



MEMORANDUM

TO: California Ocean Protection Council

FROM: Drew Bohan, Executive Policy Officer

DATE: November 20 – 21, 2008

RE: Ocean Litter Implementation Strategy

ATTACHMENTS: (1) [OPC Resolution on Marine Debris](#)
(2) [Implementation Strategy to Reduce and Prevent Ocean Litter](#)
(amended)

REQUESTED ACTION:

Staff recommends the Ocean Protection Council (OPC) vote to adopt the Ocean Litter Implementation Strategy to reduce and prevent ocean litter in California.

OVERVIEW:

At the February 2007 meeting, the OPC passed a Resolution on Marine Debris (attachment 1) that provided a foundation for future policies and legislative actions to reduce or eliminate sources of ocean litter and its impacts on California's coast and ocean resources. The Resolution called for an interagency steering committee, composed of OPC and state agency staff, and directed this committee to create a plan of action to address the issue of ocean litter. The steering committee worked for over a year to prepare a draft Implementation Strategy based on the 13 directives established in the Resolution. The draft Strategy was released for public comment in July 2008. All public comments received have been considered in the preparation of the final *Implementation Strategy on Ocean Litter in California* (attachment 2).

This Strategy proposes key actions that, if implemented, will result in a comprehensive approach to reducing and preventing litter from reaching the marine environment where it harms wildlife, transports toxins, and pollutes beaches. The Strategy focuses primarily on plastic packaging materials, which do not readily biodegrade and can float for many miles, making plastic the largest contributor to the ocean litter problem. This Strategy sets forth policies and actions that, if adopted by the OPC, will promote innovative and effective solutions to the growing problem of ocean litter in California. This memo includes additional information about proposed actions included in the Strategy.

BACKGROUND:

Reducing ocean litter is identified as a key objective in the OPC's five-year strategic plan. Ocean litter negatively impacts California's \$46 billion-per-year tourism-based, ocean-dependent economy due to reduced tourism and the costs of cleanup. State and local governments spend hundreds of millions of dollars every year on litter cleanup. Despite decades-long efforts to reduce ocean litter through cleanup, outreach, and education efforts, the proliferation of plastic debris continues to increase, in large part due to increased use of single-use plastic products. For example, in an area of the ocean north of Hawaii known as the Northwest Pacific Gyre, plastic debris has increased 5-fold in the last 10 years.

Plastic litter, which comprises up to 60-80% of all ocean litter and 90% of floating debris, can last for hundreds of years in the environment without ever completely biodegrading, and can harm hundreds of marine species, from birds that ingest small pieces of debris and feed it to their young, to marine mammals that get entangled in fishing gear. The vast majority (80%) of litter reaching the ocean arrives primarily via runoff from land-based sources; the remaining 20% comes from ocean-based activities, such as fishing and shipping.

A 2001 study of Orange County beaches found that plastic was the most common component of beach debris, found in the form of pre-production plastic pellets, foamed plastics, and hard plastics. These results, and similar findings elsewhere, led to the passage of AB 258 (2007), which directs the State Water Resources Control Board to better address the pollution problem caused by careless handling of pre-production plastic pellets, or "nurdles." Many communities throughout California have enacted measures to prevent, reduce and clean up litter before it reaches the ocean, providing successful examples for a statewide effort.

OPC STAFF ACTIONS TO DATE:

In June 2006, the California Coastal Commission published a report entitled "*Eliminating Land-based Discharges of Marine Debris in California: A Plan of Action from the Plastic Debris Project*" (2006 Action Plan). The 2006 Action Plan represented the work of numerous stakeholders, including state government agencies, industry representatives, and environmental groups, and provided 63 recommendations for reducing the problems caused by plastic marine debris, some of which are highlighted in the Strategy. In anticipation of the 2006 Action Plan's recommendations, an Anti-litter Task Force was established by the California Integrated Waste Management Board. The 2007 OPC Resolution represents the culmination of effort by the task force and OPC staff.

The OPC Resolution directed an interagency steering committee¹ to work with staff in developing an implementation strategy to carry out the actions outlined in the Resolution. OPC staff released a draft Strategy for public comment in July 2008 containing 16 recommendations to address the growing problem of ocean litter from all aspects, including production, consumption and cleanup. Nearly 50 comment letters were submitted on the draft Strategy and

¹ The Steering Committee is comprised of representatives from state agencies, including the California Coastal Commission, California Integrated Waste Management Board, Department of Conservation, Department of Toxic Substances Control, State Water Resources Control Board, California Department of Parks and Recreation, and Department of Transportation.

almost all were supportive of the recommendations set forth by the OPC to combat ocean litter. Some of the letters suggested changes, which staff incorporated into the final Strategy, including promoting a fee rather than a prohibition on plastic bags, creating a deposit program for derelict fishing gear instead of imposing a penalty for lost gear, and clarifying and expanding background information and studies that support the Strategy's recommendations.

