

Staff Report 76

PROPOSED ACTION:

Consider supporting [SB 1053](#) (Blakespear) and [AB 2236](#) (Bauer-Kahan), which would reduce California's reliance on single-use plastics by eliminating an exemption of thicker plastic film bags from the state's single-use bag ban and specifying the requirements for reusable bags and paper bags to be eligible for distribution and sale at stores.

BACKGROUND AND PROPOSED LEGISLATION:

The Pacific Ocean, the largest, deepest, and most polluted ocean in the world, hugs California's 840-mile shoreline. Most of the land underlying the Pacific Ocean in California from the shoreline to 3 miles offshore is state-owned land managed by the Commission, and that is in addition to millions of acres of land underlying rivers, streams, and lakes that the Commission also manages on behalf of the State. These water bodies are drowning in plastic pollution. Plastics never truly degrade. Instead, they physically break down into smaller and smaller pieces. Plastics have been found in the digestive tracts of marine organisms and microplastics, plastics under 5 millimeters in size, have been found in drinking water and food.

Many have heard of the Great Pacific Garbage Patch, a giant vortex of marine debris and plastics, mainly microplastics, that keeps accumulating because much of it is not biodegradable. Plastic pollution is ubiquitous and rapidly increasing to unprecedented levels, and it is not just an oceans and waterways problem. It is an environmental health issue that is deeply intertwined with climate change. Most plastics are made of fossil fuels. Plastic is primarily landfilled, recycled, or incinerated—each of which produces greenhouse gas emissions and contributes to climate change.

The latest Intergovernmental Plan on Climate Change Report found that a drastic reduction in the use of fossil fuels is key to limiting global warming. Leading climate activism is one of seven core strategic focus areas in the Commission's Strategic Plan. Reducing single use packaging and plastic use, and increasing recycling,

goes hand-in-hand with leading climate activism and mitigating climate change. The COVID-19 pandemic resulted in an influx of single use plastic packaging into homes and businesses, raising public awareness about the magnitude of the plastics problem. Yet despite the proliferation of plastics and the sheer quantity of them, recycling and reuse rates are paltry.

In 2021, only five percent of postconsumer plastic waste in the United States was recycled, down from a high of 9.5 percent in 2014 when the United States exported millions of tons of plastic waste to China. In 2018, China enacted the National Sword Policy, severely restricting the amount of foreign waste, including plastics, China accepts. Since then, California landfills are filling up faster to accommodate the mountains of single use plastic materials.

In 2022, legislation was enacted ([SB 54, Allen](#)) that was intended to dramatically reduce single use plastics and actually reuse materials, using a producer responsibility model instead of a personal responsibility model that requires consumers to figure it out based on color coded bins. For context, single use plastic packaging is an issue the Legislature has been tackling for several years, but until SB 54, in a piecemeal way with a comprehensive solution remaining elusive.

Years before SB 54, the Legislature passed [SB 270 \(Padilla\)](#). Known as the “bag ban,” this milestone legislation prohibited stores from providing single-use plastic bags, established requirements for reusable bags, and prohibited stores from providing reusable bags for less than \$0.10 per bag. The ban does not apply to the bags consumers use before the point of sale, such as produce bags and bags used for bulk items. Stores, instead, must apply a minimum 10-cent charge for reusable grocery bags, recycled paper bags, or compostable bags in order to distribute them to customers. This 10-cent charge was intended to cover the store’s cost for switching to alternative bags and incentivize customers to bring their own reusable bags.

Stores are responsible for purchasing compostable or recycled bags. CalRecycle accepts third-party certifications of reusable grocery bags through a reusable grocery bag reporting system. CalRecycle also promulgated regulations to establish an administrative certification fee schedule to cover its implementation costs. Reusable grocery bag producers must pay a fee when they submit proof of certification documents to CalRecycle and must re-certify reusable grocery bags biennially.

