

Date: 12-16-11

Submitted in EE Committee

12/14/2011

Council File No: 11-1531

Item No. 1

Deputy: Bureau of Sanitation



CITY OF LOS ANGELES


SANITATION
DEPARTMENT OF
PUBLIC WORKS

City of Los Angeles Single-Use Bag Policy

Energy and Environment Meeting
December 13, 2011
8:30 A.M.


Solid Resources Citywide Recycling
Division



CITY OF LOS ANGELES

SANITATION
DEPARTMENT OF
PUBLIC WORKS


City of Los Angeles Single-Use Bag Ban Background

- 2004 Reyes-Perry (CF# 04-1311) – Plastic Polluting Waterways
 - directed the Bureau of Sanitation and other partners to create a Los Angeles River Plastics Industry Task Force to combat the amount of discarded single-use plastic bags reaching the City’s waterways.
 - Task Force report adopted by the Mayor and City Council in 2005, which called for an ‘Adopt-a-River’ program to clean up litter, and an anti-litter education program.

CITY OF LOS ANGELES

SANITATION
DEPARTMENT OF
PUBLIC WORKS

City of Los Angeles Single-Use Bag Ban Background

- 2008 Reyes-Smith (CF# 08-0166) - Plastic Bag Reduction Program
 - In July 2008, the City Council adopted the following policy statement:
“Adopt a citywide policy banning the use of plastic carryout bags at all supermarkets and retail establishments beginning January 1, 2010, if a fee has not been established by that time; and imposing 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 has not been adopted by that date.”



CITY OF LOS ANGELES
SANITATION
DEPARTMENT OF
PUBLIC WORKS

City of Los Angeles Single-Use Bag Ban Background

- 2010 Smith-Rosendahl-Reyes (CF# 10-2362 - Single-Use Plastic Bags
 - Bureau directed to report back to Council with the next steps necessary to implement a citywide ban of single-use plastic bags.
- 2011 Koretz-Krekorian (CF# 11-1531) - Single-Use Carryout Bags / City Policy
 - Bureau directed to begin environmental review and return with an implementation plan for a single-use bag ban which includes not only plastic bags, but all single use products.



CITY OF LOS ANGELES
SANITATION
DEPARTMENT OF
PUBLIC WORKS

Bureau of Sanitation Discarded Bag Anti-Litter Efforts

- Recycles paper and plastic bags in the residential and multifamily blue bin programs.
- Worked with supermarkets to provide bins for customers to recycle plastic bags.
- Participate in many outreach events: Earth Day, Day Without a Bag, & America Recycles Day,
- Distributed over 250,000 reusable bags in the last five years to assist the public in moving from single-use carryout bags.



Paper, Plastic, or Reusable?

- The Bureau contributed to a Master Environmental Assessment (MEA) on carryout bags. Findings include:
 - Plastic has the greatest potential for litter;
 - Biodegradable do not break down when littered;
 - Paper are recycled at a much higher rate, but have a greater carbon footprint than plastic
 - Reusable bags have a lower carbon footprint than any single use product if reused several times.
- * Banning both single use plastic and paper bags was identified as the environmentally preferable alternative in the EIR prepared by the County of Los Angeles.



Municipalities with Plastic Bag Bans

- | | |
|-----------------------|-----------------------|
| Calabasas | Palo Alto |
| Fairfax | San Francisco |
| Long Beach | San Jose |
| County of Los Angeles | County of Santa Clara |
| Malibu | County of Santa Cruz |
| Manhattan Beach | Santa Monica |
| County of Marin | Sunnyvale |
| Monterey | |
| Oakland | |

State Legislative Activities

2008 – 2009 Legislative Session

- **AB 2829 Plastic Bag Tax (Davis)** Placed a statewide fee on single-use plastic bags. City Council adopted a support position.
- **AB 2058 Recycling: Plastic Carryout Bags: Paper Carryout Bags (Levine)**

2009-2010 Legislative Session

- **AB 68 Single-Use Bag Reduction Act (Brownley)**
- **AB 1998 Plastic Bag Ban (Brownley)** - proposed to ban single-use plastic carryout bags; place a small fee on single-use paper bags; create a performance standard for reusable bags. Supported by the City (CF#10-0002-S65)

2010-2011 Legislative Session –

- **AB 298 Recycling: Reusable Bag (Brownley)**
- **SB 915 Recycling: Plastic Bags (Calderon)**

Single-Use Bag Ban Court Challenges in California

Manhattan Beach was sued on the basis of inadequate CEQA review. MB appealed to the California Supreme Court who allowed the plastic bag ban to go forward without doing an EIR.

Marin County was sued on the same basis. On September 14, 2011, the Court ruled in favor of MC and the bag ban remains in effect.

Los Angeles County was sued on the basis that imposing a fee on paper bags violates Proposition 26.

Palo Alto was sued on the basis of inadequate CEQA review. In July 2009, Palo Alto agreed not to expand the ordinance without first preparing an EIR. The original ordinance is still in effect.

Oakland was sued on the basis of an inadequate CEQA review. The Court directed the City to prepare an EIR and the City's ordinance was revoked on November 21, 2007.

