



Agenda Item #: _____

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Ward and Members of the City Council

THROUGH: Richard Thompson, Interim City Manager

FROM: Lindy Coe-Juell, Assistant to the City Manager

DATE: July 20, 2010

SUBJECT: Consideration of a Resolution to Support AB 1998 (Brownley) for Implementation of a Statewide Plastic Bag Ban and Limits on Paper Bag Distribution

RECOMMENDATION:

Staff recommends that the City Council approve Resolution No. 6268 in support of AB 1998 (Brownley), which would implement a statewide ban of plastic bags and require a fee for paper bag distribution at grocery stores, convenience stores and large retail stores starting in January 2012.

FISCAL IMPACT:

There is no fiscal impact associated with the recommended action.

BACKGROUND:

AB 1998 was introduced by Assemblymember Brownley in February 2010 and would ban large retailers and grocery stores from providing plastic bags to customers at the point-of-sale beginning in January 2012 and would require a fee of at least five cents for the distribution of paper bags with 40 percent or more postconsumer recycled content. The bill would also require these stores to make reusable bags available for free or for sale at a reasonable cost.

The bill will require reusable bag manufacturers to obtain certification from the State Department of Resources, Recycling and Recovery (DRRR) every two years to ensure that their bags meet the state's standards. Stores that do not comply with the distribution requirements in AB 1998 would be subject to a \$500 fee for each violation up to \$5,000. The DRRR will be responsible for implementing AB 1998 using certification fees and assessed fines for program administration.

AB 1998 was passed on the Assembly Floor on June 2, 2010 and by the Senate Environmental Quality Committee on June 28, 2010. The remaining path of consideration during the current legislative cycle will include the Senate Appropriations Committee (by August 13th), the Senate Floor (by August 31st), the Assembly Concurrence Committee (by August 31st) and finally to the Governor for signature or veto by September 30th.

In 2008 and again in 2009, state legislation was introduced that would have instituted statewide fees for plastic bag distribution. This legislative change would have been necessary to impact

plastic bag distribution because current state law (AB 2449) prevents local governments from mandating any fees on single-use plastic bags. The legislation that was introduced in 2008 and 2009 failed to pass Committee consideration. AB 1998 has thus far been more successful because it has won support from the California Grocers Association as a uniform statewide approach.

DISCUSSION:

Local governments across the state, including the City of Manhattan Beach, and environmental groups have long pushed for limitations on the distribution of single-use bags due to their impact on the environment. Each year, six billion single-use plastic bags are distributed in Los Angeles County and many end up as litter that pollutes streetscapes, waterways and our beaches and poses harm to animals in the ocean that mistake the bags for food. Single-use paper bags, although they do not hold the same threat to ocean life because they decompose in water, are not without environmental impact. Reusable bags are the most sustainable choice and AB 1998 will help to encourage their use.

In July 2008, the City of Manhattan Beach became the second city in the entire country to implement a ban on plastic bag distribution at the point-of-sale for all retailers. This ban was supported by a broad cross section of local environmental groups, civic organizations and businesses. We have been frustrated in our effort to implement this ban as a group called the *Save the Plastic Bag Coalition* filed suit on a CEQA provision and won an injunction in the lower courts. Our appeal of the decision was accepted for review by the California Supreme Court in April and will likely be scheduled for hearing in early 2011.

The passage of AB 1998 would supersede the implementation of a local plastic bag ban. However, our city's effort, as well as many other cities and organizations, to move forward with a positive step for reducing the number of plastic bags that end up as litter and cause harm to the ocean environment has undoubtedly been key in creating the momentum to bring AB 1998 to this point.

CONCLUSION:

Staff recommends that the City Council adopt Resolution No. 6268 in support of AB 1998. We believe that the passage of AB 1998 would be overwhelmingly positive for the health of our environment, would establish the State of California as a leader related to the issue of limiting single-use bag reliance, and would be consistent with our own efforts to promote the use of reusable bags as the most sustainable choice.

Should the City Council adopt Resolution No. 6268 this evening, staff will send letters of support (with the Resolution attached) to the various State Legislative Committees and relative individual Members that will be considering AB 1998 during the remainder of this legislative cycle. We will also relay the Council's support to interested organizations such as Heal the Bay.

ATTACHMENT:

- A) City of Manhattan Beach Resolution No. 6268

RESOLUTION NO. 6268

RESOLUTION TO SUPPORT AB 1998 (BROWNLEY) FOR STATE
REGULATION OF PLASTIC BAG AND PAPER BAG DISTRIBUTION

WHEREAS, approximately 6 billion single-use plastic bags are used in Los Angeles County each year and few of them are recycled; and,

WHEREAS, single-use plastic bags often end up as litter that pollutes streetscapes, waterways, wetlands and beaches; and,

WHEREAS, single-use paper bags, while generally less damaging to the environment than plastic bags, also contribute to environmental problems, including deforestation, greenhouse gas emissions, and additional waterborne wastes; and,

WHEREAS, reusable bags are by far the most sustainable, least environmentally harmful alternative to single-use bags, and widespread use of reusable bags would save trees, water, and natural resources while reducing air and water pollution; and,

WHEREAS, currently pending in the state legislature is AB 1998 (Brownley), which would prohibit supermarkets, convenience stores, and large retail stores from providing most single-use bags to consumers at the point of sale; and,

WHEREAS, the bill would also require retailers to make reusable bags available to consumers at a reasonable cost, and would also only allow a retailer to make a recycled-paper single-use bag available to consumers upon receipt of a fee not less than 5 cents. Unlike previous plastic bag efforts, The California Grocer's Association is actively supporting the bill for its potential to create a uniform, statewide program; and,

WHEREAS, while the bill also pre-empts any local regulations on bags, and while the City would ordinarily be opposed to any state pre-emption of local control, having a state-run program that can deal with the use of reusable and single-use bags throughout the state will significantly help the environment in Manhattan Beach and surrounding areas, while relieving the City of Manhattan Beach staff of program administration and enforcement duties; and

WHEREAS, such legislation could prove pivotal in reducing the litter and pollution that is generated through the use of billions of single-use bags in California each year; and

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES HEREBY DECLARE, FIND, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. With the adoption of this Resolution, the City Council of the City of Manhattan Beach hereby declares the City's **SUPPORT** for AB 1998 (Brownley).

SECTION 2. If any subsection, sentence, clause, phrase or word of this Resolution is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Resolution. The City Council hereby declares that it would have passed and adopted this Resolution and each and all of the provisions thereof irrespective of the fact that any one or more of said provisions may be declared invalid.

SECTION 3. The City Clerk shall certify to the passage and adoption of this resolution; shall cause the same to be entered among the original resolutions of said City; and shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council of said City in the minutes of the meeting at which the same is passed and adopted.

PASSED, APPROVED and ADOPTED this 20th day of July, 2010.

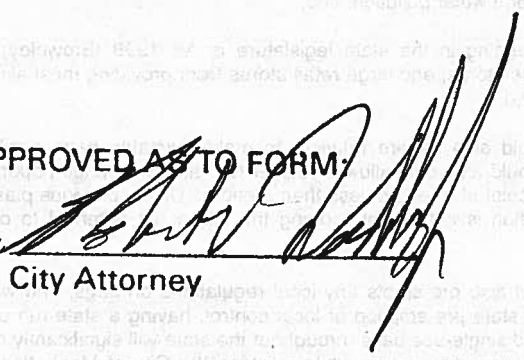
Ayes:
Noes:
Abstain:
Absent:

Mayor, City of Manhattan Beach, California

ATTEST:

City Clerk

APPROVED AS TO FORM:

By 

City Attorney