health before, if and when, we know that for sure!

Harvey Pearson
Los Angeles (Los Feliz)
Harvey Pearson
2/25/13

P.S., The chief San Francisco health officer has called the law professors' report a "reasonable hypothesis."
Lets find out asap—before pushing shoppers into using them in L.A.

12. Clark, Nancy. February 26, 2013.

Comment 12-1

Your comment in support of the ordinance is acknowledged.

Public Meeting Comment Card

Notice of Completion of Environmental Impact Report for the Proposed Single-Use Carryout Bag Ordinance in the City of Los Angeles

Name: NANCY CLARK	Address: 7544 CORBIN UNIT 2 Reseda	
Affiliation: SIERRA CLUB RIDE RESEDA	Phone: 818-341-0347	Email: NANSKI@SOCAL.RR.COM

Comments: TOTALLY SUPPORT BAG BANS - USE OF REUSABLE BAGS ALSO. 12-1

If you need more space, please use backside of the card

Comment

13. Waters, Ed. February 26, 2013.

Comment 13-1

Your comment in disagreement with the proposed ordinance is acknowledged.

Public Meeting Comment Card

Notice of Completion of Environmental Impact Report for the Proposed Single-Use Carryout Bag Ordinance in the City of Los Angeles

Name: Ed Walton	Address: 6262 Haynes Ave Reseda	
Affiliation: —	Phone: 818 2988 6978	Email:

Comments:

I do not agree with banning plastic one use bags — 13-1

If you need more space, please use backside of the card

14. Backlar, Shelly, FOLAR. February 26, 2013.

Comment 14-1

Your comment concerning the adverse environmental impacts of single-use plastic bags to the Los Angeles River is acknowledged. Impacts from the plastic bag litter are discussed throughout the Draft EIR, including in Section 3.2, Biological Resources and Section 3.6, Hydrology and Water Quality.

Public Meeting Comment Card

Notice of Completion of Environmental Impact Report for the Proposed Single-Use Carryout Bag Ordinance in the City of Los Angeles

Name: Shelly Backlar	Address: 570 W. Ave. 26 #250	
Affiliation: FoLAR	Phone: 323 223 5545	Email: Sbacklar@folar.org

Comments: Single use bags are ending up in the Los Angeles River and are one of the largest volume of waste that is pulled out of our watershed. They become entangled in the vegetation and when they don't become tangled they are great harm to the birds and other wildlife as well as to the ocean environment. 14-1

Thank you!

if you need more space, please use backside of the card

15. Sinclair, Duncan. February 27, 2013.

Comment 15-1

Your comment in support of the ordinance is acknowledged, as is your opinion as a participant in several Los Angeles River cleanups that plastic bags are probably the most visible threat to the health of the river and the ocean to which it flows.

Duncan Sinclair

14400 Addison St

Apt 103 Sherman Oaks, CA 91423

Tel: 310-612-3862 duncan_sinclair@mac.com

Karen Coca
Division Manager
Solid Resources Citywide Recycling Division/Bureau of Sanitation
1149 S Broadway, 5th Floor
Mail Stop 944
Los Angeles, CA 90015

Wednesday, February 27, 2013

Dear Ms Coca,

Comment

Concerning the proposed ban in Los Angeles of plastic shopping bags - it will come not a moment too soon!

As someone who has participated in several Los Angeles River Cleanups, I can tell you that plastic bags are probably the most visible threat to the health of the river and the ocean that it flows into. It is unbelievable how many hundreds and hundreds of plastic bags wrap themselves around vegetation and clog the waterways in just a tiny portion of the river. 15-1

A few years ago, I did some grocery shopping in France and discovered that bags were not provided. I survived. The sky did not fall. It's time California, which usually leads in such things, joined other enlightened nations and entered the 21st century. Plastic bags are an unnecessary and poisonous blight on our planet.

While some companies and workers may unfortunately suffer to some degree, that is no excuse to continue the shameful pollution of our lands and rivers with plastic.

Sincerely yours,

Duncan Sinclair

Duncan Sinclair

16. Kirschbaum, Saran, Co-chair, SoRo Green Team. February 28, 2013.

Comment 16-1

Your comment in support of the ordinance and Alternative 2 (Ban Both Plastic and Paper Single-Use Bags) to result in greater beneficial environmental effects is acknowledged.

Saran Kirschbaum
1710 Bagley Ave.
Los Angeles 90035,4110

To Karen Coca, Division Manger
Solid Resources Citywide Recycling Division

Comment

Whatever ban is chosen, make it as uncomplicated as possible. Alternative 2 seems to do that. Our ocean and other waterways are feeling the harm of the plastic bags. I use canvas bags, one is 23 years old, which get washed in the machine when needed. Along with the ban, should be handy hints on how to remember to bring your own bag, maybe even giving out gold stars when bags are brought to the store. 20 gold stars and a free ride on the Metro, or admission to a museum.

Alternative 2: Ban Both Plastic and Paper Single-Use Carryout Bags
Pursuant to this alternative, as with the proposed ordinance, the use of single-use plastic carryout bags in the City would also be reduced by 95%, and 5% of the plastic bags would remain in use. However, the single-use plastic bags would be replaced solely with reusable bags. This alternative would result in an 81% reduction in the annual volume of carryout bags when compared to the proposed ordinance. 16-1
As this alternative would also eliminate single-use paper carryout bags, it would promote the shift towards reusable bags to a greater extent than the proposed ordinance. Therefore, in comparison, it would result in much greater beneficial environmental impacts on air quality, biological resources, hydrology and water quality, as well as in additional beneficial impacts associated with a net reduction in greenhouse gas emissions and reduction in truck deliveries. This alternative would achieve all of the City objectives more rapidly and to a greater extent than the proposed ordinance.

Saran Kirschbaum

Saran Kirschbaum
Co-Chair of the SoRo Green Team

17. Allen, Jack. March 4, 2013.

Comment 17-1

The Draft EIR does not state that bags designed for single use cannot be used more than once. One of the findings of the 2011 United Kingdom Environment Agency report cited in the comment is that "Whatever type of bag is used, the key to reducing the impacts is to reuse it as many times as possible and where reuse for shopping is not practicable, other reuse, e.g. to replace bin liners, is beneficial." The re-use potential of the single-use (HDPE) plastic bag is limited in contrast with reusable bags, as HDPE bags are not designed for multiple reuse of 125 times or more. Also, please see Response to Comment 17-4.

While the commenter asserts that the single-use plastic bags will be replaced with reusable bags made of cloth, no such presumption was made in the Draft EIR. As clearly stated throughout the Draft EIR, the analyses of environmental impacts are based on very conservative assumptions that the single-use plastic bags will be replaced with both paper bags and reusable bags made of LDPE plastic and other materials. The replacement assumptions are shown below.

Table 3.1-5
Existing Plastic Bag Replacement Assumptions

Type of Bag	Replacement Assumption	Bags Used Post-Ordinance	Explanation
Single-Use Plastic	5% (remaining)	101,561,635	Because the proposed ordinance does not apply to all retailers, some single-use plastic bags would remain in circulation.
Single-Use Paper	30%	609,369,812	Although the volume of a single-use paper carryout bag is generally 150% of the volume of a single-use plastic bag and fewer paper bags would be needed to carry the same number of items, it is conservatively assumed that paper would replace plastic at a 1:1 ratio.
Reusable	65%	25,390,409	Although a reusable bag is designed to be used up to hundreds of times, it is conservatively assumed that a reusable bag would be used by a customer once per week for one year (52 times).
	Total	**736,321,856**	
Source**:** Based on rates utilized in the City of San Jose EIR, City of Santa Monica EIR, and County of San Mateo EIR			

Comment 17-2

The Draft EIR cites and uses an estimate of 531 single-use plastic carryout bags (PCBs) per City resident per year, equating to 2.03 billion PCBs per year. The commenter's citation refers to a single field sample that does not have any relevance to the number of PCBs consumed per resident in the state or the City of Los Angeles. The commenter cites a solid waste figure of 194,863 tons of PCBs in this comment letter (Comment 17-11). The 194,863 tons of PCBs is equivalent to 41.6 billion single use plastic bags (based on the American Chemical Council's statement that an average plastic bag weighs 4-5 grams or approximately 0.15 of an ounce)[156]. This would, in turn, equate to 1,093 bags per resident of California in 2008, a number that is twice the estimate used in the Draft EIR.

In addition, the commenter's assertion that analyses in the Draft EIR do not account for recycling of PCBs is incorrect. The analyses in the Draft EIR clearly state the 5% recycling rate for PCBs,

[156] http://www.plasticbagfacts.org/Main-Menu/Fast-Facts/

and as clearly shown in Table 3.11-6, that rate has been used in the appropriate calculations of project impact. Moreover, the commenter's opinion that the Draft EIR has no information about PCB recycling is incorrect. In Section 3.9, Sanitation Services, the Draft EIR included information about the BOS recycling programs, including curbside recycling bins, and public education programs which include working with retail stores throughout Los Angeles to install recycle bins for plastic and paper bags.

Furthermore, the commenter's assertion that 60 billion and 120 billion PCBs are or would somehow become substitutes for trash can liners is not supported by any of the information contained in this comment, and the calculations leading to these assertions are not disclosed. In addition**,** as discussed in the Draft EIR, the proposed ordinance does not ban plastic bags at all stores within the City (Please see Response to Comment 2-1). As a result, approximately 101,561,635 PCBs per year will continue to be consumed within the City, as reported in the Draft EIR.

Comment 17-3

The commenter gives the opinion that the calculations of the air pollutant emissions associated with the current use of single-use plastic carryout bags are erroneously low because they are derived from the Master Environmental Assessment (MEA) on Single-Use and Reusable Bags, which used studies prepared by plastic industry consultants to show that plastic bags are "friendly". State law deems the MEA to be a valid source. As explained in the Executive Summary of the MEA on Single-Use and Reusable Bags, prepared for Green Cities California in March 2010, "The California Environmental Quality Act (CEQA) authorizes the use of Master Environmental Assessments (MEAs) 'in order to provide information which may be used or referenced in EIRs or negative declarations' (CEQA Guidelines Section 15169)." The MEA was not prepared by plastics industry consultants. The MEA prepared by environmental professionals for Green Cities California (GCC), a coalition of Californian jurisdictions, was subject to professional peer review, in order to provide information that may be used or referenced in EIRs. As clearly referenced in the Draft EIR, the estimates of air pollutant and GHG emissions are based on a number of sources, including Stephen L. Joseph, 2010; Ecobilan, 2004; FRIDGE, 2002; Boustead Report, 2007, and AEA Technology Scottish Report, 2005; Green Cities California MEA, 2010; Santa Monica Single-use Carryout Bag Ordinance Final EIR, January 2011, and County of San Mateo Single Use Bag Ban Ordinance EIR, June 2012.

Comment 17-4

The Draft EIR makes no assumption that PCBs are made from LDPE. References to LDPE plastic are for *reusable* bags, not single-use plastic carryout bags. Reusable bags are typically made from LDPE; single-use carryout bags are typically made from HDPE, as stated in the Draft EIR and the comment.

The commenter's citations from the UK Study, "Life Cycle Assessment of Supermarket Carrier Bags: a Review of the Bags Available in 2006", appear to be taken out of context. The study, conducted by the UK's Environment Agency, evaluates the environmental impacts of various types of "supermarket carrier bags" and uses the HDPE plastic carryout bag as a baseline for estimating other bags' "global warming potential." The UK study reports estimates of how many times reusable bags of various types would need to be used in order to take them "below the global warming potential of HDPE bags." The UK report indicates that LDPE reusable bags have lower global warming potential than HDPE carryout bags after 4 uses, non-woven polypropylene bags after 11 uses, and cotton bags after 131 uses. Even if as many as 40.3% of HDPE carryout bags are re-used as "bin liners" (trash can liners), the report states that LDPE reusable bags have lower global warming potential after 5 uses, non-woven polypropylene bags after 14 uses, and cotton bags after 173 uses. These levels of a multiple use are within the reusable bags' design life of 125 uses, are reasonably attained through typical use, and there is no evidence to the contrary provided by the commenter other than a personal opinion.

The UK study concludes that reusable bags of any type initially require more "upstream" material and energy resources as they are designed to be more durable than single-use carryout bags, but since the reusable bags' higher production impacts are distributed over multiple uses, <u>they have a lower overall impact over time</u>. The UK study's conclusions support the Draft EIR's conclusions that reusable bags have lower overall environmental impacts than single-use plastic carryout bags.

Comment 17-5

There is no reason to believe that the Draft EIR's discussion of trucks transporting single-use carryout bags to local retailers is misleading. The Draft EIR clearly describes and quantifies the traffic impacts of truck transporting such bags within the City of Los Angeles. Furthermore, impacts associated with all bags (single-use plastic bags, paper bags, and reusable bags) on air quality and GHG emissions are fully addressed in Section 3.13.1, Air Quality, and Section 3.3, Greenhouse Gases.

The commenter's assertion that all reusable bags are cotton cloth bags is incorrect. As clearly stated throughout the Draft EIR, reusable bags may be made from variety of materials, such as LDPE plastic, nylon, cloth, and others.

In addition, the comment about growing cotton in Africa to manufacture all reusable bags used in Los Angles is speculative and as noted in the Draft EIR, the CEQA Guidelines state "An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible" and Section 15145 of the CEQA Guidelines states, "If, after a thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact."

Please note that according to the California Natural Resources Agency's *Final Statement of Reasons for Regulatory Action: Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97* (December 2009), the CEQA Guidelines purposely do not include the term "lifecycle"; and currently there is no regulatory definition of "lifecycle".

Comment 17-6

The proposed ordinance defines a reusable bag as a bag that is used 125 times. Nonetheless, to provide a conservative analysis of potential impacts, the analyses in the Draft EIR were based on an assumption that a reusable bag is used only 52 times, or less than half of a reusable bag's 125 uses. As with any consumer product, reusable bags vary in design, quality, and lifespan, but as referenced in the Draft EIR most existing reusable bags can be used 100 or more times with normal use. Manufacturers may choose to enhance the quality and durability of their reusable bags in response to market demand, and/or in response to the 125-use specification that is defined in the proposed ordinance and in the already-implemented ordinances of other jurisdictions, including the County of Los Angeles.

Comment 17-7

Please see Responses to the Comments 17-3, 17-4, 17-5, and 17-6.

Comment 17-8

The commenter's statement that the single-use plastic carryout bags are a "trivial amount" of the total litter is an opinion. As discussed in the "Biological Resources" section of the Draft EIR, plastic films, including plastic bags, account for 7% to 30% of all litter in the Los Angeles area, and plastic bag litter comprises up to 25% of the litter stream entering the Los Angeles River Watershed.

Comment 17-9

This comment does not have any relevance to the Draft EIR. The comment about the Pacific Ocean's garbage patch, known as a "Great Pacific Garbage Patch" does not have any relevance to the Draft EIR as the Draft EIR does not make any references or allusions of any type to the "Great Pacific Garbage Patch." In addition, the Draft EIR does make any references or allusions of any type, to plastic bags "killing 100,000 sea mammals and million seabirds each year." Moreover, please note that the Draft EIR has no obligation to defend arguments made in newspaper editorials or by "advocates."

Comment 17-10

Alternative 2 (Ban Both Plastic and Paper Single-Use Carryout Bags) was determined to be an environmentally superior alternative to the proposed ordinance. However, as stated in the Draft EIR, this alternative would be inconsistent with single-use carryout bag ordinances already enacted in California, and could "cause confusion for the customers and present a challenge to the retailers."

Comment 17-11

The Draft EIR cites and uses an estimate of 531 single-use plastic carryout bags (PCBs) per City resident per year, equating to 2.031 billion PCBs per year. The figure of 194,863 tons of PCBs cited in the comment is the equivalent of 41.6 billion single-use plastic bags (based on the American Chemical Council's statement that an average plastic bag weighs 4-5 grams or approximately 0.15 of an ounce)[157]. This equates to 1,093 bags per resident of California in 2008, a number that is twice the estimate used in the Draft EIR. With that, the adverse impact of PCBs on solid waste would have been twice as large as that discussed in the Draft EIR, and thus banning of PCBs would have a proportionally greater (twice as large) beneficial impact on solid waste.

Comment 17-12

The information provided in the comment neither provides data nor a basis of support for the commenter's assertions about increases in theft (and implied economic harm) or the assertion about increases in workplace injuries as a result of the proposed ordinance. Already, more than 50 California Cities and Counties, in addition to numerous other U.S. Cities, and jurisdictions within the entire State of Hawaii have adopted bans on single-use plastic carryout bags, with no known significant impact of workplace injuries attributable to the use of reusable bags, and there has been no significant effect of notable and widespread economic harm to retailers due to theft of shopping bags and carts.

Comment 17-13

This comment does not have any relevance to the Draft EIR.

Comment 17-14

As stated in the Draft EIR Section 4.0, Alternatives, "The CEQA Guidelines state that an EIR need not consider every conceivable alternative to the project [Section 15126.6(a)], or an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative [Section 15126.6(f)(3)]. The Guidelines require that a range of alternatives be addressed "governed by 'a rule of reason' that requires the EIR to set forth only those alternatives

[157] http://www.plasticbagfacts.org/Main-Menu/Fast-Facts/

necessary to permit a reasoned choice." The discussion of alternatives must focus on alternatives that are potentially feasible and capable of achieving major project objectives while avoiding or substantially lessening any significant environmental effects of the project [CEQA Guidelines, Section 15126.6(f)].

The City's objectives for the proposed ordinance include:

- Reducing the billions of single-use plastic carryout bags currently consumed in the City of Los Angeles each year;
- Reducing the adverse environmental impacts associated with single-use plastic carryout bags, including impacts to air quality, biological resources (including marine environments), water quality, and solid waste;
- Deterring the use of single-use paper carryout bags by retail customers in the City;
- Promoting a shift toward the use of reusable carryout bags; and
- Reducing litter and the associated adverse impacts to stormwater systems, aesthetics, and the marine environment.

Other actions suggested in the comment may or may not have merit, but they do not achieve these major project objectives. Therefore, they are not alternatives to the proposed ordinance project; instead, these actions would constitute their own separate and distinct projects.

Comment 17-15

Please see Responses to Comments 17-1 through 17-14.

Member of:
American Rivers
Audubon Society
Friends of California Parks
Mountain Lion Foundation
National Parks and Conservation Assn.
National Resources Defense Council

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Save the Redwoods
Sierra Club
Wilderness Society
World Wildlife Fund
Yellowstone Assn.
Zero Air Pollution (ZAP)

March 4, 2012

Karen Coca,
Division Manager,
Solid Resources Citywide Recycling Division,
Bureau of Sanitation,
1749 Broadway, 5th Floor,
Los Angeles, CA 90015

Re: Draft Environmental Impact Report,
Proposed Single Use Carryout Bag Ordinance

Dear Sirs:

The following comments are submitted regarding the Draft EIR for the City of Los Angeles Proposed Single Use Carryout Bag Ordinance.

1. The Fiction That Bags Banned By The Ordinance Are "Single Use" Bags. Comment

The proposed ordinance is predicated on the premise that plastic and paper carryout bags are only used once. Therefore, by replacing them with a so-called reusable cloth bag, which can be reused over a hundred times, will help the environment by reducing the amount of petroleum used in the manufacture or the plastic carryout bags and will reduce the number of trees that are used to manufacture paper bags while at the same time reducing the amount of waste generated that is collected by the Sanitation Department and deposited in land fills.

This premise is based on fiction, particularly on the premise that plastic and paper carryout bags are "single use."

Plastic carry-out bags or plastic shopping bags, or carrier bags, or plastic grocery bags are a common type of shopping bag in several countries (known as HDPE bags). These bags are sometimes called single-use bags, referring to carrying items from a store to a home. Numerous studies have shown that the common plastic carry-out bag used by markets are frequently used more than one time. 17-1

In a 2011 120 page study by the United Kingdom Environment Agency, 76% of plastic shopping bags are reused.[1] The New York Times reported that an estimated 56% of individuals

[1] United Kingdom Environment Agency (2011). "Evidence: Life Cycle Assessment of Supermarket Carrier Bags", p. 30 [Hereinafter "UK Study". (Attachment A)

reuse all plastic shopping bags.[2] An Australian study showing more than 60% of bags are reused as bin liners and for other purposes.[3] One study states that 80% of PCBs are reused.[4]

As the UK Environmental Agency Study stated:

"1.2.1 Supermarket carrier bags used in the UK have generally been categorized as disposable (i.e. single use) or reusable. However, these descriptions are increasingly becoming blurred as 'disposable' plastic carrier bags are now encouraged to be reused both as carrier bags (primary reuse) and also to replace other products such as bin liners (secondary reuse)."[5]

The Report further stated:

17-1 (cont.)

"A study on lightweight carrier bag usage found that 59 per cent of respondents reused all carrier bags, 16 per cent reused most of them, 7 per cent reused around half of them and 7 per cent reused some of them. Overall it was estimated that 76 per cent of single use carrier bags were reused. The study also asked respondents how they reused carrier bags and found that 53 per cent of respondents said that they used carrier bags as a replacement for kitchen bin liners...The reuse of HDPE carrier bags as bin liners reduces environmental impacts by between 13 per cent and 33 per cent."[6]

There are many ways that a plastic shopping bag can be reused other than for trash can liners. Some such uses are to carry wet towels and swimming suits, clean up dog doo, laundry bags, carry or store dirty shoes, put overnight underwear such as Depends in, barf bags, carry books or magazines, store tools, etc. etc. A list of 40 uses is attached hereto as Attachment B. The UK Study also includes various uses that bags can be reused for.[7]

2. The Numbers Are Not Only Exaggerated, They Are Distorted.

To begin with the number of plastic carryout bags (PCBs) used as the basis of the report is pure guesswork. It is stated on page 17 of the draft EIR: 17-2

"Based on the City of Los Angeles population of approximately 3,825,297 persons

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[2] Irena Choi Stern. "Greening Up by Cutting Down on Plastic Bags". The New York Times, (August 5 2007)

[3] "Waste and recycling", Environment.gov.au (2010)

[4] R. Rucker, H. Nickerson and P. Haugen, "Analysis of the Seattle Bag Tax and Foam Ban Proposal," Northwest Economic Policy Seminar, p. 11 (Attachment C)

[5] UK Study, p.12

[6] UK Study, p.30

[7] A survey done by the UK Environment Agency showed that disposable bags were used in at least 13 different ways. Id. I compiled my list after conducting a telephone survey of 100 households. 89% said they reused their paper or plastic carry-out bags at least once. 64% said that they recycled bags that were not reused either using the Blue bins or returning them to the store, 33% said they were not aware that the bags could be recycled in the Blue bins.

in 20127, and a statewide estimate of approximately 531 single use plastic carryout bags used per person per year8, retail customers in the City of Los Angeles currently use an estimated 2,031,232,707 single-use plastic carryout bags per year."

These numbers are used throughout the draft EIR. They are based on the Green Cities Master Environmental Assessment (MEA) of March 2010. The problem is that the MEA itself is in many cases is not based on any reliable information. It states that "Currently, almost 20 billion of these plastic grocery bags are consumed annually in California." and that number is supposedly based on a California Integrated Waste Management Board (CIWMB). 2007b. Resolution, Agenda Item 14,June 12, 2007 Board Meeting, which when read, does not set forth any basis for that estimate or how that figure was arrived at.

Moreover, the total number of PCBs used is not relevant. For purposes of the ordinance, the only relevant number of PCBs used is the number of bags used by shoppers at grocery stores. In a 2008 California Integrated Waste Management Board Report, the CIWMB conducted a study in which it did a field sampling of 70 pounds of bags collected. Fifty samples were taken from the commercial sector and fifty samples were taken from the residential sector with one taken each day. The study concluded only 44% of the PCBs came from grocery stores.[8]

What makes the numbers set forth in the draft EIR more inaccurate and more misleading, is that the number of bags being recyled are not subtracted. The draft EIR does not include that information, in particular the number of PCBs being recycled in Los Angeles. There are two sources of recycled bags. One is from the City curbside recycling bins and the other are the collection centers at the stores and these should be deducted from the total. 17-2 (cont.)

What data does exist is old data usually at least six years old before public agencies began recycling programs. For example, the CIWMB reported that before 2007 only five percent of PCBs were recyled but the passage of AB 2449 in 2006 requiring grocers to have recycling stations and refuse collection agencies providing curbside recycling containers subsequently has dramatically increased the number of bags being recycled according to CIWMB.[9]

The draft EIR does not provide any information about the City of Los Angeles programs for recycling PCBs. One of the reasons that more PCBs are not recycled in Los Angeles is that the Sanitation Department has never really publicized that PCBs were recyclable and many people are unaware that the bags can be placed in recycling bins. This a problem because for many years people were told that they could not place PCBs in recycling bins.

Secondly, a substantial amount of refuse in the City is collected by private companies

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[8] California Integrated waste Management Board (CIWMB). 2009. California 2008 Statewide Waste Characterization Study. p.66, Table 38

[9]Proponents of the ban on PCBs argue that only 5% are recycled but that is based on data before 2005. US EPA 2005 Characterization of Municipal Solid Waste, Table 7.

which do not provide any means of recycling and even if they do, are not required to recycle PCBs. 17-2 (cont.)

Another relevant factor in determining any impact the use of PCBs have is to subtract the number of PCBs that are reused as substitute trash container bags. Using the figures provided in the Draft EIR for the sake of argument, which state that slightly over 2 billion PCBs are used by the population of the City of Los Angeles, and based on other studies which average about 60% of the population reuses PCBs, the UK Study states that at least 50 per cent of the bags that are reused are used as trash can liners.[10] That would mean that at least 60 billion PCBs that wind up in land fills are substitutes for plastic trash can liners that users would have to purchase as replacements. Thus, the net amount of PCBs that can be used in calculating the impacts is approximately 120 billion, if the 2 billion bag use is used as the base figure, which is an unsupported estimate. It should be noted that in California, that .9% of the refuse put in land fills is plastic trash bags but only .3% are PCBs. [11]Therefore, if PCBs are banned in Los Angeles, the percentage of PCBs will be reduced but most likely, the equivalent number of plastic waste bags will be increased.[12]

2. The Air Quality and the Greenhouse Gas Emissions Sections Are Based on Erroneous Information.

Sections 3.1 Air Quality, in particular the Section "Current Air Pollutant Emissions Associated with Single-Use Carryout Bags" is incorrect and based on erroneous information. In particular, it relied on the MEA statements on page 39. These statements were based on studies prepared by plastics industry consultants to prove that plastic bags were more friendly than paper bags. 17-3

a. Plastic Carryout Bags are made of high density polymers, NOT low density polymers.

The primary mistake is that the section assumes that PCBs are made from Low Density Polyethylene (LDPE) which requires much more energy to produce. In fact, PCBs are made from High Density Polyethylene (HDPE) which is derived from ethylene.[13] Ehtyline is made of ethane which is a waste by-product obtained from natural gas refining and must be removed from natural gas in order to lower the BTU value of the natural gas to an acceptable level. Ethane burns too hot to be allowed to remain in high levels in natural gas that is delivered to homes and businesses for fuel. Thus, it is a waste product. If it was not used in the production 17-4

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[10] U.K. Study, p. 30, Table 4.5

[11] California Integrated waste Management Board (CIWMB). 2009. California 2008 Statewide Waste Characterization Study. p.6 (The Study also states: "This type does not include other plastic bags, like shopping bags, that might have been used to contain trash."

[12] The U.K. study found that it is better for the environment to reuse these bags as garbage pail liners rather than recycle them. This is due to the environmental "benefits of avoiding the production of the bin liners they replace."

[13] Hyder Consulting. 2006. Plastic Retail carry Bag Use 2002-2005 Consumption. Prepared for the Department of the Environment and Heritage by Hyder Consulting, 25 May 2006, p. 1

of plastic products, it would be burned off and would be a source of air pollution and an[14] increase in green house gases.

Thus, the statement in the Draft EIR on page 17, that:

"The above statistics use the LDPE carryout bag as a representative reusable bag in evaluating air quality impacts."

sets forth the wrong standard for comparison. Then the Draft EIR states that:

"There is no known available Life Cycle Assessment that evaluates all types of reusable bags (canvas, cotton, nylon, etc.) with respect to potential air pollutant emissions."

In fact, the 2011 UK Study does just that. A copy of the U.K. Study was given by me to Karen Coca of the Sanitation Department in May, 2012 and also was made part of the Council File on this ordinance. The Study refutes the next statement in the Draft EIR that;

"... the emissions from all types of reusable bags are lower than emissions from single-use plastic and paper carryout bags because reusable bags are used multiple times, and may be used 100 times or more. Thus, the air pollutant emissions from these bags are expected to be comparable to, or lower than the LPDE bag emissions." 17-4 (cont.)

The UK Study concluded that: [15]

1. "The conventional HDPE bag [plastic carry-out bag] had the lowest environmental impacts of the lightweight bags in eight of the nine impact categories. The bag performed well because it was the lightest bag considered."

2. "The cotton [canvas] bag has a greater impact than the conventional HDPE bag in seven of the nine impact categories even when used 173 times (i.e. the number of uses required to reduce the Global Warming Potential of the cotton bag to that of the conventional HDPE bag with average secondary reuse). The impact was considerably larger in categories such as acidification and aquatic & terrestrial ecotoxicity due to the energy used to produce cotton yarn and the fertilisers used during the growth of the cotton."

The U.K. Study was echoed by an Austrailian Study in 2012 which stated:

"Indeed both the Environmental Agency (2011) and Nolan ITU (2003) found that all bags made from natural materials had a higher environmental impact than plastic bags, largely associated with the upstream production and manufacture of raw materials. The Environment Agency study also found that the paper and cotton bags would need to be reused at least four and 173 times respectively to ensure that they have a lower environmental impact than the conventional single use plastic bags. This is because the

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[15] pp. 59-60. See also Nolan ITU P/L, 2002, Plastic Shopping Bags – Analysis of Levies and Environmental Impacts Final Report. Environment Australia, Australia.

cotton carrier bag has an environmental impact more than ten times of any other carrier bag..."[16]

Every time a PCB is re-used, a reusable bag must be used twice as much to equal the environmental impact caused by a PCB. Thus, if a PCB is reused three times, a cloth bag must be used at least 400 times to offset the environmental impact in comparison to the PCB. 17-4 (cont.)

b. Transportation Emissions.

The Draft EIR on page 18 to discuss the impacts of trucks transporting single use carryout bags to local retailers but that discussion is misleading. First, it does not analyze the impacts that the manufacturing and transportation of cloth bags has on air quality and green house gases. For example, cotton grown in Africa and India must be transported to China where cloth bags are manufactured. Then, the finished bags must be transported to a sea port to be loaded on ships. Then there is transportation to the United States by ship and from the port of entry to the retailer. Cloth bags are much heavier and bulkier than PCBs and heavier than paper bags so more fuel must be used to transport the bags. These are factors that are necessary to include when comparing the air pollution and green house gas impacts. 17-5

This is not a problem with PCBs. PCBs are manufactured in the United States and are subject to the air quality laws and regulations not only of the U. S.. Government but also of the State and Regional governments.

c. The Life of Cloth Bags Is Overestimated.

The ordinance proposes that the cloth bags last for 125 uses and the Draft EIR is predicated on the bags lasting that long. That presumes that everyone will buy bags that meet that standard. It is a difficult standard however to enforce. Many of the bags now in use will not last for 100 uses based on my experience using them. The bottoms of the bags are easily torn. The handles do not stay attached, especially when the bags are full. The bags get dirty easily and depending on the dirt, such as blood leaking from a meat package, they don't get clean. In addition, the ordinance quality requirements are for all practical purposes, almost impossible to enforce, particularly given the current budget. 17-6

Therefore, it is unrealistic to evaluate the potential environmental impacts of cloth bags based on an estimated use of 100 times or more. Or that the price of the bags will be as inexpensive as proposed, especially if the bags must meet high quality standards.

d. In Summary, all the calculations contained in the Draft EIR regarding the impacts of "single use" carryout bags on air quality and green house gas emissions are inaccurate and thus, the discussion of the environmental impacts is invalid. What it should show is that adoption of the proposed ordinance will have adverse impacts on air quality and will generate more green house gases than the use of PCBs. 17-7

4. The Impact of PCBs on Biological Resources is Exaggerated.

a. Littering. 17-8

[16] Hyder Consulting, Interim Review of the Plastic Shopping Bag Ban, (Nov. 2012), p. 13

Plastic carry-out bags are a source of litter but in comparison to other types of litter, plastic carry-out bags are a minimal source. According to one estimate, plastic bags comprise less than 1 percent of the litter on streets. Research also suggests that plastic bags make up a trivial amount of the total litter—about 0.1 percent.[17] Cigarette butts, fast food packaging, and food wrappers are much larger contributors.

17-8 (cont.)

Over the past four years, I have observed that the number of plastic carry-out bags littering highways and streets has been reduced notably, probably due to the fact that more and more people are recycling plastic carry-out bags as a result of the availability of curb-side recycling being provided by cities.

b. The Impacts on Sensitive Habitats and Rare, Threatened, and Endangered Species is Minimal.

Again, some PCBs present problems when they filter into habitats but the problem is so overly exagerrated. As a result of misinformation, many people believe that plastic bags kill 100,000 sea mammals and a million seabirds each year. The media is relentlessly spreading this misinformation. The San Jose Mercury News recently stated in an editorial: "Plastic bags kill an estimated 1 million seabirds and 100,000 other animals every year, whether from eating the things or getting tangled in them. The London Times has exposed this as a myth based on a typographical error! The report on which the myth is based mentioned discarded fishing tackle including fishing nets, not plastic bags.[18]

It is stated repeatedly by advocates who seek to ban PCBs that there is an island of plastic trash in the Pacific Ocean that is twice the size of Texas. The media repeats this assertion over and over again. For example, in an editorial on June 24, 2010 the Los Angeles Times stated: "The Great Pacific Garbage Patch is an area of the ocean larger than Texas and thick with floating plastic debris: bottles, bottle caps, bits of packaging and uncountable plastic bags." Miriam Gibson,th Chief Scientist of the Scripps 20-day expedition to study marine debris in the Pacific Ocean states: "Misinformation on this issue is rampant." Referring to a statement in the New York Times that there is ".an area of widely dispersed trash that doubles in size every decade and is now believed to be roughly twice the size of Texas," she states: "There is no evidence for this. There certainly is a lot of trash, but there have been no measurements of either the trash's total area or its growth rate."

17-9

Oregon State University assistant professor Angelicque "Angel" White, who participated in a 2008 scientific expedition to survey plastic debris, says that the size of a hypothetically cohesive Pacific plastic "patch" is actually less than 1 percent the geographic size of Texas. Moreover, the oceanography professor says the data suggest that plastic contamination hasn't increased dramatically -- or perhaps not at all -- in recent decades, despite greater use of plastic. [19]

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[17] R. Rucker, H. Nickerson and P. Haugen, "Analysis of the Seattle Bag Tax and Foam Ban Proposal," Northwest Economic Policy Seminar, (July 25, 2008): p. 10

[18] The London Times, "Series of Blunders Turned the Plastic Bag Into a Global Villan", by Alex Astrois, March 8, 2008

[19] "Reports of Pacific Ocean's plastic patch being Texas-sized are grossly exaggerated, Oregon State University professor says", The Oregonian, January 5, 2011

Rarely is any of the plastic discovered in the ocean PCBs. It is foam cups and other foam as well as can rings, etc. which present much more of a hazard than do PCBs. 17-9 (cont.)

5. Forest Resources.

As is stated on page 50 of the Draft EIR, "Recycled paper is used widely in the manufacturing of paper bags and currently, there are paper bags on the market that contain 100% recycled content." Therefore, the use of paper bags, which are also reused, as well as heavily recycled, will have a negligible impact on the environment. Banning them will serve no useful purpose. At most, only .4% find there way to a landfill which is very insignificant.[20] 17-10

4. The Discussion of the Solid Waste Does Not Compare What the Impacts on Solid Wastes Would Be If the Ordinance Is Not Adopted.

The discussion of the Solid Waste impacts set forth on pages98-99 of the Draft EIR concludes that adoption of the ordinance will not have any significant impacts on the environment. But would the failure to adopt the ordinance have any significant impact on the lsolid waste? Probably not. As previously stated, only .3% of the solid wastes is comprised of PCBs and that 2008 data is probably obsolete. Out of 39,722,818 tons of refuse in land ills, only 194,863 tons are comprised of PCBs and 155,848 tons of paper carryout bags. 17-11

Lastly, the amounts of projected solid waste reduction is predicated on the assumption that PCBs and paper bags which are reused for waste can liners are not replaced with other plastic liners.

5. Other Adverse Impacts.

The Draft EIR does not address several other potential significant impacts that may result from the adoption of the ordinance.

a. Theft

After Australia adopted a ban on PCBs, there was a notable increase in the levels of. theft of shopping baskets and shopping carts immediately following the introduction of the ban.[21] The same thing happened in Los Angeles County following the enactment of its ban. Almost 20 percent of stores noted increases in the loss of shopping carts or hard shopping baskets. These losses totaled $500 to $3,000 per month, with an average loss of $1,500. In an industry that relies on profit margins of less than 2 percent, $3,000 a month is a significant loss. [22] 17-12

b. Workplace Injuries.

It was reported that after the ban was adopted in Australia, major retailers reported was

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[20]California Integrated waste Management Board (CIWMB). 2009. California 2008 Statewide Waste Characterization Study. p. 24, Table 7

[21] Hyder Consulting, Interim Review of the Plastic Shopping Bag Ban, (Nov. 2012), p. 12

[22]NATIONAL CENTER FOR POLICY ANALYSIS, A Survey on the Economic Effects of Los Angeles County's Plastic Bag Ban, Policy Report No. 340 by Pamela Villarreal and Baruch Feigenbaum August 2012, pp. 5-6

the need to further train staff in the use of the new bags, to reduce potential work place injuries from lifting reusable bags. This last issue arose because reusable bags are generally loaded with more groceries than single use bags. [23] 17-12 (cont.)

c. Reverse Impacts.

It has been reported that in Santa Monica and in the County that instead of using their recycling bins, some citizens are just dumping everything, including recyclables, into the regular trash. Some are going so far as to dump trash in the recycling bins including hazardous waste. The potential is that many citizens will feel that environmentalists have gone too far and whatever enthusiasm they had for environmentalism will vanish. We are seeing this already in the resistance to measures to curb global warming. Consequently, in the end, a ban on the use of certain carry-out bags could be by far much more damaging to the environmental cause and the environment than the bags themselves. 17-13

6. Other Alternatives.

Since the object of the ordinance is to reduce impacts on littering and reduce the amount of waste in land fills, two other alternatives which will do much more than banning "single use" bags, should be considered as an alternative or as separate alternative.

a. Ban the sale of paper towels and napkins.

Paper by far is the largest contributor to solid waste landfills amounting to all most 7 million tons of waste. Over 3 million tons of that includes paper towels. Banning the sale of single use (truly single use) paper towels so that people would have to use cloth towels which are reusable, would do far more for the environment than banning "single use" bags.[24]

b. Ban the sale of disposable diapers. 17-14

Disposable diapers are as big, if not a bigger contributor to filling land fills as are paper towels. A ban on their sale would force parents to use cloth diapers and like paper towels, do far more to help the environment than banning bags.

Both of the above Alternatives are environmentally superior to any of the proposed Alternatives set forth in the Draft EIR.

c. Step up the education of citizens to recycle.

The City has done a poor job of educating the public about recycling "single purpose" bags. The City should engage in a television campaign to get people to recycle bags. People need to know that they can recycle plastic bags.

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[23] Hyder Consulting, Interim Review of the Plastic Shopping Bag Ban, (Nov. 2012), p. 12

[24] California Integrated waste Management Board (CIWMB). 2009. California 2008 Statewide Waste Characterization Study. p.24, Table 7

CONCLUSION

In conclusion, the Draft EIR fails to correctly evaluate the potential adverse impacts tha the adoption of the ordinance will have on the environment. The evidence is overwhelming that the bags that the ordinance would ban are much better for the environment than the cloth bags that are proposed to replace them. The attached UK Study and all the comments therein are incorporated herein by reference 17-15

Respectfully submitted

JACK ALLEN

18. Chin, Frank. March 6, 2013.

Comment 18-1

Your comment in support of the proposed ordinance is acknowledged.

Comment 18-2

Your suggestion that a fee be charged for single-use plastic and paper bags is acknowledged. The Draft EIR discussed several alternatives, including Alternative 3 (Impose a Higher Fee on Single-Use Paper Carryout Bags) and Alternative 5 (Impose a Fee on Single-Use Plastic Carryout Bags). The California Court of Appeals Second Appellate District has ruled that such fees are not taxes and thus not subject to a two-thirds majority vote requirement. This information has been included in the Final EIR.

Comment 18-3

Your suggestion that the City Council should have the ability to increase the charge on the single-use paper bag is acknowledged.

March 6, 2013

Comment

As a resident of Los Angeles, I support banning plastic bags and charging a fee for paper bag. I do have a few suggestions. 18-1

Another alternative that should have been considered is charging a fee for plastic bags and paper bags that is not a tax subject to Proposition 26. The fee on paper bags could be 10 cents and plastic bags could 15 cents negating the price advantage of plastic and is kept by the store thus not requiring a 2/3 voter approval. The definition for recycled paper bags to charge the 10 cents would still be consistent as the proposed ordinance as well as nearly everything else in the ordinance, just the ability to have plastic bags and enforcement of the 15 cent plastic bag charge would be new. 18-2

Secondly, the City Council should have the ability to increase the charge on the paper bag to account for inflation or a rise in paper bag usage that could be harmful in terms greenhouse gas emissions. 18-3

Frank Chin

4431 Alpha St.

Los Angeles, CA 90032

19. Leffert, Steven, Chair, Land Use and Planning Committee, Lake Balboa Neighborhood Council. March 7, 2013.

Comment 19-1

Your comment that the Lake Balboa Neighborhood Council passed a motion on March 6, 2013 to support the Single-Use Carryout Bag Ordinance by the vote of 16-0, is acknowledged.

Lake Balboa Neighborhood Council
P.O. Box 7720
Lake Balboa, CA 91409-7720
Voice-mail/FAX 818-779-9026
www.LakeBalboaNC.org

March 7, 2013

VIA EMAIL
Daniel Hackney, Project Manager
Bureau of Sanitation
1149 S. Broadway, 5th floor
Los Angeles, CA 90015

Re: Single Use Carryout Bag Ordinance

Mr. Hackney,

Comment

In August of 2012 our neighborhood council went on record supporting AB-298, the Single Use Bag Reduction Act (Brownley). Unfortunately it died in committee.

Our neighborhood council has purchased and distributed over 1,000 re-usable grocery bags to our stakeholders because we feel single use plastic bags create are a terrible waste of resources and a pollution problem.

19-1

On March 6, 2013, at a regularly scheduled meeting of the Lake Balboa Neighborhood Council, the proposed Single Use Carryout Bag Ordinance was discussed.

We passed a motion at our meeting to support the Single Use Carryout Bag Ordinance by a vote of 16-0.

We look forward to passage of the Single Use Carryout Bag Ordinance.

Sincerely,

Steven Leffert

Steven Leffert
Chair, Land Use and Planning Committee, Lake Balboa Neighborhood Council

cc: Erin Knight, Bureau of Sanitation (Via E-mail)
Lynda Levitan, Field Deputy CD6 (Via E-mail)

20. James, Kirsten, Water Quality Director, Heal the Bay; Gordon, Miriam, California State Director, Clean Water Action/Clear Water Fund; Tamminen, Leslie Mintz, Ocean Program Director, Seventh Generation Advisors; Howe, Angela, Legal Director, Surfrider Foundation; Utter, Emily, Policy Director, Bag It; Hunt, Brad, Program Manager, Save Our Shores; Weaver, Nathan, Oceans Advocate, Environment California; Moody Stuart, Board President, Green Sangha; Wilson, Stiv, Policy Director, The 5 Gyres Institute; Waiya, Mati, Executive Director, Wishtoyo; Russo, Daniella, Executive Director, Plastic Pollution Coalition; Crosson, Liz, Executive Director, Los Angeles Waterkeeper; Chin, Christopher, Executive Director, The Center for Oceanic Awareness, Research, and Education (COARE); Gutierrez, Marce, Executive Director, Azul. March 8, 2013.

Comment 20-1

Your support of the proposed ordinance for the reasons that a single-use plastic bag ban will reduce litter, decrease landfill disposal, lessen harm to biological resources, and benefit air quality and hydrology, is acknowledged.

Comment 20-2

Your comments concerning the limitations to biodegradability of compostable bags are acknowledged.

Your comments concerning the definition of a "plastic carryout bag" and its material composition are acknowledged. The following definition of a "plastic carryout bag" in the proposed ordinance has been included in the Final EIR: "A "plastic single-use carryout bag" means any bag provided to a customer at the point of sale which is made predominantly of plastic derived from either petroleum, natural gas, or a biologically-based source, such as corn or other plant sources, whether or not such bag is compostable and/or biodegradable".

Comment 20-3

Your comments concerning the definition of a "reusable bag" and its specifications are acknowledged. This information has been included in the Final EIR as follows: "Reusable bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following:

(1) Has a minimum lifetime of 125 uses, which for the purposes of this subsection, means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet;
(2) Has a minimum volume of 15 liters;
(3) Is machine washable or is made from a material that can be cleaned or disinfected;
(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;

(5) Has printed on the bag, or on a tag that is permanently affixed to the bag, the name of the manufacturer, the location (country) where the bag was manufactured, a statement that the bag does not contain lead, cadmium, or any other heavy metal in toxic amounts, and the percentage of postconsumer recycled material used, if any; and
(6) If made of plastic, is a minimum of at least 2.25 mils thick.

Your comment that the definition of reusable bag should be periodically reviewed to ensure the sale and distribution of the most appropriate reusable bags in order to achieve the maximum environmental benefits, is acknowledged

Comment 20-4

The project, which is the basis of the analyses conducted for and described in the Draft EIR, is proposed in order to meet the stated project objectives:

- Reducing the billions of single-use plastic carryout bags currently consumed in the City of Los Angeles each year;
- Reducing the adverse environmental impacts associated with single-use plastic carryout bags, including impacts to air quality, biological resources (including marine environments), water quality, and solid waste;
- Deterring the use of single-use paper carryout bags by retail customers in the City;
- Promoting a shift toward the use of reusable carryout bags; and
- Reducing litter and the associated adverse impacts to stormwater systems, aesthetics, and the marine environment.

As stated in Section 4 ("Alternatives") of the Draft EIR, the CEQA guidelines "require that a range of alternatives be addressed "governed by 'a rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The discussion of alternatives must focus on alternatives that are potentially feasible and capable of achieving major project objectives while avoiding or substantially lessening any significant environmental effects of the project [CEQA Guidelines, Section 15126.6(f)]."

The analysis in the Draft EIR indicates that the proposed ordinance project would result in beneficial impacts with regard to air quality, biological resources, and hydrology and water quality. The project was found to result in either a less than significant impact or no impact on other environmental factors analyzed in the Draft EIR. Therefore, the discussion of the alternatives to the proposed project focuses on the alternatives that could achieve the project objectives *to a greater extent and/or more rapidly*.

Comment 20-5

Your opposition to Alternative 1 (No Project) for the reasons that it would not reduce litter or other adverse environmental impacts is acknowledged.

Comment 20-6

The Draft EIR defined and studied Alternative 3 (Impose a Higher Fee on Single-Use Paper Carryout Bags) as being the same as the proposed ordinance except that the fee for each paper bag would be $0.25, rather than $0.10 as in the proposed ordinance. Alternative 5 (Impose a Fee on Single-Use Plastic Carryout Bags) considers imposing a fee, rather than a ban, on plastic carryout bags. These clarifications have been included in the Final EIR.

The Draft EIR's conclusion that Alternative 3 (Impose a Higher Fee on Single-Use Paper Carryout Bags) is an environmentally superior alternative is based on the finding that, as stated, "With a higher fee, it is anticipated that the use of single-use paper carryout bags would be reduced in comparison to the proposed ordinance because of the additional cost" (of $0.15 in comparison with the proposed ordinance). "As a result, the objective of deterring the use of single-use paper carryout bags would be achieved to a greater extent, and the objective of promoting a shift to reusable bags could occur more rapidly and to a greater extent than under the proposed ordinance."

Nevertheless, and as stated in Chapter 4 (Alternatives) of the Draft EIR, Alternative 2 (Ban on Both Single-Use Plastic and Single-Use Paper Carryout Bags) and Alternative 5 (Impose a Fee on Single-Use Plastic Carryout Bags) would achieve all of the City objectives for the project to a greater extent than Alternative 3 (Impose a Higher Fee on Single-Use Paper Carryout Bags), Alternative 4 (Proposed Ordinance Without a Grace Period), and Alternative 1 (No Project).

Comment 20-7

Your support for Alternative 2 (Ban on Both Single-Use Plastic and Single-Use Paper Carryout Bags) and Alternative 4 (Proposed Ordinance Without a Grace Period) for the reasons that they would achieve greater environmental benefits than the proposed project by reducing the number of single-use bags in the City and encouraging greater use of reusable bags, is acknowledged.

Your comments concerning the definitions of "plastic carryout bag" and "reusable bag" in the proposed ordinance are acknowledged. Please see Response to Comment 20-3.

Comment 20-8

Please see Response to Comments 20-5, 20-6, and 20-7.

Comment 20-9

Your comments in support of the Draft EIR's analysis of biological resources and water quality are acknowledged. Please see Response to Comments 20-10 and 20-11.

Comment 20-10

Although the proposed ordinance may reduce the litter that causes harm to the short-tailed albatross (*phoebastria albatrus*), the stellar sea lion (*eumetopias jubatus*), and the Guadalupe fur seal (*artocephalus townsendi*), these species are not listed in the Conservation Element of the Los Angeles General Plan, 2001, which is the basis for the Draft EIR's analysis of the project's environmental impacts on special status species, and Figure 3.2-3.

The habitats of the short-tailed albatross and the stellar sea lion also do not appear to include Los Angeles county or its vicinity.

Comment 20-11

Although the proposed ordinance may have the benefit of reducing the maintenance costs of the City's storm drain system screens, an analysis of fiscal costs and benefits is outside the scope of the environmental analysis required of an EIR.

Comment 20-12

The Final EIR has been updated to reflect the ruling of the California Court of Appeal for the Second Appellate District on February 21, 2013 that "the paper carryout bag charge is not a tax for the purposes of article XIII C because the charge is payable to and retained by the retail store and is not remitted to the county."

Comment 20-13

Please see Response to Comments 20-1, 20-2, and 20-3.

March 8, 2013

Karen Coca, Division Manager
Solid Resources Citywide Recycling Division
City of Los Angeles, Department of Public Works, Bureau of Sanitation
1149 S. Broadway, 5th Floor
Los Angeles, CA 90015
Sent via email and mail

RE: Comments on Draft Environmental Impact Report - City of Los Angeles' Single-Use Bag Ordinance

Dear Ms. Coca,

Comment

On behalf of the undersigned and our thousands of members, we thank you for giving us the opportunity to provide written comments on the City of Los Angeles' draft Environmental Impact Report ("DEIR") for an ordinance addressing single-use bags. 20-1

Billions of single-use plastic bags are used in Los Angeles every year.[1] Despite both voluntary and statewide efforts to implement recycling programs, the statewide recycling rate for plastic bags remains around five percent;[2] the majority of single-use plastic bags – even if reused once or twice by consumers – end up in our landfills or as part of the litter stream, polluting our inland and coastal communities and wasting taxpayer dollars on cleanup costs.[3] Adoption of a single-use bag ordinance will be a major step in reducing the economic waste and environmental impacts that these bags create. For these reasons, we continue to fully support the steps that the City of Los Angeles has taken to draft a single-use bag ordinance. We also agree with the DEIR's assessment that the proposed project will benefit resources such as air quality, biological resources, and hydrology and water quality.[4] As we noted in previous comments, we do not believe that completing an EIR was necessary for the proposed project; however, we understand the City's choice to move forward in preparing an EIR. 20-1 con't

However, in order to comprehensively address the impacts associated with single-use bags and achieve the stated objectives of the proposed project,[5] the ordinance and the final Environmental Impact Report ("FEIR") must address usage of both paper and plastic (<u>including compostable plastic</u>) carryout bags and clearly define what would constitute a "reusable bag" and what constitutes a "plastic bag". With these points in mind, we request that the following comments regarding the DEIR be carefully considered as the City prepares the draft ordinance and FEIR. We also urge the City to select a preferred alternative in the FEIR.

I. The ordinance must include compostable plastic carryout bags in the definition of plastic bags, and the FEIR should evaluate the environmental impacts of compostable plastic bags 20-2

It is essential that Los Angeles' single-use bag ordinance address compostable plastic carryout bags as well as conventional plastic bags. If the City allows continued use of compostable plastic bags, but bans conventional plastic bags, retailers may shift to the compostable option, and this shift will not alleviate the environmental impacts caused by single-use bag litter.

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[1] City of Los Angeles. Dept. of Public Works, Bureau of Sanitation. *Initial Study: Single-Use Plastic Carryout Bag Ordinance*. Sept. 2012: 1. Print.

[2] County of Los Angeles. Dept. of Public Works. *Los Angeles County Plastic Bag Study: Staff Report to the Los Angeles County Board of Supervisors*. Aug. 2007: 2. Print.

[3] For example, California spends approximately $25 million annually to landfill discarded plastic bag waste. *See* "Shopping? Take Reusable Bags!" CalRecycle. 23 Nov. 2011. Web. 16 Oct. 2012. <http://www.calrecycle.ca.gov/publiced/holidays/ReusableBags.htm>. These cleanup costs do not reflect the energy costs associated with producing single-use bags, or the negative socio-economic, public health and environmental costs associated with single-use bag litter. *See also* City of Los Angeles. Office of the City Administrative Officer. *Report Back on Proposed Ban of Single Use Bags in the City*. Mar. 23, 2012: 7. Print.

[4] City of Los Angeles. Dept. of Public Works, Bureau of Sanitation, *Draft Environmental Impact Report: Single-Use Plastic Carryout Bag Ordinance*. Jan. 2013:Table S-1. Print.

[5] The City's objectives for the proposed project include: "Reducing the billions of single-use plastic carryout bags currently consumed in the City of Los Angeles each year; Reducing the adverse environmental impacts associated with single-use plastic carryout bags, including impacts to air quality, biological resources (including marine environments), water quality, and solid waste; Deterring the use of single-use paper carryout bags by retail customers in the City; Promoting a shift toward the use of reusable carryout bags; and Reducing litter and the associated adverse impacts to stormwater systems, aesthetics, and the marine environment." City of Los Angeles. Dept. of Public Works, Bureau of Sanitation, *Draft Environmental Impact Report: Single-Use Plastic Carryout Bag Ordinance*. Jan. 2013:7. Print.

As an initial matter, compostable bags are only biodegradable under specific conditions and they are not easily recycled, if at all. While compostable plastic bags may be made of degradable polymers like corn starch, these plastics often require very specific conditions in order to biodegrade. For example, compostable plastic bags require high heat and oxygen (not found in modern landfills), such as those present in enclosed industrial and municipal composting facilities, to break down into constituents that assimilate back into the environment.[6] Furthermore, bio-based or compostable bags are not recyclable and need to be separated from the recycle stream to avoid contamination.[7] Thus, unless a resident has curbside composting pickup or other access to a commercial compost facility, the compostable bag, which has the same general characteristics of a conventional bag—lightweight, able to clog storm drains, persistent in the marine environment—will likely have the same end-of-life environmental impacts as a conventional plastic bag.[8] Moreover, allowing compostable bag alternatives would likely complicate compliance and enforcement of the ordinance, as it is difficult to distinguish these bags from their petro-plastic counterparts. [9] 20-2 con't

Accordingly, the final ordinance must include compostable plastics in the ordinance's definition of "plastic bag." For example, we support Los Angeles County's definition of a plastic bag:

> *"Plastic carryout bag" means any bag made predominantly of plastic derived from either petroleum or a biologically-based source, such as corn or other plant sources, which is provided to a customer at the point of sale. "Plastic carryout bag" includes compostable and biodegradable bags, but does not include reusable bags, produce bags, or product bags.*[10]

We also recommend that the City evaluate the impacts of compostable bags in the FEIR in a manner similar to the County of Los Angeles' evaluation of these bags.[11]

II. The ordinance must contain a clear definition of what constitutes a "reusable bag"

The DEIR's project description notes that in order to combat plastic bag litter, "the City of Los Angeles is proposing to adopt and implant an ordinance to regulate the use of single-use carryout bags and promote the use of reusable bags within the City."[12] While the DEIR describes the characteristics of reusable bags in various sections,[13] the DEIR fails to clarify what constitutes a "reusable bag" for purposes of the ordinance. Failure to clearly define "reusable bag" may create a loophole that will allow retailers to simply sell or distribute slightly thicker and heavier plastic 20-3

[6] County of Los Angeles. Dept. of Public Works. *Ordinances to Ban Plastic Carryout Bags in Los Angeles County: Draft Environmental Impact Report*. June 2010: 4-3; Appendix B. Print.
[7] Ibid: Appendix B.
[8] Ibid.
[9] We also note that "biodegradable" plastic products are strictly prohibited in California under Senate Bill 567. SB 567 applies to all plastic products and protects both the environment and consumers from greenwashing. Under SB 567, "compostable" claims are only allowed provided that the products pass certain tests (ASTM D6400, ASTM 6868, or ASTM D7081).
[10] County of Los Angeles. Dept. of Public Works. *Single-Use Bag Ordinance.* 16 Nov. 2010. Web. 12 Feb. 2013 http://ladpw.org/epd/aboutthebag/pdf/BagOrdinance_final.pdf.
[11] Ibid. Of note, the majority of single-use bag policies around the state include compostable bags in the definition of plastic bags to be banned, for the reasons noted above.
[12] Ibid: 6.
[13] Ibid: 21, 35.

bags and pass these bags off as "reusable" under the ordinance in lieu of more durable cloth or woven polypropylene bags. We urge the City of Los Angeles to develop a formal definition that includes product standards reflecting durability, reusability and efficiency. An example of an appropriate definition is the one adopted by the County of Los Angeles in its ordinance:

> *"Reusable bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following:*
>
> *(1) Has a minimum lifetime of 125 uses, which for the purposes of this subsection, means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet;*
> *(2) Has a minimum volume of 15 liters;*
> *(3) Is machine washable or is made from a material that can be cleaned or disinfected;*
> *(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;*
> *(5) Has printed on the bag, or on a tag that is permanently affixed to the bag, the name of the manufacturer, the location (country) where the bag was manufactured, a statement that the bag does not contain lead, cadmium, or any other heavy metal in toxic amounts, and the percentage of postconsumer recycled material used, if any; and*
> *(6) If made of plastic, is a minimum of at least 2.25 mils thick.*[14]

20-3 con't

It is critical that the ordinance include a performance standard and carrying capacity for reusable bags. The absence of including such criteria in the "reusable bag" definition may compromise the durability and potential for reuse of such bags, instead allowing for boutique-type bags to qualify as a reusable bag under the ordinance. The DEIR notes that because of their weight and durability reusable bags are less likely to become litter,[15] and other studies have shown that the environmental impacts to air quality, biological resources, water quality, utilities and service systems and greenhouse gas emissions are further reduced each additional time the reusable bag is used.[16] It is critical therefore that the ordinance defines "reusable bag" and that the bags that qualify as "reusable" under the ordinance truly meet this requirement. This definition should also be periodically reviewed after ordinance adoption to ensure that the ordinance requires the sale and distribution of the most appropriate reusable bags in order to achieve the maximum environmental benefits.

