

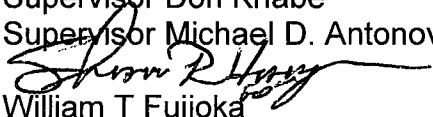


County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

November 21, 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

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SINGLE USE BAG REDUCTION AND RECYCLING PROGRAM AND EXPANDED POLYSTYRENE FOOD CONTAINERS – QUARTERLY PROGRESS REPORT NO. 3

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. The Board further directed staff to provide quarterly progress reports to the Board and interested stakeholders (attached).

On May 22, 2007, your Board approved a number of actions related to the use of expanded polystyrene (EPS) food containers. This quarterly progress report includes highlights about our efforts to implement the EPS program that were detailed in our October 15, 2008 status report.

Single Use Bag Reduction and Recycling Program

Program Launch and City Participation

On August 21, 2008, a joint letter from this Office and the California Grocers Association (CGA) was sent to each of the 121 affected stores in the unincorporated County areas. The joint letter was supplemented by a Resource Packet to assist stores in

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understanding the various components of the Program, and also included implementation strategies for: 1) training store personnel; 2) providing incentives to decrease consumption of single use bags and increasing the use of reusable bags; and 3) incorporating public education and awareness efforts into store operations.

Resource Packets were also provided to each of the following nine cities currently participating in the Program: Azusa, Bell, Glendale, Hermosa Beach, Lomita, Pico Rivera, Redondo Beach, Santa Fe Springs, and Signal Hill. We continue to encourage other cities to join the Program, and the City of Pomona has indicated their interest in adopting a resolution to join at an upcoming City Council meeting.

Store Participation

In addition to the Resource Packets, affected unincorporated County area stores were given checklists to complete and return to assist the Working Group in gauging current single use bag usage levels, existing recycling efforts, and reusable bag sales at the stores. To date, 14 checklists have been returned. Generally, larger stores indicate that they have implemented many of the store personnel training and public outreach components outlined in the Resource Packet; and smaller, independent stores have not yet implemented these strategies. In all cases, however, respondents express their interest in working with the County to implement many of the Program components.

The low number of returned checklists indicates that increased efforts will be needed to positively engage stores in this Program. Accordingly, the Working Group has developed a plan to increase outreach efforts to stores, including the following:

- Working with the CGA to establish contacts with corporate offices to facilitate ongoing efforts;
- Conducting store site visits and establishing relationships with store managers to effectively activate Program components; and
- Encouraging facsimile or online submittal of surveys.

Upon fully implementing the Program objectives among Category 1 large supermarkets within the unincorporated County areas, performance levels and the effectiveness of the Program will be evaluated by the Working Group. Based on those findings, the Working Group will then determine the viability of further expanding the Program to include the Category 2 convenience and franchise stores and Category 3 small stores in the unincorporated County areas.

Working Group and Subcommittees

During this reporting period, the Working Group has convened on a bi-monthly basis. Each of the three subcommittees - Store Operations, Public Education and Outreach, and Technical Advisory - has met monthly. The subcommittees have been well represented with stakeholder participation, which has included industry groups, environmental organizations, school representatives, and governmental entities.

Key issues addressed this quarter include:

- **Store Operations:** Expanding direct outreach to stores including site visits and meetings with corporate executives.
- **Public Education and Outreach:** Developing a campaign aimed at increasing the use of reusable bags, increasing single use bag recycling, and reducing litter through community and school events.
- **Technical Advisory:** Continuing efforts to quantify recycling and reuse data.

EPS Food Containers

On October 15, 2008, a status report was provided to your Board on EPS food containers in response to the May 22, 2007 Board order. The status report concluded that a consultant should be retained to evaluate EPS food container usage by County departments, conduct life-cycle assessments of EPS products and develop specific environmentally preferred alternatives for each department.

The consultant study will be completed in May 2009, at which point the departments would proceed with procuring alternative products, including amendments to existing contracts, as appropriate. August 1, 2009 is the anticipated effective date for phasing out of EPS food containers at County facilities.

Upon the full implementation at County operations, the effectiveness of the EPS phase out would be evaluated in collaboration with the Working Group. Based on this evaluation, the feasibility of further expanding the EPS restriction to the unincorporated County area retail stores and food service establishments would be determined. The life cycle analysis conducted by the consultant will also aid in this evaluation.

Each Supervisor
November 21, 2008
Page 4

Concurrent with the above efforts, staff will continue to explore the possibility of implementing a pilot effort that would target used EPS food containers generated by the Sheriff and Health Services, the County's two largest EPS consumer departments. Staff efforts include touring prospective recycling facilities, evaluating departments' operational requirements and vendors' logistical constraints, analyzing vendors' existing contractual agreements with other public agencies, and coordinating potential actions with milestone dates of other Program elements. Updates pertaining to these activities will be provided in subsequent quarterly reports.

