



SWANA[®]
SOLID WASTE ASSOCIATION
of North America

CALIFORNIA CHAPTERS

FOUNDING

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LEGISLATIVE TASK FORCE

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April 10, 2013

The Honorable Alex Padilla
California State Assembly
State Capitol, Room 4038
Sacramento, CA 95814

RE: SB 405 (Padilla) – Solid Waste: Single-use Carryout Bags
SUPPORT IF AMENDED

Dear Senator Padilla,

The Solid Waste Association of North America (SWANA) is the world's largest association of solid waste professionals (7700 members). SWANA's California chapters represent more than 900 members. SWANA is committed to advancing the practice of environmentally- and economically-sound management of municipal solid waste. SWANA's California Legislative Task Force (LTF) is responsible for representing the California Chapters on legislative and regulatory issues.

The environmental impact of single-use carryout bags is well documented. Plastic bags take centuries to break down in the environment and represent a meaningful proportion of marine debris. Paper bags – whether from grocery stores, convenience stores, restaurants, or other sources – are a growing source of litter in our communities. Nearly 70 local communities (cities and counties) have passed ordinances to deal with the problems created by single use carryout bags.

SWANA is supportive of the general direction being taken in your **SB 405**; however, we can only **SUPPORT** the bill **IF AMENDED** to eliminate the preemption of local ordinances or ensure that local governments can:

1. *Extend Bag Regulation to Additional Categories of Stores* – The provisions of SB 405 are limited to specific types of stores such as food store, large drug stores, convenience stores and smaller groceries. Experience on the local level, where these policies have been implemented and refined, tells us that plastic bag litter also comes from hardware, clothing, sundry, and takeout restaurants. Local jurisdictions should be free to address these sources.

2. *Specify Minimum Pricing for Paper Carryout Bags* – It is the experience of our members that requiring some level of minimum charge on both paper bags and reusable bags is the key to an effective bag ban. Local governments should continue to enjoy the ability to implement policies that work in their communities.

3. *Allow Additional Enforcement Measures* – The enforcement actions available to local jurisdictions in the bill are limited. The bill currently allows only for civil fines and enforcement pursuant to the Business and Professions Code. SWANA believes that cities and counties should be free to use criminal infraction citations, injunctions, and private entity litigation in order to effectively enforce the provisions of this legislation.

Unfortunately, while SWANA supports the policy goals of this legislation, we cannot support SB 405 unless it is amended to provide the flexibility necessary to continue the progress already made by the local governments that pioneered this type of policy.

Sincerely,



Jason Schmelzer
SWANA Legislative Advocate

CC: The Honorable Kevin de Leon, Chair, Senate Appropriations Committee
The Honorable Members of the Senate Appropriations Committee
Senate Appropriations Committee Consultants