



COUNCIL AGENDA: 8-14-12
ITEM: 2.16

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Dennis Hawkins, CMC
City Clerk

SUBJECT: SEE BELOW

DATE: 8-9-12

**SUBJECT: SB 1219 (WOLK) RECYCLING: PLASTIC BAGS; AB 1834
(BROWNLEY) RECYCLING: REUSABLE BAGS**

RECOMMENDATION

As recommended by the Rules and Open Government Committee on August 8, 2012 and outlined in the attached memo previously submitted to the Rules and Open Government Committee, approve supports positions for SB 1219 (Wolk) and AB 1834 (Brownley).



**SUBJECT: SB 1219 (Wolk) Recycling: Plastic Bags
 AB 1834 (Brownley) Recycling:
 Reusable Bags**

**RULES COMMITTEE: 08-08-12
 ITEM: G.5**

Recommend Position: Support

City Council Action Request

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|---------------------------|------------------------|---|--|
| Department: ESD | Date: 8/1/12 | Coordination: CMO/CAO/Legis. Rep in Sacramento | CMO Approval:  8/2/12 |
| | | | Dept. Approval: /s/ Kerrie Romanow |

RECOMMENDED ACTION:

1. Pursuant to the City's streamlined bill process for responding quickly to legislative proposals, approve support for SB 1219 (Wolk) and AB 1834 (Brownley).
2. Recommend a one-week turnaround to the City Council so that the City's legislative staff can advocate for the City's support for SB 1219 and AB 1834.

BILL SYNOPSIS:

SB 1219 extends the "At-Store Recycling Program" (enacted under the 2006 At-Store Recycling Act) for plastic bags to January 1, 2020, from its current sunset date of January 1, 2013. Additionally, it repeals the preemption that prohibits local governments from implementing separate plastic bag recycling programs, conducting additional auditing or reporting requirements, or from imposing a fee on plastic bags. The At-Store Recycling Program requires stores to make reusable bags available for purchase and includes definitions of reusable bags.

AB 1834 becomes operative only if **SB 1219 (Wolk)** becomes law and clarifies the definition of a reusable bag for purposes of the At-Store Recycling Program Law, making it operable on July 1, 2013. Under this bill, the current At-Store Recycling Program Law remains operative between January 1, 2013 and June 30, 2013.

AB 1834 defines a store as a retail establishment that provides plastic carryout bags to its customers as a result of the sale of a product and is either a supermarket or has over 10,000 square feet of retail space and a pharmacy.

IMPACTS TO CITY OF SAN JOSÉ:

The passage of SB 1219 will contribute to San José's ability to achieve its litter reduction goals by extending the At-Store Recycling Program beyond the current sunset date of 2013 to 2020. It has been found that citizens use the At-Store Recycling Program to divert not only plastic bags from landfill, but other types of plastic film as well. Opportunities to recycle plastic film help keep it out of the local litter stream where it can compromise the City's ability to meet its litter abatement goals, affect local waterways, and end up in the ocean. It is estimated that 60% - 80% of all marine debris and 90% of floating debris is plastic. The mass of plastic in the Great Pacific Gyre, the earth's largest ecosystem, is now six times the mass of plankton.

Additionally, the definitions of reusable bags included in AB 1834 will help facilitate the adoption and use of these bags by the general public, thereby also contributing to the achievement of litter abatement. The bill's updated definition for reusable bags represents the definition that cities and counties have been using in their ordinances.

RULES AND OPEN GOVERNMENT COMMITTEE

August 1, 2012

Subject: SB 1219 (Wolk) Recycling: Plastic Bags and AB 1834 (Brownley) Recycling: Reusable Bags

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| POLICY ALIGNMENT: | |
| Included in the Council approved 2012 Legislative Guiding Principles and Priorities under "Promote Livability, Sustainable Development, and Environmental Protection," is language supporting pollution prevention practices, protection of local watersheds, and support for Source Reduction and increased recycling and composting in order to achieve Zero Waste. | |
| STATUS OF BILL: | |
| SB 1219: In the Assembly Appropriations Committee awaiting a hearing in August. AB 1834: Senate Third Reading | |
| SUPPORT AND OPPOSITION: | |
| Support – SB 1219: Regional Council of Rural Counties Opposition: None registered | Support – AB 1834: Californians Against Waste Councilmember Margaret Clark, City of Rosemead Integrated Waste Management Task Force Los Angeles County Solid Waste Management Committee Opposition: None registered |
| FOR QUESTIONS CONTACT: Elaine Marshall (408) 793-5355 | |

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