Item 7

Staff Memo
September 17, 2020

Talking Trash: Identifying Policy Solutions to Address Plastic Pollution in California's Coastal and Marine Ecosystems

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LOCATION: Statewide

STRATEGIC PLAN GOAL AND OBJECTIVE: Goal 3: Enhance Coastal and Marine Biodiversity; Objective 3.4: Improve Coastal and Ocean Water Quality

GOAL OF THE OCEAN PROTECTION COUNCIL DISCUSSION

COVID-19 has fundamentally rolled back or delayed progress to reduce plastic pollution in California. Additionally, SB 54 (Allen) and AB 1080 (Gonzalez) (The California Circular Economy and Plastic Pollution Reduction Act) were not approved by the legislature. The goal of this discussion item is for the Ocean Protection Council (OPC or Council) to identify strategic investments and policy solutions that will reduce plastic pollution in coastal and ocean ecosystems, especially in light of the substantial changes brought to California communities by COVID-19. Examples of potential solutions include: piloting reusable to-go food serviceware projects in cities; policies that phase out plastic from use in single-use food serviceware and require reusable or compostable alternatives; and developing a policy package similar to the European Union (EU) model that includes bans for products with readily available alternatives, design and labeling requirements for products without readily available alternatives, source reduction and recycling requirements and targets, and extended producer responsibility to shift costs from the public to the private sector (see section on EU policies below).

OPC'S EFFORTS TO ADDRESS PLASTIC POLLUTION

An estimated 11 million metric tons of plastic enter the ocean each year, most of which comes from land-based sources.[1] Plastic pollution negatively impacts California's coastal communities through costs associated with cleanup and management and negatively impacts marine life through ingestion and entanglement.[2] Due to its long-standing impacts

on the coast, plastic pollution has been a priority for OPC since 2007, when the Council passed a resolution on reducing and preventing marine debris.[3]

Most recently, OPC and the National Oceanic and Atmospheric Administration Marine Debris Program (NOAA) co-developed and adopted the 2018 California Ocean Litter Prevention Strategy (Strategy),[2] which outlines actions that OPC, NOAA and California stakeholders can take to prevent and reduce ocean litter through 2024. The Strategy takes an "all of the above" approach to addressing plastic pollution and recommends taking a comprehensive approach to plastic pollution policy. Since the Strategy was developed, OPC and NOAA have hosted implementation webinars to assist with tracking implementation progress throughout the state.

Additionally, OPC has restarted facilitation of the Plastic Pollution Steering Committee, which is an interagency group made up of representatives from the California Department of Public Health: Tobacco Control Program, CalRecycle, Coastal Commission, Department of Fish and Wildlife, Department of Toxic Substances Control: Safer Consumer Products Program, Fish and Game Commission, Office of Environmental Health Hazard Assessment, State Lands Commission, and State Water Resources Control Board. The Committee is coordinating state agency actions to reduce plastic pollution by identifying joint priorities and leveraging resources to maximize impact. The Plastic Pollution Steering Committee is currently finalizing its charter and work plan to advance progress over the next two years.

OPC staff is also actively working on microplastics. OPC's work on microplastics is driven by Senate Bill 1263, which requires the and development of a microplastics strategy to develop a risk assessment framework for microplastics and identify future research needs by the end of 2021. At its June 2020 meeting, OPC approved two research projects[4] that would inform the microplastics strategy and OPC staff is currently working with Ocean Science Trust and the OPC Science Advisory Team to develop a microplastics risk assessment framework. In addition, the CSUs have funded two microplastic research projects through their Council on Ocean Affairs, Science and Technology (COAST) and both SCCWRP and SFEI are initiating new microplastics research projects over and above what OPC has funded.

Given the severity of the problem and the need for bold solutions, staff is seeking direction from the Council on additional investment and policy approaches to reduce the amount and impact of plastic pollution on California's coast and ocean ecosystems.

COVID-19 COMPOUNDS THE PLASTIC POLLUTION PROBLEM

COVID-19 has changed the way Californians work, socialize, and engage in their communities and has significantly reduced or delayed progress to address plastic pollution. Early in the pandemic, some members of the medical community believed that surface transmission may play a substantial role in the spread of COVID-19, raising concerns about the safety of utilizing reusable products. Increased scientific understanding has determined that surface contact is not the primary mode of virus transmission.[5] To reiterate the safety of using reusable bags during COVID-19, 115 health experts recently signed a statement noting that disposable products present similar issues as reusable ones and that reusable packaging can be used safely by employing basic hygiene.[6]

However, despite the advances in our understanding of how COVID-19 spreads, the pandemic has created serious challenges for the plastic pollution prevention movement. The pandemic has changed how Californians patronize restaurants and cafés: nearly all orders are now takeout or delivery, significantly increasing the use of single use plastic food serviceware, and reversing progress made on this issue. Additionally, the State temporarily suspended the statewide bag ban in March, and although the bag ban has been reinstated, the nonprofit community is still working to ensure widespread compliance.[7] Californians can't even take a reusable mug to their favorite coffee house and get it filled. Finally, several of the recent innovations in local policy focus on restaurants and the food service industry, and the severe disruption that coronavirus has created in that sector, has caused local governments to postpone upcoming policy work on comprehensive food serviceware ordinances. For a description of what these ordinances entail, please see the plastic pollution policy in California section below.

