



County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

August 3, 2009

To: Supervisor Don Knabe, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

A handwritten signature in blue ink, appearing to be "W. T. Fujioka", is written over the printed name of the Chief Executive Officer.

Board of Supervisors
GLORIA MOLINA
First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

SINGLE USE BAG REDUCTION AND RECYCLING PROGRAM AND EXPANDED POLYSTYRENE FOOD CONTAINERS - QUARTERLY PROGRESS REPORT NO. 6

On January 22, 2008, your Board adopted the County of Los Angeles' Single Use Bag Reduction and Recycling Program (Program), and instructed the Chief Executive Officer to implement the Program, 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. Your Board further directed staff to provide quarterly progress reports to the Board and to interested stakeholders (Attachment I).

On May 22, 2007, your Board also approved a number of actions related to the use of expanded polystyrene (EPS) food containers at County facilities, and at food service establishments and retail stores in the unincorporated County areas. This quarterly report also provides an update of our efforts to implement the EPS program.

Single Use Bag Reduction and Recycling Program

Program Activities and City Participation

During this reporting period, the Working Group and subcommittees convened on an alternating monthly basis. Meetings were attended by representatives from Albertsons, plastic bag industry groups, environmental organizations, waste management industry groups, a magazine publication, and various governmental entities. The Working Group

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further implemented Program components by disseminating outreach materials, attending community events, working with cities, visiting stores, and providing and soliciting support for related legislation.

Partner cities have implemented public education and outreach efforts to encourage community participation, including the following:

- Azusa - produced a recycling/conservation brochure that also promotes use of reusable bags.
- Glendale - developed a public service announcement on the topic of single use bags to air on the city's cable TV channel and to be distributed to local stores.
- Hermosa Beach - established a committee to focus on community outreach and implementation of Program components.
- Pico Rivera - distributed recycled-content, reusable bags at a city event on June 6, 2009.

Staff also continued to seek support for AB 87, the County-sponsored legislation, from all cities within the County, and partner cities Glendale and Pico Rivera sent support letters. Unfortunately, the legislation stalled in the Assembly Appropriations Committee and thus cannot be acted upon until January 2010.

In cooperation with the California Grocers Association, staff continued to visit unincorporated County area stores. The visits have been beneficial in facilitating discussions with store managers to encourage Program participation and provide resource information. Field verifications have also enabled staff to confirm and update store listings, as many stores have changed businesses, ceased operations, do not meet the Program definition of retail stores, or were not originally identified. Of the 166 stores listed to date, 71 qualify as Category 1 stores; 43 qualify as Category 2 or 3 stores; and 52 are either no longer in business or are located in an incorporated city.

The American Chemistry Council's consultant, Plastic Recycling Corporation of California, joined staff in visiting some Category 1 stores, which were provided with additional information and assistance to enhance their plastic bag recycling programs.

Community Outreach

Outreach to communities continues as we develop plans for an ambitious public education campaign at the end of the year that seeks to build on the success of the "A Day Without A Bag" promotion. This campaign, which will promote the use of reusable bags and at-store recycling of single use bags, leverages partnerships with stores, media, environmental organizations, and industry to expand the reach and increase the effectiveness of the Program. A meeting to initiate store partnerships was conducted on July 29, 2009.

Staff also distributed educational and promotional materials, including the Brag About Your Bag® reusable bags, at 10 community and environmentally-focused events, which included:

- Supervisor Yaroslavsky's Topanga Service Fair Event on May 16, 2009.
- The 7th Annual Commissioners Leadership Conference at the Music Center on May 21, 2009.
- The Department of Public Works hosted "Get Hip, Go Green" events in the unincorporated communities of East Los Angeles, Bassett/Valinda/San Jose Hills, Walnut Park, and Mesa Heights from June 6, 2009 through July 11, 2009.

A Spanish-language ad was published in California Verde magazine (June/July edition).

Draft Ordinance to Ban Plastic Carryout Bags at Large Supermarkets and Retail Stores

On February 20, 2009, a Superior Court judge ruled that the City of Manhattan Beach needed to complete an Environmental Impact Report (EIR) prior to adopting their ordinance to ban plastic bags. This is similar to an August 2008 ruling requiring the City of Oakland to complete an EIR prior to adopting a similar ordinance.

County Counsel is drafting an ordinance to ban plastic bags to be considered by your Board. Accordingly, we are working with County Counsel, DPW, and a consultant to prepare a Countywide EIR, which will be submitted for consideration with the draft ordinance in July 2010.

