

ATTACHMENT A

CHART 1A: SUMMARY OF COMMENTS RECEIVED

Comments	Support	Oppose	Neutral	Summary
Speakers (21)	18 (86%)	2 (9%)	1 (5%)	<ul style="list-style-type: none">• 11 people spoke at the 4/28 hearing• 10 people spoke at the 7/19 hearing
Letters (305)	298 (98%)	5 (2%)	2 (>1%)	<ul style="list-style-type: none">• Includes a petition signed by 115 Westridge students• Includes 253 letters from the Patagonia letter writing campaign• Chamber of Commerce neutrality included an alternative that staff analyzed
Total (326)	316 (97%)	7 (2%)	3 (1%)	

ATTACHMENT B
LEGISLATION; OTHER EFFORTS; AND LEGAL CLIMATE

STATE LEGISLATION:

During the 2009-2010 Legislative Session, two Assembly Bills involving single-use plastic carryout bags were introduced. Assembly Bill (AB) 68 sought to offset the costs of single-use bag litter by requiring consumers to pay a twenty-five (25) cent fee for single-use bags distributed at large grocery stores, pharmacies, and convenience stores. AB 1998 sought to ban the distribution of single-use bags in all supermarkets and large retail stores throughout California. AB 68 died with the close of the legislative session and AB 1998 was voted down in the State Senate on August 31, 2010.

Currently AB 2449 is the only statewide law addressing the reduction of plastic bag use. Enacted in 2006, AB 2449 requires all supermarkets (grocery stores with more than \$2 million in annual sales) and retail businesses of at least 10,000 square feet with a licensed pharmacy, to provide an at-store recycling program for customers. As of July 1, 2007, affected stores are required to supply at least one plastic bag collection bin in a publicly accessible spot to collect used bags for recycling. Despite its enactment, the bill has been relatively ineffective in the recycling of plastic bags at stores. According to the Department of Resources Recycling and Recovery (CalRecycle) the most recent statewide recycling rate for regulated plastic carryout bags is about 3 percent. Ineffective recycling is responsible for this low recycling rate. Stores place these plastic bags aside for curbside recycling and oftentimes these bags get caught in machines or blow away from recycling stations. Moreover, any long term positive impact of AB 2449 is unlikely as it expires on January 1, 2013, unless it is extended.

LOCAL EFFORTS:

In the absence of statewide legislation, many local California jurisdictions have recently adopted or are considering local ordinances banning single-use plastic carryout bags and regulating paper carryout bags. Since the beginning of 2011 the cities of Long Beach, San Jose, Santa Monica, Calabasas, the County of Marin and Santa Clara County all adopted local ordinances banning single-use plastic carryout bags.

With their recently adopted ordinances, these cities join Los Angeles County (County) and a host of other California cities who have banned plastic carry-out bags including: Fairfax, Malibu, Manhattan Beach, Oakland, Palo Alto, and San Francisco. The County's ordinance which specifically bans single-use plastic carryout bags in certain retail establishments within the unincorporated areas of the county and places a ten (10) cent charge on paper carryout bags has encouraged other incorporated cities, such as Beverly Hills, West Hollywood, Los Angeles, Burbank, Glendale, and Pomona to consider adopting a similar ordinance.

NATIONAL AND INTERNATIONAL EFFORTS

Nationally, the District of Columbia has required certain retail establishments since 2009 to charge each customer five (5) cents for each disposable carryout bag provided to the customer with the purchase. As of September 2010, single-use carryout bag consumption has decreased by at least 50%. The towns of Telluride, Colorado and Westport, Connecticut have active plastic bag bans, as does the City of Edmonds, Washington. The City of Portland, Oregon is currently considering a ban on single-use plastic carryout bags.

Internationally, American Samoa, Italy, China, Rwanda, Zanzibar, Somaliland, Kenya, Eritrea, Tanzania, Bangladesh and Uganda have all banned plastic bags. Belgium, Ireland, Hong Kong, South Africa and Denmark discourage the use of plastic bags by imposing a fixed or minimum levy for the supply of plastic bags. In Switzerland, Germany and Holland, instead of charging customers a tax, plastic bags come with a fee. International cities including Rangoon, three states and territories of Australia, highly populated Mexico City, and densely populated cities within India, have all banned plastic bags as well.

