



TOWN OF FAIRFAX

STAFF REPORT

December 4, 2013

TO: Mayor and Town Council

FROM: Michele Gardner, Town Clerk *MG*

SUBJECT: Adoption of Resolution 13-__ in support of S.B 405 (Padilla) and A.B. 158 (Levine) to phase out single-use plastic grocery bags

RECOMMENDATION

Adopt resolution

DISCUSSION

Senator Padilla and Assembly Member Levine have each written to the Mayor and Council requesting support for their respective bills regarding prohibiting plastic bags in the State of California.

Attached: Requests for support, Resolution

AGENDA ITEM # 9

RESOLUTION 13-__

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX IN SUPPORT OF SENATE BILL 405 AND ASSEMBLY BILL 158 TO PHASE OUT SINGLE-USE PLASTIC BAGS

WHEREAS, The Town Council of the Town of Fairfax submitted the Plastic Bag Reduction ordinance to the voters who approved it on November 4, 2008, amending the Town of Fairfax Code to require the use of recyclable paper and/or reusable checkout bags by all shops, stores, eating places, food vendors and retail food vendors located in the Town of Fairfax; and

WHEREAS, State Senator Padilla has authored SB 405, which would prohibit grocery stores and large retailers from providing single-use bags to customers in 2015, and would expand that prohibition to convenience stores and food marts in 2016; and

WHEREAS, Assembly Member Marc Levine will introduce Assembly Bill 158 to prohibit stores from providing single-use plastic bags to customers; and

WHEREAS, each year in California more than 13 billion single-use plastic bags are handed out by retailers and only 3% of these bags are recycled; and

WHEREAS, plastic bags cause slow sorting and jam machinery at recycling centers costing California more than \$25 million dollars each year to collect and bury plastic bag waste; and

WHEREAS, according to a study commissioned by the US Marine Debris Monitoring Program plastic bags remain one of the top items found consistently during annual beach cleanups; and

WHEREAS, The Convention on Biological Diversity reports a total of 663 species have been affected by plastic marine pollution through entanglement or ingestion; and

WHEREAS, the United States Environmental Protection Agency finds that reducing the use of an item is one of the most effective ways to save our natural resources and protect the environment; and

WHEREAS, a third of Californians are subject to laws phasing out the use of single-use plastic bags; and

WHEREAS, by prohibiting the free distribution of plastic bags, SB 405 and AB 158 would help eliminate a major source of pollution in California;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Town Council of the Town of Fairfax does hereby support Senate Bill 405 (Padilla) and Assembly Bill 158 (Levine) to prohibit grocery stores, large retailers, convenience stores, and food marts from providing free single-use plastic bags to consumers, and to require those stores to have reusable bags available for purchase; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Senator Padilla and Assembly Member Levine.

The foregoing Resolution was adopted at a regular meeting of the Town Council of the Town of Fairfax held in said Town on the 4th day of December 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

Mayor

Attest:

Michele Gardner, Town Clerk

California State Senate

ALEX PADILLA
SENATOR, 20TH DISTRICT



RECEIVED

OCT 07 2013

TOWN OF FAIRFAX

October 1, 2013

Town of Fairfax
Attn: City Council
142 Bolinas Rd
Fairfax, CA 94930-1611

Dear Colleague,

I respectfully ask for your support of Senate Bill 405 which would phase out single-use plastic bags in California.

Each year in California, more than 13 billion single-use plastic bags are handed out by retailers. CalRecycle reports that only 3% of single-use plastic bags are actually recycled. The other 97% litter our streams, rivers and coastline, and endanger birds, marine life and wildlife. Plastic bags remain one of the top items found during annual beach cleanups.

Plastic bags also contribute to blight in our communities and clog local storm water systems. Because plastic bags take 1,000 years to degrade, their impacts are compounded every year. California local governments spend more than \$25 million each year to collect and bury plastic bag waste. And the plastic bags that do enter our recycling centers slow the sorting process and jam machinery.

Earlier this year, I introduced SB 405. This bill would enact a statewide phase out of single-use plastic bags in California. This legislation is supported by a broad coalition that includes grocers, environmentalists and many local governments.

Despite strong support, SB 405 fell 3 votes short of passage this year. I remain committed to this effort, but I need your help. SB 405 will face another vote early next year. Between now and then, I am respectfully asking you to put your city on record in support of SB 405. The City of Los Angeles took this step in June of this year and joined 80 other California cities and counties who support the phase out of single-use plastic bags in their communities.

Please join me in this effort. Attached, please find a sample resolution in support of SB 405, a copy of the bill, and a fact sheet with additional information. I look forward to working with you so that single-use plastic bags are soon phased out in our state.

