



April 10, 2017

The Honorable Cristina Garcia, Chair - Via email
Assembly Committee on Natural Resources
State Capitol
Sacramento, CA 95814

SUBJECT: AB 1659 (Low) Food Service Plastic Packaging Stewardship, Recovery and Recycling Act

POSITION: OPPOSE

Dear Assembly Member Garcia,

On behalf of our organizations and members, we urge your opposition to Assembly Bill 1659 (Low), as amended April 4, 2017. While the environmental community has long been yearning for manufacturers of plastic products to take responsibility for the entire life cycle of their products, and many in the environmental community support the concept of extended producer responsibility for packaging, we do not see this bill as a feasible solution.

Disposable food and beverage packaging is a problem as it is consistently one of the top most littered items. The goal of the bill is to increase the diversion of food service packaging from landfill, and increase its recycling and recyclability. However, the solution is not to establish more recycling access or make the packaging more recyclable. When contaminated with food, even a “recyclable” food ware item ends up going to landfill because it is too dirty for recyclers to accept.

Takeout food and beverage containers are used ubiquitously, and are oftentimes so light that even when disposed of properly, they end up in parks, waterways, streets and storm drains. An NRDC study reported that local governments across California spend \$428 million each year to prevent and clean up litter.¹ While this bill would mandate for manufacturers to pay a small fee to fund recycling infrastructure improvements, litter abatement, and storm water control programs, it is not enough. The financial burden will continue to be on cities and counties, including taxpayers, who have to meet zero waste goals and Total Maximum Daily Load (TMDL) for trash requirements.

AB 1659 only addresses end-of-life management of these items, recycling, rather than focusing on source reduction and innovation. The solutions need to focus on minimizing the use of these packaging products so there is less take-out packaging related litter. There are other reasons to minimize the use of food and beverage packaging. Most of these items are plastic which is made from non-renewable fossil fuels, and take immense amounts of energy, water and other resources to manufacture and ship. These items are used for mere minutes, but can persist as pollution for decades. Eliminating these items is by far the most effective, and least expensive, way to protect human, wildlife, and environmental health.

Many food service providers are already rethinking their food service packaging, finding ways to minimize its use, and seeking more sustainable solutions. Unless we establish firm stewardship rates and dates that are enforceable by a regulatory agency, we will simply perpetuate, rather than solving, these wasteful, costly, and environmentally damaging practices. Policies are needed to minimize the use of

¹ NRDC, The Annual Cost to CA Communities of Reducing Litter That Pollutes Our Waterways, August 2013, http://docs.nrdc.org/oceans/files/oce_13082701a.pdf

disposable food service packaging if we are to curb food and beverage packaging litter. Additionally, for the purposes of increasing recycling, the scope should be all packaging, not just food service ware.

This bill is wholly voluntary and does not hold manufacturers accountable for achieving recycling targets. As we have seen in the California carpet stewardship program, allowing an industry stewardship organization to set its own recycling goals and structure the program on their own has not been a recipe for success. This voluntary approach is inconsistent with that taken by many of our state's communities, and could prove to be a barrier to the adoption of stronger policies. Nothing in current law prohibits manufacturers from implementing these programs, and, in fact, several manufacturers have already set up voluntary programs. Thus, the need for this bill has not been demonstrated. Moreover, setting voluntary incremental goals for community access to residential curbside at 75% by 2043 isn't fast enough. A recent report warns that there will be more plastic in the ocean than fish by 2050², and delaying the full implementation of this policy by 26 years would make it impossible to achieve the state's waste reduction goals. A more appropriate policy would require the achievement of a 75% recycling rate by 2020, consistent with existing state policy.

Lastly, while creating a recycling program for plastic resins #1-7 may seem like a good idea, the recycling market has been crashing for the last few years. While there is still demand and thus a market for PET (#1) and HDPE (#2), there is not much of a market for #3-#7 and aside from beverage bottles, most food service ware is made from polystyrene (#6). With oil prices as low as they are, it's cheaper for manufacturers to use virgin materials rather than recycled ones.

While we see this as an earnest attempt to increase recycling, we do not see this as the solution to the growing problem of food service ware pollution. California has effectively eliminated many plastic problem products where recycling efforts have proven insufficient. Let's continue to be a leader for our citizens, wildlife, and environment, as well as the rest of the nation.

Thus, we urge your 'NO' vote on AB 1659.

Please do not hesitate to contact Genevieve Abedon at genevieve@ecoconsult.biz or (916) 448 1015 with any questions.

Sincerely,

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² <http://www.weforum.org/press/2016/01/more-plastic-than-fish-in-the-ocean-by-2050-report-offers-blueprint-for-change>.

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