



DEPARTMENT OF  
PUBLIC WORKS

GOVERNMENTAL CENTER

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COUNTY OF SANTA CRUZ

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April 27, 1998

SANTA CRUZ COUNTY BOARD OF SUPERVISORS  
701 Ocean Street  
Santa Cruz, California 95060

SUBJECT: ASSEMBLY BILL 2555 - PLASTIC PACKAGING RECYCLING

Members of the Board:

The purpose of this letter is to request that your Board take a position in support of pending legislation in Sacramento which will improve the recycling of plastic packaging within Santa Cruz County. Assembly Bill 2555 (Aroner) has been introduced in order to:

- establish a waste reduction and recycling rate for plastics applicable to producers and packagers of plastic packaging;
- allow manufacturers flexibility in how they comply with the law;
- encourage the industry to use voluntary market-based methods to satisfy the waste reduction and recycling goals.

The Department of Public Works believes that this legislation is important to the long term success of the County's recycling and landfill disposal reduction program for the following reasons.

- Increased landfill lifespan: Plastics have very little weight, but substantial volume, i.e., they take up space. This makes shipping to market expensive. More importantly, landfill capacity is tied to volume, not weight, even though most measurements of landfill activity are based on weight (e.g., tons per day, etc.).
- Improved recycling program economics: The County's curbside recycling program collects all types of rigid plastic containers, including both #1 and #2 plastic, both of which have an established market. The recycling program also collects #3-7 plastics, the market for which is weak, tentative and subject to closure.

SANTA CRUZ COUNTY BOARD OF SUPERVISORS

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- 0 Increased County revenue: The County shares recycling sales revenue with Waste Management of Santa Cruz County. Waste Management has sold about \$36,000 worth of #1 and #2 plastic collected from curbside recycling since November. No #3-7 plastic has yet been sold.
- Increased recycler convenience: The County's curbside recycling program does not collect polystyrene foam blocks or peanuts largely due to the market price being less than the cost of processing and transport.

Attached to this letter for your Board's consideration is a resolution in support of Assembly Bill 2555, a copy of the bill, and additional background information on the proposed legislation.

It is therefore recommended that the Board of Supervisors adopt the attached resolution in support of Assembly Bill 2555 to help strengthen markets for recycled plastic packaging.

Yours truly,

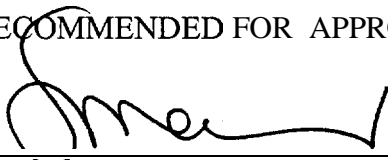


JOHN A. FANTHAM  
Director of Public Works

DdG:bbs

Attachments

RECOMMENDED FOR APPROVAL:



County Administrative Officer

copy to: Senator McPherson  
 Assembly Member Keeley  
 Assembly Member Aroner  
 Californians Against Waste  
 Public Works, Solid Waste Division

ABB

BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA@ 00257

RESOLUTION NO. \_\_\_\_\_

On the motion of Supervisor  
duly seconded by Supervisor  
the following resolution is adopted:

RESOLUTION SUPPORTING ENACTMENT OF ASSEMBLY BILL 2555

WHEREAS, the State of California has enacted the Integrated Waste Management Act of 1989 (the Act) which establishes solid waste management planning and program mandates for local governments, including a requirement to divert from landfill disposal 25% of the waste stream by 1995 and 50% by the year 2000; and

WHEREAS, the County is relying on its ability to collect and recycle plastic packaging and rigid plastic containers as a key component of its landfill disposal reduction program used to meet these state mandates; and

WHEREAS, the cost to County residents for said landfill disposal reduction program is reduced by revenues from the sale of certain types of recycled plastics and would be further reduced if the market for recycled plastics were improved; and

WHEREAS, the County finds that the enactment of Assembly Bill 2555 would have very beneficial effects on the County's ability to establish and maintain a cost-effective program for recycling plastic packaging and rigid plastics containers and would thereby help to increase the lifespan of the County landfill;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Santa Cruz hereby supports the enactment of Assembly Bill 2555.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 0 day of \_\_\_\_\_ 1998, by the following vote:

AYES: SUPERVISORS  
NOES: SUPERVISORS  
ABSENT: SUPERVISORS

\_\_\_\_\_  
Chairperson of said Board

ATTEST: \_\_\_\_\_  
Clerk of said Board

Approved as to form:

  
~~Chief~~ Assistant County Counsel

Distribution: County Counsel  
Public Works

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ASSEMBLY BILL

No. 2555

Introduced by Assembly Member Aroner

February 23, 1998

An act to add Chapter 6.5 (commencing with Section 42380) to Part 3 of Division 30 of the Public Resources Code, relating to plastic packaging.

