

**ALTERNATIVE 5 – The County, in partnership with large supermarkets and retail stores, the plastic bag industry, environmental organizations, recyclers and other key stakeholders will develop a voluntary Single Use Bag Reduction and Recycling Program to: promote reusable bags, increase at-store recycling of plastic bags, reduce consumption of single use bags, increase post-consumer recycled content of paper bags, and promote public awareness of litter impacts and consumer responsibility. In addition, an ordinance aimed at implementing a plastic bag ban, to be effective if the County program goals are not met, will be brought to the Board for adoption.**

To reduce plastic bag litter and promote a change in consumer behavior, the County's working group (in close partnership with large supermarkets, retail stores, industry, recycling and waste management companies, cities, environmental organizations, and consumers) will develop a comprehensive Single Use Bag Reduction and Recycling Program no later than July 1, 2008. The County working group, at a minimum, consists of all Supervisorial Districts, the Chief Executive Office, Department of Public Works, Internal Services Department and Department of Public Health. The goals of the program include promoting reusable bags, increasing at-store recycling of plastic bags, reducing single-use bag consumption, increasing the post-consumer recycled content of paper bags, and promoting public awareness of litter impacts and consumer responsibility Countywide.

### **Single Use Bag Reduction and Recycling Program**

The Bag Reduction Program shall include the following minimum elements:

#### *Large Supermarket and Retail Store Responsibilities*

Each large supermarket and retail store will develop and implement store-specific programs from a menu of options within each of the following key components:

1. A plan to train store personnel to promote the purchase/use of reusable bags, smart bagging techniques to reduce single use bag consumption, and increased promotion of at-store recycling of plastic bags.
2. Establishing incentives for reducing single use bag consumption, such as reusable bag credits, a per-bag fee for single use bags, or other incentives.
3. Participation in reusable bag promotions and other educational efforts, including reusable bag giveaways, consumer education programs, elementary school programs, in-kind contributions, and other opportunities for promoting environmental awareness.

### Manufacturer and Trade Association Responsibilities

1. Encourage members and other retailers to participate in the Bag Reduction and Recycling Program and in promoting the recycling of single-use bags.
2. Provide technical assistance to other retailers and County staff on how to set up at-store recycling programs so that the collected materials are marketable.
3. Participate in media events to promote the Bag Reduction and Recycling Program.
4. Work with large supermarkets and retail stores to provide the County with plastic bag consumption and at-store recycling data (including end markets for recovered plastic bags), as required by Assembly Bill 2449, on a semi-annual basis (reporting dates anticipated to be by April 1 and October 1 each year beginning in 2008), following the development of a reporting framework by the California Integrated Waste Management Board.
5. Work with large supermarkets and retail stores to promote the use of at least 40 percent post-consumer recycled content paper bags by January 1, 2009.

### County Working Group Responsibilities

The success of the Bag Reduction and Recycling Program will be the result of efforts made by all stakeholders, including the County. In order to maximize the effectiveness of the Bag Reduction and Recycling Program, the County working group (in close partnership with large supermarkets, retail stores, industry, recycling and waste management companies, cities, environmental organizations, and consumers) will:

1. Facilitate regular stakeholder meetings on at least a quarterly basis.
2. Define "large supermarkets and retail" stores. At a minimum, the definition would include all stores required to comply with Assembly Bill 2449.
3. Develop the framework for the store-specific programs under "Large Supermarkets and Retail Store Responsibilities" no later than July 1, 2008. The framework would establish minimum participation expectations, including participation levels and minimum program implementation at each store. In order to encourage participation by individual stores and expand the Bag Reduction and Recycling Program's effectiveness, minimum participation expectations would be adjusted annually.
4. Create a program to recognize large supermarkets and retail stores who have shown a commitment to participating in the Bag Reduction and Recycling Program.
5. Purchase reusable bags for large-scale giveaways to promote consumer use of reusable bags.

6. Work with County departments and facilities to phase out the purchase and use of single use plastic bags, and maximize the recycled content of paper bags, meeting a minimum 40 percent recycled content.
7. Develop performance measurements and indicators that reflect the Bag Reduction and Recycling Program outcomes.
8. Communicate and collaborate with the 88 Cities in Los Angeles County and local Council of Governments to create a Countywide coordinated and consistent anti-litter campaign, and develop a sample resolution for cities to adopt the Bag Reduction and Recycling Program.
9. The County, in collaboration with participating cities, would identify “hot spots” where plastic bag litter is acute, based on existing studies, and establish additional litter prevention programs (including best management practices and a framework for measuring litter reduction in these hot spots).
10. Work with the State and other experts to develop and expand the recycling market infrastructure.
11. Develop public educational materials that promote reusable bags and at-store recycling with a consistent message, and work with County departmental recycling coordinators to ensure distribution of promotional materials to employees and at facilities, events, or other appropriate opportunities.
12. Develop strategies to reduce the consumption and disposal and increase the recycling of all single use bags and maximize the post-consumer recycled content of all bags provided to the public in order to help develop markets for recyclable materials and decrease use of raw materials.
13. Establish the disposal rate measurement methodology to evaluate the success of the County goals (as described below). At a minimum, the methodology will measure the reduction in consumption of plastic bags, increased at-store recycling of plastic bags, and plastic bags recovered at recycling facilities, on a semi-annual basis, while fully protecting confidential industry information. The County shall establish a framework by which the data submitted is confirmed to be accurate and verifiable on a regular basis.
14. Develop semi-annual progress reports to the Board regarding implementation of the Bag Reduction and Recycling Program.
15. 60 days prior to each milestone date identified in the County Goals below, develop a report in concert with all stakeholders which measures the success of the Bag Reduction and Recycling Program, identifies barriers to success, and makes recommendations for adjustments to the methodology and/or goals, as appropriate.

## **County Goals To Measure The Success Of The Bag Reduction and Recycling Program**

The County working group will work collaboratively towards the following goals, which will serve to measure the success of the Bag Reduction and Recycling Program.

### County Goals

Using total consumption for Fiscal Year 2007-08 as the baseline, reduce the disposal rate of plastic bags by:

- a. A minimum of 35 percent by the end of Fiscal Year 2009-10.
- b. A minimum of 70 percent by the end of Fiscal Year 2012-13.

### Enforcement

To ensure the success of the Bag Reduction and Recycling Program, County Counsel, with input from the County working group, will draft an ordinance by April 1, 2009 banning plastic carryout bags at large supermarkets and retail stores, upon completion of any necessary environmental review in compliance with the California Environmental Quality Act. This ban, which would require Board of Supervisors' prior approval of the ordinance, could be effective as early as July 1, 2010, if either of the above County Goals are not met by the prescribed deadlines.

Within the report provided to the Board 60 days prior to each milestone date above, the County working group shall make a determination, in concert with stakeholders, regarding the success of the program and implementation of the County Goals. In making this determination, the County working group will take into consideration "good faith" efforts by stakeholders to achieve these goals, along with additional measures of success (such as participation levels in the Bag Reduction and Recycling Program, successful implementation of store-specific programs, and reduction of litter at identified hot spots, as appropriate). The County working group may recommend to the Board a one-year extension to meet the County goal, provided the achieved reduction is within a five percent margin of the County goal and all components of the Bag Reduction and Recycling Program have been satisfied.



MINUTES OF THE BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Sachi A. Hamai, Executive Officer-  
Clerk of the Board of Supervisors  
383 Kenneth Hahn Hall of Administration  
Los Angeles, California 90012

At its meeting held January 22, 2008, the Board took the following action:

18

The following statement was entered into the record for Supervisors Burke and Yaroslavsky:

“On April 10, 2007, this Board instructed the Chief Executive Officer to work with the Director of Internal Services and the Director of Public Works to investigate polyethylene plastic and paper sack consumption in the County and explore alternatives for reducing the related grocer and retail sack waste. While the finalized report is expected to come before the Board in January 2008, the Department of Public Works issued an interim report last August entitled “An Overview of Carryout Bags in Los Angeles County” which highlighted the considerable number of single-use bags used in the County and the detrimental environmental and ecological impacts of inappropriate disposal.

“Discussed in this report was the effectiveness of a per bag fee that has reduced the consumption of plastic carryout bags elsewhere. This program also provides flexibility to the consumer in the event they don’t have their reusable bags at the time of purchase. This concept has proven very effective in Ireland, where a 25¢ (U.S.) fee on each bag has reduced consumption by 95%. The collected revenue is used to fund litter abatement and other environmental initiatives.

“A per bag fee, coupled with public education, could have a profound impact in decreasing the 6 billion single-use plastic bags consumed in Los Angeles County each year, resulting in fewer plastic bags littered. However, current California state law preempts local governments from imposing a per bag fee on plastic carryout bags at supermarkets and retail businesses.”

(Continued on Page 2)

18 (Continued)

Therefore, on motion by Supervisor Yaroslavsky, seconded by Supervisor Burke, duly carried by the following vote: Ayes: Supervisors Yaroslavsky, Knabe and Burke; Noes: Supervisor Antonovich; Absent: Supervisor Molina, the Board instructed the Chief Executive Officer to include in the 2007-08 State Legislative Agenda the sponsoring or pursuit of legislation to enact the following:

1. Repeal the provision of Assembly Bill 2449 (Section 42254(b)(2) of the Public Resources Code) which prohibits any public agency, including local governments, from imposing a fee on plastic carryout bags at supermarkets and retail stores; and
2. Implement a Statewide fee on plastic carryout bags, with the provision that funds raised would be directed to local governments on a per-capita basis for litter prevention and source reduction efforts; or, establish Statewide benchmarks to reduce the consumption of plastic carryout bags and increase at-store recycling of plastic bags.