Thank you for your time and consideration. Please feel free to contact me at (916) 651-4020 if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Padilla".

ALEX PADILLA
State Senator, 20th District



Senator Alex Padilla

Fact Sheet

SB 405 – PADILLA

Single-Use Bag Phase Out

(as amended 05/24/13)

Summary

SB 405 would phase out single-use plastic bags in California grocery stores, convenience stores, liquor stores, and pharmacies.

Background

Each year in California, more than 13 billion single-use plastic bags are handed out by retailers. According to the United States Environmental Protection Agency, 88% of plastic bags and sacks are not recycled. In California, only 3% are recycled, according to CalRecycle. Plastic bags cause litter, slow sorting and jam machinery at recycling centers costing California more than \$25 million dollars each year to collect and bury the plastic bag waste. According to a study commissioned by the US Marine Debris Monitoring Program, plastic bags remain one of the top items found consistently during annual beach cleanups.

Plastic bags are also harmful to the environment killing thousands of birds, turtles and other species. Most plastics do not degrade. Although they represent only 2.2% of waste stream in California, plastic waste is the predominate form of marine debris. Plastics are estimated to compose 60-80% of all marine debris and 90% of all floating debris worldwide.

Plastics not only entangle marine life, they are also ingested by marine life and birds. Most plastic marine debris exists as small plastic particles due to excessive UV radiation exposure and subsequent photo-degradation. The Convention on Biological Diversity reports a total of 663 species have been affected by plastic marine pollution through entanglement or ingestion.

The California Coastal Commission reports that “birds, fish and mammals often mistake plastic for food. Some birds even feed it to their young. With plastic filling their stomachs, animals have a false feeling of being full, and may die of starvation. Sea turtles mistake plastic bags for jellyfish, one of their favorite foods. Even grey whales have been found dead with plastic bags and sheeting in their stomachs.”

The Scripps Institution of Oceanography at UC San Diego found evidence of plastic waste in more than 9% of the stomachs of fish collected in the North Pacific Subtropical Gyre and estimate that fish who reside in the intermediate ocean depths ingest 12,000- to 24,000 tons of plastic per year.

According to the United States Environmental Protection Agency, reducing the use of an item is one of the most effective ways to save our natural resources and protect the environment. To date, many local jurisdictions in California have enacted ordinances. The ordinances vary with some requiring a charge for paper carry-out bags and others banning both single-use plastic and paper

carryout bags. These ordinances have both eliminated the costs associated with plastic bags as well as substantially reduced the volume and costs associated with paper bags in communities.

For example, San Francisco, Los Angeles County, San Jose, and San Luis Obispo County are already experiencing the benefits of reducing the use of plastic bags. After just one year of implementation of its bag ordinance, the City of San Jose is reporting 50% cleaner creeks. Los Angeles County is reporting a 95% reduction of all single-use bags distributed, including a 30% reduction of paper bags.

Existing Law

Section 42254 and 42257 of the Public Resources Code requires large grocery stores to establish a plastic bag recycling program and sunsets on January 1, 2020.

Current California law is silent on the reduction of single-use plastic bags.

This Bill

This bill would:

- prohibit a store, on and after January 1, 2015, from providing a *single-use carryout bag* (i.e., paper, plastic, or other material) to a customer at the point-of-sale. (§42283(a))
 - authorize a store, on and after July 1, 2016, to provide a *reusable grocery bag* (i.e., cloth or durable plastic) to a customer, which may be made available for purchase. (§42283(c)(1)).
 - authorize a store to make a *recyclable paper bag* available for purchase at the point of sale. (§42283(d)).
 - specifies standards for reusable grocery bags. (§42281)
- allows ordinances adopted prior to September 1, 2013 to continue to be enforced. (§42287 (b)).
 - prohibits any local agency from enforcing an ordinance related to single-use carryout bags after January 1, 2014. (§42287 (b))
 - allows local agencies to only amend the cost associated with the recyclable paper bag for existing ordinances (§42287 (c))
 - authorizes the California Department of Resources, Recycling, and Recovery to inspect and audit a reusable bag producer. (§42282 (a)).