Category 2 and 3 Stores in the Unincorporated County Areas

Upon fully implementing the Program objectives in Category 1 supermarkets and large drugstores within the unincorporated County areas, the effectiveness of the Program will be evaluated by the Working Group. The evaluation will assist in determining the viability of expanding the voluntary Program to include Category 2 convenience and franchise stores, and Category 3 small stores in the unincorporated County.

Expanded Polystyrene Food Containers

Consultant Study

Responsible Purchasing Network (RPN) completed a study in July 2009 entitled, "EPS Food Containers Alternative Products Analysis and Life-Cycle Assessment." The study identified current EPS usage with respect to safety, functionality, cost, and environmental compatibility. It also identified effective alternative food containers currently available for use by County departments. Based on the study, as well as independent research by RPN regarding best practices and potential impacts of food service ware products, a "Responsible Purchasing Guide to Food Containers" was developed. According to the life-cycle data provided, RPN concludes that the waste management of any food service container is a key factor in its emissions footprint.

Specifically, RPN recommends that Los Angeles County and its contractors:

- Cease the purchase and use of EPS food containers at all County operations.
- Use reusable food containers wherever feasible.
- Use food containers made from bagasse and other agricultural waste products wherever reusables are not feasible and disposables will be composted or landfilled.
- Use food containers made from paper wherever reusables are not feasible and disposables will be recycled.
- Use cups made from polylactic acid (PLA) for cold beverages wherever reusable products are not feasible.

Feasibility of Phasing Out EPS Food Containers at County Facilities

The consultant's recommendations will be discussed among the Working Group in August 2009, and a recommendation will be presented to your Board in September 2009. The anticipated effective date for phasing out EPS food containers at County facilities is November 1, 2009, at which time departments would use up existing supplies and begin procurement of new products based on recommendations of the study.

Feasibility of Phasing Out EPS Food Containers at Food Service Establishments and Retail Stores in the Unincorporated County Areas

In collaboration with the Working Group, the effectiveness of alternatives to EPS food containers will be evaluated after implementing alternatives at County facilities. Findings from the Life-Cycle Assessments of baseline and alternative products will also be considered. The feasibility of expanding the EPS restriction to unincorporated County retail stores and food service establishments will be determined based on this evaluation.

EPS Recycling

Concurrent with efforts to develop alternatives to EPS food container products, the viability of recycling EPS food containers generated from County facilities has been investigated. We have determined that certain County operations provide an opportunity to fully and separately collect EPS materials for recycling by an outside vendor at no cost. The Sheriff's Department, Internal Services Department (ISD), County Counsel, DPW, and CEO collaborated to develop the scope of work for a one-year contract to recycle EPS material from Sheriff facilities. Services would include routine collection of post-consumer polystyrene food trays and product packaging for recycling.

The contract also provides the County with the option, upon mutual agreement by the selected vendor, to extend the agreement for up to two additional one-year periods and/or expand the effort to other County facilities. ISD is in the process of soliciting bids and expects to have an executed contract by the end of August 2009.

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Summary

Attached is a more detailed status of the Single Use Bag Reduction and Recycling and EPS Programs. The next quarterly report will be submitted to your Board by November 1, 2009. If you have any questions regarding this progress report, please contact me, or your staff may contact Burt Kumagawa at (213) 893-9742, or via e-mail at bkumagawa@ceo.lacounty.gov.

WTF:LS
DSP:BK:os

Attachment

- c: All Department Heads
Sanitation Districts of Los Angeles County
Sapphos Environmental, Inc. (M. Campbell)

