CITY OF LOS ANGELES

INTER-DEPARTMENTAL CORRESPONDENCE

DATE: October 26, 2022

TO: The Honorable Mitch O'Farrell, Chair
The Honorable Paul Koretz, Member
The Honorable Paul Krekorian, Member

FROM: Barbara Romero, Director and General Manager
LA Sanitation and the Environment

SUBJECT: **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) NOTICE OF EXEMPTION AND DRAFT ENVIRONMENTAL ANALYSIS FOR THE PROHIBITION OF PLASTIC SINGLE-USE CARRYOUT BAGS AT ADDITIONAL ESTABLISHMENTS AND PROHIBITION OF ADDITIONAL BAG TYPES ORDINANCE (COUNCIL FILE # 21-0064)**

On April 27, 2022, the Los Angeles City Council approved the Energy, Climate Change, Environmental Justice, and River Committee (ECCEJR) report, instructing the City Attorney to draft an ordinance that expands the City's current Single-Use Carryout Bag Ordinance to other stores, by means of a new Ordinance, and for the draft ordinance to come back to ECCEJR Committee with the required California Environmental Quality Act (CEQA) analysis (COUNCIL FILE # 21-0064).

RECOMMENDATIONS FOR COUNCIL ACTION:

1. Following the requirements of the California Environmental Quality Act (CEQA), the City of Los Angeles - LA Sanitation and the Environment has prepared a draft Notice of Exemption (NOE), and accompanying Environmental Analysis report attached thereto, based upon its environmental review of the proposed project: Prohibition of Plastic Single-Use Carryout Bags at Additional Establishments and Prohibition of Additional Bag Types Ordinance (Council File # 21-0064). Staff recommends that City Council make the following determination as its first recommended action before approving the remaining recommended actions that approve the project:

    a. Determine that the City's actions approving the the Prohibition of Plastic Single-Use Carryout Bags at Additional Establishments and Prohibition of Additional Bag Types Ordinance project are categorically exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Sections 15307 (Class 7) and 15308 (Class 8) and that no exceptions to the exemptions under CEQA Guidelines Section 15300.2 exist, including that no unusual circumstances exist that would cause a significant impact on the environment, as more fully described in the Notice of Exemption (NOE) and accompanying Environmental Analysis report submitted by LASAN in the Council File for this action.

2. Approve the expanded Plastic Single-Use Carryout Bag Ordinance provided by the City Attorney with amendments to the ordinance implementation schedule, including enforcement.

3. Direct LASAN to prepare an outreach program to educate consumers and businesses about the expanded Plastic Single-Use Carryout Bag Ordinance Ordinance.

4. Direct LASAN to report back by April of 2025, regarding compliance with the Ordinance, the efficacy of fines and determine if fines should be increased, and if the annual cap on fines should be removed.

BACKGROUND

The Los Angeles City Council passed the Single-Use Carryout Bag Ordinance[1] on June 25, 2013, banning single-use carryout plastic bags at the point of sale in the specified retail stores and requiring retailers to provide reusable bags to consumers for sale or at no charge[2]. The City's Single Use-Carryout Bag Ordinance applies to specified retail stores in the City, including large retailers (full-line self-serve retail stores with two million dollars, or more, in gross annual sales, and stores of at least 10,000 square feet of retail space that generate sales or use tax), and small retailers (supermarkets, grocery stores, drug stores, convenience food stores, food marts, pharmacies, or other entities engaged in the retail sale of a limited-line of goods that include milk, bread, soda, and snack food, including those stores that sell alcohol).

The Proposed Ordinance would expand both the types of single-use plastic bags, and the types of stores that would be subject to the single-use carryout bag ban as provided in the 2013 Single-Use Carryout Bag Ordinance.

The City's objectives for the ordinance include the following:

- Reducing the number of single-use plastic bags currently consumed in the City of Los Angeles each year;
- Reducing the adverse environmental impacts associated with single-use plastic bags, including impacts to aesthetics, biological resources (including marine environments), water quality, and solid waste; and
- Promoting a shift toward opting out of bag use when not necessary and promoting the use of reusable bags.

DISCUSSION

As analyzed in the attached Draft Environmental Analysis, the proposed ordinance would have substantial environmental benefits. The proposed ordinance would not result in a significant adverse impact, either direct, indirect, or cumulative. The findings are based on the fact that there will be a shift away from single-use plastic bags toward paper bags and reusable bags made from various materials (e.g., cotton, linen, synthetic fibers). It is also anticipated that many consumers will simply forgo the use of bags altogether for certain items when not necessary.

<u>Recommended Implementation Schedule</u>

[1] Ordinance 182604 added Article 2 to Chapter XIX of the Los Angeles Municipal Code.

