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August 25, 2014

The Honorable John Laird, Chair and Council Members
California Ocean Protection Council
1330 Broadway, 13th Floor
Oakland, CA 94612-2530
VIA ELECTRONIC MAIL: COPCpublic@resources.ca.gov and karen.kayfetz@resources.ca.gov

Re: SUPPORT: Resolution on Supporting State Water Board Adoption of a Trash Policy

Dear Chair Laird and Council Members:

Ocean Conservancy strongly supports the California Ocean Protection Council (OPC) Resolution Supporting the State Water Resources Control Board's adoption of the Trash Amendments ("trash policy"). As described in the Resolution, OPC's Five-Year Strategic Plan specifically provides that the Council should "support the [State Water Resources Control Board] and other agencies in adopting and implementing a statewide trash policy and other relevant trash regulations."

As you are well aware, trash in the ocean is a troubling and growing environmental, economic and human health concern. We applaud the OPC for the action it has already taken to reduce trash impacts to the marine environment. Trash harms a wide range of marine species through ingestion and entanglement; some of these species are threatened or endangered species under California or federal law. Trash also transports and concentrates pollutants, degrades the chemical, physical, and biological integrity of California's marine environment and costs the State millions in cleanup costs. It is critical that the OPC continue its interagency efforts to reduce trash pollution.

Ocean Conservancy is pleased to see the Resolution come to fruition at a pivotal time in the decision-making process about how our state will reduce trash to coastal waters and the ocean. We highlight the importance of Whereas Clause 10 that states the "proposed Trash Amendments are precedential and would become the first statewide plan in the nation to specifically target a reduction in the amount of trash entering our waterways and ocean." We also applaud the OPC's Resolve Clause for writing a letter of support that includes "recommendations that the Board's Trash [Amendments] consider including additional requirements for measuring the success of programs..." It is critical to conduct water monitoring to ensure all responsible parties are effectively reducing trash pollution.

We applaud OPC for seizing opportunities to engage and inform the ocean community about agency efforts that impact the ocean including bolstering policymaking that directly impacts ocean and coastal health through the State Water Board's Trash Policy process. You have our organization's support as you continue to back agency actions that protect California's coast and ocean.

Sincerely,

George H. Leonard
Chief Scientist
Santa Cruz, California

Nicholas Mallos
Director, Trash Free Seas
Washington, DC



August 26, 2013

The Honorable John Laird, Chair and Council Members
California Ocean Protection Council
1330 Broadway, 13th Floor
Oakland, CA 94612-2530

VIA ELECTRONIC MAIL: COPCpublic@resources.ca.gov and karen.kayfetz@resources.ca.gov

Re: SUPPORT Resolution on Supporting State Water Board Adoption of a Trash Policy

Dear Chair Laird and Council Members:

On behalf of Heal the Bay and 7th Generation Advisors, we strongly support the California Ocean Protection Council (OPC) Resolution supporting the State Water Resources Control Board's adoption of the Trash Amendments ("trash policy"). As described in the Resolution, OPC's Five-Year Strategic Plan specifically provides that the Council should "support the [State Water Resources Control Board] and other agencies in adopting and implementing a statewide trash policy and other relevant trash regulations."

We applaud the OPC for the action it has taken to reduce trash impacts to the marine environment. Trash has reportedly harmed over 663 marine species through ingestion and entanglement, some of which are threatened or endangered species under California or federal law.¹ Trash transports other pollutants into sensitive marine ecosystems (bacteria, toxins, invasive species), and can become sources of disease.² Plastic bags especially hurt sea turtles because bags floating in water look like jellyfish, a primary food for turtles, and researchers have commonly found plastic bags in the digestive tracts of dead turtles.³ Trash degrades the chemical, physical, and biological integrity of California's marine environment. Thus, it is critical that the OPC continue its interagency efforts to reduce trash pollution.

OPC's actions to reduce trash pollution benefits California economy. Plastic and other debris litters our beaches, and represents a threat to California's \$46 billion ocean-dependent, tourism-oriented economy and in certain circumstances may pose a public health threat.⁴ Trash also negatively impacts tourism at California beaches, whose market and non-market values exceed \$5 billion annually.⁵ Conversely, studies have correlated a drop in crime with cleanup of neighborhood trash and blight.⁶ Trash-free communities have been shown in a number of studies to be demonstrably safer than polluted communities, reducing

¹ CBD Technical Series No. 67, Impacts of Marine Debris on Biodiversity: Current Status and Potential Solutions, SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY 9 (2012), <http://www.cbd.int/doc/publications/cbd-ts-67-en.pdf>.

