



Legislation Text

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TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Anne McIntosh, Community Development Director
Dana Murray, Environmental Programs Manager

SUBJECT:

Discussion on the City's Plastic Pollution Policy (Community Development Director McIntosh).

DISCUSS AND PROVIDE DIRECTION

RECOMMENDATION:

Staff recommends that the City Council discuss and provide direction on updating the City's plastic pollution policy to:

1. Prohibit the sale and distribution of Mylar balloons;
2. Regulate the use of Mylar balloons in beaches and parks;
3. Prohibit the release of latex balloons into the environment;
4. Regulate the use of latex balloons in beaches and parks;
5. Prohibit the sale, use, and distribution of polystyrene meat trays;
6. Add a clause to the City's single use plastic regulations on straws to accommodate people with disabilities; and
7. Discuss possible regulations to address plastic water bottles and lids/bottle caps.

FISCAL IMPLICATIONS:

The recommended action has limited fiscal impact upon the budget. Staff time will be incurred in meeting with stakeholders and conducting outreach.

EXECUTIVE SUMMARY

Following City Council discussion and direction on April 17, 2018, staff has prepared an update to the City's plastic pollution policy and respectfully requests that the City Council provide direction on updating the City's plastic pollution ordinance with the following options:

1. Prohibit the sale and distribution of Mylar balloons
2. Prohibit use of Mylar balloons in beaches and parks
3. Prohibit the release of latex balloons into the environment
4. Prohibit the use of latex balloons in beaches and parks
5. Prohibit the sale, use, and distribution of polystyrene meat trays

6. Add a clause to the City's single use plastic regulations on straws to accommodate people with disabilities

By including these updates to the Municipal Code, Manhattan Beach would have a plastic pollution ordinance modeled after best practices in this area of environmental protection.

Following City Council direction, other products the Council can consider and discuss regulating include:

1. Prohibiting the sale and distribution of plastic water bottles city-wide
2. Prohibiting the sale and distribution of plastic water bottles at city-permitted events
3. Prohibiting the sale and distribution of plastic water bottles in City facilities

Investments the City of Manhattan Beach can consider making to reduce the use of plastic water bottles include:

1. Installing more reusable water filling stations and drinking water fountains around the community; and
2. Purchasing "Water Trailers" or "Water Monsters" that hook up to tap water and dispense municipal water through taps, especially at community events. Cities can loan or rent the machines out to community groups and events.

BACKGROUND:

Plastic pollution, including single-use plastics and polystyrene, have raised environmental and health concerns related to water pollution, the welfare of marine life, and human health. The California Ocean Protection Council (OPC) released the California Ocean Litter Strategy (Strategy) in June 2018 (Attachment). OPC developed the Strategy through partnerships with the National Oceanic and Atmospheric Administration (NOAA) Marine Debris Program and California Sea Grant. OPC, the NOAA Marine Debris Program, and California Sea Grant worked with California stakeholders to develop the Strategy. The Strategy outlines OPC priorities to address ocean litter over the next six years. Additionally, the Strategy includes goals, objectives, and actions that California stakeholders may take on to address ocean litter. Staff reviewed the Strategy and has provided an analysis of the City's progress in meeting goals and actions identified in the Strategy (Attachment).

Manhattan Beach adopted its first prohibition on the use of plastic products by takeout food vendors in 1988. The prohibition is codified as Manhattan Beach Municipal Code Chapter 5.80 and limits the types of polystyrene products that may be distributed by takeout food vendors. At the time of adoption, these regulations were intended to reduce ozone emissions and thereby protect the environment.

On September 10, 2013, the City Council adopted Ordinance No. 13-0009 to protect public health and the environment by prohibiting the use of polystyrene products by food vendors, including single-use, disposable products such as plates, bowls, trays, wrappers, platters, cartons, condiment containers, cups or drink ware, or any other container in which prepared foods are placed for consumption.

On April 1, 2014, the City Council adopted Ordinance No. 14-0003, which expanded Ordinance No. 13-0009 to include a prohibition on the distribution and sale of polystyrene straws, cup lids and

utensils in connection with the preparation of prepared food, and the retail sale of polystyrene food service ware and ice chests.

The City's 2018-2020 Environmental Work Plan was presented to City Council on November 7, 2017, and at a City Council Environmental Study Session on January 31, 2018. Included in the Environmental Work Plan is a proposal for the City Council to consider an update to existing plastic pollution policies, including plastic straws and utensils. This topic received support during public comment as well as from City Council.