LEGISLATIVE COUNSEL'S DIGEST

AR 2555, as introduced, Aroner. Solid waste: plastic packaging utilization.

The existing California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, requires every rigid plastic packaging container, as defined, sold or offered for sale in this state, to meet specified criteria concerning recycling rates or usability for specified purposes.

This bill would require each producer and packager of plastic packaging material types, as defined, to ensure that on and after January 1, 2003, not more than 50% of its plastic packaging material types sold or offered for sale in this state becomes waste, that on and after January 1, 2006, not more than 35% becomes waste, and, that on and after January 1, 2010, not more than 20% becomes waste.

The bill would make a person who violates the bill subject to a civil penalty not to exceed \$100,000.

The bill would require the board on or before July 1, 2004, and every other year thereafter, to report to the Legislature

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and Governor on the status of compliance with these provisions.

Vote: majority, Appropriation: no., Fiscal, committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1, Chapter 6.5 (commencing with Section 42380) is added to Part 3 of Division 30 of the Public Resources Code, to read:

CHAPTER 6.5. PLASTIC PACKAGING UTILIZATION

42380. The Legislature finds and declares as follows:

(a) Plastic packaging provides many important economic, environmental, health, and safety benefits to the public, but those benefits are in part offset by the economic and environmental costs of packaging waste.

(b) Plastic represents one of the fastest growing segments of the waste stream. From 1990 to 1995, inclusive, the national generation of plastic packaging increased by 11 percent while the overall waste stream grew by only 5.4 percent during the same period.

(c) Plastic wastes occupy a disproportionate share of landfill space. Although plastic packaging nationally represents only 4.8 percent of the waste stream by weight, it occupies 11.2 percent of the volume in landfills. Plastic overall is the second largest category of waste, representing 23.9 percent of the total volume of municipal solid waste going to landfills.

(d) Plastic comprised 7 percent of the statewide waste stream disposed in 1990, costing an estimated two hundred seventy million dollars (\$270,000,000) annually in local taxes and fees to pay for the cleanup, collection, and disposal of plastic waste.

(e) A substantial amount of natural resources are consumed in producing packaging that ultimately becomes plastic waste. A variety of environmental impacts are caused when virgin resources are extracted from the environment and used to manufacture plastic.

(f) Local governments and the public have demonstrated a tremendous capacity to reduce, reuse, and recycle plastic in an effort to minimize plastic waste, preserve landfill capacity, conserve virgin resources, and reduce environmental impacts.

(g) Despite these efforts, the recycling of plastic has not achieved the 25 percent recycling goal set by the American Plastics Council and as established in Chapter 5.5 (commencing with Section 42300). The national recycling rate for plastic in 1996 was 9.5 percent and has dropped from the 1995 rate of 9.7 percent. While national recovery of plastic increased by 69 million pounds during this period, national production of virgin plastic increased by over one billion pounds.

42381. It is the intent of the Legislature to do all of the following:

(a) Call upon the producers and packagers of plastic packaging to share in the responsibility for substantially reducing, and where feasible, eliminating plastic packaging waste.

(b) In reducing plastic packaging waste, producers and packagers of each packaging material type use voluntary, market-based, and other cost effective methods to satisfy the goals of this chapter.

(c) Any costs associated with reducing plastic packaging waste be internalized by the producers and packagers into the cost of each product.

(d) Reduce and ultimately eliminate the expenditure of existing tax and fee revenue to pay for the collection and disposal of plastic packaging waste.

42382. For the purposes of this chapter, the following definitions apply:

(a) "Packager" means the maker or distributor of products that utilize packaging.

(b) "Packaging" means material or materials used to protect, store, handle, transport, display, or market products, including unit packages, intermediate packages, and shipping containers. Packaging includes, but is not limited to, boxes, bags, crates, disposable cups and plates, pails, rigid foil, and other trays, w-rappers, and

1 wrapping films, tubs, inserts, and fillers used to cushion  
2 the contents of a package.