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(SEE ALSO BOARD ORDER NO. 19 THIS DATE)



MINUTES OF THE BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Sachi A. Hamai, Executive Officer-  
Clerk of the Board of Supervisors  
383 Kenneth Hahn Hall of Administration  
Los Angeles, California 90012

At its meeting held January 22, 2008, the Board took the following action:

19

The following item was called up for consideration:

The Chief Executive Officer's recommendation to adopt the "County of Los Angeles' Single Use Bag Reduction and Recycling Program," which provides the framework for implementing voluntary single use bag reduction and recycling by the County, and large supermarkets and retail stores, with the Program to include specific goals for the reduction of carryout plastic bags and preparation of an ordinance to ban such plastic bags in County unincorporated areas if reduction goals are not met by prescribed deadlines; instruct the Chief Executive Officer, in partnership with the Directors of Public Works, Internal Services, Public Health, and the Sanitation Districts, and key stakeholders, including large supermarkets and retail stores, the plastic bag industry, environmental organizations, and recyclers, to implement the voluntary Single Use Bag Reduction and Recycling Program by July 1, 2008 that: promotes reusable bags; reduces the use of disposable plastic bags; increases at-store recycling of plastic bags; increases post-consumer recycled content of paper bags; and promotes public awareness of litter impacts and consumer responsibility; instruct County Counsel, in consultation with the Chief Executive Office, Public Works, Internal Services, Public Health, and the Sanitation Districts, to complete by April 1, 2009, a draft ordinance banning plastic carryout bags at large supermarkets and retail stores upon completion of any necessary environmental review in compliance with the California Environmental Quality Act; and receive and file the report entitled, "An Overview of Carryout Bags in Los Angeles County."

(Continued on Page 2)

Also consideration of Supervisors Burke and Yaroslavsky's recommendation to instruct the Single Use Bag Reduction and Recycling Program Work Group to take the following actions; and instruct the Chief Executive Officer to send a five-signature letter and draft resolution to all Mayors, City Managers and Councils of Governments within the County requesting their participation in the Single Use Bag Reduction and Recycling Program:

- a) Report back to the Board by July 1, 2008 on a plan for integrating convenience stores and other appropriate franchise stores whose cumulative square footage exceeds 10,000 sq ft into the Program by July 1, 2009, consistent with the County's adopted goals; and
- b) Consider the following approaches when verifying the data that will be included in the Disposal Rate Measurement: a manifest system; tipping fees; third-party verification; County verification; and ensure that a draft framework is made available to stakeholders for review prior to adoption.

Also consideration of Supervisors Antonovich and Knabe's recommendation as presented on the Supplemental Agenda, to direct the Chief Executive Officer, working with the Director of Public Works and County Counsel, to prepare an ordinance for the Board consistent with the staff recommendations in Alternative 5 which recommends implementing a voluntary "Single Use Bag Reduction and Recycling Program," and incorporate the following revisions:

- 1. Reduce the benchmarks in Alternative by 5% (2010 benchmark reduced from 35% to 30% and 2013 benchmark from 70% to 65%);
- 2. With respect to the one-year extension if benchmarks are not achieved, reduce "forgiveness" rate from 5% to 3%;
- 3. Change the completion date of a draft ordinance banning plastic bags from April 1, 2009 to April 1, 2010, with an understanding that staff will initiate and complete the required California Environmental Quality Act review in advance of the 2010 target date; and
- 4. Direct staff to provide quarterly progress reports to the Board of Supervisors and interested stakeholders.

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Jennifer Forkish, spokeswoman for the California Grocers Association; Mark Gold, President of Heal the Bay; and other interested persons addressed the Board.

Richard Weiss, Assistant, County Counsel; Donald Wolfe, Director and Paul Alba, Senior Civil Engineer, Department of Public Works answered questions posed by the Board.

Supervisor Yaroslavsky made the following statement:

“Each year, six billion single-use plastic carryout bags are consumed by residents Countywide. A significant number become litter since they are lightweight and easily windblown, ending up in our waterways, the ocean, our streets, our parks, and our open space. This has led to a serious detrimental impact on our quality of life, our natural environment and the County’s recreational economy. Because plastic carryout bags contribute disproportionately to the litter stream, making up as much as 20% of the litter collected, it has also resulted in significant costs to residents.

“To reduce the number of plastic bags littered, Assembly Bill 2449 requires, among other things, plastic carryout bags to have the following words imprinted, ‘please return to a participating store for recycling.’ Although this recycling message is important, we can and must do more to raise consumer awareness of the environmental impacts associated with littered plastic bags. By making consumers more aware of the problem, consumers would be motivated to use reusable bags more often, thereby ensuring the success of the Single Use Bag Reduction and Recycling Program.

“I therefore recommend that the Board of Supervisors:

1. Instruct the Single Use Bag Reduction and Recycling Program Work Group to develop an environmental awareness message to be imprinted on each plastic carryout bag distributed by large supermarkets and retail stores describing the negative impacts littered plastic carryout bags have on the environment and wildlife, and the need to use reusable bags. This environmental awareness message would be a required feature under Alternative 5, Large Supermarket and Retail Store Responsibilities, Item 3;

(Continued on Page 4)

19 (Continued)

2. Instruct County Counsel, with input from the Single Use Bag Reduction and Recycling Program Work Group to explore the development of an ordinance mandating the environmental awareness message described above to be imprinted on each plastic carryout bag distributed by, at a minimum, large supermarkets and retail stores in the unincorporated County areas; and
3. Instruct the Chief Executive Officer to include in the 2007-2008 State Legislative Agenda the sponsoring or pursuit of legislation to amend the provision of Assembly Bill 2449 (Section 42252(a) of the Public Resources Code) to also require an environmental awareness message imprinted on each plastic carryout bag describing the negative impacts littered plastic carryout bags have on the environment and wildlife, and the need to use reusable bags. Currently, Assembly Bill 2449 only requires plastic carryout bags to have the following words imprinted, 'please return to a participating store for recycling.'"

Supervisor Yaroslavsky made a motion, seconded by Supervisor Burke, for consideration of his foregoing motion for Board approval.

After further discussion, Supervisor Yaroslavsky made a suggestion to divide the question.

Therefore, on motion of Supervisor Knabe, seconded by Supervisor Antonovich, duly carried by the following vote: Ayes: Supervisors Knabe, Antonovich and Burke; Noes: Supervisors Molina and Yaroslavsky, Supervisors Knabe and Antonovich's recommendation, regarding Alternative 5 which recommends implementing a voluntary "Single Use Bag Reduction and Recycling Program, was approved.

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19 (Continued)

Furthermore, on motion by Supervisor Burke, seconded by Supervisor Yaroslavsky, duly carried by the following vote: Ayes: Supervisors Molina, Yaroslavsky, Knabe, Antonovich and Burke; Noes: None, the Chief Executive Officer's aforementioned recommendation, including Supervisors Burke and Yaroslavsky's amendment on the posted agenda and Supervisor Yaroslavsky's amendment introduced at the meeting, were approved.

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Copies distributed:

- Each Supervisor
- Chief Executive Officer
- County Counsel
- Chief Engineer and General Manager
- County Sanitation Districts
- Director of Health Services
- Director of Internal Services
- Director of Public Health
- Director of Public Works

(ALSO SEE BOARD ORDER NO. 18 THIS DATE)



MINUTES OF THE BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Sachi A. Hamai, Executive Officer-  
Clerk of the Board of Supervisors  
383 Kenneth Hahn Hall of Administration  
Los Angeles, California 90012

At its meeting held February 6, 2008, the Board took the following action:

6

Supervisor Molina made the following statement:

“Plastic carryout bags have a significant negative impact on wildlife and the environment. The California Integrated Waste Management Board found that Los Angeles County uses enough plastic bags to form a string long enough to reach the moon and back five times. That's the equivalent of a string of plastic bags 2,388,569 miles long.

“Last week the Board approved a policy aimed at reducing the use of plastic carryout bags in the unincorporated areas of Los Angeles County. The policy set the thresholds for participation in the program and voluntary reduction goals. While this policy is a step in the right direction, our Board requires additional information, which is critical to adequately assess the impacts a 30 percent and a 65 percent reduction will have on the overall proliferation of plastic bag litter, such as the number of grocery and retail stores in the unincorporated areas, which would be subject to the policy. This information is essential in assessing if the Board's policy will have any meaningful reduction in the use of plastic carryout bags.

“The unincorporated areas of my District do not have many grocery and retail stores fitting the provisions for inclusion under AB 2449. In fact, the majority of the residents in my unincorporated areas shop at small family owned neighborhood stores. Consequently, as currently defined, a 65 percent reduction in the use of plastic carryout bags in the unincorporated areas of my District may be meaningless in its impact on reducing actual plastic bag litter.

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“The unincorporated areas in my District are surrounded by the San Gabriel and Los Angeles Rivers, and are subject to a number of Total Maximum Daily Loads requirements by the Regional Water Board, including a zero trash limit. Our Department of Public Works has been struggling to meet these requirements for some time. The County is currently considering a parcel fee to help fund water quality improvements as our existing sources are not sufficient to meet our obligations. The more effective we are in reducing the usage of plastic bags in our unincorporated areas, the less public funds we will need to spend to meet our clean up requirements.”