[14] County of Los Angeles. Dept. of Public Works. *Single-Use Bag Ordinance.* 16 Nov. 2010. Web. 12 Feb. 2013 http://ladpw.org/epd/aboutthebag/pdf/BagOrdinance_final.pdf.
[15] City of Los Angeles. Dept. of Public Works, Bureau of Sanitation, *Draft Environmental Impact Report: Single-Use Plastic Carryout Bag Ordinance*. Jan. 2013:34-35. Print.
[16] Green Cities California. *Master Environmental Impact Assessment on Single-Use and Reusable Bags.* Mar. 2010:2. Print; *See also* County of Los Angeles. Dept. of Public Works. *Ordinances to Ban Plastic Carryout Bags in Los Angeles County: Final Environmental Impact Report*. Oct. 2010: 3.5-12. Print.

III. Alternatives to the Proposed Ordinance

As part of the CEQA process, the City evaluated four alternatives it claims would meet the project objectives and avoid or substantially lessen any of the significant environmental impacts of the proposed project; the DEIR also considers the "no project" alternative required by CEQA. The proposed project would ban plastic single-use carryout bags at the point of sale in certain retail stores, require retailers to provide reusable bags to consumers for sale or at no charge, and mandate a $0.10 fee on recycled content paper single-use carryout bags at the point of sale. The proposed project provides a grace period of six months for large retailers and one year for small retailers.[17] The five alternatives, as presented in the DEIR, are:

- Alternative 1: "No Project" alternative required by CEQA
- Alternative 2: Ban both plastic and paper single-use carryout bags
- Alternative 3: Impose a higher fee ($0.25) on single-use paper carryout bags
- Alternative 4: Proposed project without a grace period
- Alternative 5: Impose a fee (assumes a fee of $0.25) on single-use plastic carryout bags.[18]

As an initial matter, the DEIR should clearly present the environmental benefits (if any) of each alternative, including the "no project" alternative, as compared to the other alternatives and the proposed project. Currently, the DEIR does not clearly present the environmental benefits of each alternative as compared to the other alternatives and the proposed ordinance for every environmental issue area analyzed in the DEIR (air quality, biological resources, greenhouse gas emissions, etc.). Clearly presenting this information, perhaps in a table format, in the FEIR would allow the reader to better evaluate and understand the City's analysis of alternatives. 20-4

In addition, it is imperative that any alternative selected cover both paper and plastic single-use bags. Single-use bag ordinances that regulate both single-use paper and plastic bags have proven extremely effective in changing consumer behavior and have resulted in an increased use of reusable bags, a more sustainable alternative to single-use bags. For example, Los Angeles County announced that its ordinance, which bans plastic carryout bags and charges 10 cents for paper carryout bag and became fully effective in 2012, has resulted in a 94% reduction in overall single-use bag usage (both plastic and paper).[19] Furthermore, single-use bag ordinances are effective in reducing plastic pollution. Since January 2012, the City of San Jose has prohibited distribution of all single-use bags except for recycled content paper bags, which consumers must purchase for 10 cents. San Jose's 2012 litter surveys indicate that plastic bag litter has been reduced "approximately 89 percent in the storm drain system . . . when compared to [pre-ordinance] data . . .".[20] Consequently, it is imperative that the alternative selected by the City address usage of both paper and plastic bags.

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[17] City of Los Angeles. Dept. of Public Works, Bureau of Sanitation, *Draft Environmental Impact Report: Single-Use Plastic Carryout Bag Ordinance*. Jan. 2013:i-ii. Print.
[18] Ibid:101-112.
[19] "About the Bag." Los Angeles County. Web. 7 Dec. 2012. <http://dpw.lacounty.gov/epd/aboutthebag/>.
[20] Kerrie Romanow, City of San Jose, memorandum to Transportation & Environment Com. re*: Bring Your Own Bag Ordinance Implementation Results and Actions to Reduce EPS Foam Food Ware*, 20 Nov. 2012. Web. 7 Jan. 2013. <http://www3.sanjoseca.gov/clerk/CommitteeAgenda/TE/20121203/TE20121203_d5.pdf>.

Consideration of Alternatives

Alternative 1: "No Project Alternative"

As reflected in the DEIR, plastic carryout bags blight Los Angeles communities and pose local environmental threats. If Alternative 1 is selected, there would be no policy adopted and implemented. We agree with the City's statement that under this scenario the "existing use of single-use plastic carryout bags in the City of Los Angeles would remain unchanged with the corresponding adverse environmental effects remaining at current levels." [21] Given the extensive environmental and economic impacts associated with single-use bag litter, we do not support selection of the "no project" alternative.

Moreover, as evidenced by previous experiences, the deleterious impacts of plastic bag litter in Los Angeles are not likely to be ameliorated by the adoption of voluntary measures. Voluntary measures adopted by municipalities and the state to address plastic bag waste have been unsuccessful to date. For instance, four years after Assembly Bill 2449 instituted a pilot program requiring most large California retailers to host in-store plastic bag recycling programs, the statewide plastic bag recycling rate has remained around five percent.[22] Plastic bag recycling programs fail to solve the litter problem because plastic bags are extraordinarily costly and difficult to recycle.[23] Failed examples of voluntary plastic bag reduction programs in Los Angeles County, the City of San Francisco, and Santa Clara County demonstrate that restrictions and price signals are necessary to adjust consumer behavior.[24] 20-5

Nor should the City wait for the state legislature to address this issue. Statewide legislation addressing single-use bags has not been adopted to date, despite the fact that 65 California jurisdictions now ban single-use plastic bags.[25] The main factors contributing to the failure of prior state bag ban bills (partisanship of the legislative process and the influence of special interest corporate money) are still potential obstacles to a statewide legislative solution. Accordingly, the unacceptable impacts of selecting the "no project" alternative will remain unresolved in Los Angeles until the development of an appropriate single-use bag policy for the City.

Alternatives 3 and 5

It is unclear whether Alternatives 3 (impose a higher fee ($0.25) on single-use paper carryout bags) and 5 (impose a fee (assumes a fee of $0.25) on single-use plastic carryout bags), as presented in the DEIR, would also cover single-use plastic bags and single-use paper bags, respectively. It appears that Alternative 3 proposes an ordinance that applies to paper bags only; 20-6

[21] Ibid: viii.
[22] Californians Against Waste. *The Failure of Plastic Bag Recycling*. 6 Feb. 2012. Web. 26 Feb. 2013. <http://www.cawrecycles.org/node/5232>.
[23] Romer, J. *"The Evolution of San Francisco's Plastic-Bag Ban"* 1 Golden Gate U. Envtl. L.J. 439 (2007): 445. Web. 26 Feb. 2013. <http://plasticbaglaws.org/wordpress/wp-content/uploads/2010/04/The-Evolution-of-SFs-Plastic-Bag-Ban.pdf>.
[24] Frank G. Wells Environmental Law Clinic et al., "Amici Curiae Brief" in the case of *Lee Schmeer et al. v. County of Los Angeles et al.* (2012): 35-37. Brief is attached to this letter.
[25] Californians Against Waste. *Plastic Bags: Local Ordinances*. Web. 26 Feb. 2013. <http://www.cawrecycles.org/issues/plastic_campaign/plastic_bags/local>.

similarly, Alternative 5 appears to propose an ordinance that contemplates regulating only plastic bags.[26] As noted in the DEIR, both paper and plastic single-use bags have negative environmental impacts (although paper bags pose less risk to the aquatic environment because of their biodegradability and are also less likely to become litter because of their weight and recyclability).[27] Thus, regulatory action on both plastic and paper bags is critical in driving the use of the most sustainable option, reusable bags (or no bags), rather than simply shifting consumer behavior from plastic to paper carryout bags.

20-6 con't

For these reasons, we cannot support Alternatives 3 and 5 if these alternatives regulate usage of only one type of bag. Nor do we agree with the DEIR's conclusion that these alternatives are environmentally superior to the proposed project;[28] as currently drafted, these alternatives will not accomplish many of the objectives for the proposed project.[29] We therefore recommend that the City clarify the scope of each alternative in the FEIR in order to allow for their full evaluation, and amend—in a manner consistent with the project objective that both paper and plastic bags be addressed by the ordinance—the DEIR's statement that all alternatives are environmentally preferred to the proposed project.

Alternatives 2 and 4

We support Alternatives 2 (ban both plastic and paper single-use carryout bags) and 4 (proposed project without a grace period) as these alternatives address usage of both single-use paper and plastic bags. Alternative 4 is modeled after the proposed ordinance, but would eliminate the grace period. As a result, retailers would begin charging a $0.10 fee for paper carryout bags at the time the ordinance becomes effective.[30] We agree with the DEIR's assessment that if Alternative 4 were adopted, "the beneficial environmental impacts associated with the proposed ordinance would be realized more rapidly."[31] Alternative 2, which prohibits single-use plastic and paper carryout bags, would also achieve great environmental benefits by significantly reducing the number of single-use carryout bags in the City thereby encouraging retail customers to shift to reusable bags. However, as the DEIR notes, the ordinance structure proposed in Alternative 2 would differ from other single-use bag ordinances enacted by municipalities around Los Angeles, including Santa Monica, West Hollywood and the County of Los Angeles.[32]

20-7

Accordingly, we support both Alternatives 2 and 4 as the proposed policies most likely to change consumer behavior and promote broad use of reusable bags, but <u>urge the City to adopt Alternative 4 or the proposed ordinance with the modifications described in sections I and II of this letter.</u>

[26] Ibid: 106-109 (Alternative 3); 110-111 (Alternative 5).
[27] Ibid: 34.
[28] Ibid: 112.
[29] For example, if Alternative 3 only regulates plastic single-use bags, the alternative ordinance will not achieve the City's goal of "deterring the use of single-use paper carryout bags by retail customers in the City." Ibid: ii.
[30] Ibid: 102, 109.
[31] Ibid: 110.
[32] Ibid: 112.

Summary of Alternatives Discussion

In summary, any ordinance adopted by the City of Los Angeles must address usage of both paper and plastic bags in order to effectively manage the environmental and economic impacts associated with single-use bag waste. Thus, we do not support Alternatives 3 and 5, as written, for the reasons described above. If the alternatives are re-written to clarify that plastic and paper single-use bags are covered, we may revisit our support for these alternatives. Nor do we support selection of Alternative 1, as this alternative would not reduce consumption of plastic single-use bags and would not achieve any of the project objectives. We believe that Alternative 2 and Alternative 4 would result in strong environmental benefits throughout the City, and we urge the City to select one of these models as the environmentally preferable option in the FEIR. 20-8

IV. The FEIR should explore additional positive impacts to biological resources and water quality from the project

We strongly agree with the DEIR's assessment that the proposed ordinance would benefit biological resources and water quality in the City. We support the DEIR's analysis on the potential benefits of a single-use bag ordinance for biological resources in Los Angeles, including marine species, riparian species and seabirds. We also support the DEIR's analysis on the potential benefits of an ordinance in reducing the amount of litter that could enter storm drains and local waterways, thereby improving water quality. However, in both cases we recommend that additional positive impacts to biological resources and water quality from the proposed project be explored in the FEIR. 20-9

Biological Resources

We appreciate the City's incorporation of special status marine species in the Biological Resources impact analysis of the DEIR. In light of the potential environmental impacts of plastic bags throughout the North Pacific Gyre, we recommend the expansion of Figure 3.2-3 to include three additional marine species: the Short-tailed albatross (*Phoebastria albatrus*; federally endangered), the Stellar Sea Lion (*Eumetopias jubatus*; federally threatened) and the Guadalupe Fur Seal (*Arctocephalus townsendi*; federally threatened).[33] Discarded plastic single-use bags travel long distances via wind, through storm drains, urban waterways, and local ocean currents. Thus, the potential for plastic bags to negatively impact a variety of marine species with a distribution that includes the Los Angeles River, Ballona Creek, Santa Monica Bay, and Dominguez Channel watersheds and beyond is something that the DEIR should consider with respect to these species. 20-10

[33] California Dept. of Fish and Game. Biogeographic Data Branch. California Natural Diversity Database, *State & Federally Listed Endangered & Threatened Animals of California*. October 2009. Web. 15 Feb. 2013. <http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/TEAnimals.pdf>.

Water Quality

When plastic bags become litter, they frequently clog trash full capture devices like catch basins and screens. Plastic bags that block these devices render them ineffective and increase screen maintenance costs and local flood risks. The City of Los Angeles will continue to install full capture devices on the Los Angeles River and Ballona Creek in order to comply with trash total maximum daily loads ("TMDL") requirements. With proper maintenance, these capture devices combined with other actions to attain TMDL compliance will prevent trash of 5 mm in diameter or greater from entering a catch basin, and thus will prevent paper and plastic from entering Los Angeles' storm drain system. A ban on plastic bags will reduce the maintenance costs and allow the screens to function with reduced risks of screen blockage from bags. We recommend that the City expand its discussion of benefits of the proposed project of complying with TMDLs and carrying out trash-related stormwater runoff best management practices when evaluating the water quality impacts of the proposed ordinance. 20-11

V. Additional Comments

Proposition 26

The DEIR appears to discourage the selection of Alternative 5 (impose a fee on single-use plastic carryout bags) on the basis of Proposition 26, noting that the "imposition of a fee on single-use plastic carryout bags would be subject to Proposition 26 that requires a two-thirds voter approval of such a fee by a local government."[34] A required charge on plastic or paper bags at the point of sale does <u>not</u> contravene Proposition 26 and is mistakenly characterized as such in the City's DEIR. Therefore, Alternative 5 should not be eliminated on this basis.[35]

Both the California Appellate Court and the California Superior Court have already ruled on the validity of a fee or charge on single-use paper bags, as included in the Los Angeles County bag ordinance, in the case *Lee Schmeer et al. v. County of Los Angeles et al.* In the original lawsuit, plastic bag manufacturers sued Los Angeles County under Proposition 26, claiming that the County's single-use bag ordinance, which banned single-use plastic bags and placed a charge on paper bags, was subject to Proposition 26's voter approval requirements since the charge on paper bags allegedly constituted an unconstitutional "tax." Los Angeles County argued that the ordinance did not constitute an unconstitutional tax because, among other things, the charge on paper bags would be recouped by the stores who distribute the bags and not by the County. 20-12

On March 23, 2012, the Superior Court ruled that the County's ordinance, including its requirement that consumers who wish to purchase paper carryout bags pay $0.10 cents for each bag, is a valid exercise of the County's regulatory police power and is not a tax subject to the voting requirements of Proposition 26.[36] Petitioners/Plaintiffs appealed the Superior Court's decision.

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[34] City of Los Angeles. Dept. of Public Works, Bureau of Sanitation, *Draft Environmental Impact Report: Single-Use Plastic Carryout Bag Ordinance*. Jan. 2013:112. Print.
[35] However, *see* discussion of Alternative 5 in section III of this paper.
[36] <u>Lee Schmeer et al. v. County of Los Angeles</u> (2012) Los Angeles County Sup. Ct. No. BC470705.

On December 13, 2012, the Frank G. Wells Environmental Law Clinic at University of California Los Angeles Law School with the Surfrider Foundation, 5 Gyres Institute, Environment California, Heal the Bay, and Seventh Generation Advisors filed an amicus brief on behalf of the County and in support of the Los Angeles County ordinance (see attached). On February 21, 2013, the California Court of Appeal for the Second Appellate District affirmed the lower court judgment in favor of Los Angeles County, ruling that a fee that goes to a private entity can never be a "tax" under Proposition 26, even if the fee is compelled by the government.[37] 20-12 con't

In light of these rulings, the DEIR appears to mistakenly find that a required charge for plastic or paper bags at the point of sale triggers Proposition 26, and, as such, has failed to fully analyze the issue of a required charge on single-use bags. Thus, in the FEIR the City should re-evaluate Alternative 5, or any other relevant Alternatives, in light of the holdings in the aforementioned cases.

*****

Conclusion

In order to comprehensively address the impacts associated with single-use bags and achieve the stated objectives of the proposed project, any ordinance passed in Los Angeles must address usage of both paper and plastic (including compostable plastic) carryout bags and clearly define what would constitute a "reusable bag" and what would constitute a "plastic bag." As such, the comments presented herein should be carefully considered as the City drafts the ordinance and the FEIR. 20-13

We appreciate the City's commitment to reduce the economic waste and environmental impacts associated with single-use bag litter by drafting the proposed ordinance. We urge the City to complete the CEQA review process and bring the ordinance before the City Council for a final vote in short order. A single-use bag ordinance in the City is long overdue.

Sincerely,

/s/
Kirsten James, Water Quality Director
Heal the Bay

/s/
Miriam Gordon, California State Director
Clean Water Action/Clean Water Fund

/s/
Leslie Mintz Tamminen, Ocean Program Director
Seventh Generation Advisors

/s/
Angela Howe, Legal Director
Surfrider Foundation

/s/
Emily Utter, Policy Director
Bag It

/s/
Brad Hunt, Program Manager
Save Our Shores

[37] Lee Schmeer et al. v. County of Los Angeles (2013) _Cal. 2d._.

/s/
Nathan Weaver, Oceans Advocate
Environment California

/s/
Stuart Moody, Board President
Green Sangha

/s/
Stiv Wilson, Policy Director
The 5 Gyres Institute

/s/
Mati Waiya, Executive Director
Wishtoyo

/s/
Daniella Dimitrova Russo, Executive Director
Plastic Pollution Coalition

/s/
Liz Crosson, Executive Director
Los Angeles Waterkeeper

/s/
Christopher Chin, Executive Director
The Center for Oceanic Awareness, Research, and Education (COARE)

/s/
Marce Gutiérrez, Executive Director
Azul

Enclosure

21. Lee, Mandy, Director, Government Affairs, California Retailers Association. March 8, 2013.

Comment 21-1

Your support for elements of the proposed ordinance, including a six-month grace period for larger retailers, requiring a charge on paper carryout bags, and the ordinance's applicability to a limited class of retailers, is acknowledged. Your suggestion that a mechanism should be included to allow the classes of retailers not presently included in the ordinance to opt-in to the requirements if they so choose, is acknowledged, even though the proposed ordinance does not prevent any retailer from implementing these regulations on a voluntary basis.

Comment 21-2

Your support for Alternative 3, which considers a higher fee on single-use paper carryout bags, is acknowledged. In addition, your support for Alternative 5, which considers a fee on single-use plastic carryout bags, to discourage the use of plastic carryout bags and allow compostable plastic carryout bags, which carry much higher cost to retailers, is acknowledged. The proposed ordinance includes a following definition of a single-use plastic carryout bag: "A "plastic single-use carryout bag" means any bag provided to a customer at the point of sale which is made predominantly of plastic derived from either petroleum, natural gas, or a biologically-based source, such as corn or other plant sources, whether or not such bag is compostable and/or biodegradable".

Comment 21-3

Your opposition to Alternative 2, which considers banning both plastic and paper single-use carryout bags, is acknowledged.

Comment Letter 21

CALIFORNIA RETAILERS ASSOCIATION
980 NINTH STREET, SUITE 2100 SACRAMENTO, CA 95814
(916) 443-1975 CALRETAILERS.COM

March 8, 2012

Karen Coca
Divison Manager
Solid Resources Citywide Recycling Division
Bureau of Sanitation, City of Los Angeles
1149 S. Broadway 5th Floor MS #944
Los Angeles, CA 90015
Fax: (213) 485-3671
Email: srcrd@lacity.org

RE: Additional Comments for Draft EIR

Dear Ms. Coca:

The California Retailers Association (CRA) appreciates the opportunity to provide additional comment and feedback on the proposed City of Los Angeles Single-Use Bag Ordinance as a supplement to the comments previously submitted.

The California Retailers Association is the only statewide trade association representing all segments of the retail industry including general merchandise, department stores, mass merchandisers, supermarkets, fast food restaurants, chain drug and convenience stores, as well as specialty retailers such as auto, book and home improvement stores. CRA works on behalf of California's retail industry, which currently operates over 164,200 stores with sales in excess of $571 billion annually and employing 2,776,000 people – nearly one fifth of California's total employment.

Comment

Based upon the project summary provided in the Draft EIR, there are elements of the proposed ordinance that we support and would appreciate seeing in the final version of the ordinance that will be voted on by the City Council. CRA appreciates the six-month grace period for large retailers, which will allow them to phase out their existing stock of plastic carryout bags while allowing the City additional time to educate the public and the retail community about these policy changes.

Requiring a charge on paper bags is a critical piece in cost recovery for retailers and has been a uniform standard in all bag ordinances that have adopted thus far. We also appreciate that the ordinance only applies to a limited class of retailers, namely grocery and pharmacies, recognizing that retailers that sell durable goods do not distribute large amounts of single-use bags to consumers. However, a mechanism should be included to allow these other classes of retailers to opt-in to the requirements if they choose to. Lastly, we appreciate that the proposed ordinance exempts produce, pharmacy and garment bags, a standard exemption that CRA has seen in other local ordinances. 21-1

With regard to the proposed alternatives outlined in the Draft EIR, we can support Alternative 1, which proposes that the ordinance not be adopted and implemented. Although realizing that it is an environmental goal of the City to move forward with a bag ordinance, here are alternatives that CRA can 21-2

support as part of this proposal. We support Alternative 3, which would impose a higher fee on single use paper carryout bags. As noted above, paper bags are much more expensive than plastic bags and we view

allowing an increased fee on paper as an important cost-recovery mechanism for our members. Also, as noted in the Draft EIR, placing a higher fee will discourage the use of paper bags, which will carry additional environmental benefits.

21-2 con't

Additionally, we would support Alternative 5, which would impose a fee on single-use plastic carryout bags. Not only would this discourage the use of plastic carryout bags while still making them available, it would also allow green, compostable single-use carryout bags to be available to consumers. These compostable bags are still environmentally friendly but carry a much higher cost to retailers. Alternative 5 would allow retailers to impose a fee for the distribution of these bags.

However, we have strong objections to Alternative 2, which would ban both paper and plastic single-use carryout bags. It has always been our position that consumers deserve the option of having paper bags available to them for a fee. Consumers in need of bag that may have forgotten their reusable bag at home would be forced to either purchase additional reusable bags that they may not need or to carry their products out of the store by hand. Removing this option would create confusion and anger among consumers, which is a concern from our members.

21-3

Thank you for your time and effort on crafting this ordinance. If you have any questions, please contact Mandy Lee at (916) 443-1975.

Sincerely,

Mandy Lee
Director, Government Affairs

From:CA Retailers Assoc 19164414218 03/11/2013 09:25 #190 P.002/002

22. Talalla, Ida, Founder-Coordinator, Echo Park TAP. March 11, 2013.

Comment 22-1

Your support of the proposed ordinance for the reasons that a single-use plastic bag ban will reduce litter, decrease landfill disposal, lessen harm to wildlife and marine life, and benefit water resources, is acknowledged. Please note that the Draft EIR does not evaluate or discuss fiscal costs, as these are outside the scope of environmental review required by the California Environmental Quality Act.

From: <idatalalla@aol.com>
Date: Mon, Mar 11, 2013 at 2:02 PM
Subject: Public Comments: Single- Use Carryout Bag Ordinance
To: Karen.Coca@lacity.org

Ms. Karen Coca,
Division Manager
Solid Resources Citywide Recycling Division,
Bureau of Sanitation,
City of Los Angeles.

Dear Ms. Coca:

Public Comments from: Echo Park TAP (Trash Abatement Project)

Comment

Echo Park TAP, a community based organization in Echo Park, has worked to reduce the blight and impact of trash in the community by organizing trash clean ups, working with other organizations (Heal The Bay on California Coastal Clean Up Day, Central City Action Committee and LA Conservation Corp) as well as securing grants for the purchase of Solar Big Bellys (solar powered compactor trash cans) through grants from Office of Community Beautification and Keep Los Angeles Beautiful. These efforts have demonstrated the need to reduce the impact of trash on the environment, especially since our area storm drains empty into Echo Park Lake, the LA River and Ocean.

The Ban on Single-use Carryout Bags is one that Echo Park TAP is supportive of as the cumulative impact to the environment and cost to manage disposal has to addressed sooner than later. The time is now. Furthermore, towns/cities that have banned single use bags have proven the public's willingness to meet obligations and the success of such efforts.

2. The EIR provides adequate arguments/data for the area involved as well as articulates materials used for the incoming replacement multiple use bags together with provisions to limit any damage from dripping/leaking items being transported and durability of material to be used. 22-1

3. The EIR also includes the fiscal costs of disposing single use bags in land fill, even if the public becomes more responsible about where and how it discards single use bags. The cost is unlikely to be reduced or additional land fill space located with any ease. As such the ban now leads to a more sustainable future

Arguments have been made that those in poorer communities will bear the financial impact of the ban. However, it is in these poorer communities that single use bags contribute to visual blight with little respite in sight.

4. Less visible to a majority of the shopping public is the impact of single use plastic shopping bags on wildlife and marine life. A ban will greatly reduce or reduce this impact and as such the ban should be considered without delay.

5. Water is a limited resource and its pollution should be avoided. The ban addresses this issue at a number of levels.

With thanks,

Ida Talalla
Founder-Coordinator
Echo Park TAP
P.O.Box 26110,
Los Angeles,
CA 90026.

23. Rita, Patrick, Renewable Bag Council (RBC), representing manufacturers and converters of renewable, recycled, recyclable, and compostable Kraft paper used for checkout bags at grocery and retail outlets. March 11, 2013.

Comment 23-1

Air quality and greenhouse gas (GHG) emissions were estimated using the assumption that approximately 609 million paper carryout bags would replace approximately 30% of the plastic carryout bags currently used in the City. This 1:1 replacement ratio was used to present the most conservative or "worst-case" theoretical scenario of potential impacts, since, as stated in the Draft EIR, the volume of a single-use paper carryout bag is generally greater than the volume of a single-use plastic carryout bags. It is possible that the number of paper bags used after the implementation of the proposed ordinance would be smaller than that identified in Table 3.1-5, which represents this most conservative scenario. However, even with this "worst-case" scenario, the air quality analysis determined that the proposed ordinance would reduce emissions associated with ground level ozone and atmospheric acidification, and would result in a beneficial impact related to regional air quality emissions.

In addition to the "worst-case" scenario, the Draft EIR included an analysis of air quality and GHG emissions based on data collected by the County of Los Angeles after the County's Single-Use Bag Ordinance was enacted.

According to data collected by the County of Los Angeles after the County's Single-Use Bag Ordinance was enacted, approximately 125,000 paper bags were provided annually per large store compared to approximately 2.2 million plastic bags and 196,000 single-use paper bags provided per store prior to the ordinance going into effect in the third quarter of 2011. Single-use paper carryout bag usage continues to decline with an overall reduction of 34% between 2009 and the first quarter of 2012, including a nearly 13% reduction occurring within the first three quarters of the year following the enactment of the ordinance[158]. Since then, the County of Los Angeles has released further information that in third quarter of 2012, annual paper bag usage per store declined to approximately 121,000 per store. The data indicate that the use of paper carryout bags in large stores not only did not temporarily increase as a result of a ban of single-use plastic carryout bags, but actually decreased significantly after the enactment of the ordinance. As with the County of Los Angeles, a similar effect is anticipated to occur within the City of Los Angeles. Therefore, it is anticipated that within one year, emissions that contribute to ground level ozone and atmospheric acidification would be reduced by approximately 27,665 kg per year - a 59% reduction, and to atmospheric acidification a reduction of approximately 17,081 kg per year – a 42% reduction.

And, based on that data, it is anticipated that as a result of the proposed ordinance, within one year, GHG emissions associated with the manufacturing, transportation and disposal of carryout bags used in the City would be approximately 75,329 metric tons of CO_2e per year. This represents the per capita increase of approximately 0.006 metric tons of CO_2e per person (a reduction of over 25% in comparison with the "worst case" scenario), which would be less than

[158] County of Los Angeles, Department of Public Works, July 2012 and March 2013. http://dpw.lacounty.gov/epd/aboutthebag

the State target emission rate of 9.6 metric tons of CO_2e per capita. Therefore, the project impact would be less than significant.

Reduction in the number of paper bags used due to the paper bag's larger carrying capacity would further reduce emissions associated with ozone and atmospheric acidification and would therefore support the Draft EIR conclusions that the project impact on air quality will be beneficial and the project impact on GHG emissions will be less than significant. In addition, the air quality analysis in the Draft EIR, determined that emissions associated with a "worst-case" scenario of additional truck trips delivering paper and reusable bags, if any, would be negligible and substantially below the South Coast Air Quality Management District daily significance thresholds, and therefore, impact will be less than significant. The Draft EIR also included information that: "However, while the recycled paper and reusable bags may be delivered in dedicated loads to regional distributors who then distribute the bags for deliveries within the City of Los Angeles, the bags are typically delivered to supermarkets and retail stores as part of larger mixed loads of groceries and merchandise[159]. Therefore, there may not be an actual net increase in truck traffic from the change in bag use, particularly since paper and reusable carryout bags could be included more frequently in regular mixed load deliveries to the grocery stores, supermarkets, and other retail stores. Therefore, impact related to truck emissions, if any, would be less than significant."

Also, please note as explained in the Draft EIR: **"**This EIR is an informational document to be used by decision makers, public agencies, and the general public. It is not a policy document of the City of Los Angeles (City). The EIR will be used by the City of Los Angeles in assessing the impacts of the proposed project prior to taking action on the project." The 11 environmental issue areas were addressed in the Draft EIR based on the Initial Study and Notice of Preparation of the Draft EIR process conducted by the City of Los Angeles that identified these areas for further analysis in the Draft EIR.

Comment 23-2

The comment that the *Life Cycle Assessment for Three Types of Grocery Bags – Recyclable Plastic; Compostable, Biodegradable Plastic; and Recycled, Recyclable Paper Report* prepared by Boustead Consulting and Associates was commissioned by makers of plastic film to support their contention that plastics are environmentally superior to paper and reusable bags, is noted. The information that this report was commissioned by makers of plastic film has been included the Final EIR.

As addressed in Response to Comment 23-1, the analysis based on the assumption that plastic and paper bags have a 1:1 capacity ratio represents a consideration of a conservative "worst-case" theoretical scenario of potential impacts. The Draft EIR also included an analysis based on current, actual data collected by the Los Angeles County following the implementation of a similar ordinance that represents the anticipated project impacts. As indicated in the response

[159] City of San Jose Single-Use Carryout Bag Ordinance EIR, October 2010.

above, reduction in the number of paper bags used due to the paper bag's larger carrying capacity would further reduce emissions associated with ozone and atmospheric acidification and therefore would support the Draft EIR conclusions that the project impact on air quality will be beneficial and the project impact on GHG emissions will be less than significant.

Comment 23-3

The comment states that the GHG analysis did not assess the implications of paper bags being made from renewable, carbon-sequestering forests. The analysis in the Draft EIR considered a conservative theoretical scenario of potential impacts and as addressed in Response to Comment 22-1, the Draft EIR also included an analysis based on current actual data collected by the Los Angeles County that represents the anticipated project impacts. Reducing the GHG emission rate associated with paper bags to account for carbon sequestration would reduce the net change in GHG emissions associated with paper bags, which would not change the Draft EIR analysis conclusion of that project impact associated with GHG emissions would be less than significant.

Comment 23-4

The comment suggests that the ban on single-use plastic carryout bags and imposition of a ten-cent fee on paper carryout bags within the City of Los Angeles will somehow significantly alter the "forest economics in the US" which would ultimately result in "permanent deforestation" of private commercial forests. While this opinion represents the RBC's position as representatives of Kraft paper manufactures and converters, the proposed ordinance does not ban carryout paper bags and such bags would continue to be used within the City.

Moreover, the analyses of project impacts in the Draft EIR considered the replacement of the banned single-use plastic carryout out bags with both paper and reusable bags. The comment further states that the Draft EIR's "conclusion that reducing or eliminating paper bags will somehow benefit the forests or save trees is not based on fact". The Draft EIR analysis (page 51) does not conclude that the proposed ordinance would result in a beneficial effect on forest resources or that it would "save trees". The Draft EIR analysis concluded that the implementation of the proposed ordinance would result in a less than significant (adverse) impact on forest resources.

Comment 23-5

The RBC's objections to Alternative 2 (Ban Both Plastic and Paper Single-Use Carryout Bags) and Alternative 3 (Impose a Higher Fee on Single-Use Paper Carryout Bags) is acknowledged.

March 11, 2013

Ms. Karen Coca, Division Manager
Solid Resources Citywide Recycling Division/Bureau of Sanitation
1149 S. Broadway, 5th Floor, Mail Stop 944
Los Angeles, CA 90015.

Dear Ms. Coca:

Comment

The Renewable Bag Council[i] (RBC) appreciates the opportunity to share our comments on the draft Environmental Impact Report prepared to assess potential effects of the proposed bag ordinance for the City of Los Angeles.

The RBC has a number of concerns with the draft report prepared by Parsons Brinkerhoff. Primary among them is the report's assumption that the capacity of a single plastic bag equals the capacity of a single paper bag. In table 3.1-5 on pg. 22, the report acknowledges the larger volumetric capacity of the paper bag compared to a plastic bag yet it proceeds to base its paper to plastic substitution ratio at 1 to 1. This flawed assumption skews the overall findings of the report and serves only to artificially expand the environmental footprint of the paper bag. Our member companies, which serve both the grocery and consumer product retail markets, have conducted exhaustive in-store comparative analyses on how paper and plastic bags are packed at check-out. Based on our real-world operational data, a conservative substitution rate is 2.5 plastic bags to 1 paper bag and in many cases 3 to 1. Conducting the environmental analysis on real world substitution rates would yield a vastly different conclusion on the impacts of paper across the 11 environmental metrics that the consultant has chosen to analyze—including key metrics like truck trips. 23-1

Another aspect of this report that raises concerns is its reliance on a 2007 life cycle assessment titled "Life Cycle Assessment for Three Types of Grocery Bags—Recyclable Plastic; Compostable, Biodegradable Plastic; and Recycled, Recyclable Paper," 2007. The report, known as the Boustead report after its author, was commissioned by makers of plastic film to support their contention that plastics is the environmentally superior alternative to paper and reusables. Predictably, the report arrives at this exact conclusion. As with Parsons Brinckerhoff, the Boustead analysis begins with the faulty premise that plastic and paper bags have the same capacity. Again, this assumption skews the report's findings and yields misleading conclusions about the performance of paper in the environment. The report is so pro-plastic that the American Progressive Bag Alliance, the trade group representing plastic film producers and housed within the Society of the Plastics Industry, prominently promotes the report on its website. 23-2

See http://plasticsindustry.org/APBA/Paper/index.cfm?navItemNumber=8755. We simply request that if the Bureau of Sanitation is committed to assessing life cycle impacts of bag options now in the marketplace, it not rely on plastics industry-financed studies to form the basis of this assessment. 23-2 (cont.)

The draft report's analysis of greenhouse gas emissions appears to omit a key and unique attribute of the paper bag—carbon sequestration. The report cites that "manufacture, use and disposal" were the areas that were evaluated in assessing green house gas emission levels. Where the paper bag distinguishes itself from its competitors, however, is the source from which the bag is made—renewable, carbon sequestering forests. Carefully managed forests and forest products store approximately 10 percent of annual U.S. carbon dioxide emissions and thus play a pivotal role in reducing climate change impacts. As you know, fossil fuels serve as the feedstock for manufacturing plastic and reusable bags. We believe that any comparative evaluation of the environmental performance of bags must examine the feedstock from which the product is manufactured and/or converted. 23-3

Regarding the forest resources section of the draft, the discussion misses a key point regarding forest economics in the U.S. A little known fact is that over half of the forestland in this country is privately held and that many of these landowners are families with parcels of 300 acres or fewer. All private forest owners depend on an economic return on their investment to keep their forested acres forested. Demand for forest products-whether in the form of paper bags, envelopes, newsprint, or lumber-is the engine that drives the forest growing cycle. Without markets for forest fiber, these landowners will inevitably find alternatives for recouping their investment. These alternatives are typically either conversion to row crop agriculture or sale of the property for development, resulting in permanent deforestation. Given this, the report's conclusion that reducing or eliminating paper bags will somehow benefit the forests or "save trees" is not based on fact. 23-4

Additionally, according to the U.S. Forest Service, the country has more forested acres today in 2012 than we did in 1953. Strong demand for forest products is a key reason why our private forests continue to thrive in the U.S.

In addition to our concerns about faulty assumptions in the report and reliance on plastics industry data to make assessments about our product, we object to some of the policy alternatives that the report recommends. These alternatives include banning both plastic *and* paper bags as well as increasing fees on paper. The message that the Renewable Bag Council has carried to the many jurisdictions in and outside of California that are considering bag policies is that paper is not part of the problem these policies are trying to solve. The paper bag is recyclable, recycled, renewable and compostable. The paper bag is not part of the litter (marine and roadside) problem that has driven this debate. As such, we would welcome an opportunity to visit with you and Parsons Brinkerhoff to discuss our industry and our product's attributes and performance characteristics. The RBC was not consulted during preparation of this report. We firmly believe that a final report that encompasses a better understanding of 23-5

the paper bag and the paper industry (from feedstock sourcing to disposal) will result in improved public policy for the citizens of Los Angeles. 23-5 (cont.)

As always, we stand ready to assist you and offer our expertise as a resource as you continue the dialogue on this important issue.

Contact: Patrick Rita
1211 Connecticut Avenue, NW
Suite 600
Washington, D.C. 20036
(ph) 202/261-1324

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[i]The Renewable Bag Council (RBC) is comprised of manufacturers and converters of renewable, recycled, recyclable, and compostable Kraft paper used for checkout bags at grocery and retail outlets throughout California and across the United States. The RBC is affiliated with the American Forest & Paper Association (AF&PA). AF&PA is the national trade association for the forest products industry, representing pulp, paper, packaging and wood products manufacturers, and forest landowners. Our companies make products essential for everyday life from renewable and recyclable resources that sustain the environment. The forest products industry accounts for approximately 4.5 percent of the total U.S. manufacturing GDP, manufactures approximately $190 billion in products annually, and employs nearly 900,000 men and women. The industry meets a payroll of approximately $50 billion annually and is among the top 10 manufacturing sector employers in 47 states. In California, the industry employs more than 51,100 individuals and has over 480 paper manufacturing facilities.

24. Stein, Steven R., Principal, Environmental Resources Planning, LLC. March 11, 2013.

Comment 24-1

The comment states that single-use plastic bags comprise less than one percent of litter, based on random sampling litter surveys, including the 2009 National Litter Study designed and managed by the commenter. The excerpts of the Executive Summary from the 2009 National Litter Study attached to the comment letter appears to provide data for litter found along U.S. freeways, and the study's focus appears to be on roadway litter. There is very little information provided about litter on city streets and none about litter in waterways. Based on the commenter's statement that "percentages for categories such as plastic bags constituted such a minute portion of roadside litter that were not specifically addressed in the 2009 National Litter Study," it appears that the data provided in the comment are limited to the specific highway and arterial roadway context, which is a small part of the context of the Draft EIR analysis.

The information included in the Draft EIR that plastic bag litter comprises up to 25% of the litter stream entering the Los Angeles River Watershed is based on actual numbers of single use plastic carryout bags collected during the Los Angeles River Cleanup, not random sample surveys.

The Draft EIR also cites the Green Cities California, Master Environmental Assessment on Single-Use and Reusable Bags, 2010, which determined that a large percentage of single-use plastic carryout bags end up as litter [160].

The California Integrated Waste Management Board, now known as the California Department of Resources Recycling and Recovery (CalRecycle), estimates that plastic bags comprise 0.4 percent of California's total waste stream by weight, but contribute significantly to litter, especially within catch basins (openings in the curb into which stormwater flows).

Due to their lightweight nature and the fact that they do not biodegrade, plastic bags are more likely than reusable bags to end up as litter and to impact water quality locally and globally. Most of the trash in the ocean is plastic. (Gordon, Eliminating Land-Based Discharges of Marine Debris in California: A Plan of Action from the Plastic Debris Project (Cal. Coastal Com. 2006) reporting that 60 to 80 percent of all marine debris, and 90 percent of all floating debris, is plastic.[161] Plastic pollution is found floating in all of the world's oceans from the polar regions to the equator. (Allsopp et al., Greenpeace, *Plastic Debris in the World's Oceans* (2006) [162]. Over the past twenty-five years, plastic bags have been one of the top items collected on International Coastal Cleanup Day. (Ocean Conservancy, Tracking Trash: 25 Years of Action for the Ocean (2011)[163]. The Ocean Conservancy reports that, on International Coastal Cleanup Day in 2010, plastic bags were the most commonly collected item after cigarettes and plastic bottles, accounting for 10% of total debris items collected worldwide. See also the Ocean Conservancy's

[160] Green Cities California, Master Environmental Assessment on Single-Use and Reusable Bags, 2010.
[161] <www.plasticdebris.org/CA_Action_Plan_2006.pdf>.
[162] <http://www.unep.org/regionalseas/marinelitter/ publications/docs/plastic_ocean_report.pdf >.
[163] *Available at* <http://act.oceanconservancy.org/pdf/ Marine_Debris_2011_Report_OC.pdf>.

"Ocean Trash Index (2012)" which reports that over 64,000 plastic bags were collected in California on International Coastal Cleanup Day in 2012[164].

San Jose, California's third largest city, was motivated to restrict single-use bags by trash-impaired local waterways and the urban blight caused by litter. Since January 2012, San Jose's "Bring Your Own Bag" ordinance has prohibited all single-use bags except for recycled-content paper bags, which consumers must purchase for 10 cents (until 2014, when the purchase requirement increases to 25 cents). As of November 2012, San Jose reports "downward trends in presence of single-use plastic bags in street, storm drain, and creek litter, and an upward trend in use of reusable bags by shoppers. The City of San Jose's 2012 litter surveys indicate that plastic bag litter has been reduced by "approximately 89 percent in the storm drain system, 60 percent in the creeks and rivers, and 59 percent in City streets and neighborhoods, when compared to [pre-ordinance] data[165].

[164] *Available at* <http://www.oceanconservancy.org/our-work/marine-debris/ 2012-icc-data-pdf.pdf>.
[165] (Kerrie Romanow, City of San Jose, mem. to Transportation & Environment Com. re: Bring Your Own Bag Ordinance Implementation Results and Actions to Reduce EPS Foam Food Ware, November 20, 2012.

To Whom It May Concern,

ER Planning Report Brief: Plastic Retail Bags in Litter

I am the Principal of Environmental Resources Planning, LLC. Our firm focuses on litter-related surveys and studies. I led the design and project management of Keep America Beautiful's ("KAB") *2009 National Litter Study*. That study found that plastic bags of all types comprise only 0.6 percent of litter. Percentages for categories such as plastic bags constituted such a minute portion of roadside litter that they were not specifically addressed in the *2009 National Litter Study*.

National, state and city-wide litter surveys conducted with statistically-based scientific methodologies have clearly established that plastic retail bags continue to comprise a small percentage of litter and the waste stream. Our staff have planned and conducted a number of recent litter surveys. These statistically-based studies were conducted with scientific rigor using trained professionals. Data and methodologies were explained in detail to allow review by interested parties and affected stakeholders.

Litter surveys showing unusually high rates of items such as plastic bags were usually conducted by volunteers rather than professional staff. These surveys typically lacked random sampling and standard statistical methods. At times, material categories were not consistent. While such studies have helped create the awareness of litter's impacts, their limitations have, in some cases, resulted in erroneous depictions of plastic retail bags as a component of the overall litter stream. 24-1

Retail Plastic Bags in Recent Litter Surveys

#	Survey	Year	Percent	#	Survey	Year	Percent
1	Toronto	2012	0.8%	11	Durham	2003	0.3%
2	Edmonton	2011	1.1%	12	Peel	2003	0.1%
3	Alberta	2009	0.0%	13	York	2003	0.4%
4	San Francisco	2008	0.6%	14	Toronto	2002	0.6%
5	San Jose	2008	0.4%	15	Florida	2002	0.5%
6	KAB	2008	0.6%	16	Florida	2001	0.7%
7	Alberta	2007	2.0%	17	Florida	1997	0.6%
8	San Francisco	2007	0.6%	18	Florida	1996	1.0%
9	Toronto	2006	0.1%	19	Florida	1995	0.7%
10	Toronto	2004	0.2%	20	Florida	1994	0.6%

As shown in the table above, recent science-based litter surveys using random sampling methodologies consistently found that retail plastic bags comprise a minor portion of litter, usually less than one percent.

Steven R. Stein, Principal
Environmental Resources Planning, LLC

ER PLANNING

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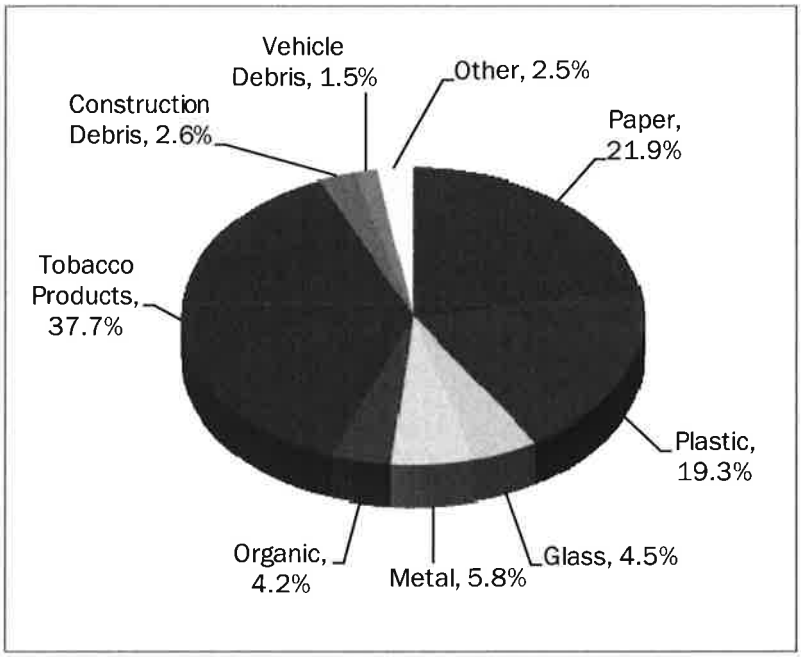
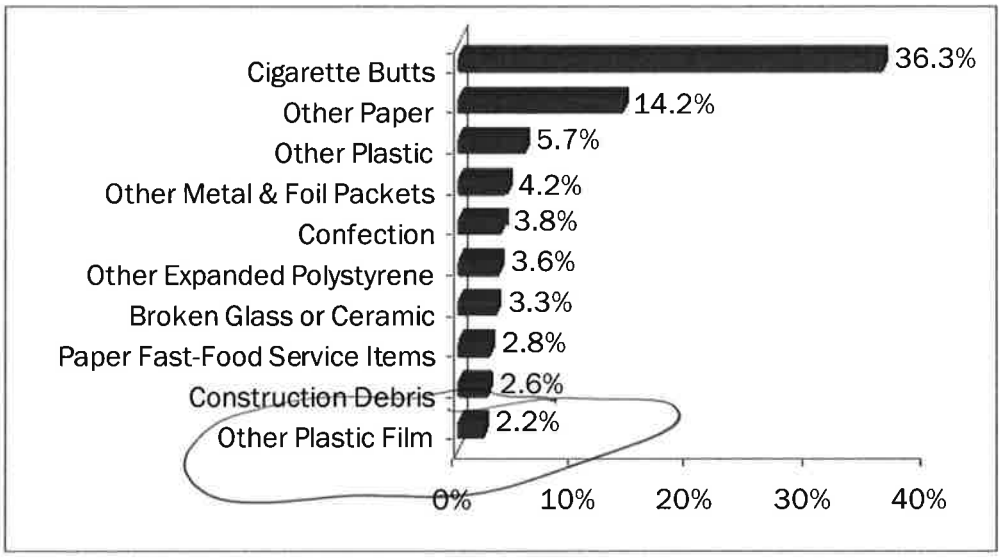
Figure ES-1 Aggregate Composition of Litter, All U.S. Roadways



As expected based on past litter studies, tobacco products – primarily cigarette butts (but can include cigars, chewing tobacco, and packaging among other items), are the single largest type of litter (38%), followed by paper (22%) and plastic items (19%).

Figure ES-2 on the following page highlights the top ten individual types of litter, which collectively contribute 40.3 billion pieces of litter. Results are shown in terms of the number of pieces per mile of roadway. Consistent with prior litter studies, cigarette butts continue to be the most common litter item by a wide margin. The presence of confection litter and paper fast-food items on this list is notable. In total, these top ten litter items make up 79 percent of all litter.

Figure ES-2 Top 10 Aggregate Litter Items, All U.S. Roadways



ES 3.3. Quantity of Litter by Roadway Type

Table ES-1 summarizes the breakdown of litter by roadway type. The total litter items shown in this table are driven to a great degree by the underlying roadway miles for each road type. However, there is a greater amount of litter on national and state roads compared to county and municipal roads.

Table ES-1 Aggregate Litter Incidence by Roadway Type

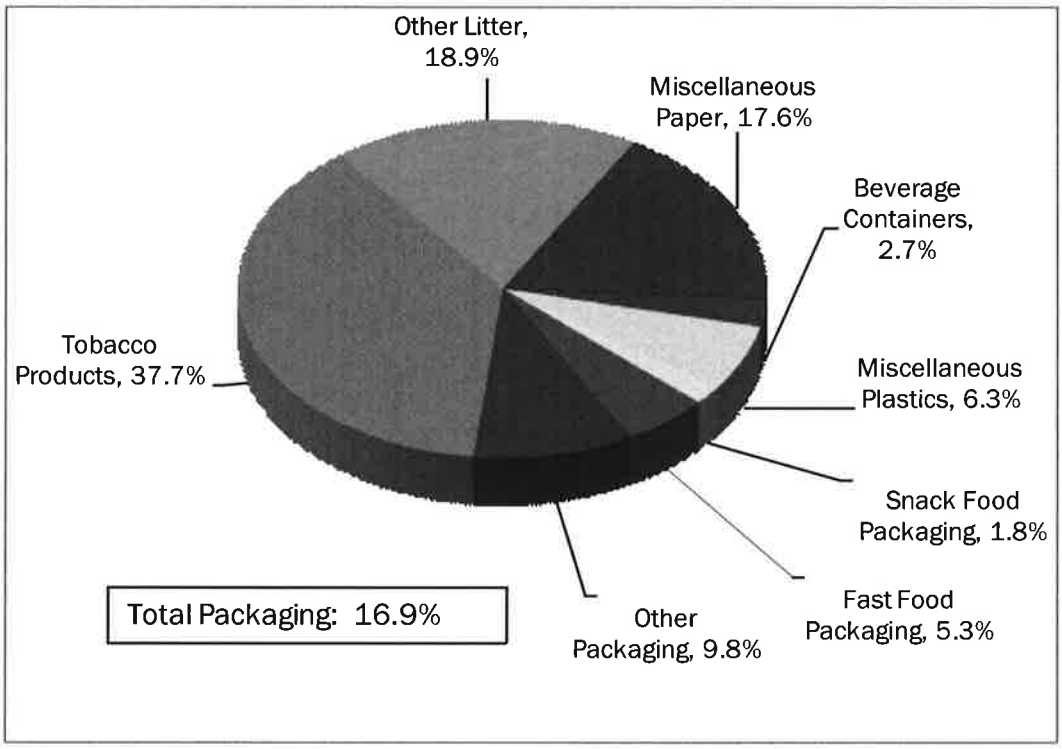
Roadway Type	Average Items per Mile	U.S. Road Shoulder Miles	U.S. Litter (billion)
Urban Roads	7,784	1,983,892	15.4 billion
Rural Roads	6,357	5,621,252	35.7 billion
Subtotal	*6,729*	*7,605,144*	*51.2 billion*
National Roads	19,186	93,216	1.8 billion
State Roads	13,011	1,461,288	19.0 billion
County Roads	5,539	3,562,828	19.8 billion
Municipal Roads	4,277	2,487,812	10.6 billion
Subtotal	*6,729*	*7,605,144*	*51.2 billion*
All Roads	**6,729**	**7,605,144**	**51.2 billion**

As shown, including the shoulders of roads to a 15 foot depth, U.S. roadways in general have 6,729 items of litter per mile or about 1.3 pieces per foot. These data show:

- **Urban v. Rural**: Rural roads and urban roads were found to have a roughly comparable litter items per mile, but rural roads contribute about 2.3 times more litter because there are many more road miles.

from any of these sources (especially from tobacco products) could have significant positive consequences.

Figure ES-4 Litter Types of Interest (Aggregate)



ES 3.6. Comparisons with 1969 National Litter Survey

Another goal of this project was to compare the roadway results of the 2009 Study to a similar national litter survey that had been conducted in 1968 and 1969, also sponsored by KAB. In order to align differences in the methodologies of each study, results from the 1969 study were compared to large litter items (four inches) on rural interstates and rural primary roads sampled in 2008. It is important to note that the U.S. population has increased from 200 million people in 1969 to 300 million in 2008 – an increase of 50 percent. All else being equal, it would be expected that the number of litter items per mile would increase by roughly the same percentage as the overall population. The number of litter items per mile has therefore been normalized to account for the impact of population growth on littering. Figure ES-5 and Table ES-2 compare the ROW-adjusted, population-normalized 1969 Study results to the 2009 Study results.

Figure ES-5 Change in Visible Litter on Rural Interstates and Primary Roads Since 1969

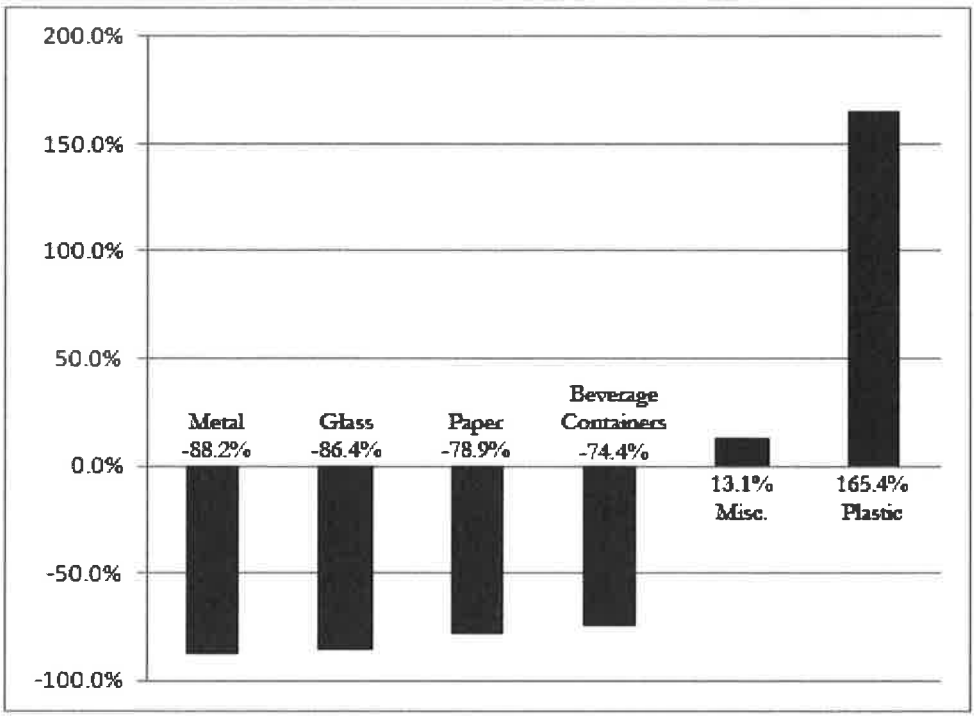


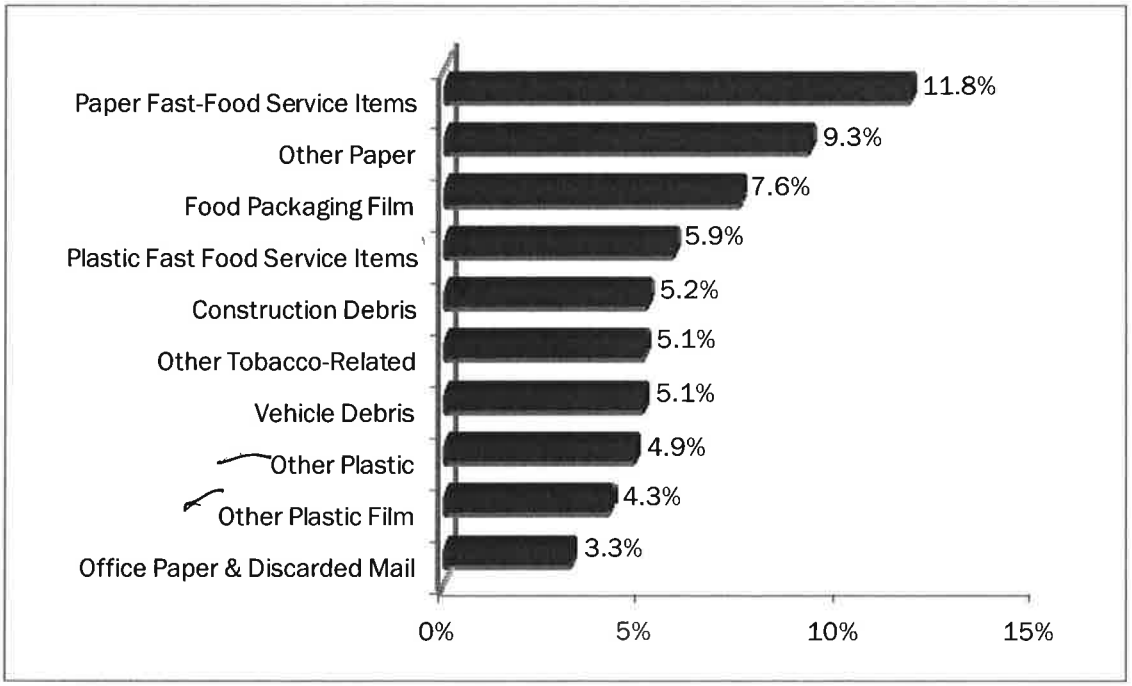
Table ES-2 Comparison of 1969 and 2009 Study Results: Visible Litter on Rural Interstates and Primary Roads [1]

Material	Change in Litter
Paper	-78.9%
Metal	-88.2%
Plastic	165.4%
Misc	13.1%
Glass	-86.4%
Total	**-61.1%**
Beverage Containers [2]	-74.4%

[1] The results in this table are based on a comparison of the results of the 1969 and 2009 National Litter Studies. In order to enable reasonable comparisons, the 1969 Study data was statistically adjusted to capture only the first 15 feet of the right-of-way, and results were also normalized to account for the 50 percent growth in population that occurred from 1969 to 2008.

