

MOTION BY SUPERVISOR JANICE HAHN

May 7, 2024

Support for Assembly Bill 2236 (Bauer-Kahan) and Senate Bill 1053 (Blakespear) to Close the Plastic Bag Loophole

Plastics can be found all over the planet, from the peak of Mount Everest to bottomless pits of the oceans. There has been a steady rise in plastic waste and improvements to waste management capacity are outpaced by rising plastic production, making progress almost invisible. To combat these problems locally, the County of Los Angeles Board of Supervisors adopted an ordinance in November 2010 to prohibit the distribution of single use plastic carryout bags. It applies to certain stores in the County unincorporated areas and requires stores to charge 10 cents for each paper bag provided to a customer. In 2014, the State of California legislature followed suite banning grocery stores from handing out flimsy single-use plastic grocery bags (SB 270). Just days after SB 270 passed, it was put on hold for two years while the plastic bag makers spent millions of dollars trying repeal it through a ballot referendum. They failed and California voters backed the ban when Proposition 67 was approved on the November 8, 2016,

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ballot. Nearly four years later Governor Newsom temporarily lifted the bag ban amid the COVID-19 pandemic executive order. While the ban was lifted, grocery and retail stores in California were not required to charge 10 cents per bag, and they could hand out single-use plastic bags under this executive order.

The California statewide bag ban law is no longer working as intended. Plastic bag companies have circumvented the law's intent by mass producing thicker high-density polyethylene plastic bags that are claimed as exempt from the law because they can be recycled and reused. However, the reality is that few people reuse these bags. Plastic carryout bags at grocery stores are now thicker, and the weight of plastic bag waste has increased in the last few years to the highest level on record. There is now a greater need to balance the relationship between plastic production and plastic waste management.

Assembly Bill 2236 (Bauer-Kahan) and Senate Bill 1053 (Blakespear) were introduced to eliminate the exemption for plastic film bags in California's single use bag ban. These bills are identical companion bills that would repeal and revise various requirements relating to reusable bags made from plastic film. [This legislation](#) would require that a store sell or distribute only reusable bags made from plastic film that are certified by a third-party entity to meet the requirements of the plastic bag law. Additionally, these bills would authorize a store to make 100% postconsumer material recycled paper bags available for purchase as well as distribute compostable bags. If passed into law, the provisions of these bills would go into effect on January 1, 2026.

Improvements to recycling and waste management capacity alone will not solve the problems resulting from plastic pollution. Single use plastic bags present both an economic and an environmental burden on society. Litter cleanup of unincorporated areas

of which plastic bags are a significant amount of the litter stream, costs County taxpayers over \$20 million annually. If not collected, plastic litter often finds its way to the ocean where it can drift for years or be mistakenly eaten by animals and remain in their digestive tracts for the rest of their life. At recycling facilities, plastic bags clog machinery which slows the recovery of other recyclables. Plastic does not degrade, and plastic film is not widely recycled. Therefore, most plastic ends up in our landfills, in incinerators, on the streets of our County, in our oceans, and all around our environment, where it can harm wildlife, contaminate our food, and contaminate our drinking water. Microplastics have been found in every corner of the globe, including human bodies. Microplastics in the human body have largely unknown health impacts and the upward usage trend must be curtailed.

In 2014, when the ban was passed, Californians threw out roughly 315 million pounds of plastic bags. By 2022, Californians were throwing out 462 million pounds of plastic bags, a 47% increase. Assembly Bill 2236 and Senate Bill 1053 would address California's plastic waste crisis by closing a loophole that allows grocery stores to provide thick plastic bags for a fee.

I, THEREFORE, MOVE that the Board of Supervisors direct the Chief Executive Office's Legislative Affairs and Intergovernmental Relations branch to support Assembly Bill 2236 and Senate Bill 1053.

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