Support

5 Gyres Institute
Azul
BagIt
Board of Supervisers
California Coastkeeper Alliance
California Coastal Coalition
California Resource Recovery Association
California State Lands Commission
Californians Against Waste
Central Contra Costa County Solid Waste Authority
City of El Cerrito
City of Long Beach
City of Palo Alto
City of Sacramento
City and County of San Francisco
City of Sunnyvale
City of San Francisco
Clean Water Action
Clean Water California
Contra Costa Clean Water Program
County of Los Angeles
County of San Mateo
Environment California
Greater San Fernando Valley Chamber of Commerce
Green Sangha

Green Vets Los Angeles
GreenWaste Recovery
Heal the Bay
Humboldt County Board of Supervisors
Humboldt Waste Management Authority
LMV Productions
Los Angeles County Board of Supervisors
Los Angeles County Integrated Waste
Management Task Force
Napa Valley CanDo Environment Group
National Hispanic Environmental Council
Natural Resources Defense Council
Pacifica's Environmental Family
Planning and Conservation League
Plasticbaglaws.org
Republic Services
Santa Clara County Board of Supervisors
Save Our Shores
Seventh Generation Advisors
Sierra Club California
Surfrider Foundation
Team Marine – Santa Monica High School
The Northern California Recycling Association
Turtle Island Restoration Network
United Food & Commercial Workers Western
States Council
William C. Velazquez Institute
Zanker Road Resource Management

COMMITTEES

VICE CHAIR: LOCAL GOVERNMENT
GOVERNMENTAL ORGANIZATION
HIGHER EDUCATION
AGING AND LONG-TERM CARE
ARTS, ENTERTAINMENT, SPORTS, TOURISM AND
INTERNET MEDIA

SELECT COMMITTEES

CHAIR: AGRICULTURE AND THE ENVIRONMENT
BIOTECHNOLOGY
WINE

Assembly
California Legislature



MARC LEVINE
ASSEMBLYMEMBER, TENTH DISTRICT

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0010
(916) 319-2010
FAX (916) 319-2110

DISTRICT OFFICES
3501 CIVIC CENTER DRIVE, ROOM 412
SAN RAFAEL, CA 94903
(415) 479-4920
FAX (415) 479-2123

11 ENGLISH STREET
PETALUMA, CA 94952
(707) 773-0606

50 D STREET, SUITE 301
SANTA ROSA, CA 95404
(707) 576-2631

E-MAIL Assemblymember.Levine@assembly.ca.gov
WEBSITE www.assembly.ca.gov/Levine

November 22nd, 2013

RECEIVED

NOV 25 2013

TOWN OF FAIRFAX

Mayor John Reed
Town of Fairfax
142 Bolinas Rd.
Fairfax, CA 94930

Dear Mayor Reed,

I am writing to request the Town of Fairfax at its upcoming council meeting on December 4th to consider supporting my legislation AB 158 to ban the use of single-use plastic grocery bags.

This bill would apply to grocery stores with \$2 million in annual sales or retailers with more than 10,000 square feet of floor space. Further, AB 158 requires that all paper grocery bags must be made of recyclable material. AB 158 will respect local ordinances such as Measure C that the Town of Fairfax has had in place since 2008 by grandfathering in local ordinances that are already in place.

As you know, plastic grocery bags add more waste to our landfills and environment. Annual beach cleanups up and down our coast routinely find plastic bags as a top piece of litter. Currently, there is a diverse coalition of supporters backing AB 158, from local cities to waste management authorities to environmental advocacy groups. The County of Marin and the City of San Rafael are in support of AB 158.

I hope that the Town of Fairfax joins our growing list of supporters.

Sincerely,

MARC LEVINE
Assemblymember, 10th Assembly District

cc: David Weinsoff, Vice Mayor, Town of Fairfax
Barbara Coler, Councilmember, Town of Fairfax
Larry Bragman, Councilmember, Town of Fairfax
Renee Goddard, Councilmember, Town of Fairfax
Michele Gardner, Town Clerk, Town of Fairfax





OFFICE OF ASSEMBLYMEMBER

Marc Levine

TENTH ASSEMBLY DISTRICT

AB 158: Solid waste: Single-Use Carryout Bags

SUMMARY

AB 158 would prohibit a store from providing a single-use plastic bag to a customer. For purposes of this bill, a store includes grocery stores with more than \$2 million in annual sales or retailers with more than 10,000 square feet of floor space that also have a pharmacy.

Additional provisions of the bill include:

- Stores referenced above may make available for purchase at the point of sale recycled paper bags to customers.
- After July 1, 2016, the above requirements would also apply to convenience stores licensed by the Department of Alcohol Beverage Control.
- Require these stores to make reusable grocery bags available for sale.
- Authorize cities, counties, and the state to impose civil liability for violations of the bill's requirements.