SINGLE USE BAG REDUCTION AND RECYCLING PROGRAM

PROGRAM ELEMENT	DUE DATE	STATUS
Store Related Efforts - Define which large supermarkets and retail stores are subject to the Program and develop a database of stores that may participate. - Establish the measurement methodology to evaluate program success. - Establish a menu of store-specific programs for implementation. - Develop minimum store participation levels. - Develop an environmental awareness message to be printed on each plastic bag.	July 1, 2008; ongoing July 1, 2008; ongoing July 1, 2008; ongoing July 1, 2008; ongoing July 1, 2008; ongoing	These tasks were completed and included in the Program Resource Packet mailed to stores and made available to stakeholders in August 2008. Ongoing efforts include: - The store listing has been updated as information is received from the State Waste Board and Department of Public Health, and confirmed through store visits. - Staff continues to coordinate with industry representatives to obtain curbside recycling data; and coordinate with stores and the State Waste Board to obtain at-store recycling data. - Store visits have found that most large stores sell reusable bags and place recycling bins for plastic bags. Smaller stores do not typically implement such features. The majority of all stores do not display prominent anti-litter messages or other environmental outreach. - Participation levels will be considered in the selection criteria for recognizing and awarding stores. - Environmental messages are currently displayed on the Program website, reusable bags, brochures, and other outreach materials distributed at community events and shared with partner cities. In addition, we will enhance our efforts to have stores voluntarily add messages to each single use plastic carryout bag.
Additional Program Components Develop a public education campaign to promote reusable bags and at-store recycling.	July 1, 2008; ongoing	Staff is working with the City of Glendale to share their public service announcement with County partners, including stores. The Working Group is collaborating with stores, non-profit organizations, and the media to develop a public education campaign scheduled to run from America Recycles Day on November 15, 2009, through A Day Without a Bag on December 17, 2009. Residents will be asked to bring in plastic grocery bags for recycling in exchange for free reusable bags.

SINGLE USE BAG REDUCTION AND RECYCLING PROGRAM

PROGRAM ELEMENT	DUE DATE	STATUS
Additional Program Components (continued)		
Develop a Store Recognition Program.	July 1, 2008; ongoing	Store evaluation sheets will be reviewed to determine prospective award candidates per criteria identified in the Program Resource Packet.
Identify litter hot spots and develop a focused anti-litter campaign.	July 1, 2008; ongoing	The Working Group is considering the viability of conducting outreach for the store campaign through store advertisements and radio. Staff is developing an ad to be aired in August/September 2009 on the County's TV Channel bulletin board.
Maximize recycled content and promote recycling markets for all single use bags.	July 1, 2008; ongoing	According to paper bag manufacturers, single use paper bags distributed at stores in this region typically consist of at least 40% recycled content. Staff will continue to coordinate with manufacturers to maximize the recycled content of single use bags. We are also working with plastic bag manufacturers to increase the recyclable content of single-use plastic bags; they have recently provided samples of plastic bags made of 100% recycled agricultural film.
Ban plastic carryout bags at County facilities.	To Be Determined	A survey of County departments revealed that use of plastic carryout bags is minimal. We are working through our network of departmental recycling coordinators, ISD Purchasing Division, and the Energy & Environment Policy Team to ensure single use bags are discontinued from use at County operations and events.
Continue to encourage cities to join Program.	Ongoing	Staff continues to contact cities to expand the reach of this voluntary Program. Ten cities continue to partner with the County on the Program; information was recently sent to 15 additional cities that have expressed interest.
Expand Program to Category 2 / Category 3 stores.	July 2009	These stores are not currently subject to the State's recycling and reporting requirements. Staff will increase store outreach efforts to encourage voluntary participation.

SINGLE USE BAG REDUCTION AND RECYCLING PROGRAM

PROGRAM ELEMENT	DUE DATE	STATUS
County Ordinance: Enforcement of Benchmarks Affected stores in the unincorporated County must meet the following benchmarks to reduce plastic bag use and increase at-store recycling, otherwise actions to establish a ban will be triggered: 1. 30 percent reduction by July 1, 2010 2. 65 percent reduction by July 1, 2013 A one-year extension may apply if the actual observed reduction is within 3 percent of a benchmark goal and "good faith" efforts have been demonstrated.	April 2010 (prior target date; revised to July 2010)	County Counsel has begun preparing a draft ordinance for the Board's consideration to ban plastic bags in the unincorporated County areas. A Countywide Environmental Impact Report (EIR) will be prepared by a consultant to accompany the ordinance. In order to allow sufficient time to conduct public meetings, incorporate feedback from stakeholders, and hold public comment and community meetings after the holiday season, the EIR and ordinance will be submitted to your Board for consideration in July 2010. On July 17, 2008, the "Save the Plastic Bag Coalition" filed a lawsuit challenging the Board's January 22, 2008, action adopting the voluntary program. In April 2009, the County and Coalition participated in mediation to determine if agreement might be reached on particular points of contention. No settlement has been reached as of this date. Concurrently, the parties are moving forward in setting a briefing schedule for the CEQA writ filed by the Coalition, which is set to be heard on October 23, 2009. If there is no amicable resolution of the action prior to this date, the Court will hear arguments and rule on the merits of the writ.
County Ordinance: Environmental Awareness Message Require that each plastic carryout bag distributed by affected stores in the unincorporated County is imprinted with an environmental awareness message.	No due date specified	• Since an ordinance banning plastic bags would eliminate the need for any environmental messaging, other mechanisms are being evaluated, such as voluntary store efforts, and additional public education and outreach. In the interim, we will enhance our efforts to have stores voluntarily add messages to each single use plastic carryout bag.