The bag ban required film plastic bags to contain specified percentages of postconsumer recycled content and be recyclable in the state. But the state law

requiring stores to accept plastic bags back for recycling sunset in 2020. Few stores continue to accept them back for recycling and curbside collection programs generally cannot accommodate film plastics for recycling. In December 2023, CalRecycle determined that all plastic film, including the plastic for the “reusable” thicker plastic bags, was “Not Recyclable.” Even when film plastic bags are collected for recycling, they may not be recycled.

In December 2022, ABC News placed 46 tracking devices in plastic bag collection systems throughout the country. By May 2023, half of the trackers were pinging at landfills or trash incinerators. Three made their way to Asia, where much of the plastic collected for recycling in the United States ends up.

In December of 2021, the California Commission on Recycling Markets and Curbside Recycling, comprised of public agencies, private solid waste enterprises, and environmental organizations, asked the Attorney General to investigate film plastic bag manufacturers’ use of labels indicating that the bags are recyclable. In November of 2022, the Attorney General sent letters to Novolex, Revolution, Interplast, Advance Polybag, Metro Polybag, and Papier-Mettler, asking them to substantiate their claims regarding the recyclability of plastic bags sold in California.

According to Senator Blakespear: “We are choking our planet with plastic waste. A plastic bag has an average lifespan of 12 minutes and then it is discarded, often clogging sewage drains, contaminating our drinking water and degenerating into toxic microplastics that fester in our oceans and landfills for up to 1,000 years. It’s time to improve on California’s original plastic bags ban and do it right this time by completely eliminating plastic bags from being distributed by stores to carry food home.”

According to a report by California Public Interest Research Group (CALPIRG), 157,385 tons of plastic bag waste were discarded in California the year the bag ban was passed. By 2022, that number skyrocketed to 231,072 tons—a 47 percent increase. CALPIRG notes: “What this data illustrates is that the original plastic bag ban passed in 2014 did not accomplish what it set out to do, which was to reduce the overall use of plastic, and it actually resulted in a substantial increase. People do not want more landfills, more incineration or more plastic in the environment. We want to create a sustainable and thriving environment that is not littered with plastic waste and that is why we must eliminate plastic from our waste streams by passing SB 1053.”

After the bag ban went into effect, CalRecycle found that customers at over 1,500 stores across the state brought their own bag and did not purchase a paper or reusable bag 86 percent of the time. But there is a significant loophole. The thicker high-density polyethylene (plastic) bags that technically meet the definition of a “reusable bag” are not reusable in the same way as a cloth bag and are generally treated as single-use bags. These slightly thicker plastic bags do not satisfy the goal of the bag ban, which is to reduce plastic bag litter and marine debris. The thicker “reusable” bags have not been reused and contribute even *more* to plastic waste.

SB 1053 and AB 2236 seek to close this and other potential loopholes on reusable plastic bags by specifying that a store may only sell or distribute a reusable grocery bag to a customer if it: a) Is made of cloth, woven textile, washable textile, or has a fabric weight of 80 grams per square meter and is not made from plastic film; and b) Has at least one strap and all straps and seams are sewn with a thread; and c) It is capable of carrying 22 pounds over a distance of 175 feet for a minimum of 300 uses.

Plastic film carryout bags were deemed exempt from the bag ban if they were “recyclable” in the state, but this has been proven to be untrue. Under requirements established by [SB 343](#) (Allen, Chapter 507, Statutes of 2021), CalRecycle classified high-density polyethylene bags ‘not recyclable’ in the covered material categories list because not enough recycling facilities accepted them. The bag ban, rather than encouraging reducing, reusing, or recycling of plastic film bags has had the opposite effect. SB 1053 and AB 2236 seek to rectify those unintended consequences by banning them altogether.

