

## CONCURRENCE IN SENATE AMENDMENTS

AB 1276 (Carrillo and Lorena Gonzalez)

As Amended September 3, 2021

Majority vote

**SUMMARY**

Expands and revises statute that limits the distribution of single-use plastic straws to only upon-request by a consumer to apply to all single-use condiments and food serviceware distributed by food facilities or third-party food delivery platforms (platforms).

**Senate Amendments**

- 1) Clarify the definitions of "single-use foodware accessory," "utensils," and "standard condiment."
- 2) Limit this bill to on-premises dining or third-party food delivery platforms.
- 3) Prohibit single-use foodware accessories and standard condiments from being bundled in a manner that prevents a consumer from taking only the type of foodware or condiment desired.
- 4) Revise the requirement for third-party food delivery platforms to require them to provide the option to request accessories and condiments to consumers rather than to the food vendor and clarify the requirements for third-party food delivery platforms.
- 5) Encourage food facilities to take actions beyond those required by this bill to reduce the waste generated by single-use food service products.
- 6) Make related technical and clarifying changes.

**COMMENTS**

An estimated 35 million tons of waste are disposed of in California's landfills annually. CalRecycle is tasked with diverting at least 75% of solid waste from landfills statewide by 2020. Local governments have been required to divert 50% of the waste generated within the jurisdiction from landfill disposal since 2000. AB 341 (Chesbro), Chapter 476, Statutes of 2011, requires commercial waste generators, including multi-family dwellings, to arrange for recycling services for the material they generate and requires local governments to implement commercial solid waste recycling programs designed to divert solid waste generated by businesses out of the landfill. California's recent recycling rate, which reached 50% in 2014, dropped to 37% in 2019.

While the conversation around plastic has focused on its end of life, plastic pollution starts with fossil fuel extraction, and continues through manufacturing, transportation, usage, and finally disposal. Hundreds of petrochemical facilities throughout the United States create the pellets used in the production of plastic products. About 14% of oil is used in petrochemical manufacturing, a precursor to producing plastic. By 2050, it is predicted to account for 50% of oil and gas demand growth. California ranks third in the nation in oil refining capacity; our 17 refineries have a combined capacity of nearly 2 million barrels per day. Oil drilling and refining disproportionately impact low-income communities of color. In the United States, about 56% of the people who live within three kilometers of a large commercial hazardous waste facility are

people of color. In California, that figure soars to 81%. In the Los Angeles area, over 580,000 people live within five blocks of an active oil or gas well. Every step in the production of plastic, from extraction to manufacturing, impacts air and water quality and human health.

Plastics are estimated to comprise 60% to 80% of all marine debris and 90% of all floating debris. By 2050, by weight there will be more plastic than fish in the ocean if we keep producing (and failing to properly manage) plastics at predicted rates, according to *The New Plastics Economy: Rethinking the Future of Plastics*, a January 2016 report by the World Economic Forum.

California Coastal Cleanup Day was first organized by the California Coastal Commission in 1985. The Coastal Commission continues to organize the event annually and track the items collected. According to the Coastal Commission, the top 10 items collected since 1984 are cigarette butts; food wrappers and containers; caps and lids; bags; cups, plates, and utensils; straws; glass bottles; plastic bottles; cans; and, construction material.

Ocean plastic pollution is driven by ocean currents and accumulates in certain areas throughout the ocean. The North Pacific Central Gyre is the ultimate destination for much of the marine debris originating from the California coast. However, plastic generated in California pollutes oceans across the globe, as bales of plastic collected for recycling are exported for processing and recycling. The plastic with value is collected and recycled, and the rest is discarded or incinerated. In countries with inadequate waste management systems, this plastic enters waterways and flows to the ocean. Approximately 150 million metric tons of plastic is already circulating in the marine environment and an estimated 8 million metric tons enter the oceans annually.

Most plastic marine debris exists as small plastic particles due to excessive ultraviolet (UV) radiation exposure and subsequent photo-degradation. Expanded polystyrene breaks down more rapidly into these smaller particles than rigid plastics. These plastic pieces are confused with small fish, plankton, or krill and ingested by birds and marine animals. Over 600 marine animal species have been negatively affected by ingesting plastic worldwide.

In addition to the physical impacts of plastic pollution, hydrophobic chemicals present in the ocean in trace amounts (e.g., from contaminated runoff and oil and chemical spills) bind to plastic particles where they enter and accumulate in the food chain.