Therefore, Supervisor Molina made a motion that the Board instruct the Chief Executive Officer and the Director of Public Works to do the following actions:

1. Report back within 60 days on the following:
  - A listing of stores in the unincorporated areas that will be subject to the County’s plastic bag policy;
  - The methodology that will be used to monitor, track and evaluate the progress these stores are making in meeting the Board’s policy’s goals; and
  - A listing of the grocery and retail stores not subject to the policy by relying on information from public health and business licenses; and
2. Request the plastic bag working group to evaluate other methods to reduce the use of plastic carryout bags in smaller stores located in the unincorporated areas of the County. At a minimum, evaluate instituting a standard prohibition on the use of plastic bags via the County’s business licensing and conditional use permits.

(Continued on Page 3)

6 (Continued)

Supervisor Antonovich made the following statement:

“Recently the Board of Supervisors adopted a comprehensive policy to reduce significantly the use of plastic bags in County unincorporated areas. The proposed motion (Item 6) provides additional direction to County staff and the Plastic Bag Working Group regarding implementation of the Board-approved policy. It is important that elected officials be kept informed of the on going work of the Plastic Bag Working Group and staff, that the workings of this Group be consistent with State environmental laws, and that any proposed restrictions applied to all future County permits be reviewed and considered by the Board before adoption.”

Therefore, Supervisor Antonovich made a suggestion that Supervisor Molina’s motion be amended to further direct the Chief Executive Officer and the Director of Public Works to:

1. Invite representatives from all Board offices to all scheduled meetings of the Plastic Bag Working Group;
2. Forward to the Board written reports of the deliberations of every Plastic Bag Working Group meeting;
3. Prepare the appropriate California Environmental Quality Act clearance relative to the environmental impacts of any alternatives to disposable plastic bags (paper bags, compostable plastic bags, reusable bags, or other alternatives); and
4. Bring back to the Board for deliberation any prohibition on plastic bags that is proposed to be required on all future Conditional Use Permits and business licenses.

Supervisor Molina’s motion, as amended, seconded by Supervisor Yaroslavsky, was unanimously carried.

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Copies distributed:

Each Supervisor  
Chief Executive Officer  
County Counsel  
Director of Public Works

**ASSEMBLY BILL**

**No. 2058**

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**Introduced by Assembly Member Levine**

February 19, 2008

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An act to amend Section 42257 of, and to add Section 42252.5 to, the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 2058, as introduced, Levine. Recycling: plastic carryout bags.

(1) Existing law requires an operator of a store, as defined, to establish an at-store recycling program that provides customers the opportunity to return clean plastic carryout bags to that store. Existing law imposes various requirements on at-store recycling programs, including requiring a store to maintain records describing the collection, transport, and recycling of plastic carryout bags collected by the store.

This bill would, on and after July 1, 2011, prohibit a store from providing plastic carryout bags to customers unless the store demonstrates an increased diversion rate, as defined, of 35% in the number of plastic carryout bags provided by the store during a specified period. The bill would, on and after July 1, 2013, prohibit a store from providing plastic carryout bags to customers unless the store demonstrates an increased diversion rate of 70% in the number of plastic carryout bags provided by the store during a specified period. The bill would authorize a store to sell a plastic carryout bag to a customer at a cost greater than or equal to \$0.15 per bag as an alternative to demonstrating the increased diversion rates.

(2) Under existing law, the above provisions are effective only until January 1, 2013.

This bill would extend the effective date of those provisions until January 1, 2015.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 42252.5 is added to the Public Resources  
2 Code, to read:

3 42252.5. (a) Except as provided in subdivision (c), on and  
4 after July 1, 2011, a store shall not provide a plastic carryout bag  
5 to a customer unless the store demonstrates to the board that, in  
6 comparison to the number of plastic carryout bags provided by the  
7 store to customers and subjected to diversion in the 2007 calendar  
8 year, at least 35 percent more plastic carryout bags provided by  
9 the store to customers during the 12-month period ending on  
10 December 31, 2010, and annually thereafter, have been subjected  
11 to diversion, as described in subdivision (d).

12 (b) Except as provided in subdivision (c), on and after July 1,  
13 2013, a store shall not provide a plastic carryout bag to a customer  
14 unless the store demonstrates to the board that, in comparison to  
15 the number of plastic carryout bags provided by the store to  
16 customers and subjected to diversion in the 2007 calendar year, at  
17 least 70 percent more plastic carryout bags provided by the store  
18 to customers during the 12-month period ending on December 31,  
19 2012, and annually thereafter, have been subjected to diversion,  
20 as described in subdivision (d).

21 (c) A store may sell a plastic carryout bag to a customer at a  
22 cost greater than or equal to fifteen cents (\$0.15) per bag.

23 (d) (1) Diversion, for purposes of this section, includes a  
24 reduction in the volume of plastic carryout bags provided to  
25 customers and an increase in the volume of plastic carryout bags  
26 recycled.

27 (2) All of the following are diversion for purposes of this  
28 section:

29 (A) Diversion of plastic carryout bags provided by an individual  
30 store.

31 (B) Diversion of plastic carryout bags provided by a chain of  
32 stores under common ownership.

1 (C) Diversion of plastic carryout bags within a city, county, or  
2 region.

3 (D) Diversion of plastic carryout bags within the entire state.

4 SEC. 2. Section 42257 of the Public Resources Code is  
5 amended to read:

6 42257. This chapter shall remain in effect only until January  
7 1, ~~2013~~, 2015, and as of that date is repealed, unless a later enacted  
8 statute, that is enacted before January 1, ~~2013~~, 2015, deletes or  
9 extends that date.

**ASSEMBLY BILL**

**No. 2829**

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**Introduced by Assembly Member Davis**

February 22, 2008

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An act to amend Sections 42252 and 42254 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 2829, as introduced, Davis. Recycling: plastic carryout bags.

(1) Existing law requires an operator of a store, as defined, to establish an at-store recycling program that provides an opportunity for a customer of the store to return clean plastic carryout bags to that store (at-store recycling program). Existing law requires a plastic carryout bag provided by a store to have printed or displayed on the bag the words "PLEASE RETURN TO A PARTICIPATING STORE FOR RECYCLING." A local agency or the state is authorized to enforce these provisions by imposing a civil penalty for a violation of these requirements.

This bill would additionally require each plastic carryout bag provided by the store to have printed or displayed on the bag an environmental awareness statement describing the negative impacts on the environment and wildlife caused by littered plastic carryout bags and encouraging the use of reusable bags.

(2) Existing law prohibits a city, county, or other public agency from adopting, implementing, or enforcing an ordinance, resolution, regulation, or rule that, among other things, imposes a plastic carryout bag fee upon a store that has established an at-store recycling provision.

This bill would delete the prohibition on a city, county, or other public agency from imposing a plastic carryout bag fee upon a store.

(3) This bill would declare the intent of the Legislature to enact legislation to assess a statewide charge on plastic carryout bags, and to direct the revenues raised by that charge to local governments, on a per capita basis, to fund litter prevention programs and source reduction efforts.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature hereby declares its intention to  
2 enact legislation to assess a statewide charge on plastic carryout  
3 bags and to direct the revenues raised by that charge to local  
4 governments, on a per capita basis, to fund litter prevention  
5 programs and source reduction efforts.

6 SEC. 2. Section 42252 of the Public Resources Code is  
7 amended to read:

8 42252. An at-store recycling program provided by the operator  
9 of a store shall include all of the following:

10 (a) ~~A~~Each plastic carryout bag provided by the store shall have  
11 printed or displayed on the bag, in a manner visible to a consumer,  
12 ~~the words "PLEASE RETURN TO A PARTICIPATING STORE~~  
13 ~~FOR RECYCLING."~~ both of the following:

14 (1) The words "PLEASE RETURN TO A PARTICIPATING  
15 STORE FOR RECYCLING."

16 (2) An environmental awareness statement describing the  
17 negative impacts on the environment and wildlife caused by littered  
18 plastic carryout bags and encouraging the use of reusable bags.

19 (b) A plastic carryout bag collection bin shall be placed at each  
20 store and shall be visible, easily accessible to the consumer, and  
21 clearly marked that the collection bin is available for the purpose  
22 of collecting and recycling plastic carryout bags.

23 (c) All plastic bags collected by the store shall be collected,  
24 transported, and recycled in a manner that does not conflict with  
25 the local jurisdiction's source reduction and recycling element,  
26 pursuant to Chapter 2 (commencing with Section 41000) and  
27 Chapter 3 (commencing with Section 41300) of Part 2.

28 (d) The store shall maintain records describing the collection,  
29 transport, and recycling of plastic bags collected for a minimum  
30 of three years and shall make the records available to the board or

1 the local jurisdiction, upon request, to demonstrate compliance  
2 with this chapter.

3 (e) The operator of the store shall make reusable bags available  
4 to customers within the store, which may be purchased and used  
5 in lieu of using a plastic carryout bag or paper bag. This subdivision  
6 is not applicable to a retail establishment specified pursuant to  
7 subdivision (b) of Section 42251.

8 SEC. 3. Section 42254 of the Public Resources Code is  
9 amended to read:

10 42254. (a) The Legislature finds and declares that all of these  
11 are matters of statewide interest and concern:

12 (1) Requiring a store to collect, transport, or recycle plastic  
13 carryout bags.