PLASTIC POLLUTION POLICY IN CALIFORNIA

To date, statewide plastic pollution laws in California have addressed sources of plastic pollution on an item-by-item basis, such as prohibiting the use of bags and straws. California also has separate collection programs for specific items with redemption fees, such as bottles and cans. However, California does not have an extended producer responsibility program for the types of plastic food serviceware and packaging that are frequently found as litter. This year, Assembly Bill 1080 and Senate Bill 54 were being considered in the State Legislature, but they did not get final Legislature approval. These bills would have imposed a comprehensive regulatory scheme on producers of single-use plastic packaging and priority single-use plastic products (packaging and products). The bills would have required producers to source reduce their packaging and products to the maximum extent feasible, reduce 75% of waste from regulated plastic products by 2032,

and ensure that all packaging and products offered for sale in the state after 2032 are recyclable or compostable.[8]

On the local level, municipalities are beginning to focus on addressing food serviceware as a suite of products in one ordinance, rather than addressing each product individually. These ordinances often ban the use of single-use food serviceware for dine-in customers, make certain items available only on request, require compostable single-use products for to-go use, and require fees for to-go cups or containers. COVID-19 has postponed a number of these upcoming ordinances, but some have already been adopted, such as the ordinance in Berkeley.[9]

SINGLE-USE PLASTICS POLICY IN EUROPE

The EU's single-use plastics directive[10] provides an example of how to frame a set of policies to comprehensively reduce plastic pollution; the EU looked at common items found during their cleanups and grouped them into three categories:

1. Items for which there are available sustainable alternatives, the objective for these items is to promote less harmful alternatives.
2. Items for which the alternatives do not exist. For these items, the objective is to limit damages by better informing the consumers and making the producers financially responsible of the consequences on the environment.
3. Items which are already well captured. The objective for these items is to make sure that they land in the existing (or forthcoming) separate collection and recycling circuit.

The items that fell into category 1 were banned, the items in category 2 were subject to design changes, when applicable, and were frequently subject to labelling requirements and extended producer responsibility, the items in category 3 were subject to extended producer responsibility and policies that encouraged better collection and recycling. A table summarizing the policies applied to specific single-use items is on the following page.

Table 1: Summary of EU Policies Applied to Single-Use Plastic Items

	Consumption reduction	Market restriction	Product design requirement	Marking requirements	Extended producer responsibility	Separate collection objective	Awareness raising measures
Food containers	X				X		X
Cups for beverages	X				X		X
Cotton bud sticks		X					
Cutlery, plates, stirrers, straws		X					
Sticks for balloons		X					
Balloons				X	X		X
Packets & wrappers					X		X
Beverage containers, their caps & lids			X		X		X
- Beverage bottles			X		X	X	X
Tobacco product filters					X		X
Sanitary items: - Wet wipes				X	X		X
- Sanitary towels				X			X
Lightweight plastic carrier bags					X		X
Fishing gear					X		X

At this point, the EU approach is the most comprehensive policy framework to address plastic pollution in the world. However, notably, it does not create a broad source reduction requirement, which is a critical component to combatting plastic pollution along the coast and ocean.

THE NEED FOR SYSTEMIC CHANGE

A consensus is forming among policy experts around the need for an “all of the above” solution to reduce plastic pollution: the OPC’s Ocean Litter Prevention Strategy calls for a comprehensive approach to addressing plastic pollution; the EU has combined broad policies for extended producer responsibility and targeted policies that ban, restrict, or otherwise require changes to specific products through its single-use plastics directive; and most recently the Pew Charitable Trusts released a report (Pew Report) finding that focusing only on “upstream” or “downstream” solutions is a false dichotomy, no one solution is going to meaningfully reduce plastic pollution.[1]

The Pew Report recommended "system change" as the most effective way to reduce plastic pollution, estimating that this would achieve an 80% reduction by 2040. In the context of the Pew report, "system change" refers to a set of policies that: reduce plastic production, substitute paper and compostable materials for plastic, design products for recycling, scale up materials collection, double mechanical recycling, develop plastic to plastic conversion, properly dispose of the plastic that cannot be economically recycled, and reduce waste and recycling exports by 90%.[1] System change requires different implementation priorities in different countries, and for different plastic categories. Places like California are recommended to prioritize decreasing overall plastic consumption, eliminate microplastic leakage, improve product design, and increase recycling rates. The recommended top priority should be reducing avoidable plastic, through elimination, expansion of consumer reuse options, and new product delivery models.[1] By identifying and implementing a comprehensive suite of strategic policies and investments, OPC can help lead California's efforts to minimize plastic pollution.

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[1] Pew Charitable Trusts, Systemiq. (2020). Breaking the Plastic Wave: A Comprehensive Assessment of Pathways Towards Stopping Ocean Plastic Pollution - Summary Report.
[2] California Ocean Protection Council and National Oceanic and Atmospheric Administration Marine Debris Program. (2018). California Ocean Litter Prevention Strategy: Addressing Marine Debris from Source to Sea.
[3] Ocean Protection Council. (2007). Resolution of the California Ocean Protection Council on Reducing and Preventing Marine Debris.
[4] Ocean Protection Council. (2020). June 19, 2020 Staff Recommendation: Consideration of Authorization to Disburse Funds to Address Microplastics in Coastal and Marine Ecosystems.
[5] Center for Disease Control. (2020). How COVID-19 Spreads.
[6] Upstream Solutions. (2020). Health Expert Statement Addressing the Safety of Reusables and COVID-19.
[7] State of California. (2020). Executive Order N-54-20.
[8] Allen, B, et al. (2020). Senate Bill 54: Solid Waste: Packaging and Products.
[9] City of Berkeley. (2019). Berkeley Single Use Foodware and Litter Reduction Ordinance.
[10] European Commission. (2018). Proposal for a Directive of the European Parliament and of the Council on the Reduction of the impact of certain plastic products on the environment.