On June 5, 2018, the City Council adopted Ordinance No. 18-0016, updating the City's plastic pollution policy to further regulate use of single-use plastic and polystyrene in Manhattan Beach; shifting restaurant patrons to the use of reusable straws, utensils and stirrers upon request; keeping plastic waste from landfills, and reducing plastic litter and threats to natural ecosystems. This ordinance went into effect on July 1, 2018 and will be enforced starting January 1, 2019. Following discussion of the Ordinance (which took place on April; 17, 2018), City Council directed Staff to come back with additional items to consider, including red plastic cups, plastic lids, plastic bottles, polystyrene meat trays, and Mylar and latex balloons.

DISCUSSION:

The analysis and policy recommendations included in this staff report are designed to further reduce single-use plastic in Manhattan Beach, thereby reducing greenhouse gas emissions; reduce the distribution of disposable single-use plastic; reduce polystyrene use and litter in the City; keep plastic waste from landfills; reduce balloon litter threats to natural ecosystems and ocean wildlife; reduce the use of single-use plastics; and ensure that everyone can easily consume beverages.

Single-use plastics are not just a problem in Manhattan Beach, but across the globe. Plastic products in the ocean could take up to several hundred years to decompose, and pose a threat to the marine environment. The increase in usage of disposable plastic products over the years coincides with the increase in ocean pollution, especially as less than 5% of plastics are recycled. Plastics eventually break apart and become microplastics, plastics that are barely visible or invisible to the human eye. Microplastics can be ingested by aquatic organisms and work their way up the food chain. Alternatively, they can end up in our waterways, and a recent study found that microplastics are already being found in most bottled water brands. With the current trend, the World Economic Forum predicts that by 2050 there will be more plastic in the ocean than fish, by weight.

Manhattan Beach has long-been an environmental leader in addressing plastic pollution issues through local ordinances. The City was one of the first adopters in the world for both our plastic bag ban, and our polystyrene ban. Since our policies first took place, there are now about 120 California cities that have adopted polystyrene ordinances, and over 28 California cities have policies addressing straws and utensils. More cities are prohibiting plastic straws and utensils every month, in addition to adopting "Upon Request" policies- including the State of California, through AB 1884 signed by Governor Brown on September 20, 2018. Local community members and organizations are encouraging banning more single-use plastic items and updating our City's plastic policy.

Balloons

The environmental impacts of indiscriminate balloon releases pose threats to both marine and land-based species, resulting in many jurisdictions regulating balloon releases to reduce litter. The main concern is with balloons inflated with helium or another gas lighter than air. Whether they're made

from latex (also called rubber balloons) or the foil-and-polyester material commonly known as Mylar, they can travel longer distances and commonly end up in the ocean and waterways.

Marine animals and birds confuse balloons, both Mylar and latex, for food. To sea turtles, latex balloons may look like a jellyfish; to a whale, a latex balloon may resemble squid. Dolphins, turtles, sharks, sea birds, whales, and seals are some of the marine animals that have been found dead with balloons in their digestive systems. They eat the balloon and are unable to digest it, which block their gut, ultimately causing the animal to starve to death. Sea turtles are the most common victims of balloon pollution due to the resemblance balloons have to jellyfish, a common prey of sea turtles. In addition, the stringed ribbon that is often attached to both Mylar and latex balloons also poses a threat to wildlife, mostly birds. Balloon ribbons can become entangled in birds' beaks, and can get stuck around the necks of both land and marine animals.

Mass balloon releases are illegal in several states, cities, and countries, and several others have introduced bills aimed at limiting how many balloons can be sent floating into the skies at once. Since 1990, California has had a law that prohibits Mylar balloon releases, and requires them to be sold with weights. Other states with regulations include Connecticut, Florida, Tennessee and Virginia; as well as local jurisdictions like Ocean City, MD; Palm Beach County, FL; Louisville, KY; Fort Lauderdale, FL; Huntsville, AL; San Francisco, CA; Nantucket, MA; Broward County, FL; Provincetown, MA; Fairfax, CA; and Baltimore, MD.

The release of balloons made from BoPET (biaxially-oriented polyethylene terephthalate), commonly known as Mylar, is already illegal in the state of California (since 1990) due its dangers to power lines. However, Mylar balloons still pose a threat to the environment if they escape unintentionally, and especially pose threats to marine animals. Mylar, which is metallized plastic, does not biodegrade. In addition, Mylar balloons can conduct electricity and often get caught in power lines, causing countless power outages - more than 1,000 last year in southern California alone.