3 (c) "Plastic packaging material types" means distinct  
4 categories of plastic packaging as determined by the  
5 board, including, but not limited to, the following:

6 (1) Polyethylene terephthalate (PET) - plastic  
7 packaging.

8 (2) High-density polyethylene (HDPE) plastic  
9 packaging.

10 (3) Polystyrene (PS) plastic packaging.

11 (4) Polyvinyl chloride (PVC) plastic packaging.

12 (5) Polypropylene (PP) plastic packaging.

13 (6) Bags, film, wrap, and other flexible plastic  
14 packaging.

15 (d) "Producer" means any person who manufactures  
16 packaging or the materials used for packaging, or who  
17 supplies packaging or materials to a product maker or  
18 packager.

19 42383. (a) On and after January 1, 2003, each  
20 producer and packager of plastic packaging material  
21 types shall ensure that no more than 50 percent of its  
22 plastic packaging material types sold or offered for sale in  
23 this state becomes waste.

24 (b) On and after January 1, 2006, each producer and  
25 packager of plastic packaging material types shall ensure  
26 that no more than 35 percent of its plastic packaging  
27 material types sold or offered for sale in this state becomes  
28 waste.

29 (c) On and after January 1, 2014 each producer and  
30 packager of plastic packaging material types shall ensure  
31 that no more than 20 percent of its plastic packaging  
32 material types sold or offered for sale in this state becomes  
33 waste.

34 42384. Notwithstanding Section 7550.5 of the  
35 Government Code, on or before July 1, 2004, and every  
36 other year thereafter, the board shall report to the  
37 Legislature and Governor on the status of compliance  
38 with this chapter, The report shall include the following:

1 (a) The estimated amount of each plastic packaging  
2 material type that was generated and that became waste  
3 during the preceding calendar year.

4 (b) A list of the largest producers and packagers of  
5 plastic packaging material types that: has satisfied the  
6 goals of this chapter.

7 (c) A list of the largest producers and packagers of  
8 plastic packaging material types that has failed to satisfy  
9 the goals of this chapter.

10 (d) An estimate of the total annual public cost of waste  
11 cleanup, collection, and disposal for each plastic  
12 packaging material type that has failed to satisfy the goals  
13 of this chapter.

14 (e) Recommendations on additional strategies,  
15 programs and incentives that map taken by the producers  
16 and packagers of plastic packaging material types or the  
17 Legislature to further reduce plastic packaging waste.

18 42385. Any violation of this chapter is subject to a civil  
19 penalty not to exceed one hundred thousand dollars  
20 (\$100,000) for each violation, Any civil penalties collected  
21 shall be deposited in the Integrated Waste Management  
22 Fund and shall be available, upon appropriation by the  
23 Legislature, for the purposes of this chapter.

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## WHY THE CALIFORNIA LEGISLATURE SHOULD "TAKE ANOTHER LOOK AT PLASTICS"

Most of us have seen or heard the commercials about how plastics are wonderful. They protect our food, keep us warm, and make our cars safer. No one can deny that plastics have made a major impact on our lives today. But they have also contributed to the growing garbage problem in California and the industry has done little to help solve it.

### THE STATE OF PLASTICS RECYCLING

The state of plastics recycling isn't much better than 1991 when the legislature first considered plastics recycling: Consider the following facts:

