

CALIFORNIA OCEAN PROTECTION COUNCIL

Staff Recommendation

October 17, 2016

**Creating an Unpackaged Community in the Bay Area**

Holly Wyer, Program Manager

**RECOMMENDED ACTION:** Authorization to disburse up to \$400,000 to the Clean Water Fund<sup>1</sup>, in support of the ReThink Disposable program, to conduct a demonstration project with a local government partner to reduce a community's reliance on single-use packaging.

**LOCATION:** San Francisco, Santa Clara, or Alameda County

**STRATEGIC PLAN OBJECTIVE(S):**

Objective 10.1: Support collaborative efforts and effective partnerships that measurably reduce existing and new marine debris.

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**EXHIBITS**

Exhibit A: Support Letters

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**FINDINGS AND RESOLUTION:**

Staff recommends that the Ocean Protection Council (OPC) adopt the following findings:  
"Based on the accompanying staff report and attached exhibit(s), the Ocean Protection Council hereby finds that:

- 1) The proposed project is consistent with the purposes of Division 26.5 of the Public Resources Code, the Ocean Protection Act.
- 2) The proposed project is consistent with the Ocean Protection Council's grant program funding guidelines (Interim Standards and Protocols, August 2013).
- 3) The proposed project is not a 'legal project' that triggers the California Environmental Quality Act pursuant to Public Resources Code section 21068 and Title 14 of the California Code of Regulations, section 15378."

Staff further recommends that the OPC adopt the following resolution pursuant to Sections 35500 *et seq.* of the Public Resources Code:

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<sup>1</sup> The Clean Water Fund is a national non-profit research and education organization.

“The California Ocean Protection Council hereby approves the disbursement of up to \$400,000 to the Clean Water Fund, in support of the ReThink Disposable program, to implement a demonstration project with a local government partner to reduce a community’s reliance on single-use packaging.

This authorization is subject to the condition that prior to disbursement of funds, Clean Water Fund shall submit for the review and approval of the Executive Director of the OPC detailed work plans, schedules, staff requirements, budgets, and the names of any contractors intended to be used to complete the projects, as well as discrete deliverables that can be produced in intervals to ensure the projects are on target for successful completion. All projects will be developed under a shared understanding of process, management and delivery.”

**PROJECT SUMMARY:**

Single-use disposable packaging makes up a large proportion of the trash found in waterways and the ocean; when littered, these products make their way to the ocean through storm drains and local creeks, rivers, and other waterways. In response to the high levels of packaging litter, the Clean Water Fund created the ReThink Disposable program, which demonstrates to businesses how to save money and reduce their reliance on disposable items at the same time. ReThink Disposable won the 2015 *Governor’s Economic and Environmental Leadership Award* for their work. This project would involve Clean Water Fund working with one local jurisdiction to create a model community where 80 to 100 local food businesses would become ReThink Disposable certified, a significant number of corporate campuses would change their model to reduce the use of targeted disposable items by 40-50%, local government purchasing would follow ReThink Disposable’s best practices, and public engagement would drive demand and encourage additional businesses and institutions to reduce their single-use packaging.

Specific objectives include:

- **Engage 80 to 100 Local Businesses in ReThink Disposable:** Clean Water Fund will create a certification program which will help businesses identify the changes they need to make to meet the program’s best management practices and verify that changes were made 3-4 months later. Clean Water Fund would conduct full audits of 25 percent of the businesses that participate to quantify the impact of the program. Clean Water Fund will offer up to \$300 of the OPC funds per business for up to 14 businesses to cover costs relating to switching to reusable items, such as purchasing reusable foodware and dishwashers.
- **Additional Government Engagement:** Clean Water Fund will work with local decision-makers to ensure that local government purchasing follows ReThink Disposable best management practices. Clean Water Fund will seek to have government contracting and purchases require the use of durable food service ware, rather than allow for the use of

disposables and will also seek to obtain resolutions and statements of support for these changes from local decision-makers.

- **Engage the Broader Business Community:** Clean Water Fund will seek support from the local Chamber of Commerce and the California Restaurant Association with a goal of strategically communicating with the target audience of food service businesses to raise awareness and encourage participation in the ReThink Disposable Program.
- **Communications Strategy:** Clean Water Fund will implement a media engagement program in partnership with local government. Part of this strategy will include an active social media campaign using platforms like Yelp, purchasing advertising about the ReThink Disposable program in local social events publications, and various outreach efforts to inform the public of the program and which businesses are participating. Once the work with local food businesses is complete, Clean Water Fund will hold a press conference, schedule press briefings, and seek additional media opportunities to generate visibility for the program and interest from other communities in adopting the ReThink Disposable model for their own use.

The overarching goal of the project is to create a model community with a visible program to reduce reliance on single-use disposable items that inspires more businesses and people to get involved and reduce their own disposables use.