Latex balloons (also called rubber) are marketed as biodegradable since they are made from natural latex from a rubber tree. However, the marketing is misleading since latex balloons do not biodegrade quickly, taking about six months to a year biodegrade, and even longer in salt water. This gives balloons plenty of time to end up in our environment and pollute our ecosystem.

Besides local jurisdictions, states, countries, and environmental groups taking action, the U.S. Fish and Wildlife Service (USFWS) advises the public to avoid releasing balloons. Instead, USFWS suggests people celebrate with more environmentally-friendly balloon alternatives like kites, pinwheels, and bubbles.

Federal and state pollution laws impose responsibility on Manhattan Beach to prevent the discharge of debris from the storm drain system, and must comply with the Los Angeles Regional Water Quality Control Board's regulations incorporating a Total Maximum Daily Load (TMDL) for Debris for nearshore and offshore Santa Monica Bay. Additional measures to the City's plastic pollution policy, such as those recommended here, will help our City further meet the TMDL requirements.

Options for Manhattan Beach to Regulate Balloons

Mylar (Releases are already banned in California since 1990)

- Ban the sale and distribution in MB

- Ban the use of Mylar balloons along beaches
- Ban the use of Mylar balloons in parks

Latex

- Ban the release of latex balloons in MB
- Ban the use of latex balloons along MB beaches
- Ban the use of latex balloons in MB parks

Polystyrene Raw Meat Trays

Staff recommends that the City's polystyrene ordinance be updated to include regulations on polystyrene raw meat trays. Since Manhattan Beach's most significant update to the City's polystyrene ordinance in 2014, over 119 cities have also adopted plastic or polystyrene ordinances, with newer regulations intended to protect the environment and public health more broadly. Staff continues to gather information on plastic and polystyrene ordinances in other cities, and recommends that polystyrene meat trays be included in the City's polystyrene ordinance.

For expanded polystyrene meat trays, there are multiple options of currently available, high performance, recyclable (e.g. RPET) or compostable (e.g. bagasse) supermarket trays that maintain safety and quality for raw meat products in a more environmentally favorable manner than expanded polystyrene meat trays. See examples in the City of San José alternatives list (Attachment).

Major cities such as Seattle (pop. 724,745 - implemented 7/1/10) and San Francisco (pop. 884,363 - implemented 7/1/17), as well as smaller cities such as Malibu (pop. 12,877 - implemented 1/1/18), have successfully enacted comprehensive bans on polystyrene that include expanded polystyrene meat trays.

Bottle Lids

Californians consume an average of 11.5 billion plastic bottles every year, and most plastic bottle caps are not returned for recycling. They are lost due to their size and easily blown out of trash bins and landfills and into our waterways. Every year, at least 5 to 10 billion plastic caps enter our natural environment.

There have been attempts by many community groups and legislators to pass California state legislation to "connect the cap" or "leash the lid" on water bottles sold in California, such as AB 2779, which passed Assembly Natural Resources Committee April 9, 2018, but was not brought up for a vote on the California State Assembly. AB 2779 would have required that every plastic bottle sold in California has a cap that is connected to its bottle by an as-yet specified date. By requiring connected caps, this bill would have prevented bottle cap pollution in our environment, saved bottle manufacturers money, and provided additional material for recyclers to recover. Bottle caps are currently recovered at a low rate compared to bottles and are one of the top three items found in every large-scale beach clean-up in California. Once a part of our environment, bottle caps are mistaken for food by wildlife, contribute to local government clean-up costs, and eventually become part of the ever-increasing plastic pollution problem in our oceans.

Staff requests that the City Council discuss and provide on how the City can best address bottle lids/caps, whether through support at the state policy level or by directing staff to pursue options for city regulation.

Plastic Bottles

Plastic water bottle bans have been proposed and enacted in several municipalities and college and high school campuses around the world to address resource waste, greenhouse gas (GHG) emissions, plastic litter, and damage to affected aquifers.

In 2009, Bundanoon, Australia enacted the first municipal ban on plastic water bottles. In 2013, Concord, MA enacted the first U.S. city ban on the sale of plastic water bottles. In Concord, Polyethylene terephthalate (PET) bottles, which have the number 1 and/or PETE with the recycling symbol on the bottle, are no longer allowed to be sold if they are less than or equal to 1 liter (34 ounces) and contain water which is non-sparkling and non-flavored. The sale of water in bottles made of other types of plastic is allowed. Bottles of flavored water, regardless of size, may be sold. The sale of cases of small (<1 liter) bottles of water is prohibited. Bottled water less than or equal to 1 liter in volume may not be sold in vending machines. Bottled water less than or equal to 1 liter in volume may not be sold at civic events including but not limited to sports events, road races, festivals, theater performances and catered events. Water may be offered for free to patrons in any form.