[2] Beverage containers were segregated in both the 1969 and 2009 Studies and are shown separately. In the case of beverage containers only, data from the 2009 Study includes all beverage containers, regardless of size (e.g. 4" and greater and less than 4"). Because beverage containers are recognizable in their own specific category, it was considered likely that the surveyors from the 1969 Study counted all beverage containers – regardless if they had been crushed or were still intact.

Figure 3-4 Top 10 4-inch-plus Litter Items, All U.S. Roadways



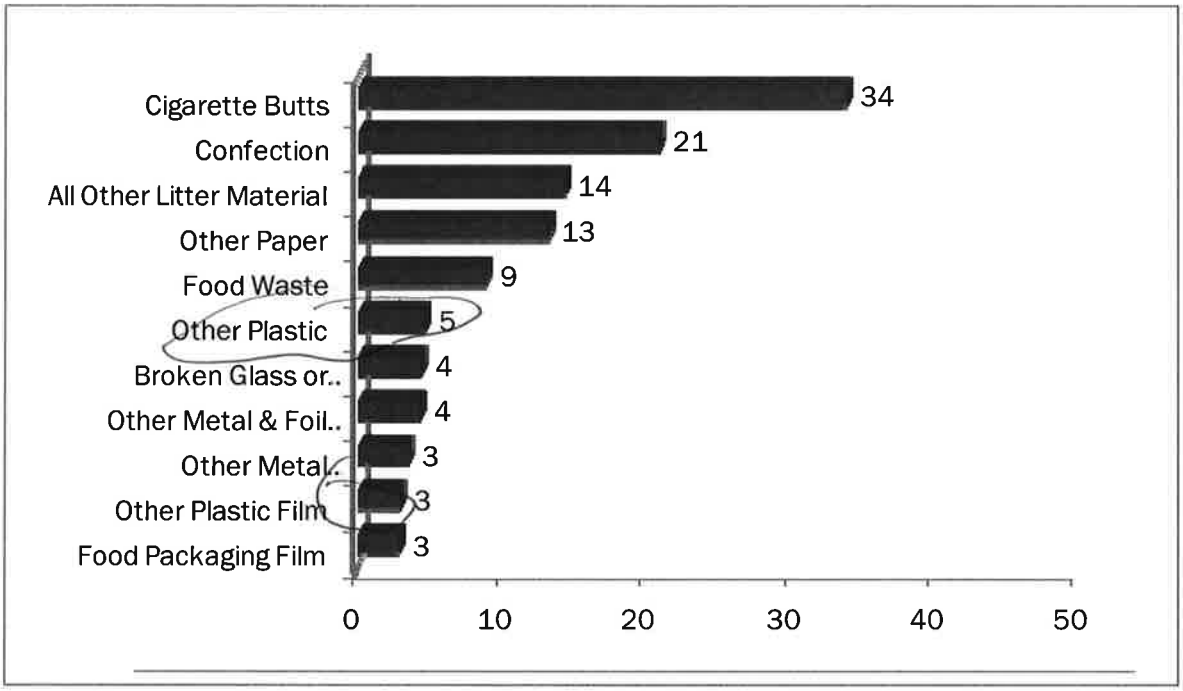
In addition to the aggregate composition of litter and the top ten aggregated litter items, KAB identified several classes of litter that are of particular interest to the field of study. These classes of litter are Miscellaneous Paper, Miscellaneous Plastic, Fast Food Packaging, Beverage Containers, Snack Food Packaging, Other Packaging and Tobacco Products. Together, these litter classes make up 80 percent of all litter, comprising over 40 billion litter items. The aggregate breakdown of these materials is shown in Figure 3-5.

However, unintentional sources of litter – such as debris escaping from commercial refuse collection trucks as they drive their routes in residential communities – may not get the level of attention commensurate with their contribution to the problem. Consequently, programs may, at times, spend inordinate amounts of their allocated budgets targeting only one source of litter and leave other significant sources inadequately addressed. Litter reduction programs can become more effective once sources are more clearly identified for targeting.

Table 2-1 Litter Material Categories

Material Group	Material Category	Material Group	Material Category
Paper	OCC	**Plastic**	Plastic Soft Drink Bottles
	Kraft bags		Plastic Wine & Liquor Bottles
	Office Paper & Discarded Mail		Plastic Sports & Health Drink Bottles
	Newspaper & Inserts		Plastic Juice Bottles
	Magazines & Books		Plastic Tea Bottles
	Advertising Signs & Cards		Plastic Water Bottles
	Receipts		Plastic Jugs
	Paper Fast-Food Service Items		Other Plastic Containers
	Aseptic & Gable-Top Containers		Other Beverage Packaging
	Beverage Carriers & Cartons		Plastic Bags
	Paper Home Food Packaging		Food Packaging Film
	Other Paper		Other Plastic Film
Glass	Glass Beer Bottles		Plastic Fast Food Service Items
	Glass Soft Drink Bottles		EPS Fast Food Service Items
	Glass Water Bottles		Other Expanded Polystyrene
	Glass Wine & Liquor Bottles		Plastic Home Food Packaging
	Glass Sports and Health Drink Bottles		Other Plastic
	Glass Juice Bottles	**Metal**	Aluminum Beer Cans
	Other Glass Bottles		Aluminum Soft Drink Cans
	Broken Glass or Ceramic		Metal Sports & Health Drink Cans
	Other Glass		Metal Juice Cans
Organic	Human Waste		Metal Tea Cans
	Food Waste		Other Metal Cans
	Confection Litter		Other Metal Beverage Packaging
Other	Other Hazardous		Metal Home Food Packaging
	Road Debris		Other Metal & Foil Packets
	Bulky Items	**Construction Debris**	Construction Debris
	Textiles & Small Rugs	**Vehicle Debris**	Vehicle Debris
	Toiletries & Sundries	**Tobacco**	Cigarette Butts
	Entertainment Items		Cigar Butts
	Other Items		Other Tobacco Related

Figure 3-33 Top 10 Most Common Litter Items at Recreational Areas (Items/1,000 sq ft)



Litter in recreational areas was evenly split between large (50 percent) and small (50 percent) items. No other non-roadway category had as much large litter (4 inch-plus) as recreational sites. However, the predominant items were still cigarette butts and confection litter. Most of the large litter was food-related.

Figure 3-34 shows the breakdown of recreational area litter by source. As most of the recreational areas surveyed were not accessible for vehicles, virtually all litter was attributable to pedestrians.

Figure 3-35 Composition of Litter at Construction Sites

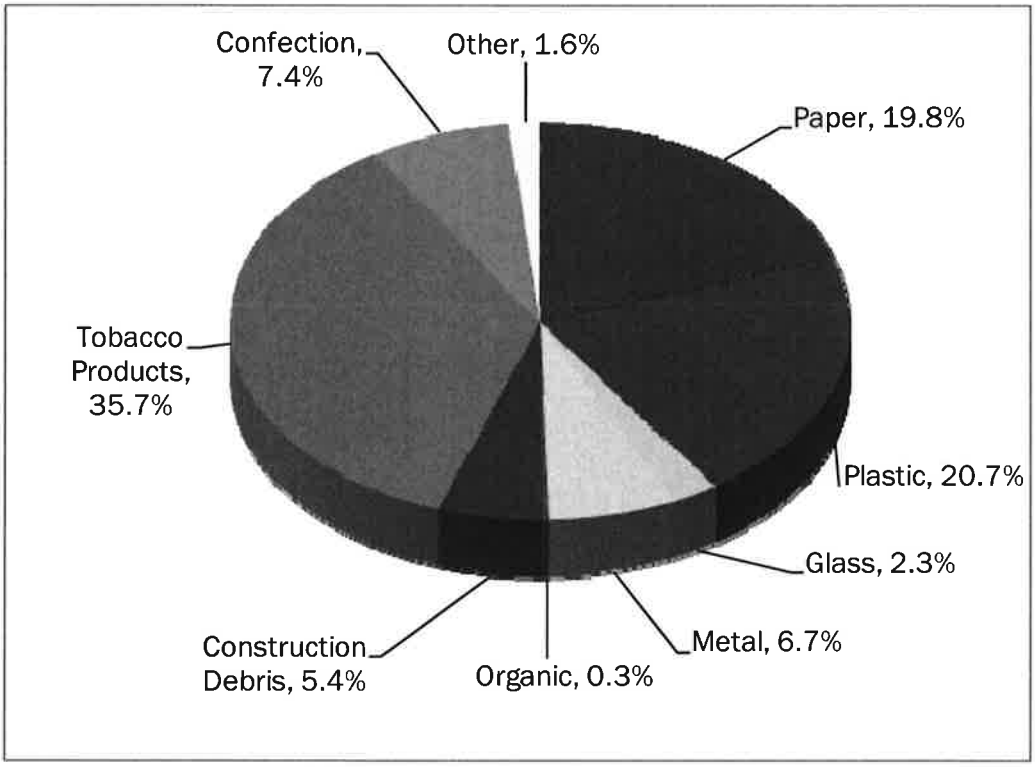
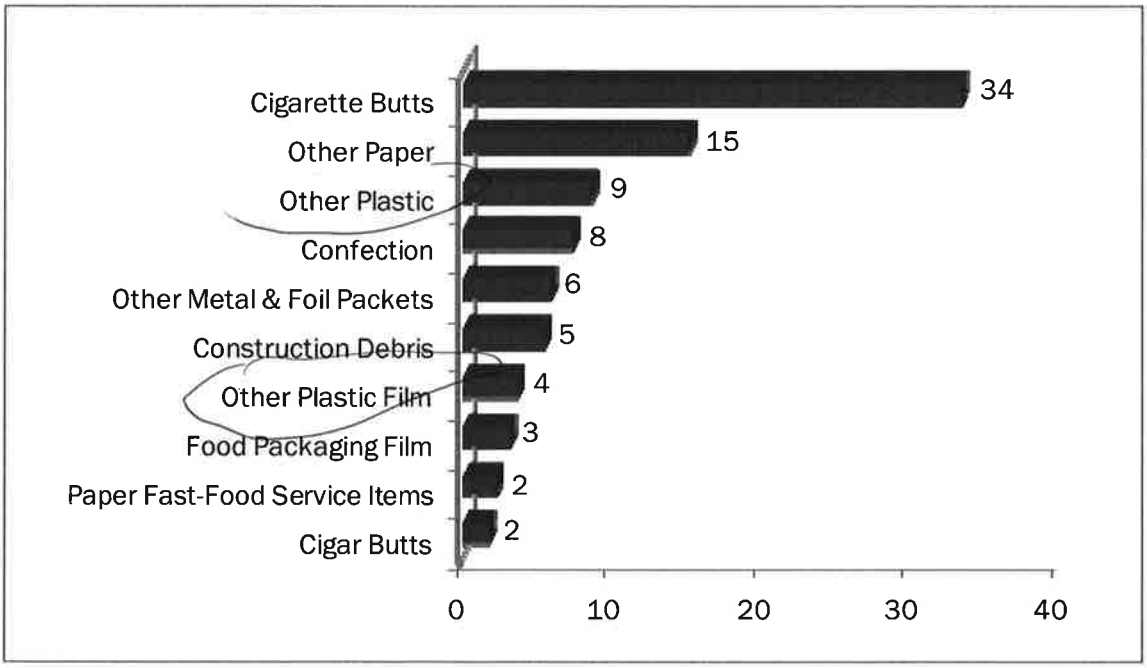


Figure 3-36 breaks down the ten most commonly occurring litter items at construction sites.

Figure 3-36 Top 10 Most Common Litter Items at Construction Sites (Items/1,000 sq ft)



Summary Data for National Roadways

Sources of Litter	Pieces	Percent of Total	National Total (1,000)
Pedestrians	82	5.5%	7,635
Motorists	615	41.5%	57,353
Containers	15	1.0%	1,397
Untarped Loads	464	31.2%	43,217
Vehicle Debris	292	19.7%	27,202
Unknown	17	1.1%	1,559
Total	**1,484**	**100.0%**	138,362

Tobacco-related Litter	
Pieces	32
Percent of Total	2.2%
National	**2,982**

Litter by Material Group	Pieces	Percent of Total	National Total (1,000)
Paper	425	28.6%	39,610
Plastic	399	26.9%	37,174
Glass	11	0.7%	1,003
Metal	113	7.6%	10,493
Organic	5	0.3%	464
Tobacco	32	2.2%	2,982
Construction Debris	129	8.7%	11,996
Vehicle Debris	302	20.4%	28,178
Other	69	4.7%	6,463
Total	**1,484**	**100.0%**	138,362

Packaging Summary	Pieces	Percent of Total	Percent of Packaging	National Total (1,000)
By Material				
Paper	256	17.2%	46%	23,861
Plastic	257	17.3%	47%	23,947
Other	39	2.6%	7%	3,605
Subtotal	**552**	**37.2%**	**100%**	**51,414**
By Type				
Snack	53	3.6%	10%	4,912
Fast Food	315	21.2%	57%	29,335
Home Use	72	4.8%	13%	6,701
Commercial	112	7.6%	20%	10,466
Subtotal	**552**	**37.2%**	**100%**	**51,414**

Beverage Container Summ	Pieces	Percent of Total	Percent of Beverage	National Total (1,000)
Beer	38	2.5%	35%	3,519
Soft Drink	33	2.2%	30%	3,065
Water	15	1.0%	14%	1,393
Wine & liquor	3	0.2%	3%	301
Sports & health drinks	7	0.5%	6%	644
Juice	1	0.1%	1%	111
Tea	1	0.1%	1%	102
Unrecognizable	11	0.7%	10%	985
Total	**109**	**7.3%**	**100%**	**10,120**

Summary Data for State Roadways

Sources of Litter	Pieces	Percent of Total	State Total (1,000)
Pedestrians	61	7.0%	88,458
Motorists	415	47.7%	606,368
Containers	14	1.6%	19,934
Untarped Loads	296	34.0%	432,065
Vehicle Debris	74	8.5%	108,520
Unknown	10	1.2%	15,234
Total	**869**	**100.0%**	1,270,579

Tobacco-related Litter	
Pieces	45
Percent of Total	5.2%
State	**65,854**

Litter by Material Group	Pieces	Percent of Total	State Total (1,000)
Paper	241	27.7%	351,760
Plastic	309	35.5%	451,122
Glass	21	2.5%	31,215
Metal	73	8.3%	105,964
Organic	3	0.4%	4,649
Tobacco	45	5.2%	65,854
Construction Debris	78	9.0%	114,436
Vehicle Debris	69	7.9%	100,151
Other	31	3.6%	45,428
Total	**869**	**100.0%**	1,270,579

Recycled Paper Summary	
Pieces	44
Percent of Total	5.1%
State	**64,646**

Packaging Summary	Pieces	Percent of Total	Percent of Packaging	State Total (1,000)
By Material				
Paper	90	10.4%	25%	131,609
Plastic	222	25.5%	62%	323,948
Other	47	5.4%	13%	68,078
Subtotal	**358**	**41.2%**	**100%**	**523,635**
By Type				
Snack	62	7.2%	17%	90,905
Fast Food	121	13.9%	34%	176,128
Home Use	80	9.3%	22%	117,608
Commercial	95	10.9%	27%	138,995
Subtotal	**358**	**41.2%**	**100%**	**523,635**

Beverage Container Summ	Pieces	Percent of Total	Percent of Beverage	State Total (1,000)
Beer	40	4.6%	38%	58,636
Soft Drink	27	3.1%	26%	39,652
Water	13	1.5%	12%	18,583
Wine & liquor	5	0.5%	4%	6,748
Sports & health drinks	6	0.7%	6%	9,169
Juice	3	0.3%	3%	4,273
Tea	3	0.3%	3%	4,208
Unrecognizable	8	0.9%	8%	12,043
Total	**105**	**12.1%**	**100%**	**153,311**

25. Joseph, Stephen L., Counsel, Save the Plastic Bag Coalition (STPB), representing plastic bags manufacturers. March 11, 2013, with a supplemental submission of March 26, 2013.

Comment 25-1

The comment provides information about the membership of the Save the Plastic Bag Coalition (STPB) and a statement contending the STPB's "citizen standing" and "public interest". The STPB membership includes companies and individuals engaged in manufacture, distribution, and marketing of plastic carryout bags. The only two specific plastic bag manufactures listed in the comment (Grand Packaging, Inc. and Crown Poly) are described as being located in Los Angeles. Neither of these two bag manufacturers is located in the City of Los Angeles: Grand Packaging, Inc. is located in Vernon and Crown Poly is located in Huntington Park. It is also noted that the comment letter on page 111 clearly states that "STPB represents plastic bag manufacturers".

The comment contains a link to a video produced by STPB, and a request that the video be included in the administrative record. The video link, and nearly 200 exhibits submitted by the commenter with this comment letter, will be included in the administrative record. Since the comment does not address the Draft EIR, no response is required.

Comment 25-2

The comment contains the commenter's assertions that the Draft EIR is incorrect, his demand for a new and revised Draft EIR, and for that new and revised Draft EIR to conclude that the proposed ordinance would or might result in significant adverse environmental impacts. It also contains the commenter's various generalized opinions and assertions, fragments of various selected articles, editorials, and other statements, and photographs of selected videos that do not address any information or analysis in the Draft EIR. To avoid confusion, no attempt is made to respond to the assortment of such statements and opinions contained in the comment. However, to the extent that some of these same statements are reiterated in a different form in the letter's comments on the Draft EIR, they are responded to substantively in that context. The comments specific to the Draft EIR, which are provided in the "Specific Objections to the Draft EIR" section of the comment letter on pages 51 through 114, are provided in Responses to Comment 25-12 through 25-22.

Comment 25-3

The comment asserts that "a switch to paper bags caused by banning plastic bags may have a significant negative net impact on the environment". The proposed ordinance would not cause a switch from over 2 billion single-use plastic carryout bags per year to over 2 billion paper carryout bags per year. As clearly stated throughout the Draft EIR, the analyses of environmental impacts are based on very conservative assumptions that the single-use plastic bags will be replaced with both reusable bags and paper bags. The replacement assumptions are shown below.

Table 3.1-5
Existing Plastic Bag Replacement Assumptions

Type of Bag	Replacement Assumption	Bags Used Post-Ordinance	Explanation
Single-Use Plastic	5% (remaining)	101,561,635	Because the proposed ordinance does not apply to all retailers, some single-use plastic bags would remain in circulation.
Single-Use Paper	30%	609,369,812	Although the volume of a single-use paper carryout bag is generally 150% of the volume of a single-use plastic bag and fewer paper bags would be needed to carry the same number of items, it is conservatively assumed that paper would replace plastic at a 1:1 ratio.
Reusable	65%	25,390,409	Although a reusable bag is designed to be used up to hundreds of times, it is conservatively assumed that a reusable bag would be used by a customer once per week for one year (52 times).
Total		**736,321,856**	
Source**:** Based on rates utilized in the City of San Jose EIR, City of Santa Monica EIR, and County of San Mateo EIR			

The comment further asserts that "paper bags and reusable bags are significantly more damaging to the environment than plastic bags". The comment includes chosen passages from five reports, four of which were referenced among the number of sources used in the Draft EIR. For example, as clearly referenced in the Draft EIR, the estimates of air pollutant and GHG emissions are based on a number of sources, including Stephen L. Joseph, 2010; Ecobilan, 2004; FRIDGE, 2002; Boustead Report, 2007, and AEA Technology Scottish Report, 2005; Green Cities California MEA, 2010; Santa Monica Single-use Carryout Bag Ordinance Final EIR, January 2011, and County of San Mateo Single Use Bag Ban Ordinance EIR, June 2012.

Some of the chosen passages and presentations of these reports made by the commenter contain misleading statements and out of context fragments of the reports' information. For example, in the presentation of information about the Scottish Report: (1) the statement that the 2006 Scottish Report was issued by the Scottish Government is misleading, since the report clearly states that it is a research report and that "The views expressed in this report are those of the researches and do not necessarily reflect those of the Scottish Environment and Rural Affairs Department or Scottish Ministers"; (2) the Scottish Report concluded that "Heavyweight reusable plastic bags (the so-called "bags for life") <u>are more sustainable than all types of lightweight plastic carrier if</u>

used four times or more. They give the greatest environmental benefits over the full lifecycle" (page 31); (3) that in comparison to reusable LDPE bags used twenty times, the single-use plastic carryout bags are reported to have 10 times greater adverse environmental impacts on energy, water, climate change (greenhouse gases), acid rain, air quality (ground level ozone formation), eutrophication of water bodies, and solid waste production, and 2.5 times greater adverse risk of litter impact; and (4) the single-use plastic carryout bags have the largest adverse impact associated with the risk of litter that is 5 times more than that of the paper bags (page 23). These conclusions of the Scottish Report support the Draft EIR's conclusion that reusable bags have lower overall environmental impacts than single-use plastic carryout bags.

Another example is the commenter's statements about the "British Report", a study prepared by the UK's Environment Agency, "Life Cycle Assessment of Supermarket Carrier Bags: a Review of the Bags Available in 2006," which also appears to be taken out of context. The study evaluates the environmental impacts of various types of "supermarket carrier bags" and uses the HDPE plastic carryout bag as a baseline for estimating other bags' "global warming potential." The UK study reports estimates of how many times reusable bags of various types would need to be used in order to take them "below the global warming potential of HDPE bags", which are single-use plastic carryout bags (PCBs). The UK report indicates that LDPE reusable bags have lower global warming potential than HDPE carryout bags after 4 uses, non-woven polypropylene bags after 11 uses, and cotton bags after 131 uses. Even if as many as 40.3% of HDPE carryout bags are re-used as "bin liners" (trash can liners), the report states that LDPE reusable bags have lower global warming potential after 5 uses, non-woven polypropylene bags after 14 uses, and cotton bags after 173 uses. These levels of a multiple use are within the reusable bags' design life of 125 uses, are reasonably attained through typical use.

The UK study concludes that reusable bags of any type initially require more "upstream" material and energy resources as they are designed to be more durable than single-use carryout bags, but since the reusable bags' higher production impacts are distributed over multiple uses, they have a lower overall impact over time. The UK study's conclusions support the Draft EIR's conclusions that reusable bags have lower overall environmental impacts than single-use plastic carryout bags. This information has been included in the Final EIR.

The effects of paper bags associated with the proposed ordinance are fully addressed in the Draft EIR, including a consideration of a "worst case scenario" where 30% of single use plastic bags are replaced by over 609 million paper carryout bags. These effects are discussed, and calculated in all appropriate analyses, in the Draft EIR, including Sections 3.1, Air Quality; 3.3. Greenhouse Gases; 3.4. Forest Resources; 3.5. Hydrology and Water Quality; 3.8. Noise; and 3.11. Utilities (solid waste, water and wastewater). In the Draft EIR, it is clearly stated that to estimate a "worst-case" scenario of impacts from paper bags, the 1:1 replacement ratio used in analyses is considered conservative, because the volume of a single-use paper carryout bag (20.48 liters) is generally equal to approximately 1.5 times the volume of a single-use plastic carryout bag (14 liters), with the result that fewer paper bags would ultimately be needed to carry the same number of items.

Responses to comments specific to the Draft EIR, which are provided in the "Specific Objections to the Draft EIR" section of the comment letter on pages 51 through 114, are provided in Responses to Comment 25-12 through 25-22.

Comment 25-4

The commenter states an opinion that "paper bags used in the City of Los Angeles may be imported from all parts of the world, including Asia" as a result of the City of Los Angeles proposed ordinance, but no evidence is provided to substantiate this opinion. The City's proposed ordinance is intended to deter the use of single-use paper carryout bags by instituting a point of sale fee for each single-use paper carryout bag, and encourage the use of reusable carryout bags that can be used multiple times. In addition, the proposed ordinance requires single-use paper carryout bags to have no less than 40% recycled content (and currently, there are paper bags on the market that contain 100% recycled content), which would reduce the use of tree materials, a result of any fluctuations in demand for single-use paper bags in City of Los Angeles.

In addition, the US forest product industry produces grocery paper bags made from commercially-grown trees in the US. The further assertion that "the logging and forestry practices in those countries may be unsustainable and result in significant environmental consequences" as a result of the proposed ordinance of the City of Los Angeles presents the commenter's opinion. No evidence is provided that the paper bags used in the City of Los Angeles after the proposed ordinance is implemented would come from a country where logging and forestry practices are unsustainable. As discussed in the Draft EIR, overall, trees cut down for virgin material to manufacture the paper carryout bags in the US are those trees that are commercially grown for paper manufacturing. Any fluctuations in demand for paper carryout bags in the City of Los Angeles might cause those commercially-grown trees to be harvested sooner or later than they would otherwise have been. The commercial forests are cultivated for a single purpose of harvesting trees for forest products.

The analysis in the Draft EIR considered the impact on forest resources and concluded that the project impact would be less than significant, notwithstanding that there are no forests within the City of Los Angeles and no impact on forest resources would occur within the City.

A detailed analysis of a potential impact to forest resources on "all parts of the world, including Asia" is too speculative and would be unreasonably burdensome. Specifically, the location and type of forest (certified sustainable, plantations, reforested, etc.) and the specific amount of wood fiber procured from trees that could be attributed to the project is too speculative to evaluate. The CEQA Guidelines state, "An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible" and Section 15145 of the CEQA Guidelines states, "If, after a thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact."

Comment 25-5

The comment that plastic carryout bags are used for trash, dirty diapers, picking up animal waste, and similar purposes is acknowledged. The re-use potential of both paper and single-use plastic carryout bags however, is limited, in contrast to reusable bags which are designed to be used multiple times of up 125 times. For example, once the single-use plastic carryout bag is used to pick up animal waste, or for trash, or dirty diapers it is then disposed of with that waste. Thus, after that single use, it cannot be re-used again, and such a bag becomes landfill waste, generating environmental effects.

Please note, since the definition of a "single-use carryout bag" is a bag made of plastic, paper, or other material that is provided by a store to a customer at the point of sale and that is not a reusable grocery bag", the plastic carryout bags are referred to as "single-use plastic carryout bags".

The commenter asserts that "if plastic carryout bags are banned, people will buy other types of bags instead". The commenter provides excerpts from a single Irish newspaper article in support of this assertion. The newspaper article is a decade old; is written about the imposition of fee—not a ban—on plastic carryout bags; does not mention the price of any other plastic bag in comparison to the fee imposed on a plastic carryout bag; and does not mention if any plastic carryout bags were excluded from the fee. As such, this article has no relevance to the Draft EIR for the proposed City of Los Angeles ordinance. Furthermore, while this comment uses excerpts from the article about Ireland's imposition of fee on plastic carryout bags in support of the commenter's assertions, in Comment 25-13, the commenter objects to any reference in the Draft EIR to the same Ireland's imposition of fee on plastic carryout bags.

The proposed ordinance would not ban all single-use plastic carryout bags. As clearly stated in the Draft EIR, the proposed ordinance would not apply to all retail stores such as clothing stores and stores that sell durable goods that do not typically distribute large volumes of single-use plastic bags to customers. The proposed ordinance would not ban plastic or paper bags that are used by customers and the store to protect or contain meat or prepared food; or used for bagging fruits, vegetables, and other fresh produce; or for other goods that must be protected from moisture, damage or contamination, and which are typically placed inside a carryout bag at the point of sale. Pharmacy plastic bags used to carry out prescription drugs would be exempt from the proposed ordinance, as would be other specialty stores. Dry cleaners could continue to provide dry cleaning plastic bags, and retailers could continue to provide specialty plastic bags for suits, dresses and similar clothing items. Restaurants and other food service providers could continue to provide plastic bags to customers for prepared take-out food intended for consumption off the premises, as could vendors at City farmers' markets. An estimated 101,561,635 carryout plastic bags per year would continue to be consumed in the City of Los Angeles.

The comment also contains an assortment of selected excerpts from various articles and reports about the effects of forest industry on air quality, greenhouse gases, forest resources, and solid

waste, and the forests' role in storing terrestrial carbon. The Draft EIR evaluated the effects of the proposed ordinance under a very conservative scenario whereby paper bags would replace 30% of the plastic carryout bags (see Response to Comment 25-3) and evaluated effects on air quality, greenhouse gases, forest resources, and solid waste. The analysis of the effects associated with 609,369,812 paper carryout bags together with the effects of 101,561,635 plastic carryout bags and 25,390,409 reusable bags on air quality, greenhouse gases, forest resources, and solid waste indicated that the proposed ordinance would result in a beneficial impact on air quality, and no significant impacts on greenhouse gases emissions, forest resources, and solid waste.

With respect to the comment about forest resources, please see Response to Comment 25-3. In addition, with respect to the commenter's claim that the use of paper bags would create a significant impact to the loss of forests and trees and that the forest industry's claim that trees are reducing climate change by carbon sequestration is overstated. Carbon sequestration is the process by which atmospheric carbon dioxide is taken up by trees, grasses, and other plants through photosynthesis and stored as carbon in biomass (trunks, branches, foliage, and roots) and soils. The sink of carbon sequestration in forests and wood products helps to offset sources of carbon dioxide to the atmosphere, such as deforestation, forest fires, and fossil fuel emissions.[166] According to statements made by representatives of the American Forest & Paper Association[167], most of the trees used to manufacture paper are grown for that purpose by the lumber industry in commercially grown forests, and billions of acres of the world's forests and approximately 70% of the US forested lands are working commercial forests[168]. Recycled paper is used widely in the manufacturing of paper bags and currently, there are paper bags on the market that contain 100% recycled content.

The proposed ordinance would not replace the single-use plastic bags with paper ones on a 1-to-1 ratio but would encourage consumers to use reusable bags and reduce the overall use of the single-use plastic bags. In addition, the proposed ordinance requires single-use paper carryout bags to have no less than 40% recycled content (and currently, there are paper bags on the market that contain 100% recycled content), which would reduce the loss of trees as a result of any fluctuations in demand for single-use paper bag. Preliminary data submitted by stores following the implementation of the Los Angeles County's ordinance - which banned single-use plastic carryout bags and imposed a $0.10 charge on paper carryout bags, shows a significant overall reduction of 34% in paper carryout bag usage within the Los Angeles County between 2009 and 2012, including a nearly 13% reduction within the first three quarters of the year after the enactment of the ordinance[169]. Since then, the County of Los Angeles has released information that in third quarter of 2012, annual paper bag usage per store declined further to approximately 121,000 per store. It is anticipated that the proposed ordinance would have a similar affect in reducing the overall use of single-use paper bags.

[166] U.S. Department of Agriculture, Carbon Sequestration, 2013, http://www.fs.fed.us/ecosystemservices/carbon.shtml.
[167] Single-Use Carryout Bag Ordinance Draft EIR, City of San Jose, July 2010.
[168] American Forest & Paper Association, 2012; http://www.afandpa.org/ourindustry.aspx?id=35.
[169] County of Los Angeles, Department of Public Works, July 2012. http://dpw.lacounty.gov/epd/aboutthebag

As to the comment about forests and tree's abilities to sequester carbon dioxide, according to the U.S. Department of Agriculture's Forest Service, forests in the U.S. store approximately ten percent of U.S.'s annual carbon dioxide emissions[170]. Therefore, forests and trees play an important role in reducing climate change impacts. Since the proposed ordinance is not anticipated to create an additional demand for single-use paper bags and therefore, require additional trees to be cut, the proposed ordinance would not create an adverse impact to carbon dioxide sequestration due to deforestation.

Comment 25-6

The comment contains opinions that "a switch to reusable bags may well be significantly worse for the environment than the status quo"; that the City must make a determination of how many uses of each type of reusable bag it would take to offset the greater negative impacts of reusable bags" based on the commenter's example of "a cotton reusable bag used just once and then discarded and disposed of in a landfill may have much worse impacts on the environment than a plastic bag used just once and disposed of in a landfill"; as well as an objection to the assumption that reusable bags will be used a sufficient number of times on average to offset any greater negative life cycle impacts" of reusable bags since "people *may* use reusable bags an average of two times before discarding them". Since a reusable bag by definition is a bag that can be used multiple times, not once and then discarded, the commenter's example of a cotton bag does not have relevance to the proposed ordinance evaluated in the Draft EIR, and the commenter's opinion that "people *may* use reusable bags an average of two times before discarding them" provides no substantiation that reusable bags are used two times on average. The Draft EIR very conservatively assumed that reusable bags had a life of only 52 uses, which represents a reasonable conservative scenario since, as noted in the Draft EIR, reusable bags can be used 100 times or more[171], and a reusable bag is a bag that can be used 125 times as defined in the proposed ordinance. Please see also Response to Comment 25-15.

The commenter further asserts that reusable bags pose a health hazard due to the bacteria accumulation.

Section 3.5 of the Draft EIR, "Hazards and Hazardous Materials" discusses the hygiene and safety of reusable bags and cites several studies that have investigated this issue. A 2010 study funded by the American Chemistry Council found that although contamination of reusable bags can occur from contact with raw meat or meat juices, this problem is not likely to arise or be significant, as most supermarkets and grocery stores put raw meat into plastic packages and/or into secondary plastic bags, which are not affected by the proposed ordinance.

A study published in the *Journal of Applied Microbiology*, also cited in Section 3.5 of the Draft EIR, found that people are routinely exposed to bacteria and other microbiological contaminants. The results of the reusable bag studies showed that reusable bags were substantially lower in the

[170] U.S. Department of Agriculture, Forests Service, Northern Institute of Applied Climate Science: Carbon Sequestration, 2013, http://www.nrs.fs.fed.us/niacs/carbon/forests/carbon_sequestration/.
[171] 2Green Cities California, Master Environmental Assessment on Single-Use and Reusable Bags, March 2010.

quantities of such contaminants than surfaces and objects commonly found in the home, including kitchen surfaces where food is kept and prepared. Although levels of microbiological contamination may occur in reusable bags, proper cleaning of the bags, as with any other object that may come in contact with grocery products, would further reduce the potential for exposure of any food items to harmful bacteria. Hazards from the proposed ordinance were determined to be less than significant, because, as stated in the Draft EIR, the proposed ordinance would not ban plastic or paper bags that are used to protect or contain meat or prepared food, and reusable bags would not expose users to unusual levels of harmful bacteria or other microbiological contaminants. In addition, the sources of the worst contamination (such as blood from meat or milk) would result in a visible stain and/or unpleasant odors that would prompt washing. As with any other household items, washing reusable bags when they become soiled would reduce the likelihood of exposure.

Recently, an unpublished research paper by Jonathan Klick and Joshua D. Wright, which alleged that the San Francisco ban on plastic bags had caused an increase in bacterial foodborne illnesses and deaths, garnered media attention. The City of San Francisco Department of Public Health, an agency responsible for monitoring and studying infectious diseases, responded to these allegations in a public memorandum (dated February 10, 2013) stating the following:

"Based on our review of this paper, and our disease surveillance and death registry data, the Klick and Wright's conclusion that San Francisco's policy of banning of plastic bags has caused a significant increase in gastrointestinal bacterial infections and a '46 percent increase in the deaths from foodborne illnesses' is not warranted."

More than 50 California Counties and Cities have already adopted ordinances banning single-use plastic bags. This is in addition to the Cities of Washington, D.C., Telluride, Colorado, Austin, Texas, and Portland, Oregon, as well as the entire state of Hawaii, and jurisdictions in the United Kingdom, Australia, India, Bangladesh, and Rwanda, among others countries. These jurisdictions represent a combined population of tens of millions of people who are not using single-use plastic carryout bags, and with no history of increasing rates of illness, illness breakouts, or epidemics resulting from the use of reusable bags. Moreover, as a part of the implementation of the proposed ordinance, the Bureau of Sanitation will continue its public education program (which it has been conducting for several years) which includes disseminating information about reusable bag usage and care to the public, public outreach, providing information to the City's Neighborhood Councils, and participating in public events educational activities .

The commenter further asserts that the proposed ordinance "will lead to an over-proliferation of reusable bags resulting in a very low reuse rate" since "this is precisely what has happened in Australia" as a result of "supermarkets profiteering" from selling reusable bags. The article cited does not provide any factual substantiation for this assertion. The article quotes some Australians who claim that too many reusable bags are being made and sold, a supermarket representative "admitting making' a very small profit'" on reusable bags, a reusable bags seller's opinion that "…in general, there's an overconsumption in the West of every product, not just our bags", and

similar statements. The comment also includes a statement that the County of Los Angeles EIR indicates that some types of reusable bags have to be used "104 times before delivering environmental benefits compared to a single plastic carryout bag". It is entirely unclear how this Australian article and other cited statements support the commenter's assertion that "a "multiplier of two would be the highest reasonable worst-case scenario for reusable bag usage", or on what basis such a "multiplier" was derived.

Please see Response to Comment 25-16 concerning the statements in the comment about recycling of reusable bags.

Comment 25-7

The commenter cites excerpts from a report about an outbreak of virus in Oregon that the commenter asserts is conclusive evidence that reusable bags carry viruses and can spread illness. Please see Response to Comment 25-6.

Comment 25-8

The commenter asserts that a switch to reusable bags may have a significant negative net impact on the environment as a result of heavy metals in reusable bags. The commenter concludes that "the City of Los Angeles will be permitting reusable bags to be distributed with high levels of toxicity caused by lead, cadmium and other heavy metals" unless the proposed ordinance incorporates a definition a toxic amount being more than 100 parts per million of all regulated metals present in a reusable bag.

The commenter includes at newspaper article and excerpts from statements made by two political representatives (Senator Charles Schumer and Assembly Member Kevin de Leon). However, the commenter provides no evidence that all reusable bags contain heavy metals. There is also no evidence provided in the comment that reusable bags contain more than 100 parts per million of all regulated metals. In addition, there is no evidence provided in the comment that the City of Los Angeles will be permitting reusable bags to be distributed with high levels of toxicity caused by lead, cadmium or other heavy metals. The proposed ordinance would require that all reusable bags distributed in City of Los Angeles do 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; and have printed on the bag, or on a tag that is permanently affixed to the bag, the name of the manufacturer, the location (country) where the bag was manufactured, a statement that the bag does not contain lead, cadmium, or any other heavy metal in toxic amounts, and the percentage of postconsumer recycled material used, if any. The proposed ordinance would be consistent with all applicable state laws, including Proposition 65 that requires disclosure of carcinogenic elements.

Comment 25-9

The commenter asserts that "the proposed ordinance may result in a significant reduction in recycling" by imposing a fee of 10 cents on single-use paper carryout bags. The commenter claims that the residents would not have enough paper bags to transport recyclables to recycle

collection bins because the paper bags would no longer be free and therefore, fewer paper bags will be used by consumers. The commenter further asserts that therefore, the 10-cent fee on paper bags may result in a "significant negative impact". In Comment 25-12 however, the commenter asserts that a fee of 10 cents would not be sufficient to prevent "significant impacts caused by a shift from plastic to paper" by claiming that more paper bags would be used as a result of a ban of single-use plastic carryout bags.

The commenter's claim that without free paper carryout bags people will be disposing their recyclables in the trash, which would cause a significant negative impact, is not based on or supported by facts. A picture is included in the comment that shows a recycling bin filled with numerous recyclable items that are not in paper bags as well as two paper bags with such items. The anecdotal picture does not in any manner supports or substantiates the claim that if people do not put their recyclables in a paper bag, they will not be inclined or able to place their recyclables in recycling collection bins instead of trash collection containers. This presupposition that if people do not have free paper carryout bags they will stop recycling is akin to a presupposition that if people do not have free soap they will stop washing, and there is no evidence to support the claim of a "significant negative impact" in this comment.

Comment 25-10

This comment speculates, without providing supporting evidence or validation that "the proposed ordinance may result in a significant increase in dog waste on the streets" because dog owners use plastic carryout bags to collect and dispose of the waste. No evidence of any kind is presented to support this opinion. While single-use carryout bags may be used by some dog owners, other owners may use plastic bags that are used for bagging fruits, vegetables, and other fresh produce, that stores will continue to provide, or dog litter bags that are marketed and sold specifically for that purpose, or any of numerous other items.

Furthermore, as indicated in Responses to Comment 25-5, the proposed ordinance would not ban all single-use plastic carryout bags. As stated in the Draft EIR, the proposed ordinance would not apply to all retail stores, including clothing stores and stores that sell durable goods that do not typically distribute large volumes of single-use plastic bags to customers. The proposed ordinance would not ban plastic or paper bags that are used by customers and the store to protect or contain meat or prepared food; or used for bagging fruits, vegetables, and other fresh produce; or for other goods that must be protected from moisture, damage or contamination, and which are typically placed inside a carryout bag at the point of sale. Pharmacy plastic bags used to carry out prescription drugs would be exempt from the proposed ordinance, as would be other specialty stores. Dry cleaners could continue to provide dry cleaning plastic bags, and retailers could continue to provide specialty plastic bags for suits, dresses and similar clothing items. Restaurants and other food service providers could continue to provide plastic bags to customers for prepared take-out food intended for consumption off the premises, as could vendors at City farmers' markets. An estimated 101,561,635 carryout plastic bags per year would continue to be consumed in the City of Los Angeles.

Comment 25-11

The comment addresses the County of Los Angeles EIR, includes the commenter's claims that "there are many deficiencies" the County's EIR, and enumerates STPB's objections to the County's EIR which do not have relevance to the City of Los Angeles Draft EIR.

The commenter also asserts that "the City of Los Angeles proposed ordinance is in all material respects identical to the County ordinance", and that "the Los Angeles County EIR is substantial evidence that the City of Los Angeles proposed ordinance may result in significant negative environmental impacts". Simultaneously, in Comment 25-12, the commenter states that "STPB objects to any assumptions or projections based on EIRs prepared by any city or county before the ordinances took effect".

The proposed City of Los Angeles ordinance would ban single-use carryout bags at specified stores, mandate a charge of $0.10 on recycled content paper single-use carryout bags at the point of sale, and require retailers to provide reusable bags to consumers for sale or at no charge.

As disclosed in the Draft EIR, "More than 50 California Counties and Cities have adopted ordinances banning single-use plastic bags, notwithstanding numerous legal challenges and litigation by certain representatives of the plastic bag industry[172]." Nearly all of these ordinances ban single-use plastic carryout bags in specified stores and mandated a $0.10 charge on recycled content paper carryout bags at the point of sale[173], making nearly all of these ordinances "in all material respects identical to the County (of Los Angles) ordinance". The EIRs and other CEQA documents prepared by those Cities and Counties as lead agencies derived at a range of conclusions about environmental impacts of their ordinances. This includes Exemptions and Negative Declarations, as well as EIRs that identified no significant adverse environmental impacts, including the EIRs of the City of San Jose, City of Santa Monica, City of Sunnyvale, City of Ukiah, and County of San Mateo. Thus, the commenter's assertion that the Los Angeles County EIR is substantial evidence that the City of Los Angeles proposed ordinance may result in significant negative environmental impacts has no basis in fact.

Comment 25-12

The comment objects to the following statements in the DEIR and all similar statements in the DEIR that make the same point(s): "According to data collected by the County of Los Angeles after the County's Single-Use Bag Ordinance was enacted, approximately 125,000 paper bags were provided annually per large store compared to approximately 2.2 million plastic bags and 196,000 single-use paper bags provided per store prior to the ordinance going into effect in the third quarter of 2011. Single-use paper carryout bag usage continues to decline with an overall reduction of 34% between 2009 and the first quarter of 2012, including a nearly 13% reduction occurring within the first three quarters of the year following the enactment of the ordinance. The

[172] Ordinance to Ban Plastic Carryout Bags in Los Angeles County Final EIR, County of Los Angeles. October 2010; Save the Plastic Bag Coalition, http://www.savetheplasticbag.com/

[173] Few jurisdictions initially imposed a fee of $0.10 on paper carryout bags and subsequently increased that fee.

data indicate that the use of paper carryout bags in large stores not only did not temporarily increase as a result of a ban of single-use plastic carryout bags, but actually decreased significantly after the enactment of the ordinance. As with the County of Los Angeles, a similar effect is anticipated to occur within the City of Los Angeles." (Citing County of Los Angeles, About the Bag, Announcements: September 2012, http://dpw.lacounty.gov/epd/aboutthebag/index)

The objection asserts that the County of Los Angeles has no paper bag usage figures for the period prior to its ordinance taking effect and that the County estimated the numbers. Therefore, the Draft EIR and the County cannot state that paper bag usage went down in the County after the ordinance took effect.

The comment also contains an objection to "any assumptions or projections based on EIRs prepared by any city or county before ordinances took effect." Since EIRs are public information documents about the environmental impacts of a project and are required to be prepared before the project is approved and implemented, the basis for this objection is entirely unclear.

The comment includes an assortment of assertions and claims that data provided to the County about the paper carryout bags use before the County ordinance took effect by the stores that reported no or small volume of paper bags use per day are not credible, while the stores that reported larger volume of use are credible. Similarly, the comment includes figures for two particular stores that reported a significant increase in paper bags use in the first quarter of the year after the ordinance was implemented, but does not include the reported use of paper bags in the same two stores in the second and third quarters of the year, while the County's report on the reduction in the paper bag usage covers the first three quarters of the year after the ordinance went into effect. Similarly, the comment includes a statement that "we know that many stores lost a significant number of customers who opted to shop in incorporated areas of the county to avoid the paper bag fee" with no substantiation whatsoever. There is no factual substantiation in the comment to the assertion that the official information released by the County of Los Angeles is "baseless". Similarly, there is no evidence to support the commenter's contention that a charge of $0.10 for a paper bag will not result in a reduction in paper bag use and unless a charge of $0.25 is required, "the paper bag usage will increase substantially and result in a significant negative environmental impact."

Considering that more than 50 California jurisdictions and a number of other jurisdictions outside California, have adopted ordinances banning single use plastic bags and mandating a 10-cent charge on paper carryout bags, it would be reasonable to expect that there would have been substantial evidence provided herein for the commenter's assertion about a "dramatic increase" in the use of paper carryout bags resulting from such ordinances.

The Draft EIR reported the official information released by the County of Los Angeles, as follows:

"According to data collected by the County of Los Angeles after the County's Single-Use Bag Ordinance was enacted, approximately 125,000 paper bags were provided annually per large store compared to approximately 2.2 million plastic bags and 196,000 single-use paper bags provided per store prior to the ordinance going into effect in the third quarter of 2011. Single-use paper carryout bag usage continues to decline with an overall reduction of 34% between 2009 and the first quarter of 2012, including a nearly 13% reduction occurring within the first three quarters of the year following the enactment of the ordinance."

According to the source of this official information, the Los Angeles County Department of Public Works, paper bag usage prior to the ordinance was estimated based on reported plastic bag usage in 2009 and paper bag usage determined in the Bag Usage Survey conducted for the County Bag EIR. Stores affected by the ordinance must provide quarterly updates to the County on carryout bags provided, and specifically:

- Total number of paper carryout bags provided (including those provided free of charge to Electronic Benefit Transfer (EBT), Women Infants and Children (WIC), and/or Supplemental Nutritional Assistance Program (SNAP) customers)
- Total amount of monies collected for providing paper carryout bags
- Summary of any efforts undertaken to promote the use of reusable bags by customers in the prior quarter

These data show a steady decrease in the number of paper bags used at stores in unincorporated Los Angeles County following the implementation of the County's ordinance. Following the ordinance, annual paper bag usage per store was approximately 149,300 in the third quarter of 2011. The latest data available at the time of the Draft EIR's publication, was approximately 125,400 single-use paper carryout bags in the second quarter of 2012.

Since the Draft EIR was completed, the County of Los Angeles has released further information that in third quarter of 2012, annual paper bag usage per store declined to approximately 121,000 per store, and this information has been included in the Final EIR. This recent information about a continuing trend of declining usage of paper bags contradicts the commenter's claim about a "substantial increase" in the use of paper bags. The County of Los Angeles has also a comment letter on the Draft EIR stating that the County's experience has shown that banning single-use plastic carryout bags and charging $0.10 fee for paper bags has resulted in a reduction in paper bag use (see Comment Letter 26).

If the County of Los Angeles releases official revised information about the paper bag use, and if time permits, that information will be included in the Final EIR.

Furthermore, the Draft EIR includes quantified assessments of environmental impacts of the proposed ordinance both with and <u>without</u> assuming a 13% reduction in paper bag use (as reported by the County of Los Angeles at the time the Draft EIR was completed). The analysis in the Draft EIR concludes that the impacts of the proposed ordinance would be either beneficial or less than significant under both with no 13% reduction in paper bag use and with a 13% reduction in paper bag use scenarios.

Comment 25-13

The comment objects to "reliance on experiences in Ireland and the District of Columbia" and to the "statement in the Draft EIR and all similar statements in the Draft EIR that make the same point" – which are cited in the comment as: "DEIR page 3".

There is no such statement in the Draft EIR on page 3. What the commenter objects to is not the Draft EIR, but the commenter is objecting to page 3 of a letter submitted by the Heal the Bay, Clean Water Action/Clean Water Fund; Seventh Generation Advisors and the Surfrider Foundation during the public review for the Notice of Preparation of EIR (NOP) and Initial Study. The letters received during the public review on the NOP and Initial Study are included in Appendix A, Notice of Preparation of EIR, Initial Study, and Comments Received, of the Draft EIR.

Comment 25-14

This comment objects to the methodology used in the Draft EIR to assess greenhouse gas (GHG) emissions of the proposed ordinance by claiming that low density polyethylene (LDPE) bags, "are the least common reusable bags" and therefore are not representative of reusable bags.

The comment letter includes photographs taken by the commenter at selected supermarkets as substantiation for this claim. The commenter "certified that he took the photographs" and "further certified that he did not see any LDPE or high density polyethylene (HDPE) reusable bag at the checkouts of any of the stores that he visited." The photographs taken by the commenter at selected locations, while anecdotal, do not provide any substantive evidence that LDPE bags "are the least common reusable bag." And, even at these locations selected by the commenter, while the commenter "certified that he did not see any LDPE or HDPE reusable bag at the checkouts of any of the stores that he visited," two of the commenter's photographs show and provide captions that these LDPE reusable bags are provided in the stores (at Ralph's and Gelson stores in West Hollywood).

The Green Cities California Master Environmental Assessment (MEA) defines HDPE as the typical material used in single-use plastic grocery bags and LDPE as the typical material used is reusable plastic grocery bags (Table of Acronyms and Definitions). The MEA also states: "Reusable bags, or "bags for life," are made of various materials including polyethylene (PE) plastic, polypropylene (PP) plastics, multiple types of cloth (cotton canvas, nylon, etc.), and recycled plastic beverage containers (polyethylene terephthalate, or PET), among others". "Due to their larger size and weight, they require more material consumption in manufacture on a bag-to-bag comparison than disposable bags. However, these bags are intended for reuse up to hundreds of times and are commonly made of recycled content. It is commonly believed that the frequent reuse outweighs greater per bag energy and material use". (Please note that the California Environmental Quality Act (CEQA) authorizes the use of Master Environmental Assessments (MEAs) "in order to provide information which may be used or referenced in EIRs or negative declarations" (CEQA Guidelines Section 15169)." The MEA prepared by

environmental professionals for Green Cities California (GCC), a coalition of Californian jurisdictions, was subject to professional peer review, in order to provide information that may be used or referenced in EIRs.)

Based on these definitions, the GHG analysis in the Draft EIR appropriately used LDPE reusable bags to reasonably represent reusable bags, as have other jurisdictions in their role of CEQA lead agencies which made such a determination and used a LDPE reusable bag in the EIR GHG emissions analyses, including the City of San Jose, City of Santa Monica, and County of San Mateo.

Further, the commenter objects to the use of a 2.6 rate for GHG emissions in the Draft EIR and claims that, "an appropriate figure would be a figure of 106".

The 2.6 rate of GHG means that reusable bags result in 2.6 times the GHG emissions of single-use plastic bags <u>if used only once</u>. The commenter's number of 106 is a number for reusable bags if all reusable bags were only made of cotton and non-woven PP bags based on a cited selected table from the "British Report."

The 2.6 metric is listed in the *Environmental Impact Assessment of Carrefour Bags: An Analysis of the Life Cycle of Shopping Bags of Plastic, Paper, and Biodegradable Material* prepared by Ecobilan (2004). It is also discussed in the *Proposed Plastic Bag Levy - Extended Impact Assessment* prepared by AEA Technology (2005). In order to provide metrics to determine environmental impacts associated with the proposed ordinance, reasonable assumptions based upon available sources of information were established and utilized in the Draft EIR. As clearly stated and cited in the Draft EIR, specific metrics that compared impacts on a per bag basis were available for single-use plastic, single-use paper and reusable bags from a range of available sources of information, including Stephen L. Joseph, 2009; Boustead, 2007; Ecobilan, 2004; FRIDGE, 2002; and Green Cities California MEA, 2010. As stated by CEQA Guidelines Section 15144, EIRs are to use the "rule of reason" with respect to content. The analysis contained in the Draft EIR satisfies the rule of reason. Thus, and with the availability of LDEP emission factors in the Ecobilan study for comparison to emissions from HDPE bags, LDPE emission rates of 2.6 were reasonably used to represent reusable bag emissions.

Furthermore, the "British Report" – "Life Cycle Assessment of Supermarket Carrier Bags: a Review of the Bags Available in 2006," is prepared by the UK's Environment Agency, evaluated the environmental impacts of various types of "supermarket carrier bags" and uses the HDPE plastic carryout bag as a baseline for estimating other bags' "global warming potential." The UK study reports estimates how many times reusable bags of various types would need to be used in order to take them "below the global warming potential of HDPE bags," which are single-use plastic carryout bags. The UK report indicates that LDPE reusable bags have lower global warming potential than HDPE carryout bags after four uses, non-woven polypropylene bags after 11 uses, and cotton bags after 131 uses. Even if as many as 40.3% of HDPE carryout bags are re-used as "bin liners" (trash can liners), the report states that LDPE reusable bags have lower global warming potential after 5 uses, non-woven polypropylene bags after 14 uses, and cotton bags

after 173 uses. These levels of a multiple use are within the reusable bags' design life of 125 uses, are reasonably attained through typical use over a longer period of time.

The UK study concludes that reusable bags of any type initially require more "upstream" material and energy resources as they are designed to be more durable than single-use carryout bags, but since the reusable bags' higher production impacts are distributed over multiple uses, they have a lower overall impact over time on climate change. The UK study's conclusions support the Draft EIR conclusions that reusable bags have lower overall environmental impacts than single-use plastic carryout bags.

Another study, prepared by the Australia Department of Environment and Heritage, 2002, shows that over the course of a year, virtually any type of reusable bag is environmentally superior to single-use plastic carryout bags with respect to GHG emissions, material consumption, litter, and primary energy use. The study's conclusions support the Draft EIR conclusions that reusable bags have lower overall environmental impacts than single-use plastic carryout bags.

This information has been included in the Final EIR.

Comment 25-15

The comment objects to information included in the Draft EIR that, "although a reusable bag is designed to be used up to hundreds of times, it is conservatively assumed that a reusable bag would be used by a customer once per week for one year or 52 times." The comment further claims that, "an assumption of 2 uses per reusable bag would be the highest reasonable worst-case scenario number for reusable bag usage."

The proposed ordinance includes a definition of a reusable bag as a bag that "has a minimum lifetime of 125 uses, which means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet." The Draft EIR assumed a very conservative use of only 52 times, and not a minimum of 125 times, in the analysis of environmental impacts, based on the use of a reusable bag by a customer for grocery shopping only once per week for one year, even though reusable bags can be used much more frequently and for much longer periods of time. This basis is considered both conservative and reasonable; and the same assumption of 52 uses for a reusable bag was determined to be reasonable and conservative by other CEQA lead agencies.