14 (2) Imposing a plastic carryout bag fee upon a store.

15 (3) Requiring a store to conduct auditing or reporting with regard  
16 to plastic carryout bags.

17 (b) Unless expressly authorized by this chapter, a city, county,  
18 or other public agency shall not adopt, implement, or enforce an  
19 ordinance, resolution, regulation, or rule to do any of the following:

20 (1) Require a store that is in compliance with this chapter to  
21 collect, transport, or recycle plastic carryout bags.

22 ~~(2) Impose a plastic carryout bag fee upon a store that is in~~  
23 ~~compliance with this chapter.~~

24 ~~(3)~~

25 (2) Require auditing or reporting requirements that are in  
26 addition to what is required by subdivision (d) of Section 42252,  
27 upon a store that is in compliance with this chapter.

28 (c) This section does not prohibit the adoption, implementation,  
29 or enforcement of any local ordinance, resolution, regulation, or  
30 rule governing curbside or drop off recycling programs operated  
31 by, or pursuant to a contract with, a city, county, or other public  
32 agency, including any action relating to fees for these programs.

33 (d) This section does not affect any contract, franchise, permit,  
34 license, or other arrangement regarding the collection or recycling  
35 of solid waste or household hazardous waste.

## NOTICE OF PROPOSED RULEMAKING

|                    |                                                                            |
|--------------------|----------------------------------------------------------------------------|
| <b>Title 14:</b>   | <b>Natural Resources</b>                                                   |
| <b>Division 7:</b> | <b>California Integrated Waste Management Board</b>                        |
| <b>Chapter 4:</b>  | <b>Resource Conservation Program</b>                                       |
| <b>Article 6:</b>  | <b>At-Store Recycling Program Recordkeeping, Reporting and Measurement</b> |
| <b>Sections:</b>   | <b>17987, 17987.1, 17987.2, 17987.3, 17987.4, 17987.5, and 17987.6</b>     |

## PROPOSED REGULATORY ACTION

The California Integrated Waste Management Board (Board) proposes to adopt Title 14, California Code of Regulations (14 CCR), §§17987, 17987.1, 17987.2, 17987.3, 17987.4, 17987.5 and 17987.6, the At-Store Recycling Program. The proposed regulations will establish recordkeeping and reporting requirements applicable to at-store recycling programs for plastic carryout bags pursuant to Assembly Bill 2449 (AB 2449, Levine, 2006; Public Resources Code Sections 42250 et seq.).

## WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulations to the Board. **The written comment period for this rulemaking ends at 5:00 p.m. on April 28, 2008.** The Board will also accept oral and written comments during the public hearing described below. Please submit all written comments to:

Neal Johnson  
Waste Compliance and Mitigation Program  
California Integrated Waste Management Board  
P.O. Box 4025, M.S. 10A-17  
Sacramento, CA 95812-4025  
e-mail: [njohnson@ciwmb.ca.gov](mailto:njohnson@ciwmb.ca.gov)  
Fax: (916) 319-7348  
Phone: (916) 341-6513

## PUBLIC HEARING

A public hearing to receive comments on the proposed rulemaking will be scheduled for **May 12, 2008. The hearing will be held in Coastal Hearing Room (Second Floor) at the Joe Serna, Jr. Cal/EPA Building, 1001 I Street, Sacramento, California. The hearing will take place during the Board's Permitting and Compliance Committee meeting which will begin at 1:30 p.m., and will conclude after the public gives all testimony.** The Board requests that persons who make oral comments at the hearing also submit written copies of their testimony at the hearing. The Coastal Hearing Room is wheelchair accessible.

## **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Existing Law and Regulation: Chapter 5.1, Statutes of 2006 (AB 2449, Levine), Part 3 of Division 30 of the Public Resources Code (PRC), sections 42250 through 42257, require the operator of a store, as defined by PRC section 42250(e) of the proposed regulations, to establish an at-store recycling program. An operator must provide an opportunity for a customer of the store to return plastic carryout bags to that store and ensure that those bags are recycled. PRC section 42252(d) also requires a store to maintain records describing the collection, transport, and recycling of the plastic carryout bags for a minimum of three years, and to make the records available to the Board or local jurisdictions upon request.

The Board has determined that plastic carryout bags pose a threat to public health and safety, and the environment. Plastic carryout bags are one of the main components of litter, and blowing litter is the most commonly sited violation at municipal solid waste landfills. Costs to control and clean up plastic carryout bags released into the environment pose significant costs to local jurisdictions and the State. The intended goals of the At-Store Recycling Program are to reduce the number of single-use plastic carryout bags and to increase the use of reusable bags in the retail marketplace.

The regulations establish a consistent statewide set of standards for recordkeeping and reporting by store operators, who otherwise would be subject to a variety of disparate requirements from local jurisdictions. With a consistent set of standards in place the Board and the Legislature will be better able to evaluate the effectiveness of the At-Store Recycling Program.

Currently a set of emergency regulations are in place to assist stores in meeting the recordkeeping and reporting requirements. The emergency regulations became effective on July 27, 2007, and will expire on April 28, 2008. The Board may request readoption of the emergency regulations for an additional 90 days.

## **PLAIN ENGLISH REQUIREMENTS**

Board staff prepared the proposed regulations pursuant to the standard of clarity provided in Government Code section 11349 and the plain English requirements of Government Code sections 11342.580 and 11346.2(a)(1). The proposed regulations are considered non-technical and can be easily understood by those who will use them.

## **AUTHORITY AND REFERENCES**

PRC sections 40502, 42252(d), and 42255 provide authority for the promulgation of these regulations. The purpose of the proposed regulations is to implement, interpret, and make specific the recordkeeping and reporting requirements of PRC section 42252(d).

## **FEDERAL LAW OR REGULATIONS MANDATE**

Federal law or regulations do not contain comparable standards.

## **MANDATE ON STATE AGENCIES, LOCAL AGENCIES, OR SCHOOL DISTRICTS**

Board staff has determined that the proposed regulations will result in no costs to local agencies or school districts, and no costs to any local agency or school district that is required to be reimbursed under Part 7 (commencing with §17500) of Division 4 of the Government Code, or other non-discretionary costs or savings on local agencies or school districts, and no costs or savings in federal funding to the state.

Board staff could not identify any local agencies or school districts that, as in the case of those stores or retail establishments falling within the scope of the proposed regulations, would be required to collect and maintain records regarding plastic carryout bags' distribution and recycling.

## **FINDING ON NECESSITY OF REPORTS**

Board staff has determined that statewide requirements for recordkeeping and reporting are necessary for the health, safety and welfare of the people of the State, because they will establish a consistent set of standards to the regulated community who are subject to enforcement from multiple state and local agencies. Likewise, the consistent, statewide reporting requirements are necessary to ensure that the Board and the Legislature can evaluate the effectiveness of the At-Store Recycling Program.

## **EFFECT ON HOUSING COSTS**

Board staff made an initial determination that the proposed regulation changes would not have a significant effect on housing costs.

## **EFFECT ON BUSINESSES**

Board staff made an initial determination that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations apply only to supermarkets generating annual sales of at least \$2,000,000 and retail businesses having over 10,000 square feet of retail space and a licensed pharmacy. The Board estimates that each of the more than 7,000 supermarkets and retail establishments with pharmacies falling under the At-Store Recycling Program's recordkeeping and reporting requirements represents a rather large capital investment; the costs incurred by these stores by the recordkeeping requirements will be minimal when compared with the operational costs already incurred through daily store operations. The economic expenses involved in meeting the requirements in the regulations will not alter their mode of operation.

Board staff estimates that the average annual cost to a business to comply with the regulations will be \$2,081.00. Board staff estimates the regulated stores would incur costs totaling \$5.6 million for a 5.5-year period (the At-Store Recycling Program (PRC §§ 42250-42257) sunsets on December 31, 2012) to meet the requirements in the regulations. For an average supermarket with gross annual sales of about \$13,000,000 million, the added cost for developing and implementing recording and reporting systems to collect and maintain the required data would amount to an averaged 0.01% of its gross sales.

## **EFFECT ON SMALL BUSINESSES**

Board staff made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact on small businesses including the ability of California businesses to compete with businesses in other states. The proposed regulations apply only to those supermarkets generating annual sales of at least \$2,000,000 and retail establishments having over 10,000 square feet of retail space and a licensed pharmacy.

## **EFFECT ON CREATION OR ELIMINATION OF JOBS, EXISTING OR NEW BUSINESS IN THE STATE OF CALIFORNIA**

Board staff has determined that, although some of the regulated stores may need to hire employees or third parties to oversee their at-store recycling programs, the proposed regulatory action will not substantially affect: 1) the creation or elimination of jobs within the State of California; 2) the creation of new or the elimination of existing businesses within California; or 3) the expansion of businesses currently doing business within the state.

## **COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS**

Board staff estimates the average, annual ongoing costs to private persons or businesses to comply with the proposed regulations to be \$2,081.00. Board staff estimates this average annual cost will decrease over time as, based on annual inflation rates, the number of stores overseen by a given operator are expected to decrease, and as the time required to compile records and prepare and submit reports is expected to decrease as those processes becomes streamlined with practice.