Over 80 high schools, colleges and universities around the world have implemented plastic water bottle bans on their campuses.

More municipalities have city policies banning bottled water from their facilities and events, such as Salt Lake City, Montreal, Santa Monica, Toronto, Palo Alto, and San Francisco. Examples of City Policies include:

- San Francisco restricts the sale or distribution on city property of drinking water in plastic bottles of 21 ounces or less, and set city policy to increase the availability of drinking water in public areas and ban the use of city funds to purchase bottled water.
- Montreal and Toronto have bans on the sale and distribution of single-use water bottles in municipal buildings, civic centers, and city facilities.
- Salt Lake City has a city policy prohibiting the use of city funds to purchase bottled water, including 5-gallon water cooler bottles. In addition to plastic waste reduction, staff cited that it did not make sense to truck in water instead of using tap water.
- Palo Alto adopted a single-use plastics policy for city operations in 2009, updated in 2016, that includes a prohibition on the purchase, distribution, or sale of single-use water bottles in city operations.
- Santa Monica's policy addresses city facilities with access to potable water, and requires them to switch from the 5-gallon drinking bottled water dispensers to the plumbed drinking water systems, and transitioning away from bottled water since 2009, using reasoning such as clean tap water standards, waste reduction, reducing the use of imported oil for plastics, cost savings, and setting an example for the community.

To offset the reduction of plastic water bottles at city facilities, these communities have instead invested in installing more reusable water filling stations and drinking water fountains. Cities like Denver and Hermosa Beach have invested in purchasing water trailers or "Water Monsters" that hook up to tap water and dispense municipal water through taps- especially at community events.

Plastic Cups

Staff recommends that the City Council support additional outreach targeted to Manhattan Beach

retail entities (Target, Von's, etc.) that informs the retailer of the provisions of the existing Manhattan Beach Ordinances 13-0009, 14-0003, and 18-0016, to ensure compliance with these ordinances. For example, Ordinance 14-0003, effective on 4/1/14, bans the use, distribution, and sale of rigid ("oriented") polystyrene beverage cups by persons and food providers at all locations in Manhattan Beach. A compliance shortfall example still found on retail shelves in the City are the ubiquitous Red Solo Plastic Cups which are made from rigid ("oriented") polystyrene which was banned in the City on April 1, 2014. Staff recommends that the City engage a subgroup of the Sustainability Task Force to develop an innovative communication strategy to encourage retailers to comply with City ordinances.

Disability Accommodation on Straws

Since the passing of the plastic straw and utensil ban in June, many other cities have followed suit with similar bans. This has caused the disabled community to speak out about how plastic straws can be essential to those who require them. Disabled community advocates have noted that there is not an adequate alternative for them. Staff recommends adding a clause in the ordinance to accommodate people with disabilities, similar to Santa Monica's recent accommodation adopted this past summer.

Conclusion

Staff respectfully requests that the City Council provide direction on updating the City's plastic pollution ordinance with the following options:

1. Prohibit the sale and distribution of Mylar balloons
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10. Installing more reusable water filling stations and drinking water fountains around the community; and
11. Purchasing "Water Trailers" or "Water Monsters" that hook up to tap water and dispense municipal water through taps, especially at community events. Cities can loan or rent the

machines out to community groups and events.

PUBLIC OUTREACH/INTEREST:

Following City Council direction, and ordinance adoption, staff would work with the Sustainability Task Force and Sustainability Youth Council to ensure that all Manhattan Beach businesses and non-profit organizations are contacted regarding policy changes. To the extent any community members have concerns, City staff will discuss these issues with them and try to address the challenges.

ENVIRONMENTAL REVIEW

Staff has determined that the proposed ordinance is exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) under Sections 15308 as an action taken to assure the protection of the environment. In addition, the proposed ordinance is exempt under Section 15061(b)(3) because prohibiting the distribution of plastic food service ware will not have a significant adverse impact on the environment. By contrast, the ordinance will improve the environment.

LEGAL REVIEW

The City Attorney will review any ordinance that is prepared pursuant to Council direction.

Attachments:

1. San Jose Supermarket Tray Alternatives
2. 2018 California Ocean Litter Strategy
3. MB and OPC Litter Analysis