SINGLE USE BAG REDUCTION AND RECYCLING PROGRAM

PROGRAM ELEMENT	DUE DATE	STATUS
Board adopted State Legislative Position to Reduce Plastic Bag Litter • Repeal State law that prevents local government from imposing a fee on plastic carryout bags. • Implement a Statewide fee on plastic carryout bags, with revenue directed to local governments on a per-capita basis, or establish Statewide benchmarks to reduce consumption and increase at-store recycling of plastic carryout bags. • Require an environmental awareness message on plastic carryout bags describing the negative impacts of littered plastic carryout bags on the environment and wildlife, and the need to use reusable bags.	2009 Legislative Year	County-sponsored AB 87 (Davis), which has become a two-year bill and will be taken up again in January 2010, includes the following key provisions: • A per bag fee • Percentage of fee revenue returned to individual stores • Percentage of fee revenue distributed to local governments on per capita basis • Fee exemptions for participants in the Women, Infants, and Children (WIC) and food stamp programs • Environmental message requirement omitted due to the fact that there was significant support from various stakeholders for above provisions, which were deemed to be positive elements of legislation. AB 68 (Brownley), which contains similar provisions to AB 87, has also become a two-year bill.
City Actions and Related Litigation On July 17, 2007, the City of Oakland adopted an ordinance banning the distribution of plastic carryout bags, allowing only paper or compostable single use bags. On August 3, 2007, the plastic bag industry filed suit in Alameda Superior Court to block implementation of the ordinance, arguing that the City failed to analyze the potential environmental impact of the ordinance as required by the CEQA.	Not Applicable	In 2008, the Superior Court ruled that the City of Oakland's ordinance did not comply with CEQA, thus voiding the ordinance. The City has not pursued further action.

SINGLE USE BAG REDUCTION AND RECYCLING PROGRAM

PROGRAM ELEMENT	DUE DATE	STATUS
City Actions and Related Litigation (continued) In 2008, the Los Angeles City Council voted to ban plastic bags by July 1, 2010, if a statewide fee on plastic bags is not implemented by that time, and phase-out EPS food containers throughout City operations over the next two years as follows: • By July 1, 2008 for City departments • By July 1, 2009 for City-permitted events • By July 1, 2010 for lease and concession agreements Since 2008, the following cities have taken action to ban the use of plastic bags, and in some cases, paper bags: • Gardena • Palo Alto • Manhattan Beach • Santa Monica	Not Applicable	On February 20, 2009, a Superior Court judge ruled that the City of Manhattan Beach needed to complete an Environmental Impact Report prior to adopting an ordinance banning plastic bags; the City is appealing this decision. The Coalition took similar actions with the City of Palo Alto on April 21, 2009. On July 28, 2009, Palo Alto and the Coalition settled the lawsuit. The settlement requires the City to complete an EIR prior to expanding the Ordinance to other stores.

EXPANDED POLYSTYRENE (EPS) FOOD CONTAINERS – COMMONLY KNOWN AS STYROFOAM™

PROGRAM ELEMENT	DUE DATE	STATUS
Phasing Out EPS Food Containers at County Operations An April 2008 staff report prepared by DPW included research on the environmental impacts of EPS food containers, alternatives to EPS, and case studies from other jurisdictions. The report, which was reviewed by stakeholders, interest groups, and County departments, made the following findings and recommendations: 1. Replacing EPS food containers with reusable and durable goods, where feasible, would have the highest positive impact on the environment. 2. Prohibiting the purchase and use of EPS food containers at County operations would be feasible for the majority of departments since EPS use is moderate and several departments already use alternative products. 3. Alternative products may be significantly more expensive depending on material used, manufacturing process, and durability of the product. This may be especially critical for departments in which health, safety, and/or security is an operational issue since viable alternative products are much more limited.	Indicated below by Program Element	An October 15, 2008 status report to your Board recommended: • Retention of a consultant by the Internal Services Department (ISD) to supplement the findings of the DPW report by further studying EPS usage and specifying preferred alternative products based on the following alternative product hierarchy: 1. Reusable and durable goods 2. Biodegradable single-use products 3. Recyclable single-use products 4. Other non-EPS products 5. EPS products (cases where waiver is approved) • Revision of the Countywide Purchasing Policy by ISD to incorporate the alternative product hierarchy. • Completion of life cycle analyses to examine the comparative environmental impacts of EPS and alternatives. Subject to approval by your Board, November 1, 2009 is recommended for the phase-out of EPS food containers at County facilities. We are working with ISD, the Energy & Environment Policy Team, and Departmental Recycling Coordinators to prepare for this potential action.
Specific Program Components (EPS) • ISD to revise Countywide Purchasing Policy to incorporate the alternative product hierarchy.	October 2008	• Completed. Additional findings from the consultant's study will be incorporated into this policy as applicable.