[2] The ordinance also mandates a 10 cent charge on recycled content paper single-use carryout bags at the point of sale in the specified retail stores.

The new ordinance should be implemented within two phases. The purpose of a phased approach are: 1) to allow businesses to use their existing stock of plastic bags, 2) to allow LASAN time to conduct adequate public outreach on the new ordinance, and 3) to allow businesses to find and purchase eco-friendly alternative products.

The proposed timeline for the two phases are as follows:

- Beginning November 15, 2023, a large shop shall not provide a single-use plastic bag as defined by Section 195.09, to any Person.

- Beginning April 22, 2024, all shops (excluding dry cleaners) shall not provide a single-use plastic bag as defined by Section 195.09, to any Person.

A large shop is one with more than 26 employees. If the shop is part of a statewide or national vendor, the employee count shall include all employees of that chain.

Recommended Enforcement

LASAN recommends that the new draft ordinance be enforced in the following manner:

- LASAN to begin complaint-driven enforcement of this ordinance effective November 15, 2023.

Statewide Legislation

In 2014, the State of California passed Senate Bill (SB) 270, which updated Public Resources Code (PRC) Section 42280 to prohibit California stores from providing single-use carryout bags to customers at the point of sale, beginning on July 1, 2015. The state defined a single-use carryout bag as one made of a "*plastic, paper, or other material that is provided by a store to a customer at the point of sale and that is not a recycled paper bag or a reusable grocery bag*."

A "Store" as defined in PRC 42280 (g) is a retail establishment that is any of the below:

> "(1) A full-line, self-service retail store with gross annual sales of two million dollars ($2,000,000) or more that sells a line of dry groceries, canned goods, or nonfood items, and some perishable items.
>
> (2) Has at least 10,000 square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code) and has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code.
>
> (3) Is a convenience food store, foodmart, or other entity that is engaged in the retail sale of a limited line of goods, generally including milk, bread, soda, and snack foods, and that holds a Type 20 or Type 21 license issued by the Department of Alcoholic Beverage Control.
>
> (4) Is a convenience food store, foodmart, or other entity that is engaged in the retail sale of goods intended to be consumed off the premises, and that holds a Type 20 or Type 21 license issued by the Department of Alcoholic Beverage Control."

SB 270 "*occupies the whole field of regulation of reusable grocery bags, single-use carryout bags, and recycled paper bags, as defined in this chapter, provided by a store, as defined in this chapter*" (PRC

42287). Therefore, the City is preempted by state law from regulating single-use carryout bags distributed at stores, as defined by the state.

However, SB 270 does not apply to: single-use bags provided by a pharmacy to a customer purchasing a prescription medication; a bag used to protect a purchased item from damaging or contaminating other purchased items when placed in another bag; a bag provided to contain an unwrapped food item; or a bag designed to be placed over articles of clothing on a hanger (PRC 42280(f)). Therefore, the City is able to regulate these types of bags and is able to regulate retail establishments not encompassed by the state's definition of a store.

In 2022, the State of California passed Senate Bill (SB) 1046, which added Section 42281.2 to the Public Resources Code (PRC) to prohibit California stores, on and after January 1, 2025, from providing a precheckout bag to a customer if the bag is not either a compostable bag, as described, or a recycled paper bag. The bill would define a "precheckout bag" for this purpose to mean a bag provided to a customer before the customer reaches the point of sale, that is designed to protect a purchased item from damaging or contaminating other purchased items in a checkout bag, or to contain an unwrapped food item, such as, but not limited to, loose produce, meat or fish, nuts, grains, candy, and bakery goods. "Precheckout bag" does not include a bag used to prepackage items prior to their arrival in a store.

Education and Outreach

LASAN has launched an education and outreach campaign, holding five virtual meetings with food service providers, retailers, and dry cleaners. LASAN has also sent a survey to potentially affected businesses to obtain feedback on the ordinance.

After passage of the ordinance, LASAN will conduct further education and outreach, including one or more press events; contact with all major affected businesses; development and mailing of an informational document to all affected businesses operating in Los Angeles, with the document designed to also serve as a customer advisory that can be posted by the affected businesses. LASAN will also update the website with a list of potential substitute products for banned plastic bags.

Print Form

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk
County of: Los Angeles

From: (Public Agency): City of Los Angeles, Bureau of Sanitation

1149 S Broadway 5th floor, Los Angeles, CA 90015

(Address)

Project Title: Prohibition of Plastic Single-Use Carryout Bags Ordinance

Project Applicant: City of Los Angeles

Project Location - Specific:

City of Los Angeles - citywide

Project Location - City: Los Angeles Project Location - County: Los Angeles

Description of Nature, Purpose and Beneficiaries of Project:

The Project would prohibit a shop, including an Apparel Store, Dry Cleaner, Farmer's Market Vendor, Food or Beverage Facility, Hardware Store, Open Air Market Vendor, or Pharmacy, from offering single-use plastic carryout bags to customers. See attached "Environmental Analysis for Plastic Bag Ordinance Notice of Exemption" (Council File: 21-0064). The City Council determined the Project was exempt from CEQA and approved the project on _____, 20____.