## **CONSIDERATION OF ALTERNATIVES**

The Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action. The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

## **CONTACT PERSONS**

Inquires concerning the proposed administrative action or the substance of the proposed regulations may be directed to:

Neal Johnson  
Waste Compliance and Mitigation Program  
California Integrated Waste Management Board  
P.O. Box 4025, M.S. 10A-17  
Sacramento, CA 95812-4025  
e-mail: <mailto:njohnson@ciwmb.ca.gov>  
Fax: (916) 319-7348  
Phone: (916) 341-6513

Back-up contact person to whom inquires concerning the proposed administrative action or the substance of the proposed regulations may be directed:

Robert Holmes  
Waste Compliance and Mitigation Program  
California Integrated Waste Management Board  
P.O. Box 4025, M.S. 10A-16  
Sacramento, CA 95812-4025  
e-mail: <mailto:rholes@ciwmb.ca.gov>  
Fax: (916) 319-7403  
Phone: (916) 341-6376

#### **AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The Board will have the entire rulemaking file and all information upon which the proposed regulations are based available for inspection and copying throughout the rulemaking process at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Neal Johnson at the address, e-mail, or telephone number listed above. For more timely access to the proposed text of the regulations and in the interest of waste prevention, interested parties are encouraged to access the Board's website at <http://www.ciwmb.ca.gov/Rulemaking>. Additionally, the final statement of reasons will be available at the above listed Internet address or through the contact persons named above.

#### **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

The Board may adopt the proposed regulations as described in this notice. If the Board makes modifications which are sufficiently related to the proposed text, it will make the modified text – with changes clearly indicated – available to the public for at least 15 days before the CIWMB adopts the regulations as revised. Requests for the modified text should be made to the contact person. The Board will transmit any modified text to all persons who testify at a public hearing if one is held, all persons who submit written comments at a public hearing, all persons whose comments are received during the comment period, and all persons who request notification of the availability of such changes. The Board will accept written comments on the modified regulations for 15 days after the date on which the modified regulations are made available.

## **INITIAL STATEMENT OF REASONS**

**March 4, 2008**

**Title 14: Natural Resources**

**Division 7: California Integrated Waste Management Board**

**Chapter 4: Resource Conservation Programs**

**Article 6: At-Store Recycling Program Recordkeeping, Reporting and Measurement**

### **GENERAL COMMENTS APPLICABLE TO STATEMENT OF REASONS**

The At-Store Recycling Program mandated by Public Resources Code (PRC) section 42250 et seq. (Assembly Bill 2449, Levine, 2006) requires all operators of supermarkets with over \$2 million in annual sales and retail establishments with over 10,000 square feet of retail space and a licensed pharmacy that provide plastic carryout bags to their customers to establish a recycling program for plastic carryout bags. Other retail establishments may, on a voluntary basis, choose to participate in this statewide program.

Pursuant to PRC sections 42251 and 42252, store operators are required to provide bins to consumers for the collection of plastic carryout bags and to ensure the collection, transport and recycling of said bags. Additionally, the PRC requires store operators to compile and maintain records on the collection, transport and recycling of plastic carryout bags for a minimum of three years. Operators must make those records available to the California Integrated Waste Management Board (Board) or local jurisdictions upon request.

These regulations establish a consistent statewide framework for recordkeeping and reporting by store operators. Because enforcement authority of PRC section 42250 et seq. is granted to local jurisdictions as well as the Board, a consistent statewide framework is necessary to prevent the materialization of differing standards between jurisdictions. Likewise, with a consistent set of standards in place the Board and the Legislature will be better able to evaluate the effectiveness of the At-Store Recycling Program.

The regulations require operators to report to the Board annually regarding their collection, transport, and recycling of plastic carryout bags. The regulations specify the manner in which the operators may track the weight of plastic carryout bags recycled, including the application of a “co-mingled recycling rate” which will allow operators to determine the weight of plastic carryout bags recycled by applying the “co-mingled recycling rate” to the total amount of film plastic recycled. Furthermore, the regulations authorize store operators to designate wholesalers, distributors, recyclers, or other business partners to compile, maintain, and report some or all of the records on their

behalf. Operators of more than one store can choose to collect and maintain data for each store or consolidate for all of their stores.

## **SPECIFIC PURPOSE AND NECESSITY OF THE REGULATION**

### **Section 17987. Scope.**

Section 17987 is necessary to establish the scope of these regulations which are intended to clarify the recordkeeping requirements in Public Resources Code (PRC) section 42250 et seq.

### **Section 17987.1. Applicability.**

Section 17987.1 is necessary to clarify that the regulations only apply to retail establishments that meet the definition of a store and that provide plastic carryout bags to their customers.

### **Section 17987.2 Definitions**

Section 17987.2 is necessary as a number of technical and administrative terms appear in this chapter that requires definition to assure regulatory consistency and clarity.

#### **Subsection (a)**

Subsection (a) is necessary to clarify that the term “Board” used in this chapter means the California Integrated Waste Management Board.

#### **Subsection (b)**

Subsection (b) defines the term “Co-Mingled Recycling Rate.” This subsection is necessary to clarify one method by which operators may demonstrate compliance with the regulations and PRC section 42250 et seq.

#### **Subsection (c)**

Subsection (c) defines the term “Compostable Carryout Bag.” This subsection is necessary to clarify that a “Compostable Carryout Bag” is not a plastic carryout bag that must be collected and recycled by the stores.

#### **Subsection (d)**

Subsection (d) defines the term “Designated Reporting Party or Parties.” This subsection is necessary to clarify which persons are authorized to demonstrate compliance with the regulations and PRC section 42250 et seq.

**Subsection (e)**

Subsection (e) defines the term “Local Jurisdiction.” This subsection is necessary to clarify types of entities authorized to enforce the regulations and PRC section 42250 et seq..

**Subsection (f))**

Subsection (f) defines the term “Measurement Period.” This subsection is necessary to clarify the time period for which operators must submit records to the Board.

**Subsection (g)**

Subsection (g) defines the term “Operator.” This subsection is necessary to clarify the party ultimately responsible for compliance with the regulations and PRC section 42250 et seq.

**Subsection (h)**

Subsection (h) defines the term “Person.” This subsection is necessary to provide clarity and consistency within the regulations and the underlying statute.

**Subsection (i)**

Subsection (i) defines the term “Plastic Carryout Bag.” This subsection is necessary to clarify which types of bags are regulated.

**Subsection (j)**

Subsection (j) defines the term “Recycler.” This subsection is necessary to clarify the types businesses or governmental activities that may recycle plastic carryout bags.

**Subsection (k)**

Subsection (k) defines the term “Store.” This subsection is necessary to clarify the types of retail establishments that are subject to the regulations.

**Subsection (l)**

Subsection (l) defines “Supermarket.” This subsection is necessary to clarify one type of retail establishment that is subject to the regulations.

**Section 17987.3 Recordkeeping****Subsection (a)**

Subsection (a) sets forth the types of records operators will be required to compile, maintain, and make available to the Board or local jurisdictions to demonstrate compliance with the At-Store Recycling Program. Because operators are subject to enforcement from multiple enforcement entities, this subsection is necessary to provide clear, statewide standards regarding recordkeeping for the regulated community. This subsection is also necessary to ensure that specific data is maintained by stores that will allow the Board to evaluate the overall effectiveness of the At-Store Recycling Program.

**Subsection (a) (1)**

Subsection (a) (1) specifies that operators or their designated reporting parties shall maintain a record of all shipments of plastic carryout bags to their store or stores. This information is necessary to verify the weight of plastic carryout bags provided to stores. Data regarding the weight of plastic carryout bags provided to stores is necessary because it will be compared against the weight of plastic carryout bags recycled to determine compliance with, and overall effectiveness of PRC section 42250 et seq.

**Subsection (a) (2)**

Subsection (a) (2) specifies that operators or their designated reporting parties shall maintain a record of either the actual weight of all plastic carryout bags recycled or transported or the weight of all film plastic recycled or transported. The recordkeeping option provided by this subsection is necessary to prevent the imposition of a significant adverse impact on stores that would otherwise be forced to significantly change their operational practices to comply with the regulations and PRC section 42250 et seq.

**Subsection (a) (2) (a)**

Subsection (a) (2) (a) specifies that operators or their designated reporting parties may maintain a record of the weight of all plastic carryout bags recycled or transported. This information is necessary to verify compliance with, and overall effectiveness of, PRC section 42250 et seq.

**Subsection (a) (2) (b)**

Subsection (a) (2) (b) specifies that an operator or its designated reporting party may maintain a record of the weight of all film plastic carryout bags recycled or transported. This information is necessary to verify compliance with, and overall effectiveness of PRC section 42250 et seq. The recordkeeping option provided by this subsection is necessary to prevent the imposition of significant costs on the regulated community. It is the common practice of stores to collect all co-mingled plastic film material en masse. In order to compile and record separate weight data for only plastic carryout bags many stores would be forced to make significant, costly, changes to ensure that plastic carryout bags were kept separated from other materials during collection..

**Subsection (a) (3)**

Subsection (a) (3) specifies that a copy of every form or report required to be filed with the Board must be retained. This information is necessary to ensure the Board receives

all the information it needs to be able to evaluate compliance with, and the overall effectiveness of, PRC section 42250 et seq.

**Subsection (a) (4)**

Subsection (a)(4) specifies that operators or designated reporting parties using the calculated co-mingled recycling rate shall maintain any records describing the calculation(s) of the weights of recycled plastic carryout bags and other film plastic materials. This information is necessary to ensure that the calculated rates and weights of recycled plastic carryout bags are performed by methods which are consistent with these regulations and produce results that can be verified by the Board or other local jurisdictions.