EXISTING LAW/BACKGROUND

Existing state law requires grocery stores, until January 1, 2020, to establish an at-store recycling program that provides to customers the opportunity to return clean plastic carryout bags to that store. Despite these efforts to promote recycling, plastic bags are rarely recycled. The California Integrated Waste Management Board estimated that less than 3% of all single use plastic bags in the state are actually recycled. Further, the NRDC estimates that cities spend about \$11 per California resident to keep litter from ending up in our oceans as marine pollution.

Although, state law is silent regarding what types of bags grocery stores are allowed to make available, nearly one third of Californians live in a jurisdiction that has passed a local ordinance that bans the use of these bags. Over 66 cities and counties have taken action on this issue. In total, 87 cities or counties are covered by legislation banning single-use plastic bags.

Also, several chain grocers including Whole Foods and Trader Joe's have made a business decision to use only paper or reusable bags.

THIS BILL

By banning single-use plastic bags, AB 158 will reduce the environmental and economic impacts of single-use bag pollution for inland and coastal communities throughout the state.

The negative impact of single-use plastic bags is well-documented. Plastic bags and plastic film together represent 2.2% of the waste stream and these bags take more than 1,000 years to breakdown. Plastic does not biodegrade, causing long-term damage to our environment. Over 20 billion single-use plastic bags are used in California every year – most end up in landfills. According to information reported to and compiled by CalRecycle, an estimated 34 million to 107 million dollars is spent each year to manage plastic bag litter in our state.

AB 158 will also encourage the use of reusable grocery bags as a more sustainable alternative to plastic bags.

SUPPORT

Seventh Generation Advisors



OFFICE OF ASSEMBLY MEMBER

Marc Levine

TENTH ASSEMBLY DISTRICT

Heal the Bay
Surfrider Foundation
Environment California
California Coastkeeper Alliance
Los Angeles Waterkeeper
Turtle Island Restoration Network
Environmental Working Group
Green Sangha
PlasticBagLaws.org
Plastic Pollution Coalition
Clean Water Action/Clean Water Fund
5 Gyres Institute
Bag It
Team Marine-Santa Monica High School
California Coastal Coalition (CalCoast)
Long Beach Coalition for a Safe Environment
Natural Resources Defense Council
AFSCME, AFL-CIO
Valley Industry and Commerce Association
(VICA)
City of Encinitas
California State Lands Commission
City and County of San Francisco
Sierra Club California
CSAC
Viviendo Verde Ya! Green Promoters of
Marin County
United Food & Commercial Workers Western
States Council
City of Long Beach
City of Clayton
CCCSWA
City of Sacramento
Contra Costa County Board of Supervisors
Solid Waste Association of North America
City of Walnut Creek
Palm Desert City Council
Los Angeles County Board of Supervisors

Staff Contact: Naomi Padron Naomi.padron@asm.ca.gov (916)319-2010

Last updated: 10/29/13

AMENDED IN ASSEMBLY APRIL 9, 2013
AMENDED IN ASSEMBLY MARCH 20, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 158

Introduced by Assembly Member Levine
(Coauthors: Assembly Members Ammiano, Chesbro, Gordon, and
Lowenthal)
(Coauthor: Senator Hill)

January 22, 2013

An act to add Chapter 5.3 (commencing with Section 42280) to Part 3 of Division 30 of, and to repeal Section 42289 of, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 158, as amended, Levine. Solid waste: single-use carryout bags.

Existing law, until January 1, 2020, requires an operator of a store, as defined, to establish an at-store recycling program that provides to customers the opportunity to return clean plastic carryout bags to that store.

With specified exceptions, this bill, *as of January 1, 2015*, would, ~~as of January 1, 2015~~, prohibit stores that have a specified amount of dollar sales or retail floor space from providing a single-use carryout bag to a customer. The bill would require these stores to meet other specified requirements regarding providing recycled paper bags, *and* compostable bags, ~~or reusable bags~~ to customers. *The bill would require these stores to make reusable grocery bags available to customers.*

The bill would, on and after July 1, 2016, additionally impose these prohibitions and requirements on convenience food stores, foodmarts, and certain other specified stores.

The bill, *beginning January 1, 2016*, would, ~~beginning January 1, 2016~~, require a reusable grocery bag producer *bags* to submit to the Department of Resources Recycling and Recovery a biennial certification, including a certification fee established by the department, that certifies that each type of reusable grocery bag that is imported, manufactured, sold, or distributed in the state and provided to a store for sale or distribution *meets that are sold or provided to a store by a reusable grocery bag producer meet* specified requirements. The bill would require the department to deposit ~~the certification fees~~ *all penalties collected for violations of these requirements* into the Reusable Bag Account, which would be established by the bill in the Integrated Waste Management Fund. The bill would require that moneys in the account be expended by the department, upon appropriation by the Legislature, to implement ~~the certification~~ *these* requirements. ~~A violation of these certification requirements would be subject to an administrative civil penalty assessed by the department. The department would be required to deposit these penalties into the Penalty Subaccount, which the bill would create in the Reusable Bag Account, for expenditure by the department, upon appropriation by the Legislature, to implement the certification requirements.~~

The bill would require the department, by January 1, 2017, to submit a report to the Legislature regarding the implementation of the bill's provisions. The bill would repeal this report requirement on January 1, 2018.