To claim that people will purchase or obtain a reusable bag and then reuse that bag only once (for a total of two uses) and then discard it does not meet a minimum common sense standard for a reasonable assumption. The commenter states that reusable bags cannot be cleaned, and included a picture of a polypropylene (PP) bag with a claim that that it, "cannot be kept clean and reused more than a handful of times" is anecdotal. All reusable bags can be cleaned, including PP bags. PP bag tags typically include washing instructions that clearly state that the bag should be either hand washed or machine washed in cold water, using gentle cycle, no bleach, and no tumble dry – similar to washing instructions for many undergarments and clothing items that are not used two times and then discarded as a result of such washing instructions.

Comment 25-16

The comment claims that while single-use plastic carryout bags are recyclable, the reusable bags (other than LDPE and HDPE reusable bags) are not recyclable and therefore, there "will be a switch from recyclable product to non-recyclable products." The comment further contends that the proposed ordinance may result in stores removing plastic bag recycling bins which "means that there will be no way for members of the public to recycle LDPE reusable bags, dry cleaning bags, newspaper bags, and produce bags".

These claims are incorrect. Reusable plastic bags are recyclable in the City of Los Angeles. LDPE bags are classified as Resin Identification Code 4; polypropylene (PP) bags as Code 5; and nylon bags as Code 7 (the Resin Identification Code is more commonly known as the number inside the "three arrow triangle" recycling logo ubiquitously displayed on consumer products). The City of Los Angeles Bureau of Sanitation accepts all clean plastics 1 through 7, and all plastic grocery bags, dry cleaner bags, and all film plastic bags for recycling through its curbside collection program[174].

Furthermore, the proposed ordinance does not terminate AB 2449 or SB 1291 and individual stores can continue to provide recycling bins as long as they wish.

Comment 25-17

The comment includes objections to the cited statements in the in Draft EIR concerning information that plastic carryout bags consumed in the City end up in the litter stream.

As stated in the Draft EIR "the City's objectives for the proposed ordinance include:

- Reducing the billions of single-use plastic carryout bags currently consumed in the City of Los Angeles each year;
- Reducing the adverse environmental impacts associated with single-use plastic carryout bags, including impacts to air quality, biological resources (including marine environments), water quality, and solid waste;
- Deterring the use of single-use paper carryout bags by retail customers in the City;
- Promoting a shift toward the use of reusable carryout bags; and
- Reducing litter and the associated adverse impacts to stormwater systems, aesthetics, and the marine environment."

Reducing litter is one of the objectives of the proposed ordinance but it is not the only one. Reducing the adverse environmental impacts associated with single-use plastic carryout bags, and by deterring the use of single-use paper bags with their associated adverse impacts are clearly stated as the objectives of the proposed ordinance. To clarify, text in Section 2.0, Project

[174] http://www.lacitysan.org/solid_resources/recycling/curbside/what_is_recyclable.htm

Description, has been revised to read as follows: "As stated in the project objectives, to reduce the adverse environmental impacts associated with single-use plastic carryout bags, including plastic bag litter, the City of Los Angeles is proposing to adopt and implement an ordinance to regulate the use of single-use carryout bags and promote the use of reusable bags within the City." In addition, to clarify, text in Summary and Introduction has been revised to read as follows: "Each year, billions of these single-use plastic bags are consumed in the City of Los Angeles (City), impacting Los Angeles communities and the environment, including when littered."

The source of information about the statement of City's costs associated with combating litter has been included in the Final EIR.

The Draft EIR provided plain information about the City efforts with respect to combating litter. No assertions, figures, or information of any kind about any cost savings are made in the Draft EIR.

The comment also objects to the statement that, "Plastic films, including plastic bags, account for 7% to 30% present of all litter in the Los Angeles area," stating that, "not all plastic film is plastic bags." The cited statement states "plastic film, <u>including</u> plastic bags…" which clearly informs that plastic bags are a component of, and <u>not</u> the entirety of, "all plastic film."

The commenter further claims that single-use plastic carryout bags are only about one-half percent of the litter stream and that paper bags constitute a substantial percentage of the litter stream, especially when plastic bags are banned. The information that plastic bag litter comprises up to 25% of the litter stream entering the Los Angeles River watershed presented in the Draft EIR was based on the "Los Angeles County Plastic Bag Study: Staff Report to the Los Angeles County Board of Supervisors" (2007)". Among information provided in the Draft EIR was the following "According to the Regional Water Quality Control Board (RWQCB) for the Los Angeles Region, trash has potentially harmful impacts to aquatic species, and plastic bags are one of the most common items of trash observed by RWQCB staff[175]."

Additional information that plastic bag litter collected at a catch basin cleaning event in the City comprised 25% of litter by weight and 19% by volume has been included in the Final EIR[176].

Thus, while this information has been included in the Final EIR, there is a plethora of various reports using different methodologies and different classifications for plastic carryout bags and reporting a wide range of numbers for various locations. While the exact quantities and proportions vary but the weight of evidence indicates that plastic carryout bags are present in, and comprise a substantial component of, litter throughout urban environments - on streets and in streams, rivers, and oceans. There is no reason to doubt that the composition of litter in the City of Los Angeles - which includes plastic carryout bags, is substantially similar to the composition

[175]Regional Water Quality Control Board, Los Angeles Region. Trash Total Maximum Daily Loads for the Los Angeles River Watershed, July 2007.
[176] Characterization of Urban Litter; Ad Hoc Committee on Los Angeles River and Watershed Protection Division, 2004.

of litter in other urban areas, including litter in the City of San Francisco, San Jose, Santa Monica, Glendale, Pasadena, Manhattan Beach and other cities among more than 50 California jurisdictions that have already adopted bans on single-use plastic carryout bags to combat plastic carryout bag litter and other effects of single-use carryout bags. For example, the City of San Jose reported a reduction in single-use plastic carryout bag litter of approximately 89% in storm drain 7systems, 60% in the creeks and rivers, and 59% in city streets and neighborhoods as a result of its ordinance banning single use plastic bags[177].

As clearly disclosed in the Draft EIR, the objective of the proposed ordinance is to reduce the use of all single-use carryout bags, including paper bags through a mechanism of charging a fee for a paper bag at the point of sale. Programs already implemented by numerous other jurisdictions (including County of Los Angeles, City of San Jose, etc.) resulted in reductions in the use of paper carryout bags, and there is no substantiation that over time the reduction in the consumption of paper bags would not result in reduction of paper bag litter. The Draft EIR evaluated environmental impacts of the proposed ordinance under very conservative assumption where 30% of the nearly 2 billion single-use plastic bags are replaced by more than 609 million of paper bags - representing an increase in paper bag use, and the analyses concluded that the proposed ordinance would not result in significant impacts.

The comment contends that information that up to 25% of plastic bags in the litter stream entering the Los Angeles River watershed via storm drains should be removed because full capture drain devices prevent plastic bags from entering the river. This information has been clarified in the Final EIR that in 2007 up to 25% of the litter stream entering the Los Angeles River watershed via storm drains was comprised of plastic bags. Information and discussion of full capture drain devices devises has also been included in the Final EIR. Information and discussion about transport of plastic carryout bags litter, which includes bags carried by wind action and littered through direct disposal, has been included in the Final EIR as well.

The Draft EIR provided information about the potential impacts of the proposed ordinance based on sound analyses, numerous available sources, and governed by the "rule of reason." Please refer to all previous Responses to Comment Letter 25.

Comment 25-18

The information about the City's stormwater capture devices has been included in the Final EIR. The discussion of the purpose of these devices to reduce litter from entering waterways via storm drains has been included in the Final EIR. These devices are required because the Los Angeles River, Ballona Creek, and other water bodies are severely impaired and a reduction in litter entering these waterways via storm drains is one of the methods of complying with the regional requirements. However, even if these devices achieve the goal of capturing most litter during specified intensity of storm events, there still will be litter entering the waterways via the drains.

[177] Bring your Own Bag Ordinance Implementation Results and Actions to Reduce EPS Foam Food Ware, City of San Jose, Transportation and Environmental Committee, Memorandum, 11/21/2012.

In addition, since transportation of plastic carryout bag litter by wind action and direct disposal into the waterways and the ocean will not be affected, there will still be litter entering the waterways. The proposed ordinance is anticipated to remove approximately 1,900,000,000 single-use plastic carryout bags per year in the City, which fundamentally addresses the source of plastic bag litter entering the impaired waterways. This information has been included in the Final EIR.

Comment 25-19

The commenter's statement that" plastic bags are not responsible for the entire universe of plastic debris in the ocean" is correct. No such statement is made in the Draft EIR.

The comment presents an opinion that the statement, "Larger and smaller, broken-down or micro-plastic debris, including plastic bags, may choke and starve wildlife, absorb toxic materials and degrade micro-plastics that may be subsequently digested," is without evidence and is incorrect. The inadvertently omitted source of this information, Barnes, et al. "Accumulation and fragmentation of plastic debris in global environments", cited *Phil. Trans. R. Soc. B 364* (2009), has been included in the Final EIR.

The comment included an excerpt from a British newspaper article of March 2008, quoting two selected opinions (the entire article quotes five opinions, including opinions of an elected politician and a chairman of a brand name retail stores) as evidence. The newspaper article quoting opinions is neither an "authoritative source" nor supporting evidence for the commenter's opinion that this information is incorrect.

The comment further states that the information that "The accumulation of plastic fragments in marine environments is of particular concern because they are difficult to remove from the environment and because they have the potential to be ingested by organisms at all levels of the food chain" has no evidence. The Draft EIR discussion includes synthesis of information from numerous sources in plain language. While more than thirty sources are cited in Section 3.2, Biological Resources, of the Draft EIR, additional sources, including "Impacts of Marine Debris on Biodiversity, Current Status and Potential Solutions" United Nations Secretariat of the Convention on Biological Diversity, Technical Series No. 67, and other reports, providing information about plastic fragments debris and its effects on marine environments have been included in the Final EIR.

The Draft EIR also included the following information:

"The proportion of macro- and micro-plastic particles in the ocean can vary globally. According to the 2007 International Coastal Clean-up (ICC) report by the Ocean Conservancy, plastic bags were the fourth most common debris item collected worldwide. Over 7 million plastic bags were collected during annual ICC events over the last 25 years[178]. In 2005, the ICC found that 2.2% of

[178]Heal the Bay, Surfrider Foundation, 5 Gyres, 7th Generation Advisors, Team Marine Comments on Initial Study – City of Los Angeles' Single-Use Bag Ordinance, October 18, 2012.

animals found dead during the 2004 survey had been entangled by plastic bags – one of many harmful biological effects of plastic bag litter in coastal and marine habitats.[179]"

This information has been updated in the Final EIR as follows:

"In 2010, the Ocean Conservancy found that 14.6% of marine wildlife found entangled were entangled by plastic bags.[180]"

The comment also contains selected statements from the Draft EIR that cite information contained in the Green Cities California Master Environmental Assessment (MEA) on Single-Use and Reusable Bags. The commenter's objections to these statements are objections to the MEA and not to the Draft EIR.

State law deems the MEA to be a valid source. As explained in the Executive Summary of the MEA on Single-Use and Reusable Bags, prepared for Green Cities California in March 2010, "The California Environmental Quality Act (CEQA) authorizes the use of Master Environmental Assessments (MEAs) 'in order to provide information which may be used or referenced in EIRs or negative declarations' (CEQA Guidelines Section 15169)." The MEA was prepared by environmental professionals for Green Cities California (GCC), a coalition of California jurisdictions, for the purpose of providing information to be used or referenced in EIRs.

A typographical error noted by the commenter has been corrected in the Final EIR.

The Draft EIR provided information addressing biological resources - both terrestrial and aquatic, in evaluating potential impacts of the proposed ordinance. The analysis concluded that: **"**Removing nearly 2 billion single-use plastic carryout bags consumed annually in the City would be expected to generally reduce litter-related impacts to sensitive species, including rare, threatened, or endangered species. Therefore, sensitive species would benefit from the proposed ordinance, which would reduce the amount of litter that could enter the terrestrial and marine environments and habitats. Impact would be beneficial."

The Draft EIR information was based on sound analyses, numerous available sources, and governed by the "rule of reason".

Comment 25-20

The statement about the amount of oil required to manufacture one billion plastic bags has been revised with the following text: "Most plastic bags that are produced domestically use ethane, which is a byproduct of natural gas refining. Imported single-use bags often originate as oil."

[179] Green Cities California: Master Environmental Assessment on Single-use and Reusable Bags. March 2010.
[180] Ocean Conservancy. "Trash Travels: 2010 Report." 2010: http://act.oceanconservancy.org/images/2010ICCReportRelease_pressPhotos/2010_ICC_Report.pdf

The DiGregorio statement about the amount of oil has been revised in the Final EIR with the following information from the U.S. Energy Information Administration: "In the United States, plastics are made from liquid petroleum gases (LPG), natural gas liquids (NGL), and natural gas. LPG and NGL are by-products of petroleum refining, and NGL are removed from natural gas before it enters transmission pipelines. In 2010, about 191 million barrels of LPG and NGL were used in the United States to make plastic products in the plastic materials and resins industry, equal to about 2.7% of total U.S. petroleum consumption."[181] This statement is included to describe the Environmental Setting (i.e., context) in the mineral resources section.

The commenter cites the Boustead (2007) report as showing that less oil and fossil fuels are used to make single-use (HDPE) plastic carryout bags than any other type of bag. As noted in Response to Comment 25-3 and elsewhere in responses to similar comments, the UK Environment Agency's "Lifecycle Analysis of Supermarket Carrier Bags" study concludes that reusable bags of any type initially require more "upstream" material and energy resources, as they are designed to be more durable than single-use carryout bags, but because the reusable bags' higher production impacts are distributed over multiple uses, they have a lower overall impact over time. The UK study's conclusions support the EIR's conclusions that reusable bags have lower overall environmental impacts than single-use plastic carryout bags.

The commenter's statement that ethylene is a "*waste* by-product" implies incorrectly that ethylene not used in the manufacture of plastic bags would be wasted. Ethylene is made from a by-product of natural gas refining (ethane), and has multiple purposes. If the demand for single-use plastic bags were to decline, polyethylene and the raw material from which it is made could be used for other purposes, including fuel and durable goods.

Comment 25-21

The commenter's comment about the figure of 20 billion plastic bags used annually is an objection to the MEA, and not to the EIR.

State law deems the MEA to be a valid source. As explained in the Executive Summary of the MEA on Single-Use and Reusable Bags, prepared for Green Cities California in March 2010, "The California Environmental Quality Act (CEQA) authorizes the use of Master Environmental Assessments (MEAs) 'in order to provide information which may be used or referenced in EIRs or negative declarations' (CEQA Guidelines Section 15169)." The MEA was prepared by environmental professionals for Green Cities California (GCC), a coalition of Californian jurisdictions, and was subject to professional peer review, in order to provide information that may be used or referenced in EIRs.

The calculation behind the figure of 2 billion bags used annually in Los Angeles is explained in Section 3.1 (Air Quality) of the EIR: "Based on the City of Los Angeles population of approximately 3,825,297 persons in 2012, and a statewide estimate of approximately 531 single-

[181] http://www.eia.gov/tools/faqs/faq.cfm?id=34&t=6

use plastic carryout bags used per person per year, retail customers in the City of Los Angeles currently use an estimated 2,031,232,707 single-use plastic carryout bags per year."

Comment 25-22

The information about a less than significant impact of greenhouse gases emissions that was inadvertently omitted in the Summary has been included therein in the Final EIR.

Comment 25-23

The commenter alleges that the EIR does not disclose the "critically important fact" that the County of Los Angeles has "no paper bag figures for the period prior to the ordinance" and that "therefore no conclusion about reduction can be drawn."

The Draft EIR provides the following official information released by the Los Angeles County:

"According to data collected by the County of Los Angeles after the County's Single-Use Bag Ordinance was enacted, approximately 125,000 paper bags were provided annually per large store compared to approximately 2.2 million plastic bags and 196,000 single-use paper bags provided per store prior to the ordinance going into effect in the third quarter of 2011. Single-use paper carryout bag usage continues to decline with an overall reduction of 34% between 2009 and the first quarter of 2012", including a nearly 13% reduction occurring within the first three quarters of the year following the enactment of the ordinance."

According to the source of this information, the Los Angeles County Department of Public Works, paper bag usage prior to the ordinance was estimated based on reported plastic bag usage in 2009 and paper bag usage determined in the Bag Usage Survey conducted for the County Bag EIR. Stores affected by the ordinance must provide quarterly updates to the County on carryout bags provided, and specifically:

- Total number of paper carryout bags provided (including those provided free of charge to Electronic Benefit Transfer (EBT), Women Infants and Children (WIC), and/or Supplemental Nutritional Assistance Program (SNAP) customers)
- Total amount of monies collected for providing paper carryout bags
- Summary of any efforts undertaken to promote the use of reusable bags by customers in the prior quarter

These data show a steady decrease in the number of paper bags used at stores in unincorporated Los Angeles County following the implementation of the County's ordinance. Following the ordinance, annual paper bag usage per store was approximately 149,300 in the third quarter of 2011. The latest data available at the time of the Draft EIR's publication was approximately 125,400 in the second quarter of 2012. Furthermore, the County has recently released further data for the third quarter of 2012, which is approximately 121,000, showing a continuing decline in paper bag usage. The Los Angeles County also provided information that the County's experience has shown that eliminating single-use plastic carryout bags and imposing a $0.10 fee

on sale of paper bags can significantly reduce bag litter and other environmental impacts at the source (see Comment Letter 26).

If the County of Los Angeles releases official revised information about the paper bag use, and if time permits, that information will be included in the Final EIR.

Moreover, the Draft EIR includes quantified assessments of environmental impacts of the proposed ordinance both with and without assuming a 13% reduction in paper bag use (as reported by the County of Los Angeles at the time the Draft EIR was completed). The analysis in the Draft EIR concludes that the impacts of the proposed ordinance would be either beneficial or less than significant under both with no 13% reduction in paper bag use and with a 13% reduction in paper bag use scenarios.

The commenter's claim that "the public has been misled by the DEIR..." has no basis.

Furthermore, please see also Response to Comment 25-12.

Comment 25-24

There is no discussion of District of Columbia in the Draft EIR. The Irish fee on plastic shopping bags is only noted in relation to Alternative 5, Impose a Fee on Single-Use Plastic Carryout Bags, not in relation to the project.

The commenter's claim that "the public has been misled by the DEIR…" has no basis.

Furthermore, please see also Response to Comment 25-13.

Comment 25-25

It is not clear on what basis the commenter believes that LDPE reusable bags are not one of the most common types of reusable bags.

The Draft EIR references findings in the Boustead report, specifically that, "If only used once, the manufacture, use and disposal of a reusable low-density polyethylene (LDPE) carryout bag results in 2.6 times the GHG emissions of a single-use high-density polyethylene (HDPE) plastic bag."

The commenter's claim that "the public has been misled by the DEIR…." has no basis.

Furthermore, please see also Responses to Comments 25-2 through 25-21.

Comment 25-26

The Draft EIR states that "unlike single-use plastic bags, reusable carryout bags are intended to be used multiple times, conservatively estimated to be at 52 times." The EIR's analysis is based on this conservative estimate, even though, as stated in the EIR, "reusable bags may be used 100 times or more[182]" and the proposed ordinance defines a reusable bag as a bag that "has a minimum lifetime of 125 uses". There is no basis for asserting that these statements are misleading.

The commenter's claim that "the public has been misled by the DEIR..." has no basis.

Furthermore, please see Response to Comment 25-14.

Comment 25-27

The statement has been updated in the Final EIR to add that reusable bags are recyclable if LDPE, HDPE, or Polypropylene (PP), or compostable if cotton or canvas. Furthermore, please see Response to Comment 25-16.

The commenter's claim that "the public has been misled by the DEIR..." has no basis.

Comment 25-28

It is unclear on what basis the commenter believes the litter statistics are "bogus." Furthermore, please see Response to Comment 25-17.

The commenter's claim that "the public has been misled by the DEIR…" has no basis.

Comment 25-29

The Draft EIR's statement that "plastic bag litter comprises up to 25% of the litter stream entering the Los Angeles River Watershed via storm drains" is a finding reported by the County of Los Angeles. "Up to 25%" is reasonably interpreted to mean that variation exists, but 25% is not uncharacteristic.
The commenter's claim that "the public has been misled by the DEIR…" has no basis.

Furthermore, please see Response to Comment 25-17.

[182] Green Cities Coalition Master Environmental Assessment, 2010.

Comment 25-30

The citation for the statement referenced in the comment has been updated with more recent data as follows:

"In 2010, the Ocean Conservancy found that 14.6% of marine wildlife found entangled were entangled by plastic bags.[183]"

Plastic bags are included in the category of plastic debris and plastic debris is reported to entangle or be ingested by marine animals, as stated in the Draft EIR. The commenter's claim that "the public has been misled by the DEIR…" has no basis.

Furthermore, please see Response to Comment 25-19.

Comment 25-31

As stated by the commenter, most (85%) of plastic bags used in the U.S. are produced domestically, most often using ethane, which is a byproduct of natural gas refining. Imported single-use bags often originate as oil. Since both materials that single-use plastic bags are made from (oil and polyethylene) can be used for multiple purposes, if the demand for single-use plastic bags were to decline, the polyethylene and the raw material from which it is made (oil or ethane) could be used for other purposes, including fuel and durable goods. The commenter's claim that "the public has been misled by the DEIR…" has no basis.

Furthermore, please see also Response to Comment 25-20.

Comment 25-32

The commenter states his opinion that a "new and revised DEIR must be reissued." The Draft EIR provided information about the potential impacts of the proposed ordinance based on sound analyses, numerous available sources, and governed by the "rule of reason". The commenter's claim that "the public has been misled by the DEIR…" has no basis, and furthermore please refer to Responses to Comments 25-18 and 25-23 through 25-32 with respect to the commenter's numerous such assertions. Appropriate modifications to the Draft EIR in response to comments and information received, including additional information, clarifications, and presentation of information in tabular formats, are identified by shading the revised text in the Final EIR, as illustrated in this sentence.

Comment 25-33

Please see Responses 25-2 through 25-32.

[183] Ocean Conservancy. "Trash Travels: 2010 Report." 2010: http://act.oceanconservancy.org/images/2010ICCReportRelease_pressPhotos/2010_ICC_Report.pdf

Comment 25-34

Please see Responses 25-2 through 25-32.

Comment 25-35

The commenter states that the "Santa Monica report is substantial evidence that paper bag usage increased significantly at regular stores in Los Angeles County after plastic bags were banned and a 10-cent fee was imposed on paper bags, and based on the trend line will increase even more."

The commenter cites selected excerpts from a study conducted by Team Marine (affiliated with Santa Monica High School) to support the commenter's claim that plastic bag bans and paper bag fees result in an increase in paper bag usage and a decrease in reusable bag use. While these data points are excerpted from the report, the report's main conclusions are:

(1) "Contrary to statements by pro-plastic bag groups, paper bags did not replace plastic bags as the predominant bag type"; and

(2) The results, "suggest that the post-ban ten cent fee per paper bag was an effective incentive to increase reusable and no bag selections."

Furthermore, the County of Los Angeles states in its comment letter that the County's experience has shown that banning single-use plastic carryout bags and charging $0.10 fee for paper bags has resulted in a reduction in paper bag use (see Comment Letter 26).

The commenter also cites an South African report in support of the commenter's claim that banning bags will result in people buying plastic bags for bin liners and other purposes.

The proposed ordinance would not ban all single-use plastic carryout bags. As stated in the Draft EIR, the proposed ordinance would not apply to all retail stores such as clothing stores and stores that sell durable goods that do not typically distribute large volumes of single-use plastic bags to customers. The proposed ordinance would not ban plastic or paper bags that are used by customers and the store to protect or contain meat or prepared food; or used for bagging fruits, vegetables, and other fresh produce; or for other goods that must be protected from moisture, damage or contamination, and which are typically placed inside a carryout bag at the point of sale. Pharmacy plastic bags used to carry out prescription drugs would be exempt from the proposed ordinance, as would be other specialty stores. Dry cleaners could continue to provide dry cleaning plastic bags, and retailers could continue to provide specialty plastic bags for suits, dresses and similar clothing items. Restaurants and other food service providers could continue to provide plastic bags to customers for prepared take-out food intended for consumption off the premises, as could vendors at City farmers' markets. An estimated 101,561,635 carryout plastic bags per year would continue to be consumed in the City of Los Angeles.

Please see Responses to Comments 25-3, 25-5, and 25-14.

SAVE THE PLASTIC BAG COALITION

Comment

1. **OBJECTIONS TO CITY OF LOS ANGELES DRAFT EIR ON PROPOSED SINGLE-USE CARRYOUT BAG ORDINANCE**

2. **DEMAND FOR REVISION AND NEW FINDINGS OF SIGNIFICANT NEGATIVE ENVIRONMENTAL IMPACT**

3. **DEMAND FOR RECIRCULATION OF REVISED DRAFT EIR AND PROMINENT NOTIFICATION TO THE PUBLIC OF SIGNIFICANT ERRORS IN INITIAL DRAFT EIR**

4. **NOTICE OF INTENT TO LITIGATE TO ENFORCE CEQA, INCLUDING PETITION FOR WRIT OF MANDATE OR PRELIMINARY INJUNCTION TO REQUIRE RECIRCULATION OF REVISED DRAFT EIR**

March 11, 2013

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Comment 25-1

INTRODUCTION

INTRODUCTION

Save The Plastic Bag Coalition ("STPB") was formed in 2008. Our membership includes companies and individuals engaged in the manufacture, distribution, and marketing of plastic carryout bags and polyethylene reusable bags. Two of our members, Grand Packaging, Inc. (d/b/a Command Packaging) and Crown Poly are located and manufacture plastic carryout bags and polyethylene reusable bags in Los Angeles. They supply supermarkets, grocery stores, and other types of stores that would be subject to the proposed ordinance.

STPB and its counsel, Stephen Joseph, are not, and have never been, connected with or financed by the American Chemistry Council or Progressive Bag Affiliates, or any other plastic industry organization in any way. STPB is and always has been totally independent.

The comments and objections herein are made in the public interest in order to enforce a public duty. The objection is based solely on environmental grounds. STPB's members are interested as citizens in having the public laws including CEQA executed and the public duties and environmental purposes in CEQA enforced. Therefore, STPB has citizen standing. In *Save the Plastic Bag v. City of Manhattan Beach* (2011) 52 Cal.4th 155, the Supreme Court granted STPB standing to legally challenge plastic bag bans. The court stated (at page 169):

> Corporate purposes are not necessarily antithetical to the public interest…. Corporations [may] have particular expertise and thus may have an enhanced understanding of the public interests at stake.

Groups and politicians seeking to have plastic bags banned have used myths, misinformation, exaggerations, and false statistics, and selective photography to promote their goal. The *Times of London* has stated in an editorial (Doc. # 701):

> There is a danger that the green herd, in pursuit of a good cause, stumbles into misguided campaigns. Analysis without facts is guesswork. Sloppy analysis of bad science is worse. Poor interpretation of good science wastes time and impedes the fight against obnoxious behavior. There is no place for bad science, or weak analysis, in the search for credible answers to difficult questions…. Many of those who have demonized plastic bags have enlisted scientific study to their cause. By exaggerating a grain of truth into a larger falsehood they spread misinformation, and abuse the trust of their unwitting audiences.

David Laist, a senior policy analyst with the U.S. Marine Mammal Commission, has publicly stated as follows (Doc. # 702):

> In their eagerness to make their case [against plastic bags], some of the environmental groups make up claims that are not really supportable.

The following link is to a movie made by STPB entitled: "Are You Being Told the Truth About Plastic Bags?" STPB requests that the full movie be made part of the administrative record. As it is a movie, it can only be submitted as a link. The link is:

WWW.PLASTICBAGMOVIE.COM

A copy of the opening slide of the video is Doc. # 013, which is submitted in lieu of the actual video.

GENERAL COMMENTS AND OBJECTIONS

GENERAL OBJECTION; DEMAND FOR NEW EIR AND NEW PUBLIC REVIEW PERIOD

Pursuant to Pub. Res. Code §21177(b) and other applicable provisions of the California Environmental Quality Act ("CEQA"), STPB objects to the Draft Environmental Impact Report ("DEIR") and approval of the proposed ordinance.

In the Notice of Completion of Draft Environmental Impact Report and Public Review on Proposed Single-Use Carryout Bag Ordinance, the City states:

> **Significant Environmental Effects of Project:** The analysis in the Draft EIR concluded that the proposed project would not result in any significant adverse impacts on the environment. However, it would result in beneficial impacts on air quality, biological resources, and hydrology and water quality.

This conclusion is incorrect and the assertions of fact on which the conclusion is based are incorrect. In fact, as discussed herein, the proposed ordinance ***would*** result in significant adverse impacts on the environment. STPB objects to the incorrect factual assertions and conclusion. The present DEIR, if finalized, would significantly mislead the members of the LA City Council, and the public, into believing that the proposed ordinance is environmentally harmless. This is a serious defect in the DEIR. STPB demands a new and revised DEIR, disclosing that the proposed ordinance ***would*** or ***might*** result in significant adverse impacts on the environment.

The present DEIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment have been precluded. Therefore, pursuant to CEQA Guidelines § 15088.5, STPB demands recirculation of the new and revised DEIR, including a new public review period and additional public meetings. The new and revised DEIR would have been "changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement." (Guidelines § 15088.5(a). STPB objects if the City fails to recirculate and new and revised DEIR and provide a new public review period and hold additional public meetings.

SUPPORTING DOCUMENTS

STPB requests that all the supporting documents that have been submitted by STPB on a flash drive be made part of the administrative record. They are numbered LA CITY 001, LA CITY 102, etc. They are referred to herein as Doc #1, Doc #2, etc.

STPB further requests that all documents and webpages for which hyperlinks are included herein be made part of the administrative record.

THERE IS NO "GREAT PACIFIC GARBAGE PATCH"

- The so-called "Great Pacific Garbage Patch," which is alleged to be twice the size of Texas, does not exist. (Docs # 703-711, 717-718, 720, 723-727.) We challenge anyone to provide us with a photograph of the "Great Pacific Garbage Patch." Check Google Images and no photographs will be found.

- Heal the Bay acknowledges that the term Great Pacific Garbage Patch is "misleading" and that there is no landfill in the ocean.

- Miriam Goldstein, the chief scientist on the Scripps expedition that went to the Pacific to survey marine debris, says the allegations about the patch are hugely exaggerated. She is frustrated with environmentalists who spread misinformation on the subject (and presumably legislators and government officials who believe them without question). She says: "Misinformation on this issue is rampant."(Docs. ## 703, 704.)

- Dr. Marcus Eriksen of the Algalita Marine Research Foundation sailed a vessel from Long Beach to Hawaii to find the patch. After 24 hours of trawling over 50 miles, the amount of plastic that he found was about the size of the palm of his hand. He now admits*: "There is no island of plastic trash*." (Doc. # 726.) Click on the following link to view the video of his 24-hour trawl: http://www.youtube.com/watch?v=3d3_fLsjC8U. He has also stated: "The idea of a single, Texas-size garbage patch is the myth of media sensationalism."

- In 2011, Oregon State University issued a press release based on the work of one of its scientists that was in no way financed or connected with the plastic industry. She said "the highest concentrations ever reported by scientists produces a patch that is a small fraction of the state of Texas, not twice the size." (http://tinyurl.com/837xod9 Docs ## 710, 711.)

- Any plastic debris in the Pacific Ocean will soon be overwhelmed by the gigantic amount of debris from the tsunami in Japan. (Doc. # 722.)

- The Sea Education Association ("SEA") has surveyed plastic debris in the Atlantic Ocean for the past 22 years. They found no overall change in the amount of plastic from 1986 to 2008. Dr. Karen Lavender Law, an oceanographer at SEA said: "I expected to see the line go right up. It took us a good year to decide no, we have not seen an increase, no matter how you slice it." (Docs. #717, 718.) Each half-hour trawl in the area where the concentration was the highest typically turned up just 20 tiny pieces, equivalent to about 0.3 grams in all. A U.S. nickel weighs 5 grams. She states: "If scientists sifted through 2,000 bathtubs' worth of plastic-contaminated seawater, Lavender Law says, they'd find just enough microparticles to fill the palm of a person's hand. "People might feel duped when they discover there are no floating islands of garbage…" (Doc. # 729.)

- ***Almost all of the plastic debris found in the Pacific Ocean is hard plastic. No large accumulations of plastic bags have ever been found.***

THE UNIMPRESSIVE RESULTS OF DR. ERIKSEN'S 24-HOUR 50-MILE TRAWL THROUGH THE "GREAT PACIFIC GARBAGE PATCH" BY THE ALGALITA MARINE RESEARCH FOUNDATION.

THAT IS ABOUT THE DISTANCE FROM SAN FRANCISCO TO SAN JOSE.

THE IMAGE INCLUDES DEAD FISH CAUGHT UP IN THE TRAWL.

THE AMOUNT OF PLASTIC FOUND WOULD FILL THE PALM OF A HAND.

THERE WERE NO PLASTIC BAGS!

http://www.youtube.com/watch?v=3d3_fLsjC8U

THE ALLEGATION THAT 100,000 MARINE MAMMALS AND A MILLION SEABIRDS ARE KILLED EACH YEAR BY PLASTIC BAGS IS BASED ON AN ERROR AND IS UNTRUE

- The allegation that 100,000 marine mammals and a million seabirds are killed every year by plastic bags is a myth. The U.S. and Australian Governments say that the figures are false. (Docs. ## 700, 702, 712, 713, 719, 721, 723.)

- In 2008, the Times of London published an article entitled "*Series of blunders turned the plastic bag into global villain*" (Doc. #700) which states in part as follows:

> The central claim of campaigners is that the bags kill more than 100,000 marine mammals and one million seabirds every year. However, this figure is based on a misinterpretation of a 1987 Canadian study in Newfoundland, which found that, between 1981 and 1984, more than 100,000 marine mammals, including birds, were killed by discarded nets. The Canadian study did not mention plastic bags.
>
> Fifteen years later in 2002, when the Australian Government commissioned a report into the effects of plastic bags, its authors misquoted the Newfoundland study, mistakenly attributing the deaths to "plastic bags".
>
> The figure was latched on to by conservationists as proof that the bags were killers. For four years the "typo" remained uncorrected. It was only in 2006 that the authors altered the report, replacing "plastic bags" with "plastic debris". But they admitted: "The actual numbers of animals killed annually by plastic bag litter is nearly impossible to determine."
>
> In a postscript to the correction they admitted that the original Canadian study had referred to fishing tackle, not plastic debris, as the threat to the marine environment.
>
> Regardless, the erroneous claim has become the keystone of a widening campaign to demonise plastic bags.
>
> David Santillo, a marine biologist at Greenpeace, told The Times that bad science was undermining the Government's case for banning the bags. "It's very unlikely that many animals are killed by plastic bags," he said. "The evidence shows just the opposite."

- The U.S. National Oceanic and Atmospheric Administration ("NOAA") states as follows: (Docs ## 705, 707)

  > *Question*: Is it true that 100,000 marine mammals and/or sea turtles die each year due to marine debris/plastics/plastic bags?
  >
  > *Answer*: We were able to find no information to support this statement. An erroneous statement attributing these figures to plastic bags was published in a 2002 report published by the Australian Government; it was corrected in 2006.
  >
  > *Question*: Is it true that marine debris kills a million seabirds each year?
  >
  > *Answer*: This statement is currently unknown. We are so far unable to find a scientific reference for this figure. The closest we have found is "214,500 to 763,000 seabirds are killed annually incidental to driftnet fishing by Japanese fishermen in the North Pacific Ocean (US Department of Commerce, 1981)" from Laist, 1987. This refers to active fishing gear bycatch and not marine debris; it also predates the high seas driftnet ban adopted by the United Nations General Assembly in 1992.

- Environmental groups show the same picture of a turtle with a blue bag in its mouth, over and over again and try to provoke an emotional response from audiences. (http://www.savetheplasticbag.com/ReadContent612.aspx.) Nobody knows if the photograph is real or PhotoShopped, and if it is real who took the photograph. They produce a handful of other photographs taken over the past 30 years. The evidence of a massive number of deaths on an annual basis just isn't there.

- While turtles and whales eat lots of things that they shouldn't, you can't ban all of those items. The overwhelming majority of deaths are caused by discarded fishing lines and nets and you can't ban those.

SURVEY OF 152 BIRD ENTANGLEMENTS
OFF THE U.S. WEST COAST
FROM 2001 TO 2005

Table 1. Entangled birds (n=152) recorded from 2001-2005.

Common name	n	Entanglement material (where identified)
Black-footed Albatross	1	Rope
Brandt's Cormorant	11	Fishing line, fishing hook, rope and metal
Brown Pelican	5	Fishing hook, hook and sinker
California Gull	4	Fishing line
Common Merganser	1	Fishing line
Common Murre	42	Balloon, fishing line, fishing hook, fishing net, hook, line and sinker, plastic, salmon gear
Double-crested Cormorant	3	Fishing line
Glaucous-winged Gull	5	Fishing line, fishing hook, fishing net
Heermann's Gull	1	Fishing line
Northern Fulmar	3	Balloon & string, fishing line and sinker
Pelagic Cormorant	6	Fishing line, fishing hook, line and sinker
Short-tailed Shearwater	1	Fishing line
Sooty Shearwater	11	Fishing line, fishing hook
Surf Scoter	1	Fishing line
Western Grebe	8	Fishing line, string
Western Gull	25	Fishing line, fishing hook, line and sinker
Unidentified spp.	24	Fishing line, fishing hook, plastic, rope and string

THIS IS WHAT IS KILLING MARINE LIFE, NOT PLASTIC BAGS

http://www.farallones.org/volunteer/documents/PSGPoster.pdf
(Doc. #712)

SEE ALSO DOC. # 719

“PLASTIC” IS NOT THE SAME AS PLASTIC BAGS

Doc. # 713 is a YouTube video by the BBC. The URL is:

http://www.youtube.com/watch?v=yom6zlm5VqE&feature=player_embedded

The video shows that albatrosses swallow all kinds of plastic bags, but the albatrosses in the video have not swallowed plastic bags.

STPB requests that the video be made part of the administrative record.

Image from the BBC video showing the “plastic” items swallowed by the albatrosses. There are no plastic bags.

PLASTIC RETAIL BAGS ARE A TINY PERCENTAGE OF LITTER

- According to the May 2007 City of San Francisco Litter Survey Report (at page 29), which was completed before the existing ban took effect, plastic non-retail bags were 1.9% of total large litter and plastic retail bags were only 0.6% of total large litter. (Doc. # 601.)

- According to the City of San Francisco Streets Litter Re-Audit 2009 (Doc. #602 at page 42):

  > Plastic bags including retail sacks and zipper bags represented **2.4%** of total large litter (108 items out of 4,488).

- There is no reason why the City of Los Angeles should have a greater percentage of plastic bags in its litter stream than San Francisco.

- See also Docs ## 600, 603, and 604 showing that plastic retail bags are only about one half of one percent of litter.

- You cannot ban your way out of a litter problem. That is a false solution. You have to pick it up.

PLASTIC BAGS COST TAXPAYERS VERY LITTLE

- According to Californians Against Waste, Californians pay up to $200 per household each year to clean up litter and waste associated with single-use bags. This finding is wrong and absurd.

- According to the U.S. Census, there are 12.1 million households in California. (Doc #89.) 12.1 multiplied by 200 is approximately $2.4 billion. Is that the amount that public agencies in California spend cleaning up plastic bags? Absolutely not. In fact, the Los Angeles County EIR states: "Public agencies in California spend more than $375 million each year for litter prevention, cleanup, and disposal." (Los Angeles County EIR (Doc #. 001) at page I-4.)

- Let us assume that plastic bags are 3% of all litter in San Francisco. We can apply the following calculation to determine the cost per household:

$$\frac{\$375 \text{ million} \times 3\%}{12.1 \text{ million households}}$$

- The Los Angeles County EIR found that no more than $4 million would be saved by banning plastic bags. (Doc. # 001 at IX-3.) Los Angeles County has 3.1 million households. That is a mere 93 cents per household per year. Not $200!

PLASTIC BAGS HAVE NO SIGNIFICANT IMPACT ON LANDFILLS

- Some people say that plastic bags "clog up" landfills. Landfills are the contents of everyone's trashcans plus other non-recyclables. Plastic bags do not "clog up" landfills any more than they clog up trashcans. Look inside your own trashcan. Plastic bags are low volume and light. A mere 0.4% (that is four-tenths of one percent) of the solid waste stream consists of plastic grocery and merchandise bags. (Doc. # 606.)

- People say that plastic bags last a thousand years in a landfill. That is an environmental benefit, as the Los Angeles County EIR and all other plastic bag ban EIRs acknowledge. Plastic sequesters and locks in the CO_2. Sequestration of CO_2 is a major goal. Organic material including paper decomposes and emits methane, a greenhouse gas with 21 to 25 times the climate changing impact of CO_2. (Doc # 415.)

PLASTIC BAGS ARE NOT MADE FROM OIL

- There is a claim repeated over and over again on the Internet that plastic bags are made of oil and that 12 million barrels of oil are used annually in the United States to make the plastic bags that Americans use. \

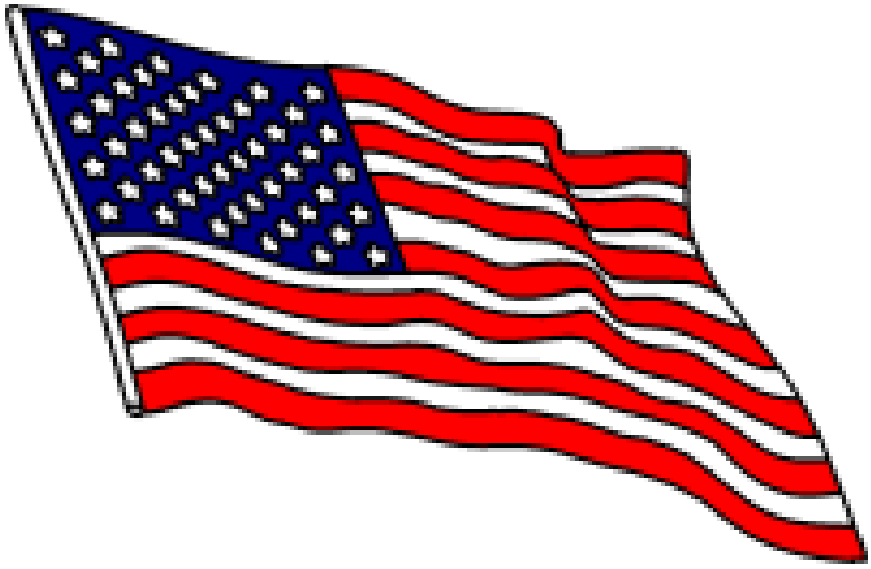
- The allegation is not true.

- 85% of plastic bags used in the United States are made in the United States. Plastic bags are made out of polyethylene. In the United States, ethylene is made of ethane, which is extracted from domestic natural gas. As a result, 85% of plastic bags used in the United States are not made out of oil.

- The ethane must be removed from the natural gas anyway to lower the BTU value of the natural gas to an acceptable level. Ethane burns too hot to be allowed to remain in high levels in natural gas that is delivered to homes and businesses for fuel. There is nothing else that the ethane can be used for except to make ethylene. If ethane is not used to make plastic, it will have to be burned off, resulting in greenhouse gas emissions.

- Using the ethane to make plastic does not in any way reduce the amount of fuel available for transportation or power generation or increase our energy imports.

- If plastic bags are banned in the City of Los Angeles, it would have ***zero impact*** on our dependence on foreign oil.



**ACCORDING TO U.S. DEPARTMENT OF COMMERCE FIGURES,
APPROXIMATELY 69.3% OF PLASTIC CARRYOUT BAGS
THAT ARE USED IN THE UNITED STATES
ARE MADE IN THE UNITED STATES,
INCLUDING AT FACTORIES HERE IN CALIFORNIA.
(SEE U.S. DEPARTMENT OF COMMERCE FIGURES - DOC. # 109)**

MORE THAN 10,000 AMERICANS ARE DEPOENDENT ON THESE JOBS

**THE VAST MAJORITY OF *REUSABLE* BAGS ARE IMPORTED,
MOSTLY FROM CHINA.**

**A PLASTIC BAG BAN REPLACES AMERICAN JOBS
WITH JOBS IN CHINA AND OTHER PARTS OF ASIA.**

THIS IS A LABEL FROM AN IMPORTED *REUSABLE* BAG THAT IS SOLD IN SAN FRANCISCO.

THE LABEL STATES:

> **WARNING**
>
> **THIS PRODUCT CONTAINS DEHP, A PHTHALATE CHEMICAL, LEAD, AND OTHER CHEMICALS KNOWN TO THE STATE OF CALIFORNIA TO CAUSE BIRTH DEFECTS AND OTHER REPRODUCTIVE HARM.**

THERE ARE MAJOR TOXICITY ISSUES WITH IMPORTED *REUSABLE* BAGS.

THERE ARE NO TOXICITY ISSUES WITH PLASTIC *CARRYOUT* BAGS.

Comment 25-3

THE PROPOSED ORDINANCE MAY RESULT IN SIGNIFICANT NEGATIVE ENVIRONMENTAL IMPACTS

A SWITCH TO PAPER BAGS CAUSED BY BANNING PLASTIC BAGS MAY HAVE A SIGNIFICANT NEGATIVE NET IMPACT ON THE ENVIRONMENT

In June 2008, Heal the Bay stated: (Doc. # 004.)

> As the most ubiquitous alternative to plastic, paper bags are themselves fraught with environmental impacts. The production of paper bags contributes to natural resource depletion, greenhouse gas emissions and additional waterborne wastes from the pulping and paper making process.

In December 2009, Heal the Bay stated: (Doc. # 412.)

> While paper bags are less likely to become persistent marine debris when disposed in the environment, serious negative environmental impacts occur during the production of these bags. The production of paper bags made from virgin materials contributes to deforestation, greenhouse gas emissions, and additional waterborne wastes.

The Weyerhaeuser pulp and paper mill, Longview, Washington State

STPB hereby submits five life cycle assessments that constitute substantial evidence that paper bags and reusable bags are *significantly more* damaging to the environment than plastic bags.

THE 1990 FRANKLIN REPORT

[Doc. # 400.]

The Franklin Report is a life cycle assessment of plastic bags and paper carryout bags used in the United States. It shows that plastic bags are substantially better for the environment than paper carryout bags for the following reasons: (see Conclusions section of report):

- The energy requirements for plastic bags are between 20% and 40% less than for paper carryout bags at zero percent recycling of both kinds of bags. Assuming paper carryout bags carry 50% more than plastic bags, the plastic bag continues to require 23% less energy than paper bags even at 100% recycling.

- Plastic bags contribute between 74% and 80% less solid waste than paper carryout bags at zero percent recycling. Plastic bags continue to contribute less solid waste than paper carryout bags at all recycling rates.

- Atmospheric emissions for plastic bags are between 63% and 73% less than for paper carryout bags at zero percent recycling. Plastic bags continue to contribute less atmospheric emissions than paper carryout bags at all recycling rates.

- At a zero percent recycling rate, plastic bags contribute over 90% less waterborne wastes than paper carryout bags. This percentage actually increases as the recycling rate increases. The landfill volume occupied by plastic bags is 70% to 80% less than the volume occupied by paper carryout bags based on 10,000 uses.

THE 2005 SCOTTISH REPORT

[Doc. #401.]

The Scottish Report was issued by the Scottish Government. It is an environmental impact assessment of the effects of a proposed plastic bag levy in Scotland. The report (at page 22) takes into account the fact that a paper carryout bag holds more than a plastic bag and makes appropriate adjustments. The report includes the following findings:

- Page vi: "If only plastic bags were to be levied…, then studies and experience elsewhere suggest that there would be some shift in bag usage to paper bags (which have worse environmental impacts)."

- Page 31: "[A] paper bag has a more adverse impact than a plastic bag for most of the environmental issues considered. Areas where paper bags score particularly badly include water consumption, atmospheric acidification (which can have effects on human health, sensitive ecosystems, forest decline and acidification of lakes) and eutrophication of water bodies (which can lead to growth of algae and depletion of

oxygen)."

- Page 31: "Paper bags are anywhere between six to ten times heavier than lightweight plastic carrier bags and, as such, require more transport and its associated costs. They would also take up more room in a landfill if they were not recycled."

- Page 23: After taking into account that paper bags hold more than plastic bags, paper bags still result in:

    - 1.1 times more consumption of nonrenewable primary energy than plastic bags.

    - 4.0 times more consumption of water than plastic bags.

    - 3.3 times more emissions of greenhouse gases than plastic bags.

    - 1.9 times more acid rain (atmospheric acidification) than plastic bags.

    - 1.3 times more negative air quality (ground level ozone formation) than plastic bags.

    - 14.0 times more water body eutrophication than plastic bags.

    - 2.7 times more solid waste production than plastic bags.

THE 2007 BOUSTEAD REPORT

[Doc. # 402.]

The Boustead Report is an extremely thorough and detailed life cycle assessment of the environmental impacts of plastic bags, compostable bags, and paper carryout bags in the United States. It is packed with data. It studied the types of plastic bags, compostable bags, and paper carryout bags commonly used in the United States. It takes into account that a paper carryout bag holds more than a plastic bag and applies an adjustment factor. It studied paper bags with 30% post consumer recycled content.

The Boustead Report was commissioned by Progressive Bag Affiliates, a plastic bag industry organization. It was peer reviewed by an independent third party, a Professor of Chemical Engineering at North Carolina State University. (Boustead report at pages 4, 63-64.) He is an expert on life cycle analysis with extensive experience in the field. He commented that the Boustead Report "provides both a sound technical descriptions (sic) of the grocery bag products and the processes of life cycle use…. Whatever the goals of the policy makers, these need to be far more explicit that general environmental improvement, since the life cycle story is consistent in favor of recyclable plastic bags." (Boustead Report at page 63.)

The professor reviewed every single one of the figures in the report and disagreed with some of them. The Boustead report was amended to the extent that the Boustead report author agreed with the professor's comments. For example, the figure "103" for electricity in Table 9B

was corrected to "154." (Boustead Report at pages 64 and 19.)

The Boustead Report (at page 4) includes the following findings based on carrying capacity equivalent to 1000 paper bags:

BOUSTEAD REPORT
IMPACT SUMMARY OF VARIOUS BAG TYPES
(Carrying Capacity Equivalent to 1000 Paper Bags)

	Paper (30% Recycled Fiber)	**Polyethylene**
Total Energy Used (MJ)	2622	763
Fossil Fuel Use (kg)	23.2	14.9
Municipal Solid Waste (kg)	33.9	7.0
Greenhouse Gas Emissions (CO_2 Equiv. Tons)	0.08	0.04
Fresh Water Usage (Gal)	1004	58

The Boustead Report analyzes paper bags with 30% post consumer recycled content. The proposed ordinance requires that paper bags have 40% post-consumer recycled content. An additional 10% of recycled content would not result in a 10% improvement in environmental impacts. (Obviously, a paper bag with 100% post consumer recycled content would not have zero negative environmental impacts.) But even if an extra 10% of recycled content decreased all environmental impacts of paper bags by 10%, paper bags are still far worse than plastic bags in every environmental category. For example, instead of consuming 2622 megajoules of total energy, 1000 paper bags would consume 2360 megajoules. Plastic bags with the same carrying capacity consume only 763 megajoules.

THE MARCH 2008 ULS REPORT

[Doc. # 403.]

This report addresses the impact of San Francisco's ordinance banning plastic bags at large stores. San Francisco defines acceptable paper carryout bags as containing "no old growth fiber…100% recyclable… contains a minimum of 40% post-consumer recycled content." San Francisco Environment Code, Chapter 17, §1702(j). The report at pages 3-4 contains the following findings:

- Plastic bags generate 39% less greenhouse gas emissions than uncomposted paper carryout bags.
- Plastic bags consume less than 6% of the water needed to make paper carryout bags.
- Plastic bags consume 71% less energy during production than paper carryout bags.
- Plastic bags generate approximately only one-fifth of the amount of solid waste that is generated by paper carryout bags.

The report at page 5 concludes as follows:

> Legislation designed to reduce environmental impacts and litter by outlawing grocery bags based on the material from which they are produced will not deliver the intended results. While some litter reduction might take place, it would be outweighed by the disadvantages that would subsequently occur (increased solid waste and greenhouse gas emissions) [from paper bags]. Ironically, reducing the use of traditional plastic bags would not even reduce the reliance on fossil fuels, as paper and biodegradable plastic bags consume at least as much non-renewable energy during their full life cycle.

THE 2011 BRITISH GOVERNMENT REPORT

[Doc. # 406; Doc. # 407 is summary.]

In February 2011, the United Kingdom Government's Environment Agency published a life cycle assessment of plastic, paper, and reusable bags. Doc #96 is a summary of the British Report.

The British Report found that:

- The environmental impact of all types of carrier bag is dominated by resource use and production stages. Transport, secondary packaging and end-of-life management generally have a minimal influence on their performance. (Exec. Summary)

- "Recycling or composting generally produce only a small reduction in global warming potential and abiotic depletion." (Exec summary)

- 40.3% of plastic bags are reused as bin liners. (Study at p. 30)

- "Reuse as bin liners produces greater benefits than recycling bags." (Exec summary)

- "When each bag was compared with no primary reuse (i.e. no reuse as a carrier bag), the conventional HDPE bag had the lowest environmental impacts of in eight of the nine impact categories, because it was the lightest bag considered." The study did not consider litter impacts. (Study at 56.)

- The table and chart on the following pages summarize the conclusions of the study regarding global warming impacts. (Exec summary)

Note: Conventional plastic bag carryout bags are referred to in the British Report HDPE bags. Plastic carryout bags used in the USA are made from the same materials as HDPE bags used in Britain. (Doc. # 411.)

BRITISH GOVERNMENT REPORT
(Exec summary)

NUMBER OF TIMES THAT ALTERNATIVE BAGS HAVE TO BE USED TO PRODUCE LESS GLOBAL WARMING THAN PLASTIC BAGS

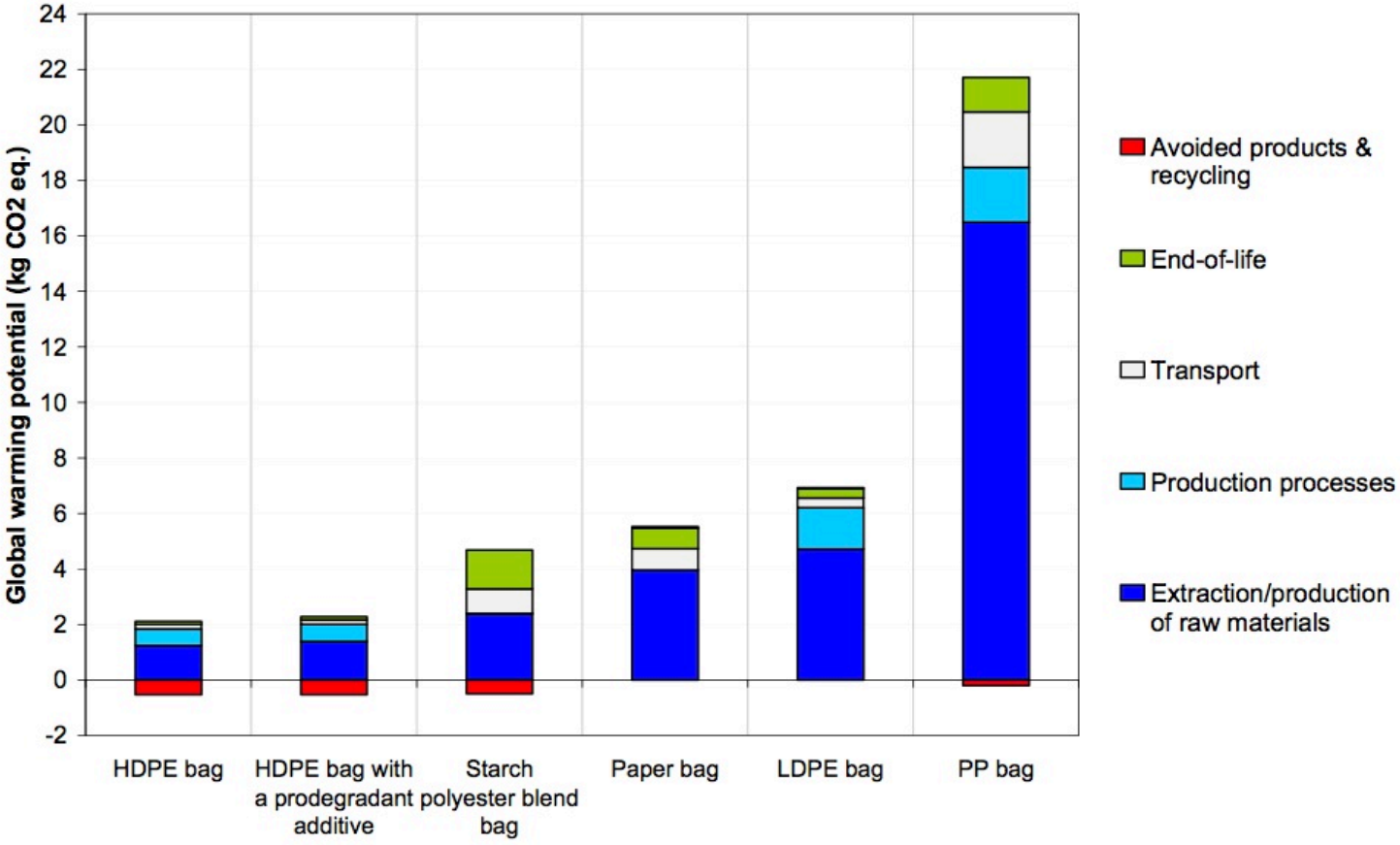
Plastic bag = 1

Type of carrier	HDPE bag (No secondary reuse)	HDPE bag (40.3% reused as bin liners)	HDPE bag (100% reused as bin liners)	HDPE bag (Used 3 times)
Paper bag	3	4	7	9
LDPE bag	4	5	9	12
Non-woven PP bag	11	14	26	33
Cotton bag	131	173	327	393

Based on the above table, if a consumer uses a cotton bag only 130 times and then discard it, more global warning will have been created than if 130 conventional plastic carryout bags had been used. If a consumer has two cotton reusable bags and discards one of them without reusing it, the other would have to be used 262 times.