**Subsection (b)**

Subsection (b) specifies that each operator shall be responsible for maintaining the records required by these regulations. An operator may allow its designated reporting party to maintain required records, but the operator shall ultimately be responsible for making all records available to the Board or local jurisdiction within 30 calendar days after receiving a written request. If records are made available for in-person inspection by the Board or a local jurisdiction, such records shall be made available during normal working hours.

This subsection is necessary to ensure that operators are the parties responsible for making records available to the Board and local jurisdictions, and to ensure that requested records are submitted to the Board or local jurisdictions in a timely manner.

**Subsection (c)**

Subsection (c) specifies that each operator shall retain all required records for a minimum of three (3) years after the submission of an annual report required by this Article. If an operator is using a designated reporting party to maintain records, it shall ensure that the designated reporting party retains records for the minimum three (3) years. An operator, at its discretion, may ensure the record retention through a contract.

This subsection is necessary to ensure that required records are accessible to the Board or local jurisdictions for a reasonable period of time.

**Section 17987.4 Filing of Annual Report**

This section is necessary to designate the Board as a lead agency in overseeing enforcement of PRC section 42250 et seq. The oversight authority provided to the Board will allow the Board to evaluate the overall effectiveness of the At-Store Recycling Program, while providing the regulated community with a consistent statewide set of standards for meeting the reporting requirements of PRC section 42252.

**Subsection (a)**

Subsection (a) requires that each operator or designated reporting party submit the required information enumerated in this section to the Board no later than April 1, of each year for the previous measurement period. The annual reporting requirement provided by this subsection is necessary to ensure that records are reported to the Board within a reasonable time from the time those records were compiled.

**Subsection (b)**

Subsection (b) specifies that for the 2007 measurement period, operators or designated reporting parties may submit information for the Board for only the six-month period beginning July 1, 2007 and ending December 31, 2007. The flexibility provided to stores by this subsection is necessary because the effective date of PRC section 42250 et seq., was July 1, 2007, and some regulated stores may not have had At-Store Recycling programs in place prior to that date.

**Subsection (c)**

Subsection (c) specifies that an operator with multiple store locations may submit one annual report for all of its stores. The flexibility in reporting provided by this subsection is necessary to prevent the imposition of a significant economic impact on the regulated community. Most operators of multiple stores do not weigh plastic carryout bags or other film plastic material at each individual store. Rather, plastic material from multiple stores is generally “backhauled” to a distribution center where the plastic carryout bags and other film from many stores is baled, weighed and sold to a recycler or broker. Without this provision many operators would be forced to make significant changes to their current business practices in order to comply with PRC section 42250 et seq.

The provision in subdivision (c) requiring a designated reporting party to submit a separate form and data sheet for each operator is necessary to ensure that all regulated operators are demonstrating compliance with the At-Store Recycling Program, because operators are the parties responsible for compliance with PRC section 42250 et seq.

**Subsection (d)**

Subsection (d) specifies that, notwithstanding sub-section (c), a designated reporting party who is reporting on behalf of twenty-five (25) or more operators may submit one annual report including the information required by the section for all of its operators. Designated reporting parties submitting an annual report in this manner shall report the information required by this section.

This subsection is necessary to prevent the imposition of an added economic burden on operators. This subsection allows an operator to use a designated reporting party, such as a recycler or transporter, who is better equipped to put in place, or may already have, the corporate infrastructure for recording and reporting the required information, to report to the Board. The provision in subsection (d) requiring designated reporting parties to include a listing of each operator’s name, mailing address, telephone number, and contact name is necessary to allow the Board to verify the reporting of complete and accurate

information, and to ensure that all regulated stores are demonstrating compliance with the At-store Recycling Program.

**Subsection (e)**

This subsection specifies information that must be submitted to the Board. This subsection is necessary to allow the Board to verify the information submitted by operators or designated reporting parties.

**Subsection (e) (1)**

This information is necessary to allow the Board to verify the information submitted by a designated reporting party.

**Subsection (e) (2)**

This information is necessary to allow the Board to verify the information submitted by a designated reporting party.

**Subsection (e) (3)**

This information is necessary to allow the Board to verify the information submitted by a designated reporting party.

**Subsection (e) (4)**

This information is necessary to allow the Board to verify the information submitted by an operator or designated reporting party.

**Subsection (e) (5)**

This information is necessary to allow the Board to verify the information submitted by an operator or designated reporting party.

**Subsection (e) (6)**

This information is necessary to allow the Board to verify the information submitted by an operator or designated reporting party.

**Subsection (e) (7)**

This information is necessary to allow the Board to verify the information submitted by an operator or designated reporting party.

**Subsection (e) (8)**

This information is necessary to allow the Board to verify the information submitted by an operator or designated reporting party.

**Subsection (e) (9)**

This information is necessary to allow the Board to verify the information submitted by an operator or designated reporting party and to evaluate the overall effectiveness of the At-Store Recycling Program.

**Subsection (e) (10)**

This information is necessary to allow the Board to verify the information submitted by an operator or designated reporting party and to evaluate compliance with, and overall effectiveness of, the At-Store Recycling Program.

**Subsection (e) (11)**

This information is necessary to allow the Board to evaluate compliance with, and overall effectiveness of, the At-Store Recycling Program. The reporting option provided by this subsection is necessary to prevent the imposition of a significant economic burden on stores that would otherwise be forced to significantly change their operational practices to comply with the regulations and PRC section 42250 et seq.

**Subsection (e) (11) (a)**

This information is necessary to allow the Board to evaluate compliance with, and overall effectiveness of, the At-Store Recycling Program.

**Subsection (e) (11)(b)**

This information is necessary to allow the Board to evaluate compliance with, and overall effectiveness of, the At-Store Recycling Program. The reporting option provided by this subsection is necessary to prevent the imposition of significant costs on the regulated community. It is the common practice of stores to collect all co-mingled plastic film material en masse. In order to compile and record separate weight data for only plastic carryout bags many stores would be forced to make significant, costly changes to ensure that plastic carryout bags were kept separated from other materials during collection

**Subsection (f)**

Subsection (f) states that the operator or its designated reporting party or parties shall submit a certification form or other declaration that the information was submitted under penalty of perjury, according to the following format:

**"I certify under penalty of perjury under the laws of the State of California that the information and data contained herein are true and correct."**

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

This subsection is necessary to ensure that complete and accurate information is submitted to the Board.

**Subsection (g)**

This subsection designates the operator as the party responsible for compliance and reporting and the party who may be subject to penalties for non-compliance. This subsection is necessary because it clarifies that the operator is the party responsible for compliance, and therefore subject to penalties, under the regulations and PRC section 42250 et seq.

**Section 17987.5 Co-Mingled Recycling Rate Determination**

This subsection states the Board shall calculate and publish a co-mingled recycling rate, and that the co-mingled recycling rate shall be calculated through waste characterization studies that determine the percentage of plastic carryout bags relative to other film plastic materials collected for recycling. This subsection is necessary to designate the Board as the entity responsible for calculating the co-mingled recycling rate, thereby ensuring consistency in its calculation. Furthermore, this subsection is necessary to ensure consistency in the methodologies and calculations used to determine the co-mingled recycling rates. The co-mingled recycling rate is necessary to prevent the imposition of significant costs on operators whose stores collect all plastic film materials en masse, and who would otherwise be forced to change their operations to separate out plastic carryout bags.

**Section 17987.6 Submittal of Confidential, Proprietary Data or Trade Secrets.**

This Section is necessary to make clear to operators and designated reporting parties that data and information that is confidential, proprietary or a trade secret will be handled appropriately by the Board and will not be released to be public or any competitor. This section refers to the current CIWMB process for handling and maintenance of confidential, proprietary or trade secret information.

## **TECHNICAL, THEORETICAL AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS**

In developing regulations for the implementation of the plastic carryout bag program, the Board relied upon PRC section 42250 et seq.; a letter from the At-Store Recycling Program's author, Lloyd Levine, dated March 16, 2007; and discussions with members of an advisory group made up of operators of regulated stores, trade associations, the environmental community, local jurisdictions, plastic carryout bag manufacturers and recyclers.

## **ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS**

Alternative methods for recordkeeping and reporting were considered in developing the proposed regulations, including a "no-action" alternative. The CIWMB has determined that: (1) no alternative method would be as effective and less burdensome to private persons, while at the same time protecting human health, safety, and the environment; and (2) no alternative would lessen any adverse economic impact on small businesses while protecting human health, safety, and the environment.

## **INITIAL DETERMINATION THAT THE ACTION WILL NOT HAVE A SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS**

The CIWMB made an initial determination that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Implementation of the regulations should have minimal impact on the operations of regulated stores. PRC section 42252 subjects regulated stores to certain recordkeeping and reporting requirements; the regulations clarify the manner in which the stores must comply with those requirements.

In determining that the new regulations will have no significant, statewide adverse economic impact on business the Board relied upon the 2004/5 version of the Progressive Grocers Marketing Guidebook and a Department of Personnel Administration's 2006 salary survey for pay scales of certain professions such as IT and accounting.

## **DUPLICATION OR CONFLICTS WITH CODE OF FEDERAL REGULATIONS**

No duplication or conflict exists between the proposed regulations and federal regulations contained in the Code of Federal Regulations because federal law or regulations do not contain comparable requirements.