The bill would allow a city, county, or city and county, or the state to impose civil penalties for a violation of the bill's requirements, except for the certification requirements. The bill would require these civil penalties to be paid to the office of the city attorney, city prosecutor, district attorney, or Attorney General, whichever office brought the action, and would allow the penalties collected by the Attorney General to be expended by the Attorney General, upon appropriation by the Legislature, to enforce the bill's provisions. *The bill would provide that these remedies are not exclusive, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Chapter 5.3 (commencing with Section 42280) is added to Part 3 of Division 30 of the Public Resources Code, to read:

CHAPTER 5.3. SINGLE-USE CARRYOUT BAGS

Article 1. Definitions

42280. For purposes of this chapter, the following definitions shall apply:

(a) "Department" means the Department of Resources Recycling and Recovery.

(b) "Postconsumer recycled material" means a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. Postconsumer recycled material does not include materials and byproducts generated from, and commonly reused within, an original manufacturing and fabrication process.

(c) "Recycled paper bag" means a paper carryout bag provided by a store to a customer at the point of sale that meets all of the following requirements:

(1) ~~(A) Except as provided in subparagraph (B), the paper carryout bag contains~~ *Contains* a minimum of 40 percent postconsumer recycled materials, *except as provided in subparagraph (B).*

(B) An eight pound or smaller recycled paper bag shall contain a minimum of 20 percent postconsumer recycled material.

(2) Is accepted for recycling in curbside programs in a majority of households that have access to curbside recycling programs in the state.

~~(3) Is capable of composting, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard Specification for Compostable Plastics D6400.~~

~~(4)~~

(3) Has printed on the bag the name of the manufacturer, the location (country) where the bag was manufactured, and the minimum percentage of postconsumer content.

1 (d) (1) “Reusable grocery bag” on or before June 30, 2016,
2 means either of the following:

3 (A) A bag made of cloth or other machine washable fabric that
4 has handles.

5 (B) A durable plastic bag with handles that is at least 2.25 mils
6 thick and specifically designed for multiple reuses.

7 (2) “Reusable grocery bag” on and after July 1, 2016, means a
8 bag that meets the requirements of Section 42287.

9 (e) “Reusable grocery bag producer” means a person or entity
10 that does any of the following:

11 (1) Manufactures reusable grocery bags for sale or distribution
12 to a store.

13 (2) Imports reusable grocery bags into this state, for sale or
14 distribution to a store.

15 (3) Sells or distributes reusable bags to a store.

16 (f) (1) “Single-use carryout bag” means a bag made of plastic,
17 paper, or other material, that is provided by a store to a customer
18 at the point of sale and that is not *a recycled paper bag* or a
19 reusable grocery bag that meets the requirements of ~~Section 42287,~~
20 ~~on and after July 1, 2016, and paragraph (1) of subdivision (d) of~~
21 ~~this section on or before June 30, 2016~~ *subdivision (b) of Section*
22 *42287.*

23 (2) A single-use carryout bag does not include either of the
24 following:

25 (A) A bag provided by a pharmacy pursuant to Chapter 9
26 (commencing with Section 4000) of Division 2 of the Business
27 and Professions Code to a customer purchasing a prescription
28 medication.

29 (B) A nonhandled bag used to protect a purchased item from
30 damaging or contaminating other purchased items when placed in
31 a recycled paper bag or reusable grocery bag.

32 (g) “Store” means a retail establishment that meets any of the
33 following requirements:

34 (1) A full-line, self-service retail store with gross annual sales
35 of two million dollars (\$2,000,000), or more, and ~~which~~ *that* sells
36 a line of dry grocery items, canned goods, or nonfood items, and
37 some perishable items.

38 (2) Has at least 10,000 square feet of retail space that generates
39 sales or use tax pursuant to the Bradley-Burns Uniform Local Sales
40 and Use Tax Law (Part 1.5 (commencing with Section 7200) of

1 Division 2 of the Revenue and Taxation Code) and has a pharmacy
2 licensed pursuant to Chapter 9 (commencing with Section 4000)
3 of Division 2 of the Business and Professions Code.