INDUSTRY EFFORTS

Progressive industry leaders such as Ikea, Trader Joe's and Whole Foods have also taken note of the environmental harm posed by single-use plastic carryout bags and have either stopped the use of single-use plastic bags within their stores or actively encourage their customers to use recyclable bags.

LEGAL CLIMATE

Local efforts to impose bans on single-use plastic carryout bag have been challenged by certain members of the plastic bag industry. The legal challenges instituted by Save the Plastic Bag Coalition focus on the preparation of an Environmental Impact Report (EIR) for an ordinance banning single-use plastic bags.

On April 17, 2008 the Alameda Superior Court in California invalidated the City of Oakland's ordinance banning plastic carryout bags and stated that the City of Oakland was mandated by law to conduct an EIR. See *Coalition to Support Plastic Bag Recycling vs. City of Oakland*

More recently, the Los Angeles County Superior Court ruled that the City of Manhattan Beach should have prepared an EIR for its ordinance banning plastic carryout bags before adopting it. See *Save the Plastic Bag Coalition vs. City of Manhattan Beach*. On July 14, 2011, the California Supreme Court ruled that state law did not require the City of Manhattan Beach to do an EIR before imposing a plastic bag ban. However, it also stated that the legal analysis would be different for a plastic bag ban by a larger governmental body.

Prohibition on Plastic Bags
October 3, 2011

In light of Save the Plastic Bag Coalition's litigation against various municipalities and the California Supreme Court's pending decision on the issue of whether an EIR is required for an ordinance banning plastic bags, the City of San Jose and City of Santa Monica both prepared an EIR for their respective ordinances banning single-use plastic carryout bags and their recently adopted ordinances have not been legally challenged. The County of Marin however, claimed a categorical exemption to CEQA and did not prepare an EIR for their plastic bag ban ordinance. As a result, Save the Plastic Bag Coalition filed a lawsuit against the County of Marin.

In November 2010, the County of Los Angeles (County) approved its final EIR, which included both the unincorporated areas and 88 incorporated cities within the County, and adopted an ordinance which bans single-use plastic carryout bags and imposes a ten (10) ten cent charge on paper carryout bags. Since its adoption, the County's plastic bag ordinance has not been legally challenged and incorporated cities such as Calabasas and Long Beach, have adopted the County's EIR and passed a similar plastic bag ordinance. Other municipalities such as Beverly Hills, West Hollywood, Glendale, and Pomona have also expressed a desire to tier off the County's ordinance and adopt similar plastic bag ordinances.

The County integrated information specific to the City in its environmental analysis of the County's proposed plastic bag ordinance. In evaluating the environmental impact of converting from plastic to paper carryout bags, bag usage at stores commonly found in the City, such as Ralphs, Vons, Pavilions, Trader Joe's, Whole Foods, Gelson's and Albertsons, were examined. The survey specifically examined bag usage in eleven stores within the City. Additionally, the County's environmental analysis explicitly highlighted the Los Angeles and San Gabriel Watersheds, which the City is part of, in reaching its determination that the proposed ordinance would not result in significant adverse impact to biological resources or water quality in relation to drainage. Although the County's EIR includes the City and utilized information specific to the City in its analysis, its overall conclusion speaks generally to the County.