There are 12 states with some form of a single-use plastic bag ban. New York, New Jersey, and Colorado prohibit retailers from distributing any plastic film carryout bags. More than 500 cities and towns across 28 states have a plastic bag ordinance. In 2020, environmental advocates in New York successfully pushed back against a proposed provision that would have allowed thicker plastic bags. According to a January 2024 report by nonprofits Environment America, U.S. Public Interest Research Group Education Fund, and Frontier Group, bans in five states and cities that cover more than 12 million people combined—New Jersey; Vermont; Philadelphia; Portland, Oregon; and Santa Barbara, California—have cut single-use plastic bag consumption by about 6 billion bags per year. Some jurisdictions, including towns and cities in California, specify that reusable bags must be machine washable, a requirement that is not found in SB 1053 and AB 2236 (which only requires reusable bags to be washable).

SB 1053 and AB 2236 would eliminate the exemption of thicker plastic film bags from the single-use bag ban and specify the requirements for reusable bags and paper bags to be eligible for distribution and sale at stores.

OTHER PERTINENT INFORMATION:

1. SB 1053 is in the Assembly Rules Committee. AB 2236 is in the Senate Rules Committee.
2. SB 1053 and AB 2236 are supported by 350 Bay Area Action, 350 Sacramento, 5 Gyres Institute, the 7th Generation Advisors, A Voice for Choice Advocacy, Active San Gabriel Valley, Algalita Marine Research and Education, American Sustainable Business Council, Aveson Schools, Azul, Ban Sup (single Use Plastic), Bay Area Youth Lobbying Initiative, Breast Cancer Prevention Partners, California Coastkeeper Alliance, California Grocers Association, California Product Stewardship Council, California Public Interest Research Group (CALPIRG), Californians Against Waste, Center for Biological Diversity Center, City and County of San Francisco, City of Alameda, Clean Earth 4 Kids, Clean Water Action, Cleanearth4kids.org, Climate Action California, Community Environmental Council, Courage California, Culver City Democratic Club, Ecology Center, Berkeley, Environmental Working Group, Every Neighborhood Partnership, Facts Families Advocating for Chemical and Toxics Safety, Friends Committee on Legislation of California, Friends of The Los Angeles River Gaia, Glendale Environmental Coalition, Green America, Green Behind the Scenes, Green Science Policy Institute, Heal the Bay, Indivisible Alta Pasadena, Indivisible CA Statestrong, Kroger Company, Los Angeles Waterkeeper, Mothers Out Front, California National Stewardship Action Council, Naturepedic, Northern California Recycling Association, Occidental Arts and Ecology Center, Ocean Conservancy, Oceana, Office of Lieutenant Governor Eleni Kounalakis, Plastic Free Future, Plastic Pollution Coalition, Race to Zero Waste, Pajaro Valley Climate Action, Republic Services - Western Region, Resource Recovery Coalition of California, Rethink Disposable, San Fernando Valley Chapter of The Climate Reality Project, San Francisco Bay Area Physicians for Social Responsibility, San Francisco Baykeeper, San Diego350, Santa Monica Democratic Club, Save Our Shores, Save the Albatross Coalition, Save the Bay Sd-sequel, Sea Hugger, So Cal 350 Climate Action, Solana Center for Environmental Innovation, Surfrider Foundation, Surfrider San Francisco, Sustainable Rossmoor, The Keep a Breast Foundation, The Story of Stuff Project,

Upstream, Valley Improvement Projects, Voices for Progress, Wholly H2o, Wishtoyo Foundation, Zero Waste San Diego, and Zero Waste USA.

3. SB 1053 and AB 2236 are opposed by the American Forest & Paper Association, American Recyclable Plastic Bag Alliance, Association of Plastic Recyclers, Durabag Co. INC., Prezero Us, INC., Recycling Partnership, and the Western Plastics Association

RECOMMENDED ACTION:

It is recommended that the Commission:

Support SB 1053 (Blakespear) and AB 2236 (Bauer-Kahan), which would reduce California's reliance on single-use plastics by eliminating an exemption of thicker plastic film bags from the state's single-use bag ban and specifying the requirements for reusable bags and paper bags to be eligible for distribution and sale at stores.