PROGRAM ELEMENT	DUE DATE	STATUS
Specific Program Components (EPS) (continued) • ISD to retain a consultant to study product alternatives, establish departmental purchasing guidelines, and complete a life cycle analysis. • Energy & Environment Policy Team (EET) to develop EPS outreach program and inform departments. • Consultant to complete study and life cycle analysis. - Task 1: Establish consumption baseline - Task 2: Analyze products by function - Task 3: Develop alternative products listing, pricing - Task 4: Life-cycle assessment of baseline products and proposed alternative products - Task 5: Final Report • EET to provide semi-annual progress reports for three years on implementing the restriction at County operations.	November 2008; Ongoing March 2009 July 2009 Every six months for three years	• Findings from the consultant's study will be discussed with the Working Group in August 2009; recommendations will be presented to the Board in September 2009. • On July 29 2009, Public Works updated the EET regarding the Life Cycle Study findings and the EPS recycling pilot program with the Sheriff. Public Works also distributed a fact sheet and contact info to participating Department representatives. • Tasks 1 and 2 completed in March 2009; and Tasks 3, 4, and 5 completed in July 2009. • RPN concludes that the waste disposal of any food service container is the key factor in its emissions footprint. • RPN recommends that the County and its contractors: - Cease purchase and use of EPS food containers at all County operations. - Use reusable food containers if feasible. - Use food containers made from bagasse and other agricultural waste products if reusables are not feasible and disposables will be composted or landfilled. - Use food containers made from paper if reusables are not feasible and disposables will be recycled. - Use cups made from polylactic acid (PLA) for cold beverages if reusable products are not feasible. • Progress reports will also include any impacts to departmental operations; the first progress report, assuming that a restriction is effective November 1, 2009, would be submitted by May 1, 2010.

PROGRAM ELEMENT	DUE DATE	STATUS
Specific Program Components (EPS) (continued) - Working Group to explore opportunities to enhance education/outreach on alternatives to EPS products. - DPW to evaluate the feasibility of implementing a pilot effort aimed at recycling EPS food containers from the Sheriff Department.	No date specified August 2009	- Materials to enhance public awareness and receptiveness to reducing EPS food container litter will be developed. - Staff developed a scope of work for EPS food container recycling program, ISD is in the process of soliciting bids; an executed contract is expected by August 2009.
Phasing Out EPS Food Containers in Unincorporated County Areas - DPW to evaluate the restriction on County departments, conduct outreach effort, and develop Board recommendations on feasibility of expanding the restriction to unincorporated County areas. - Working Group to solicit input from stakeholders and affected food service establishments/retail stores regarding unincorporated County areas program. - Working Group to complete evaluation, taking into account the consultant's findings on environmentally friendly alternatives and life cycle analysis examining comparative environmental impacts of EPS and alternative products. - Working Group to report recommendations to the Board, including County Code changes as required.	No date specified January 2010 Spring 2010	Upon fully implementing alternative products at County operations (Phase I), the effectiveness of the EPS restriction will be evaluated in collaboration with the Working Group. The feasibility of expanding the EPS restriction to unincorporated County area retail stores and food service establishments (Phase II) will be determined in collaboration with stakeholders.

EXPANDED POLYSTYRENE (EPS) FOOD CONTAINERS – COMMONLY KNOWN AS STYROFOAM™

PROGRAM ELEMENT	DUE DATE	STATUS
Board adopted State Legislative Position to Reduce EPS Food Container Litter - The CEO and DPW will continue to monitor legislation introduced in future years related to EPS. - Require State agencies and contractors to utilize alternatives to EPS food container products.	No date specified 2009 Legislative Year	AB 1358 has been moved to the Assembly Inactive File. Assembly Members Hill and Nava introduced AB 1358, which would have prohibited food vendors from dispensing prepared food to customers in disposable EPS food containers. When originally introduced, the bill prohibited State facilities from using EPS food containers, but this stipulation has been subsequently removed from the bill. AB 1358 has been moved to the Assembly inactive file.