



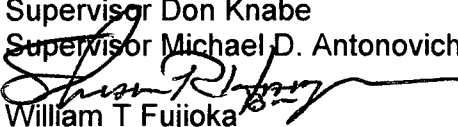
County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

August 13, 2008

To: Supervisor Yvonne B. Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: 
William T Fujioka
Chief Executive Officer

Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
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 (EPS) FOOD CONTAINERS – QUARTERLY PROGRESS REPORT NO. 2

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 by July 1, 2008, 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. The Board further directed staff to provide quarterly progress reports to the Board and interested stakeholders, which is included as Attachment I.

Single Use Bag Reduction and Recycling Program

Program Launch

The Program will be launched in mid-August 2008. This Office, in cooperation with the California Grocers Association, plan to send a joint letter to each affected store in the unincorporated County area encouraging participation in the Program. A Resource Packet (Attachment II), prepared by the Working Group, will be central to the launch effort. The Packet describes the Program in detail and serves as a useful guide in assisting stores with implementing the various Program components. Each of our eight partner cities will also receive copies of the Resource Packet: Azusa, Bell, Hermosa Beach, Lomita, Pico Rivera, Redondo Beach, Santa Fe Springs, and Signal Hill. In addition, we continue to outreach to other cities and are coordinating with those who have indicated a strong interest in adopting this Program, such as Pomona and Glendale.

"To Enrich Lives Through Effective And Caring Service"

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On July 22, 2008, the Los Angeles City Council voted to ban plastic bags Citywide by July 1, 2010, barring implementation of a Statewide fee on plastic bags. The City Council also voted to support AB 2058, provided that the bill is amended to: 1) eliminate the 70 percent reduction mandate, and instead require stores to charge 25 cents per bag for all paper, plastic, or other single use bags distributed; and 2) return most of the revenue to local governments on a per capita basis. The same action also included recommendations to phase out the use of expanded polystyrene food containers throughout City operations.

Convenience and Franchise Stores

As directed by your Board, in addition to the "large supermarkets" having gross annual sales of \$2 million or more, and "retail stores" greater than 10,000 square feet with a licensed pharmacy (Category 1 stores), the Working Group has also evaluated the feasibility of incorporating convenience stores and other appropriate franchise stores that are cumulatively larger than 10,000 square feet (Category 2 stores), as well as smaller stores distributing carryout plastic bags (Category 3 stores), into the Program. A comprehensive list of stores under each of the three (3) categories within the County unincorporated areas was compiled by Public Works based on data from the Departments of Public Health, Agricultural Commissioner/Weights and Measures, and Treasurer and Tax Collector (Business License and Collections Division). For verification purposes and in compliance with the requirements of AB 2449, the Category 1 stores data will be compared against a database being compiled by the California Integrated Waste Management Board. Based on the current listing, the estimated numbers of stores in the County unincorporated areas are as follows:

Number of Stores in the Unincorporated County Area

Store Category	Supervisorial District					Category Totals
	1	2	3	4	5	
1	34	30	0	26	31	121
2	140	80	7	78	65	370
3	989	486	95	330	514	2,414
Totals	1,163	596	102	434	610	2,905

Data from Departments of Public Health, Agricultural Commissioner/Weights and Measures, and Treasurer and Tax Collector (Business License and Collections Division)

Since Category 2 and 3 stores are currently not subject to the State's at-store plastic bag recycling or reporting requirements, it would be difficult to require these stores to comply with prescribed disposal reduction benchmarks. However, these stores are not precluded from participating in the Program on a voluntary basis. The Working Group will continue to evaluate options and incentives to incorporate Category 2 and 3 stores into the Program.

Each Supervisor
August 13, 2008
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Expanded Polystyrene (EPS) Food Containers

A draft report that examines the feasibility of banning EPS food containers at County operations has been reviewed by stakeholders and interest groups, including County departments. A Board letter and the report will be presented to your Board in September 2008, with a recommendation for departments to phase out the use of EPS food containers, effective 30 days after Board approval, where feasible. Departments that are high-volume users and/or have health and safety operational concerns may need to evaluate alternative products. Therefore, a consultant will be retained to conduct a study of alternative products and related costs to phase out the use of EPS containers. The consultant will also conduct a Life Cycle Analysis of alternative products, which will enable departments to make more informed purchasing decisions when selecting products. This effort would also provide insight for Phase II of the project, which is evaluating expansion of the phase out to retail food establishments in the unincorporated County areas.

Summary

The next Quarterly Report will be submitted to your Board by November 1, 2008.

