



GAIL FARBER
CHAIR

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SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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April 2, 2009

The Honorable Jerry Hill
State Capitol Room 4146
Sacramento, CA 94249-0019

The Honorable Pedro Nava
State Capitol Room 2148
Sacramento, CA 94249-0035

Dear Assembly Members Hill and Nava:

**ASSEMBLY BILL 1358 (INTRODUCED FEBRUARY 27, 2009)
DISPOSABLE FOOD CONTAINERS**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) **supports** Assembly Bill 1358 (AB 1358) subject to a number of clarifications. AB 1358, among other things, would prohibit a take-out food establishment from distributing disposable expanded polystyrene food containers, non-recyclable plastic food containers, or nonrecycled paper containers.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (AB 939, as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County with a combined population in excess of 10 million. Consistent with these responsibilities, and to ensure a coordinated and cost-effective and environmentally-sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a Countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, the County of Los Angeles Board of Supervisors, the City of Los Angeles, the waste management industry, environmental groups, the public, and a number of other governmental agencies.

Each year, billions of single use food service plastic packaging items such as plates, cups, and containers, are distributed to customers and disposed after its use. When disposed, these materials either take up much needed landfill capacity, or worse yet, end up littering our roadways and harming our fragile marine environment. AB 1358, if enacted, would prohibit food vendors from utilizing disposable expanded polystyrene food containers, non-recyclable plastic food containers, or nonrecycled paper containers, thereby reducing the environmental impact of these containers, and stimulating the market for recycled materials which is greatly needed in the current economic climate. The bill would authorize the use of compostable plastic containers only in a jurisdiction where organic waste is collected curbside for composting, ensuring that compostable containers are not simply disposed of. The bill would also prohibit a state facility from acquiring and/or using polystyrene foam or expanded polystyrene foam food service container use at state facilities, allowing the State to take a leadership role in the purchase and use of environmentally friendly alternatives to these products.

The Task Force supports efforts to keep more materials out of landfills and increase the market for recyclable materials, however we also have a few clarifications with regards to AB 1358:

- The types of plastics collected for recycling, as well as the types of plastics actually recovered and recycled, varies from jurisdiction to jurisdiction and also changes over time. By specifying that only PETE and HDPE (plastics #1 and #2) would be allowable as food containers, this bill does not acknowledge local initiatives or provide a mechanism for future shifts in the recovery of other types of plastics.
- Specifying a minimum recycled content for containers is an effective way to boost the recycling market, however requiring 100% post-consumer recycled content for paper containers as proposed by AB 1358 may be too high a threshold. This requirement may potentially limit the number of manufacturers eligible to provide products to California businesses as well as significantly increasing the compliance costs. We suggest that the California Integrated Waste Management Board evaluate the cost and benefit of various levels of post-consumer content, in conjunction with affected stakeholders, to develop recommendations for a reasonable threshold that does not severely impact affected retailers.

AB 1358 would reduce the likelihood that single use food containers end up disposed in landfills, littered, or otherwise harm the natural environment. At the same time, it is important to ensure that sufficient alternatives are readily available at reasonable costs

The Honorable Assembly Members Hill and Nava
April 2, 2009
Page 3

whenever proposing to limit or eliminate choices in the marketplace. We are looking forward to seeing the amended bill addressing the listed clarifications. If you have any questions, please contact Mr. Mike Mohajer of the Task Force at (909) 592-1147.

Sincerely,

Margaret Clark

Margaret Clark, Vice-Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force and
Mayor, City of Rosemead

SK:ca
P: sec\taskforce\letter\AB 1358

cc: Governor Arnold Schwarzenegger
Assembly Speaker Karen Bass
Assembly Member Michael Villines, Minority Leader
Assembly Member Julia Brownley
Each Member of the Los Angeles County Legislative Delegation
Each Member of the County of Los Angeles Board of Supervisors
Each City Mayor in the County of Los Angeles
California State Association of Counties
League of California Cities
League of California Cities, Los Angeles County Division
Southern California Association of Governments
San Gabriel Valley Council of Governments
South Bay Cities Council of Governments
Gateway Cities Council of Governments
Each Member of the Los Angeles County Integrated Waste Management Task Force
Each City Recycling Coordinator in Los Angeles County