Recommendations

- Adopt a Citywide policy to ban single-use carryout bags in specified retailers, and require retailers to provide reusable bags to customers for sale or at no charge;
- Direct the Bureau to begin the California Environmental Quality Act (CEQA) environmental review process;
- Approve staff positions for implementation of the single-use bag ban;
- Request the City Attorney's Office to review and revise as necessary the attached draft ordinance banning all single-use carryout bags from specified retailers.

Notes on Recommendations

- 'Reusable Bags' have handles and are designed and manufactured to be used a minimum of 125 times, and must be able to be washed or disinfected.
- The ban is recommended for all stores that sell milk, bread, soda and snack food, as well as large stores with a licensed pharmacy.
- The ban would affect 1,800 grocery stores, and potentially 7,500 establishments overall.
- An exemption is recommended for Restaurants.
- Assistance to low-income shoppers is recommended.

LA Sanitation
Bag Ban in California Municipalities

As of: December 15, 2011

	Name of the Municipality	Plastic Bag Ban	Paper Bag Ban	Legal Action	Fee on Paper bag	Exempt to Low Income	Effective Date	Supermarkets	Convenience Stores	Retail Stores	Restaurants	Phased In Implementation	Fines to Enforce	Environmental Documents
1	City of Calabasas	✓			✓	✓	Jul 1, 2011: supermarkets, Jan 1, 2012: convenience stores	✓	✓	✓		✓	✓	Relied on the Environmental Impact Report (EIR) certified by the LA County
2	Town of Fairfax	✓					May 4, 2009: All stores	✓	✓	✓	✓		✓	None
3	City of Long Beach	✓		✓	✓		Aug 1, 2011: supermarkets, Feb 1, 2012: convenience stores	✓	✓	✓				Addendum to Los Angeles County's EIR
4	County of Los Angeles	✓		✓	✓	✓	Jul 1, 2011: supermarkets, Jan 1, 2012: convenience stores	✓	✓	✓		✓	✓	EIR
5	City of Malibu	✓			✓		Jul 1, 2011: supermarkets, Jan 1, 2012: convenience stores	✓	✓	✓		✓		Negative Declaration
6	City of Manhattan Beach	✓		✓			Jan 14, 2012: supermarkets and convenience stores	✓	✓	✓	✓	✓		Negative Declaration
7	County of Marin	✓		✓	✓	✓	January 1, 2012: supermarkets and convenience stores	✓	✓	✓			✓	Categorical exemption to California Environmental Quality Act (CEQA)
8	City of Monterey	✓			✓		Feb. 1, 2012: Retail Establishments with certain exceptions						✓	Negative Declaration
9	City of Oakland	✓		✓			Revoked	✓	✓			✓	✓	EIR in process
10	City of Palo Alto	✓		✓			Mar 30, 2009: Selected 4 stores only	✓					✓	Negative Declaration
11	City of Pasadena	✓			✓	✓	Nov 10, 2011: supermarkets and convenience stores	✓		✓			✓	Addendum to Los Angeles County's EIR
12	City of San Francisco	✓			✓	✓	Dec 1, 2007: supermarkets. Expanding to all retailers including restaurants.	✓	✓	✓			✓	None
13	City of San Jose	✓			✓	✓	Jan 1, 2012: supermarkets and convenience stores	✓	✓	✓		✓		EIR
14	County of Santa Clara	✓			✓	✓	Jan 1, 2012: supermarkets and convenience stores	✓	✓	✓			✓	Negative Declaration
15	County of Santa Cruz	✓		✓	✓		March 20, 2012: supermarkets and convenience stores	✓	✓	✓	✓	✓		Mitigated Negative Declaration

	Name of the Municipality	Plastic Bag Ban	Paper Bag Ban	Legal Action	Fee on Paper bag	Exempt to Low Income	Effective Date	Supermarkets	Convenience Stores	Retail Stores	Restaurants	Phased In Implementation	Fines to Enforce	Environmental Documents
16	City of Santa Monica	√			√	√	Mar 9, 2011: supermarkets and convenience stores	√	√				√	EIR
17	City of Sunnyvale	√			√	√	Jan 1, 2012: supermarkets/retailers greater than 10,000 square feet excluding restaurants and nonprofit/charitable organizations	√	√	√		√	√	EIR
18	City of Berkeley				√	√	N/A	√	√	√		√		Waiting for Alameda County-wide EIR
19	City of Dana Point				√		N/A	√	√	√				None
20	City of Fremont				√	√	N/A	√	√	√	√			Waiting for Alameda County-wide EIR
21	City of Huntington Beach				√	√	N/A	√	√					EIR in process
22	City of Laguna Beach						N/A							Negative Declaration
23	City of Milpitas				√		N/A							None
24	City of Palm Desert				√		N/A							None
25	City of Santa Barbara						N/A							None
26	City of Santa Cruz				√		N/A							Mitigated Negative Declaration by County of Santa Cruz
27	City of Solano Beach				√		N/A							Negative Declaration
28	City of West Hollywood				√		N/A							None