AGN. NO.

MOTION BY SUPERVISORS SHEILA KUEHL AND JANICE HAHN

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Limiting Single Use Plastics in Los Angeles County Unincorporated Areas

Los Angeles County generates a significant amount of waste from single-use plastic products, particularly food service ware such as clam shell containers, cups, bowls, plates, utensils, and straws. These products are typically single-use and do not biodegrade, creating an intractable waste management problem as they accumulate in perpetuity either in landfills or as litter on streets and in our waterways.

Maintaining and improving the health of waterways in Los Angeles County is a critical part of the region's environmental sustainability, self-reliance, and economic vitality. Uncontrolled waste-stream pollution continues to negatively impact our waterways, adjacent lakes, and the Pacific Ocean. As part of our efforts to improve the quality of life of our residents and simultaneously comply with the provisions of the Federal Clean Water Act, Los Angeles County has spent millions of dollars retrofitting catch basins, collecting trash, sweeping streets, and conducting anti-litter public outreach.

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At the same time, disruptions to recycling markets, particularly China's "National Sword" policy, have made it increasingly difficult to recycle plastic waste. Before China's policy changed, the US exported approximately 70% of our total plastic waste to China. Since the advent of the "National Sword" policy, that amount has dropped by about half. In response, some communities have abandoned their recycling programs entirely, while several jurisdictions in California report having to start *paying for* the processing of recyclables, as opposed to historically being able to *charge* processors for this material. These policy changes have heightened the need to "source reduce" waste – i.e., to reduce the generation of certain product categories - and to ensure that materials that are sent to recyclers have a market value.

The harm that plastic waste causes to the environment and to wildlife in particular is now well-documented and frequently reported upon in the media. According to some estimates, approximately 8 million metric tons of plastic enter the ocean each year, making up as much as 60-80% of marine debris. Research has shown that about 50% of sea turtles and 60% of seabirds have ingested plastic, and that plastic kills up to a million seabirds annually. Based on current flows, one study estimated that by 2050 there would be more plastic in the ocean than fish.

Furthermore, there is a burgeoning body of research showing the ubiquity of plastic accumulation even within the food and beverages consumed by people. A recent study estimated that people may ingest upwards of hundreds of thousands of microplastic particles each year in their food, water, and air. Microplastics have been discovered in a range of food and beverages, including bottled water, beer, salt,

seafood, and honey. As a relatively novel problem, little is known about the actual health impacts of this exposure, but researchers have raised concerns about a variety of potential impacts, particularly to the immune system.

For the above cited reasons, the recently adopted OurCounty Sustainability Plan includes, as a short-term priority, Action 107, to “phase out single-use plastics, including in County contracts and facilities.” The plan also sets as one of its 12 goals a “fossil-fuel free” LA County and sets a target of carbon neutrality for the region in accordance with the Paris Agreement, which the Board also adopted. It has been estimated that about 8% of the world’s oil production is used to make plastic, and that that figure is projected to rise to about 20% by 2050. Reducing our use of plastic products would therefore support a transition away from fossil fuels.

Due to policy and economic shifts in recycling as well as technical factors, there is significant variation in the overall environmental and economic impact of different materials used to make single-use food service ware. For instance, Expanded Polystyrene (EPS) is rarely recycled due to market factors, and may, in fact, contaminate otherwise recoverable waste streams. As a lightweight, friable material, EPS products can also easily escape trash receptacles and/or crumble into smaller, often microscopic pieces that are difficult to manage and capture.