4 (3) Is a convenience food store, foodmart, or other entity that
5 is engaged in the retail sale of a limited line of goods, generally
6 including milk, bread, soda, and snack foods, and that holds a Type
7 20 or Type 21 license issued by the Department of Alcoholic
8 Beverage Control.

9
10 Article 2. Carryout ~~Bag Regulation~~ Bags
11

12 42281. (a) ~~Except as provided in Section 42282, (1)~~ *On or*
13 *before June 30, 2016,* the requirements of this section *shall* apply
14 only to a store, ~~as that is~~ defined in paragraph (1) or (2) of
15 subdivision (g) of Section 42280.

16 (2) *On and after July 1, 2016, the requirements of this section*
17 *shall apply to a store, as defined in subdivision (g) of Section*
18 *42280.*

19 (b) (1) On and after January 1, 2015, a store shall not provide
20 a single-use carryout bag to a customer at the point of sale, except
21 as provided in this section.

22 (2) On January 1, 2015, until June 30, 2016, a store may provide
23 to a customer a reusable grocery bag, as defined in paragraph (1)
24 of subdivision (d) of Section 42280.

25 (3) On and after July 1, 2016, a store shall only provide to a
26 customer *at the point of sale* a reusable grocery bag, as defined in
27 paragraph (2) of subdivision (d) of Section 42280, that meets the
28 requirements of Section 42287.

29 (c) A store shall make reusable grocery bags available for
30 purchase by a customer.

31 (d) *Notwithstanding subdivision (b), a store may make available*
32 *for purchase at the point of sale a recycled paper bag.*

33 (e) *Notwithstanding subdivision (b), a store may make available*
34 *for purchase at the point of sale a compostable bag that, at a*
35 *minimum, meets the American Society for Testing and Materials*
36 *(ASTM) Standard Specification for Compostable Plastics D6400*
37 *if in the jurisdiction where the compostable bag is sold both of the*
38 *following requirements are met:*

39 (1) *A majority of the residential households in the jurisdiction*
40 *have access to curbside collection of food waste for composting.*

1 (2) *The governing authority for the jurisdiction has voted to*
2 *allow stores in the jurisdiction to sell to a consumer at the point*
3 *of sale a compostable bag at a cost not less than the actual cost*
4 *of the bag.*

5 ~~(d)~~

6 (f) Notwithstanding any other law, on and after January 1, 2015,
7 a store shall provide a customer participating in the California
8 Special Supplemental Food Program for Women, Infants, and
9 Children pursuant to Article 2 (commencing with Section 123275)
10 of Chapter 1 of Part 2 of Division 106 of the Health and Safety
11 Code and a customer participating in the Supplemental Food
12 Program pursuant to Chapter 10 (commencing with Section 15500)
13 of Part 3 of Division 9 of the Welfare and Institutions Code, with
14 a reusable grocery bag or a recycled paper bag at no cost at the
15 point of sale.

16 ~~(c) Notwithstanding subdivision (b), a store may make available~~
17 ~~for purchase at the point of sale a recycled paper bag.~~

18 ~~(f) Notwithstanding subdivision (b), a store may make available~~
19 ~~for purchase at the point of sale a compostable bag, that at a~~
20 ~~minimum meets the American Society for Testing and Materials~~
21 ~~(ASTM) Standard Specification for Compostable Plastics D6400,~~
22 ~~if both of the following requirements are met in the jurisdiction~~
23 ~~where the compostable bag is sold:~~

24 ~~(1) A majority of the residential households in the jurisdiction~~
25 ~~have access to curbside collection of foodwaste for composting.~~

26 ~~(2) The governing authority for the jurisdiction has voted to~~
27 ~~allow stores in the jurisdiction to sell to a consumer at the point~~
28 ~~of sale a compostable bag at a cost not less than the actual cost of~~
29 ~~the bags.~~

30 ~~42282. On and after July 1, 2016, a store, as defined in~~
31 ~~paragraph (3) of subdivision (g) of Section 42280, shall comply~~
32 ~~with the same requirements of this article that are imposed upon~~
33 ~~a store, as defined in paragraph (1) or (2) of subdivision (g) of~~
34 ~~Section 42880.~~

35 36 Article 3. Reusable Grocery Bags

37
38 42287. (a) On and after July 1, 2016, a reusable grocery bag
39 *sold or provided to a store by a reusable grocery bag producer*

1 *for purposes of this chapter* shall meet all of the following
2 requirements:

3 (1) (A) Be designed and manufactured to withstand, at a
4 minimum, 125 uses.

5 (B) For purposes of this paragraph, “125 uses” means the
6 capability of carrying a minimum of 22 pounds 125 times over a
7 distance of at least 175 feet.