**ATTACHMENT C
 SURVEY RESULTS**

CHART 1B: STORES SURVEYED IN THE CITY

Type of Store	Total Number of Stores w/in City Affected by Ordinance	Percentage of Stores Who Responded to Survey
Large Grocery Stores	22	91%
Large Food Marts	2	100%
Pharmacies	15	73%
Convenience Stores	6	50%
Liquor Stores	16	50%
Small Grocers	38	42%

CHART 2B: STORES WITHIN THE CITY WHO RESPONDED TO SURVEY

Type of Store (Number Responded)	Provide Plastic	Provide Paper	Sell Reusable	Provide Incentive
Large Grocery Stores (20)	18	15	20	10
Large Food Marts (2)	2	0	2	2
Pharmacies (11)	10	5	9	4
Convenience Stores (3)	3	2	1	0
Liquor Stores (8)	7	5	0	0
Small Grocers (16)	16	11	3	0

ATTACHMENT D
ALTERNATIVES CONSIDERED

CHART 1C: ALTERNATIVES

Alternative	Summary	Recommendation
Alternative 1-LA County EIR	Ban Plastic and Paper Carryout Bags for All Supermarkets and Other Grocery Stores, Convenience Stores, Pharmacies, and Drug Stores in Los Angeles County	Not recommended – no option to purchase paper bags if reusable bag is forgotten
Alternative 2 – LA County EIR	Ban Plastic Carryout Bags for All Supermarkets and Other Grocery Stores, Convenience Stores, Pharmacies, and Drug Stores in Los Angeles County	Not recommended - does not reduce waste by regulating paper carryout bags
Alternative 3 – LA County EIR	Ban Plastic Carryout Bags and Impose a Fee on Paper Carryout Bags for All Supermarkets, and Other Grocery Stores, Convenience Stores, Pharmacies, and Drug Stores in Los Angeles County	Recommended – ban reduces waste while retaining an option for consumers to purchase paper bags
Alternative 4 – Chamber of Commerce	Impose a Fee to Have Any and All Groceries Bagged by a Store Employee	Not Recommended – doesn't target waste-reducing behavior; no fee nexus; inconsistent with region

In their analysis, Los Angeles County recommended the above referenced Alternative 3 as the most reasonable alternative because it bans plastic carryout bags at a greater number of stores, while retaining an option for consumers to purchase paper bags. Alternative 1 was not recommended because it was deemed infeasible as it does not allow an option for consumers to purchase paper bags when they forget or do not know to bring their reusable bags. Alternative 2 was not recommended because it does not regulate the issuance of paper carryout bags. Staff agreed with the Los Angeles County's analysis and decision.

Staff also analyzed Alternative 4 which would impose a ten cent fee to have any and all groceries bagged by a store employee. The fee would be imposed regardless of whether the bag used was paper or plastic. The bagging fee would be waived if the person receiving the service brought their own bags, regardless of whether those were reusable, plastic or paper. This alternative seeks to change consumer behavior by imposing a bagging service fee, which would fund incentives such as subsidizing the cost of reusable bags, education and environmental clean-up.

Staff is not recommending Alternative 4 for the following reasons:

- Creates inconsistency within the region and puts Pasadena stores at a disadvantage – No other city in the region has instituted a bagging service charge on consumers. Assessing such a charge on consumers may place

Pasadena stores at a competitive disadvantage with similar businesses in adjacent communities.

- Does not target behavior that reduces waste –The consumer behavior which is targeted for change does not appear to have a direct relation to the reduction of single-use disposal bags. Plastic and paper bag use would continue, as consumers would have the option of using plastic, paper, or reusable bags to avoid the 10 cent bagging service fee.
- May require a fee nexus study – This alternative does not identify a nexus between the 10 cent fee and the service provided, thus a nexus study may be needed in order for this alternative to be adopted.
- Lacks precedence and may increase the City's legal risk - There are no examples or studies that indicate a bagging service fee does or would result in getting consumers to change their behavior and/or reduce dependency on paper or plastic bags. Furthermore, it may require the City conduct its own EIR.
- Can be weakened by store policies, such as self-bagging – Many stores are implementing self-bagging aisles where paper and plastic bags are provided to customers bagging their own groceries. Under this alternative customers using the self-bagging aisles would be waived the bagging service fee and could continue using the plastic and paper bags.

One of the purposes of the recommendation is to reduce plastic bag litter entering into the waste stream. Because plastic and paper bags would continue to be distributed by stores, manufactured, and transported under Alternative 4, this proposed alternative would not be as effective in achieving this goal.