## CHAPTER 4

### ARTICLE 6

#### AT-STORE RECYCLING PROGRAM RECORDKEEPING, REPORTING AND MEASUREMENT

##### **Section 17987. Scope.**

These regulations provide guidance to stores subject to the requirements of the At-Store Recycling Program Law (Public Resources Code Sections 42250 et seq.). Under this law, stores, as defined, shall provide at-store recycling opportunities for plastic carryout bags provided to customers by the stores at the point-of-sale, and shall maintain records describing the collection, transport and recycling of plastic bags collected for a minimum of three years. These regulations are designed to clarify the recordkeeping requirements of the law.

##### **Note:**

###### **Authority cited:**

Sections 40502 and 42252, Public Resources Code.

###### **Reference:**

Section 42252, Public Resources Code.

##### **Section 17987.1. Applicability.**

These regulations do not cover retail establishments that do not meet the definition of a store, or bags that are not plastic carryout bags, as defined. The requirements of the At-Store Recycling Program Law apply only to stores as defined in this Article that provide plastic carryout bags to customers at the point-of-sale.

##### **Note:**

###### **Authority cited:**

Section 40502 and 42252, Public Resources Code.

###### **Reference:**

Section 42250, 42251, 42252, Public Resources Code

**Section 17987.2. Definitions.**

The following definitions apply to the regulations in this Article.

(a) "Board" means the California Integrated Waste Management Board.

(b) "Co-Mingled Recycling Rate" means the percentage of plastic carryout bags recycled relative to all other film plastic material including plastic carryout bags recycled as determined by waste characterization studies performed by or on behalf of the Board, or by operators whose calculation methodology has been approved by the Board.

(c) "Compostable Carryout Bag" means a bag provided by a store to customers at the point-of-sale that meets the American Society of Testing and Material Standard D6400 for degradation through biological processes or degrades from the action of naturally occurring microorganisms including, but not limited to, bacteria, fungi and algae. This definition includes any bag labeled in compliance with Chapter 5.7 (commencing with Section 42355) of the Public Resources Code.

(d) "Designated Reporting Party or Parties" means a person authorized by an operator to maintain and report the records and data required by this Article. An operator may have more than one designated reporting party.

(e) "Local Jurisdiction" means a county, city, city and county, district, public authority, public agency, and any other political subdivision or public corporation in the state, but does not include the state government.

(f) "Measurement Period" means the twelve month period beginning on January 1 and ending December 31 of each calendar year.

(g) "Operator" means a person in control of, or having daily responsibility for, the daily operation of a store, as defined in this Article, which may include, but is not limited to, the owner, lessee, or franchisee. An operator may have control of more than one store.

(h) "Person" means any natural person, corporation, partnership, limited liability company, firm, association, or sole proprietorship.

(i) "Plastic Carryout Bag" means a plastic carryout bag provided by a store to a customer at the point of sale. A compostable carryout bag is not a plastic carryout bag for purposes of this Article.

(j) "Recycler" means a person who takes possession of plastic carryout bags or other film plastic material that has been collected by an operator for the purpose of recycling the plastic carryout bags or film plastic material. Recycler includes, but is not limited to, brokers, refuse haulers, transporters, drop-off centers and local government recycling programs.

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(k) "Store" means a retail establishment that provides plastic carryout bags to its customers as a result of the sale of a product and that meets either of the following requirements:

(1) Meets the definition of a "supermarket" as found in section 17987.2(k).

(2) Has over 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 has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code.

(l) "Supermarket" means a full-line, self-service retail store with gross annual sales of at least two million dollars (\$2,000,000), and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items.

**Note:**

**Authority cited:**

Sections 40502 and 42252, Public Resources Code.

**Reference:**

Sections 42250 and 42252, Public Resources Code

**Section 17987.3. Recordkeeping.**

(a) Each operator or its designated reporting party or parties shall maintain the following records:

(1) A record of all shipments of plastic carryout bags to the store or stores.

(2) An operator or its designated reporting party or parties shall maintain one of the following types of records depending on whether it is reporting on the actual weight of plastic carryout bags or is reporting the total weight of all film plastic recycled:

(a) A record of the weight of all plastic carryout bags transported, recycled or otherwise sent for recycling; or

(b) A record of the weight of all film plastic transported, recycled or otherwise sent for recycling. This weight shall include all plastic carryout bags that are co-mingled with other types of film plastic.

(3) A copy of every form or report required to be filed with the Board.

(4) Operators or designated reporting parties using an operator-calculated co-mingled recycling rate shall maintain any records describing the methodology and calculation(s) of the weights of plastic carryout bags and other film plastic materials that were recycled.

(b) Each operator shall be responsible for maintaining the records required by this Article. An operator may allow its designated reporting party to maintain required records, but the operator shall ultimately be responsible for making all records available to the Board or local jurisdiction, within 30 calendar days after receiving a written request. If records are made available for in-person inspection by the Board or a local jurisdiction, such records shall be made available during normal working hours at a California location.

(c) Each operator shall retain all required records for a minimum of three (3) years after the submission of an annual report required by this Article. If an operator is using a designated reporting party to maintain records, it shall ensure that the designated reporting party retains records for the minimum three (3) years. An operator, at its discretion, may ensure the record retention through a contract.

**Note:**

**Authority cited:**

Sections 40502 and 42252, Public Resources Code.

**Reference:**

Section 42250 and 42252, Public Resources Code.

**Section 17987.4. Filing of Annual Report.**

(a) Each operator or designated reporting party shall submit the required information enumerated in this section to the Board no later than April 1 of each year for the previous measurement period.

(b) For the 2007 measurement period, operators or designated reporting parties shall be required to only report for the six-month period beginning July 1, 2007 and ending December 31, 2007. An operator or designated reporting party may report for a longer period during the 2007 calendar year at its discretion.

(c) An operator with multiple store locations may submit one annual report for all of its stores. A designated reporting party shall submit a separate form and data sheet for each operator.

(d) Notwithstanding sub-section (c), a designated reporting party who is reporting on behalf of twenty-five (25) or more operators may submit one annual report including the information required by the section for all of its operators. Designated reporting parties submitting an annual report in this manner shall report the information required by this section and shall include a listing of each operator's name, mailing address, telephone number and contact name.

(e) Each operator or its designated reporting party or parties shall report the following information to the Board. The co-mingled recycling rate may be utilized to calculate weights where applicable.

(1) The full and complete name of the designated reporting party if applicable.

(2) The mailing address of the designated reporting party if applicable.

(3) The contact person's name and telephone number for the designated reporting party if applicable.

(4) The full and complete name of the operator.

- (5) The mailing address of the operator.
- (6) The contact person's name and telephone number for the operator.
- (7) The name of the store(s), if different from the name of the operator.
- (8) The weight of plastic carryout bags purchased.
- (9) The names and addresses of the recyclers utilized by the operator or designated reporting party or parties.
- (10) The addresses of stores, distribution centers, warehouses or other locations where reported transactions occurred.
- (11) The weight of plastic carryout bags collected and recycled or sent for recycling by the operator or designated reporting party or parties. . This may be reported by either a direct weight method or a total film plastic weight method.

(a) Direct Weight Method. Under this method, an operator or designated reporting party shall report the actual weight of the plastic carryout bags that were recycled separate from all other film plastic material.

(b) Total Film Plastic Weight Method. Under this method, an operator or designated reporting party shall report the total weight of all film plastic material, including plastic carryout bags, recycled. The co-mingled recycling rate shall then be applied to the total weight to give an estimate of the number of plastic carryout bags recycled.

(f) The operator or its designated reporting party or parties shall submit a certification form or other declaration that the information was submitted under penalty of perjury, according to the following format:

**"I certify under penalty of perjury under the laws of the State of California that the information and data contained herein are true and correct."**

\_\_\_\_\_  
**(Signature)**

\_\_\_\_\_  
**(Date)**

(g) Although an operator may use a designated reporting party or parties to submit the information required in this section, an operator is nevertheless responsible for compliance with the reporting and other requirements of this Article and may be subject to penalties for non-compliance due to the action or non-action of its designated reporting party or parties.

**Note:**

**Authority cited:**

Sections 40502 and 42252, Public Resources Code.

**Reference:**

Section 42252, Public Resources Code.

**Section 17987.5. Co-Mingled Recycling Rate Determination.**

The Board shall, at least once, calculate and publish a co-mingled recycling rate. The co-mingled recycling rate shall be calculated through waste characterization studies that determine the percentage of plastic carryout bags relative to other film plastic materials collected for recycling.

**Note:**

**Authority cited:**

Sections 40502 and 42252, Public Resources Code.

**Reference:**

Section 42252, Public Resources Code.

**Section 17987.6. Submittal of Confidential, Proprietary Data or Trade Secrets.**

The submittal of data or information to the Board that is confidential, proprietary or a trade secret under applicable California law shall be subject to the provisions of Title 14, California Code of Regulations, Article 4 (commencing with Section 17041).

**Note:**

**Authority cited:**

Section 40502 and 42252, Public Resources Code.

**Reference:**

Section 42252, Public Resources Code.