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

WTF:LS
BK:os

Attachments (2)

c: Executive Officer, Board of Supervisors
County Counsel
Acting Director of Internal Services
Acting Director of Public Works
Director and Health Officer of Public Health
Treasurer and Tax Collector
Sanitation Districts of Los Angeles County

ATTACHMENT I

**SUMMARY OF COUNTY EFFORTS TO ADDRESS
PLASTIC CARRYOUT BAGS AND EXPANDED POLYSTYRENE FOOD CONTAINERS**

PROGRAM ELEMENT	BOARD DUE DATE	STATUS
<p>Store Related Efforts</p> <ul style="list-style-type: none"> • 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. 	<p align="center">July 1, 2008</p>	<ul style="list-style-type: none"> • Public Works (DPW) completed database of Category 1 stores. This list of impacted stores will be verified and finalized upon receiving data from the CIWMB once available. Category 1 stores are defined as large supermarkets having gross annual sales of \$2 million or more and retail stores greater than 10,000 square feet with a licensed pharmacy. • Completed the measurement methodology, which now includes accounting for bags recycled through curbside programs as approved by the Working Group; incorporated final recommendations into the Resource Packet (see Attachment II). • Completed the menu of store-specific Program components and incorporated final recommendations into the Resource Packet (see Attachment II). • Completed the minimum store participation levels and incorporated final recommendations into the Resource Packet (see Attachment II). • Completed the development of environmental awareness messages, which were reviewed by stakeholders and incorporated final recommendations into the Resource Packet (see Attachment II).

**SUMMARY OF COUNTY EFFORTS TO ADDRESS
PLASTIC CARRYOUT BAGS AND EXPANDED POLYSTYRENE FOOD CONTAINERS**

PROGRAM ELEMENT	BOARD DUE DATE	STATUS
<p>Additional Program Components</p> <ul style="list-style-type: none"> • Develop a public education campaign to promote reusable bags and at-store recycling. • Develop a Store Recognition Program. • Identify litter hot spots and develop a focused anti-litter campaign. • Maximize recycled content and promote recycling markets for all single use bags. • Ban plastic carryout bags at County facilities. • Continue to encourage cities to join Program. • Expand Program to Category 2 and Category 3 stores. 	<p>These elements of the Program will be finalized by Fall 2008 and will be evaluated / updated as appropriate.</p> <p align="center">July 2009</p>	<ul style="list-style-type: none"> • Completed development of public education campaign strategies, and incorporated final recommendations into the Resource Packet (see Attachment II). The Working Group will continue to work together in implementing the activities outlined in the campaign. • Completed and incorporated the Store Recognition Program into the Resource Packet; this will be implemented on an ongoing basis (see Attachment II). • Completed identification of litter hot spots, drafted an anti-litter campaign and incorporated it into the Resource Packet (see Attachment II). Hot spots will continue to be updated or identified as appropriate. The anti-litter campaign will be an ongoing effort. • Completed strategies for maximizing recycled content and promoting recycling markets for all single use bags; incorporated final recommendations into the Resource Packet (see Attachment II). Implementation of strategies will be ongoing. • The Working Group continues to evaluate feasibility of banning plastic carryout bags at County facilities. A recommendation to your Board is expected to be presented by September 2008. • As of August 1, 2008, the cities of Azusa, Bell, Hermosa Beach, Lomita, Pico Rivera, Redondo Beach, Santa Fe Springs, and Signal Hill have adopted resolutions to join the Program, and cities such as Glendale and Pomona, are considering such an action. The County will continue its ongoing outreach effort to cities. • Since these stores are currently not subject to the State's at-store bag recycling or reporting requirements, it would be difficult to require these stores to comply with prescribed disposal reduction benchmarks. However, these stores are not precluded from participating in the Program on a voluntary basis. The Working Group will continue to evaluate options and incentives to incorporate these stores into the Program.

**SUMMARY OF COUNTY EFFORTS TO ADDRESS
PLASTIC CARRYOUT BAGS AND EXPANDED POLYSTYRENE FOOD CONTAINERS**

PROGRAM ELEMENT	BOARD DUE DATE	STATUS
<p>County Ordinance: Enforcement of Benchmarks</p> <p>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:</p> <ol style="list-style-type: none"> 1. 30 percent reduction by July 1, 2010 2. 65 percent reduction by July 1, 2013 <p>A one-year extension may apply if the actual observed reduction is within 3% of a benchmark goal and "good faith" efforts have been demonstrated.</p>	<p align="center">April 1, 2010</p>	<p>County Counsel has not yet commenced preparation of the draft ordinance as it is not required to be drafted until April 1, 2010 as directed by your Board.</p> <p>Implementation of the Ordinance will require California Environmental Quality Act (CEQA) compliance.</p> <p>On July 17, 2008, a group called "Save the Plastic Bag Coalition" filed a suit challenging the Board's January 22, 2008 action to adopt the voluntary program. County Counsel is currently reviewing the suit.</p>
<p>County Ordinance: Environmental Awareness Message</p> <p>Require that each plastic carryout bag distributed by affected stores in the unincorporated County is imprinted with an environmental awareness message.</p>	<p align="center">No specific due date</p>	<p>County Counsel has not yet commenced preparation of an ordinance. We are considering developing one ordinance to address both the benchmarks and the environmental message. The Working Group has developed several potential messages.</p>