- **Plastics represents the one of fastest growing portions of the waste stream.** From 1990 to 1995; national generation of plastics packaging increased by 11%. The overall waste stream grew by less than half that rate, only 5.4% during the same period.
- **National plastics recycling rate remains low (and is falling).** Based on the recent plastics recycling statistics published by the American Plastics Council, the national recycling rate for plastics packaging has actually decreased from 9.7% to 9.5% over the past year. The recycling rate for PET soda bottles - the industry's only real success story - suffered its second consecutive drop, from 45% in 1994 and 41% in 1995 to 34% in 1996.
- **State plastics recycling rate following national trends.** Plastics recycling in California has seen decreases similar to national trends. The Waste Board recently announced its calculation of the recycling rate for rigid plastics packaging containers (RPPC) which a decrease from 24.6% in 1995 to 23.2% in 1996. The recycling rate for plastic soda bottles recycled under the Bottle Bill program decreased from a high of 70% in 1995 to 59% in 1996.
- **Plastics production far out-pacing plastics recycling.** The drop in plastics recycling is due to massive increase in virgin plastics production. While the tonnage of plastic packaging recycled increased by 69 million pounds between 1995 and 1996, this was dwarfed by the 1 billion pound increase in production of virgin plastic packaging. Over the entire period from 1990 to 1996 - for every additional pound of plastic packaging recycled, another 3.7 pounds of additional virgin plastics packaging was produced.
- **plastics recycling rate far below other materials.** While plastics recycling has remained below 10%, recycling of paper, glass and metals have been much higher. For example, the national recovered paper utilization is 24.7% for paper and 48.0% for paperboard. Within the California Bottle Bill program, aluminum and glass containers are recycled at a 77% recycling rate while plastics containers are recycled at only a 59% rate.
- **Plastics industry reneged on a promise to recycle.** In 1991, the plastics industry announced a goal of recycling 25% of all plastics by the year 1995. In 1996, after realizing they had failed to meet that goal, the plastics industry quietly stepped back from that goal.



- **Lack of recycling opportunities for most types of plastics.** Of the seven major types of plastics classified by SPI, only two resins (PET and HDPE) are recycled to any significant degree in California. While nearly 70% of the public has the opportunity to recycle through curbside collection programs, less than 20% of those programs accept plastics coded 3-7.
- **Plastics represent a disproportionate share of landfill space.** The plastics industry frequently point out that plastics packaging represents only 4.8% by weight of the waste stream. What they fail to point out is that landfills close because they run out of space, not because they get too heavy. Plastics packaging actually represent 11.2% of the material in a landfill on a volumetric basis. Plastics are the second largest category of waste, representing 23.9% of the total volume of municipal solid waste going into landfills.
- **Local governments subsidize disposal of plastics.** With low recycling rates for plastics, local governments are forced to landfill thousands of tons of plastics in California, costing the public an estimated 6300 million in collection and disposal fees.

While the public has repeatedly demonstrated it wants to recycle: plastics recycling efforts have been hampered by the lack of demand for recycled plastics. While manufacturers are using recycled content in plastics bottles in other counties, here in the United States there are limited examples of manufacturers creating markets for recycled plastics in new bottles.

Clearly, manufacturers of plastic packaging to need to accept greater responsibility for the generation of plastic packaging waste. Local governments are doing everything they can to collect those materials, but the efforts are undermined when manufacturers fail to use recycling plastics in new products. Indeed if we are ever going to achieve Zero Waste: it is critical that each industry does its share to assist in reducing waste.

## PLASTICS IN THE STATE LEGISLATURE

In 1991, the Legislature looked at policies to increase plastics recycling efforts. At the urging of the plastics industry, the Legislature adopted Senate Bill 235 (Hart) which to waste of rigid plastic packaging containers (RPPC). SB 235 allowed plastic manufacturers to comply with the law by meeting just one of four criteria: achieve a 25% recycling rate, use 25% postconsumer recycled content, source reduce the package by 10% or make the package refillable or reusable. Unfortunately, the law had limited application and was substantially weakened in 1996 when all food and cosmetic containers were exempted from the law. Another law, SB 95 1, was also passed in 1991 to establish minimum content requirements for trash bags. This law has also been ineffective due to loophole which exempts bags with a thickness of less than 0.75 mil.

## THE NEED FOR ACTION

To combat the continuing problems with plastics recycling, Californians Against Waste has proposed AB 2555 by Assembly Member Dion Aroner (D-Berkeley/Richmond).

AB 2555 would require plastic manufacturers to reduce plastic packaging waste 50% by the year 2003; 65% by the year 2006 and 80% by the year 2010. Unlike previous laws, AB 2555 would apply to the full range of plastic packaging, including all plastics bottles and containers, plastic fast food packaging, plastic bags and film wrap, and plastic fill packaging ("peanuts").

AB 2555 sets a simple standard for the plastic industry to reduce plastic packaging waste and leaves it up to the plastics industry to come up with a plan for meeting it.