Because of the unique challenges posed by EPS products, in 2010, the County of Los Angeles banned the use of expanded polystyrene (EPS) food containers in County operations and directed the County of Los Angeles Department of Public Works to explore the viability of banning EPS single-use plastic food service ware containers in unincorporated Los Angeles County, which resulted in a November 2011 report. In

2017, the Department of Public Works, at the direction of the Board of Supervisors, undertook outreach and a stakeholder engagement process to update the 2011 report and explore the feasibility of banning all polystyrene, including EPS food service ware containers in the unincorporated areas of Los Angeles County. The product of that effort is the Department of Public Works' January 11, 2018 *Polystyrene Food Service Ware – Update and Expand November 2011 Report (the "2018 Polystyrene Food Service Ware Report").*

While the report notes that non-EPS alternative products remain more costly than EPS, the report also notes that costs have declined in recent years. Costs are expected to further decrease as alternatives become more widely used. Because these cost differentials are on the order of a few cents per meal order, businesses could likely pass these costs on to customers without unduly burdening them. Ideally, customers will also shift to using reusable products when practical.

Regardless, these costs must be weighed against the negative impacts to municipalities and recyclers that must deal with the end waste product both as litter and now as a non-recoverable material, as well as the not-fully-quantified but very serious costs to the environment and ecosystems, and to the health of our communities.

Over one hundred municipalities in California, including Santa Monica, Calabasas, Culver City, Hermosa Beach, Malibu, Manhattan Beach, Pasadena, South Pasadena, West Hollywood, and Long Beach have adopted ordinances prohibiting or restricting the use of single use plastics, often targeting EPS and/or polystyrene food and beverage containers.

As a result of the changes in the recycling market that now make certain plastic

products unrecyclable for all practical purposes, and the continuing impacts of plastic pollution on our urban and aquatic environments and our food chain, it is appropriate to advance an ordinance to limit the use of these materials, particularly for single-use applications, where their existence as waste and litter far outlasts their life as a useful product.

WE, THEREFORE, MOVE that the Board of Supervisors direct the Chief Sustainability Office, in coordination with the Department of Public Works, the Department of Public Health, County Counsel, and the Department of Consumer and Business Affairs, to complete the following tasks:

1. Contract with researchers at UCLA's Luskin Center to complete within three months a report addressing management of single use plastic food service ware waste in Los Angeles County. The contract should be for an amount not to exceed $50,000. Specifically, the report should include but not be limited to analysis of the following:

    a. The prevalence of single-use plastics in the waste stream and recycling facilities throughout Los Angeles County, including the extent to which plastics are currently being recycled and successfully marketed, and a summary of existing litter inventory data;

    b. A market analysis of recyclable materials, particularly plastics, originating from Los Angeles County, the technical and economic barriers within the supply chain for recycled plastics, and how these markets have changed over the last decade;

    c. Comparison of impacts related to the use of various single use material

alternatives, including different plastic resin types and compostable materials;

d. Challenges and opportunities related to consumer use of reusable containers; and

e. Economic impacts to businesses of plastic and plastic alternatives for single use food service ware.

2. Within five months of adoption of this motion, engage stakeholders and use results of the study to draft a recommended ordinance for consideration by the Board of Supervisors that would reduce the use of single-use plastics in the unincorporated portions of Los Angeles County, including, but not limited to, reducing and/or eliminating the use of single-use plastic food service ware, and ensuring that materials used for disposable products are recyclable or compostable. Stakeholders should include, but not be limited to, representatives of the waste management industry, the restaurant industry, plastics industry associations, compostable and recyclable food service ware manufacturers, non-profit organizations including environmental and public health organizations, academia, labor, other municipalities, affected businesses, and local residents. The ordinance should consider the following:

a. Prioritize source reduction, particularly for materials that are not effectively recycled within Los Angeles County;

b. Promote the use of reusables as alternatives to single use disposable food service ware.

c. Establish definitions for “recyclable” and “compostable” materials.

d. Develop an approach for consumer and business education around source reduction, alternatives, and the impacts of plastics;
e. Include an appropriate phase-in schedule to allow businesses sufficient time to transition, and exemptions in cases of economic hardship; and
f. Provide recommendations for guidance to be developed to support businesses in meeting the requirements of the ordinance as well as relevant State mandates for recycling and diverting organic waste from landfills.