Summary

The next Quarterly Report will be submitted to your Board by February 1, 2009. If you have any questions regarding this progress report, 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.

WTF:LS
DSP:BK:ib

Attachment

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

**SUMMARY OF COUNTY EFFORTS TO ADDRESS
SINGLE USE CARRYOUT BAGS AND EXPANDED POLYSTYRENE (EPS) FOOD CONTAINERS**

SINGLE USE CARRYOUT BAGS		
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	- Public Works (DPW) compiled a database of Category 1 stores. This list of stores will be updated as data from the California Integrated Waste Management Board is made 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; final recommendations were incorporated into the Resource Packet that was sent to stores and partner cities on August 21, 2008. Staff is working with stakeholders to develop means for obtaining reliable reuse and curbside recycling data. - Completed the menu of store-specific program components and incorporated final recommendations into the Resource Packet. Staff has increased store outreach efforts to obtain additional survey information and provide technical support. - Completed the minimum store participation levels and incorporated final recommendations into the Resource Packet. - Completed the development of environmental awareness messages in consultation with stakeholders. Final recommendations were incorporated into the Resource Packet. While state legislation requiring environmental awareness messages on plastic bags was not approved during the 2007-08 Legislative Session, the Working Group continued to discuss ways to use the messages, such as on reusable bags for other outreach materials as appropriate.

**SUMMARY OF COUNTY EFFORTS TO ADDRESS
SINGLE USE CARRYOUT BAGS AND EXPANDED POLYSTYRENE (EPS) FOOD CONTAINERS**

SINGLE USE CARRYOUT BAGS		
PROGRAM ELEMENT	DUE DATE	STATUS
Additional Program Components - 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.		- Completed development of public education campaign strategies and incorporated final recommendations into the Resource Packet. The Working Group continued to develop outreach materials and activities, including school contests and targeted outreach, as well as fact sheets, brochures, and educational or promotional items. - Completed and incorporated the Store Recognition Program into the Resource Packet; this will be implemented and the strategies refined on an ongoing basis. - Completed identification of litter hot spots, drafted an anti-litter campaign and incorporated it into the Resource Packet. Hot spots will continue to be updated or identified as appropriate. The anti-litter campaign will be an ongoing effort coordinated with partner cities and other jurisdictions. DPW will be contacting the City of Los Angeles and partner cities about this effort. - Completed strategies for maximizing recycled content and promoting recycling markets for all single use bags; incorporated final recommendations into the Resource Packet. The Working Group has had discussions with plastic bag manufacturers and will be contacting paper bag manufacturers for input. - The Working Group continues to evaluate feasibility of banning plastic carryout bags at County facilities.

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SINGLE USE CARRYOUT BAGS AND EXPANDED POLYSTYRENE (EPS) FOOD CONTAINERS**

SINGLE USE CARRYOUT BAGS		
PROGRAM ELEMENT	DUE DATE	STATUS
- Continue to encourage cities to join Program. - Expand Program to Category 2 and Category 3 stores.	July 2009	- As of October 31, 2008, the cities of Azusa, Bell, Glendale, Hermosa Beach, Lomita, Pico Rivera, Redondo Beach, Santa Fe Springs, and Signal Hill, have adopted resolutions to join the Program. The City of Pomona is considering adopting a resolution to join the Program. - Since these stores are currently not subject to the State's at-store bag recycling or reporting requirements, it would be challenging to require them to comply with prescribed disposal reduction benchmarks. The Working Group will continue to evaluate options and incentives to incorporate these stores into the Program on a voluntary basis.
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: 30 percent reduction by July 1, 2010 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 1, 2010	County Counsel has not yet commenced preparation of the draft ordinance as it is not required until April 1, 2010. Consideration of the draft Ordinance will require California Environmental Quality Act (CEQA) compliance. 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.
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	County Counsel has not yet commenced preparation of an ordinance. We are considering having the proposed ordinance address both the benchmarks and the environmental message.

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SINGLE USE CARRYOUT BAGS AND EXPANDED POLYSTYRENE (EPS) FOOD CONTAINERS**

SINGLE USE CARRYOUT BAGS		
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 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	2008 Legislative Year	All legislation pertaining to plastic bags stalled at the end of the 2007-08 Legislative Session. As indicated in the CEO's October 31, 2008 memo regarding County-sponsored legislation, we will continue to advocate for the policies as directed by your Board during the upcoming legislative session. Specifically, we intend to support the consensus bill that had had the support of key sponsors and stakeholders at the end of the 2007-08 Legislative Session, which also included the following provisions: • A per transaction fee cap • Funding returned to individual stores • Per capita funds for local governments and competitive grants for local governments and non-profit organizations • Fee exemptions for Women, Infants, and Children (WIC) or food stamp program participants.
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	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. We will continue to monitor the effort by the City of Oakland and analyze its relevance to the Program.