SACHI A. HAMAI  
EXECUTIVE OFFICER

## COUNTY OF LOS ANGELES BOARD OF SUPERVISORS

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MICHAEL D. ANTONOVICH

March 12, 2008

The Honorable John Edelston  
Mayor, City of Agoura Hills  
30001 Ladyface Court  
Agoura Hills, CA 91301

Dear Mayor Edelston:

### **INVITATION FOR THE CITY OF AGOURA HILLS TO JOIN COUNTY PROGRAM TO REDUCE PLASTIC CARRYOUT BAG LITTER**

On January 22, 2008, the Los Angeles County Board of Supervisors took a major step forward in addressing the use of plastic carryout bags by adopting the "Single-Use Bag Reduction and Recycling Program." The Program is a comprehensive strategy to reduce plastic bag litter through a partnership with supermarkets, retailers, environmental groups, the plastic bag industry, local government, and the public focused on reducing plastic bag usage over time while increasing the use of reusable bags. We invite you to work with the County and stakeholders to develop a coordinated Countywide implementation strategy that will significantly reduce the environmental damage caused by plastic bags for the benefit of all of our constituents.

Each year approximately 6 billion plastic carryout bags are consumed in Los Angeles County, the equivalent of 600 bags per person per year. Currently, less than 5 percent of bags are recycled and the rest end up landfilled or on our beaches, waterways, parks, and roads in the form of litter. Plastic bag litter makes up as much as 25 percent of the litter stream and significantly impacts our communities and the environment. In Los Angeles County alone, local and State governments spend tens of millions of dollars each year on prevention, cleanup, and enforcement activities to reduce litter. Communities throughout the State and around the world are grappling with this issue, and searching for ways to reduce the impact that littered plastic bags have on their quality of life.

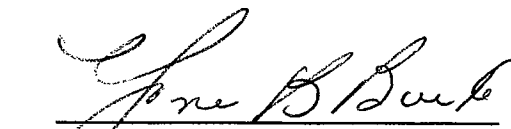
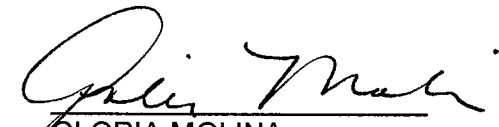
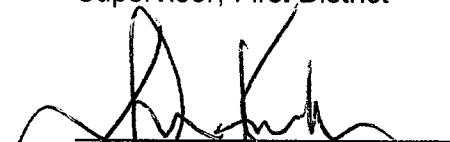
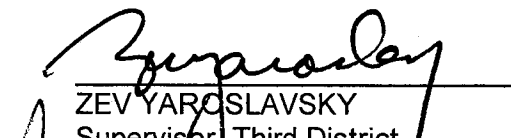
We believe that by implementing the Single-Use Bag Reduction and Recycling Program plastic bag litter will be reduced by: (1) decreasing plastic carryout bag usage, (2) encouraging consumer recycling efforts, and (3) establishing a public education program to increase the use of reusable bags. In addition, the Program will encourage the use of paper bags that are minimally manufactured with 40 percent recycled content. The Program is summarized in the fact sheet (Attachment I), which also identifies State legislation that the County is pursuing relative to the plastic bag issue.

March 12, 2008  
Page 2

We encourage your City to join this collaborative effort and take advantage of the framework already developed by the County with stakeholders. A sample resolution endorsing the Single-Use Bag Reduction and Recycling Program is attached for your consideration (Attachment II). We would also appreciate your careful consideration of the State legislation that the County is pursuing and your declaration of support for these State law changes.

We look forward to working with you on this very important issue. County staff is available to provide a presentation or additional information at your request. Please contact Ms. Lari Sheehan of the Chief Executive Office at (213) 893-2477, or via e-mail at [lsheehan@ceo.lacounty.gov](mailto:lsheehan@ceo.lacounty.gov).

Sincerely,

  
\_\_\_\_\_  
YVONNE B. BURKE  
Chair of the Board  
Supervisor, Second District  
\_\_\_\_\_  
GLORIA MOLINA  
Supervisor, First District  
\_\_\_\_\_  
DON KNABE  
Supervisor, Fourth District  
\_\_\_\_\_  
ZEV YAROSLAVSKY  
Supervisor, Third District  
  
\_\_\_\_\_  
MICHAEL B. ANTONOVICH  
Supervisor, Fifth District

Attachments (2)

## County of Los Angeles

### Single-Use Bag Reduction and Recycling Program - Fact Sheet

On January 22, 2008, the Los Angeles County Board of Supervisors adopted the ***Single-Use Bag Reduction and Recycling Program***, a comprehensive strategy to reduce plastic bag litter. The Program aligns supermarkets, retailers, environmental groups, the plastic bag industry, local government, and the public to phase out plastic bags while increasing the use of reusable bags. The Program is summarized below:

#### Framework

1. County and stakeholders develop and establish a comprehensive program to:
  - Promote reusable bags
  - Increase at-store recycling of plastic bags
  - Reduce carryout plastic bag usage
  - Increase the post-consumer recycled content of paper bags (minimum 40%)
  - Promote public awareness of litter impacts and consumer responsibility
2. Work with affected stores (initially includes large supermarkets and retail stores as defined under AB 2449; may be expanded to include convenience, franchise, and other stores distributing plastic bags in the future) to develop and implement required store-specific programs that would include:
  - Training that targets unnecessary double bagging and increased use of reusable bags
  - Incentives for reducing plastic bag usage (e.g. per-bag credit or fee)
  - Reusable bag promotions and educational efforts
3. Establish aggressive goals for reducing plastic bag usage and increasing recycling using total consumption for Fiscal Year 2007-08 as the baseline:
  - 30 percent disposal reduction by July 1, 2010, and
  - 65 percent disposal reduction by July 1, 2013
4. Assist partner cities in establishing a similar program, including sharing of relevant information and public education and outreach materials. City programs can utilize the County's Program as a framework while tailoring implementation according to their needs.
5. Establish significant consequences if Program goals are not met, including outright plastic bag ban.
6. Pursue State legislative efforts to:
  - Establish a statewide plastic bag fee with proceeds distributed to local governments on a per-capita basis to fund litter prevention and source reduction efforts.
  - Allow local government implementation of a per-bag fee, since fees have been found to be effective in reducing plastic bag usage.
  - Implement statewide benchmarks equivalent to Program goals above.
  - Print an environmental message on each plastic bag describing the negative impacts of plastic bag litter and the benefits of using reusable bags.
  - Repeal the sunset provision of AB 2449 (Public Resources Code Section 42257) to eliminate the need for the State Legislature to reintroduce and adopt a new plastic bag recycling law by January 1, 2013, which may or may not contain the existing and proposed elements of AB 2449 that are crucial to the efforts undertaken by local governments.

#### Program Benefits

- Creates a broad-based collaborative effort to effectively reduce plastic bag litter Countywide.
- Incorporates supermarket and retail store employee training and public education to meet the goals of the Program.
- Establishes performance goals and a measurement methodology to demonstrate Program success, using the State's existing reporting framework (established by AB 2449) to obtain data.
- Maximizes regional benefit while minimizing duplicative efforts by local municipalities.

**RESOLUTION TO JOIN THE LOS ANGELES COUNTY  
SINGLE-USE BAG REDUCTION AND RECYCLING PROGRAM**

**WHEREAS**, on January 22, 2008, the Los Angeles County Board of Supervisors adopted a comprehensive program to reduce consumption and increase recycling of carryout plastic bags in the unincorporated areas of Los Angeles County, with the goal of decreasing the disposal rate by 30 percent by July 1, 2010, and by 65 percent by July 1, 2013, with the provision that failure to achieve these goals triggers action to establish a ban on plastic bags at affected stores; and,

**WHEREAS**, each year, approximately 6 billion plastic carryout bags are consumed in Los Angeles County, the equivalent of 600 bags per person per year, with less than five percent being recycled; and,

**WHEREAS**, due to their propensity to become litter, plastic carryout bags cause harm to marine animals and other aquatic life, and have a significant negative impact on our quality of life and the environment; and,

**WHEREAS**, in Los Angeles County, local governments and State agencies spend tens of millions of dollars each year on prevention, cleanup, and enforcement activities to reduce litter at beaches, waterways, parks and roads; and,

**WHEREAS**, as demonstrated in other countries as well as other communities in the United States, the widespread use of reusable bags is extremely effective in reducing plastic bag consumption and plastic bag litter; and,

**WHEREAS**, the use of reusable bags can be increased and consumption of carryout plastic bags reduced through a combination of supermarket and retail store employee training, incentives, and public education programs; and,

**WHEREAS**, the County's program provides a framework for shared responsibility among stakeholders, incorporating measurable goals and monitoring the use and recycling of plastic bags; and,

**WHEREAS**, the County has extended an invitation to the City of \_\_\_\_\_ and other cities to participate in this program by sharing ideas and coordinating efforts; and,

**NOW, THEREFORE, BE IT RESOLVED THAT THE** City of \_\_\_\_\_ agrees to participate in the County of Los Angeles Single-Use Bag Reduction and Recycling Program; and,

**BE IT FURTHER RESOLVED THAT** the City Manager is instructed to coordinate with the County of Los Angeles in developing and implementing the Program, including imposition of the ban on carryout plastic bags at affected stores if established disposal rate reduction goals are not met, and coordinating legislative advocacy efforts, as appropriate; and,

**BE IT FURTHER RESOLVED THAT** the City Attorney is instructed to work with the City Manager, in consultation with the County of Los Angeles, in preparing an Ordinance for adoption by the City Council providing for any appropriate measures deemed necessary to fully implement the Program within the City.

The forgoing Resolution was adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2008, by the City Council of the City of \_\_\_\_\_.