

# Plastic Bags and Biopolymers: The California Story

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**Californians Against Waste**

Conserving Resources. Preventing Pollution. Protecting the Environment.

# Outline

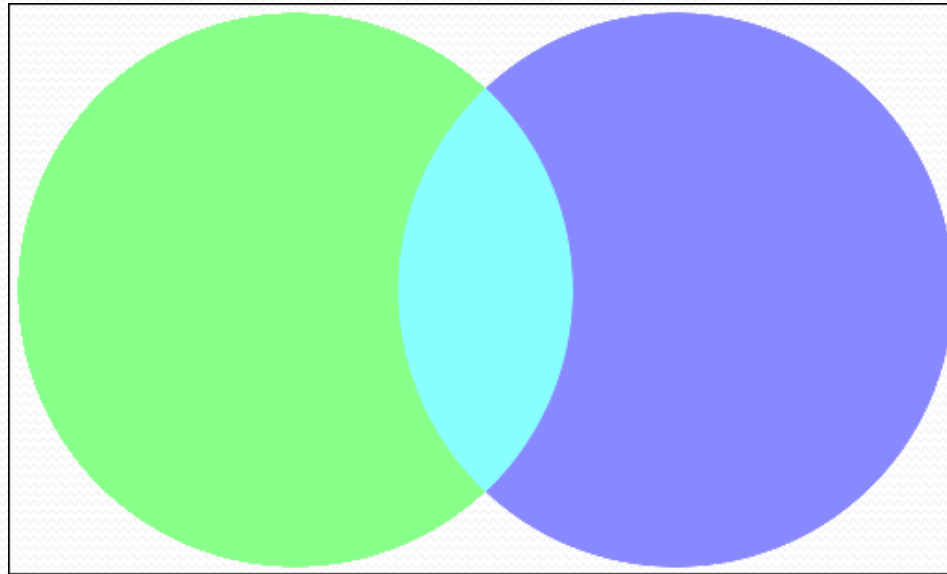
- Background
- Past: Legislative history
- Present: Current status of state, local bag policies, enforcement labeling campaign
- Future: Where do bioplastic bags fit in?

# About CAW

- 35 year old research and advocacy organization
- Bottle Bill history
- Issue areas—  
landfill, compost,  
plastic pollution,  
etc.



# Some Players



**Business Interests:**  
Manufacturers  
Retailers/Grocers



**Public Interests:**  
NGOs, etc.

# Some Potential Strategies

- Market Based Incentives
- Producer Responsibility
- Legislation/Ordinances

# Bottle Bill



- Market based
- 80%+ recycle rate in CA
- Producer responsibility



# Bags?

- Contamination issues
- State recycling/collection program = 3% rate
- Expensive machine repairs = \$1 million for San Jose
- Low market value = San Jose paid \$180/ton for disposal of baled bags



# CA Bag Legislation



## **AB 2449 (Levine)**

- Passed in 2006
- July 1, 2007-January 1, 2013
- Large supermarkets establish in-store recycling program
- Reusable bags for sale
- Records submitted to CalRecycle
- Preemption of local fees on plastic bags



# Older Bag Bills

## 2007-2008

- AB 2058/AB 2769/AB 2829 (Levine-Brownley-Davis) Bag fee

## 2009-2010

- AB 68 (Brownley) Bag fee
- AB 87 (Davis) Bag fee
- AB 1141 (Calderon) Bag fee
- AB 1998 (Brownley) Ban on plastic bags, charge on paper

# 2011-2012

## **AB 298 (Brownley)**

- Bans plastic bags in large supermarkets, pharmacies, and convenience stores starting 2014
- Charge on paper, compostable, and reusable bags
- Reusable bag certification

## **SB 1219 (Wolk)**

- Extends plastic bag recycling and collection program to 2020
- Removes a preemption of local bag charges

# Local Single-Use Bag Ordinances

## California:

31 ordinances

52 cities & counties

## US:

30 bag-related laws

Have they been effective?

Local Jurisdiction	Brief Description	Adopted
Fairfax	plastic ban	2008
Malibu	plastic ban	2008
Manhattan Beach	plastic ban	2008
Palo Alto	plastic ban	2009
LA County	plastic ban, 10 c for paper	2010
San Jose	plastic ban, 10/25 c for paper	2011
Marin County	plastic ban, 5 c for paper	2011
Santa Monica	plastic ban, 10 c for paper	2011
Calabasas	plastic ban, 10 c for paper	2011
Santa Clara County	plastic ban, 15 c for paper	2011
Long Beach	plastic ban, 10 c for paper	2011
Santa Cruz Co	plastic ban, 10/25 c for paper	2011
Pasadena	plastic ban, 10 c for paper	2011
Monterey	plastic ban, 10/25 c for paper	2011
Sunnyvale	plastic ban, 10/25 c for paper	2011
SLO County & 7 Cities	plastic ban, 10 c for paper	2011
Alameda Co & 14 Cities	plastic ban, 10/25 c for paper/reusable	2012
San Francisco	plastic ban, 10 c for paper /reusable	2012
Millbrae	plastic ban, 10 c for paper	2012
Laguna Beach	plastic ban, 10 c for paper	2012
Dana Point	plastic ban, voluntary charge for paper	2012
Carpinteria	plastic ban, paper ban for large stores	2012
Ojai	plastic ban, 10 c for paper	2012
Ukiah	plastic ban, 10 c for paper	2012
Watsonville	plastic ban, 10/25 c for paper	2012
Solana Beach	plastic ban, 10 c for paper	2012
Fort Bragg	plastic ban, 10 c for paper	2012
Mendocino County	plastic ban, 10 c for paper	2012
Carmel	plastic ban	2012
Santa Cruz City	plastic ban, 10 c for paper	2012
West Hollywood	plastic ban, 10 c for paper	2012

# Do bioplastic bags fit in?

- Compostable Bags (SF)
- From AB 298:

“...a store may make available for purchase at the point of sale a compostable bag...if...A majority of the residential households in the jurisdiction have access to curbside collection of foodwaste for composting.”
- Infrastructure



# Bioplastics Enforcement Campaign

## **CA Public Resources Code**

- Section 42355, limits on “compostability,” ban on “biodegradable”

## **CA Business and Professions Code**

- Prohibits false/misleading claims, enforces FTC Green Guides

### *Objectives:*

1. Identify, expose and where necessary initiate and/or prompt legal challenges to false and misleading environmental marketing claims
2. Begin the process of rebuilding public faith, credibility and value in the appropriate use of truthful and meaningful claims.

# CA Attorney General Lawsuit

- October 2011 – sued 3 bottled water companies for false “biodegradable” and “recyclable” claims
- June 8, 2012 Settlement with one of the companies.
- Terms:
  - No sale of bioadditive bottles labeled “biodegradable” or “recyclable”
  - Full compliance with compostable label laws
  - Notification of settlement online (website and online retailers)
  - \$11,000 paid to AG
- No settlement with the other two parties yet. Trial hearing on 2/25/13.





# Future of Bioplastic Bags in CA

- More local ordinances = pathway for compostable bags
- 1.2 million households with curbside composting
- Bad actors being pushed out with greenwashing laws

## Questions?

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