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SINGLE USE CARRYOUT BAGS		
PROGRAM ELEMENT	DUE DATE	STATUS
Since early 2008, the following cities have taken action to ban the use of plastic bags, and in some cases, paper bags as well: • Gardena • Los Angeles • Malibu • Manhattan Beach • Santa Monica		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. 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 that time. 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 bags 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 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

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SINGLE USE CARRYOUT BAGS AND EXPANDED POLYSTYRENE (EPS) FOOD CONTAINERS**

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.	May 2008 (prior target date; revised dates indicated below by Program Element)	An October 15, 2008, status report to your Board, which included the DPW staff report, provided an update on each of the Board actions concerning EPS food containers. The Status Report recommended the following: • 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 a life cycle analysis by a consultant to examine the comparative environmental impacts of EPS and alternative products. In order to allow sufficient time for departments to procure alternative products and amend existing contracts, an effective date of August 1, 2009, was recommended for the phase-out of EPS food containers at County facilities.

**SUMMARY OF COUNTY EFFORTS TO ADDRESS
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EXPANDED POLYSTYRENE (EPS) FOOD CONTAINERS – COMMONLY KNOWN AS STYROFOAM™		
PROGRAM ELEMENT	DUE DATE	STATUS
Specific Program Components (EPS)		
• ISD to revise Countywide Purchasing Policy to incorporate the alternative product hierarchy. • ISD to retain a consultant to study product alternatives, establish departmental purchasing guidelines, and complete a life cycle analysis. • Energy & Environment Team to develop EPS outreach program and inform departments. • Consultant to complete study and life cycle analysis. • Energy & Environment Team to provide semi-annual reports for three years on progress implementing the restriction at County operations. • The Working Group to continue exploring opportunities to enhance public 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 and/or Health Services.	October 2008 November 2008 March 2009 May 2009 Every six months for three years No date specified June 2009	ISD incorporated the alternative product hierarchy into the County's "Green Purchasing" Policy on October 28, 2008. The draft scope of work was reviewed by stakeholders and comments have been incorporated as appropriate; contract will be executed by mid-November. Energy & Environment Team to discuss strategies and methodologies during the next team meeting. DPW will oversee consultant's efforts to deliver services. Energy & Environment Team to identify key staff responsible for completing semi-annual progress reports. The Working Group will continue to collaboratively develop outreach materials to enhance public awareness and receptiveness on reducing the environmental impacts of litter from EPS food containers. DPW will work with the Sheriff, Health Services, and local recyclers to determine if an EPS food container program is recommended for implementation.

**SUMMARY OF COUNTY EFFORTS TO ADDRESS
SINGLE USE CARRYOUT BAGS AND EXPANDED POLYSTYRENE (EPS) FOOD CONTAINERS**

EXPANDED POLYSTYRENE (EPS) FOOD CONTAINERS – COMMONLY KNOWN AS STYROFOAM™		
PROGRAM ELEMENT	DUE DATE	STATUS
Phasing Out EPS Food Containers in Unincorporated County Areas - DPW to evaluate the impact of the restriction on County departments; conduct a public outreach effort; and develop Board recommendations regarding feasibility of expanding the restriction to the unincorporated County areas. - Working Group to solicit input from stakeholders and affected food service establishments/retail stores regarding unincorporated County areas program.	No date specified	Upon the full implementation of alternative product usage at County operations (Phase I), the effectiveness of the EPS phase-out will be evaluated in collaboration with the Working Group. Based on the evaluation, the feasibility of further expanding the EPS restriction to the unincorporated County area retail stores and food service establishments will be determined in collaboration with key stakeholders.
Phasing Out EPS Food Containers in Unincorporated County Areas (continued) - Working Group to complete evaluation, taking into account the consultant's findings on environmentally friendly alternatives to EPS and a life cycle analysis examining the comparative environmental impacts of EPS and alternative products. - Working Group to report recommendations to the Board, including changes to the County Code as required.	January 2010 Spring 2010	

**SUMMARY OF COUNTY EFFORTS TO ADDRESS
SINGLE USE CARRYOUT BAGS AND EXPANDED POLYSTYRENE (EPS) FOOD CONTAINERS**

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 2008 Legislative Year	We will continue to advocate for the policies as directed by the Board during the upcoming legislative session. County-sponsored AB 820 (Karnette) would have prohibited a State facility from selling, possessing, or distributing EPS food containers after January 1, 2009. State agencies would have been directed to require each prospective contractor to certify that it will not sell, possess, or distribute an EPS food container at a State facility. AB 820 was not approved in the 2008 legislative year.