**SUMMARY OF COUNTY EFFORTS TO ADDRESS
PLASTIC CARRYOUT BAGS AND EXPANDED POLYSTYRENE FOOD CONTAINERS**

PROGRAM ELEMENT	BOARD DUE DATE	STATUS
<p>Board adopted State Legislative Position to Reduce Plastic Bag Litter</p> <ul style="list-style-type: none"> • Repeal State law that prevents local government from imposing a point-of-purchase 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 be imprinted on each plastic carryout bag, describing the negative impacts of littered plastic carryout bags on the environment and wildlife, and the need to use reusable bags. 	<p align="center">2008 Legislative Year</p>	<p>County-sponsored AB 2829 (Davis) was considered in the Assembly Natural Resources Committee on April 14, 2008; during the Committee proceedings an agreement was reached to amend the provisions of AB 2829 into AB 2058 (Levine) and include Assembly Members Davis and Brownley as joint authors.</p> <p>The June 30, 2008 amendment of AB 2058 required stores to impose a 25 cent fee on each plastic bag if a 70 percent reduction benchmark is not met. The funds were to be retained by stores for plastic bag litter reduction and public education programs, however the Bill did not:</p> <ol style="list-style-type: none"> 1. Direct revenue to local governments on a per-capita basis; 2. Require an environmental awareness message <p>AB 2058 passed the Senate Environmental Quality Committee on May 21, 2008. The Senate Appropriations Committee placed the Bill on the suspense file. The Bill was not moved to the Senate floor on August 7, 2008 as anticipated, however, the final deadline to move a bill to the floor is August 15, 2008.</p> <p>We will continue to advocate for the policies directed by your Board.</p>

**SUMMARY OF COUNTY EFFORTS TO ADDRESS
PLASTIC CARRYOUT BAGS AND EXPANDED POLYSTYRENE FOOD CONTAINERS**

PROGRAM ELEMENT	BOARD DUE DATE	STATUS
<p>City Actions and Related Litigation</p> <p>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.</p> <p>Since early 2008, the following cities have taken action to ban the use of plastic bags, and in some cases, paper bags as well:</p> <ul style="list-style-type: none"> • Gardena • Los Angeles • Malibu • Manhattan Beach • Santa Monica 	<p align="center">Ongoing</p>	<p>On April 17, 2008, the Superior Court agreed with the plastic bag industry and ruled that the City's ordinance did not comply with CEQA, thus voiding the City's ordinance. The City is evaluating whether to contest the court's ruling, or pursue completion of the necessary CEQA environmental documentation (however, this process would delay the implementation of the ordinance by at least a year, and may cost upwards of \$100,000 to complete).</p> <p>We will continue to monitor the effort by the City of Oakland and analyze its relevance to the Los Angeles County Single Use Bag Reduction and Recycling Program.</p> <p>An industry group called Save the Plastic Bag coalition has indicated that they may file lawsuits challenging actions by the Cities of Manhattan Beach and Gardena, contesting whether these cities complied with all necessary CEQA environmental documentation.</p> <p>On July 22, 2008, the Los Angeles City Council voted to ban plastic bags throughout the City by July 1, 2010, if a Statewide fee on plastic bags is not implemented by then. They also voted to support AB 2058, provided that it is amended to eliminate the 70 percent reduction mandate, and instead require stores to charge 25 cents per bag for all paper, plastic or other single use bag distributed; and that most of the revenue was returned to local governments on a per capita basis. The same action also included recommendations to phase out the use of expanded polystyrene food containers throughout City operations.</p>

**SUMMARY OF COUNTY EFFORTS TO ADDRESS
PLASTIC CARRYOUT BAGS AND EXPANDED POLYSTYRENE FOOD CONTAINERS**

EXPANDED POLYSTYRENE ("EPS" - COMMONLY KNOWN AS STYROFOAM™) FOOD CONTAINERS		
PROGRAM ELEMENT	BOARD DUE DATE	STATUS
<p>Phase 1 – Banning EPS Food Containers at County Operations</p> <p>In April 2008, a draft staff report was reviewed by County departments/agencies. The draft staff report recommends:</p> <ol style="list-style-type: none"> 1. Banning EPS containers at County operations effective July 1, 2008. 2. Directing County Departments to follow a tiered approach when replacing EPS food containers: <ul style="list-style-type: none"> ▪ Maximize the use of reusable/durable goods. ▪ Implement the following alternatives in order of priority: (1) biodegradable and paper alternatives, (2) recyclable alternatives, (3) other non-EPS alternatives. 3. Allowing waivers to be issued in instances where public safety is a concern or if no suitable alternatives exist. 	<p>May 2008</p>	<p>A draft report that examines the feasibility of banning EPS food containers at County operations has been reviewed by stakeholders and interest groups, including County departments. A Board letter and report will be presented to the Board in September 2008 with a recommendation to phase out the use of EPS food containers effective 30 days after Board approval.</p> <p>A consultant will be retained to conduct a study to evaluate alternative products and related costs, particularly in departments that are high volume users and/or have health and safety operational concerns.</p>
<p>Phase 2 – Applying the EPS Ban to All Retail Food Establishments in County Unincorporated Areas</p> <p>Phase I results will be used to formulate effective recommendations for Phase II, such as technical feasibility and cost impact of alternatives.</p>	<p>Spring 2009</p>	<p>The Phase II report will be forwarded to the Board in early 2009.</p>

ATTACHMENT II