BRITISH GOVERNMENT REPORT
(Page 33)

"The cotton carrier bag is not shown in [the following table], because its [global warming potential] is more than ten times that of any other carrier bag." (British LCA at 33)



The above chart shows that the most important factor in determining the degree to which a bag produces global warming is the material from which the bag is made. Clearly, the best material is HDPE.

VOLUME EQUALIZATION

The Franklin, Scottish, Boustead, ULS, and British Reports take into account the fact that paper bags hold more than plastic bags. The Scottish Report (at page 23) states that the calculations are "normalized against the volume of shopping carried." The Boustead report (at page 4) shows the impact of bag types based on "carrying capacity equivalent to 1,000 paper bags." The ratio in the Boustead report (see page 7) is 1,500 plastic bags = 1,000 paper bags. The ULS report is based on the Scottish (Carrefour/Ecobilan) and Boustead reports. (See also British Report at 17.) All of the reports show *based on equivalent carrying capacity*, that paper bags have much worse environmental impacts than plastic bags.

These paper bags were doubled-bagged by a store cashier at the Trader Joe's on Bay Street in San Francisco. The photograph was taken by Stephen Joseph. He has observed Trader Joe's routinely double-bagging paper bags at the store, even for light loads. The manager told him that the reason is that paper bag handles are weak and break. Notice also that the bags are only half-filled. Bags are loaded based on weight, not volume. Many people cannot carry more than 10 to 15 lbs per bag.

Once double-bagging and half-filling of paper bags are taken into account, the environmental impacts of a shift to paper bags are even worse than the findings in the studies.

THE LOSS OF TREES AND RESULTING IMPACTS

Paper bags are made from trees. Lost trees used to make paper bags are a significant environmental impact. If a small forest located in the City of Los Angeles is cut down to make paper bags, it would be deemed a significant environmental impact. Trees cut down in other locations for the same purpose are equally a significant environmental impact.

In *Save The Plastic Bag Coalition v. City of Manhattan Beach*, the Supreme Court stated as follows:

> We have noted that the area defined by section 21060.5, that is, the area that will be affected by a proposed project, may be greater than the area encompassed by the project itself. " '[T]he project area does not define the relevant environment for purposes of CEQA when a project's environmental effects will be felt outside the project area.' [Citation.] Indeed, 'the purpose of CEQA would be undermined if the appropriate governmental agencies went forward without an awareness of the effects a project will have on areas outside of the boundaries of the project area.' [Citation.]' (*Muzzy Ranch Co. v. Solano County Airport Land Use Com., supra,* 41 Cal.4th at p. 387.)

Paper bags used in the City of Los Angeles may be imported from all parts of the world, including Asia. The logging and forestry practices in those countries may be unsustainable and result in significant environmental consequences.

The Environmental Paper Network (EPN) has published a comprehensive report entitled: "The State of the Paper Industry." (Doc. # 410.) The EPN states in the report as follows:

> [T]he paper industry's activities – and our individual use and disposal of paper in our daily lives—have enormous impacts. These include loss and degradation of forests that moderate climate change, destruction of habitat for countless plant and animal species, pollution of air and water with toxic chemicals such as mercury and dioxin, and production of methane—a potent greenhouse gas—as paper decomposes in landfills, to name just a few. (Page iv)
>
> One of the most significant, and perhaps least understood, impacts of the paper industry is climate change. Every phase of paper's lifecycle contributes to global warming, from harvesting trees to production of pulp and paper to eventual disposal. (Page v)
>
> The climate change effects of paper carry all the way through to disposal. If paper is landfilled rather than recycled, it decomposes and produces methane, a greenhouse gas with 23 times the heat-trapping power of carbon dioxide. More than one-third of

> municipal solid waste is paper, and municipal landfills account for 34 percent of human related methane emissions to the atmosphere, making landfills the single largest source of such emissions. The U.S. Environmental Protection Agency has identified the decomposition of paper as among the most significant sources of landfill methane. (Page v)

According to the EPN report at page 3:

- Plastics contribute 4% of toxic emissions
- Paper contributes 12% of toxic emissions

According to the EPN report at page 5, discards in the U.S. municipal solid waste streams by material are as follows:

- Plastics 16%
- Paper and paperboard 25%

The Daily Green has summarized the EPN report. (Doc # 4.) Some of its observations are as follows:

- Forests store 50% of the world's terrestrial carbon. (In other words, they are awfully important "carbon sinks" that hold onto pollution that would otherwise lead to global warming.)
- Half the world's forests have already been cleared or burned, and 80% of what's left has been seriously degraded.
- 42% of the industrial wood harvest is used to make paper.
- The paper industry is the 4th largest contributor to greenhouse gas emissions among United States manufacturing industries, and contributes 9% of the manufacturing sector's carbon emissions.
- If the United States cut office paper use by just 10% it would prevent the emission of 1.6 million tons of greenhouse gases -- the equivalent of taking 280,000 cars off the road.
- Paper accounts for 25% of landfill waste (and one third of municipal landfill waste).
- Municipal landfills account for one third of human-related methane emissions (and methane is 23-times more potent a greenhouse gas than is carbon dioxide).

Friends of the Earth has published a report entitled "Forests And Climate Change." (Doc.

409.) This is the most balanced report we could find on the paper industry and deforestation. We believe that it does not overstate or understate the impact of logging. The report contains the following findings:

- Deforestation in the tropics is the second most important source of greenhouse gas emissions.

- Fossil fuel consumption is the greatest source of greenhouse gas emission.

- The forest industry's claims that they are "combating climate change" are overstated and provide no justification for the intensive forest management practices and timber/paper production of the industry, or the continued wasteful consumption of wood and paper products.

PEOPLE NEED PLASTIC BAGS AND THEY WILL BUY THEM IN ANOTHER FORM

When assessing the impact of a plastic bag ban, it is essential to take into account the fact that the public needs plastic bags for many purposes. While plastic carryout bags are often referred to as "single-use," they are in fact one of the most reused items that exist. One survey shows that 92% of households reuse "single-use" plastic bags. (Doc. # 416.) They are reused as bin-liners, for used diapers, to gather dog waste, and many other purposes. If plastic carryout bags are banned, people will buy other types of plastic bags instead.

In 2003, the Government of Ireland imposed a fee on plastic bags. This is an article from the *Irish Examiner* published almost a year after the plastic bag fee was imposed (Doc. # 901):

Shoppers still bagging plastic sales

> SHOPPERS are still buying plenty of plastic, despite the introduction of a bag levy last March.
>
> Retailers have noticed substantial increases in the sales of bin bags, nappy [diaper] bags and pedal bin-liners since the levy was introduced.
>
> The number of plastic bags issued has fallen by 95% and has meant that consumers no longer have limitless supplies of plastic bags for household use. This has led to a 77% increase in sales of foot-pedal bin-liners in Tesco.
>
> Sales of nappy [diaper] bags have jumped by 84% in Superquinn and by 25% in Super Valu and Centra stores. Swing binliner sales have increased by 75%.
>
> "There has been an obvious increase in sales of kitchen bin-liners and nappy [diaper] bags, where people would have previously re-used carrier bags. We are looking at options for degradable bin-liners and similar products so that the impact on the environment is minimised," said Super Valu-Centra trading director James Wilson.
>
> He said the plastic bag levy in general had reduced the amount of plastic going to landfill and has had a "hugely positive impact" in general.
>
> Super Valu and Centra stores have also reported that sales of "bags for life" the reusable plastic shopping bags which were available before the levy have increased by 600-700%.
>
> The plastic bag levy has led to a boom for Killeen, a bin bag company based in Drogheda, Co Loath. It produces 19 different

types of bin bags and is now employing workers on double shifts to meet the demand.

“We’ve experienced a growth in sales of 300-400%. It's been phenomenal. You can trace it back to last March when the bag levy came in,” Killeen business manager Ken Wall said.

The increase in plastic sales has not alarmed environmental groups.

“It’s the exception to the rule. You only have to look at our streets to see the difference the bag levy has made. There’s no plastic bags stuck in trees or fences anymore,” said Friends of the Environment spokesman Tony Lowes.

A Department of the Environment spokesman said that 7.2m had been raised for the first six months.

In the bag

77% - increase in pedal bin liner sales (Tesco)

84% - increase in nappy [diaper] bag sales (Superquinn)

13.5% - increase in bin bag sales (Superquin)

25% - Increase in sales of Nappy [diaper] Bags. (Super Value/Centra)

75% -Increase in sales of Swing Bin Liners (Super Value/Centra)

A SWITCH TO REUSABLE BAGS MAY HAVE A SIGNIFICANT NEGATIVE NET IMPACT ON THE ENVIRONMENT AS A RESULT OF LIFE CYCLE IMPACTS OF REUSABLE BAGS

Every manufactured product creates negative environmental impacts during its life cycle. Reusable bags are no exception. However, as reusable bags are considered a "green" alternative, their environmental impacts are often overlooked. A switch to reusable bags may well be significantly worse for the environment than the status quo.

The City of Los Angeles must make a determination of how many uses of each of the major kinds of reusable bag it would take to offset the greater negative environmental impacts of reusable bags. STPB objects to the failure to do so. For example, a cotton reusable bag used just once and then discarded and disposed of in a landfill may have much worse impacts on the environment than a plastic bag used just once and disposed of in a landfill.

The fact that a bag ***can*** be used hundreds of times does not mean that it ***will*** be used hundreds of times.

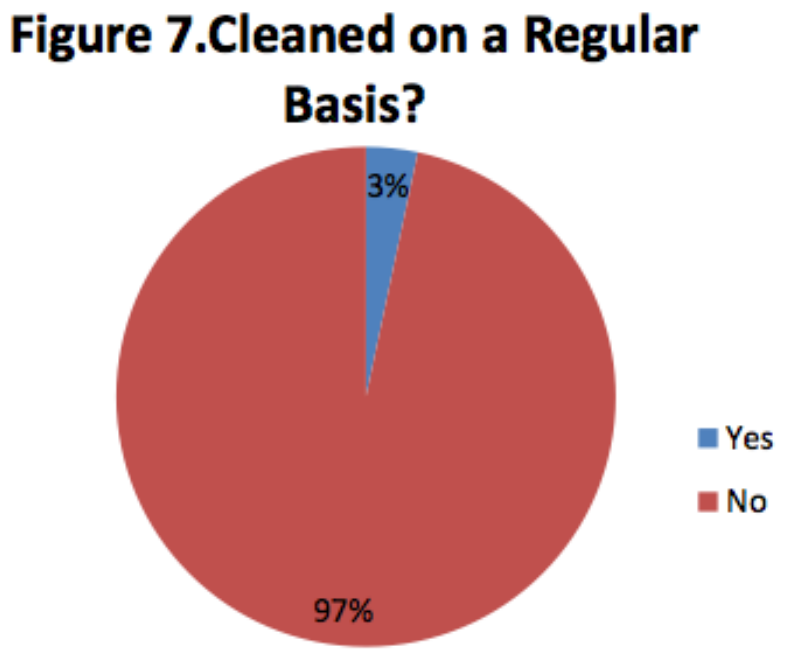
The Wall Street Journal published an article entitled "An Inconvenient Bag." (Doc. # 513.) The article states in part as follows:

> It's manufactured in China, shipped thousands of miles overseas, made with plastic and could take years to decompose. It's also the hot "green" giveaway of the moment: the reusable shopping bag….
>
> But well-meaning companies and consumers are finding that shopping bags, like biofuels, are another area where it's complicated to go green. "If you don't reuse them, you're actually worse off by taking one of them," says Bob Lilienfeld, author of the Use Less Stuff Report, an online newsletter about waste prevention. And because many of the bags are made from heavier material, they're also likely to sit longer in landfills than their thinner, disposable cousins, according to Ned Thomas, who heads the department of material science and engineering at Massachusetts Institute of Technology….
>
> Finding a truly green bag is challenging. Plastic totes may be more eco-friendly to manufacture than ones made from cotton or canvas, which can require large amounts of water and energy to produce and may contain harsh chemical dyes. Paper bags, meanwhile, require the destruction of millions of trees and are made in factories that contribute to air and water pollution.
>
> Many of the cheap, reusable bags that retailers favor are produced in Chinese factories and made from nonwoven polypropylene, a form of plastic that requires about 28 times as much energy to produce as the plastic used in standard disposable bags and eight

> times as much as a paper sack, according to Mr. Sterling, of Natural Capitalism Solutions.
>
> Some, such as the ones sold in Gristedes stores in New York that are printed with the slogan "I used to be a plastic bag," are misleading. Those bags are also made in China from nonwoven polypropylene and have no recycled content.

STPB objects to the assumption that reusable bags will be used a sufficient number of times on average to offset any greater negative life cycle impacts. The City of Los Angeles must assume a reasonable worst-case scenario. People *may* use reusable bags an average of on two times before discarding them. It depends on the price a consumer has paid for the bag, how dirty the bag has become, how easy it is to clean, how many other reusable bags the consumer owns, and other factors.

The overwhelming majority of consumers do not clean their reusable bags and would prefer to replace them. The University of Arizona asked consumers how often they wash their reusable bags. (Doc. ## 514, 515.) This is important, because as the University of Arizona study shows, reusable bags quickly accumulate dirt and dangerous bacteria if not washed. The result is shown in the following graphic in the University of Arizona study showing that 97% of consumers do not regularly wash reusable bags:



An unwashed Trader Joes' reusable bags: a health hazard

It would be *disastrous* from a public health standpoint to encourage consumers to reuse reusable bags if they do not wash them.

Consumers will be more likely to buy a new reusable bag than wash a reusable bag. This will lead to an overproliferation of reusable bags resulting in a very low reuse rate. This is precisely what has happened in Australia. An article on the situation in Australia states as follows (Doc. # 517):

> The biggest backer of reusable bags accuses supermarkets of profiteering from their sales.
>
> They were meant to save us from the plague of plastic bags. But reusable "green" bags are being oversold and creating a new proliferation problem, according to Ian Kiernan, who helped devise the environmental anti-plastic campaign.
>
> Coles and Woolworths are profiteering from the popularity of so-called eco-friendly bags, the Clean Up Australia Day founder said. He accused the supermarket chains, which together have sold almost 20 million reusable bags, of "trading off the green potential" of the now ubiquitous products rather than encouraging shoppers to cut consumption.
>
> "They haven't partnered with the community, which they should have done to get it to change behaviour instead of just shovelling [the bags] out the door as quick as they can, selling them like a string of sausages."
>
> Australia's growing mountain of green bags, many of which end up in landfill, is causing concern. While consumption of disposable plastic bags has plummeted, we now have more reusable bags than are good for us, some environmentalists say.
>
> "It's swallowing up resources, it's overconsumption. It was designed for people to keep reusing them, but people forget to take them to the supermarket and either buy another one or take a plastic bag," Mr. Kiernan said. "But if we do away with them, the use of plastic bags is going to increase. I still think the green bag is a good thing, but they are not delivering the full benefit they could."
>
> Green bags, which sell in supermarkets for up to $2.99, are typically made from non-woven polypropylene, a non-biodegradable byproduct of oil refining.
>
> The bags, introduced in Australia in 2002, have spawned a stand-alone industry, including cooler bags, wine-bottle holders and

pocket-sized fold-outs.

Leading retailers, such as Target and Bunnings Warehouse, now sell them in place of disposable plastic bags. Stocks have been buoyed further by companies giving away bags as promotional tools.

“There is a proliferation issue that we need to start addressing,” said Planet Ark campaigns manager Brad Gray.

“We've got a lot of people who are using them really regularly and using them the way they should, and we've also got a number of people who buy green bags regularly and don't use them on an ongoing basis.

“It has become a bit of a false environmental economy and a concern. They are made out of plastic, so you don't want a lot of them strewn over the world. But if they are used properly, over and over again, they have a good environmental benefit.”

Mr. Gray said governments should follow South Australia's ban on disposable plastic bags, introduced last May, to encourage reuse of more eco-friendly alternatives.

Coles sold more than 10 million reusable bags in the past 12 months, a 40 per cent increase on the previous year, partly because of the South Australian ban. Woolworths sold 8.82 million reusable bags last financial year, up almost 65 per cent on 2007-08.

Woolworths spokeswoman Clare Buchanan admitted it makes “a very small profit” on reusable bags. But Woolworths had worked hard to encourage customers to reduce consumption, including the provision of recycling bins in stores, she said.

Coles donated more than $315,000 to Landcare from green bag sales in the past year, spokesman Jim Cooper said.

A report last year by the Sustainable Packaging Alliance, commissioned by Woolworths, found reusable bags have a lower environmental toll than single-use bags, but only when used 104 times - or once a week over two years. The impact on global warming of a reusable polypropylene bag used only 52 times is worse than a standard plastic shopping bag.

Anecdotal reports suggest many reusable bags are not meeting their environmental potential. Online forums include comments from users who have thrown away surplus green bags, used them

> as rubbish bin liners or given them to charity stores.
>
> Smartbag sells about 5 million reusable bags a year, particularly for use as promotional tools, said director Chris Ballenden. "People are ending up with more of these, but is that worse or better than someone buying a shirt in an expensive paper bag and throwing it in the bin? I think, in general, there's an overconsumption in the West of every product, not just our bags.
>
> "If people continue to collect 15 of them, they're going to continue to be made. If you're concerned about them, keep the one or two you use and stop accepting them."
>
> The switch to green bags helped cut consumption of disposable plastic bags from about 5.9 billion in 2002 to 3.9 billion in 2007. But a report by consumer watchdog Choice, released last May, said many polypropylene bags ended in landfill.
>
> Professor Michael Polonsky, who specialises in environmental marketing at Deakin University, said: "Whether we actually use green bags or not is actually irrelevant; we feel we're making a difference. But if they're not being used and not being recycled, you're creating more harm by using them.

See also television news report on the same subject at: http://video.au.msn.com/watch/video/green-bags/xglhja0, which is hereby submitted into the administrative record in its entirety. (Doc. # 518.)

Note that the population of South Australia is about 1,640,700. (Doc. # 522.) Coles and Woolworths sold 18.82 million reusable bags in a year. That is 11.4 bags for every man, woman and child. That would mean about 20 reusable bags purchased per household in just one year and that is reusable bags purchased from just two store chains! There is nothing sustainable about an overproliferation of reusable bags as is happening in Australia.

The Los Angeles County EIR determined that each and every single polypropylene and cotton reusable bag distributed in a city or county must be used at least 104 times before delivering environmental benefits compared to a single plastic carryout bag. (Table at EIR at 12-21 and repeated in text throughout EIR.) Reusable bags are the worst environmental alternative if they are discarded after one or only a few uses.

Based on the foregoing, a multiplier of two would be the highest reasonable worst-case scenario number for reusable bag usage. STPB objects to any higher multiplier that two being used for the purpose of determining the *possible* significant environmental impacts of the proposed ordinance. If a reusable bag can be used 100 times, that does not mean that it *will* be used 100 times.

Further, plastic reusable bags are readily recyclable by depositing them in plastic bag recycling bins located at all AB 2449 stores statewide. (Pub. Res. Code §42250-57.) However, there is no recycling infrastructure for any other kind of reusable bag. Non-polyethylene reusable bags must be disposed of in landfills, including cotton, jute, polypropylene, and PET bags.

THE RECENT OREGON PUBLIC DISEASE OUTBREAK REPORT IS CONCLUSIVE EVIDENCE THAT REUSABLE BAGS CARRY VIRUSES AND CAN SPREAD ILLNESS

Comment 25-7

Doc. # 516 is a public disease outbreak report by officials of the Public Health Division and the Department of Health and Human Services, Washington County, Oregon. Nine members of a soccer team, girls aged 13-14 and adults, became sick from touching a polypropylene reusable grocery bag or consuming its packaged food contents. Seven of them experienced vomiting, four had diarrhea. Symptoms ranged from one to seven days. The officials identified at least five presumptive secondary infections among household members.

All of the people who became ill had consumed cookies that were in sealed packages. The packaged cookies had been stored in a reusable open-top grocery bag made from polypropylene. Not all of the people who became ill touched the reusable bag, but they all touched the packaging of the cookies which had been in contact with the inside of the reusable bag. All three stool specimens collected from ill persons were positive for norovirus genotype GII.2. Viral sequences from the three stool specimens were identical and a 98% match to a GII.2 reference sequence. Two of ten swabs taken from the reusable bag two weeks later were positive for the same norovirus genotype. The report concludes:

> **The data indicate that virus aerosolized within the hotel bathroom settled upon the grocery bag and its contents, and it was touching the bag and consumption of its contents that led to the outbreak. Touching the bag could not be analyzed separately from consumption of food items from within the bag. Consumption of food from the grocery bag was strongly associated with illness, as was handling the grocery bag. The nature of the contaminated foods—a bag of chips, grapes, and a package of cookies—facilitated transmission. Fingers contaminated with norovirus have been shown to sequentially transfer virus to up to 7 clean surfaces, and environmental contamination with transmission via fomites has been documented. Incidentally, this also illustrates one of the less obvious hazards of reusable grocery bags.**

As reusable bags are used more often, this type of incident will become more frequent, and may happen in the City of Los Angeles. The City of Los Angeles is encouraging people to bring their own reusable bags. Supermarket and other store baggers put their hands in these bags and may spread viruses and bacteria from one reusable bag to many others. This is a serious public health hazard.

A SWITCH TO REUSABLE BAGS MAY HAVE A SIGNIFICANT NEGATIVE NET IMPACT ON THE ENVIRONMENT AS A RESULT OF HEAVY METALS IN REUSABLE BAGS

Los Angeles County has been handing out reusable bags to the public. We had two of those bags tested. The results are provided herewith. Both bags tested positive for heavy metals. One of the bags contained more than 100 parts per million of lead. (Docs ## 500, 501.) We are also providing photographs of the tested bags. (Docs. # 502-504.) This is a serious environmental and health concern. However, our testing turned out to be the tip of the iceberg. The Tampa Tribune has reusable bags tested. (Doc. # 506.) The newspaper reports as follows: (Doc. # 507.)

> Grocery chain Winn-Dixie sells a reusable grocery bag with two sturdy handles, pictures of cute baby faces and enough toxic lead to alarm health experts.
>
> The bag contains enough lead that Hillsborough County could consider the bag hazardous if thrown out with household trash, according to independent laboratory tests commissioned by The Tampa Tribune.
>
> It's not just Winn-Dixie.
>
> Tribune tests also showed some Publix reusable bags had lead levels that exceed federal limits for paint and exceeded rules coming soon for children's toys. Though the bags comply with other limits, Publix, in a cautionary move, asked its bag suppliers to lower lead content in bags. That decision came after officials were told the results of the Tribune tests.
>
> Winn-Dixie officials said they have an "opportunity to improve" after Tribune tests showed bags exceeded federal limits for paint. This presents a dilemma for shoppers who avoid paper or plastic for environmental reasons. Lead is linked to learning disabilities in children and fertility problems in adults. The answer for shoppers appears to be: Not all bags are created equal, the lab tests showed.
>
> The more elaborate the illustrations on the bags, the more likely they contained toxins. Yellow and green paint on bags is a common carrier of lead.
>
> "For me, personally, I would balk at buying these types of bags," said Hugh Rodrigues, owner of Thornton Laboratories, which tested 13 bags for the Tribune. "I'd choose paper bags."
>
> Those can be recycled easily, he said.
>
> The Tampa Tribune purchased two-dozen reusable bags from the

largest grocery companies in the Bay area this fall and paid for two rounds of tests at Thornton Laboratories in Tampa, which regularly tests food and chemicals for industrial clients, and has tested children's jewelry for the Tribune.

Some health advocates say there is no safe level for lead, calling it a toxin at any level.

Florida has no clear regulation focused on lead in bags, so lab officials and health advocates point to a conflicting series of government rules regarding consumer products.

Currently, the U.S. Consumer Product Safety Commission allows 300 parts per million of lead in children's products. In August, that level will fall to 100. And any paint on consumer products can contain no more than 90 parts per million.

The packaging industry is pushing for a limit of 100 parts per million, and it helped enact laws in 19 states to limit lead. Florida has not signed on, said Patty Dillon, a spokeswoman for the Toxics in Packaging Clearinghouse.

In the first round of tests, the Baby Faces bag from Winn-Dixie showed the highest levels of lead, 121 parts per million, and showed 117 in the second.

A bag from Publix with a University of South Florida theme approached the 100 parts per million threshold, with a level of 87 parts per million in the first tests, and showed 194 parts per million in a second test -- the highest result of any bag in Tribune tests.

The differences between the two tests likely came from different production runs at the manufacturer, Rodrigues said.

The lead appears to be in a form that is not easily extracted or leached, Rodrigues said. It is not in a form that would rub off on food simply by touching the bag, like wet paint, he said, but over time, bags wear down and paint can flake off and threads can fray, releasing the lead.

Environmental Protection Agency rules require that any product with a lead content higher than 100 parts per million should technically undergo further testing before landfills accept them for disposal, he said.

Publix officials stress that their bags are not toys or paint, and thus comply with current federal rules. But after reviewing the Tribune

test results last week, Publix officials said they took action.

“We have already contacted the supplier of this bag and asked them to look at reducing the lead content, even though it is within government safety standards,” said spokeswoman Shannon Patten.

“We would never knowingly carry something in our stores that wasn't in compliance with government regulations, and we work hard every day to bring safe, high-quality products to our customers.”

Publix will refund the purchase price of bags to any concerned shopper, she said. Winn-Dixie also said it would refund the cost of a bag. Lead in bags may have emerged as the surprise issue of the year for grocers and consumers.

Shoppers have been switching to reusable totes, avoiding plastic bags to help the environment and lessen the nation's dependence on oil used to make the plastic. Some states want to ban inexpensive plastic bags or impose a tax to discourage their use. Reusable bags seemed the natural solution.

Fitting the Reduce, Reuse, Recycle mantra, reusable bags have become popular, even fashionable, with elaborate designs, holiday themes and sports team logos. Publix has sold 13 million reusable bags, saving an estimated 1 million plastic bags a day.

However, this summer, an independent group tested bags from the upscale Wegmans grocery company and found some contained lead at 799 parts per million, well beyond levels that health officials consider problematic.

Wegmans commissioned its own tests, which also found lead, and immediately stopped selling two styles of bags, one with a green pea design and one with a holiday illustration. (No other designs were affected.) Wegmans posted signs in stores telling customers the bags were safe to use, but should be returned to the store before disposal.

“Lead is a neurotoxin, a carcinogen and affects children's IQ,” said Judy Braiman of Rochesterians Against the Misuse of Pesticides, the first outside group to test Wegmans bags. “It's ironic that everyone is really trying to be good for the environment, and then these bags have lead all over the place.”

Winn-Dixie officials reviewed the Tribune results and said they were confident their bags were “safe to use and reuse as intended.”

That said, the Tribune test “suggests there is an opportunity to improve this solution as it pertains to disposal of these bags, and ensure the ongoing benefits to our customers and the communities we serve.”

For those hoping to help the environment, perhaps a more important issue is what to do with bags when they wear out. Among rules for disposal, bags fall into a gray area.

The rules are clear with things such as tube televisions and paint. They are considered hazardous waste, and residents must bring them to the government for special handling.

But there are no requirements for bags, said James Ransom, a spokesman for Hillsborough County's solid waste program.

But Ransom said the basic chemical content of these bags tested by the Tribune would require special handling under Hillsborough County rules, and he advises consumers who know about issues with their bags to handle them differently than general household trash.

Florida has come a long way from the days when local governments dug holes, dumped trash and set it on fire, said Richard Tedder, a program administrator for the state Department of Environmental Protection. He said he thinks the bags would be fine in landfills, especially the more modern dumps with liners to prevent groundwater contamination.

However, Rodrigues, Braiman and Dillon said there is a multiplying effect of millions of Americans buying reusable bags and tossing them out over time.

All this presents problems for shoppers.

Reusable bags don’t list lead as an ingredient in the material. All the bags tested by the Tribune were made in China. A tag on the USF bag from Publix says to hand wash separately and line dry.

Shoppers could try using the home lead tests sold in stores, but those are primarily designed for testing paint on hard surfaces such as walls or toys.

The bags tested by the Tribune with the highest lead levels tended to have the most elaborate designs or illustrations that covered the entire surface.

> By contrast, a nylon bag sold by Target with almost no illustrations had almost undetectable levels of lead. Also, the simplest bags from Sweetbay, Walmart and Publix contained little lead.
>
> For shoppers, the best advice might be: If you're concerned about your bags, take them back to the store.

As a result of the Tampa Tribune article, U.S. Senator Charles Schumer (D-NY) asked for a federal investigation into the problem. In his press release he stated as follows: (Doc # 508.)

> U.S. Senator Charles E. Schumer today called on the Food and Drug Administration (FDA), the Environmental Protection Agency (EPA) and Consumer Product Safety Commission (CPSC) to investigate and ban reusable shopping bags that contain higher than acceptable levels of lead. Many of these popular bags are manufactured in China and sold to grocery stores, who then sell them to customers. Schumer, Vice Chairman of the Joint Economic Committee, noted that while there may be no immediate danger to human health, food products come into direct contact with these bags and long-term exposure can pose serious health and environmental risks. Schumer, who has a long record fighting to make products imported from China safe for consumers and children, is asking federal agencies to investigate and ban any reusable bags sold to grocery stores and retailers that are found to have high levels of lead in them.
>
> The problem came to light this past September when Wegmans, a supermarket chain with stores in New York and four other states, pulled a number of their reusable shopping bags that were manufactured in China after a consumer group found that they contained higher than acceptable levels of lead that could affect public health. Since that time, several other reports have shown higher than acceptable levels of lead in reusable shopping bags sold at chain supermarkets in other states like Publix and Winn-Dixie, as well as drug stores across the country.
>
> ….
>
> Several recent reports show that a significant number of reusable shopping bags contained over 100 parts per million (PPM) in heavy metals. In some cases, bags contained as many as 5 times the allowable limits. The paint on lead-filled bags has the ability to peal and flake off, coming into direct contact with exposed groceries, like fruits and vegetables. Exposure to high levels of lead can damage the nervous and immune systems and impair kidney function over time. When disposed of in landfills, these

> bags can leak toxins into the soil and water and have the potential to create even more environmental problems.
>
> In September, Wegmans Food Markets Inc. announced that it would be replacing 725,000 reusable shopping bags in its stores in New York, Pennsylvania, New Jersey, Virginia and Maryland. The announcement came on the heels of a report by the Empire State Consumer Project that found that the green bags contained lead at 799 parts per million – more than double the amount allowed in children's products by the CPSC. Currently, the CPSC allows lead in children's products at up to 300 parts per million; next year, the limit will drop to 100 parts per million.

California Assembly Member Kevin de Leon (D-Los Angeles), submitted a letter on November 15, 2010 requesting the Los Angeles County Board of Supervisors delay its vote on banning plastic bags because of the recent revelations about potentially toxic levels of lead in reusable bags. He questioned whether the bags could contaminate the food that consumers transport and whether the lead could be spread in landfills when the bags are discarded. De Leon even admitted that he is a "co-author and long-time advocate of legislative proposals to ban plastic bags from the stream of commerce." (Doc. # 509.)

STPB recognizes that the draft ordinance contains a requirement that reusable bags must meet the standards of the California Toxics in Packaging Prevention Act (Cal. Health & Safety Code §§25214.11-25214.26), as amended, or any successor legislation. However, reusable bags are exempt from the toxic metals restrictions applicable to plastic and paper bags. (Health & Safety Code §25214.12(h)(2): "`Package" does not include a reusable bag, as defined in subdivision (d) of Section 42250 of the Public Resources Code.)

The former restriction on toxic heavy metals in reusable bags was repealed by a bill authored by Assembly Member Julia Brownley (D-Santa Monica) in 2008. (Doc. # 519.) Assembly Member Brownley was the author of bills to ban plastic bags and to switch to reusable bags.

With the restrictions removed, reusable bags provided in the City of Los Angeles, including reusable bags imported from China, may legally contain lead, mercury, cadmium, and hexavalent chromium.

Health and Safety Code §25214.13 defines a toxic amount for the purpose of regulating packaging including plastic and paper bags as:

> the sum of the incidental total concentration levels of all regulated metals present in a single-component package or in an individual packaging component exceeds 100 parts per million by weight.

That definition needs to be incorporated into the proposed ordinance. The City of Los Angeles will be permitting reusable bags to be distributed with high levels of toxicity caused by lead, cadmium or other heavy metals.

THE PROPOSED ORDINANCE MAY RESULT IN A SIGNIFICANT REDUCTION IN RECYCLING

Free brown paper carryout bags are the key to a successful recycling program in the City of Los Angeles. You put your recyclables in a brown paper carryout bag and then take the filled bag to the blue bin.

Residents save brown paper carryout bags for recycling. Residents dispose of so many recyclables that the paper bags fill up quickly. Residents may find that they have not saved enough paper bags. If the City of Los Angeles bans free paper carryout bags and pushes for a goal of 100% reusable bags, what will be the impact on recycling? When people need a brown paper bag for recycling, they won't have one. They may simply dispose of their recyclables in the trash.

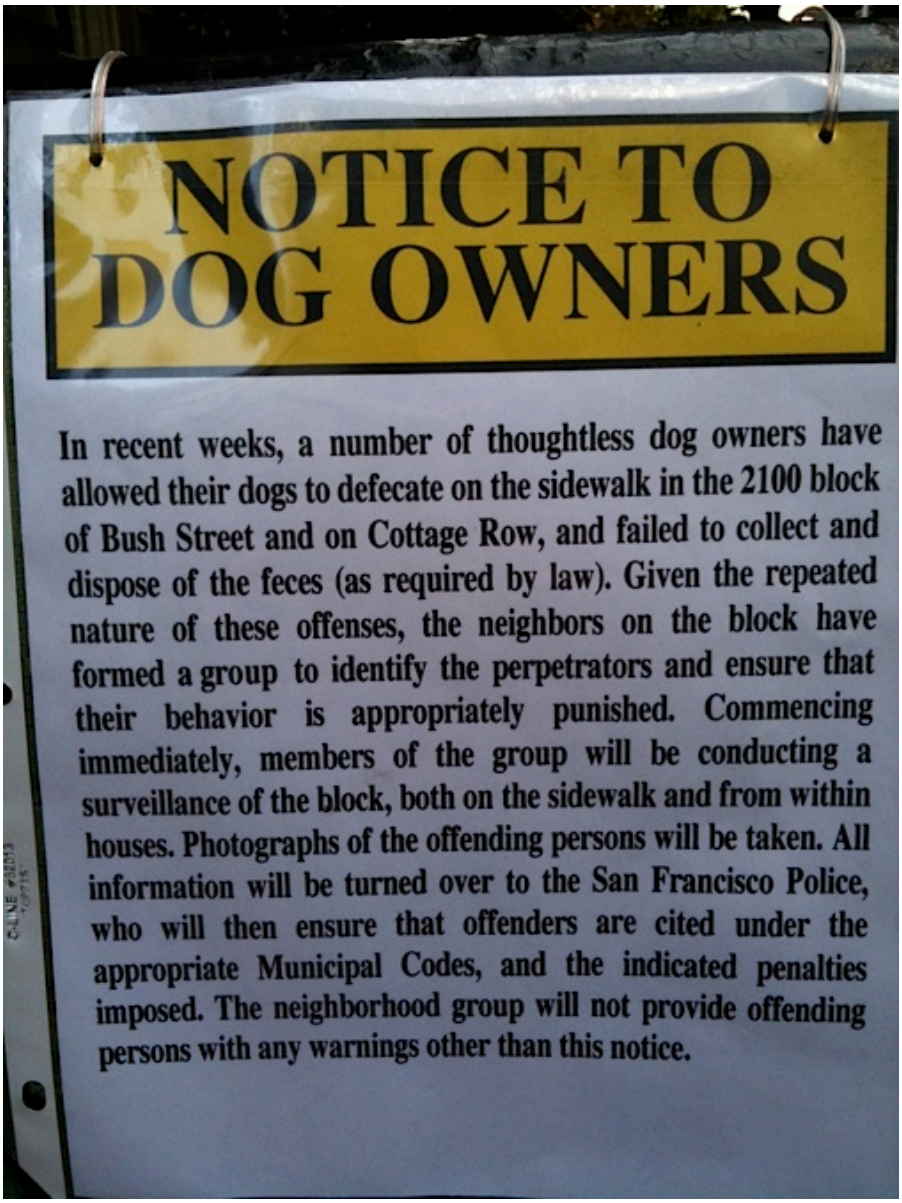
This issue needs to be addressed in an EIR. If the City of Los Angeles is trying to push people to use reusable bags 100% of the time, there may be a significant negative impact on recycling. This is an enormously important environmental issue for the city and the residents.

Free brown paper carryout bags are critically important to recycling in the City of Los Angeles

THE PROPOSED ORDINANCE MAY RESULT IN A SIGNIFICANT INCREASE IN DOG WASTE ON THE STREETS

Dog owners save plastic bags for this purpose to collect and dispose of dog waste.

If plastic bags become a rarity, there may be a significant increase in dog waste on the streets. This is an environmental problem for residents, especially when they are walking at night and step right in it. It doesn't take much additional dog poop on a street to make a big difference.



THE LOS ANGELES COUNTY EIR

In November 2009, after completing an Initial Study pursuant to CEQA, Los Angeles County determined that banning plastic bags could have significant negative environmental impacts on the environment. After completing an EIR the Los Angeles County Board of Supervisors adopted an ordinance in November 2010 banning plastic carryout bags and imposing a 10-cent fee on paper carryout bags. The Los Angeles County EIR is Doc #001 and can be downloaded at: http://ladpw.org/epd/PlasticBags/PDF/finalEIR.pdf. Doc. # 002 is a summary of the EIR. Doc # 003 is the ordinance.

The Los Angeles County EIR adopted the findings of the Ecobilan Report (Docs. # 404, 405) and the Scottish Report (Doc. # 401). The Los Angeles County EIR states that the Ecobilan Report was used as the basis for the findings regarding paper bags and polyethylene reusable bags "because it is relatively recent; contains relatively sophisticated modeling and data processing techniques; considers a wide range of environmental indicators; considers paper, plastic, and reusable bags; was critically reviewed by the French Environment and Energy Management Agency; and contains detailed emission data for individual pollutants." (Los Angeles County EIR at 3.1-15.) The Scottish Report is based entirely on the Ecobilan Report. (Los Angeles County EIR at 4-8, 4-47.) The Ecobilan table of the relative impacts of plastic and paper bags is at page 23 of the Scottish Report. As mentioned above, those reports determined that even after taking into account that paper bags hold more than plastic bags, the life cycle of paper bags result in:

- 1.1 times more consumption of nonrenewable primary energy than plastic bags.
- 4.0 times more consumption of water than plastic bags.
- 3.3 times more emissions of greenhouse gases than plastic bags.
- 1.9 times more acid rain (atmospheric acidification) than plastic bags.
- 1.3 times more negative air quality (ground level ozone formation) than plastic bags.
- 14.0 times more water body eutrophication than plastic bags.
- 2.7 times more solid waste production than plastic bags.

Based on the Ecobilan and Scottish Reports, Los Angeles County decided to impose a 10-cent fee on paper bags because a straight switch from plastic to paper bags could not be environmentally justified.

The Los Angeles County EIR determined that a 10-cent fee on paper bags and promoting and distributing reusable bags would not be sufficient to prevent significant negative environmental impacts caused by a shift from plastic to paper. The EIR states:

> Based on a conservative analysis, the County has determined that cumulative indirect [greenhouse gas] emissions resulting from implementation of the recommended ordinances will have the potential to result in significant unavoidable impacts even with implementation of [a paper bag fee and promotion and distribution of reusable bags], which will be expected to reduce significant adverse impacts to GHG emissions to the maximum extent feasible.

(Los Angeles County EIR at IV-1. Los Angeles County applied a method for determining applicable significance thresholds. (Los Angeles County EIR at 3.3-14 to 15.)

The Los Angeles County EIR determined that every polypropylene and cotton reusable bag distributed in the County must be used at least 104 times before delivering environmental benefits compared to plastic carryout bags. (Table at Los Angeles County EIR at 12-21 and repeated in text throughout Los Angeles County EIR.)

The Los Angeles County EIR determined that a reusable bag made from polyethylene must be used at least 3 times before delivering an environmental benefit compared to a plastic carryout bag. (Los Angeles County EIR at 4-49 to 50, 12-52 to 53.) This is far better than the 104 times that polypropylene or cotton reusable bags must be used to deliver environmental benefits.

As banning plastic bags, imposing a fee on paper bags, and promoting and distributing reusable bags would not avoid significant negative environmental impacts, the Los Angeles County Board of Supervisors adopted a "Statement of Overriding Considerations" finding that the alleged benefits of the ordinance outweighed the significant negative environmental impacts of the ordinance. (Los Angeles County EIR at IV-1.)

The principal alleged benefit identified by Los Angeles County in its Statement of Overriding Considerations is assisting in reducing litter cleanup costs by $4 million throughout the County. (Los Angeles County EIR at IX-3.) Los Angeles County declined to explain how this figure was calculated, despite the fact that STPB pointed out that the same areas would still have to be cleared as plastic bags are only a fraction of total litter.

STPB contended that the "North Pacific Garbage Patch" does not exist and that there is no island of plastic trash. Los Angeles County EIR states that it does not claim that North Pacific Gyre has a visible patch or "island" of plastic debris. (Los Angeles County EIR at 13-37.)

There are many deficiencies in the Los Angeles County EIR, including sweeping and inaccurate statements designed to justify a plastic bag ban. (STPB objected to those deficiencies and continues to assert those objections.) Nevertheless, Los Angeles County was unable to avoid acknowledging that the ordinance will have significant negative environmental impacts.

The City of Los Angeles proposed ordinance is in all material respects identical to the County ordinance. The Los Angeles County EIR is substantial evidence that the City of Los Angeles proposed ordinance may result in significant negative environmental impacts.

SPECIFIC OBJECTIONS TO DRAFT EIR

OBJECTION # 1
UNJUSTIFIED AND MISLEADING RELIANCE ON
COUNTY'S BASELESS PAPER BAG REDUCTION FIGURES

OBJECTION: STPB objects to the following statements in the DEIR and all similar statements in the DEIR that make the same point(s):

DEIR page 23:

> According to data collected by the County of Los Angeles after the County's Single-Use Bag Ordinance was enacted, approximately 125,000 paper bags were provided annually per large store compared to approximately 2.2 million plastic bags and 196,000 single-use paper bags provided per store prior to the ordinance going into effect in the third quarter of 2011. Single-use paper carryout bag usage continues to decline with an overall reduction of 34% between 2009 and the first quarter of 2012, including a nearly 13% reduction occurring within the first three quarters of the year following the enactment of the ordinance. The data indicate that the use of paper carryout bags in large stores not only did not temporarily increase as a result of a ban of single-use plastic carryout bags, but actually decreased significantly after the enactment of the ordinance. As with the County of Los Angeles, a similar effect is anticipated to occur within the City of Los Angeles.
>
> [Citing County of Los Angeles, About the Bag, Announcements: September 2012, http://dpw.lacounty.gov/epd/aboutthebag/index]

See also similar statements made at DEIR pages iii-iv, 3, 23-24, 47, 50-51, 57, 59, 68, 75-76, 77-78, 83-84, 98. STPB objects to all such statements.

GROUNDS:

The County of Los Angeles has no paper bag usage figures for the period prior to the effective date of its ordinance. Stores were not required to report paper bag usage prior the implementation of the ordinance. Therefore, the DEIR and the County cannot state that paper bag usage went down in the County after the ordinance took effect.

The County's "about the bag" webpages cited in the DEIR are Doc. ## 009 and 010. The County admits in Doc. # 110 as follows:

> Reduction of single use bags was determined by comparing extrapolated Quarterly Report data with reported plastic bag usage in 2009 and ***estimated*** paper bag usage based on Bag Usage Survey conducted for the County Bag EIR.) [Emphasis added.]

On April 18, 2012, STPB made a Public Records Act request to LA County to determine the basis for the assertion that paper bag usage had decreased since the ordinance took effect. (Doc. # 300.) STPB requested "copies of all documents, reports, and records" showing the number of paper bags used prior to the ordinance.

On April 26, 2012, the County responded. (Doc # 301.) The County stated in its response that "we have failed to find any existing records that satisfy your request for records showing how the figures were calculated."

The County provided three attachments with its response, Attachments A, B, and C. (Doc. # 302.)

- Attachment A shows only ***plastic*** bag figures.

- Attachment B is an extract from the LA County EIR, prepared before the ordinance took effect. It shows a limited sampling of the ratio of plastic bags to paper bags. It shows that given a choice between plastic and paper bags prior to the ordinance, a certain number of stores carried plastic bags and a certain number carried paper bags. Those figures have no relevance or usefulness in determining whether a plastic bag ban with a 10-cent charge for paper bags would result in an increase in the number of paper bags.

- Attachment C shows only paper bag usage figures for the third and four quarters of 2011, ***after*** the ordinance took effect.

The County has no substantial evidence, and the DEIR cites no substantial evidence, that the LA County ordinance has resulted in a reduction of the number of paper bags.

On May 2, 2012, STPB wrote to the City Council of the City of Los Angeles. (Doc. # 302.) That letter is incorporated herein as part of these objections. STPB's letter states as follows:

> Dear Members of the LA City Council:
>
> On April 4, 2012, Coby Skye of LA County DPW told the Energy and Environment Committee that unincorporated LA County had experienced a 24% reduction in paper bag usage and a 94% drop in all carryout bag usage since its ordinance took effect on July 1, 2011.
>
> ***Mr. Skye's figures are demonstrably false and incorrect.***
>
> Following the committee meeting, we made a Public Records Act to the County regarding the figures. LA DPW has provided three document which show as follows:

1. ***The County has no data whatsoever regarding paper bag usage before the ordinance took effect.*** In an e-mail sent by Suk Chong of LA County DPW after Mr. Skye appeared before the committee, Mr. Chong admitted that the County had ***"estimated"*** such paper bag usage as it has no data. ***It is unfortunate that Mr. Skye chose not to share this fact with the committee.***

2. Eleven stores reported using zero paper bags in 2011 Q3 and Q4, which is not credible. Presumably, if they really did dispense zero bags in 2011 Q3 and Q4, they also dispensed zero plastic and paper bags prior to July 1, 2011.

3. Only supermarkets and large stores were subject to the ban in 2011. However, 37 of them reported less than 68 paper bags per day in 2011 Q4. One store reported three paper bags per day. Another reported 15 paper bags per day. That is not credible.

4. Most of the remaining stores reported significant paper bag usage. One store reported 4,774 bags per day. Another store reported 3,891 per day.

5. There is clearly a huge disparity in the sizes of the stores reporting paper bag usage. A store providing three paper bags per day cannot possibly be in the same size range as one providing 4,774 bags per day. ***The County is comparing apples and oranges to show a false reduction in bag usage.***

6. Many stores reported ***huge increases in paper bag usage*** in 2011 from Q3 to Q4. One store reported an increase from 64,800 to 429,738, which is a ***670% increase***. Another store reported an increase from 54,511 to 350,262, which is a ***640% increase***. Mr. Skye should have mentioned this to the committee. Clearly, there wasn't a 94% drop in carryout bag usage at those stores. [Yellow highlighting in original.]

7. We know that many stores lost a significant number of customers who opted to shop in incorporated parts of the County to avoid the paper bag fee.

   The County is touting the success of its 10-cent paper bag fee, but its figures are not credible and it has not provided balanced information.

   Please contact me if you would like copies of our Public Records Act request and the County's responses.

Regrettably, The City Council and the City never responded to STPB's letter. Despite, being on notice that the County's assertion that paper bag usage decreased after the ordinance took effect is baseless, the City in the DEIR continues to disseminate the same misinformation. STPB strongly objects.

STPB also objects to any assumptions or projections based on EIR's prepared by any city or county before ordinances took effect.

Paper bags are worse for the environment in many respects, as the City acknowledges repeatedly in the DEIR and as shown in this document and the studies submitted herewith. The question of whether the 10-cent fee will be effective in reducing paper bag usage to a point where the proposed City ordinance does not significantly harm the environment because of a switch to paper bags is a highly significant question for the City. The issue of whether the ordinance will result in significant negative environmental impacts depends entirely on the effectiveness of the 10-cent fee.

When plastic bags are banned with no fee on paper bags, paper bag usage increases dramatically. The issue is what is the appropriate level of a paper bag fee to prevent this from occurring. STPB contends that a 10-cent fee will not result in a reduction in paper bag usage. STPB contends that paper bag usage will increase substantially and result in a significant negative environmental impact if the paper bag fee is set at less than 25 cents.

OBJECTION # 2
UNJUSTIFIED AND MISLEADING RELIANCE ON EXPERIENCES IN IRELAND AND THE DISTRICT OF COLUMBIA

OBJECTION: STPB objects to the following statements in the DEIR and all similar statements in the DEIR that make the same point(s):

DEIR page 3:

> The City's proposed charge on single-use paper bags and a ban on plastic bags are intended to reduce the use of these bags and encourage Los Angeles consumers to use a reusable bag (or no bag).[6] However, many of the environmental concerns expressed in the Initial Study appear to stem from the assumption that the proposed ordinance may lead to a shift from plastic to paper single-use bags.[7] We do not believe that the proposed ordinance will lead to an increase in the use of paper bags, and the experiences in Los Angeles County supports the effectiveness of point of sale charges in preventing this increase from occurring. Specifically, Los Angeles County recently announced that its ordinance, which became fully effective in 2012 and imposes a charge on paper bags, has resulted in a 95% reduction in overall single-use bag usage (both plastic and paper).[8] Charges on single-use bags in Ireland (PlasTax on plastic single-use bags) and Washington, D.C., (5-cent charge on both plastic and paper single-use bags) have also dramatically reduced single-use bag consumption in those locations.[9] This type of data and the effectiveness of bag ordinances in addressing single-use bag waste should be considered as the City moves forward with its CEQA analysis.

Footnotes:

[6] City of Los Angeles. Dept. of Public Works, Bureau of Sanitation. *Initial Study: Single-Use Plastic Carryout Bag Ordinance*. Sept. 2012:1. Print.

[7] For example, with respect to potential impacts on forest resources the Initial Study notes that the "implementation of the proposed ordinance may result in the increase in the use of paper bags . . . While such potential increase in use of paper bags, if it occurs, is anticipated to be both temporary and modest, the potential effects on the loss of forest land or conversion of forest land will be further evaluated in the EIR." *Id.* at 8.

[8] "About the Bag." County of Los Angeles. n.d. Web. 16 Oct. 2012. http://dpw.lacounty.gov/epd/aboutthebag/index.cfm.

[9] The 5-cent fee on single-use bags was implemented in Washington, D.C. in January 2010. The District of Columbia Office of Tax and Revenue estimated that establishments covered by the fee issued approximately 3 million bags in January 2010 (post- fee), an 86 percent decrease from the 22.5 million bags issued per month in 2009. *See* http://www.washingtonpost.com/wp-dyn/content/article/2010/03/29/AR2010032903336.html>. More recently, officials in Washington, D.C. note that a drop in fee revenue is an indication that paper and plastic bag usage continues to be down. *See*, "Officials rejoice over low 5-cent bag fee revenue." WTOP 4 Oct. 2012. Web. 16 Oct. 2012 <http://www.wtop.com/?nid=893&sid=3062667>. Similarly, after imposing a levy on plastic carry-out bags, usage in Ireland dropped by over 90%. *See* "Plastic Bags." Ireland Department of the Environment, Heritage & Local Government. n.d. Web. 16 Oct. 2012.

STPB specifically objects to the statement "Los Angeles County recently announced that its ordinance, which became fully effective in 2012 and imposes a charge on paper bags, has resulted in a 95% reduction in overall single-use bag usage (both plastic and paper)." There was no such reduction in Los Angeles County. This is covered by Objection # 1 above.

STPB also objects to the references to Ireland and the District of Columbia.

GROUNDS:

1. Ireland

Ireland imposed a tax on single-use plastic carryout bags in 2002. The tax was equivalent to 15 U.S. cents. A 15 U.S. cent charge is not a 10 U.S. cent charge, so Ireland is not comparable. Further, the tax in Ireland is now 29 U.S. cents, showing that 15 U.S. cents was not high enough. (Doc. ## 900, 916.)

The DEIR refers to an Ireland Department of the Environment document, which is copied as Doc # 902. That document states that the 15-cent tax "had an immediate effect on consumer behaviour with a decrease in plastic bag usage from an estimated 328 bags per capita to 21 bags per capita overnight." In fact, sales of plastic bags for use as bin liners and other purposes ***surged***. (Doc. # 901.)

The DEIR provides no information on the following critically important matters:

- Reusable bag giveaways in Ireland, especially in the year after the tax too effect was

enacted.

- Reusable bag credit programs in Ireland.

- The cost of reusable bags in Ireland, compared to the City of Los Angeles.

- Do stores in Ireland have reusable bag-for-life programs similar to the one at Marks and Spencer in the U.K.? (See Doc. # 915: "The bags for life will be replaced free of charge and recycled by M&S when worn out." There is no such program proposed in the City of Los Angeles.)

- ***Whether there was a major switch to paper bags in Ireland. There is no indication that paper bags are even provided in Ireland. The choice in Ireland may be between a reusable bag or no bag at all.***

If the purpose of the statement in the DEIR about Ireland is to show that there will not be a major shift to paper bags in the City of Los Angeles, then the experience in Ireland is not substantial evidence.

2. The District of Columbia

DC enacted a law imposing a 5-cent tax on plastic and paper bags, effective January 1, 2010. (Doc. ## 903, 904.) The DEIR asserts that the tax has "dramatically reduced single-use bag consumption" in DC. In support of its assertion, the DEIR cites two documents:

- A Washington Post article dated March 30, 2010, three months after the tax became effective. (Doc # 913). The article mentioned only the impact during the first month of the tax, January 2010.

- A WTOP radio station article indicating that the bag tax had produced lower revenues than expected. (Doc # 914.)

The DEIR fails to point the critically important difference between the City of Los Angeles proposed ordinance and the DC situation.

- There were no reporting requirements for bag usage before the DC ordinance took effect in January 2010. How could anyone know how many bags were used in DC prior to January 2010? There was no data. The Washington Post reports as follows (Doc. # 916):

> The District imposed the region's first bag fee in 2010, one more narrowly cast than Montgomery's, covering only businesses that sell food and alcohol. The city claimed an 80 percent drop in bag usage during the first year: from 270 million to about 55 million. It earned about $1.8 million in fees in fiscal 2011, about half of what officials projected.
>
> But no one is really sure how many plastic and paper bags were

> used before the taxes took effect.
>
> Montgomery established 82.9 million bags as its benchmark, a figure officials said they derived from the D.C. data and then adjusted for the number of retail establishments in the county.
>
> The District pulled its estimate of 270 million bags from a study conducted by Seattle, a city selected for its comparable size. But District officials have backed off from that number and now acknowledge that they're not sure.
>
> "We really don't know," said Jeffrey Seltzer, stormwater administrator for the D.C. Department of the Environment. "We truly believe it [the impact] is significant, but getting precise empirical data hasn't been done." He said the city has commissioned a study to get a better fix on bag usage.

- There is no reporting requirement for bag usage in the DC ordinance or regulations. (Doc. ## 904, 905.) In the first month after the ordinance took effect or at any time thereafter, how would anyone know how many bags were used? Again, there is no data. Fanciful "before and after" numbers invented by promoters of the DC bag ordinance to justify their actions do not constitute substantial evidence and are not substantial evidence. The DC Government admits that it does not have the data. (Doc. # 916.)

- The DC Government and retailers have been giving away reusable bags since the effective date of the fee on January 1, 2010. The leading supermarket chains in DC are Safeway and Giant. Before the law took effect, Safeway gave away 122,000 reusable bags at its checkouts before the ordinance took effect. Giant gave away 250,000 free reusable bags at its checkouts in the first week of January 2010. CVS pharmacies in association with the DC Government gave away 112,000 reusable bags. (Doc. ## 907-912.) Many more reusable bags were given away. DC has 248,000 households. (Doc. ## 905, 906.) DC was awash in free reusable bags! This was the reason that there was a massive reduction in paper bag usage in the first month. ***No similar reusable bag giveaways on anything like that scale are proposed for the City of Los Angeles.***

  Any data resulting from huge reusable bag giveaway bonanzas that were used to promote and launch the project in DC are not valid data for the long-term in DC or anywhere else.

- In DC, stores keep one cent of the five-cent fee and remit four cents to the DC Government. However, the DC regulations provide that the store may retain an additional cent if it "[c]redits the customer at least five cents ($0.05) for each carryout bag provided by the customer for packaging his or her purchases, regardless of whether the bag is paper, plastic, or reusable." (Doc ## 903, 904.) Pursuant to the program, Giant and Target in DC give a five-cent discount for each reusable bag that customers provide. (Docs ## 907, 908.) ***No similar credit program is proposed for the City of Los Angeles.***

- Part of the fee remitted to the DC Government must be used for "[p] roviding reusable carryout bags to District residents, with priority distribution to seniors and low-income residents." (Doc. # 903 at page 4.) When the store-financed free reusable bag program ends, the DC Government is right there buying more bags to give away. ***No similar program is proposed for the City of Los Angeles.***

- How many stores in DC, especially small stores where the transactions are primarily cash, are still discretely giving away bags to keep their customers happy? Perhaps some are deducting the fee from the price of the goods, so that the customer pays the same total amount as if the bag was free. Stores are merely required to remit the proceeds of the fee to DC Government without any kind of reporting. They just send a lump sum based on the honor system. (Doc # 904 - Rule § 1007.) Other than large chain stores, there is no way to check on them.