Controlling plastic pollution involves source reduction in addition to proper end-of-life management. This bill is intended to reduce the amount of single-use food ware used in California, which has the combined benefits of source reducing the amount of waste generated and potentially reducing the amount of single-use food ware that is littered or otherwise improperly managed.

### **According to the Author**

The COVID-19 pandemic has increased takeout and food delivery, which restaurants are relying upon to stay afloat. However, the use of disposable food accessories like plastic forks, spoons, and knives has led to a rise in single-use plastics and waste. AB 1276 is an important step to significantly reduce plastic waste that pollutes our oceans, harms marine life, harms our environment, and hurts low income communities of color, while simultaneously providing financial savings to restaurants and local governments. This bill will build on California's

existing efforts to combat waste from single-use items by ensuring food and beverage accessories are provided only upon request to customers.

### **Arguments in Support**

A coalition of supporters state, "the use of disposable food accessories has contributed to a 250-300% increase in single-use plastics and a 30% increase in waste. California's local governments and taxpayers spend over \$428 million annually in ongoing efforts to clean up and prevent litter in streets, storm drains, parks and waterways. Additionally, California recyclers are now faced with a worsened crisis, as the vast majority of these non-recyclable single-use food accessories debase recycling systems and can contaminate many commercial compost facilities. This adds costs to collection, sorting, processing and disposal for cities and ratepayers... AB 1276 expands the plastic straws upon request law to include other single-use food accessories, other food facilities, and third-party delivery platforms - including food that is taken away, delivered, or served on-site."

### **Arguments in Opposition**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force "agrees the bill would reduce single-use plastic waste but opposes the bill unless it is amended to include language requiring the State to be responsible for enforcement or provide funding to local governments for local enforcement of the prohibition and requirements. Local governments often do not have the additional capacity for unfunded state mandates, implementation of the requirements would be inadequately supported, prescribing failure of implementation of the law. The state ought to adequately fund requirements it imposes on local governments."

## **FISCAL COMMENTS**

According to the Senate Appropriations Committee, to the extent the Commission on State Mandates determines the provisions of this bill create a new program or impose a higher level of service associated with the requirement for cities and counties to authorize a local law enforcement agency to enforce this bill, there are unknown but potentially significant costs (General Fund) to reimburse local government claims made pursuant to existing statutory provisions.

## **VOTES:**

### **ASM NATURAL RESOURCES: 8-0-3**

**YES:** Luz Rivas, Chau, Friedman, Cristina Garcia, McCarty, Muratsuchi, Stone, Wood

**ABS, ABST OR NV:** Flora, Mathis, Seyarto

### **ASM APPROPRIATIONS: 12-4-0**

**YES:** Lorena Gonzalez, Calderon, Carrillo, Chau, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, Holden, Luz Rivas

**NO:** Bigelow, Megan Dahle, Davies, Fong

**ASSEMBLY FLOOR: 58-14-7**

**YES:** Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bloom, Boerner Horvath, Bryan, Burke, Calderon, Carrillo, Cervantes, Chau, Chiu, Cooley, Cooper, Cunningham, Daly, Friedman, Gabriel, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Lee, Levine, Low, Maienschein, McCarty, Medina, Mullin, Muratsuchi, Nazarian, O'Donnell, Petrie-Norris, Quirk, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Stone, Ting, Villapudua, Waldron, Ward, Akilah Weber, Wicks, Wood, Rendon

**NO:** Bigelow, Choi, Megan Dahle, Davies, Fong, Gallagher, Gray, Kiley, Lackey, Nguyen, Patterson, Smith, Valladares, Voepel

**ABS, ABST OR NV:** Chen, Flora, Frazier, Mathis, Mayes, Quirk-Silva, Seyarto

**SENATE FLOOR: 28-10-2**

**YES:** Allen, Archuleta, Atkins, Becker, Bradford, Caballero, Cortese, Dodd, Durazo, Glazer, Gonzalez, Hertzberg, Hueso, Kamlager, Laird, Leyva, Limón, McGuire, Min, Newman, Pan, Portantino, Roth, Rubio, Skinner, Umberg, Wieckowski, Wiener

**NO:** Bates, Borgeas, Dahle, Grove, Hurtado, Jones, Melendez, Nielsen, Ochoa Bogh, Wilk

**ABS, ABST OR NV:** Eggman, Stern

**UPDATED**

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