



Staff Recommendation
February 16, 2021

**Action Item: Discussion and Possible Endorsement of
Recommendations to Address Plastic Pollution in California’s
Coastal and Marine Ecosystems**

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As amended and endorsed by the Council on February 16, 2021

RECOMMENDED ACTION: Staff recommends that the Ocean Protection Council endorse the following recommendations to address plastic pollution in California’s coastal and marine ecosystems.

LOCATION: Statewide

STRATEGIC PLAN OBJECTIVE(S): Goal 3: Enhance Coastal and Marine Biodiversity;
Objective 3.4: Improve Coastal and Ocean Water Quality

EXHIBITS:

Exhibit A: California Coastal Cleanup Day 2019 Data
Exhibit B: Comment Letters

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), OPC hereby finds that:

- 1) The proposed endorsement is consistent with the purposes of Division 26.5 of the Public Resources Code, the Ocean Protection Act;

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

“OPC hereby endorses the following ‘recommendations to address plastic pollution in California’s coastal and marine ecosystems.’”

SUMMARY:

As a follow-up to the [discussion on plastic pollution](#) at the September Council meeting, OPC staff has drafted a set of recommended actions to address plastic pollution. OPC staff are currently in the process of developing a statewide microplastics strategy, which will include priority policy and research recommendations addressing microplastics, including tires and textiles. The plastic pollution actions below reflect the Councilmember's September discussion, and the relevant recommendations from the Statewide Commission on Recycling Markets and Curbside Recycling. The actions also build on the priorities of the [California Ocean Litter Prevention Strategy](#), and leverage OPC's niche in addressing plastic pollution: promoting source reduction and reuse and refill for food serviceware and packaging. Actions include supporting policy, fostering innovation, and bringing the best available information to state decision-making. OPC staff will report back to the Council to discuss progress on recommendations within its jurisdiction and support the efforts of other agencies where recommendations fall under those agencies' purview.

RECOMMENDATIONS TO ADDRESS PLASTIC POLLUTION

1. Help to advance and inform policies that address the many causes of plastic pollution and prioritize prevention and reduction of plastic pollution.

The Details: This recommendation would support development of approaches and long-term targets that enable California communities to reduce plastic pollution at its source, reduce the burdens of plastic production on communities entitled to environmental justice, and ensure that producers bear the responsibility for management and cleanup of their materials. Policies could include components to address the causes of plastic pollution in the marine environment, including the following:

- Post-consumer minimum recycled content requirements for plastic packaging.
- Source reduction, reuse, and refill goals.
- Develop criteria to require that all plastic packaging is reusable, recyclable and compostable. These criteria would ensure that plastic packaging entering California does not end up in the marine environment or waste stream.
- Disincentivize the sale (e.g., through fees or bans) of materials that often end up in the marine environment and are lacking recycling infrastructure or markets, for example expanded polystyrene foam in food serviceware.
- Make single-use food serviceware accessories recyclable or compostable and available only on request or through self-service stations.

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- Authorize CalEPA boards, departments, and offices (e.g., CalRecycle) to regulate products and material applications that contaminate recycling or composting operations, or negatively impact public health and the environment.
 - Reduce or eliminate design elements of bottle beverages and cups that contribute to plastic pollution.
 - Create and initiate programs, including extended producer responsibility, that shift the cost of managing the remaining plastic waste from the public to product manufacturers, with a focus on products that pollute our beaches, waterways and coastal waters (see Exhibit A).
 - Disincentivize virgin plastic production in California.
 - A moratorium on the export of plastic materials that cannot be verified as recycled; keeping recyclable materials in California is a blue economy solution to create jobs and promote remanufacturing in California.
 - Prioritize the health and well-being of communities entitled to environmental justice by evaluating and monitoring impacts from existing or potential future solid waste management facilities.
- 2. Fund analysis on the feasibility of widespread implementation of reuse, and refill systems in California by Summer 2021, for both takeout/delivery and retail sales applications, and recommend necessary regulatory or policy changes to promote reuse by Summer 2022.**