- Doc. # 915 is a May 15, 2011 Channel 8 News report that is substantial evidence that 38% of stores in DC are not charging the tax, even though they are required to do so under DC law. The stores that are not charging the tax may have experienced a huge ***increase*** in bag usage because shoppers may switch to those stores rather than stores where the tax is being charged. The link to the news report is http://tinyurl.com/amxapj5. As it is a video, we cannot provide a copy. Doc. # 915 is a copy of the webpage on which the video is found. The video itself is hereby made part of the administrative record by submission of the link. The full link is:

  http://www.tbd.com/articles/2011/05/38-percent-of-businesses-not-complying-with-d-c-5-cent-bag-fee-61339.html

  Here is the text of the news report in full:

  > News host: It's been nearly 18 months since the District started enforcing its controversial bag tax, requiring a 5-cent fee for each paper or plastic bag provided to customers. Since the law began, [Channel 8 News reporter] Mike Conneen has told us that a secret shopper has randomly inspected businesses to see if they are charging that fee and 38% of them are not.
  >
  > Lindwood Blount – Northeast DC Resident: "I've been charged every time. Every time I go into a store, they charge you for a bag. Every time.
  >
  > Mike Conneen: When you check out of the grocery store, you might be paying the District's 5-cent bag tax, but other shoppers in line behind you might not.
  >
  > Dept. of the Environment undercover bag tax inspector: Really what I'm seeing is cashier discretion.

Mike Conneen: This is the Department of the Environment's undercover bag tax inspector. We've been asked not to reveal her identity.

Dept. of the Environment undercover bag tax inspector: Cashiers for the most part, they're doing a good job, but often times I'm seeing discretion on their part, and that's not how it should be.

Mike Conneen: Department officials say it's not that violators are disregarding the law, they simply don't understand it.

Christophe A.G. Tilou, Dept. of the Environment: So enforcement is really more of an education effort on our part than enforcement.

Mike Conneen: It seems both vendors and shoppers are confused about the bag tax.

Mike Conneen talking to Ellen Richardson, Southeast DC resident shown in the street carrying a plastic bag: Did you get charged?

Ellen Richardson: "No I didn't get – I didn't get charged for this bag because I went to a hot dog stand and went and got this bag.

Mike Conneen: But the law applies to any business that sells food or beverages, not just restaurants or grocery stores, and that includes hot dog stands. The law even applies to sporting good, hardware, and department stores that sell candy and soda at the checkout, but that's news to many shoppers.

Member of the public: They said that only food stores charge for bags.

Mike Colleen: Out of 208 businesses inspected across the City, the Department gave 80 of them warnings for not charging the fee, and when businesses were reinspected, 27% were repeat offenders, resulting in a fine of up to $100.

Dept. of the Environment undercover bag tax inspector: It's important to know that there's enforcement happening.

Mike Conneen: Montgomery County [Maryland] recently passed its own bag tax, but based on the District's experience, it avoided any confusion by applying its law to all retail locations. Now the DC Council is reportedly looking to expand its own law across the board.

- It is easy to drive across the district line from DC to Virginia and Maryland where plastic

bags and paper bags are free. This is important, as reduced bag usage could be the result of DC residents opting to shop in Virginia or Maryland. This is not something that the DC Government would publicize or even know about. Bag usage in the neighboring jurisdictions, where bag are fee, would rise as a result.

- People shopping in DC know that they are contributing to the cleanup of the Anacostia River when they pay the bag tax, meaning they may be willing to pay the fee in order to contribute to the cause. In contrast, stores in the City of Los Angeles will keep all of the proceeds of the fee, which is not something that members of the public will favor as a good cause.

- When the free reusable bags given away in DC become dirty and the store giveaways have stopped, they will be thrown away. The honeymoon will be over and the day of reckoning will arrive.

- The DC bag tax is subject to a "rebound effect," in which consumption of bags increases after the initial shock of the tax wears off.

CONCLUSION REGARDING OBJECTION # 2:

As we have seen, reliance on Ireland and the District of Columbia as a basis for asserting that a 10-cent paper bag fee in the City of Los Angeles will prevent significant negative environment impacts is not justified. The Ireland and DC situations are totally different and distinguishable in many critically important respects. Therefore, STPB objects to reliance on the Ireland or DC experiences.

OBJECTION # 3
UNJUSTIFIED AND MISLEADING USE OF
LDPE REUSABLE BAGS AS BASIS FOR
ENTIRE REUSABLE BAG IMPACT ANALYSIS

OBJECTION: STPB objects to the following statements and tables in the DEIR and all similar statements and tables in the DEIR that make the same point(s):

DEIR page 21-22:

> Nonetheless, because LDPE reusable bags are one of the most common types of reusable bags and are of similar durability and weight (approximately 50 to 200 grams) as other types of reusable bags, this analysis utilizes the best available information regarding specific properties on a per bag basis to disclose environmental impacts associated with the proposed ordinance. However, the emissions from all types of reusable bags are lower than single-use plastic and paper carryout bags because reusable bags are used multiple times. Thus, the air pollutant emissions from the production and transportation of these bags are expected to be comparable to the LPDE bag or lower.

DEIR pages 40-41:

> If only used once, the manufacture, use and disposal of a reusable low-density polyethylene (LDPE) carryout bag results in 2.6 times the GHG emissions of a single-use high-density polyethylene (HDPE) plastic bag. Therefore, reusable LDPE carryout bags would emit 0.104 metric tons CO2e per 1,000 bags if used only once; if used 20 times, a reusable LDPE carryout bag results in 10% of the GHG emissions of a single-use HDPE plastic bag.

DEIR pages 46:

> If only used once, the manufacture, use, and disposal of a reusable LDPE carryout bag results in 2.6 times the GHG emissions of a single-use HDPE plastic bag….

DEIR page 47 – Table 3.3-2 - STPB objects to the 2.6 figure and multiplier:

Table 3.3-2
Estimated Greenhouse Gas Emissions from Carryout Bags

Bag Type	Number of Bags Used per Year	GHG Impact Rate per Bag	CO_2e Emissions (metric tons)	CO_2e per Year (metric tons)	CO_2e per Person /c/ (metric tons)
Single-Use Plastic	101,561,635	1.0	0.04 per 1,500 bags /a/	2,708	0.0008
Single-Use Paper	609,369,812	3.3	0.132 per 1,000 bags /b/	80,437	0.021
Reusable	25,390,409	2.6	0.104 per 1,000 bags /b/	2,641	0.0007
			Total	**85,786**	**0.022**
			Existing	**54,166**	**0.014**
			Net Change	**31,620**	**0.008**

/a/ Based on Boustead Report, 2007.
/b/ Based on AEA Technology Scottish Report, 2005.
/c/ Based on the 2012 City population of 3,825,297 residents.

DEIR page 104 – Table 4-3 - STPB objects to the 2.6 figure and multiplier:

Table 4-3
Alternative 2 Estimated Greenhouse Gas Emissions

Bag Type	Number of Bags Used per Year	GHG Emissions Rate per Bag	CO_2e Emissions (metric tons)	CO_2e per Year (metric tons)	CO_2e per Person
Single-Use Plastic	101,561,635	1.0	0.04 per 1,500 bags	2,708	0.0008
Single-Use Paper	0	3.3	0.132 per 1,000 bags	0	0.0000
Reusable	37,109,059	2.6	0.104 per 1,000 bags	3,859	0.0007
			Alternative 2 Total	**6,567**	**0.0015**
			Proposed Ordinance Total	**85,786**	**0.022**
			Alternative 2 Net Change vs. Proposed Ordinance (Difference)	**(79,219)**	**(0.0025)**
			Existing Total	**54,166**	**0.014**
			Alternative 2 Net Change vs. Existing (Difference)	**(47,599)**	**(0.0065)**
Source: Refer to Table 3.3-2 in Section 3.3, Greenhouse Gas Emissions.					

DEIR page 108 – Table 4-6 - STPB objects to the 2.6 figure and multiplier:

Table 4-6
Alternative 3 Estimated Greenhouse Gas Emissions

Bag Type	Number of Bags Used per Year	GHG Emissions Rate per Bag	CO_2e Emissions (metric tons)	CO_2e per Year (metric tons)	CO_2e per Person
Single-Use Plastic	101,561,635	1.0	0.04 per 1,500 bags	2,708	0.0008
Single-Use Paper	44,179,311	3.3	0.132 per 1,000 bags	5,832	0.0015
Reusable	34,784,860	2.6	0.104 per 1,000 bags	3,618	0.001
			Alternative 3 Total	**12,158**	**0.003**
			Proposed Ordinance Total	**85,786**	**0.022**
			Alternative 3 Net Change vs. Proposed Ordinance (Difference)	**(73,628)**	**(0.019)**
			Existing Total	**54,166**	**0.014**
			Alternative 3 Net Change vs. Existing (Difference)	**(42,008)**	**(0.011)**
Source: Refer to Table 3.3-2 in Section 3.3, Greenhouse Gas Emissions.					

GROUNDS:

1. LDPE reusable bags are the *least* common reusable bag

According to the DEIR at page 69, reusable bags can be manufactured with various materials, including polyethylene (PE) plastic, polypropylene (PP) plastics, multiple types of cloth (cotton canvas, nylon, etc.), and recycled plastic beverage containers (polyethylene terephthalate, or PET), among others. This statement is correct.

One type of polyethylene reusable bag is a low density polyethylene ("LDPE") reusable bag. An LDPE or an HDPE (i.e. high density) bag is a thick plastic bag. ***The DEIR asserts that LDPE reusable bags are "one of the most common types of reusable bags." STPB objects as the assertion is not true and there is no substantial evidence supporting the assertion.*** LDPE bags are quite rare., especially in major supermarkets. They represent no more than 5% of reusable bags distributed by stores and are (unfortunately) the least common type of reusable bag. About 75% of reusable bags are made of nonwoven polypropylene ("PP").

There are three large manufacturers and suppliers of LDPE reusable bags in California. Two of them are based in Los Angeles, including Command Packaging. The CEO has executed a declaration that is submitted herewith stating, under penalty of perjury, that based on his marketing work and observations, he states in his declaration as follows (Doc. # 422):

- "Based on my observations when visiting **all retail stores**, including but not limited to supermarkets, in Los Angeles County in areas where plastic carryout bags have been banned, and speaking with buyers for those stores, I believe and estimate that LDPE and HDPE reusable bags together represent no more than **1%** of all bags provided by such stores to their customers at this time."

- "Based on my observations when visiting **supermarkets** in Los Angeles County in areas where plastic carryout bags have been banned, and speaking with buyers for those supermarkets, I believe and estimate that LDPE and HDPE reusable bags together represent no more than **5%** of all bags provided by such supermarkets to their customers at this time."

- "I am only aware of a small number of supermarkets in Los Angeles County that display LDPE or HDPE reusable bags near the checkout. **I am not aware of any supermarket that displays LDPE or HDPE reusable bags at the checkout.**"

In contrast, the DEIR offers a bare and incorrect assertion that LDPE bags are "one of the most common types of reusable bags" without any evidence.

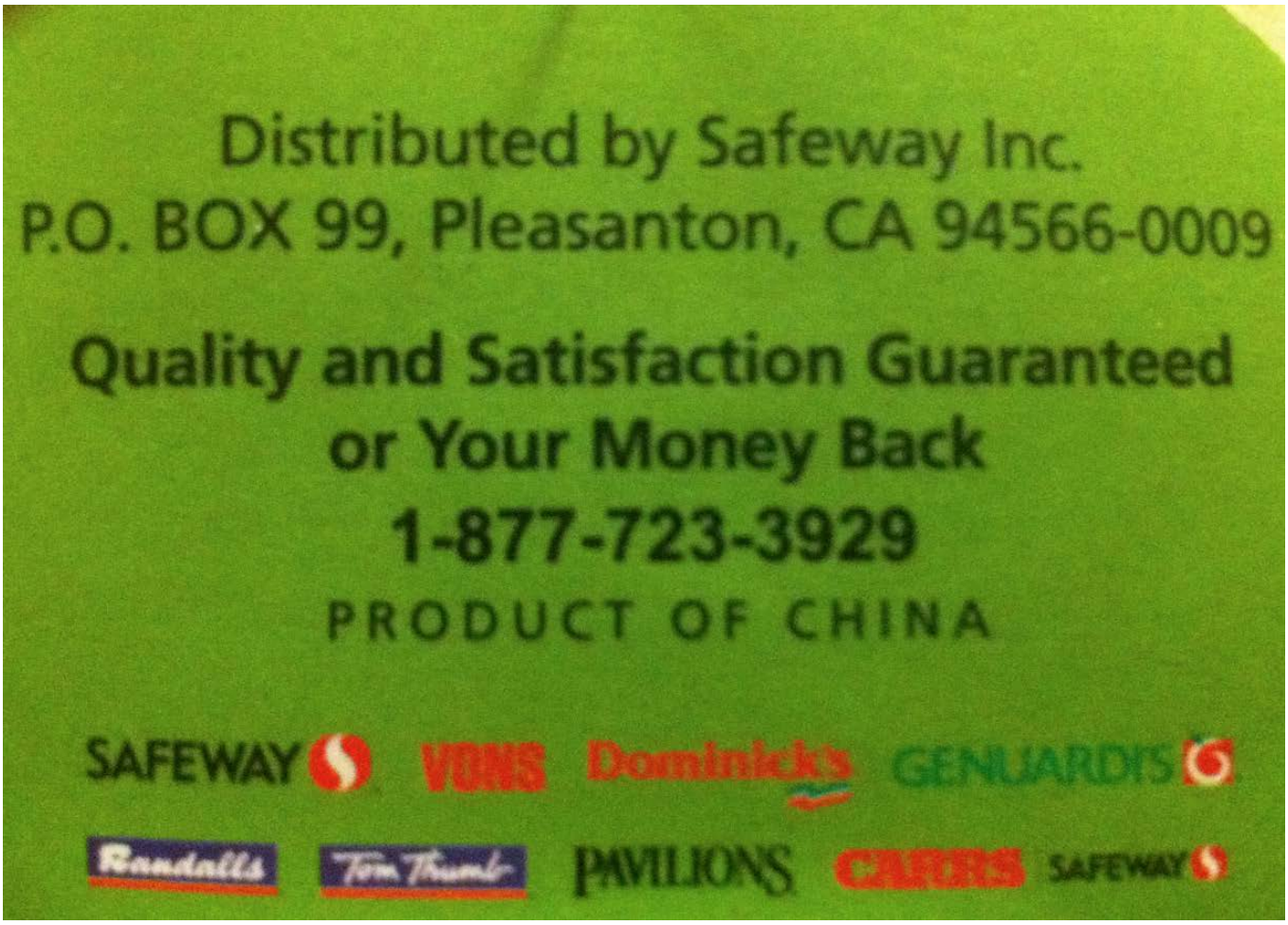
Ironically, the obvious reason why the authors of the DEIR have selected LDPE reusable bags as the basis for the environmental analysis is that plastic bags have the lowest environmental impact of any kind of bag. This is a testament to the environmental virtues of plastic that even the authors of the DEIR are forced to recognize. However, LDPE reusable bags are not representative of reusable bags actually provided to consumers.

The photographs on the following pages show the kinds of bags actually being provided to customers by supermarkets in Long Beach, since the plastic bag ban in that city took effect. They are not LDPE or HDPE reusable bags. STPB objects to the omission of any kind of environmental impact of such non-LDPE and non-HDPE reusable bags in the DEIR.

Stephen Joseph certifies that he took the photographs and that the captions are correct. He further certifies that he did not see any LDPE or HDPE reusable bag at the checkouts of any of the stores that he visited.

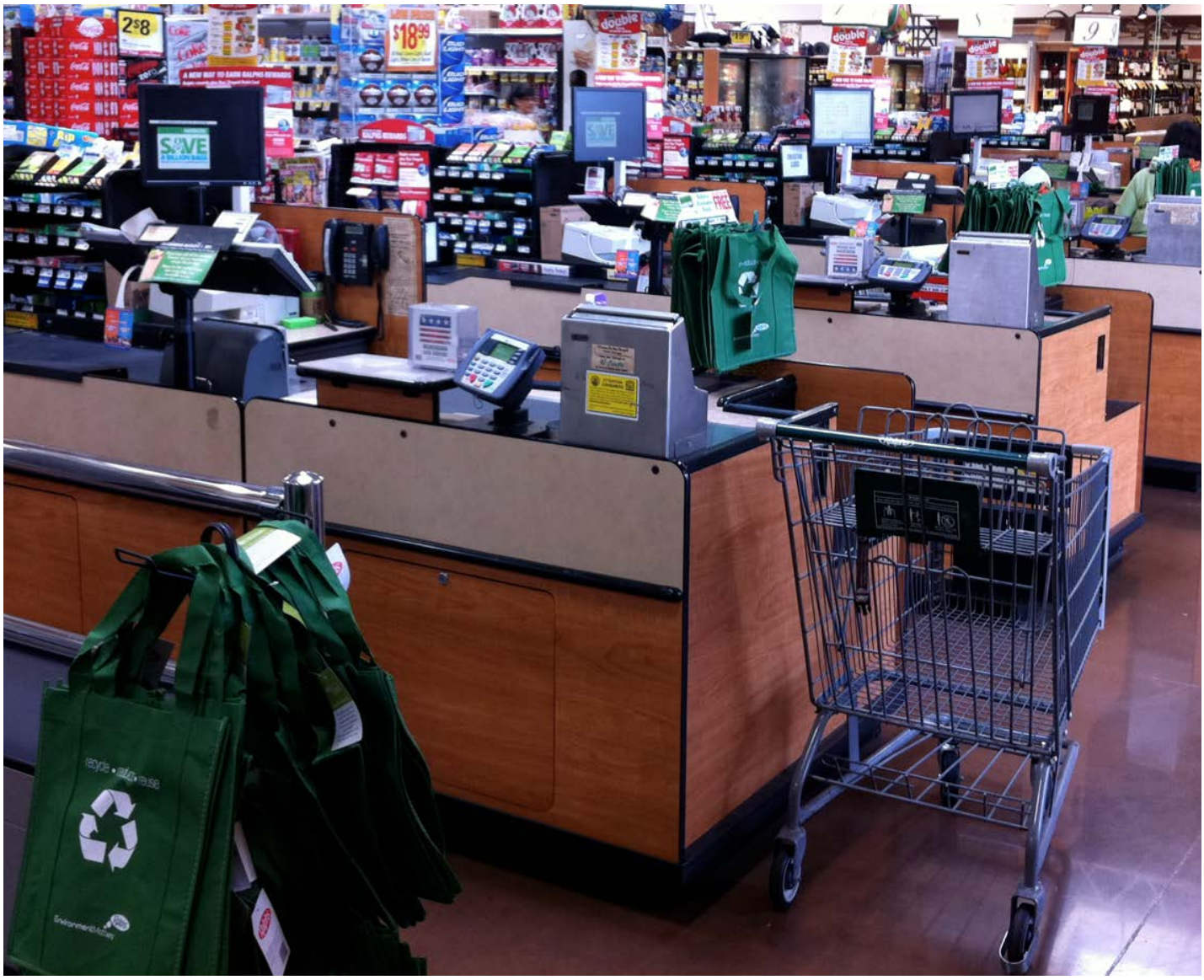
The checkout at Vons in Long Beach, after plastic bags were banned.
Photo taken by Stephen Joseph on October 24, 2012.
No LDPE or HDPE reusable bags at the checkout.

A Vons reusable bag available at the checkouts.
This is not an LDPE or HDPE reusable bag.
It is made in China.



The label on the Vons bag shown on the previous page. This shows that major supermarket chains are providing these kinds of bags to consumers:

Safeway
Vons
Dominicks
Genuardis
Randalls
Tom Thumb
Pavilions
Carr
Safeway.



The checkout at Ralphs in Long Beach, after plastic bags were banned.
Photo taken by Stephen Joseph on October 24, 2012.
No LDPE or HDPE reusable bags at the checkout.

Ralphs reusable bag available at the checkout.
This is not an LDPE or HDPE reusable bag.
It is made in China.

The checkout at the Safeway supermarket at 350 Bay Street, San Francisco.
Photo taken by Stephen Joseph on October 24, 2012.
The San Francisco expanded plastic bag ban and 10-cent paper bag fee requirement took effect on October 1, 2012.
There were no LDPE or HDPE reusable bags at the checkout.

2.

REUSABLE BAGS AVAILABLE AT STORES IN THE CITY OF WEST HOLLYWOOD AFTER THE PLASTIC BAG BAN

Photographs taken by Stephen Joseph on March 7, 2013

The City of West Hollywood plastic bag ban took effect at all of these stores on February 20, 2013

PAVILIONS SUPERMARKET
CITY OF WEST HOLLYWOOD
MARCH 7, 2013

No reusable bags at the checkout.
Most people were taking and paying for paper bags.

PAVILIONS SUPERMARKET
CITY OF WEST HOLLYWOOD
MARCH 7, 2013

This is not an LDPE or HDPE reusable bag.
No LDPE or HDPE reusable bags available at the self-service checkout.

PAVILIONS SUPERMARKET
CITY OF WEST HOLLYWOOD
MARCH 7, 2013

These are not LDPE or HDPE reusable bags.
No LDPE or HDPE reusable bags were available anywhere in the store.

PAVILIONS SUPERMARKET
CITY OF WEST HOLLYWOOD
MARCH 7, 2013

These are not LDPE or HDPE reusable bags.
No LDPE or HDPE reusable bags were available anywhere in the store.

TRADER JOE'S
CITY OF WEST HOLLYWOOD
MARCH 7, 2013

These are not LDPE or HDPE reusable bags.
No LDPE or HDPE reusable bags were available anywhere in the store.

CVS
CITY OF WEST HOLLYWOOD
MARCH 7, 2013

No reusable bags of any kind were available at CVS.

GELSON'S
CITY OF WEST HOLLYWOOD
MARCH 7, 2013

The checkout at Gelson's where a high degree of paper bag usage was in evidence.

GELSON'S
CITY OF WEST HOLLYWOOD
MARCH 7, 2013

These are not LDPE or HDPE reusable bags.

GELSON'S
CITY OF WEST HOLLYWOOD
MARCH 7, 2013

These are LDPE reusable bags.
These bags are only available in one other Gelson's store – the one in in Calabasas.

WHOLE FOODS
CITY OF WEST HOLLYWOOD
MARCH 7, 2013

These are not LDPE or HDPE reusable bags.
No LDPE or HDPE reusable bags were available anywhere in the store.

WHOLE FOODS
CITY OF WEST HOLLYWOOD
MARCH 7, 2013

Paper bags at the ready at the Whole Foods store checkout.

RALPHS
CITY OF WEST HOLLYWOOD
MARCH 7, 2013

LDPE reusable bags are available at the checkout at this Ralphs.

BRISTOL FARMS
CITY OF WEST HOLLYWOOD
MARCH 7, 2013

These are not LDPE or HDPE reusable bags.
No LDPE or HDPE reusable bags were available anywhere in the store.

BRISTOL FARMS
CITY OF WEST HOLLYWOOD
MARCH 7, 2013

These are not LDPE or HDPE reusable bags.
No LDPE or HDPE reusable bags were available anywhere in the store.

BRISTOL FARMS
CITY OF WEST HOLLYWOOD
MARCH 7, 2013

The majority of customers were paying for paper bags.

BRISTOL FARMS
CITY OF WEST HOLLYWOOD
MARCH 7, 2013

A 10-cent fee is not an effective deterrent to ensure a sufficient suppression of paper bag usage. Other cities such as San Jose have opted for a 25-cent fee, which should be more effective.

2. Other types of reusable bags have far worse impacts than LDPE reusable bags

STPB does not dispute that an LDPE bag need only be used 2.6 times to equal the environmental impact of a plastic carryout bag. However, that figure is not applicable to other types of reusable bags.

As noted previously in this document, the British Government report includes the following table (Doc. # 406; Doc # 407 is summary):

NUMBER OF TIMES THAT ALTERNATIVE BAGS HAVE TO BE USED TO PRODUCE LESS GLOBAL WARMING THAN PLASTIC CARRYOUT BAGS
Plastic bag = 1

Type of carrier	HDPE bag (No secondary reuse)	HDPE bag (40.3% reused as bin liners)	HDPE bag (100% reused as bin liners)	HDPE bag (Used 3 times)
Paper bag	3	4	7	9
LDPE bag	4	5	9	12
Non-woven PP bag	11	14	26	33
Cotton bag	131	173	327	393

The table shows that an LDPE reusable bag must be used 4 times instead of 2.6 times (assuming that the plastic carryout bag is never reused). 2.6 is within a reasonable margin of error. 2.6 times or 4.0 times is still a very good environmental footprint.

According to the British report, a PP bag must be used at least 11 times. That is much worse than 2.6. And a cotton bag must be used at least 131 times, which is the worst of all. Of course, many plastic carryout bags are reused as bin liners. The British report found that 40.3% are reused as bin liners. (Doc. # 406 at page 30.) Therefore, the correct figures are:

Paper bag	**4**
LPDE reusable bag	**5**
Non-woven PP reusable bag	**14**
Cotton reusable bag	**173**

The Los Angeles County EIR determined that each and every single polypropylene and cotton reusable bag distributed in a city or county must be used at least 104 times before delivering environmental benefits compared to a single plastic carryout bag. (Doc. # 001, table at page 12-21 and repeated in text throughout EIR.) ***The Los Angeles County figure of 104 represents an averaging of PP bags and cotton bags, which STPB would not dispute is an***

appropriate figure for the City of Los Angeles EIR. It would be absurd if the Los Angeles County EIR used a figure of 104 while the City of Los Angeles uses a figure of 2.6.

The statement in the DEIR that LDPE reusable bags are representative of all reusable bags because they are of similar weight and durability is baseless and wrong. The material from which the bags are made is of critical importance to their environmental impacts.

3. The use of LDPE reusable bags as the basis for the reusable bag analysis invalidates the findings in the DEIR

The DEIR is projecting a massive switch to reusable bags. As long as it is making that projection, it is critically important that the environmental impact of reusable bags be assessed accurately. Cherry-picking a figure of 2.6 based on a type of reusable bag that is a tiny percentage of the marketplace is misleading and unacceptable. Therefore, STPB objects.

OBJECTION # 4
UNJUSTIFIED AND MISLEADING ASSUMPTION THAT EACH REUSABLE BAG WILL BE USED ON AVERAGE 52 TIMES

OBJECTION: STPB objects to the following statements and tables in the DEIR and all similar statements and tables in the DEIR that make the same point(s):

DEIR pages 22 and 103:

> Although a reusable bag is designed to be used up to hundreds of times, it is conservatively assumed that a reusable bag would be used by a customer once per week for one year (52 times).

Table 3.1-5
Existing Plastic Bag Replacement Assumptions

Type of Bag	Replacement Assumption	Bags Used Post-Ordinance	Explanation
Single-Use Plastic	5% (remaining)	101,561,635	Because the proposed ordinance does not apply to all retailers, some single-use plastic bags would remain in circulation.
Single-Use Paper	30%	609,369,812	Although the volume of a single-use paper carryout bag is generally 150% of the volume of a single-use plastic bag and fewer paper bags would be needed to carry the same number of items, it is conservatively assumed that paper would replace plastic at a 1:1 ratio.
Reusable	65%	25,390,409	Although a reusable bag is designed to be used up to hundreds of times, it is conservatively assumed that a reusable bag would be used by a customer once per week for one year (52 times).
	Total	**736,321,856**	
Source: Based on rates utilized in the City of San Jose EIR, City of Santa Monica EIR, and County of San Mateo EIR			

GROUNDS:

There is no basis and no substantial evidence supporting the "assumption" that every reusable bag will be used on average 52 times.

In Table 3.1-5, the DEIR cites the "rate utilized in the City of San Jose EIR, City of Santa Monica EIR, and County of San Mateo EIR." Those are rates based on assumptions. There is no empirical data whatsoever regarding the number of times that reusable bags are used on average. An assumption is not substantial evidence.

The number of times that reusable bags will be reused is central to the reusable bag analysis. In the Los Angeles County EIR, the reasonable figure of 104 was used as the number of times a reusable bag would have to be used to offset its impact compared to a reusable bag. And if one reusable bag is not used, then the next bag must be used 208 times, and so on.

The DEIR does not even pretend that each reusable bag will be used on average 104 times, and there would be no basis for such an assertion. It is just guesswork. Therefore, the analysis must be based on a reasonable worst case scenario, which is that reusable bags may not be used on average a sufficient number of times to offset their greater negative environmental impacts compared to a plastic or paper carryout bag.

The City and anti-plastic bag activists paint a rosy picture of reusable bags that is not justified by the facts. It is time for the City to acknowledge that reusable bags are big and heavy and use far more non-renewable resources and create far greater environmental impacts than the bags that they are intended to replace.

Based on the foregoing, an assumption of two uses per reusable bag would be the highest reasonable worst-case scenario number for reusable bag usage. STPB objects to any higher multiplier that two being used for the purpose of determining the *possible* significant environmental impacts of the proposed ordinance. If a reusable bag can be used 125 times, that does not mean that it *will* be used 125 times, or 52 times per year.

In fact, reusable bags are difficult or impossible to wash, except for LDPE and HDPE reusable bags which can be easily wiped clean and cloth bags which can be put in a washing machine. PP bags cannot be washed in a washing machine. The photograph on the next page shows a PP bag after it has been washed in a washing machine.

A polypropylene (PP) reusable bag after it has been washed in a washing machine. A PP reusable bag cannot be kept clean and reused more than a handful of times

OBJECTION # 5
FALSE ASSERTION THAT
"REUSABLE BAGS…ARE RECYCLABLE PRODUCTS"

OBJECTION: STPB objects to the following statements in the DEIR and all similar statements in the DEIR that make the same point(s):

DEIR at 105 and 109:

> As with the proposed ordinance, this alternative would result in a beneficial effect of reducing solid waste by eliminating single-use paper bags and significantly increasing the use of reusable bags, which are recyclable products.

GROUNDS:

The statement is untrue. All plastic carryout bags and all plastic LDPE reusable bags and plastic HDPE reusable bags are recyclable. Polyethylene is a recyclable product. By law, all stores that provide plastic carryout bags must install plastic bag recycling bins. (AB 2449 (enacted 2006) as amended by SB 1219 (enacted 2012), Pub. Res Code §§ 42250-57.)

The photographs on the preceding page show typical plastic bag recycling bins at supermarkets. The photograph on the right was taken at Safeway in Marin County. The photograph on the right was taken at Ralphs in Marina del Rey. All kinds of plastic bags are deposited in the bins, including plastic carryout bags, LDPE reusable bags, dry cleaning bags, newspaper bags, and produce bags.

There are many active buyers for recycled plastic bags deposited in the bins, including Trex, AERT, and Hilex. (Doc. ## 417-421.)

PP, cotton, cotton canvas, nylon reusable bags cannot be recycled anywhere in the City of Los Angeles or Los Angeles County. Consequently, to the extent that the proposed ordinance results in a switch to reusable bags, there will be a switch from a recyclable product to non-recyclable products. STPB objects to the failure to disclose this impact in the DEIR.

AB 2449 and SB 1219 only require stores to install plastic bag recycling bins if they provide plastic carryout bags. Once the ordinance is passed, stores may remove the bins. That means that there will be no way for members of the public to recycle LDPE reusable bags, dry cleaning bags, newspaper bags, and produce bags. STPB objects to the failure to disclose this impact in the DEIR.

The Hilex Poly plastic bag recycling facility (see Doc. # 421)

OBJECTION # 6
FALSE AND MISLEADING STATEMENTS
REGARDING PLASTIC BAG LITTER

OBJECTION: STPB objects to the following statement in the DEIR and all similar statements in the DEIR that make the same point(s):

DEIR page i:

> Each year, billions of these single-use plastic bags are consumed in the City of Los Angeles (City) and end up in the litter stream, impacting Los Angeles communities and the environment. The City spends millions of dollars each year on prevention, cleanup, and other activities to reduce litter.

DEIR page 5:

> Each year, billions of these single-use plastic bags are consumed in the City of Los Angeles (City) and end up in the litter stream, impacting Los Angeles communities and the environment. The City spends millions of dollars each year on prevention, cleanup, and other activities to reduce litter.

DEIR page 32:

> Plastic films, including plastic bags, account for 7% to 30% of all litter in the Los Angeles area.

DEIR page 32:

> Single-use plastic carryout bags and styrofoam food containers are a significant portion of the trash in urban surface water runoff, and plastic bag litter comprises up to 25% of the litter stream entering the Los Angeles River Watershed via storm drains.

DEIR page 62:

> [A] large percentage of single-use plastic carryout bags end up as litter.

DEIR page 91:

> In addition, due to the lightweight nature of single-use plastic bags, many end up as litter, and studies have found that plastic accounts for up to 90% percent of trash, and single-use disposable plastic bags make up a large portion of the litter in streams, rivers, and the ocean.

GROUNDS:

Disclosing the facts about plastic litter is of critical importance, because the primary reason cited for banning plastic bags is litter. Unfortunately, the DEIR resorts to ambiguity and hyperbole to make the plastic bag litter issue seems much worse than it really is. The DEIR suggest that billions of plastic bags end up in the litter stream in the City of Los Angeles each year. There is simply no evidence for such an assertion. It is grossly misleading to decision-makers and the public.

STPB objects to the statement that "Plastic films, including plastic bags, account for 7% to 30% of all litter in the Los Angeles area." Not all "plastic film" is plastic bags. The figure for plastic bags must be broken out or the statement must be deleted. Banning plastic bags will not impact other "plastic film."

Plastic retail bags are only about one-half of one percent of the litter stream. (Doc. ## 600-605.) STPB objects to the failure to make this disclosure in the DEIR. Paper retail bags constitute a substantial percentage of the litter stream, especially when plastic bags are banned. (Doc. ## 601-605.) STPB objects to the failure to make this disclosure in the DEIR.

Further, there is no substantial evidence that the City of Los Angeles "spends millions of dollars each year on prevention, cleanup, and other activities to reduce litter." If an area needs to be cleared of litter, it needs to be cleared of all litter, not just plastic bags. It is not fair or acceptable to blame one product in the litter stream for the cost of cleaning up other items in the litter stream. Moreover, if plastic bags are banned, very little money if any will be saved by the City of Los Angeles. That is because the same areas will still have to be cleared of other types of litter. Staff, equipment, and other costs will remain the same.

Landfill tipping fees costs may decrease slightly as a result of less litter, but that figure must be calculated or reasonably estimated before making any assertion about it.

According to Heal the Bay (Doc. # 606 at page 4):

> Los Angeles County is using full capture devices to comply with TMDL requirements for the Los Angeles River and Ballona Creek, which prevent all trash of 5mm in diameter or greater from entering a catch basin. These devices will prevent both paper and plastic bags from getting into the stormdrain system.

Also see also page 3 of the Heal the Bay letter attached to DEIR where Heal the Bay states:

> The Initial Study questions whether littered paper and reusable bags will enter storm drains and sewers and hence have a significant impact on water quality. We believe this concern is unwarranted for two reasons. First, requirements to comply with trash total maximum daily loads ("TMDL") will hinder paper and reusable bags from entering storm drains. Under these TMDL requirements, the City must increasingly regulate trash, and will

> continue to install full capture devices on the Los Angeles River and Ballona Creek, two major water bodies in Los Angeles. With proper maintenance, these capture devices combined with other actions to attain TMDL compliance will prevent trash of 5 mm in diameter or greater from entering a catch basin, ***and thus will prevent paper and plastic bags (as well as the extremely infrequent wayward reusable bag) from entering Los Angeles' storm drain system***. (Emphasis added.)

Plastic bags ***prevented*** from entering the storm drain system will ***accumulate*** at the capture device screens. The City's statement that "plastic bag litter comprises up to 25% of the litter stream entering the Los Angeles River Watershed via storm drains" is therefore untrue. None of those bags are entering the Los Angeles River Watershed via storm drains. Therefore, STPB objects to the 25% figure, which must be deleted.

The City Council and citizens of the City of Los Angeles need the facts, not ambiguous statements and exaggerations designed to alarm them about plastic bag litter. The DEIR has not addressed the plastic bag litter issue in a responsible and accurate manner.

OBJECTION # 7
FAILURE TO PROPERLY DISCLOSE THAT STORMWATER CAPTURE DEVICES ARE PREVENTING AND WILL PREVENT PLASTIC BAGS FROM REACHING THE LA RIVER, BALLONA CREEK, AND THE OCEAN

As noted above, according to Heal the Bay (Doc. # 606 at page 4):

> Los Angeles County is using full capture devices to comply with TMDL requirements for the Los Angeles River and Ballona Creek, which prevent all trash of 5mm in diameter or greater from entering a catch basin. ***These devices will prevent both paper and plastic bags from getting into the stormdrain system. (***Emphasis added.)

Also see also page 3 of the Heal the Bay letter attached to DEIR where Heal the Bay states:

> The Initial Study questions whether littered paper and reusable bags will enter storm drains and sewers and hence have a significant impact on water quality. We believe this concern is unwarranted for two reasons. First, requirements to comply with trash total maximum daily loads ("TMDL") will hinder paper and reusable bags from entering storm drains. Under these TMDL requirements, the City must increasingly regulate trash, and will continue to install full capture devices on the Los Angeles River and Ballona Creek, two major water bodies in Los Angeles. With proper maintenance, these capture devices combined with other actions to attain TMDL compliance will prevent trash of 5 mm in diameter or greater from entering a catch basin, ***and thus will prevent paper and plastic bags (as well as the extremely infrequent wayward reusable bag) from entering Los Angeles' storm drain system***. (Emphasis added.)

The photographs on the next two pages show full capture devices. Such capture devices are not mentioned in the DEIR. STPB objects. Discussion of such capture devices is critically important to any discussion of litter and the impacts of litter. The City Council and the public will be misled into thinking that plastic bag litter flows directly into the LA River, Ballona Creek and the ocean. This is simply not true, as Heal the Bay says.

Full capture device in the City of Los Angeles.
(Photo taken by Stephen Joseph in Brentwood on 3-2-13)

The above two photographs are of the same City of Los Angeles capture device.
It has a mechanical clearing mechanism.
(Photos taken by Stephen Joseph in Century City on 2-27-12)

According to the U.S. Environmental Protection Agency, the Los Angeles River has been designated as an impaired waterbody due to the large volume of trash it receives from the watershed. To address this problem a Total Maximum Daily Load (TMDL), which establishes baseline trash loads to the river from the watershed, has been incorporated into the area stormwater permit. ***The permit requires each permittee to implement trash reduction measures for discharges through the storm drain system with an emphasis on the installation of full capture devices.*** The stormwater permit incorporates progressive reductions in trash discharges to the Los Angeles River, reaching a zero level in 2016. (Doc. # 608.)

STPB strongly objects to the failure to disclose this fact in the DEIR. It is critically important and must be emphasized and highlighted. The use of these full capture devices significantly reduces or eliminates any concern that plastic bag street litter will reach the or the LA River, Ballona Creek, or the ocean.

OBJECTION # 8
FALSE AND GROSSLY MISLEADING STATEMENTS REGARDING MARINE IMPACTS

OBJECTION: STPB objects to the following statements in the DEIR and all similar statements in the DEIR that make the same point(s) and the entire discussion of marine impacts at pages 32-35:

DEIR page 32:

> Larger and smaller, broken-down or micro-plastic debris, including plastic bags, may choke and starve wildlife, absorb toxic materials and degrade micro-plastics that may be subsequently digested.
>
> The accumulation of plastic fragments in marine environments is of particular concern because they are difficult to remove from the environment and because they have the potential to be ingested by organisms at all levels of the food chain. Over 260 species of wildlife, including invertebrates, turtles, fish, seabirds, and mammals have been reported to ingest or become entangled in plastic debris. The harmful results include impaired movement and feeding, reduced reproductive ability, lacerations, ulcers, and death. Sea turtles sometimes mistake plastic bags for jellyfish, one of their primary food sources. Many have been found bloated with plastic bags in their digestive tracts or gut.

DEIR page 33:

> In 2005, the ICFC found that 2.2% of animals found dead during the 2004 survey had been entangled by plastic bags – one of many harmful biological effects of plastic bag litter in coastal and marine habitats. [ICFC is apparently a typographical error which should read "ICC."]

DEIR page 35:

> In addition, because single-use paper bags are not as resistant to breakdown, there would be less risk of entanglement if entering the marine environment compared to single-use plastic bags. Also, although not a healthy food source, if ingested, a single-use paper bag can be chewed effectively and may be digested by many species including marine animals.

GROUNDS:

Disclosing the facts about plastic bag litter in the marine environment is of critical importance, because alleged marine are one of the main reasons cited for banning plastic bags. As stated at the beginning of this document, the marine impacts of plastic bags have been massively exaggerated and misrepresented. The DEIR contains similar exaggerations and misrepresentations and deceptive ambiguity.

The Ordinance is intended to ban plastic bags and no other form of "plastic debris." STPB objects to all the statements in the DEIR about "plastic debris" and "plastic fragments." Plastic bags are not responsible for the entire universe of plastic debris in the ocean.

Let us examine each of the above statements in turn.

1. **DEIR at page 32: "Larger and smaller, broken-down or micro-plastic debris, including plastic bags, may choke and starve wildlife, absorb toxic materials and degrade micro-plastics that may be subsequently digested."**

OBJECTION: No evidence is cited for this statement. Moreover, it is so prejudicial in the context of a debate about a plastic bag ban that it must be quantified as well as substantiated. The word "may" is used. Anything is possible of course, but as we have shown in this document, it is either not happening or happening very rarely.

Here is an extract from an article in the London Times quoting authoritative sources (Doc. # 700):

> Campaigners say that plastic bags pollute coastlines and waterways, killing or injuring birds and livestock on land and, in the oceans, destroying vast numbers of seabirds, seals, turtles and whales. However, The Times has established that there is no scientific evidence to show that the bags pose any direct threat to marine mammals.
>
> They "don't figure" in the majority of cases where animals die from marine debris, said David Laist, the author of a seminal 1997 study on the subject. Most deaths were caused when creatures became caught up in waste produce. "Plastic bags don't figure in entanglement," he said. "The main culprits are fishing gear, ropes, lines and strapping bands. Most mammals are too big to get caught up in a plastic bag."
>
> He added: "The impact of bags on whales, dolphins, porpoises and seals ranges from nil for most species to very minor for perhaps a few species. For birds, plastic bags are not a problem either."
>
> David Santillo, a marine biologist at Greenpeace, told The Times that bad science was undermining the Government's case for banning the bags. "It's very unlikely that many animals are killed

> by plastic bags," he said. "The evidence shows just the opposite. We are not going to solve the problem of waste by focusing on plastic bags.
>
> "It doesn't do the Government's case any favours if you've got statements being made that aren't supported by the scientific literature that's out there. With larger mammals it's fishing gear that's the big problem. On a global basis plastic bags aren't an issue. It would be great if statements like these weren't made."

2. **DEIR at page 32: "The accumulation of plastic fragments in marine environments is of particular concern because they are difficult to remove from the environment and because they have the potential to be ingested by organisms at all levels of the food chain."**

OBJECTION: No evidence is cited for this highly prejudicial statement. Moreover, there is no evidence that ***plastic bags*** are accumulating in marine environments.

3. **DEIR at page 32: "Over 260 species of wildlife, including invertebrates, turtles, fish, seabirds, and mammals have been reported to ingest or become entangled in plastic debris." [Citing the Green Cities Master Environmental Assessment ("MEA") which is Doc. # 010.]**

OBJECTION: The statement refers to "plastic debris," not bags. There is no evidence that any wildlife ingest or become entangled in ***plastic bags***, other than a handful of photographs on the Internet. It is absurd and incorrect to suggest that 260 specifies of wildlife are ingesting or becoming entangled in ***plastic bags***. The statement is inflammatory, untrue, not applicable to plastic bags, and does not belong in an EIR as it is ambiguous, misleading, and prejudicial.

Statements in the MEA are not evidence unless they supported by substantial evidence.

The MEA at page 33 cites Laist (1997) and Gregory (2009). As we have seen, Laist says that ***plastic bags*** are not a problem for wildlife. He states (Doc. # 700):

> They "don't figure" in the majority of cases where animals die from marine debris, said David Laist, the author of a seminal 1997 study on the subject. Most deaths were caused when creatures became caught up in waste produce. "Plastic bags don't figure in entanglement," he said. "The main culprits are fishing gear, ropes, lines and strapping bands. Most mammals are too big to get caught up in a plastic bag."
>
> He added: "The impact of bags on whales, dolphins, porpoises and seals ranges from nil for most species to very minor for perhaps a few species. For birds, plastic bags are not a problem either."

Gregory cites as evidence ***one photograph of one turtle*** that he claims is "disgorging an inflated plastic bag." http://rstb.royalsocietypublishing.org/content/364/1526/2013/F3.large.jpg. Here is the photograph:

It is impossible to tell from the photograph what is happening with this turtle. It is not clear whether there is a plastic bag or what the object may be and why it is orange. It doesn't look like a plastic bag. It is also not clear that the object is even in its mouth. The source of the photograph is not provided.

4. **DEIR at page 32: "Sea turtles sometimes mistake plastic bags for jellyfish, one of their primary food sources. Many have been found bloated with plastic bags in their digestive tracts or gut." [Citing MEA]**

OBJECTION: The MEA cites an ExcelPlas Australia 2004 report for the assertion. The Excel report is provided herewith. (Doc. # 730.) It states: "that it is well-known that sea turtles see plastic bags and that dead sea turtles have been found bloated with plastic bags in their digestive tract and gut." ExcelPlas cites no evidence, other than saying it is "well-known."

There is no substantial evidence for the statement in the DEIR. It is simply not true that any turtles have been found bloated with plastic bags in their digestive tracts or gut. There is not a shred of substantial evidence supporting the allegation. And if any evidence is found, then it must be quantified. Has one turtle been found or perhaps a thousand, or more? The City Council and the public must be informed, not mislead by untrue, inflammatory, and prejudicial statements.

5. **DEIR at page 33: "In 2005, the ICFC found that 2.2% of animals found dead during the 2004 survey had been entangled by plastic bags – one of many harmful biological effects of plastic bag litter in coastal and marine habitats. [ICFC is apparently a typographical error which should read "ICC."] [Citing MEA]**

OBJECTION:

The MEA states: "According to the International Coastal Clean-up Report (2005), 2.2%

of all animals found dead during the 2004 survey had been entangled in plastic bags. The proportion of these bags that were grocery bags is unknown." [International Coastal Clean-up, 2005. The International Coastal Clean Up 2005 Report. Ocean Conservancy. As reported in AEA Technology 2009."] Here is an extract from page 6 of the 2005 report (Doc. # 731):

the United States 2005 ICC "Top Ten" Debris Items – Land and Underwater Cleanups

Land Cleanups Only

Debris Items	Amount	Percent Of Total
1. Cigarettes	1,002,039	31.4%
2. Food Wrappers	354,340	11.1%
3. Caps And Lids	304,408	9.5%
4. Cups, Plates And Utensils	191,725	6.0%
5. Plastic Beverage Bottles	186,513	5.8%
6. Glass Beverage Bottles	157,995	5.0%
7. Beverage Cans	146,885	4.6%
8. Straws And Stirrers	133,695	4.2%
9. Bags	131,134	4.1%
10. Cigar Tips	54,178	1.7%
Totals:	2,662,912	83.4%

Underwater Cleanups Only

Debris Items	Amount	Percent Of Total
1. Cigarettes	6,249	28.4%
2. Food Wrappers	2,107	9.6%
3. Caps And Lids	2,090	9.5%
4. Glass Beverage Bottles	1,946	8.8%
5. Plastic Beverage Bottles	1,211	5.5%
6. Beverage Cans	1,115	5.1%
7. Cups, Plates And Utensils	911	4.1%
8. Straws And Stirrers	843	3.8%
9. Bags	624	2.8%
10. Fishing Line	620	2.8%
Totals:	17,716	80.4%

the United States 2005 ICC - Entangled Animals

Entangling Debris	Birds	Fishes	Invertebrates	Mammals	Reptiles	Total
balloon ribbon/string	4	0	0	0	0	4
fishing line	21	10	6	3	1	41
fishing nets	8	3	1	0	1	13
miscellaneous	1	2	1	0	2	6
plastic bags	1	6	0	0	1	8
plastic sheeting	1	1	0	0	0	2
rope	5	2	1	6	0	14
Totals	**41**	**24**	**9**	**9**	**5**	**88**

In the entire beach cleanup, the percentage of litter that was "bags" was 4.1%. Underwater, it was 2.8%. ***There is no mention of whether they were plastic or paper bags.***

A grand total of eight animals were found engaged in plastic bags, six of which were fish and one of which was a bird. With all due respect to fish, we eat fish all the time. Six fish is not significant. A family of four can eat six fish at McDonald's. The other two animals were one bird and one reptile. There is no indication that the bird or reptile died. ***STPB objects as it is prejudicial and misleading not to disclose that only eight animals were reported entangled, including six fish and a bird.***

Moreover, the report does not state that the ICC found that 2.2% of animals found dead during the 2004 survey had been entangled by plastic bags and STPB objects on that

ground also.

Even if the report had said 2.2%, it is a fraud and deception to state the statistic without stating the quantity. 2.2% could mean thousands or tens of thousands of entanglements or just a handful.

The real culprits in marine entanglements are ***fishing gear***, as the above tables show.

6. **DEIR at page 33: "In addition, because single-use paper bags are not as resistant to breakdown, there would be less risk of entanglement if entering the marine environment compared to single-use plastic bags. Also, although not a healthy food source, if ingested, a single-use paper bag can be chewed effectively and may be digested by many species including marine animals." [Citing MEA]**

OBJECTION:

The MEA makes a similar statement at page 33, but cites no evidence. An assertion in the MEA is not evidence. Paper bags are made using chemicals. There is absolutely no evidence that digesting a paper bag is harmless or that they can be digested. STPB objects to the statement in the DEIR.

CONCLUSION REGARDING MARINE IMPACTS DISCUSSION

The discussion about marine impacts in the DEIR is full of misinformation, innuendo, and falsehoods. It is highly prejudicial and STPB objects to it in its entirety.

STPB will object to any discussion of marine impacts that is inaccurate, vague, ambiguous, misleading, or uses statistics in a misleading way.

OBJECTION # 9
OBJECTION TO ASSERTION THAT PLASTIC BAGS ARE MADE OF OIL OR NATURAL GAS AND FALSE OIL USAGE FIGURES

OBJECTION: STPB objects to the following statement in the DEIR and all similar statements in the DEIR:

DEIR at page 72:

> Manufacturing one billion super-thin plastic bags per day for one year requires 37 million barrels of oil [footnote 109]. Approximately 10% of US oil and gas productions and imports are used in synthetic plastic production [footnote 110]. According to the cradle-to-grave Boustead Consulting study (2007), approximately 23.2 kilograms (kg) of fossil fuel is used in the manufacture of 1,000 paper bags composed of at least 30% recycled fiber, whereas it takes 14.9 kg for 1500 single-use PE plastic bags and 41.5 kg for 1500 compostable plastic bags [footnote 111].
>
> Footnote 109: This statistic is based on a survey by the China Plastics Processing Industry Association, according to Zaleski 2008, as reported in Chan et al (2009).
>
> Footnote 110: DiGregorio (2009).
>
> Footnote 111: Boustead Associates (2007) assumes that 1500 plastic bags have an equivalent carrying capacity of 1000 paper bags.

GROUNDS:

69.3% of plastic bags used in the USA are made in the USA. Only 8.4% come from China. (Doc. # 009.) Bags made in China may be made from naphtha derived from oil, but bags made in the USA are not.

STPB represents plastic bag manufacturers who know what their products are made from. STPB as a producer's representative represents as follows:

1. Plastic bags are made out of polyethylene. In the United States, ethylene is made of ethane which is a waste by-product obtained from domestic natural gas refining. Domestically produced plastic bags are not made out of oil.

2. The ethane must be removed from the natural gas anyway to lower the BTU value of the natural gas to an acceptable level. Ethane burns too hot to be allowed to remain in high levels in natural gas that is delivered to homes and businesses for fuel. There is nothing else that the ethane can be used for except to make ethylene. If ethane is not used to make plastic, it will have to be burned off, resulting in greenhouse gas

emissions.

3. Using the ethane to make plastic does not in any way reduce the amount of fuel available for transportation or power generation or increase our energy imports.

4. If we were to abolish plastic bags, it would have zero impact on our dependence on foreign oil.

5. The United States is an exporter of polyethylene. The United States imports virtually no polyethylene.

In view of the foregoing, the assertion that "manufacturing one billion super-thin plastic bags per day for one year requires 37 million barrels of oil" is untrue, invalid, and irrelevant for the United States and the City of Los Angeles. STPB therefore objects to the assertion.

STPB also objects to the assertion on the ground that the China Plastics Processing Industry Association survey does not appear to be available online. Also the references to "Chan et al (2009)" and "Zaleski 2008" are meaningless. Who are Chan and Zaleski and where are their articles? There is no way to verify the assertion about the 37 million barrels of oil or to determine how it is calculated.

DiGregorio asserts in this paper that "Approximately 10% of all the oil and gas that the United States produces and imports is used in the production of synthetic plastics." (Doc. # 011.) However, he cites no source and there is no substantial evidence supporting the assertion. As noted above, plastic bags are made of ethane derived from domestically produced natural gas refining, not oil. Consequently, DiGregorio's bare assertion is incorrect. Therefore STPB objects to the assertion in the DEIR that "Approximately 10% of US oil and gas productions and imports are used in synthetic plastic production" as it is not supported by substantial evidence.

Just because someone has written something in another document does not mean that it is substantial evidence.

STPB also objects as the Ordinance would not ban synthetic plastic production. It would ban only plastic bags. Referring to all synthetic plastic, including PVC, polystyrene, and other plastics, is prejudicial.

The oil that Boustead refers to in its report is for energy for manufacturing plastic bags, not as part of the material. As the Boustead report shows, less oil and fossil fuels are used to manufacture plastic bags than any other type of bag.

OBJECTION # 10
OBJECTION TO ASSERTION THAT 20 BILLION PLASTIC BAGS ARE USED IN CALIFORNIA ANNUALLY AND 2 BILLION IN THE CITY OF LOS ANGELES

OBJECTION: STPB objects to the following statement in the DEIR and all similar statements in the DEIR that make the same point(s) and the entire discussion of marine impacts at pages 32-35:

DEIR page i:

> In California, nearly 20 billion (20,000,000,000) single-use plastic carryout bags are used annually, and most end up as litter or in landfills. [Citing MEA]

DEIR page iii:

> With the implementation of the proposed ordinance, nearly 2 billion single-use plastic carryout bags per year would be replaced by reusable carryout bags

GROUNDS:

There is no substantial evidence that 20 billion plastic bags are used in California each year or that 2 billion are used in the City of Los Angeles.

The MEA at page 14 cites "CIWMB (2007b)." However, there is no indication of which California Integrated Waste Management Board document is being referenced or the nature of the document.

The 20 billion figure is an invention that originated from an unknown source and has become part of the mythology about plastic bags. The 2 billion figure for the City of Los Angeles is also a myth with no known source. In fact, no one knows approximately how many plastic bags are used in California each year, because the data is not reported or collected, and STPB objects to the failure to disclose this in the EIR.

If we assume one plastic bag per person per day, then the figure would be around 13 billion. And as the DEIR correctly states at page 11:

> Although these bags are not generally brought back to a grocery store for reuse, both high density polyethylene (HDPE) plastic bags and paper bags are frequently used as domestic waste bin liners, and HDPE plastic bags are commonly used to pick up pet waste.

Comment 25-22

OBJECTION # 11
FAILURE TO INCLUDE GHG EMISSIONS IN SUMMARY

STPB objects to the failure to include greenhouse gas emissions in the Summary of Environmental Impacts at page iii of the DEIR.

DEMAND FOR RECIRCULATION OF REVISED DRAFT EIR AND PROMINENT NOTIFICATION TO THE PUBLIC OF SIGNIFICANT ERRORS IN INITIAL DRAFT EIR

DEMAND FOR RECIRCULATION OF REVISED DRAFT EIR AND PROMINENT NOTIFICATION TO THE PUBLIC OF SIGNIFICANT ERRORS IN INITIAL DRAFT EIR

CEQA Guidelines § 15088.5 states:

> (a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation include, for example, a disclosure showing that:
>
> (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
>
> (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
>
> (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
>
> (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043)
>
> ….
>
> (d) Recirculation of an EIR requires notice pursuant to Section 15087, and consultation pursuant to Section 15086.
>
> (e) A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.

Pursuant to § 15088.5, STPB demands that the DEIR be revised in accordance with the objections herein and recirculated. The DEIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment have been precluded. Further, a new and revised DEIR that is responsive to the objections must new significant negative environmental impacts that would result from the project, including the reasonable possibility of huge increases in the number of paper bags and non-LDPE and non-HDPE reusable bags that are far worse for the environment than plastic carryout bags.

The City of Los Angeles has published the DEIR and invited public comments. It has held many public meetings on the DEIR in different parts of the City, and given a PowerPoint presentation summarizing the false and inaccurate statements, findings, and conclusions in the DEIR. However, the DEIR is so fundamentally flawed, inaccurate, and grossly misleading, that public review and comment have been precluded.