8 (2) Is machine washable or made from a material that can be
9 cleaned and disinfected.

10 (3) ~~Have~~ *Has* printed on the bag, or on a tag attached to the bag
11 that is not intended to be removed, and in a manner visible to the
12 consumer the following information:

13 (A) The name of the manufacturer.

14 (B) The location (country) where the bag was manufactured.

15 (C) ~~A—The appropriate~~ recycling symbol or end-of-life
16 management instructions.

17 (D) The percentage of postconsumer recycled material, if any.

18 (4) ~~It shall~~ *Does* not contain lead, cadmium, or any other heavy
19 metal in toxic amounts. This requirement shall not affect any
20 authority of the Department of Toxic Substances Control pursuant
21 to Article 14 (commencing with Section 25251) of Chapter 6.5 of
22 Division 20 of the Health and Safety Code and, notwithstanding
23 subdivision (c) of Section 25257.1 of the Health and Safety Code,
24 the reusable grocery bag shall not be considered as a product
25 category already regulated or subject to regulation.

26 (5) If the reusable grocery bag producer makes a claim that it
27 is recyclable, the producer shall ~~demonstrate compliance with the~~
28 ~~regulations adopted by the Federal Trade Commission~~ *comply with*
29 *the requirements of Part 260 of Title 16 of the Code of Federal*
30 *Regulations relating to environmental marketing claims.*

31 (b) In addition to the requirements in subdivision (a), a reusable
32 grocery bag made from plastic shall meet ~~all~~ *both* of the following
33 requirements:

34 (1) On and after July 1, 2017, be made from a minimum of 20
35 percent postconsumer recycled material, except as provided in
36 subdivision (d).

37 (2) In addition to the information required to be printed on the
38 bag or on a tag, pursuant to paragraph (3) of subdivision (a), all
39 of the following information shall be printed on the bag, or on a
40 tag that complies with that paragraph:

1 (A) A statement that the bag is a reusable bag and designed for
2 at least 125 uses.

3 (B) Instructions to return the bag to the store for recycling or
4 to another appropriate recycling location.

5 ~~(c) A plastic reusable grocery bag that also meets the~~
6 ~~specifications of the American Society of Testing and Materials~~
7 ~~(ASTM) Standard Specification for Compostable Plastics D6400,~~
8 ~~as published in September 2004, is not required to meet the~~
9 ~~requirements of paragraph (1) of subdivision (b), but shall be~~
10 ~~labeled in accordance with the applicable state law regarding~~
11 ~~compostable plastics.~~

12 ~~(d)~~

13 *(c) (1) If, after making a reasonable effort to identify*
14 *postconsumer recycled material, a plastic reusable grocery bag*
15 *producer is unable to obtain sufficient amounts of postconsumer*
16 *recycled material to comply with this article within a reporting*
17 *period because of unavailability, upon the request of the*
18 *department, the producer shall demonstrate to the department the*
19 *actions taken by that plastic reusable grocery bag producer to find*
20 *that postconsumer recycled material.*

21 ~~(2) A plastic reusable grocery bag producer making the~~
22 ~~demonstration in paragraph (1) shall make a reasonable effort to~~
23 ~~identify available supplies of postconsumer recycled material~~
24 ~~before submitting a certification containing this information to the~~
25 ~~department pursuant to Section 42288.~~

26 ~~(3)~~

27 ~~(2) A plastic reusable grocery bag producer that makes a~~
28 ~~demonstration pursuant~~ *subject* ~~to paragraph (1) shall include the~~
29 ~~greatest amount of postconsumer recycled material possible in the~~
30 ~~reusable grocery bag, even if this amount is less than required by~~
31 ~~paragraph (1) of subdivision (b) and shall indicate the percentage~~
32 ~~that is postconsumer recycled material.~~

33 ~~42288. (a) On or before January 1, 2016, and on January 1~~
34 ~~every two years thereafter on a schedule and in a manner~~
35 ~~determined by the department, a reusable grocery bag producer~~
36 ~~shall submit a certification to the department for each type of~~
37 ~~reusable grocery bag that is manufactured, imported, sold, or~~
38 ~~distributed in the state and provided to a store for sale or~~
39 ~~distribution that meets the requirements of Section 42287.~~

1 ~~(b) A reusable grocery bag producer shall submit a fee, as~~
2 ~~established pursuant to subdivision (c), to the department with~~
3 ~~each certification submitted.~~

4 ~~(c) The department shall provide a system to submit~~
5 ~~certifications online.~~

