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December 5, 2007

To: Supervisor Yvonne B. Burke, Chair
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Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

PLASTIC BAG AND POLYSTYRENE FOOD PACKAGING CONTAINERS BOARD MOTIONS – THIRD STATUS REPORT

Plastic Bags

On April 10, 2007, your Board instructed this Office to work with the Director of Internal Services and the Director of Public Works to solicit input from outside environmental and grocer organizations to: 1) investigate polyethylene plastic and paper sack consumption in the County and possible adoption of a policy similar to that of San Francisco; 2) inventory and assess the impact of current paper and plastic bag recycling campaigns; and 3) report to your Board on findings and recommendations to reduce grocery and retail sack waste.

We provided an initial report on our progress in addressing the Board order on August 7, 2007. Later that month, the County working group completed a report that found that increased use of reusable bags would be environmentally beneficial and reduce plastic bag litter. This report included alternatives to increase the use of reusable bags while reducing the impact of plastic grocery bags, including a plastic bag ban and disposal reduction goals.

My Office provided a subsequent progress report to your Board on October 5, 2007, indicating that an additional stakeholder meeting would be conducted to solicit feedback on alternatives, discuss a draft calculation methodology to quantify base year and performance period data, and facilitate progress toward consensus; this meeting was held on October 23, 2007. The preferred alternative discussed at this meeting included establishing industry benchmarks to reduce consumption and increase at-store recycling of plastic bags. Environmental group representatives expressed support for imposing a plastic bag ban automatically if these benchmarks are not met. Industry representatives were receptive to benchmarks provided that they are not solely accountable for meeting them since success depends, in part, on consumer participation. As a result, industry representatives recommended that a "good faith effort" provision be included in any alternative developed. Recognizing the gap between the positions of environmental groups and industry, we continued to work toward developing a consensus position.

On November 29, 2007, a stakeholder meeting was conducted to solicit comments on a new alternative that includes direction to staff to prepare a ban ordinance, including environmental documentation, for Board consideration if benchmarks are not met. This alternative also provides for extending benchmark deadlines for a year should industry achieve actual reduction rates that are within five percentage points of goals, while also demonstrating "good faith efforts" in implementing programs. Environmental group representatives remain concerned with identifying agreed upon required program elements by which industry would demonstrate "good faith efforts", and developing an effective calculation methodology for measuring baseline consumption and subsequent achievement of reductions. Industry representatives expressed concern that benchmark percentages are high, even with the 5 percent "margin" for "good faith efforts", and strongly favor greater flexibility in determining store-specific programs to be implemented to promote use of reusable bags, reduce consumption of single-use bags, and promote recycling of plastic bags.

In order to provide additional time to fully develop ideas, interested parties were requested to submit written responses to County staff by December 5, 2007. Upon review and analysis of comments by the County working group, the CEO and Public Works are targeting preparation of a Board letter, including a recommended action for Board approval, on January 22, 2008.

Expanded Polystyrene Food Packaging Containers

On May 22, 2007, your Board instructed: 1) the Director of Public Works, in consultation with the Director of Internal Services and County Counsel, to investigate the impact of prohibiting the purchase and use of expanded polystyrene (commonly known as Styrofoam™) food packaging containers at all County facilities, County offices, County-managed concessions, County-permitted events, and County-sponsored events; 2) the Director of Public Works, in consultation with County Counsel, to investigate the feasibility of prohibiting the use of expanded polystyrene food containers at all food service establishments and retail stores in the County unincorporated areas, including recommended changes to the County Code; and 3) the Director of Public Works to enhance the educational and public outreach campaigns to encourage Los Angeles County residents, public agencies, school districts and cities to utilize environmentally-friendly alternatives to polystyrene.

Banning Expanded Polystyrene Food Packaging Products at County Facilities

We are completing a report on the feasibility of banning polystyrene at County operations. Specific recommendations will include developing an implementation schedule, identifying circumstances warranting a waiver or special handling, and providing information to County departments on environmentally-friendly alternatives. Upon completion, we will forward this report to key stakeholders for review. We anticipate preparation of a Board letter, including a recommended action for Board approval, by March 2008.

Applying the Above Ban to All Retail Establishments in County Unincorporated Areas

We continue to meet with key stakeholders to solicit their feedback. It is anticipated that implementation of a ban at County facilities will yield results that will help provide effective recommendations on how to approach expansion of the ban, if applicable, to County unincorporated areas.

Public Education and Outreach Campaign

The County working group continues to explore opportunities to enhance public education and outreach on alternatives to polystyrene. The goal is to develop expanded outreach efforts applicable to, and in conjunction with, a prospective ban at County facilities and at retail establishments in the County unincorporated areas respectively.

Each Supervisor
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If you have any questions regarding this memorandum, please contact me, or your staff may contact Burt Kumagawa of this Office at (213) 893-9742 or via e-mail at bkumagawa@ceo.lacounty.gov.

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c: Executive Officer, Board of Supervisors
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Director and Health Officer of Public Health
Director of Public Works