Comment

1. **THE PUBLIC HAS BEEN MISLED BY THE DEIR INTO BELIEVING** that the Los Angeles County ordinance with its 10-cent paper bag fee has led to a massive reduction in paper bag usage. In fact, the County has no paper bag figures for the period prior to the ordinance and therefore no conclusion about reduction can be drawn. The DEIR fails to disclose this critically important fact. The amount of the fee is fundamental to the success of the ordinance in achieving environmental benefits. ***If members of the public believe that the County results are based on actual data, as the City has represented in the DEIR, then they may conclude that they do not need to comment as the 10-cent fee definitely worked as intended.*** (See Objection # 1.) 25-23

2. **THE PUBLIC HAS BEEN MISLED BY THE DEIR INTO BELIEVING** that the experiences in Ireland and the District of Columbia show that a 10-cent fee will result in a sufficient suppression of paper bag usage to offset the greater negative environmental impacts of paper bags versus plastic bags. In fact, the Irish and DC experiences are significantly and totally different from the City of Los Angeles situation. The DEIR fails to disclose this critically important fact. ***If members of the public believe that the Irish and DC experiences are similar, as the City has represented in the DEIR, then they may conclude that they do not need to comment as the 10-cent fee will definitely work as intended.*** (See Objection # 2.) 25-24

3. **THE PUBLIC HAS BEEN MISLED BY THE DEIR INTO BELIEVING** that a switch to reusable bags instead of paper bags would have a insignificant or a positive environmental impact, because LDPE reusable bags are "one of the most common types of reusable bags." This is a falsehood. LDPE reusable bags are a tiny percentage of reusable bags. If there is a major switch to reusable bags, it will be primarily PP reusable bags, which have a much greater negative impact on the environment that LDPE. The author of the DEIR has ***cynically and deceptively*** chosen the best reusable bag for the environment, that is a plastic reusable bag, as being representative of all or a majority of reusable bags. ***If members of the public believe a switch to reusable bags will be to LDPE reusable bags which have only a slightly worse environmental impact than banned plastic carryout bags and only have to be used 2.6 times to offset that greater*** 25-25

impact, then they may conclude that they do not need to comment as there will be no significant negative environmental impact caused by a switch to reusable bags. (See Objection # 3.) 25-25 con't

4. **THE PUBLIC HAS BEEN MISLED BY THE DEIR INTO BELIEVING** that each reusable bag will be used on average a sufficient number of times to offset the greater environmental impacts compared to a banned plastic carryout bag. However, the DEIR buries the fact that this is merely an "assumption" by the author of the DEIR. If the assumption turns out not to be correct, then the entire thesis that the ordinance will not have a significant negative environmental impact will be incorrect. The public should have been told about this assumption and the possibility that it could be wrong ***prominently*** in the DEIR. ***If members of the public believe that there is no reasonable doubt that reusable bags will be used a sufficient number of times to offset their greater negative environmental impacts compared to a banned plastic carryout bag, then they may conclude that they do not need to comment as there will be no significant negative environmental impact caused by a switch to reusable bags.*** (See Objection # 4.) 25-26

5. **THE PUBLIC HAS BEEN MISLED BY THE DEIR INTO BELIEVING** that "reusable bags" are "recyclable products." With the exception of plastic reusable bags (i.e. LDPE and HDPE), they are ***not*** recyclable. This is a major deception on an issue of great importance, especially as plastic carryout bags which the proposed ordinance would ban are totally recyclable. The public should have been told in the DEIR that reusable bags, with the exception of LDPE and HDPE reusable bags, are ***not*** recyclable. This is a significant environmental impact. ***If members of the public believe that reusable bags are recyclable, then they may conclude that they do not need to comment as there will be no significant negative environmental impact caused by a switch to reusable bags.*** (See Objection # 5.) 25-27

6. **THE PUBLIC HAS BEEN MISLED BY THE DEIR INTO BELIEVING** that plastic bag litter is much worse that it really is, by means of ambiguous phraseology and bogus statistics. ***If members of the public believe the false litter statistics in the DEIR and that plastic bags are entering the LA River Watershed, then they may conclude that they do not need to comment as the litter problem is apparently so bad.*** (See Objection # 6.) 25-28

7. **THE PUBLIC HAS BEEN MISLED BY THE DEIR INTO BELIEVING** that "plastic bag litter comprises up to 25% of the litter stream entering the Los Angeles River Watershed via storm drains," which is not true. Full capture devices prevent plastic bags from entering the Los Angeles River Watershed and the Los Angeles River and Ballona Creek, as even Heal the Bay accepts. This is a very significant issue for the public. They are being told by the city that plastic bags are entering the LA River, but it's a false assertion. Also the words "up to" are ambiguous in the extreme, and could mean anything from 1% to 25%. ***If members of the public believe the false and ambiguous litter statistics in the DEIR and that plastic bags are entering the LA River Watershed, then they may conclude that they do not need to comment as the litter problem is apparently very serious.*** (See Objection # 7.) 25-29

8. **THE PUBLIC HAS BEEN MISLED BY THE DEIR INTO BELIEVING** that plastic bags cause a massive number of deaths and entanglements of marine animals and deaths. The DEIR states: "In 2005, the ICFC found that 2.2% of animals found dead during the 2004 survey had been entangled by plastic bags – one of many harmful biological effects of plastic bag litter in coastal and marine habitats." No such statement is made in the document cited in the DEIR, but even if the statement had been made, the total US entanglements in 2005 were six fish and two unidentified marine animals. Unfortunately, the 2.2% would suggest that hundreds or thousands or tens of thousands of marine animals might have been entangled. People would be shocked to hear that it was actually six fish and two unidentified marine animals, none of which apparently died. Also, the DEIR states that 260 species of marine animals are "reported to ingest or become entangled in plastic debris." The issue for the public is whether ***plastic bags*** are being ingested or causing entanglement, not "plastic debris." ***If members of the public believe the false information about marine animals in the DEIR, and the intentional confusing reference to "plastic debris", then they may conclude that they do not need to comment as plastic bags should be banned for that reason.*** (See Objection # 8.) 25-30

9. **THE PUBLIC HAS BEEN MISLED BY THE DEIR INTO BELIEVING** that plastic bags are made of oil or natural gas. The DEIR also misleads the public into believing that enormous quantities of oil are imported to make plastic bags. In fact, the majority of plastic bags used in the USA are made in the USA. They are made of ethane, which is a waste byproduct of domestically produced natural gas. They are not made of oil or natural gas. ***If members of the public believe the false information about plastic bags being made of oil or natural gas, and that vast amounts of imported oil are used for that purpose, then they may conclude that they do not need to comment as plastic bags should be banned for that reason.*** (See Objection # 9.) 25-31

10. **THE PUBLIC HAS BEEN MISLED BY THE DEIR INTO BELIEVING** that the proposed ordinance will improve the environment. It will not. ***If members of the public believe that the proposed ordinance will improve the environment based on the baseless and false assertions and conclusions in the DEIR, then they may conclude that they do not need to comment as plastic bags should be banned for that reason.***

    The new and revised DEIR must be reissued with a prominent notice that:

    - **Tells the public that there were errors in the initial DEIR as stated herein; and**
    - **Clearly identifies those errors; and**
    - **State the correct facts.**

    STPB is concerned that the public will not be willing or able to read through the massive new and revised DEIR document to find the corrections. They need to be made aware in a ***prominent*** way that the new and revised DEIR is fundamentally different as a result of the corrections. 25-32

NOTICE OF INTENT TO LITIGATE

Comment 25-33

NOTICE OF INTENT TO LITIGATE

If the City refuses to

(i) issue a revised DEIR in accordance with the objections herein; and

(ii) recirculate it for public comments; and

(iii) issue a prominent notice telling the public that there were errors in the DEIR, clearly identifying the errors, and stating the correct facts; and

(iv) hold a new round of public meetings in the same locations as those previously held;

then STPB will file a petition for writ of mandate or complaint in the Los Angeles Superior Court. STPB will also request a preliminary injunction or other injunctive relief to order the City to perform the action items stated above.

All rights are reserved.

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CONCLUSION

CONCLUSION

All rights are reserved. No rights are waived by any statement or omission herein.

Our society faces critical environmental decisions, including important energy and transportation choices that will have long-term environmental consequences. California's city councils and boards of supervisors will make many of those decisions. Understandably, they will want to make "green" choices. EIRs will play a critical role in ensuring that the facts are not lost in a green fog. As the Court of Appeal stated in *People v. County of Kern* (1974) 39 Cal.App.3d 830:

> Only by requiring [an agency] to fully comply with the letter of the law can a subversion of the important public purposes of CEQA be avoided, and only by this process will the public be able to determine the environmental and economic values of their elected and appointed officials, thus allowing for appropriate action come election day should a majority of the voters disagree.

(*Id.* at 842.)

The DEIR is an argumentative and deceptive document designed to support a predetermined conclusion that the proposed ordinance will have no significant negative environmental impacts. The City Council and the public must be told the truth. STPB will take all appropriate legal steps to ensure that they are told the truth.

REQUEST FOR NOTICES

Pursuant to CEQA including but not limited to CEQA Guidelines §15072(b), I request that you send me, by e-mail and regular mail to the address on the letterhead of this document, any and all responses or findings regarding these objections and all notices regarding the proposed ordinance.

SAVE THE PLASTIC BAG COALITION

By: STEPHEN L. JOSEPH, Counsel

SAVE THE PLASTIC BAG COALITION

SUPPLEMENTAL SUBMISSION

1. **OBJECTIONS TO CITY OF LOS ANGELES DRAFT EIR ON PROPOSED SINGLE-USE CARRYOUT BAG ORDINANCE**

2. **DEMAND FOR REVISION AND NEW FINDINGS OF SIGNIFICANT NEGATIVE ENVIRONMENTAL IMPACT**

3. **DEMAND FOR RECIRCULATION OF REVISED DRAFT EIR AND PROMINENT NOTIFICATION TO THE PUBLIC OF SIGNIFICANT ERRORS IN INITIAL DRAFT EIR**

4. **NOTICE OF INTENT TO LITIGATE TO ENFORCE CEQA, INCLUDING PETITION FOR WRIT OF MANDATE OR PRELIMINARY INJUNCTION TO REQUIRE RECIRCULATION OF REVISED DRAFT EIR**

March 26, 2013

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SUPPLEMENTAL SUBMISSION

On March 16, 2013, Santa Monica High School issued a report on bag choice at Santa Monica grocery stores based on extensive surveys. (Doc # 306.) The report contains these charts:

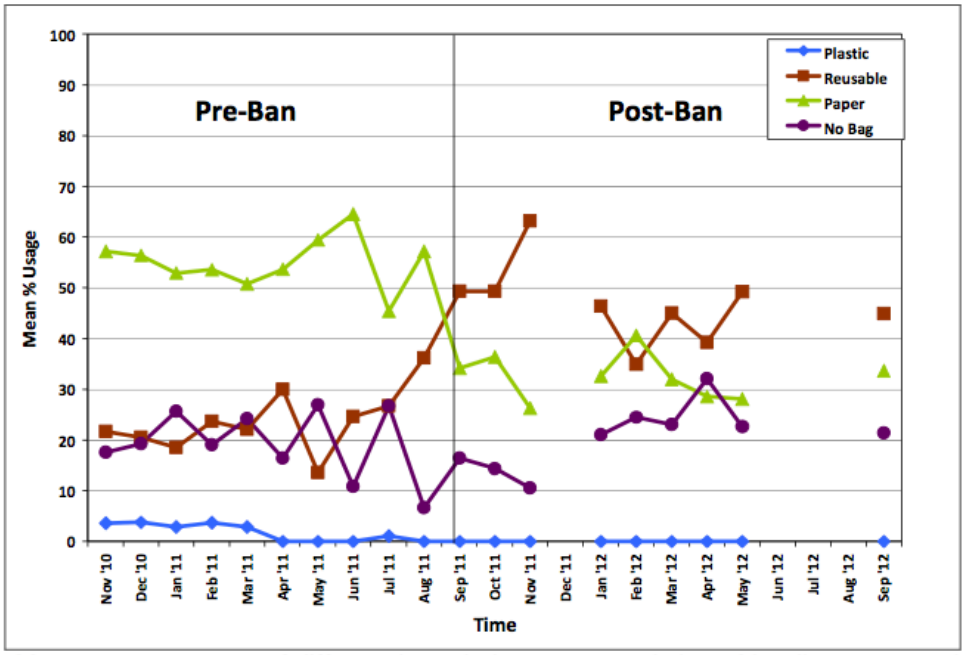

Figure 3. Mean percent usage of different bag choices per month (eco-friendly stores pooled) before and after the plastic bag ban. Gaps represent months no data were collected (see Table 1 below).

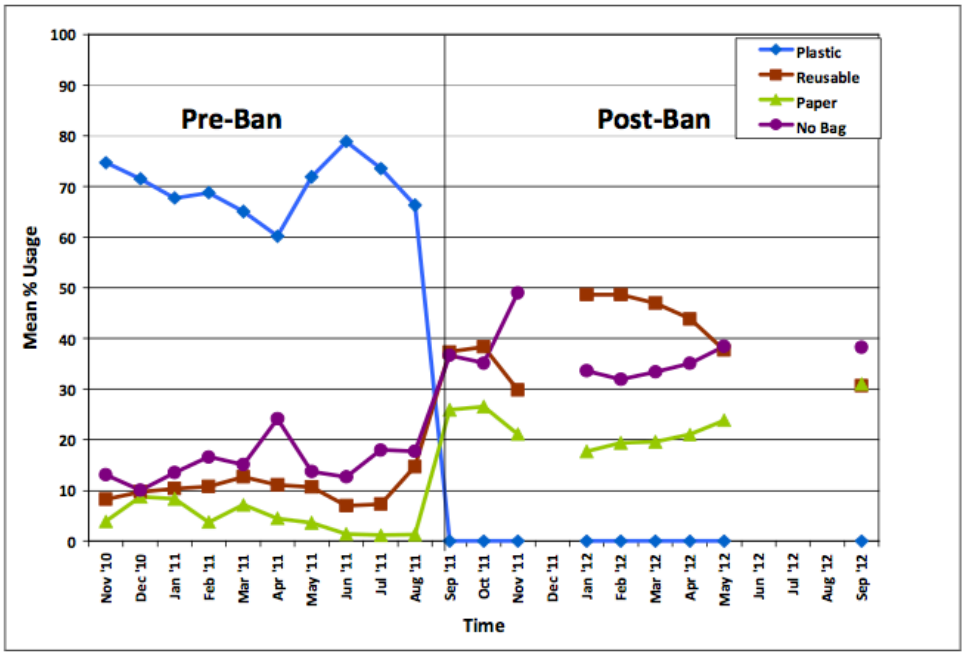

Figure 4. Mean percent usage of different bag choices per month (regular stores pooled) before and after the plastic bag ban. Gaps represent months no data were collected (see Table 1 below).

Figure 3 shows a timeline for Whole Foods and Trader Joe's, which are described in the report as "eco-friendly" stores. Customers at these stores are generally quite affluent and would take steps that they have been told are good for the environment.

Figure 4 shows a timeline for Albertsons, Vons, and Ralphs, which are described in the report as "regular" stores. Customers at these stores are more representative of the general public, and include less affluent customers. There are far more regular-type stores in the City of Los Angeles than eco-friendly stores. Eco-friendly stores would be a tiny percentage of the stores that would be covered by the proposed City of Los Angeles ordinance.

The Santa Monica report figures are supported by extensive pre-ban and post-ban surveys and constitute substantial evidence. The survey lasted for 19 months and is based on the observation of 50,400 customers. In contrast, Los Angeles County's claims about paper bag reduction are not based on any pre-ban data or surveys whatsoever and are therefore not substantial evidence.

With respect to "regular" stores, figure 4 is substantial evidence that:

1. Paper bag usage was between 0 and 10% of market share before the Santa Monica ordinance took effect. At times it was very close to zero percent.
2. When the ban took effect in September 2011, paper bag usage increased dramatically to about 27%. It then dropped and rose again to about 30% by September 2012.
3. The paper bag trend line shows that paper bag usage is ***increasing***.
4. When the ban took effect in September 2011, reusable bag usage increased dramatically to about 49%. It then dropped to 30% by September 2012.
5. The reusable bag trend line shows that reusable bag usage is ***decreasing***.

When a ban ordinance takes effect, consumers are initially very responsive. However, over the course of time, the responsiveness wears off. In just one year after the ban took effect, reusable bag usage had ***dropped*** by 20%. As of March 2013, reusable bag usage probably dropped further and paper bag usage probably increased further, based on the trend lines.

A South African study is provided herewith in support of this supplemental submission to explain figure 4 in the Santa Monica report. (Doc. # 307.) Based on extensive data, the South African study (at pages 78-79) reached the following conclusion:

> The initial response by most consumers (Firms 2 and 3) to the introduction of the legislation [imposing a levy on each carryout bag] was the most significant. A common argument is that price elasticity is greater in the long run than in the short run since consumers take time to adjust their spending patterns after a price change. South Africa's plastic bag experience suggested the opposite: the initial 'price shock' had the greatest impact. Even after allowing for changing bag size and quality, it is clear that as the public became accustomed to the charge, its effectiveness declined.

The authors of the Santa Monica report reach a similar conclusion. They state as follows:

> The upward drift in paper bag use at regular stores in 2012 warrants further investigation. Specifically, it would be of interest to ensure grocery stores, one year after the ban, are following the law; are they continuing to disincentivize paper bag use by charging 10 cents per paper bag? Other variables could be contributing as well, including patron apathy, regulars stores undercharging for the number of paper bags used, and stores prematurely removing strategic parking lot and store signage reminding customers to bring in their reusable bags. A study comparing the number of paper bag sold to the volume purchased should establish if any undercharging is occurring, and ultimately, whether regular stores are obeying the law. If undercharging is not occurring, a steeper fee of more than 10 cents may need to be considered.

In light of the Santa Monica study, which is based on actual data, we can review the assertion in the Draft EIR regarding Los Angeles County's ordinance, which is based on no pre-ban data and no actual pre-ban or post-ban survey. The DEIR states (at page 23):

> According to data collected by the County of Los Angeles after the County's Single-Use Bag Ordinance was enacted, approximately 125,000 paper bags were provided annually per large store compared to approximately 2.2 million plastic bags and 196,000 single-use paper bags provided per store prior to the ordinance going into effect in the third quarter of 2011. Single-use paper carryout bag usage continues to decline with an overall reduction of 34% between 2009 and the first quarter of 2012, including a nearly 13% reduction occurring within the first three quarters of the year following the enactment of the ordinance. The data indicate that the use of paper carryout bags in large stores not only did not temporarily increase as a result of a ban of single-use plastic carryout bags, but actually decreased significantly after the enactment of the ordinance. As with the County of Los Angeles, a similar effect is anticipated to occur within the City of Los Angeles.
>
> [Citing County of Los Angeles, About the Bag, Announcements: September 2012, http://dpw.lacounty.gov/epd/aboutthebag/index]

The above statement claims that paper bag usage decreased. The statement is clearly wrong. The Santa Monica report is substantial evidence that paper bag usage ***increased*** significantly at regular stores in Los Angeles County after plastic bags were banned and a 10-cent fee was imposed on paper bags, ***and based on the trend line will increase even more***.

Based on the foregoing, an EIR must disclose that the 10-cent fee may not be sufficiently high to prevent significant negative environmental impacts resulting from an increase in paper bag usage.

STPB DEMANDS THAT THE SANTA MONICA REPORT BE DISCUSSED IN A REVISED DRAFT EIR, WITHOUT MISREPRESENTATION OR AMBIGUITY AND IN A TOTALLY NON-MISLEADING WAY. STPB DEMANDS THAT FIGURE 4 OF THE SANTA MONICA REPORT BE INCLUDED IN THE REVISED DRAFT EIR. STPB OBJECTS IF THERE IS A FAILURE TO DO SO.

Further, on February 21, 2013, an independent report on the South Australia legislation regarding plastic bags was presented to the South Australia House of Assembly. (Doc. # 308.) It was first reported in the press on March 24, 2013. (Doc. # 309.) The report states:

> Page 6: Most consumers have a more than sufficient stock of reusable bags at home, with an average of 25 bags per household.
>
> Page 8: The ban on lightweight single-use plastic shopping bags has resulted in a significant increase in bin liner sales in South Australia. Nine out of 10 households line their bins. Households have not stopped lining their bins as a result of the ban. Previously many households used lightweight single-use plastic shopping bags to line their bins, as a result of the ban more consumers have turned to purchasing bin liners. Pre-ban 15% of consumers purchased bin-liners and post-ban 80% purchase bin liners. This change in behaviour will have an environmental impact and may negate the success of the ban. As one of the overarching aims of the ban was to cause consumers to behave in a greener way, future initiatives should examine how also to change bin-lining behaviour.

In addition, figure 2 in the South Australia report shows that plastic bags are only about half of one percent of litter across Australia.

For the purpose of the City of Los Angeles Draft EIR, the South Australia report is substantial evidence that:

1. Banning plastic carryout bags will result in people buying plastic bags for bin liners and other purposes. This also happened in Ireland. (Doc. # 901). Therefore, the EIR must factor in an increased in plastic bag purchases for bin liners and other purchases to replace banned plastic carryout bags. The DEIR does not reflect such replacement purchases of plastic bags in any of the calculations of environmental impacts. The DEIR assumes that plastic carryout bags will be replaced *only* by paper carryout bags and reusable carryout bags. (For example, see DEIR at page 68: "With implementation of the proposed ordinance, under the "worst case" scenario, 5% of existing single-use plastic carryout bag usage would continue, 30% would be replaced with recyclable paper carryout bags, and the remaining 65% would be replaced with

reusable carryout bags.") This is a critical error in the DEIR that must be corrected.

2. There will be an over proliferation of reusable bags, driving down the number of uses per reusable bag. (See also Doc. ## 517, 518.) An unused or underused plastic bag has a negative environmental impact.

3. Plastic retail bags are only about half of one percent of litter, confirming the litter studies presented with STPB's initial submission.

STPB DEMANDS THAT THE FOREGOING FINDINGS IN THE SOUTH AUSTRALIA REPORT REGARDING BIN LINERS, OVER PROLIFERATION OF REUSABLE BAGS, AND PERCENTAGE OF PLASTIC BAGS IN THE LITTER STREAM BE DISCUSSED IN A REVISED DRAFT EIR, WITHOUT MISREPRESENTATION OR AMBIGUITY AND IN A TOTALLY NON-MISLEADING WAY. STPB OBJECTS IF THERE IS A FAILURE TO DO SO.

NOTE REGARDING TIMING OF THIS SUPPLEMENTAL SUBMISSION

We recognize that the official comment period on the Draft EIR ended on March 11, 2013. However, the Santa Monica report was not published until March 16, 2013 and we did not obtain a copy of it until March 26, 2013. The South Australia report was not publicized until March 24, 2013. Under CEQA, any objections made "during the public comment period provided by this division or prior to the close of the public hearing on the project before the issuance of the notice of determination" are timely, regardless of any deadline for comments on a Draft EIR. (Pub. Res. Code § 21177.)

CORRECTIONS TO ORIGINAL SUBMISSION

There were some typographical errors in the original submission dated March 11, 2013. Corrections are in bold and underlined.

Page 62: First paragraph. The sentence "Bag usage in the neighboring jurisdictions, where bag are fee, would rise as a result." Correct to read: "Bag usage in the neighboring jurisdictions, where bag**s** are **free**, would rise as a result."

Page 94: Third paragraph. The sentence "In the Los Angeles County EIR, the reasonable figure of 104 was used as the number of times a reusable bag would have to be used to offset its impact compared to a reusable bag." Correct to read: "In the Los Angeles County EIR, the reasonable figure of 104 was used as the number of times a reusable bag would have to be used to offset its impact compared to a **plastic carryout** bag."

Page 106: The first sentence on the page reads: "Disclosing the facts about plastic bag litter in the marine environment is of critical importance, because alleged marine are one of the main reasons cited for banning plastic bags." Correct to read: "Disclosing the facts about plastic bag litter in the marine environment is of critical importance, because alleged marine **impacts** are one of the main reasons cited for banning plastic bags."

RESERVATION OF RIGHTS

This supplemental submission adds to and does not replace STPB's submission dated March 11, 2013.

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SAVE THE PLASTIC BAG COALITION

By: STEPHEN L. JOSEPH, Counsel

List of Comment Attachments

- LA CITY 001. LA County Final EIR.pdf
- LA CITY 002. LA County EIR summary.pdf
- LA CITY 003. LA County final ordinance.pdf
- LA CITY 004. Heal the Bay testimony in Manhattan Beach 7-1-08.pdf
- LA CITY 005. Green Patrol resolution.pdf
- LA CITY 006. SF Green Patrol.pdf
- LA CITY 007. US Census City of Los Angeles.pdf
- LA CITY 008. Seattle survey.pdf
- LA CITY 009. US plastic bags domestic v. imports data.pdf
- LA CITY 010. Green Cities MEA.pdf
- LA CITY 011. Di Gregorio Biobased Performance Bioplastic Mirel.pdf
- LA CITY 012. Best and worst states for business.pdf
- LA CITY 013. plasticbagmovie.com - Are You Being Told The Truth About Plastic Bags?.pdf
- LA CITY 200. STPB request for retraction of City of LA allegations.pdf
- LA CITY 201 - EXH 1 TO LA CITY 200. City of LA Proposal and allegations.pdf
- LA CITY 202 - EXH 2 TO LA CITY 200. City of LA response to PRA request.pdf
- LA CITY 203 - EXH 3 TO LA CITY 200. US plastic bags data.pdf
- LA CITY 300. STPB PRA request to LADPW.pdf
- LA CITY 301. LA County response to PRA request re county paper bag figures.pdf
- LA CITY 302. ATTACHMENTS A, B & C TO LA CITY 300.pdf
- LA CITY 303. STPB letter to LA City Council re County reduction figures.pdf
- LA CITY 304. LA County "Bag Ban Status" #1 Nov 2012.pdf
- LA CITY 305. LA County "Bag Ban Status" #2 Nov 2012.pdf
- LA CITY 306. Santa Monica Team Marine survey.pdf
- LA CITY 307. The Economics of Plastic Bag Legislation in South Africa.pdf
- LA CITY 308. South Australia report.pdf
- LA CITY 309. South Australia article.pdf
- LA CITY 400. Franklin report.pdf
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- LA CITY 403. ULS report March 2008.pdf
- LA CITY 404. Ecobilan report.pdf
- LA CITY 405. Ecobilan table.pdf
- LA CITY 406. British LCA.pdf
- LA CITY 407. STPB British Govt LCA summary.pdf
- LA CITY 408. 15 Facts About the Paper Industry, Global Warming and the Environment.pdf
- LA CITY 409. Forests and Climate Change.pdf
- LA CITY 410. State Of The Paper Industry.pdf
- LA CITY 411. Letter re HDPE.pdf
- LA CITY 412. Heal the Bay letter to Manhattan Beach.pdf
- LA CITY 413. ULS San Francisco survey.pdf
- LA CITY 414. Recycling scandal hits Japan.pdf
- LA CITY 415. Methane study.pdf
- LA CITY 416. Bag reuse study.pdf
- LA CITY 417. AERT.pdf
- LA CITY 418. Trex in Solana Beach.pdf
- LA CITY 419. Trex.pdf
- LA CITY 420. Hilex Bag-2-Bag.pdf
- LA CITY 421. Hilex plastic bag recycling.pdf
- LA CITY 422. Grande Declaration.pdf

- LA CITY 500. Lab test on LA County reusable bag #1.pdf
- LA CITY 501. Lab test on LA County reusable bag #2.pdf
- LA CITY 502. Photo of reusable bag #1.pdf
- LA CITY 503. Photo of reusable bag #2.pdf
- LA CITY 504. Photo of reusable bag #3.pdf
- LA CITY 505. USA Today re lead in reusable bags.pdf
- LA CITY 506. Tampa Tribune re reusable bags #1.pdf
- LA CITY 507. Tampa Tribune re reusable bags #2.pdf
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- LA CITY 510. Reusable bag label.pdf
- LA CITY 511. Scottish Daily Express report on reusable bags.pdf
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- LA CITY 513. Wall Street Journal - An Inconvenient Bag.pdf
- LA CITY 514. PR Web re Univ of Arizona study re reusbale bag hygiene.pdf
- LA CITY 515. Univ of Arizona report on reusable bag hygiene.pdf
- LA CITY 516. Oregon Public Health report.pdf
- LA CITY 517. Bag the bag/ a new green monster is on the rise.pdf
- LA CITY 518. NineMSN video re green bags.pdf
- LA CITY 519. AB 2901 removing reusable bags from toxic packaging law.pdf
- LA CITY 520. Reusable bag toxics report.pdf
- LA CITY 521. Are we drowning in reusable grocery bags? - Santa Cruz Sentinel.pdf
- LA CITY 522. South Australia population.pdf
- LA CITY 600. Plastic Retail_Bagsin_Litter.pdf
- LA CITY 601. San Francisco street litter audit 2007.pdf
- LA CITY 602. San Francisco 2009 Streets Litter Re-Audit.pdf
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- LA CITY 608. EPA webpage re capture devices.pdf

LA CITY 700. London Times - "series of blunders" article.pdf
LA CITY 701. Climate change - the burning issues -Times Online.pdf
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LA CITY 703. SEAPLEX blog.pdf
LA CITY 704. Miriam Goldstein bio.pdf
LA CITY 705. NOAA - FAQs re marine debris.pdf
LA CITY 706. NOAA - What is the Garbage Patch.pdf
LA CITY 707. NOAA - plastic marine debris - what we know.pdf
LA CITY 708. NOAA paper re "garbage patch".pdf
LA CITY 709. NOAA website re "garbage patch".pdf
LA CITY 710. Oceanic "garbage patch" not nearly as big as portrayed in media .pdf
LA CITY 711. Great Garbage Patch' Not So Great After All / Discovery News.pdf
LA CITY 712. Bird entanglements.pdf
LA CITY 713. BBC YouTube - albatross.pdf
LA CITY 714. Green Gorilla video.pdf
LA CITY 715. Calif Againast Waste re Green Gorilla video.pdf
LA CITY 716. Heal the Bay video.pdf
LA CITY 717. Mystery of the Missing Ocean Plastic.pdf
LA CITY 718. Ocean Garbage Patch Still a Mystery.pdf
LA CITY 719. Sea Turtle Rescue & Rehabilitation Center causes of injury.pdf
LA CITY 720. Reports of Pacific Ocean's plastic patch being Texas-sized are grossly exaggerated.pdf
LA CITY 721. Australian Government correction re 100,000 marine mammals.pdf
LA CITY 722. Tsunami debris.pdf
LA CITY 723. Marine myths and plastic bags.pdf
LA CITY 724. The Pacific Garbage Patch - Myths & Realities.pdf
LA CITY 725. Bags a tiny fraction of sea trash - Seattle Times.pdf
LA CITY 726. There is no island of plastic trash copy.pdf
LA CITY 727. NOAA Marine Debris Program.pdf
LA CITY 728. Eriksen quote re media sensationalism.pdf
LA CITY 729. Karen Levander quote.pdf
LA CITY 730. ExcelPlas report.pdf
LA CITY 731. 2005 Ocean Conservancy ICC report.pdf
LA CITY 800. STPB Public Records Act request to SF Environment.pdf
LA CITY 801. SF response to Public Records Act request.pdf
LA CITY 900. Ireland raises plastic bag tax.pdf
LA CITY 901. Irish Examiner - Shoppers still bagging plastic.pdf
LA CITY 902. Plastic Bags - Department of the Environment, Community & Local Government.pdf
LA CITY 903. District of Columbia carryout bag law.pdf
LA CITY 904. DC regs.pdf
LA CITY 905. U.S. Census - District of Columbia #1.pdf
LA CITY 906. U.S. Census- District of Columbia #2.pdf
LA CITY 907. DC reusable bag giveaways 1.pdf
LA CITY 908. DC reusable bag giveaways 2.pdf
LA CITY 909. DC reusable bag giveaways 3.pdf
LA CITY 910. DC reusable bag giveaways 4.pdf
LA CITY 911. DC reusable bag giveaways 5.pdf
LA CITY 912. DC reusable bag giveaways 6.pdf
LA CITY 913. D.C. bag tax collects $150,000 in January for river cleanup.pdf
LA CITY 914. Article about DC bag tax.pdf
LA CITY 915. 38 percent of businesses not complying with D.C. bag fee.pdf
LA CITY 916. Washington Post article about DC and Montgomery County bag taxes.pdf
LA CITY 917. Heal the Bay letter to Santa Monica.pdf
LA CITY 918. Marks & Spencer replaces bags for life.pdf
LA CITY 1000. Notice of Completion of DEIR and Public Review.pdf
LA CITY 1001. Additional Public Meetings - Notice of Completion of DEIR and Public Review.pdf

26. Pat Proano, Assistant Deputy Director, Environmental Programs Division, County of Los Angeles Department of Public Works. March 25, 2013.

Comment 26-1

The County of Los Angeles support for the proposed ordinance is acknowledged. As stated in the Draft EIR, the proposed City of Los Angeles ordinance will eliminate approximately 1.9 billion single-use plastic carryout bags per year in the City, strengthen efforts to encourage consumers to of use reusable bags, and reduce effects of littered plastic bags.

The information that the County's experience has shown that banning single-use plastic carryout bags and charging $0.10 fee for paper bags has resulted in a reduction in paper bag use is acknowledged. This information was included in the Draft EIR.

The information that the County's experience has shown that eliminating single-use plastic carryout bags and imposing a $0.10 fee on sale of paper bags can significantly reduce bag litter and other environmental impacts at the source, is acknowledged.

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

GAIL FARBER, Director

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
http://dpw.lacounty.gov

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

March 25, 2013

IN REPLY PLEASE REFER TO FILE: EP-4

Ms. Karen A. Coca
City of Los Angeles
Bureau of Sanitation
Solid Resources Citywide Recycling Division
1149 S Broadway, Suite 900
Los Angeles, CA 90015

Dear Ms. Coca:

REVIEW OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR SINGLE-USE CARRYOUT BAG ORDINANCE

Comment

We appreciate the opportunity to comment on the Draft Environmental Impact Report for Single-Use Carryout Bag Ordinance. Public Works greatly appreciates the City's efforts in preventing potential litter of single-use carryout bags by establishing an ordinance to reduce such usage at retail stores.

The County of Los Angeles Board of Supervisors adopted a similar ordinance in November 2010 and directed Public Works to support local efforts in banning single-use plastic bags. We would like to express our **support** for the City of Los Angeles Single-Use Carryout Bag Ordinance, which would prohibit a store, as defined, from providing single-use plastic carryout bags to a customer and charge $0.10 for each paper bag provided at the point of sale. 26-1

We support efforts that increase plastic and paper bag recycling and reduce the use of single-use carryout bags. Each year, approximately 4 billion plastic carryout bags are consumed in Los Angeles County. At the same time less than 5 percent of those bags are recycled, with the remainder disposed in landfills or ending up littered on our beaches, waterways, parks, and roads. As a result, local and State governments spend tens of millions of dollars each year on litter prevention, cleanup, and enforcement activities. Communities throughout Los Angeles County are grappling with this issue and are searching for ways to reduce the impact that littered bags have on their quality of life. Restricting carryout bags in the City will strengthen efforts to encourage consumers to use reusable bags.

The County ordinance took effect in July 2011 at large stores and in January 2012 at small stores. Retailers no longer provide single-use plastic bags and have experienced a reduction in paper bag usage. Our experience has shown that eliminating single-use plastic bags and imposing a fee at the point of sale on paper bags can significantly reduce the consumption of these bags. The City Ordinance would help reduce bag litter and other environmental impacts at the source.

If you have any questions, please contact Mr. Coby Skye at (626) 458-3550, Monday through Thursday, 7 a.m. to 5:30 p.m., or by e-mail at cskye@dpw.lacounty.gov.

Very truly yours,

GAIL FARBER
Director of Public Works

PAT PROANO
Assistant Deputy Director
Environmental Programs Division

NG:dy
P:\Sec\City of LA Support Letter

Appendix A

NOP, Initial Study, and Comments Received

NOTICE OF PREPARATION OF ENVIRONMENTAL IMPACT REPORT (EIR)
FOR THE PROPOSED SINGLE-USE PLASTIC CARRYOUT BAG ORDINANCE

***Proposed Project*:** The City of Los Angeles is proposing to adopt and implement an ordinance to ban the use of single-use plastic carryout bags, charge a fee on paper bags, and promote the use of reusable bags at specified retailers within the City. A six-month grace period would be provided for large retailers and a one-year grace period would be provided for small retailers, which would include a public education component.

The City of Los Angeles has completed an Initial Study which indicates that the proposed project may result in significant impacts and therefore an EIR will be prepared.

***Public Review Period*:** The NOP and Initial Study are available for public review from September 20, 2012 to October 19, 2012. If you would like to comment, please send your written comments so that they are received no later than October 19, 2012 to Karen Coca, Division Manager, Solid Resources Citywide Recycling Division, City of Los Angeles Department of Public Works, Bureau of Sanitation, 1149 S. Broadway, 5th Floor, Los Angeles, CA 90015.

***Public Meetings*:** The Bureau of Sanitation will hold meetings to receive public input on the proposed project and the Initial Study, as follows:

- October 2, 2012, 5:30 pm to 7:30 pm - Deaton Auditorium (in Police Administration Building),100 W. 1st Street, Los Angeles, CA 90015
- October 3, 2012, 5:30 pm to 7:30 pm - Willmington Recreation Center (Multi-Purpose Room), 325 Neptune Ave, Willmington, CA 90744
- October 4, 2012, 5:30 pm to 7:30 pm - Cheviot Recreation Center Auditorium, 2551 Motor Ave, Los Angeles, CA 90064
- October 10, 2012, 5:30 pm to 7:30 pm - Van Nuys City Hall, 14410 Sylvan Street, Van Nuys, CA 91401

***Where to Find the NOP and Initial Study*:** The NOP and Initial Study are available for review at the City of Los Angeles Bureau of Sanitation at 1149 S. Broadway, 5th Floor, Los Angeles, CA 90015, www.lacitysan.org under *What's new…*, and at the following public libraries:

- Central Library, 630 W. 5th Street, Los Angeles, CA 90071
- Van Nuys Branch Library, 6250 Sylmar Ave., Van Nuys, CA 91401
- West L. A. Regional Branch Library, 11360 Santa Monica Bl., Los Angeles, CA 90025
- San Pedro Regional Branch Library, 931 S. Gaffey Street, San Pedro, CA 90731

Initial Study

Single-Use Plastic Carryout Bag Ordinance

City of Los Angeles

Department of Public Works
Bureau of Sanitation

September 2012

PARSONS BRINCKERHOFF

Initial Study

1. **Project Title:** Single-Use Plastic Carryout Bag Ordinance

2. **Lead Agency Name and Address:** City of Los Angeles
   Department of Public Works
   Bureau of Sanitation
   1149 S. Broadway, 5th Floor
   Los Angeles, CA 90015

3. **Contact Person and Phone Number:** Karen Coca, Division Manager
   Solid Resources Citywide Recycling Division
   (213) 485-3644

4. **Project Location:** City-wide within the City of Los Angeles, Los Angeles County (illustrated in Figure 1)

5. **Project Sponsor's Name and Address:** Same as Lead Agency

6. **General Plan Designation:** Various designations throughout the City of Los Angles

7. **Zoning:** Various designation throughout the City of Los Angles

8. **Project Description:** Each year, billions of single-use plastic carryout bags are consumed in the City of Los Angeles (City) and end up in the litter stream, impacting communities and the environment. The City spends millions of dollars each year on prevention, cleanup, and other activities to reduce litter. To address this issue, the City of Los Angeles is proposing to adopt and implement an ordinance to regulate the use of single-use plastic carryout bags and promote the use of reusable bags within the City. The proposed ordinance would:

   1) Ban plastic single-use carryout bags at the point of sale in retail stores and require retailers to provide reusable bags to consumers for sale or at no charge.

      A six-month grace period would be provided for large retailers and a one-year grace period would be provided for small retailers, which would include a public education component and allow retailers to phase-out product stock. The ban would take effect upon completion of the grace period.

2) Mandate a charge on recycled content paper single-use carryout bags at the point of sale in retail stores.

   A grace period of six months for large retailers and one year for small retailers would be provided during which paper bags that are 100 percent recyclable and have at least 40 percent post-consumer content would be provided at no cost to consumers for the purposes of carrying out their purchases. This period would include a public education component. Upon completion of the grace period, retailers would charge ten cents per single-use paper bag having at least 40 percent post-consumer content, which would be retained by the retailer.

The proposed ordinance would apply to the following retail stores in the City:

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 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) and that has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions 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.

The proposed ordinance would not apply to other types of retail stores such as department stores, clothing stores, and stores that sell durable goods that do not typically distribute large volumes of single-use plastic bags to customers. Also, the retailers would be required to provide at the point of sale, free of charge, paper bags or reusable bags to consumers participating in the California Special Supplemental Food Program for Women, Infants and Children or in the Supplemental Food Program.

The proposed ordinance would not ban plastic or paper bags that are used by customers or the store to protect or contain meat or prepared food; or used for bagging fruits, vegetables, and other fresh produce; or for other goods that must be protected from moisture, damage or contamination; and which are typically placed inside a carryout bag at the point of sale. Pharmacy plastic bags used to carry out prescription drugs would be exempt from the proposed ordinance, as would be other specialty bags, such as dry cleaner bags, and other bags used by retailers for suits, dresses and similar clothing items. Restaurants and other food service providers would continue to provide plastic bags to customers for prepared take-out food and leftovers intended for consumption off

of the premises, as would the vendors at City farmers' markets.

The intent of the proposed ordinance is to reduce the billions of single-use plastic bags currently consumed in the City each year, while promoting the use of reusable bags by retail customers. The City's Bureau of Sanitation (Bureau) has already held many major events promoting the use of reusable bags throughout the City to help raise awareness about the benefits of using reusable bags. Since 2005, the Bureau has purchased and distributed 250,000 reusable bags to encourage shoppers to switch from using single-use carryout bags.

9. **Surrounding Land Uses and Setting:** The City of Los Angeles encompasses 469 square miles stretching from the Angeles National Forest to the north to the Pacific Ocean to the south.

   Adjoining areas include the County of Los Angeles, South Bay, the Gateway Cities, the San Gabriel Valley, and the Foothills. The City of Los Angeles' territory surrounds the cities of Beverly Hills, West Hollywood, and San Fernando, and nearly surrounds the cities of Culver City and Santa Monica.

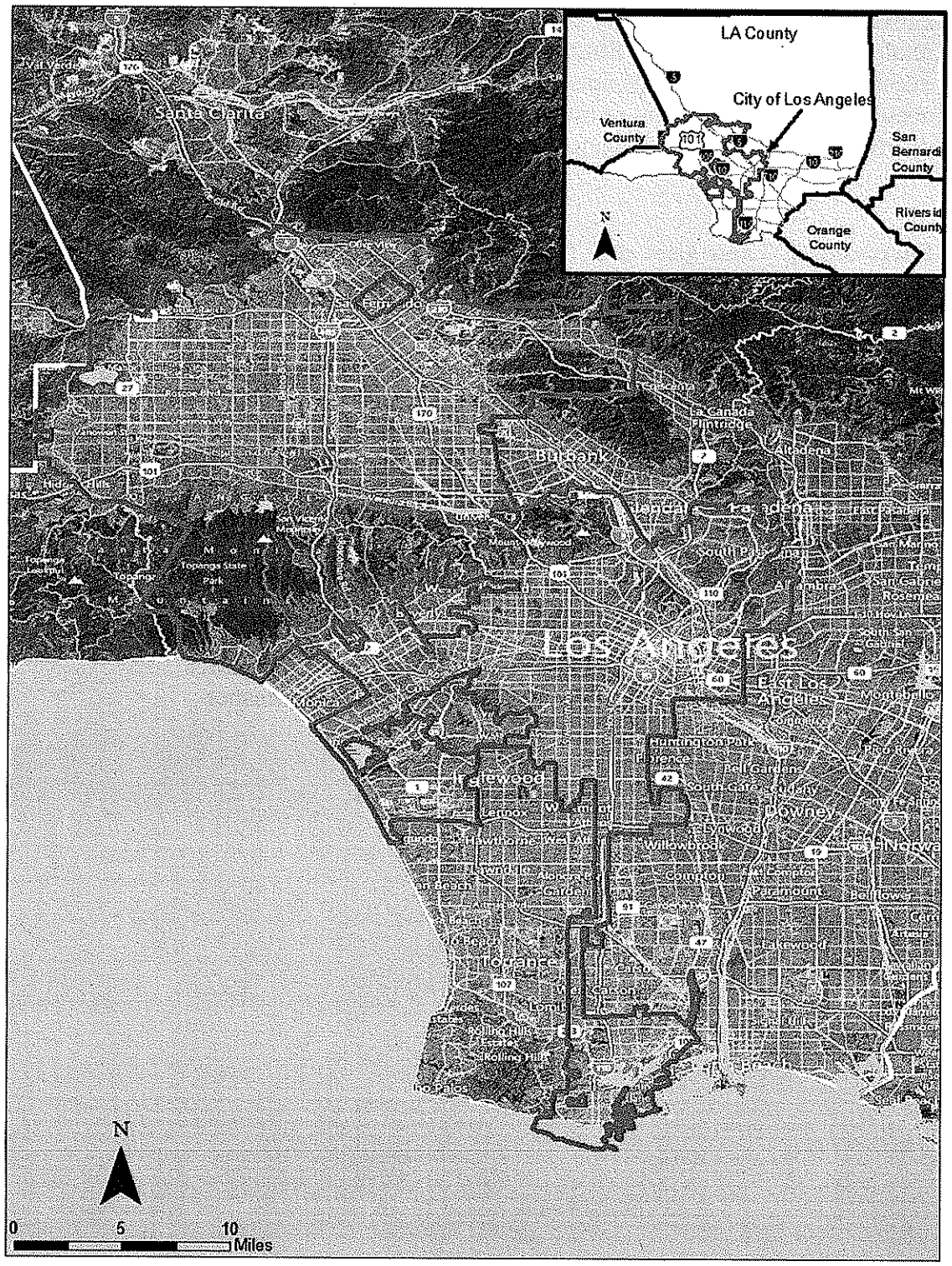
10. **Public agencies whose approval is required:**

    - City of Los Angeles City Council

      Certification of the Final Environmental Impact Report (EIR)
      Adoption of the Single-Use Plastic Carryout Bag Ordinance

No approval from any other public agency is required.

Figure 1
Project Location



Source: UCLA Mapshare, 2012.

Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐	Aesthetics	☒	Agriculture and Forestry Resources	☒	Air Quality
☒	Biological Resources	☐	Cultural Resources	☒	Greenhouse Gas Emissions
☐	Geology /Soils	☒	Hazards & Hazardous Materials	☒	Hydrology / Water Quality
☐	Land Use / Planning	☒	Mineral Resources	☒	Noise
☐	Population / Housing	☒	Public Services	☐	Recreation
☒	Transportation/Traffic	☒	Utilities / Service Systems	☒	Mandatory Findings of Significance

Determination

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☒ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Kama Cohen — 9-13-12

Signature — Date

Issues:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

a through d. The proposed Single-Use Plastic Carryout Bag Ordinance would ban the distribution of single-use plastic carryout bags at the point of sale to customers in Los Angeles by specified retailers, and would create a fee for each paper bag distributed by those retailers after the grace period has passed. The intent of the proposed ordinance is to reduce the amount of single-use plastic carryout bags and to promote the use of reusable bags by retail customers.

The implementation of the proposed ordinance does not include any physical development of structures, changes in existing land uses, or construction activity. Therefore, the proposed ordinance would have no effect on a scenic vista or scenic resources, would not create new sources of substantial light or glare, and would have no potential to substantially degrade the existing visual character of Los Angeles. It is anticipated that the proposed ordinance would result in a beneficial aesthetic effect by reducing litter in and around the city generated by the consumption of single-use plastic carryout bags. No adverse impact would result and these issues will not be addressed further in the EIR.

Issues:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement technology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒

Issues:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined in Public Resources section 4256) or timberland zoned Timberland Production (as defined by Government Code section 51104(g)?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☒	☐	☐	☐
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☒	☐

a through c. The City of Los Angeles is the largest city in California, and with a population of 3.8 million residents, it is the second largest urban area in the nation. The implementation of the proposed single-use plastic carryout bag ordinance would not change the existing land uses nor result in new physical development within the city. The anticipated reduction in the amount of single-use plastic bags consumed in the city each year would not involve any changes to the existing environment that could result in conversion of farmland, including properties under Williamson Act contract, to other uses. No impact on agricultural resources would occur and this issue will not be addressed further in the EIR.

d and e. The implementation of the proposed ordinance may result in an increase in the use of paper bags, which are manufactured with wood pulp and other materials. While such potential increase in use of paper bags, if it occurs, is anticipated to be both temporary and modest, the potential effects on the loss of forest land or conversion of forest land to other uses will be further evaluated in the EIR.

Issues:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☒	☐	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

Issues:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact

a. The City of Los Angeles is located within the South Coast Air Basin, which is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). As the local air quality management agency, the SCAQMD monitors air pollutant levels within the air basin and develops and implements strategies to attain the federal and state ambient air quality standards. Presently, the South Coast Air Basin is classified as being in nonattainment for the federal and state standards for ozone and particulate matter (PM_{10} and $PM_{2.5}$). The SCAQMD has adopted the South Coast Air Quality Management Plan (AQMP) that includes goals and strategies to reduce the levels of these pollutants. A project is considered to comply with the AQMP if it is consistent with the regional population growth assumptions of the AQMP. The proposed ordinance would not result in any changes in the existing land uses or new physical development of housing, or otherwise induce people to migrate to Los Angeles from other regions, and thus would not create additional regional population growth beyond that already considered in AQMP. Therefore, the implementation of the proposed ordinance to ban single-use plastic carryout bags at the point of sale at specified retail stores within the City would not conflict with nor obstruct the implementation of the AQMP, and this issue will not be addressed further in the EIR.

b and c. The implementation of the proposed ordinance to ban single-use plastic carryout bags at the point of sale at specified retail stores within the City of Los Angeles would not result in any changes in the existing land uses or new physical development, and therefore would not result in construction activity or the associated temporary construction-related air pollutant emissions. The proposed ordinance is intended to reduce the billions of single-use plastic bags consumed each year in Los Angeles and promote the use of reusable bags. However, the implementation of the proposed ordinance has a potential to change the number of truck trips associated with delivering paper and reusable carryout bags to retailers and other vehicular trips associated with the public education component of the ordinance. Also, while there are no paper bag manufacturing factories within the City, the manufacturing of reusable bags within the South Coast air basin area may generate additional emissions. The potential effects associated with air pollutant emissions related to these activities will be evaluated in the EIR.

Issues:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact

d. As discussed previously, the implementation of the proposed ordinance has a potential to change the number of truck trips associated with delivering paper and reusable carryout bags to retailers in Los Angeles, and other vehicular trips associated with the public education component of the ordinance, which generate exhaust emissions. It is anticipated that the delivery trucks and vans would utilize major regional freeways and routes (including the I-10, I-210, I-605, I-710 and SR-60, SR-91 and SR-110 freeways) and major arterial streets in the city (including Sepulveda Boulevard, Pico Boulevard, Wilshire Boulevard, Vermont Avenue, and Venice Boulevard) that carry commercial traffic. While the number of these trips is anticipated to be modest, the potential for nearby sensitive receptors; including children, the elderly, or acutely and chronically ill persons, or residential areas, schools, parks, hospitals, or nursing facilities, to be exposed to substantial pollutant concentrations will be addressed further in the EIR.

e. The proposed ordinance to ban single-use plastic carryout bags at the point of sale at specified retail stores within the City of Los Angeles would not involve any new physical development, construction, or other activity that could generate objectionable odors affecting a substantial number of people. No impact would occur and this issue will not be addressed further in the EIR.

IV. BIOLOGICAL RESOURCES --

Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☒	☐	☐	☐

Issues:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?	☒	☐	☐	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☒	☐	☐	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Issues:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact

a through c. The proposed ordinance to ban single-use plastic carryout bags at the point of sale at specified retail stores within the City of Los Angeles is anticipated to result in an overall beneficial effect on biological resources by reducing litter associated with discarded single-use plastic bags. However, the effects of a potential temporary increase in the use of paper carryout bags and a long-term increase in the use of reusable bags resulting from the implementation of the proposed ordinance on sensitive habitats and species, including wetlands, will be evaluated further in the EIR.

d and e. The implementation of the proposed ordinance to ban single-use plastic carryout bags at the point of sale at specified retail stores within the City of Los Angeles would not result in any changes in the existing land uses or new physical development or construction activity. The implementation of the proposed ordinance would not alter or remove existing trees, shrubs or other vegetation within the city that may be used for roosting or nesting by native or migratory birds. With no new physical development, construction activity, or changes in existing land uses, the implementation of the proposed ordinance would neither interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites, nor conflict with any local policies or ordinances protecting biological resources, such as the City tree preservation policies or ordinances. No impact would occur and these issues will not be addressed further in the EIR.

f. With no new physical development, construction activity, or changes in existing land uses, the implementation of the proposed ordinance would not conflict with any adopted habitat conservation or natural community conservation plans. No impact would occur. However, the effects of a potential temporary increase in the use of paper bags and a long-term increase in the use of reusable carryout bags resulting from the implementation of the proposed ordinance on sensitive habitats and species will be evaluated further in the EIR.

V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒

Issues:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

a through d. The implementation of the proposed ordinance to ban single-use plastic carryout bags at the point of sale at specified retail stores within the City of Los Angeles would not result in any changes in the existing land uses, new physical development, or construction activity. Therefore, the implementation of the proposed ordinance would not affect any of the City's existing historic structures or resources, archeological or paleontological resources, or disturb any human remains. No impact would occur and these issues will not be addressed further in the EIR.

VI. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒

Issues:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

a through e. The implementation of the proposed ordinance to ban single-use plastic carryout bags at the point of sale at specified retail stores within the City of Los Angeles would not result in any changes in the existing land uses, new physical development, or construction activity. Therefore, the implementation of the proposed ordinance would not affect any of the existing geological or soil conditions or characteristics, nor expose people or structures to geologic or soil hazards. No impact would occur and these issues will not be addressed further in the EIR.

Issues:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. GREENHOUSE GAS EMISSIONS -- Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☒	☐	☐	☐
b) Conflict with applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☒	☐	☐	☐

a and b. The implementation of the proposed ordinance to ban single-use plastic carryout bags at the point of sale at specified retail stores within the City of Los Angeles would not result in any changes in the existing land uses or new physical development, and therefore would not result in construction activity or the associated temporary construction-related greenhouse gas (GHG) emissions. The proposed ordinance is intended to reduce the billions of single-use plastic bags consumed each year in Los Angeles and promote the use of reusable bags. However, the implementation of the proposed ordinance has a potential to change the number of truck trips associated with delivering paper and reusable carryout bags to retailers; generate vehicular trips associated with the public education component of the ordinance; and generate emissions, including GHG emissions, associated with manufacturing of paper and reusable carryout bags. The potential effect associated with GHG emissions related to these activities and the project's consistency with applicable plans and regulations adopted for the purpose of reducing the emissions of GHG will be evaluated in the EIR.

VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☒	☐	☐	☐

Issues:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒

Issues:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

a. The intent of the proposed ordinance to ban single-use plastic carryout bags at the point of sale at specified retail stores within the City of Los Angeles is to reduce the amount of single-use plastic carryout bags and promote the use of reusable carryout bags. With implementation of the proposed ordinance, the long-term use of reusable bags is anticipated to increase, and the use of single-use paper bags may also temporarily increase. Also, since some people use the single-use plastic carryout bags for lining wastebaskets and other uses, the use of plastic liners and plastic garbage bags may increase. As the manufacturing of paper bags, reusable bags and plastic garbage bags involves use of some hazardous substances, this issue will be addressed further in the EIR.

b through d. The implementation of the proposed ordinance would not result in any changes in existing land uses, or new physical development or construction. Thus, the proposed ordinance would not result in substantial sources of toxics near schools, affect any site on a list compiled pursuant to Government Code Section 65962.5, or result in a reasonably foreseeable upset and accident conditions involving the release of hazardous materials. No impact would occur and these issues will not be addressed further in the EIR.

e and f. The implementation of the proposed ordinance would not result in any changes in the existing land uses, or new physical development. Therefore, no impact on public or private airports within the City, or areas located within an airport land use plan or within two miles of a public airport or public use airport, would occur, and these issues will not be addressed further in the EIR.

Issues:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact

g and h. The implementation of the proposed ordinance would not result in any changes in the existing land uses, or new physical development or construction. Therefore, the proposed ordinance would not impair implementation nor physically interfere with any adopted emergency response or evacuation plans. No impact would occur and these issues will not be addressed further in the EIR.

h. As the implementation of the proposed ordinance would not result in any changes in the existing land uses, or new physical development or construction, it would not expose people or structures to a significant risk of loss, injury or death involving wildland fires. No impact would occur and these issues will not be addressed further in the EIR.

IX. HYDROLOGY AND WATER QUALITY -- Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☒	☐	☐	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☒	☐	☐	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒

Issues:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	☒
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☒	☐	☐	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

Issues:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact

a and f. The intent of the proposed ordinance banning single-use plastic carryout bags at the point of sale at specified retail stores within the City of Los Angeles is to reduce the amount of single-use plastic carryout bags consumed in the City each year and promote the use of reusable carryout bags. With the implementation of the proposed ordinance, the use of single-use paper bags may temporarily increase and the long-term use of reusable bags may increase. Also, since some people use the single-use plastic carryout bags for lining wastebaskets and other uses, the use of plastic liners and plastic garbage bags may increase. Manufacturing paper bags, reusable bags, and plastic liners and garbage bags involves the use of some chemicals and raw materials that are hazardous (Green Cities California MEA, 2010). This issue will be evaluated further in the EIR because litter containing these bags may enter storm drains or sewers if such bags are not properly disposed of and affect water quality.

b. The implementation of the proposed ordinance to ban single-use plastic carryout bags would not result in any changes in existing land uses, or new physical development within the City of Los Angeles. However, since the manufacturing process for paper bags and reusable carryout bags uses water, its effect on water supplies, including ground water, will be evaluated further in the EIR.

c through e. No impact on the existing drainage patterns would occur because no changes in the existing land uses and no new physical development would be associated with the proposed ordinance to ban single-use plastic carryout bags at the point of sale at specified retail stores within the City of Los Angeles. Therefore, this issue will not be addressed further in the EIR.

g through i. The proposed ordinance to ban single-use plastic carryout bags at the point of sale at specified retail stores within the City of Los Angeles would neither change the existing land uses nor result in new physical development. Therefore, it would not place housing or any other structures within a 100-year flood hazard area. No impact would occur and these issues will not be addressed further in the EIR.

g through j. The proposed ordinance does not involve changes in the existing land uses or new physical development and therefore, would not subject people to inundation by seiche, tsunami, or mudflow. No impact would occur and this issue will not be addressed further in the EIR.

