

**CALENDAR ITEM
C07**

A Statewide

05/23/13

S Statewide

S. Pemberton

**CONSIDER SUPPORTING STATE LEGISLATION THAT WOULD PROHIBIT
STORES THAT HAVE A CERTAIN AMOUNT OF SALES OR RETAIL
FLOOR SPACE FROM PROVIDING SINGLE-USE CARRYOUT BAGS**

INTRODUCTION:

State Lands Commission (Commission) staff has been reviewing various legislative proposals introduced in the 2013-14 legislative session that involve lands under the Commission's jurisdiction. This report describes proposed legislation (AB 158 – Levine) that would prohibit stores that have a certain amount of sales or retail floor space from providing single-use carryout bags and would require these stores to make reusable bags available for purchase by a customer. The legislation also sets standards for the definition of "reusable" and creates a reusable bag certification program funded by producer fees and administered by the Department of Resources Recycling and Recovery (CalRecycle). This report further proposes that the Commission consider adopting a support position on this legislation.

LEGISLATIVE PROPOSAL:

AB 158 (Levine): Solid waste: single-use carryout bags

SUMMARY:

AB 158 prohibits stores that have a certain amount of sales or retail floor space from providing single-use carryout bags and requires these stores to comply with various requirements, including making reusable bags available to customers for sale. The bill also sets standards for the definition of "reusable" and creates a reusable bag certification program administered by the Department of Resources, Recycling, and Recovery and funded by a producer fee paid to CalRecycle. Beginning January 1, 2015, these requirements would be imposed on retail stores that meet the sale and retail floor space threshold. These requirements would be applied to convenience food stores, foodmarts, and certain other stores, beginning on July 1, 2016.

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Manufacturers would be prohibited from selling or distributing reusable bags unless they are made from a material that can be cleaned or disinfected, do not contain lead, cadmium or other heavy metal in toxic amounts, and have printed on the bag, or on a tag attached to the bag, information about the bag manufacturer and end-of-life management instructions or a recycling symbol.

Stores would be required to provide customers participating in the California Special Supplemental Food Program for Women, Infants, and Children with a reusable grocer bag or recycled paper bag at no cost. The bill would also allow cities, counties and the State to impose civil liability of up to \$500 for the first violation, \$1,000 for the second, and \$2,000 for third and subsequent violations. The bill would also allow CalRecycle to impose an administrative civil penalty of up to \$500 per violation against a reusable grocery bag producer for violating the certification requirements.

BACKGROUND:

Nineteen billion plastic bags are used in California every year, costing taxpayers approximately \$25 million annually to collect and dispose. Less than 5% of all single use plastic bags are recycled. Litter and marine debris from single use plastic bags pollute California's beaches, ocean, and other waterways, most of which involve state-owned sovereign land subject to the public trust. Plastic waste is the predominate form of marine debris, estimated to comprise 60-80% of all marine debris and 90% of all floating debris. Most plastic marine debris exists as small plastic particles. These plastic pieces are ingested by aquatic organisms and negatively affect hundreds of animal species worldwide.

Approximately fifty local jurisdictions in California have already passed ordinances banning single use bags, placing 33% of Californians under a single use bag ordinance. Banning single use bags statewide will significantly reduce plastic waste, reduce ocean pollution, and help maintain a healthy ecosystem. Given that the environmental hazards of single use plastic bags are well documented, staff believes the State should establish uniform standards for all of California.

OTHER PERTINENT INFORMATION:

Single-use bag ordinances are in place in numerous countries and major U.S. cities, including China, Denmark, Australia, Bangladesh, the United Kingdom, France, Rwanda, Somalia, Italy, Ireland, New York City, Seattle, and Washington, D.C. Altogether, 25% of the world's population now lives in areas with bans or fees on plastic bags.

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The Commission has supported four similar bills in previous years, including adopting a resolution at their June 1, 2009 meeting in support of state legislation that would have significantly reduced litter and marine debris and encouraged the use of reusable shopping bags by taking measures such as placing a fee on single-use shopping bags.

AB 158 was approved by the Assembly Natural Resources Committee on April 1, 2013, and is currently on the Assembly Appropriations Committee Suspense File.

The bill is supported by American Federation of State, County and Municipal Employees, AFL-CIO, Bag It, Californians Against Waste, California Coastal Coalition, California Coastkeeper Alliance, City of Encinitas, City and County of San Francisco, Clean Water Action/Clean Water Fund, Environment California, Environmental Working Group, Green Sangha, Heal the Bay, Long Beach Coalition for a Safe Environment, Los Angeles Waterkeeper, Monterey County Board of Supervisors, PlasticBagLaws.org, Plastic Pollution Coalition, Natural Resources Defense Council, Seventh Generation Advisors, Sierra Club, Surfrider Foundation, Team Marine, Santa Monica High School, Turtle Island Restoration Network, United Food & Commercial Workers Western States Council, Valley Industry and Commerce Association and 5 Gyres Institute.

The bill is opposed by the American Forest & Paper Association and the Association of California Cities, Orange County

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

1. Adopt a support position on AB 158 (Levine).