SUMMARY OF THE STRATEGY:

The Strategy recommends that producers, manufacturers, retailers, public agencies, and consumers share responsibility and work together to reduce the threats to our ocean and coast posed by ocean litter. Specifically, the Strategy identifies three priority actions that California should take to reduce or eliminate marine debris: (1) establish a "take-back" program that would require manufacturers to take back used packaging and dispose of it properly; (2) institute a statewide fee on single-use plastic grocery bags and a prohibition on polystyrene food containers; and (3) impose user fees on other commonly littered packaging items.

Take-Back Program

The first of these three priority actions is for a "take-back," or Extended Producer Responsibility (EPR), program for convenience food packaging. An EPR program would require businesses that place packaging materials into the stream of commerce to be responsible for recovering those materials once they have been used. This approach has been used to successfully reduce packaging waste in other countries by both decreasing the amount of waste that ends up in landfills as well as motivating manufacturers and distributors to use less packaging. Germany, through its "green dot" program, has become a world leader in EPR for product packaging, reducing packaging waste by 14% in the first four years of the program. In the United States, food containers and packaging are the largest component of the municipal solid waste stream (80 million tons, or 31.7%), emphasizing the importance of reducing this type of waste. The Strategy recommends that the California Integrated Waste Management Board (CIWMB) be granted the authority to implement EPR regulations.

Some of the comments staff received recommended against an EPR program for food packaging, arguing that the program would be expensive and difficult to implement; some also argued that the cost of taking back, cleaning and recycling or disposing of packaging materials would be passed on to consumers, rather than be borne by manufacturers or distributors. While take-back programs do have additional up-front costs associated with them, several EPR programs worldwide have shown that with proper design and broad support, the program can actually save businesses and consumers money over time by reducing the amount of packaging they use and increasing the supply of ready-made materials through post-consumer recycling. EPR programs around the world take many forms. The recommendation contained in the Strategy is broad by design. The marine debris steering committee understands that many details will need to be worked out to have a functional EPR system in California for packaging.

Plastic Bag Fee/Polystyrene Ban

The second recommended priority action is to place a fee on plastic grocery bags and ban polystyrene take-out food containers. Numerous countries around the world have recognized plastic bags as a significant threat to the marine environment and have imposed bag bans or fees.

San Francisco enacted a ban on grocery bags in 2006, while Oakland enacted a partial ban in 2007. In 2008, the City of Los Angeles voted to ban plastic bags beginning in 2010. Alaska, Massachusetts, New York, and Washington are also considering plastic bag prohibitions. Internationally, China, Bangladesh, Tanzania and several other countries recently banned plastic grocery bags. In 2002, Ireland imposed a tax on the distribution of plastic grocery bags that resulted in a decrease of more than 90 percent in plastic bag use since the tax was implemented.

Many California communities have implemented prohibitions on polystyrene or expanded polystyrene (i.e. Styrofoam™) food containers, including the counties of Los Angeles, Monterey, San Mateo, Santa Cruz, Sonoma and Ventura. Other communities in the United States have also imposed some kind of polystyrene prohibition, such as Portland, Oregon, Freeport, Maine and Suffolk County, New York.

The Strategy recommends a state-wide prohibition on both polystyrene and expanded polystyrene take-out food packaging products due to their prevalence in the marine environment and long product lifetime. The strategy also recommends a phased approach to reduce the use of plastic bags: initially a fee should be imposed on each bag, but if the fee is not successful in substantially reducing the use of plastic bags then a prohibition should be implemented.

Fees on other products

The third recommendation is to impose a fee on other commonly littered products that are not suitable for a “take-back” program or a ban, such as cigarettes. Cigarette butts are the most common product littering beaches, yet they are not well suited to a “take-back” program (due to health concerns) or a ban (because filters protect smokers).² A fee could also be placed on a wide range of other convenience food and other types of packaging. A fee could take the form of a product redemption value, similar to the CRV on beverage containers, which would encourage recycling and decrease littering and waste.

FUTURE ACTIONS:

The Strategy is designed to set the stage for actions that, when implemented, will have far-reaching benefit for ocean health.

CONSISTENCY WITH CALIFORNIA OCEAN PROTECTION ACT:

The proposed action is consistent with the Ocean Protection Act (Division 26.5 of the Public Resources Code). Section 35615(a)(1) specifically directs the Council to coordinate activities of state agencies to improve the effectiveness of state efforts to protect ocean resources, establish policies to coordinate the collection of scientific data related to the ocean, and recommend changes in state or federal law. It is also consistent with Section 35615 (a)(5), which directs the Council to transmit the results of research and investigations to state agencies to provide information for policy decisions.

² Cigarettes have been the most collected debris item during the history of California’s Coastal Cleanup Day, totaling 40% of all litter collected in 2007.

CONSISTENCY WITH OPC'S STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Goal C (Marine Debris) Objective 5: Reduce ocean and coastal debris and its impacts to ocean ecosystems. The OPC's Five-Year Strategic Plan specifically calls for implementation of the 2006 California Marine Debris Action Plan, which established the basis for both the Resolution and the Strategy.