Issues:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING -- Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

a and b. The implementation of the proposed ordinance to ban single-use plastic carryout bags at the point of sale in certain retail stores would not result in any changes in the existing land uses or new development within the City of Los Angeles. The proposed ordinance is intended to reduce the billions of plastic bags that are consumed in the city each year, which has no potential to conflict with adopted City land use plan, policy, or regulation. No impact would occur and this issue will not be evaluated further in the EIR.

c. With no new physical development, construction activity, or changes in existing land uses, the implementation of the proposed ordinance would not conflict with any applicable adopted habitat conservation or natural community conservation plans. No impact would occur and this issue will not be addressed further in the EIR.

XI. MINERAL RESOURCES --
Would the project:

Issues:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☒	☐	☐	☐
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

a. The intent of the proposed ordinance banning single-use plastic carryout bags at the point of sale at specified retail stores within the City of Los Angeles is to reduce the amount of single-use plastic carryout bags consumed each year and promote the use of reusable carryout bags. With the implementation of the proposed ordinance, the use of single-use paper bags may increase in the short-term and the use of reusable bags may increase in the long-term. Also since some people use the single-use plastic carryout bags for lining wastebaskets and other uses, the use of plastic liners and plastic garbage bags may increase. The manufacturing process for paper bags, reusable bags, and plastic liners and garbage bags involves the use of petroleum. While the proposed ordinance requires paper bags to be 100 percent recyclable and composed of 40 percent postconsumer materials, which would reduce the use of petroleum, this issue will be addressed further in the EIR.

b. With no change in existing land uses and no construction activity associated with the proposed ordinance, no impact with regards to a loss of availability of a locally-important mineral resource recovery site is anticipated. This issue will not be evaluated further in the EIR.

XII. NOISE -- Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒

Issues:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Issues:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact

a, b, e, and f. The implementation of the proposed ordinance to ban single-use plastic carryout bags in specified retail stores within the City of Los Angeles would not result in any changes to existing land uses, new physical development, or construction activities within the City of Los Angeles. Therefore, the proposed ordinance would not create new noise sources of noise or groundborne vibration in any city area.

c and d. Potential additional vehicular trips related to the transport of paper and reusable bags are not anticipated to increase daily traffic volumes on a scale that is large enough to result in a measurable increase in noise levels on local roadways. Nonetheless, while this impact is anticipated to be less than significant, this issue will be addressed further in the EIR.

XIII. POPULATION AND HOUSING

-- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

a. The implementation of the proposed ordinance to ban single-use plastic carryout bags in specified retail stores would not result in any changes in the existing land uses or new physical development that could directly or indirectly induce substantial population growth within the City of Los Angeles or the greater region. No impact would occur and this issue will not be addressed further in the EIR.

b and c. The proposed ordinance does not involve the removal of housing or displacement of people. No impact would occur and these issues will not be addressed further in the EIR.

Issues:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIV. PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	☐	☐	☐	☒
Police protection?	☐	☐	☐	☒
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☐	☒
Other public facilities?	☒	☐	☐	☐

a. The implementation of the proposed ordinance to ban single-use plastic carryout bags in specified retail stores would not result in any changes in the existing land uses or new physical development that could result in population growth, and would not induce migration of people from other regions into the City of Los Angeles. Therefore, the proposed ordinance would not increase demand on Los Angeles Police Department or Los Angeles Fire Department services that could directly or indirectly result in substantial adverse physical impacts associated with the provision of new or physically altered police or fire facilities, need for new or physically altered police or fire facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives. No impact would occur and this issue will not be addressed further in the EIR.

Issues:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact

With no change in existing land uses and no new physical development associated with the proposed ordinance, there would not be a population increase within the City of Los Angeles due to the proposed project that could contribute to increased student population attending local schools or city residents using parks or other public services. To the extent that the proposed ordinance may incrementally reduce the litter on school grounds, in public parks, and on the grounds of other public facilities (for example in the landscaping and on the grounds of libraries, fire stations, etc.), it may free up staff and funding to maintain other parts of these facilities. However, the proposed ordinance requires a public education component during the one-year grace period that would be conducted by the City's Bureau of Sanitation. The potential effect on sanitation services associated with the provision of this public education component will be evaluated in the EIR.

XV. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

a and b. The implementation of the proposed ordinance to ban single-use plastic carryout bags in specified retail stores would not result in any changes in the existing land uses or new physical development that could result in population growth, and would not induce migration of people from other regions into the City of Los Angeles. Therefore, the proposed ordinance would not increase the use of, or require the construction of new parks or other recreational facilities that might have an adverse physical effect on the environment. No impact would occur and these issues will not be addressed further in the EIR.

XVI. TRANSPORTATION/TRAFFIC

-- Would the project:

Issues:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☒	☐	☐	☐
b) Conflict with applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☒	☐	☐	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location which results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒

Issues:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Conflict with adopted policies plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the safety of such facilities?	☐	☐	☐	☒

a and b. The implementation of the proposed ordinance may lead to a temporary short-term increase in the use of single-use paper bags and may result in a long-term increase in the use of reusable bags. This may lead to a temporary increase in the frequency of truck or van trips needed to deliver a greater number of these carryout bags to and within the City of Los Angeles. The potential for and effect of such changes in traffic will be evaluated in the EIR.

c. The implementation of the proposed ordinance to ban single-use plastic carryout bags in specified retail stores within the City of Los Angeles would not result in any changes in the existing land uses or new physical development, and therefore would not affect the existing air traffic patterns or volumes. No impact would occur and this issue will not be addressed further in the EIR.

d through f. With no changes in the existing land uses or new physical development associated with the proposed ordinance, no changes to the existing roadway or street networks that could result in hazardous traffic conditions affecting pedestrian safety, circulation safety, or emergency access would occur. The proposed ban on single-use plastic carryout bags in specified retail stores would not affect the City's adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the safety of such facilities. No impact would occur and these issues will not be addressed further in the EIR.

XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☒	☐	☐	☐

Issues:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☒	☐	☐	☐
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☒	☐	☐	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☒	☐	☐	☐
g) Comply with federal, State, and local statutes and regulations related to solid waste?	☐	☐	☒	☐

Issues:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact

a, and **d through f.** The proposed ordinance aims to reduce current consumption of billions of single-use carryout bags per year in the City of Los Angeles and increase the use of reusable bags. The proposed ordinance may result in a short-term increased use of single-use paper carryout bags and may result in a long-term increase in use of reusable bags. The manufacturing process for paper bags and reusable carryout bags and an increase in the laundering of reusable bags could lead to an increased use of potable water and generation of wastewater. The potential for a short-term increase in disposal of paper bags and for a long-term increased disposal of reusable bags at landfills serving the City will be evaluated in the EIR. As the manufacturing process for paper and reusable bags uses some materials that are hazardous, the issue of compliance with wastewater treatment requirements, while anticipated to be a less than significant effect, will also be evaluated in the EIR.

b and c. The implementation of the proposed ordinance to ban single-use plastic carryout bags in specified retail stores would not result in any changes in the existing land uses or new physical development. Therefore, the implementation of the proposed ordinance would not generate additional demand requiring construction of new or expansion of existing drainage or wastewater facilities serving the city. No impact would occur and these issues will not be discussed further in the EIR.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☒	☐	☐	☐

Issues:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☒	☐	☐	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☒	☐	☐	☐

a. As discussed previously, the proposed ordinance would not result in any changes in the existing land uses or new physical development or construction activity and therefore, would not affect examples of the major periods of California history or prehistory. The proposed ordinance to ban single-use plastic carryout bags at the point of sale at specified retail stores within the City of Los Angeles is anticipated to result in an overall beneficial effect on biological resources by reducing litter associated with discarded single-use plastic bags. However, the effects of a potential temporary increase in the use of paper carryout bags and a potential long-term increase in the use of reusable bags resulting from the implementation of the proposed ordinance on sensitive habitats and species will be evaluated further in the EIR.

b. As discussed previously, the implementation of the proposed ordinance may have a potential to result in air quality, biological resources, forest resources, greenhouse gas emissions, mineral resources, traffic, water quality, and public services and utilities impacts that may be cumulatively significant. Therefore, this issue will be evaluated further in the EIR.

Issues:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact

c. As discussed previously, the proposed ordinance may have a potential for adverse effects on people related to air quality, greenhouse gas emissions, traffic, water quality, public services and utilities, and other issues. The reusable bags sold in the City will be free of heavy metals, but like many other household items would require hygiene care, including regular cleaning, to eliminate the potential for bacterial growth. Therefore, these issues will be evaluated further in the EIR.

References

1. Master Environmental Assessment on Single-Use and Reusable Bags, Green Cities California, March 2010.
2. City of Los Angeles Department of City Planning. Framework Element of the General Plan, http://cityplanning.lacity.org/cwd/framwk/chapters, accessed August 2012.
3. State and County, Los Angeles (city) quick facts from the US Census Bureau, http://quickfacts.census.gov, accessed August 2012.
4. California Department of Fish and Game, Habitat Conservation Programs, http://www.dfg.ca.gov, accessed August 2012.
5. City of Los Angeles official website, http://www.lacity.org, accessed August 2012.

Preparers of the Initial Study

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From: **Susan Murtishaw** <SMurtishaw@calhfa.ca.gov>
Date: Thu, Sep 20, 2012 at 4:12 PM
Subject: RE: Notice of Preparation and Initial Study - Single Use Bag Ban
To: san SRCRD <srcrd@lacity.org>

I have asked this before and not gotten a response; What do you line your trash with? I use the plastic shopping bags handed out by the store. I have bought recycled content bags, which are still plastic and you could require the stores to use them if this is the desired substitution. I have also tried biodegradable plastic bin liners, which degrade well before I empty my trash bin (usually in one day if I put something wet in the bin).

When I receive paper bags I line my recycle trash container with them and then put them in the city's recycle bin when I empty it (occasionally I reuse them). I do have canvas bags and do use them, but this doesn't address the wet trash question. Surely you have come across this issue before; if not would you please address it in your public education plans.

Susan Murtishaw

From: **Emi Carvell** <oneiemi@earthlink.net>
Date: Thu, Sep 20, 2012 at 8:11 PM
Subject: RE: Notice of Preparation and Initial Study - Single Use Bag Ban
To: san SRCRD <srcrd@lacity.org>

I'm an original participants for the ZERO WASTE stakeholder from WLA and so glad to hear the process and progress. If you need any help from the citizen of WLA or an official ZERO WASTE ambassador, me! Please let me know.

I do lots of Hands-on Organic Garden workshop as a Master Gardener in Venice and Santa Monica and I implement Zero Waste method in my session.

Thank you very much,

;)Emi Carvell

From: <info@cfeca.org>
Date: Thu, Sep 20, 2012 at 3:38 PM
Subject: [Auto-Reply] Notice of Preparation and Initial Study - Single Use Bag Ban
To: san SRCRD <srcrd@lacity.org>

Please note the new email address for Western Plastics Association has changed. The new email address is info@westernplastics.org

From: **Sara Laimon** <sara_laimon@echsonline.org>
Date: Thu, Sep 20, 2012 at 11:16 PM
Subject: Re: Notice of Preparation and Initial Study - Single Use Bag Ban
To: san SRCRD <srcrd@lacity.org>

Greenings.

My new address is sara_laimon@ecsonline.org. Please update your address book.

Thank you.

From: **Tiffany Yuen** <tiffanyyyuen@yahoo.com>
Date: Thu, Sep 20, 2012 at 9:30 PM
Subject: Re: Notice of Preparation and Initial Study - Single Use Bag Ban
To: san SRCRD <srcrd@lacity.org>

Dear san SRCRD,

I am writing to request that my email address be removed from this mailing list, because I have moved out of Los Angeles. Thank you!

From: **Jirair** <jirair@gmail.com>
Date: Mon, Sep 24, 2012 at 12:44 AM
Subject: Fwd: [MelroseHill] FW: POST --Notice of Preparation and Initial Study - Single Use Bag Ban
To: daniel.hackney@lacity.org
Cc: srcrd@lacity.org

Hello Daniel,

As I understand you the Neighborhood Council liaison for the Bureau of Sanitation.

I revived the email below from neighbor of mine. I am interested in receiving emails directly from you and/or another representative from your department. Please add my email to any and all email notification lists you may have access to.
I appricate your services to the City of Los Angeles. Thank you.

Best,

Jirair

--
Jirair Tossounian
Hollywood Studio District Neighborhood Council, Board Member
Melrose Hill Neighborhood Association, Outreach
Lemon Grove Park Advisory Board, Stakeholder

---------- Forwarded message ----------
From: **edward** <edvhunt@earthlink.net>
Date: Sun, Sep 23, 2012 at 11:54 AM
Subject: [MelroseHill] FW: POST --Notice of Preparation and Initial Study - Single Use Bag Ban

FYI

From: **Mitch Barlas** <mitch@bagspeak.org>
Date: Sun, Sep 30, 2012 at 4:43 PM
Subject: Re: Notice of Preparation and Initial Study - Single Use Bag Ban
To: Erin Knight <erin.knight@lacity.org>

Erin,

Thanks much for the emai back and including us in the notice of preparations.

My best wishes,

Mitch

Mitch Barlas
Founder/Director
(831) 244-0925 Office
(917) 817-5549 Cell
www.BagSpeak.org
www.Bagito.co

100% of the net proceeds from the sales of Bagito go to BagSpeak. BagSpeak teaches K-12th grade students to value their environment and is a registered 501 (c)(3) non profit organization.

From: **Ibarra, Sergio** <sergio.ibarra.94@my.csun.edu>
Date: Mon, Sep 24, 2012 at 3:41 PM
Subject: Re: Notice of Preparation and Initial Study - Single Use Bag Ban
To: san SRCRD <srcrd@lacity.org>

Good afternoon,

Can the department add an additional meeting at the Pacoima City Hall for the North Valley?

-Sergio Ibarra

Oct 10, 2012 (12 days ago)

Jacy Bolden jacybolden@sbcglobal.net

to Finkelstein, daniel.hackney, me, kjames, Leslie.Tamminen

Dear Irena ~

It was a pleasure meeting you last week at the community outreach meeting regarding the Notice of Preparation of Environmental Impact Report (EIR) for the Proposed Single-Use Plastic Bag Ordinance. For the record I would like to say I am fully in support of the City of Los Angeles' efforts to phase-out/ban plastic single-use carryout bags and charge a fee on paper single-use carryout bags - though I do have an unresolved question/concern.

As promised, following is my question and comments as it pertains to the following item listed in the NOP:
2) Mandate a charge on recycled content paper single-use carryout bags at the point of sale in retail stores.

A grace period of six months for large retailers and one year for small retailers would be provided during which <u>paper bags</u> that are 100 percent recyclable and have at least 40 percent post-consumer content <u>would be provided at no cost to consumers</u> for the purposes of carrying out their purchases. This period would include a public education component. Upon completion of the grace period, retailers would charge ten cents per single-use paper bag having at least 40 percent post-consumer content, which would be retained by the retailer.

Perhaps there is something that I am missing, however based upon the discussion that took place during the public meeting I didn't feel that I came away with a clear understanding of:

Why require both large and small stores to provide free paper bags for 6 and 12 months respectively?

1) On the surface, it appears that this type of requirement may provide the added 'negative environmental impact' that the plastics industry is looking for through the CEQA process. Though it be for only one year, this requirement would significantly increase the number of paper bags purchased, consumed and disposed of (hopefully recycled) in the City of Los Angeles. With that, there are the related impacts that pertain to the production and use of paper bags (water, electricity, transportation, recycling/disposal, etc.) Numerous other jurisdictions have passed ordinances which simply required a fee to be charged on paper bags once the ordinance went into effect - causing many stores to post advance notices of the ordinance effective date at their

store entrances (e.g. "NOTICE: City of Los Angeles ban on plastic bags and fee on paper goes into effect...."). Many of those ordinances used the 6 and 12 month 'grace periods' as the time frame within which the large and small stores, respectively, had to use up their on-hand plastic bag supplies and post educational notices to their customers of the impending ordinance implementation.

2) There will be an increased negative financial impact on stores large and small, many of whom only use plastic bags currently. During these economic times is it really reasonable/fair to place that added economic burden on them - especially requiring small businesses to do so for 12 months?

If there is sound reasoning for this revised type of approach I am very interested to learn what that might be such that I can then further support the initiative in total - offering to volunteer at giveaway locations, etc.

Thank you for your efforts in bringing this initiative forward, and I look forward to learning from your reply.

Resourcefully,
Jacy Bolden
Westchester Resident
jacybolden@sbcglobal.net

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

October 11, 2012

Karen Coca, Division Manager
Solid Resources Citywide Recycling Division
City of Los Angeles Department of Public Works
Bureau of Sanitation
1149 S. Broadway, 5th Floor
Los Angeles, CA 90015

Notice of Preparation of a CEQA Document for the
Single-Use Plastic Carryout Bag Ordinance

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The SCAQMD's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the draft CEQA document. Please send the SCAQMD a copy of the Draft EIR upon its completion. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to the SCAQMD. Please forward a copy of the Draft EIR directly to SCAQMD at the address in our letterhead. **In addition, please send with the draft EIR all appendices or technical documents related to the air quality and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files. These include original emission calculation spreadsheets and modeling files (not Adobe PDF files). Without all files and supporting air quality documentation, the SCAQMD will be unable to complete its review of the air quality analysis in a timely manner. Any delays in providing all supporting air quality documentation will require additional time for review beyond the end of the comment period.**

Air Quality Analysis
The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. The lead agency may wish to consider using land use emissions estimating software such as the recently released CalEEMod. This model is available on the SCAQMD Website at: http://www.aqmd.gov/ceqa/models.html.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, that is, sources that generate or attract vehicular trips should be included in the analysis.

The SCAQMD has developed a methodology for calculating PM2.5 emissions from construction and operational activities and processes. In connection with developing PM2.5 calculation methodologies, the SCAQMD has also developed both regional and localized significance thresholds. The SCAQMD requests that the lead agency quantify PM2.5 emissions and compare the results to the recommended PM2.5 significance thresholds. Guidance for calculating PM2.5 emissions and PM2.5 significance thresholds can be found at the following internet address: http://www.aqmd.gov/ceqa/handbook/PM2_5/PM2_5.html.

In addition to analyzing regional air quality impacts the SCAQMD recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LST's can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the proposed project, it is recommended that the lead agency perform a localized significance analysis by either using the LSTs developed by the SCAQMD or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at http://www.aqmd.gov/ceqa/handbook/LST/LST.html.

In the event that the proposed project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the lead agency perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment ("Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis") can be found on the SCAQMD's CEQA web pages at the following internet address: http://www.aqmd.gov/ceqa/handbook/mobile_toxic/mobile_toxic.html. An analysis of all toxic air contaminant impacts due to the decommissioning or use of equipment potentially generating such air pollutants should also be included.

Mitigation Measures

In the event that the project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate significant adverse air quality impacts. To assist the Lead Agency with identifying possible mitigation measures for the project, please refer to Chapter 11 of the SCAQMD CEQA Air Quality Handbook for sample air quality mitigation measures. Additional mitigation measures can be found on the SCAQMD's CEQA web pages at the following internet address: www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html Additionally, SCAQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook contain numerous measures for controlling construction-related emissions that should be considered for use as CEQA mitigation if not otherwise required. Other measures to reduce air quality impacts from land use projects can be found in the SCAQMD's Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. This document can be found at the following internet address: http://www.aqmd.gov/prdas/aqguide/aqguide.html. In addition, guidance on siting incompatible land uses can be found in the California Air Resources Board's Air Quality and Land Use Handbook: A Community Perspective, which can be found at the following internet address: http://www.arb.ca.gov/ch/handbook.pdf. CARB's Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process. Pursuant to state CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed.

Data Sources

SCAQMD rules and relevant air quality reports and data are available by calling the SCAQMD's Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available via the SCAQMD's World Wide Web Homepage (http://www.aqmd.gov).

The SCAQMD staff is available to work with the Lead Agency to ensure that project-related emissions are accurately identified, categorized, and evaluated. If you have any questions regarding this letter, please call Ian MacMillan, Program Supervisor, CEQA Section, at (909) 396-3244.

Sincerely,

Ian V. MacMillan

Ian MacMillan
Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

IM
LAC120920-01
Control Number

P. O. Box 54143 – Los Angeles, California 90054

Kendra Doyel
Vice President, Public Relations

(310) 884-4141

October 16, 2012

Ms. Karen Coca
Division Manager
Solid Resources Citywide Recycling Division
City of Los Angeles Department of Public Works
Bureau of Sanitation
1149 South Broadway, 5th Floor
Los Angeles, CA 90015

Dear Ms. Coca:

Thank you for the opportunity to provide written comment concerning the City of Los Angeles' efforts to adopt and implement an ordinance to ban the use of single-use plastic carryout bags and charge a fee on paper to encourage the use of reusable bags. Please know that Ralphs and Food 4 Less strongly support the City's efforts to ban plastic bags while encouraging the reduction of paper bag usage in favor of reusable bags.

We have reviewed the City's Initial Study (*Single-Use Plastic Carryout Bag Ordinance*) conducted on behalf of the Department of Public Works, Bureau of Sanitation, and would like to provide several comments for your consideration.

Specifically, we are very concerned about the City Council's action to extend for an additional six months free paper bags beyond the initial six-month grace period for large retailers and an additional 12 months for smaller retailers. Our concern and opposition to the extension of an additional six-month grace period (for large retailers) is based on several observations and impacts.

I. The six-month extension of free paper bags is not consistent with the City Council's stated objective to reduce paper bag usage impacts

First, we do not believe a six-month extension of free paper bags is consistent with the City Council's stated objective of reducing the impact of paper bags to the environment, our communities and area landfills while promoting the use of reusable bags by retail customers. In fact, we agree with the City's Initial Study assessment, Section II., Agriculture and Forest Resources, page 8 (d) and (e):

> *"The implementation of the proposed ordinance may result in the increase in the use of paper bags, which are manufactured with wood and pulp materials."*

We also point out that the initial study assessment also concludes a number of other "potentially significant impacts" including increased truck traffic, impacts to air quality, and a temporary increase in greenhouse gas emissions – all the result of the additional six-month grace period beyond the initial six-month grace period where both paper and plastic are available.

II. The six-month extension of free paper bags will increase, not decrease, the use of paper bags

Consumers will be given a choice at the check-out stand during the additional six-month grace period – either purchase a reusable bag or receive free paper bags for their groceries. We believe the choice will be a simple one for consumers – use free paper bags, which will result in an increase in paper bag usage and a decrease in reusable bag usage during the six-month period. The City's initial study assessment seems to agree with our conclusion. We believe, based on prior experience in other jurisdictions, a strong education effort during the *initial* six-month grace period will provide for an adequate period for consumers to transition to reusable bags and be made aware of the ten cent fee on paper.

Ralphs/Food 4 Less has made significant investments in other areas affected by bans to educate consumers and equip them with reusable bags prior to the onset of such a ban. We have accomplished this by offering free bags, bags with purchase, and discounted bag programs to enable customers to stock up on reusables prior to implementation. We also continue to put reminders in our parking lots, our entrances and in our stores to educate and encourage customers to bring back their bags. This has proven very effective for consumers.

During the Council's debate on the proposed Ordinance, a City Councilmember raised the argument that the additional six-month period was necessary to offset potential economic hardships to communities of color and those living below the poverty level. As the initial study points out: *"...retailers would be required to provide at the point of sale, free of charge, paper bags or reusable bags to consumers participating in the California Special Supplemental Food Program for Women, Infants and Children or in the Supplemental Food Program."* In LA County, we have not experienced any problems with transitioning all consumers to reusables with the exception of those stores that border "non-ban" jurisdictions. In those stores, consumers move their business to the store where they receive free bags, just as they would move to the free paper bag. Our experience confirms that this 6 month free paper would not educate or support consumers, but only supply added costs and negative environmental effects.

III. The six-month extension will have a detrimental economic impact to large grocers, like Ralphs and Food4Less

While the City's initial study did not take into consideration economic impacts or job losses, we would like to bring to your attention the significant economic impact just to our company alone. Ralphs Grocery Co. conducted an assessment of the potential costs associated with enactment of the City's ordinance with the additional six-month extension of free paper bags to Ralphs and Food 4 Less stores located within the City of Los Angeles. *The fiscal impact to Ralphs/Food4Less' 41 stores within the City of Los Angeles would be more than $4.2 million, or nearly $1million a MONTH for that six-month period.* There are dozens of grocers and literally hundreds of grocery stores within the City of Los Angeles that will be faced with a similar cost.

Ralphs/Food 4 Less strongly supports the elimination of plastic bags in the City of Los Angeles and throughout California. In fact, Ralphs was proud to stand with a number of statewide environmental organizations in support of legislation introduced by State Assemblywoman Julia Brownley (AB 298) to ban plastic bags in California. Our environmental record and leadership is clear. We also support the transition by consumers to reusable bags.

However, we strongly encourage the City to reconsider its effort to extend by an additional six months free paper bags to consumers. It is an unnecessary and counter-productive measure that will result in an increased impact to the environment and significant costs to the grocer community in the City of Los Angeles. If you have any questions or need additional information please do not hesitate to call me at (310) 884-4141. Thank you for the opportunity to provide comments on such an important issue to the City of Los Angeles.

Sincerely,

Kendra Doyel

October 18, 2012

Karen Coca, Division Manager
Solid Resources Citywide Recycling Division
City of Los Angeles, Department of Public Works, Bureau of Sanitation
1149 S. Broadway, 5th Floor
Los Angeles, CA 90015
Sent via email and mail

RE: Comments on Initial Study - City of Los Angeles' Single-Use Bag Ordinance

Dear Ms. Coca,

On behalf of the undersigned and our thousands of members, we thank you for giving us the opportunity to provide written comments on the City of Los Angeles' Initial Study of the proposed ordinance addressing single-use bags.

Billions of single-use plastic bags are used in Los Angeles every year.[1] Despite both voluntary and statewide efforts to implement recycling programs, the statewide recycling rate for plastic bags remains around five percent;[2] the majority of single-use plastic bags – even if reused once

[1] City of Los Angeles. Dept. of Public Works, Bureau of Sanitation. *Initial Study: Single-Use Plastic Carryout Bag Ordinance*. Sept. 2012: 1. Print.
[2] County of Los Angeles. Dept. of Public Works. *Los Angeles County Plastic Bag Study: Staff Report to the Los Angeles County Board of Supervisors*. Aug. 2007: 2. Print.

or twice by consumers – end up in our landfills or as part of the litter stream, polluting our inland and coastal communities and wasting taxpayer dollars on cleanup costs.[3]

For these reasons, we fully support the steps that the City of Los Angeles has taken to draft an ordinance banning plastic single-use bags. A ban on plastic bags coupled with a fee on single-use paper bags will be a major step in reducing the economic waste and environmental impacts that single-use bags create.

We do not believe that the proposed ordinance will result in negative environmental impacts. Rather, similar ordinances have changed consumer behavior and have resulted in an increased use of reusable bags, a more sustainable alternative to single-use bags. Accordingly, we strongly believe that an Environmental Impact Report ("EIR") is not necessary for the proposed ordinance.[4] However, we recognize the City's desire to assess new information and address issues that have been the subject of past bag ban legal challenges. With these points in mind, we request that the following comments be carefully considered in preparing the forthcoming draft EIR.

Also of note, we appreciate the extensive opportunity for public comment on the Initial Study. This issue is important to Los Angeles residents, and a number of neighborhood councils included information about the public meetings on their websites.[5] We encourage the City to fully consider all submitted documents in the attached Appendix, and to continue holding stakeholder meetings and soliciting public input as it moves forward with development of the California Environmental Quality Act ("CEQA") documents and language for the proposed ordinance.

I. Effectiveness of Bag Bans

The City's proposed charge on single-use paper bags and a ban on plastic bags are intended to reduce the use of these bags and encourage Los Angeles consumers to use a reusable bag (or no bag).[6] However, many of the environmental concerns expressed in the Initial Study appear to stem from the assumption that the proposed ordinance may lead to a shift from plastic to paper single-use bags.[7] We do not believe that the proposed ordinance will lead to an increase in the

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[3] For example, California spends approximately $25 million annually to landfill discarded plastic bag waste. *See* "Shopping? Take Reusable Bags!" CalRecycle. 23 Nov. 2011. Web. 16 Oct. 2012. <http://www.calrecycle.ca.gov/publiced/holidays/ReusableBags.htm>. These cleanup costs do not reflect the energy costs associated with producing single-use bags, or the negative socio-economic, public health and environmental costs associated with single-use bag litter. *See also* City of Los Angeles. Office of the City Administrative Officer. *Report Back on Proposed Ban of Single Use Bags in the City*. Mar. 23, 2012: 7. Print.

[4] A number of California cities and counties found that the proposed bag ordinances would not have a significant effect on the environment and issued negative declarations or mitigated negative declarations. *See, e.g.*, the City of Dana Point, the City of Malibu, the County of Santa Clara, the County of Santa Cruz (mitigated negative declaration), and the City of Laguna Beach.

[5] *See, e.g.*, websites for the following Neighborhood Councils: Northridge East (<http://nenc-la.org/>), Northridge West (<http://www.northridgewest.org/>), Granada Hills North (<http://ghnnc.org/>), Granada Hills South (<http://ghsnc.org/>), Porter Ranch (<http://www.prnc.org/calendar>), Northridge South (<http://www.northridgesouth.org/calendar/>).

[6] City of Los Angeles. Dept. of Public Works, Bureau of Sanitation. *Initial Study: Single-Use Plastic Carryout Bag Ordinance*. Sept. 2012:1. Print.

[7] For example, with respect to potential impacts on forest resources the Initial Study notes that the "implementation of the proposed ordinance may result in the increase in the use of paper bags . . . While such potential increase in use of paper bags, if it

use of paper bags, and the experiences in Los Angeles County supports the effectiveness of point of sale charges in preventing this increase from occurring. Specifically, Los Angeles County recently announced that its ordinance, which became fully effective in 2012 and imposes a charge on paper bags, has resulted in a 95% reduction in overall single-use bag usage (both plastic and paper).[8] Charges on single-use bags in Ireland (PlasTax on plastic single-use bags) and Washington, D.C., (5-cent charge on both plastic and paper single-use bags) have also dramatically reduced single-use bag consumption in those locations.[9] This type of data and the effectiveness of bag ordinances in addressing single-use bag waste should be considered as the City moves forward with its CEQA analysis.

II. Reusable Bags and Potential Environmental Impacts

Reusable bags are durable products designed to be used hundreds of times. Assuming these bags are reused at least a few times, the environmental impacts are significantly lower on a per-use basis than other single-use bags (paper, plastic or biodegradable).[10] Furthermore, the fact that reusable bags are durable and can be used multiple times means that the number of reusable bags in the waste stream is much lower than the number of single-use bags, which are used only once or twice; a smaller number of reusable bags in the waste stream, and the fact that reusable bags are usually heavier and less likely to be caught in the wind than single-use bags, means that reusable bags are less likely to be littered.[11] Single-use bag litter, particularly plastic bag litter, has been found, among other things, to have an adverse effect on marine wildlife and to compromise the storm water runoff systems.[12]

As previously discussed, the proposed City ordinance is expected to deter consumers from using single-use bags and increase use of reusable bags. Thus, the environmental benefits of implementing the ordinance will be positive, and we urge the City to consider the following points when drafting the EIR.

Water Quality/Hydrology Impacts

The Initial Study questions whether littered paper and reusable bags will enter storm drains and sewers and hence have a significant impact on water quality. We believe this concern is unwarranted for two reasons. First, requirements to comply with trash total maximum daily

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occurs, is anticipated to be both temporary and modest, the potential effects on the loss of forest land or conversion of forest land will be further evaluated in the EIR." *Id.* at 8.

[8] "About the Bag." County of Los Angeles. n.d. Web. 16 Oct. 2012. <http://dpw.lacounty.gov/epd/aboutthebag/index.cfm>.

[9] The 5-cent fee on single-use bags was implemented in Washington, D.C. in January 2010. The District of Columbia Office of Tax and Revenue estimated that establishments covered by the fee issued approximately 3 million bags in January 2010 (post-fee), an 86 percent decrease from the 22.5 million bags issued per month in 2009. *See* <http://www.washingtonpost.com/wp-dyn/content/article/2010/03/29/AR2010032903336.html>. More recently, officials in Washington, D.C. note that a drop in fee revenue is an indication that paper and plastic bag usage continues to be down. *See*, "Officials rejoice over low 5-cent bag fee revenue." WTOP 4 Oct. 2012. Web. 16 Oct. 2012 <http://www.wtop.com/?nid=893&sid=3062667>. Similarly, after imposing a levy on plastic carry-out bags, usage in Ireland dropped by over 90%. *See* "Plastic Bags." Ireland Department of the Environment, Heritage & Local Government. n.d. Web. 16 Oct. 2012. <http://www.environ.ie/en/Environment/Waste/PlasticBags/>.

[10] Green Cities California. *Master Environmental Impact Assessment on Single-Use and Reusable Bags*. Mar. 2010: 2. Print.

[11] County of Los Angeles. Department of Public Works. *Ordinances to Ban Plastic Carryout Bags in Los Angeles County: Final Environmental Impact Report* (2010): 3.2-18. Print.

[12] *See generally, id.* at 2-12.

loads ("TMDL") will hinder paper and reusable bags from entering storm drains. Under these TMDL requirements, the City must increasingly regulate trash, and will continue to install full capture devices on the Los Angeles River and Ballona Creek, two major water bodies in Los Angeles. With proper maintenance, these capture devices combined with other actions to attain TMDL compliance will prevent trash of 5 mm in diameter or greater from entering a catch basin, and thus will prevent paper and plastic bags (as well as the extremely infrequent wayward reusable bag) from entering Los Angeles' storm drain system.

Second, plastic bags – not reusable bags – are more likely to end up as litter and have an impact on water quality, due to their lightweight nature and the fact that they last indefinitely. One characterization study of urban litter in storm drains and the Los Angeles River estimated that plastic bag litter makes up as much as 25% of the litter stream.[13] In fact, plastic single-use bags are ubiquitous and are one of the top items organizations find during beach and inland cleanups. For example, the 2007 International Coastal Cleanup (ICC) report produced by the Ocean Conservancy found that bags were the fourth most common debris item collected worldwide during the coastal cleanup event behind cigarettes, food wrappers/containers, and caps/lids,[14] and over 7 million plastic bags were collected during ICC events over the last 25 years.[15] This number is staggering, especially if you consider that the ICC events only happen once a year. Reusable bags are a durable product. They are designed to be used hundreds of times over their lifetime and many are recyclable or made from recycled materials. Furthermore, due to their weight reusable bags, unlike other single-use bags, are less likely to be blown from a landfill or trash receptacles and thus less likely to become litter.[16]

The Initial Study also raises the issue of whether the manufacturing process for reusable bags will impact water supplies. In the EIR for its ordinance, Los Angeles County found that the ordinance would not result in significant adverse impacts to the County's water supply.[17] In fact, the County found that "the proposed ordinances would be expected to increase consumers' use of reusable bags, the production of which would consume less water than the production of both paper and plastic carryout bags when considered on a per-use basis, because reusable bags are designed to be used multiple times."[18] As with Los Angeles County's ordinance, the proposed City ordinance is expected to increase consumers' use of reusable bags, and thus, it is also unlikely that the reusable bag manufacturing process will significantly impact local water supplies.

In sum, we believe that water quality and water resources will see a positive benefit due to the proposed ordinance. Thus, we urge the City to re-evaluate its findings and consider the aforementioned points when drafting the EIR.

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[13] Los Angeles County of Public Works. *Los Angeles County Plastic Bag Study: Staff Report to the Los Angeles County Board of Supervisors*. (Aug. 2007): 24. Print.
[14] "International Coastal Cleanup Report 2007." Ocean Conservancy, 2008:7. Web. 16 Oct. 2012. <http://www.oceanconservancy.org/site/DocServer/ICC_AR07.pdf?docID=3741>.
[15] "Tracking Trash: 25 Years of Action for the Ocean." Ocean Conservancy, 2011: 4. Web. 16 Oct. 2012. <http://act.oceanconservancy.org/pdf/Marine_Debris_2011_Report_OC.pdf>.
[16] Green Cities California, *Master Environmental Impact Assessment on Single-Use and Reusable Bags*, 23 (Mar. 2010). Print.
[17] County of Los Angeles, Department of Public Works, *Ordinances to Ban Plastic Carryout Bags in Los Angeles County: Final Environmental Impact Report.* Oct. 2010: 3.5-12. Print.
[18] *Id* at. 3.5-15.

Impacts on Biological Resources

We strongly agree with the Initial Study's finding that the proposed ordinance will reduce litter associated with plastic bags, thereby resulting in an overall beneficial effect on biological resources.[19] In fact, a single-use bag reduction policy will ultimately benefit the flora and fauna in Los Angeles and beyond. Designed only for single-use, plastic single-use bags have a high propensity to become litter and then marine debris by traveling through urban storm drain systems. Plastic debris, including plastic bags, may choke and starve wildlife, distribute non-native and potentially harmful organisms, absorb toxic chemicals and degrade to micro-plastics that may be subsequently ingested.[20] Reusable bags are a durable product and do not often result in added litter that could significantly impact these sensitive biological resources.[21] Thus, the forthcoming draft EIR should continue to recognize the overall beneficial affect that reducing plastic litter will have on biological resources.

Impacts to Air Quality and Traffic Conditions

Based on the assumption that more reusable bags will be manufactured, transported and distributed, the Initial Study states that the ordinance may increase traffic conditions in Los Angeles and impact local air quality. However, unlike single-use bags, reusable bags are a durable product for which demand should decrease over time.[22] Further, some of the reusable bags are manufactured locally, and local sourcing of bags reduces the distances trucks would travel to distribute these bags to stores.[23] For these reasons, in the forthcoming draft EIR the City should measure the impacts from reusable bags – if any – against reductions in emissions and traffic resulting from diminished plastic bag manufacturing, transportation and distribution and should consider potential impacts for each bag on a per-use basis.[24]

The Study also notes that the vehicular trips associated with the public education component of the ordinance may impact local traffic conditions and impact air quality. This assertion is unsubstantiated. The City already partners with local organizations to educate residents about shifting to reusable bags during the annual A Day Without a Bag event.[25] Because the City is already engaged in public outreach on this issue, the number of additional vehicular trips

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[19] City of Los Angeles. Department of Public Works, Bureau of Sanitation. *Initial Study: Single-Use Plastic Carryout Bag Ordinance*. Sept. 2012: 13. Print.

[20] Barnes D. K. A., Galgani F., Thompson R. C., Barlaz M. "Accumulation and fragmentation of plastic debris in global environments." *Phil. Trans. R. Soc. B* 364 (2009): 1985–1998. Print.

[21] County of Los Angeles. Dept. of Public Works. *Ordinances to Ban Plastic Carryout Bags in Los Angeles County: Final Environmental Impact Report*. Oct. 2010: 3.2-18. Print.

[22] The City of Los Angeles has given out 250,000 reusable bags in the last seven years, and after the ordinance goes into effect, consumers will begin to bring their previously acquired reusable bags to the store, further reducing demand for this product.

[23] GreenVets LA, a Los Angeles-based sewing company that partners with Veterans Memorial Hospital, has supplied the Cities of Santa Monica and Los Angeles with reusable bags made from scrap materials sewn by veterans.

[24] County of Los Angeles. Dept. of Public Works. *Ordinances to Ban Plastic Carryout Bags in Los Angeles County: Final Environmental Impact Report*. Oct. 2010: 3.3-19. Print.

[25] A unique coalition of major retailers, local governments and regional environmental groups comes together annually to organize *A Day Without a Bag*, urging consumers to forego environmentally harmful single-use plastic or paper grocery bags in favor of reusable totes. By raising consumer awareness about personal choices, the event's short-term goal is to educate Southland shoppers to adopt more sustainable practices during the holidays and coming year. *See*, <http://www.healthebay.org/get-involved/events/day-without-bag> for more information.

associated with implementation of the ordinance should be extremely limited and should not significantly contribute to traffic conditions or overall emissions.

For these many reasons, we believe that there will be no significant traffic and air quality impacts caused by implementation the proposed ordinance.

III. Additional Considerations

Documents Considered during the CEQA Analysis

Moving forward with the CEQA analysis, the City should review and consider the studies, reports, articles, videos and other documents referenced in the attached Appendix. The information and data presented in these documents will be relevant to the City's review of potential environmental impacts associated with single-use and reusable bags. These documents may also assist the City in further developing the public education component of the ordinance.

Environmental Impacts of Paper Bags

Although paper bags pose less risk to the aquatic environment because of their biodegradability and are less likely to become litter because of their weight and recyclability, the manufacturing of virgin paper emits greenhouse gases and uses toxic substances in pulping process, which include caustic sodas, sodium hydroxide, sodium sulfide, and chlorine compounds.[26] The proposed ordinance will require retailers to sell recyclable paper bags made of a minimum of 40% postconsumer recycled content. These bags will contain less virgin fiber, thus consuming less material and would have fewer environmental impacts than conventional paper bags. Along with data demonstrating the effectiveness of point of sale charges, this added environmental benefit of the proposed ordinance should also be considered when evaluating potential environmental impacts.

Alternatives to the Proposed Ordinance

The City's Initial Study reviewed the ordinance as proposed by the Council.[27] However, as part of as part of the CEQA process, the City will evaluate a range of feasible alternatives that could attain the project objectives and avoid or substantially lessen any of the significant environmental impacts of the proposed project. We strongly urge the City to consider the Los Angeles County Bag ban ordinance as one of these alternatives. The Los Angeles County ordinance has been very effective since its enactment, and while similar to the proposed City ordinance, there are differences.[28] Thus, at a future time the Los Angeles City Council may wish to take the County ordinance structure into consideration. In order to preserve time, efficiency of resources and adhere to the legal requirements of CEQA, we strongly urge the City to evaluate

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[26] Green Cities California, *Master Environmental Impact Assessment on Single-Use and Reusable Bags*. Mar. 2010: 18. Print.
[27] City of Los Angeles. Dept. of Public Works, Bureau of Sanitation. *Initial Study: Single-Use Plastic Carryout Bag Ordinance.* Sept. 2012: 1. Print.
[28] For example, the City ordinance provides a six-month grace period for large retailers and a one-year grace period for small retailers; the ban would take effect upon completion of the grace period. *Id.* at 1. The Los Angeles County ordinance did not have a grace period for large retailers.

the Los Angeles County ordinance structure in the draft EIR and to clarify where the environmental analyses differ for the two ordinances. Evaluating the County ordinance as an alternative should not impose any undue burden, as both the proposed City ordinance and County ordinance share many similarities and thus, the issues to be considered will largely overlap.

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Summary

As previously stated, we do not believe that the proposed ordinance will result in negative environmental impacts and do not believe an EIR is needed. However, if the City continues to develop an EIR, it is critical that the comments above and the information in the attached Appendix are considered in the analysis. We appreciate the City's commitment to reduce the economic waste and environmental impacts associated with single-use bag litter by drafting the proposed ordinance, and we urge the City to move forward as quickly as possible in completing the CEQA review process. A single-use bag ordinance in the City is long overdue.

Sincerely,

Kirsten James, Water Quality Director
Heal the Bay

Angela Howe, Legal Director
Surfrider Foundation

Stiv Wilson, Policy Director
5 Gyres

Team Marine
Santa Monica High School

Leslie Mintz Tamminen, Ocean Program Director
Seventh Generation Advisors

Appendix

Forthcoming Documents

California. State Water Resources Control Board. Statewide Policy for Trash Control in Waters of the State. *Forthcoming*.

County of Los Angeles. Status Report: Effectiveness of Los Angeles County Single-Use Bag Ordinance. *Anticipated release: October 2012*.

Environmental Impact Reports, TMDLs and Related Policies, Reports, and Legal Documents

California. State Water Resources Control Board. Los Angeles Regional Water Quality Control Board. "Marine Debris TMDL for Santa Monica Bay Nearshore and Offshore." Print.

---. ---. "Trash TMDL for Ballona Creek and Wetlands." Print.

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California Ocean Protection Council. *Resolution on Reducing and Preventing Marine Debris*." 8 Feb. 2007. Web. 16 Oct. 2012 <http://www.opc.ca.gov/2007/02/resolution-of-the-california-ocean-protection-council-on-reducing-and-preventing-marine-debris/>.

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City of San Jose. *Draft Environmental Impact Report: Single-Use Carryout Bag Ordinance*. Oct. 2010; *First Amendment to Draft Environmental Impact Report*. Oct. 2010). Web. 16 Oct. 2012 <http://www.sanjoseca.gov/planning/eir/eir.asp>.

City of Santa Monica. *Single-use Carryout Bag Ordinance: Initial Study*. Mar. 2010. Web. 16 Oct. 2012 <http://www.smgov.net/uploadedFiles/Departments/OSE/Task_Force_on_the_Environment/TFE_2010/Attachment%205_Bag%20Ordinance_Final%20Initial%20Study.pdf>.

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*Hilex Poly Company, LLC v. Chicoeco, Inc. dba ChicoBag, No.*3-11-cv-0016 (D.S.C. 2011), expert report of Jenna R. Jambeck (on file with 7th Generation Advisors).

Maryland. Dept. of the Environment. "TMDL for Trash for Anacostia River Watershed, Montgomery and Prince George's Counties, Maryland and District of Columbia." Print.

Schmeer v. County of Los Angeles (Los Angeles Cnty. Super. Ct. No. BC 470705) (holding that the 10-cent charge on paper bags is not a tax under the California Constitution). Web. 16 Oct. 2012. <http://plasticbaglaws.org/litigation/los-angeles-county/>.

Schmeer v. County of Los Angeles (B240592, app. pending). Respondent's brief. *Forthcoming* post on LA Law Library. Web. <http://www.lalawlibrary.org/research/briefs/B240592>/. (Also on file with 7th Generation.)

Marine Debris Articles and Websites

Barnes D. K. A., Galgani F., Thompson R. C., Barlaz M. "Accumulation and fragmentation of plastic debris in global environments." *Phil. Trans. R. Soc. B, Biological Sciences* 364 (2009): 1985–1998. Print.

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Ocean Conservancy. *Tracking Trash: 25 Years of Action for the Ocean*. 2011: 4. Web. 16 Oct. 2012. <http://act.oceanconservancy.org/pdf/Marine_Debris_2011_Report_OC.pdf>.

Stevenson, C. “Plastic Debris in the California Marine Ecosystem: A Summary of Current Research, Solution strategies and Data Gap.” University of Southern California Sea Grant, Synthetic Report, California Ocean Science Trust, Oakland, CA (2011). Print.

Thompson, Richard, et al. *Marine Debris as a Global Environmental Problem*. Scientific and Technical Advisory Panel. Nov. 2011. 16 Oct. 2012 <http://www.stapgef.org/sites/default/files/Marine%20Debris.pdf>.

Region 9. U.S. Environmental Protection Agency. *Marine Debris in the North Pacific: A summary of existing information and identification of data gaps*. EPA-909-R-11-006, Nov. 2011. Web. 16 Oct. 2012 <http://www.epa.gov/region9/marine-debris/pdf/MarineDebris-NPacFinalAprvd.pdf>.

Letters of Support from Los Angeles Neighborhood Councils/Homeowners Associations

Bel Air/Beverly Crest, representing **27,000** stakeholders

Brentwood, representing **40,000** stakeholders

Canoga Park, representing **48,723** stakeholders

Chatsworth (letter of support for plastic bag ban, no fee on paper)

Del Ray, representing **30,000** stakeholders

Downtown LA, representing **45,518** stakeholders

East Hollywood, representing **50,566** stakeholders

Greater Griffith Park, representing **37,000** stakeholders

Mar Vista, representing **55,000** stakeholders

Mid-Town/North Hollywood, representing **70,000** stakeholders

North Hollywood North East, representing **12,000** stakeholders

Northridge East, representing **22, 632** stakeholders

Northridge West, representing **20,000** stakeholders

Palms, representing **40,000** stakeholders

Reseda, representing **62,174** stakeholders

Sherman Oaks Homeowners Association, representing **2,100** families

Silver Lake, representing **35,000** stakeholders

South Robertson, representing **45,000** stakeholders

Sun Valley Area, representing **81,788** stakeholders

Tarzana, representing **35,502** stakeholders

United Neighborhoods, representing **70,472** stakeholders

Venice, representing **40,885** stakeholders

West Hills, representing **39,000** stakeholders

West Los Angeles, representing **30,873** stakeholders

Westside, representing **80,000** stakeholders

Westwood, representing **47,916** stakeholders

Plastic Pollution PSAs and Videos

Azul. "Latinos ask you to Ban the Bag." *You Tube*. 28 Aug. 2012. Web. 16 Oct. 2012. <http://www.youtube.com/watch?v=Hc9zLBl6ctk&feature=youtu.be>.

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"Real Supermarket Stories: Shoppers Sound Off on the Bag Ban." *You Tube*. 13 Aug. 2012. Web. 16 Oct. 2012.<http://www.youtube.com/watch?v=tjPKFjerRyA&list=UUVqmrFTtIlfAYkxGfDYJugQ&index=3&feature=plpp_video>.

Team Marine. "First Flush Plastic Pollution." *You Tube*. 12 Mar. 2012. Web. 16 Oct. 2012. <http://www.youtube.com/watch?v=M0KWOh5NKMA>.

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Tedx. "Great Pacific Garbage Patch." 6 Nov. 2010. Web. 16 Oct. 2012. <http://www.tedxgreatpacificgarbagepatch.com>.

Government Bag Ban Websites and Resources

"About the Bag." Home page. Los Angeles County. Web. 16 Oct. 2012 <http://dpw.lacounty.gov/epd/aboutthebag>.

"Checkout Bag Ordinance." Home page. City of San Francisco. Web. 16 Oct. 2012 <http://sfenvironment.org/article/prevent-waste/checkout-bag-ordinance>.

"Single-Use Carryout Bag Ban." Home page. City of Santa Monica. Web. 16 Oct. 2012 <http://www.smgov.net/departments/ose/business/content.aspx?id=19804>.

NGO Plastic Pollution Websites and Resources

5 Gyres. Home page. Web. 16 Oct. 2012 <http://5gyres.org>.

7th Generation Advisors. Home page. Web. 16 Oct. 2012 <http://www.seventhgenerationadvisors.org>.

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"Keep Plastic Out of the Pacific." Home page. Environment California. Web. 16 Oct. 2012 <http://www.environmentcalifornia.org/programs/keep-plastic-out-pacific>.

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"Taking out the Trash." Home page. Clean Water Action. Web. 16 Oct. 2012 <http://www.cleanwateraction.org/programinitiative/taking-out-trash-california-0>.

"Trash Free Seas." Home page. Ocean Conservancy. Web. 16 Oct. 2012 <http://www.oceanconservancy.org/our-work/marine-debris/>.

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Editorial. "Plastic Bags Are an Environmental Menace." *L.A. Times*, April 4, 2012. Web. 16 Oct. 2012 <http://www.latimes.com/news/opinion/opinionla/la-ed-plastic-bag-ban-20120404,0,1856900.story>.

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Sahagun, Louis. "Green Vets Los Angeles gives veterans jobs making reusable bags." *L.A. Times*, 28 Aug. 2012. Web. 16 Oct. 2012 <http://www.latimes.com/news/local/la-me-green-vets-20120827,0,4550635.story>.

Miscellaneous

"Ethics Filings: Coalition to Stop the Seattle Bag Tax." Ethics and Election Commission. City of Seattle, n.d. Web. 16 Oct. 2012 <http://www2.seattle.gov/ethics/eldata/filings/popfiling.asp?prguid={C877AEFE-CE2E-4345-9CF5-843FA5493793}>.

Public Meeting Sign In Sheet

October 2, 2012 Ronald F. Deaton Auditorium, 100 W. 1st Street, Los Angeles, CA 90015

Notice of Preparation of Environmental Impact Report for the Proposed Single-Use Plastic carryout Bag Ordinance in the City of Los Angeles

Name	Affiliation	Address	Phone Number	E-mail
Kathryn Benz	Heal the Bay	Santa Monica, CA		
Glenn Bailey	Encino Neighborhood Council	PO Box 19172 Encino 91416	818-453-3407	GlennBaileySFV@yahoo.com
Andy Shrader	CD5	City Hall		
Esther Kim.		520 N. Virgil Ave. 90004		ekim@berkeley.edu.

Public Meeting Sign In Sheet

October 3, 2012 Wilmington Recreation Center (Multi-Purpose Room) 325 Neptune Avenue, Wilmington, CA 90744

Notice of Preparation of Environmental Impact Report for the Proposed Single-Use Plastic carryout Bag Ordinance in the City of Los Angeles

Name	Affiliation	Address	Phone Number	E-mail
CRAIG CADWALLADER	SURFRIDER FOUNDATION SOUTH BAY CHAPTER	PO BOX 3825 90266 MANHATTAN BEACH CA	310-545-3094	RAP@SURFRIDER-SOUTHBAY.ORG

Public Meeting Sign In Sheet

October 4, 2012 Cheviot Hills Recreation Center (Auditorium) 2551 Motor Avenue, Los Angeles, CA 90064

Notice of Preparation of Environmental Impact Report for the Proposed Single-Use Plastic carryout Bag Ordinance in the City of Los Angeles

Name	Affiliation	Address	Phone Number	E-mail
Hillary Gordon	Sierra Club Zero Waste Cte.	1823 Camden Ave. #2 Los Angeles, CA 90025		hillgordon@verizon.net
LESLIE TAMMINEN	SEVENTH GENERATION ADVISORS	2601 OCEAN PARK BLVD. #311 SANTA MONICA CA 90405		Leslie.Tamminen@gmail.com
JACY BOLDEN	RESIDENT	5960 ABERNATHY DR L.A. 90045		JacyBolden@sbcglobal.net,
CRAIG CADWALLADER	SURFRIDER FOUNDATION SOUTH BAY CHAPTER	PO Box 3170 90266 MANHATTAN BEACH, CA	310-545 3094	RAP@SURFRIDER-SOUTHBAY.ORG

Public Meeting Sign In Sheet

October 10, 2012 Van Nuys City Hall 14410 Sylvan Street, Van Nuys, CA 91401

Notice of Preparation of Environmental Impact Report for the Proposed Single-Use Plastic carryout Bag Ordinance in the City of Los Angeles

Name	Affiliation	Address	Phone Number	E-mail
Jenny Rayas	CDP	14410 Sylvan St, RM 215 VN, CA 91401	(818) 778-4999	Jenny.rayas@lacity.org
Lynda Leviton	CDP	" " " " " " "	" " "	lynda.leviton@lacity.org
Glen Wilson	Northridge West NC	18925 Citronia St, Northridge, CA 91324	(818) 886-3534	glenw@adelextreme.com
Kammyn Williams	CSUN	kambamm33@aol.com	(661) 575-7641	Kambamm33@aol.com
Glenn Bailey	Encino NC & Northridge East NC	PO Box 19172 Encino 91416	818-453-3407	GlennBaileySFV@yahoo.com
Sarah Sheehy	CGA	1020 N. Lake St Burbank	818-841-8640	SSheehy@cagrocers.com
Andy Shrader	Councilmember Koretz CD-5	200 N. Spring St, Rm 440 LA 90012	(213) 473-7005	andy.shrader@lacity.org
Steve Fuadt	BAN THE CARDBOARD	7107 DEERING AVE, CANOGA PARK CA	398-2092 (818) 398-2092	steve@banthecard.com

Down Town
10/2/12

Public Meeting Comment Card

October 2, 2012 Ronald F. Deaton Auditorium, 100 W. 1st Street, Los Angeles, CA 90015

Notice of Preparation of Environmental Impact Report for the Proposed Single-Use Plastic carryout Bag Ordinance in the City of Los Angeles

Name: Glenn Bailey	Address: Po Box 19172 Encino 91416-9172	
Affiliation:	Phone: 818-453-3407	Email: GlennBaileySFV@Yahoo.com

Comments: Reduce the number of plastic bags generated. How many is that in the City annually? What is the cost of cleaning up plastic bags in the environment? Including volunteer hours?
Please indicate the expected reduction of litter caused by plastic bags.

If you need more space, please use backside of the card

Down Town
10/2/12

Public Meeting Comment Card

October 2, 2012 Ronald F. Deaton Auditorium, 100 W. 1st Street, Los Angeles, CA 90015

Notice of Preparation of Environmental Impact Report for the Proposed Single-Use Plastic carryout Bag Ordinance in the City of Los Angeles

Name: Kathryn Benz	Address: 1444 9th St. Santa Monica, CA	
Affiliation: Hea the Bay	Phone: (310) 451-1500	Email: KBenz@healthebay.org

Comments: Request to make a statement

If you need more space, please use backside of the card

Cheviot Hills.
10/4/12

Public Meeting Comment Card

Notice of Preparation of Environmental Impact Report for the Proposed Single-Use Plastic carryout Bag Ordinance in the City of Los Angeles

Name: LESLIE TAMMINEN	Address: 2601 OCEAN PARK BLD	
Affiliation: SEVENTH GENARUSORS	Phone: 310 780 3344	Email: Leslie.Tammineng gmail.com

Comments:

(ORAL)

If you need more space, please use backside of the card

Van Nuys
10/10/12

Public Meeting Comment Card

Notice of Preparation of Environmental Impact Report for the Proposed Single-Use Plastic carryout Bag Ordinance in the City of Los Angeles

Name: Glen Wilson	Address: 18417 Citrania St. Northridge, CA 91324
Affiliation: Northridge West NC	Phone: (818) 886 3534 Email: glenwilds@extreme.com

Comments:
Need more Outreach about ~~this~~ meetings.
Only got email from SRCRD@lacity.com
by email Sept 20, 2012.
Only one meeting in SF Valley.

If you need more space, please use backside of the card