The Details: The goal of this report would be to address immediate information needs on the feasibility of reuse, and refill systems. The report would include analysis of the “break-even point” between reusable systems and single-use systems, potential economic benefits and job creation, identification of the infrastructure needs to implement reusable systems, a description of the different refill business model types, a discussion of existing regulatory or policy barriers that prevent the implementation of reuse systems, and recommendations for implementation. The goal of the recommendations would be to remove the regulatory and policy barriers to reuse and ensure that state requirements for new food service establishments encourage reuse and refill. This may include requiring dishwashing facilities for establishments over a certain capacity, or requiring all new buildings be built with water refill stations.

- 3. Partner with other state agencies, including the Department of General Services and CalRecycle, to advance state procurement policies that position California as a global leader on source reduction.**

The Details: This recommendation would demonstrate California’s ability to lead by example on source reduction. OPC would work proactively with other agencies to advance source reduction in state buildings and on state property.

- 4. Champion support for a United Nations (UN) Treaty on Plastic Pollution.**

The Details: More than 2/3 of UN member states, 29 global companies, and nearly 2 million concerned citizens have called for a UN treaty on plastic pollution. Plastic

pollution is global problem, and development of a UN Treaty would provide the framework and targets necessary for widespread changes in how plastic is managed. OPC's adoption of the resolution would build on the Council's international work and benefit California by promoting worldwide holistic solutions to plastic waste management and pollution. Specifically, a global treaty and management framework on plastic pollution would enable California to better understand how its plastic exports may contribute to plastic pollution.

5. Based on findings from research commissioned by the Department of Public Health, encourage a statewide prohibition of cigarette filters.

The Details: This action is intended to address the prevalence of cigarette filter pollution, the most common form of plastic pollution in the United States. The passage of [SB 8](#) in 2019 banned smoking and the disposal of cigarettes on California state parks and beaches; however, cigarettes remain the top pollution item found during beach cleanups. OPC is partnering with the California Tobacco Control Program, Department of Public Health (CTCP/CDPH) to better understand the effects of cigarette filters on smokers' health and on the environment. CTCP/CDPH has commissioned a white paper summarizing the best available science and research on this topic that will be completed by February 2022. If the research finds that cigarette filters do not reduce the harm caused by smoking, OPC will support a prohibition of cigarette filters in California.

6. Compile existing research on the feasibility of Extended Producer Responsibility (EPR) for recycling, composting or disposal of plastic packaging and food serviceware by Spring 2021. Advance initial recommendations on the best approaches to EPR by early Fall 2021 and final recommendations by Spring 2022.

The Details: Compiling existing research could be used to develop recommendations on effective EPR schemes for California, with a focus on the top 20 items or suites of items found on Coastal Cleanup Day (see Exhibit A). There are many ways to structure and implement EPR programs and this recommendation will ensure that California has the best available information when developing its approach.

7. Partner with local governments, state agencies and nonprofit organizations to provide technical assistance and tools that assist with implementation of local comprehensive food serviceware ordinances by Winter 2021.

The Details: Several local governments have developed comprehensive ordinances that address food serviceware as a suite of items, rather than addressing each item separately. These ordinances typically encourage reusables for dine-in, require compostable or locally recyclable materials for single-use food serviceware, and ban single-use plastics. However, the success of these efforts is contingent upon their implementation and ensuring that local businesses have the technical assistance they need to switch to reusables effectively. This partnership and investment would ensure that local businesses have the technical assistance they need to source reduce plastic pollution and would be supported by a toolkit of alternatives to single-use plastic for local governments and the food service sector, including model ordinances, single-use

and reusable food serviceware alternatives, and reuse service providers. This investment could also be leveraged to support Action 1.