**Project Timeline:** This project is anticipated to be completed in two years. Clean Water Fund is looking for matching funds to conduct additional institutional dining or school dining changes in the unpackaged community.

**PROJECT FINANCING:**

Staff recommends that the Ocean Protection Council (OPC) authorize disbursement of up to \$400,000 to Clean Water Fund to implement a demonstration project with a local government partner to reduce a community's reliance on single-use packaging.

Ocean Protection Council	\$400,000
<b>TOTAL</b>	<b>\$400,000</b>

The anticipated source of funds will be from the Ocean Protection Council's appropriation of the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84). Proposition 84 authorizes the use of funds for purposes consistent with Section 35650 of the Public Resources Code, establishing the California Ocean Protection Trust Fund (Pub. Res. Code § 75060(g)). Under Section 35650(b), Ocean Protection

Trust Fund monies may be expended for projects authorized by the OPC that are identified as appropriate Trust Fund purposes, as specified. The project is consistent with the Trust Fund purposes as discussed in the following section. Proposition 84 also allows up to 10 percent of funds allocated for each program to finance planning and monitoring necessary for the successful design, selection, and implementation of the projects authorized under that program (Pub. Res. Code §75072).

**CONSISTENCY WITH CALIFORNIA OCEAN PROTECTION ACT:**

The proposed project is consistent with the Ocean Protection Act, Division 26.5 of the Public Resources Code, because it is consistent with trust-fund allowable projects, defined in Public Resources Code Section 35650(b)(2) as projects which: Eliminate or reduce threats to coastal and ocean ecosystems, habitats, and species and improve coastal water quality.

**CONSISTENCY WITH THE OPC'S STRATEGIC PLAN:**

This project implements Focal Area D: Coastal and Ocean Impacts from Land. Specifically, this project would reduce the negative impacts of land-based activities on coastal ecosystems by reducing single-use disposable items in restaurants, which frequently become marine litter.

**CONSISTENCY WITH PROPOSITION 84 (The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006; Public Resources Code §75060(g) and §75072)**

This project is consistent with proposition 84, purpose 3: Development and implementation of projects to conserve marine wildlife. When packaging is littered, it frequently makes its way to the ocean through storm drains, creeks, rivers, and other local waterways; Packaging makes up seven of the top ten types of items found on Coastal Cleanup Day. In the ocean, various types of packaging such as bottle caps and utensils can be mistaken for food by seabirds and other marine life and are known to be ingested. Ingesting packaging can negatively impact the health of marine wildlife. This project will reduce the use of single-use disposable packaging at its source, which will reduce the incidence of litter and inputs of packaging pollution into the environment. Reducing the use of packaging at its source is more efficient and cost-effective than reducing ocean litter through beach cleanups.

This project is also consistent with proposition 84, Chapter 10, Section 75072. This project includes the planning, monitoring, and management necessary to successfully implement the ReThink Disposable program on a community scale, and lay the groundwork for additional community participation in the program. In addition, this project would prevent the generation of ocean litter by reducing a community's reliance on single-use packaging, which makes up a large component of ocean litter found during cleanups.

**CONSISTENCY WITH THE OPC'S GRANT PROGRAM FUNDING GUIDELINES:**

The proposed project is consistent with the OPC's Grant Program Funding Guidelines for Proposition 84 funds, in the following respects:

**Required Criteria**

1. Directly relate to the ocean, coast, associated estuaries, or coastal-draining watersheds: This project will take place in a coastal-draining watershed, and will prevent the use of single-use disposable items that frequently become ocean litter.
2. Support of the public: This project has support from the local communities where the ReThink Disposable program completed projects in the past, and also has support from Federal partners. Please see exhibit A for support letters.
3. Greater-than-local interest: The project being piloted with this funding can be replicated in other communities in California and around the United States. Institutions based outside of California have already shown an interest in the ReThink Disposable program.

**Additional Criteria**

4. Improvements to management approaches or techniques: This project is modeling a new management approach to reduce ocean litter, by making the business case for using reusable foodware in a local community. It is widely believed that ocean litter reduction should be taking place through product and materials management rather than through cleanups, and this project takes the product management approach to reducing ocean litter.
5. Resolution of more than one issue: This project will reduce a common source of ocean litter and a community's production of solid waste materials, and will also improve water quality.
6. Leverage: No leverage is currently available for this project, although the applicant is seeking additional funds to expand the project to institutional dining and schools.
7. Timeliness or Urgency: Clean Water Fund has successfully engaged 109 food service businesses in the ReThink Disposable Program and has the capacity to implement this project in a timely way.
8. Coordination: This project will involve coordination between Clean Water Fund and a local government partner in the Bay Area.

**COMPLIANCE WITH CEQA:**

The proposed project is not a 'legal project' that triggers the California Environmental Quality Act pursuant to Public Resources Code section 21068 and Title 14 of the California Code of Regulations, section 15378.