September 22, 2020

California Ocean Protection Council
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

RE: September 17, 2020 - Agenda Item 7. Talking Trash: Identifying Policy Solutions to Address Plastic Pollution in California's Coastal and Marine Ecosystems

Dear Secretary Crowfoot and Council members,

The Clean Seas Lobbying Coalition consists of eleven non-profit organizations and their members throughout California dedicated to plastic pollution solutions, specifically with an emphasis on source reduction. We are proud to have taken part in the process for updating the 2018 California Ocean Litter Prevention Strategy, co-led the effort to pass SB 54 (Allen)/AB 1080 (Gonzalez) this year including strengthening source reduction and toxic chemicals language (also in the ballot measure,) sponsored AB 619 (Chiu) in 2019 to pave the way for reusables, and help to pass meaningful legislation and combat negative industry efforts.

We would like to thank the Ocean Protection Council (OPC) for your continued dedication to the plastic pollution issue, and for adding this agenda item to the meeting on September 17, 2020 for discussion. We agree with OPC staff that the severity of the plastic pollution issue warrants bold solutions, and that innovative investments and policy approaches are necessary to reduce plastic pollution and its impacts in California.

We would also like stress that the issue of plastic pollution in California is not isolated to our coastline, and its impacts are felt beyond our marine and aquatic ecosystems. As a fossil fuel product, plastic pollutes our environment and our communities at every point of its lifecycle, from extraction to refining, manufacture to disposal. Fossil fuel production to make plastics not only contributes to climate change, but burdens vulnerable low-income communities and communities of color who bear the brunt of the pollution and health impacts from oil extraction, transportation, and refining.[1] These health impacts include asthma, respiratory illness, and increased cancer risk that make these communities more susceptible to COVID-19.[2] Thus we emphasize that an equity lens is paramount when addressing both the problem and solutions.

We also believe that the issue needs to be addressed through:

- *A climate lens* - Plastic production contributes to our climate crisis as plastics are derived from fossil fuels, and emit potent greenhouse gases as they break down.[3] Plastic pollution starts with fossil fuel

[1] Ihab Mikati, Adam F. Benson, Thomas J. Luben, Jason D. Sacks, and Jennifer Richmond-Bryant, 2018: Disparities in Distribution of Particulate Matter Emission Sources by Race and Poverty Status. American Journal of Public Health 108, 480_485, https://doi.org/10.2105/AJPH.2017.304297
[2] *Implications of COVID-19 on At-Risk Workers by Neighborhood in Los Angeles*, Paul Ong, PhD, Chhandara Pech, MURP, Silvia Gonzalez, PhD Candidate, and Carla Vasquez-Noriega. UCLA. 4/1/2020 https://latino.ucla.edu/wp- content/uploads/2020/04/LPPI-Implications-from-COVID-19-res2.pdf
[3]

extraction, and continues through manufacturing, transportation, usage, and finally disposal. This comes with a tremendous cost to individuals, communities, wildlife, ecosystems, and to the state all along the supply chain. With a planned 40 percent increase in plastic production over the next decade, unless we make major policy changes to significantly counter this, plastic production will account for 20 percent of global fossil fuel consumption.[4]

- *An economic lens* – Local governments and taxpayers in California spend upwards of $500 million annually to clean up and prevent litter in streets, storm drains, parks, beaches and waterways.[5] Also, it continues to be proven that businesses that make the transition from disposable to reusable products save money.[6] Also, investing in reuse and refillable systems will create more jobs.

- *A source reduction lens* (upstream) - Less than 9 percent of plastic is recycled, and that percentage has been dropping since the implementation of China's National Sword policy, which severely restricts the amount of foreign waste China accepts. The cost of recycling exceeds the scrap value of the plastic material so the markets for plastic packaging that were previously considered recyclable have been lost. These materials are now either piling up in recycling centers, being landfilled, or sent to illegal facilities in Southeast Asia where they are being incinerated or illegally dumped. Experts agree that upstream reduction of packaging and packaging waste is the most effective, and least expensive way to protect human, wildlife, and environmental health.

- *A toxic chemicals lens* – plastics inherently contain chemicals, and many, such as PFAS and phthalates, are intentionally added to give the plastics various qualities. These toxic chemicals end up in waterways, compost[7], that may then be added to the food supply, water, and human and wildlife bodies. While the scientific understanding of chemicals used in single-use products is still evolving, we know that there are several harmful chemicals like antimony, phthalates, bisphenol-A, and synthetic dyes added to plastics[8] and per- and polyfluorinated alkyl substances (PFAS) are often found in paper products that are used as alternatives[9].

- *A fishing gear lens* – Lost and abandoned fishing gear which is deadly to marine life makes up the majority of large plastic pollution in the oceans. In some specific ocean areas, fishing gear makes up the vast majority of plastic rubbish, including over 85 % of the rubbish on the seafloor on seamounts and ocean ridges, and in the Great Pacific Gyre. As the top form of plastic pollution next to disposable packaging, solutions must consider fishing gear as well – including upstream with materials and gear types.[10]

We strongly agree with staff that a "system change" is by far the most effective way to reduce plastic pollution, and its associated impacts, and that California must take an "all of the above" approach to solving an issue of this magnitude. This includes both upstream and downstream solutions, and everything in between. We generally support the recommendations outlined in the Pew Report[11] referenced in the staff memo, but want to flag a few concerns about certain harmful technologies such as incineration, chemical recycling, and plastic-to-