8. Evaluate opportunities for remanufacturing recycled plastic into durable or reusable products by Winter 2022. Consult with CalRecycle, GO-Biz and other relevant agencies, departments, and industry experts for technical guidance and expertise.

The Details: Remanufacturing plastics is challenging due to the low cost of virgin materials and contamination in recycled materials streams. In this action item, OPC would explore opportunities in California to encourage remanufacturing of littered plastic products into durable goods and encourage the development of markets for recycled materials. OPC would develop and implement this action in consultation with CalRecycle, GO-Biz and the recycling industry to ensure appropriate technical guidance and expertise is considered in the development of recommendations and next steps for the Council.

9. Work with the Water Quality Monitoring Council and the Surface Water Quality Monitoring Program to develop a statewide monitoring program for macro- and microplastics.

The Details: The state currently lacks a comprehensive monitoring program to track sources and discharge of macro- and microplastics to coastal waterways and the ocean. Failure to collect standardized monitoring data reduces the state's ability to determine the efficacy of existing policies created to address plastic pollution in coastal and marine ecosystems, such as the State Water Resources Control Board's Trash Amendments. It also limits understanding of which communities bear the environmental and economic burdens of this problem. This action is essential to understand the scope of the plastic pollution and microplastic pollution problem and the effectiveness of state policies in reducing plastic and microplastic pollution.

The development of this monitoring program is also critical to implementing the statewide microplastics strategy, which OPC is developing by the end of 2021. Finally, this action builds on previous state investments in validating and standardizing trash monitoring methods and in validating macroplastic analysis methods. The OPC-funded trash monitoring methods validation project has submitted their final report or "playbook." This playbook will provide training resources to perform four monitoring methods and will recommend practices to harmonize and standardize the methods to facilitate statewide trash monitoring.

10. Encourage changes in fishing and aquaculture gear materials and design to reduce the prevalence of plastics in fishing and aquaculture gear, in consultation with the Department of Fish and Wildlife (CDFW) and the Fish and Game Commission. Also, develop and require operation and maintenance Best Management Practices that will reduce plastics in California's coastal waters.

The Details: Lost fishing gear is one of the most impactful types of plastic pollution in the ocean; when gear is lost, it continues to fish and harm marine species and habitat. It also makes up at least 10% of all plastic pollution and as much as 70% of

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macroplastic pollution by weight¹. Gear loss is accidental, and reducing the use of plastic in fishing gear would prevent plastic loading to the ocean from this source; one example is CDFW's Dungeness crab gear retrieval program, which works to remove lost crab traps from the ocean after the season is closed. With this action, OPC would work with CDFW to reduce the use of plastics in fishing and aquaculture gear design and develop best management practices for preventing loss of fishing gear.

CONSISTENCY WITH CALIFORNIA OCEAN PROTECTION ACT:

The proposed endorsement is consistent with the Ocean Protection Act, Division 26.5 of the Public Resources Code, because it is consistent with activities described in Public Resources Code Section 35615, including: providing the results of research and investigations to provide information for policy decisions and identify and recommend to the legislature changes in law needed to achieve the goals of the California Ocean Protection Act.

CONSISTENCY WITH THE OPC'S STRATEGIC PLAN:

These actions implement Goal 3: Enhance Coastal and Marine Biodiversity; Objective 3.4: Improve Coastal and Ocean Water Quality.

Specifically, these actions would work towards achieving target 3.4.2: Achieve zero trash entering state waters by 2030, and target 3.4.3: Advance development of a baseline of plastic pollution monitoring data for coastal and marine waters and a standardized approach to track the state's progress in regarding plastic pollution by 2023.

COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The proposed endorsement is not a legally defined "project" under the California Environmental Quality Act ("CEQA") pursuant to 14 Cal. Code of Regulations Section 15378 because the endorsement does not result in a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

¹ <https://oceanconservancy.org/trash-free-seas/plastics-in-the-ocean/global-ghost-gear-initiative/>