² See, e.g., California Coastal Commission and Algalita Marine Research Foundation, "Plastic Debris, Rivers to Sea: A Bibliography of Research Related to Debris and Trash in Urban Runoff" (2006) ("BMP Manual") <http://www.plasticdebris.org/bibliography.html>.

³ See N. Mrosovsky et al., Leatherback Turtles: The Menace of Plastic, 58 MARINE POLLUTION BULL. 287, 287-88 (2009).

⁴ Supra note 4.

⁵ Kildow, J. and Colgan, C.S., National Ocean Economics Program, "California's Ocean Economy. A Report to the Resources Agency, State of California" (2005).

⁶ See, e.g., Suffolk University, "Research Boosts Broken Windows Theory" (Jan. 13, 2009), available at <http://www.suffolk.edu/34417.html> (documenting a 20% drop in calls to police in formerly trash-strewn area as compared with control); full study found at: Braga, Anthony A. and Brenda J. Bond, "Policing Crime and Disorder Hot Spots: A Randomized Controlled Trial," *Criminology*. Vol. 46, No. 3 (August 2008).

other costs to residents. Thus, there can be no question that trash is an economic, public health, and environmental threat to California—a strong trash policy is desperately needed.

We strongly support this Resolution, and the timing of its consideration is at a critical time in the decision-making process. We are particularly supportive of Whereas Clause 10 that states the “proposed Trash Amendments are precedential and would become the first statewide plan in the nation to specifically target a reduction in the amount of trash entering our waterways and ocean.” We also applaud the OPC’s Resolve Clause for writing a letter of support that includes “recommendations that the Board’s Trash [Amendments] consider including additional requirements for measuring the success of programs...” As our August 5, 2014 comment letter outlined, it is critical for Permittee’s to conduct receiving water monitoring to ensure all responsible parties are effectively reducing trash pollution.

However, we would like to offer several revisions to the Resolution to make it more precise and strengthen its resolve. First, Whereas Clause Nine states that “California has made great strides to control trash through its Clean Water Act storm water program...” This is perhaps an unjustified positive depiction of trash controls currently present in California’s stormwater program. Many statewide stormwater permits have very few or no trash control requirements. The Los Angeles region’s trash Total Maximum Daily Loads (TMDLs) are the only regulatory programs that we know of that have made strides in this regard.

Alternatively, the OPC should consider local successes in California at controlling trash at its source. Plastic bag and foam bans have proliferated in recent years, as a response to a growing need for municipalities to reduce litter in order to save costs, improve the environment, and meet regulatory mandates such as TMDLs. As of the date of these comments, 113 localities have banned plastic bags, including Sacramento, Long Beach, San Francisco, and Los Angeles City and County, and 78 have enacted foam ban ordinances,⁷ including San Francisco, San Jose, and many others. Rather than overstate trash controls currently evident in California’s stormwater program, we suggest that the Resolution instead *praise local governments for enacting source control bans to prevent trash pollution at its source.*

Second, the Resolution’s Resolve clause directs the OPC to write a letter of support for the Trash Amendments, but it stops short of stating “the OPC supports the Amendments.” While we applaud the OPC for writing a letter of support to the State Water Board, it would be more meaningful for the Resolution’s Resolve clause to *explicitly state the OPC’s support of the Trash Amendments.*

We applaud the OPC for bolstering policymaking that directly impacts ocean and coastal health by engaging California’s vibrant ocean community in the State Water Board’s Trash Policy process with a Resolution. The California Ocean Protection Act specifically contemplates OPC actions such as this to “improve the effectiveness of state efforts to protect ocean resources.” We support this effort and look forward to working together to support agency actions that protect California’s coast and ocean.

Sincerely,

Kirsten James
Science & Policy Director, Water Quality
Heal the Bay

Leslie Tamminen
Director
7th Generation Advisors

⁷ For maps, complete listings of ordinances, and links, see Clean Water Action’s website: Ban the Plastic Bag! <http://www.cleanwateraction.org/ca/rethinkdisposable/banthebag>, and <http://www.cleanwateraction.org/ca/rethinkdisposable/phaseoutfoam> .