

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: February 7, 2019

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso 
Chief Legislative Analyst

Council File No: 19-0002-S15
Assignment No: 19-01-0085

SUBJECT: Producer Pays Principle for single-use plastics

CLA RECOMMENDATION: Adopt Resolution (Koretz – Blumenfield) to include in the City’s 2019-2020 State Legislative Program SUPPORT or SPONSORSHIP for legislation and/or administrative action that would establish a Producer Pays Principle for single-use plastics and the eventual phase out of plastics for packaging purposes.

SUMMARY

Extended Producer Responsibility (EPR) is a waste-management policy in which producers are given a significant responsibility, financial and/or physical, for the treatment or disposal of post-consumer products. EPR is used as a waste-management strategy in many countries for a variety of end-of-use waste products, such as rubber tires, used electronics, and batteries. The Organization for Economic Co-operation and Development (OCED) has recommended placing the responsibility for the post-consumer phase of certain goods, including single-use plastics for packaging purposes, on producers.

The Resolution recommends support or sponsorship for legislation or administrative action that would establish a Producer Pays Principle, which would institute Extended Producer Responsibility requirements for single-use plastics and packaging and include the eventual phasing out of plastics for packaging purposes.

BACKGROUND

The World Economic Forum has reported that plastics in the ocean will outweigh fish pound for pound by 2050 if the production and improper disposal of plastics continues at predicted rates. Fossil fuel companies have pledged multibillion dollar investments to drastically increase plastic production by 2027, which will additionally have a significant increase in greenhouse gas emissions.

China’s National Sword policy, which went into effect in February 2018, restricts the import of 24 types of waste material and set a tougher standard for contamination levels in others. The recycling infrastructure of many state and local jurisdictions have long been dependent on China as a buyer of recyclable materials. Each year, California exports about a third of the recyclable material it collects. California has taken a piecemeal approach to the problems associated with single-use items and, in particular, single-use plastics such as plastic bags, polystyrene, straws, and utensils.

China's recent prohibitions and restrictions have required State and local jurisdictions to create new approaches to waste management, such as the institution of Extended Producer Responsibility for certain types of waste products. Assigning such responsibility could provide incentives to prevent wastes at the source, promote product design for the environment and support the achievement of public recycling and materials management goals. Other product groups and waste streams may include electrical appliances and electronics.

Resolution (Koretz – Blumenfield) states that legislation should be introduced which would give producers deadlines and incentives to eliminate the use of plastics and packaging, such as tax breaks, prior to designating a single-use plastic waste product phase out date in order to address the prevalence of plastic waste.

DEPARTMENTS NOTIFIED

Public Works, Bureau of Sanitation

A handwritten signature in black ink, appearing to read 'Tristan Noack', written over a horizontal line.

Tristan Noack
Analyst

SMT:tcjn

Attachment: Resolution

RESOLUTION

WHEREAS, any official position of the City of Los Angeles, with respect to legislation, rules, regulations or policies proposed to or pending before a local, state, or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the World Economic Forum has reported that plastics in our oceans will outweigh fish pound for pound by 2050 at the current rates of plastic production and disposal; and

WHEREAS, China's National Sword policy restricts imports of solid wastes, including various plastic, paper, and solid waste; and

WHEREAS, the sale of recyclable materials to China is a foundation of the recycling infrastructure of many states, including California; and

WHEREAS, the Organization for Economic Co-operation and Development (OCED) has recommended placing the responsibility for the post-consumer phase of certain goods on producers; and

WHEREAS, Extended Producer Responsibility (EPR) is a policy in which producers are given a significant responsibility, financial and/or physical, for the treatment or disposal of post-consumer products; and

WHEREAS, assigning such a responsibility could provide incentives to prevent wastes at the source, promote product design for the environment, and support the achievement of public recycling and materials management goals; and

WHEREAS, legislation should be introduced which gives producers deadlines and incentives to eliminate the use of plastics and packaging, such as tax breaks, prior to designating a single-use plastic waste product phase out date;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes into its 2019-2020 State Legislative Program SUPPORT or SPONSORSHIP for legislation and/or administrative action that would establish a Producer Pays Principle, which would institute Extended Producer Responsibility requirements for single-use plastics and packaging and include the eventual phasing out of plastics for packaging purposes.

PRESENTED BY: Paul Koretz
PAUL KORETZ
Councilmember, 5th District

SECONDED BY: [Signature]

ORIGINAL

tcjn

JAN 25 2019

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