6 ~~(d) On and after July 1, 2016, the department shall publish a~~
7 ~~list on its Internet Web site that includes both of the following:~~

8 ~~(1) The name, location, and appropriate contact information of~~
9 ~~a reusable grocery bag producer that is in compliance with this~~
10 ~~article.~~

11 ~~(2) The reusable grocery bags that are in compliance with this~~
12 ~~article.~~

13 ~~(e) The department shall establish a certification fee schedule~~
14 ~~that will generate fee revenues sufficient to cover all of the~~
15 ~~department's costs to enforce this article. Fee revenues shall not~~
16 ~~exceed the amount necessary to cover the department's reasonable~~
17 ~~costs to enforce this article.~~

18 ~~(f)~~

19 42288. ~~(a)~~ The department may inspect and audit a reusable
20 *grocery bag producer* subject to this article, with all costs
21 associated with the *inspection or* audit being paid for by the
22 reusable grocery bag producer.

23 ~~(g)~~

24 ~~(b)~~ The department may test any reusable *grocery bag*
25 manufactured by a reusable *grocery bag producer* and provided
26 to a store for sale or distribution for compliance with this article
27 and the regulations adopted pursuant to this article. *All costs*
28 *associated with the test shall be paid for by the reusable grocery*
29 *bag producer.*

30 ~~(h)~~

31 ~~(c)~~ The department may enter into an agreement with other state
32 entities that conduct inspections to provide necessary enforcement
33 of this article.

34 ~~(i)~~

35 ~~(d)~~ Notwithstanding Section 42289.5, ~~any~~ a violation of this
36 article *by a reusable grocery bag producer* shall be subject to an
37 administrative civil penalty assessed by the department in an
38 amount not to exceed five hundred dollars (\$500) for the first
39 violation. A subsequent violation may be subject to an increased

1 penalty of up to five hundred dollars (\$500) per violation, not to
2 exceed five thousand dollars (\$5,000) per violation.

3 (j)

4 (e) The department shall deposit all ~~certification fees~~ *penalties*
5 paid pursuant to this article into the Reusable Bag Account, which
6 is hereby created in the Integrated Waste Management Fund in the
7 State Treasury. The moneys deposited in the Reusable Bag Account
8 shall be expended by the department, upon appropriation by the
9 Legislature, to assist the department with its costs of implementing
10 this article.

11 ~~(k) The department shall deposit all penalties collected pursuant~~
12 ~~to subdivision (i) for a violation of this article into the Penalty~~
13 ~~Subaccount, which is hereby created in the Reusable Bag Account.~~
14 ~~The moneys in the Penalty Subaccount shall be expended by the~~
15 ~~department, upon appropriation by the Legislature, to assist the~~
16 ~~department with its costs of implementing this article.~~

17 18 Article 4. Reporting Requirements 19

20 42289. (a) On or before January 1, 2017, the department shall
21 submit a report to the Legislature in accordance with Section 9795
22 of the Government Code, regarding the effectiveness of this chapter
23 and recommendations for statutory changes to increase
24 effectiveness, which shall include all of the following:

25 (1) A compilation of state cleanup data to evaluate pollution
26 reduction.

27 (2) Recommendations to further encourage the use of reusable
28 grocery bags by customers and stores.

29 (3) An evaluation of the requirements for reusable bags specified
30 in Section 42287.

31 (4) Distribution of recycled paper bags.

32 (5) Number and type of violations.

33 (b) The department shall coordinate with other state and local
34 agencies in compiling this report to maximize existing efforts and
35 resources in the areas of litter reduction, water quality, and
36 environmental protection.

37 (c) Pursuant to Section 110231.5 of the Government Code, this
38 section is repealed on January 1, 2018.

Article 5. Enforcement

42289.5. (a) A city, a county, a city and county, or the state may impose civil liability in the amount of five hundred dollars (\$500) for the first violation of this chapter, one thousand dollars (\$1,000) for the second violation, and two thousand dollars (\$2,000) for the third and subsequent violations.

(b) Any civil penalties collected pursuant to subdivision (a) shall be paid to the office of the city attorney, city prosecutor, district attorney, or Attorney General, whichever office brought the action. The penalties collected pursuant to this section by the Attorney General may be expended by the Attorney General, upon appropriation by the Legislature, to enforce this chapter.

~~(c) This section does~~ Subdivisions (a) and (b) shall not apply to a violation of Article 3 (commencing with Section 42287).

(d) This chapter shall not be exclusive and shall not limit the ability of a city, county, city and county, or the state to pursue enforcement pursuant to Chapter 5 (commencing with Section 17200) of Part 2 of Division 7 of the Business and Professions Code.