



# SAVING THE CALIFORNIA BAG BAN



By: Angela Howe, Legal Director

## FACED WITH AN ASTOUNDING REALITY FOR OCEAN HEALTH

*The ocean will be filled with more plastic than fish mass by 2050, the World Economic Forum reported in early January. Let's think about this for a moment...this means that in less than 35 years, in approximately one generation, there will be more inert plastic waste than fish swimming in the sea. This is the astounding reality of where our world is headed. An estimated 5 to 14 million tons of plastic enter our ocean each year from land-based sources. Over 5.25 trillion plastic pieces are currently floating at sea. What type of marine environment is that? It's more like a landfill.*

The trends of plastic production and its use are not reversing. The use of plastics has increased by 20 times in the past 50 years and experts predict that this number will double again in the next 20 years. Californians use an estimated 14 billion plastic bags annually—in a nation that uses 100 billion bags each year. The prevalence of this fossil fuel-based substance in our lives, often merely for the convenience of temporary packaging to be quickly disposed of after use, will unfortunately continue to wreak havoc on our environment, filling up our landfills, our parks, our waterways and

# CALIFORNIANS USE AN ESTIMATED 14 BILLION PLASTIC BAGS ANNUALLY



## IN A NATION THAT USES 100 BILLION BAGS EACH YEAR.



fundamentally changing the composition of our life-supporting ocean.

For the past decade, the Surfrider Foundation has been working on single-use bag bans to stem the tide of plastic pollution to our environment and to our waters. Plastic bags are not only an eyesore for communities, but also harmful to wildlife. The devastating effect on marine life has stretched to 663 species, according to a 2012 report by the Secretariat of the Convention on Biological Diversity. As one of the most easily littered items, due to its lightweight nature, and its shockingly similar appearance to jellyfish, i.e. turtle food, the plastic bag quickly became Enemy #1 in terms of ocean plastic pollution.

Single-use plastic bags also have a very easy alternative—a reusable bag. People didn't even begin to use thin plastic bags until the late 1970s, and we know there were grocery stores before that time. It is a proven fact that society can exist without thin plastic bags. Surfrider's argument is that society,

our environment and our future are better off without them.

## SIX YEARS IN THE MAKING

The California landscape for bag regulation has come a long way since the first municipal bag ban in San Francisco (which was passed in 2006 and went into effect in 2007).

Surfrider became active on the statewide scale promoting a bag ban to encompass all of California in 2008 with Assembly Bill 2058. This was also a hot topic for Ocean Day, an advocacy day in the capital, which is now in its 9<sup>th</sup> year. On that early Ocean Day in Sacramento, there were just a few dozen coastal conservationists jammed into a side meeting room in the Capitol Building to go over the main topics that we would be discussing with state legislators. At the top of the list that year and for several years running was the “bag bill,” a statewide effort to attack the problem of single-use plastic bag pollution. The California Integrated

Waste Management Board had already found that a mandatory recycling program would not effectively address the issue, even though past legislation had required mandatory plastic bag recycling receptacles at all grocery stores. CalRecycle reported that there were still under 5 percent of bags recycled in California.

It took many years and many versions of this law to eventually settle on Senate Bill 270, which was put forth by California State Senators Alex Padilla (D-Pacoima), Kevin DeLeon (D-Los Angeles) and Ricardo Lara (D-Huntington Park/Long Beach). These Senators partnered with the environmental community, the California Grocers Association, workers unions, industry and the public to create a statewide solution to single-use plastic bags. This bill bans the single-use plastic checkout bags with a mandatory ten-cent fee on paper bags as an incentive to remember reusable bags. The proposed law also includes making money available for plastic manufacturing

companies to retool their factories to make reusable products that are more in line with current consumer needs.

In September 2014, the California legislature and Governor Brown approved Senate Bill 270. Unfortunately, the plastic bag industry, as ardent opponents to this bill, immediately started a scheme to challenge the law and embarked upon a referendum effort to put this new law on the November 2016 ballot for a vote. (The referendum process in California gives the electorate the power to approve or reject new laws if 5 percent of the number of voters in the last gubernatorial election sign a petition to put an issue on the ballot). “Big Plastic” spent over \$3.6 million just to gather these signatures to place this issue on the ballot. When all is said and done, we expect them to spend \$25-35 million to fight the bag law through the referendum process.

The YES on CA Bag Ban campaign builds upon a six-year effort to pass the law, so there is a depth of knowledge and campaign



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- Jerry Brown, California Governor

experience within the Surfrider network to draw upon, not to mention quite a bit of momentum on the issue. Equally as entrenched is the opposition plastics industry, which knows that California could start a trend throughout the states. Heal the Bay Vice President Sarah Sikich appeals to Californians’ environmental ethic: “California leads the nation on plastic pollution prevention laws, from the landmark statewide plastic bag ban passed in 2014 to the first-ever statewide trash policy calling for a zero trash goal for all of California’s waterways. Hopefully voters stand up to Big Plastic by making their voices heard in November to uphold our groundbreaking single-use bag law.” Santa Monica-based environmental group Heal the Bay has been a close ally of the Surfrider Foundation in the effort to address plastic pollution in California.

The state of Hawai‘i has already banned bags, county by county. The plastics industry has started to preempt local regulation of plastic bags in other states like Florida,

Arizona and Indiana. The stakes are high: If the state electorate votes against the bill in November, California municipalities may repeal their local ordinances like Huntington Beach did in 2015. So this could undo an immense amount of coastal protection work put forth by Surfrider chapters over the last decade. This issue represents the culmination of a very important battle against the plastics industry that has used litigation, misinformation and scare tactics over the years. Protecting this statewide law in California is a key step in maintaining the momentum to move away from single-use plastics and on to more sustainable practices to protect our coastal resources.

Governor Brown put it best when he stated: “This bill is a step in the right direction—it reduces the torrent of plastic polluting our beaches, parks and even the vast ocean itself.” Referring to California as the first to pass statewide legislation, Brown went on: “We’re the first to ban these bags, and we won’t be the last.”



## BALLOT AS A BATTLEGROUND

The bag ban is meant to be more than a way to attack this one problematic consumer product. The single-use plastic bag represents a “gateway” item that can be used to change consumer behavior and expand consumer consciousness towards sustainability. Indeed, there will have to be a major shift in our packaging and waste practices to effectively attack the plastic pollution problem plaguing our ocean.

The California Legislature made a well-informed decision in 2014 to ban polyethylene grocery bags that pollute our ecosystem. Now it’s time for the voting public to give it a chance to survive and begin to address the plastic pollution problem on a statewide scale.

We need the help of every Californian to vote “Yes” on the bag ban referendum (which will be the last item on the November 2016

ballot), and we need Surfrider members to continue to educate their families and friends about the environmental impact of plastic bags, encourage their “Yes” vote for the bag ban and, of course, encourage them to bring their own bag to the store!