[4] http://www.ciel.org/wp-content/uploads/2017/09/Fueling-Plastics-How-Fracked-Gas-Cheap-Oil-and-Unburnable-Coal-are-Driving-the-Plastics-Boom.pdf
[5] NRDC, "Waste in Our Water: The Annual Cost to CA Communities of Reducing Litter That Pollutes Our Waterways," August 2013
[6] https://www.rethinkdisposable.org/
[7] Evaluating Perfluoroalkyl Acidsin Compostswith Compostable Food Serviceware Products in their Feedstocks, https://cswab.org/wp-content/uploads/2018/09/PFAS-Compost-Summary-Sheet-March-2018.pdf
[8] https://www.sciencedirect.com/science/article/pii/S0048969711004268?via%3Dihub
[9] Fluorinated Compounds in U.S. Fast Food Packaging, https://pubs.acs.org/doi/abs/10.1021/acs.estlett.6b00435
[10] Ghost Gear: The Abandoned Fishing Nets Haunting Our Oceans, https://storage.googleapis.com/planet4-international-stateless/2019/11/8f290a4f-ghostgearfishingreport2019_greenpeace.pdf
[11] Pew Charitable Trusts, Systemiq. (2020).Breaking the Plastic Wave: A Comprehensive Assessment of Pathways Towards Stopping Ocean Plastic Pollution - Summary Report.

fuel being recommended as part of the solution. And as we have seen, even here in California, the plastics industry is pushing hard for these. Additionally, of all of the solution measured, many of which we support such as reuse and reusable systems, there was no mention of turning off the plastic production tap, as opposed to their recommendation of reduction plastic consumption (versus production.) This could be done through a combination of things such as a plastics tax combined with quantitative limits.

We respectfully suggest the council consider a comprehensive suite of policy options beyond these recommendations and consider investment and research in the following areas:

- Single-use disposables (ex: top 10 most highly littered items, etc.)
    - Research and analysis on the feasibility of widespread implementation of reuse and refill systems in the state of California, using existing examples as models. We recommend investment in a reuse and refill report that includes a cost-benefit analysis, infrastructure needs, refill model types, and recommendations for implementation.
    - Research how to quantify the number of disposables being sold in the state so as to create a baseline from which to source reduce that number, including setting goals to reduce the number of items being sold, in addition to waste generation goals; do not include covid years since we know those numbers have drastically increased.
    - Research and analysis on the feasibility of Extended Producer Responsibility programs for plastic products and packaging in the state of California. We suggest including analysis of current EPR schemes for plastics and other products, organizational structure of these programs, and the costs and benefits of a plastics EPR program. There is a range of options for implementing producer responsibility. Some policymakers may wish to continue oversight and day-to-day management of recycling and waste collection, but implement a fee on producers to finance those activities instead of using tax dollars. Others may wish to require producers to fund the program but also shift recycling management and collection logistics to producers. It can include deposit/take-back schemes for recovery of packaging.
    - Set a target percentage of reusable and refillable by market sector – beverage bottles, take-out and food delivery, groceries and household products.
    - Fund pilot projects for reusables and refillable systems that can scale up if successful.
    - Funding incentives for retooling to manufacture reusables, or only truly recyclable and compostable products.
    - Remove barriers to using reusables (such as AB 619 (Chiu) which removed the health code requirement that temporary food facilities had to serve in single-use disposables, and allows for the safe use of reusables.)
    - Incentivize use of reusables/refillable systems including financial assistance for making those transitions, and consumer discounts for bringing their own.
    - Incentives for manufacturers to use reusable/recyclable materials, a high percentage of recycled content, and innovative product design including non-detachable lids and packaging specifically designed to be reusable or refillable.
    - Disincentives for single-use plastic products and regrettable alternative disposables, such as consumer charges for disposable food and beverage packaging (like in the Berkeley ordinance,) and a plastics tax put on manufacturers for every item they want to put on the market (not transferred to the consumer) with an accompanying cap.
    - Material phase-outs and bans for highly problematic materials types where alternatives are readily available, such as rigid and expanded polystyrene. For products made of such problematic materials that are shown to be harmful to human health, disastrous when littered, and nearly impossible to recycle, the most effective method is a required and enforced transition away from these materials to alternatives.
    - Upon-request policies for all food accessories for delivery and take out. No single-use foodware for on-site dining.

    - Update building and health codes for new establishments that encourage reuse and refill. These changes in permitting can include, but are not limited to: requiring dishwashing facilities for establishments over a certain capacity, requiring reusable food serviceware for in-house dining, or requiring all new buildings be built with water refill stations.
    - Comprehensive policy solutions such as SB 54/AB 1080 that include aggressive targets for reuse, source reduction, collection, recycling and composting, with hefty penalty fees for non-compliance.
    - Only use reusables, and recyclables/compostables if no reusables option, in state parks, beaches and facilities, including the State Capitol. Expand SB 1335 (Allen) from 2018 to more institutions as a start.
    - Shut down/reduce what's going into California's remaining incinerators.
    - Include brand audits in beach and waterway cleanups to hold companies accountable.[12]
    - Support the ballot initiative which includes a ban on polystyrene, numerical source reduction goals, and a fee put on producers for every item they want to put on the market. The industry will spend millions to defeat this as they demonstrated with SB 54 & AB 1080.
    - Bottle bill fix/reform
- Fishing gear
- Agricultural Plastics
- Microplastics, including microfibers. We look forward to being a part of the Microplastics Strategy process.
- Cigarette filters/cigarette butts
    - This could include a study followed by policies based on the results of the study. Another option is to pursue funding from cigarette producers to provide receptacles for proper disposal and collection of cigarette waste, and require them to take-back e-cigarette components.

Thank you for considering our comments on this matter. We look forward to continuing the conversation.

Sincerely, Genevieve Abedon, on behalf of:

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[12] https://www.breakfreefromplastic.org/brandauditttoolkit/

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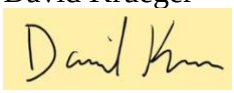

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