Name of Public Agency Approving Project: City of Los Angeles

Name of Person or Agency Carrying Out Project: City of Los Angeles

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number: Class 7 (Section 15307), Class 8 (Section 15308)
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The Prohibition of Plastic Single-Use Carryout Bags Ordinance would prohibit retail establishments from offering single-use plastic bags, which cause harm to the environment when properly or improperly disposed of. See attached "Environmental Analysis for Plastic Bag Ordinance Notice of Exemption" (Council File: 21-0064).

Lead Agency Contact Person: Paul S. Cobian Area Code/Telephone/Extension: 213-675-6412

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: _____ Date: _____ Title: Environmental Affairs Officer

▪ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

Environmental Analysis for

Plastic Bag Ordinance Notice of Exemption

October 2022

Lead Agency:

City of Los Angeles

LA Sanitation and Environment

Barbara Romero, Director and General Manager

Alex Helou, Assistant General Manager

Consultant to Lead Agency:

Catalyst Environmental Solutions Corporation

SECTION 1 Project Description

The proposed project is a City of Los Angeles City Council ordinance adding Article 2.1 to Chapter XIX of the Los Angeles Municipal Code. The Proposed Ordinance would add provisions to the existing ordinance (Article 2 to Chapter XIX of the Los Angeles Municipal Code) to expand the types of establishments that are prohibited from distributing plastic single-use carryout bags[1] to include retail stores (e.g., hardware stores, clothing stores), restaurants/food service providers, farmers markets, and open air markets. These establishments are not included in the State Senate Bill (SB) 270, which updated Public Resources Code (PRC) Section 42280 to prohibit certain types of California stores from providing single-use carryout bags to customers at the point of sale, beginning on July 1, 2015.

The types of reusable bags allowed at these establishments are defined as a bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements:

1. Has a minimum lifetime of 125 uses, which for the purposes of the ordinance means the capability of carrying a minimum of 22 pounds, 125 times over a distance of at least 175 feet;
2. Has a minimum volume of 15 liters;
3. Is machine washable or is made of a material that can be cleaned or disinfected;
4. Does not contain lead in an amount greater than 89 ppm, nor contain total heavy metals (lead, hexavalent chromium, cadmium, and mercury) in an amount greater than 99 ppm, unless lower heavy metal limits are imposed by applicable state or federal low, in which case such standards shall apply;
5. Has printed on the bag, or on the tag that is permanently affixed to the bag (i) the name of the manufacturer, (ii) the country where the bag was manufactured, (iii) a statement that the bag does not contain lead, cadmium, or any other heave metal in toxic amounts, (iv) the percentage of Post-Consumer Recycled Materials used, if any, (v) bag care and washing instructions; and
6. If made of plastic, is a minimum of at least 2.25 mil thick.

This environmental analysis also evaluates the potential impacts of the prohibition of the following types of single-use plastic bags from being used or distributed at the point of sale:

- Precheckout bags, which are bags provided to a customer before the customer reaches the point of sale, that is designed to protect a purchased item from damaging or contaminating other purchased items in a checkout bag, or to contain an unwrapped food item, such as, but not limited to, loose produce, meat or fish, nuts, grains, candy, and bakery goods.
- Pharmacy plastic bags used to carry out prescription drugs.
- Dry cleaning plastic bags/films provided by dry cleaners.

[1] Per Article 2 to Chapter XIX of the Los Angeles Municipal Code, a "plastic single-use carryout bag" means any bag provided to a customer at the point of sale which is made predominantly of plastic derived from either petroleum, natural gas, or a biologically based source, such as corn or other plant sources, whether or not such bag is compostable and/or biodegradable.

SECTION 2 Project Objectives

The City's objectives for the proposed project include the following:

- Reducing the number of single-use plastic bags currently consumed in the City of Los Angeles each year;
- Reducing the adverse environmental impacts associated with single-use plastic bags, including impacts to aesthetics, biological resources (including marine environments), water quality, and solid waste; and
- Promoting a shift toward opting out of bag use when not necessary and promoting the use of reusable bags.

SECTION 3 Project Location

The Proposed Ordinance would apply throughout the City of Los Angeles, which encompasses approximately 469 square miles, stretching from the Angeles National Forest to the north to the Pacific Ocean to the south. Figure 1 shows a map of the project area.

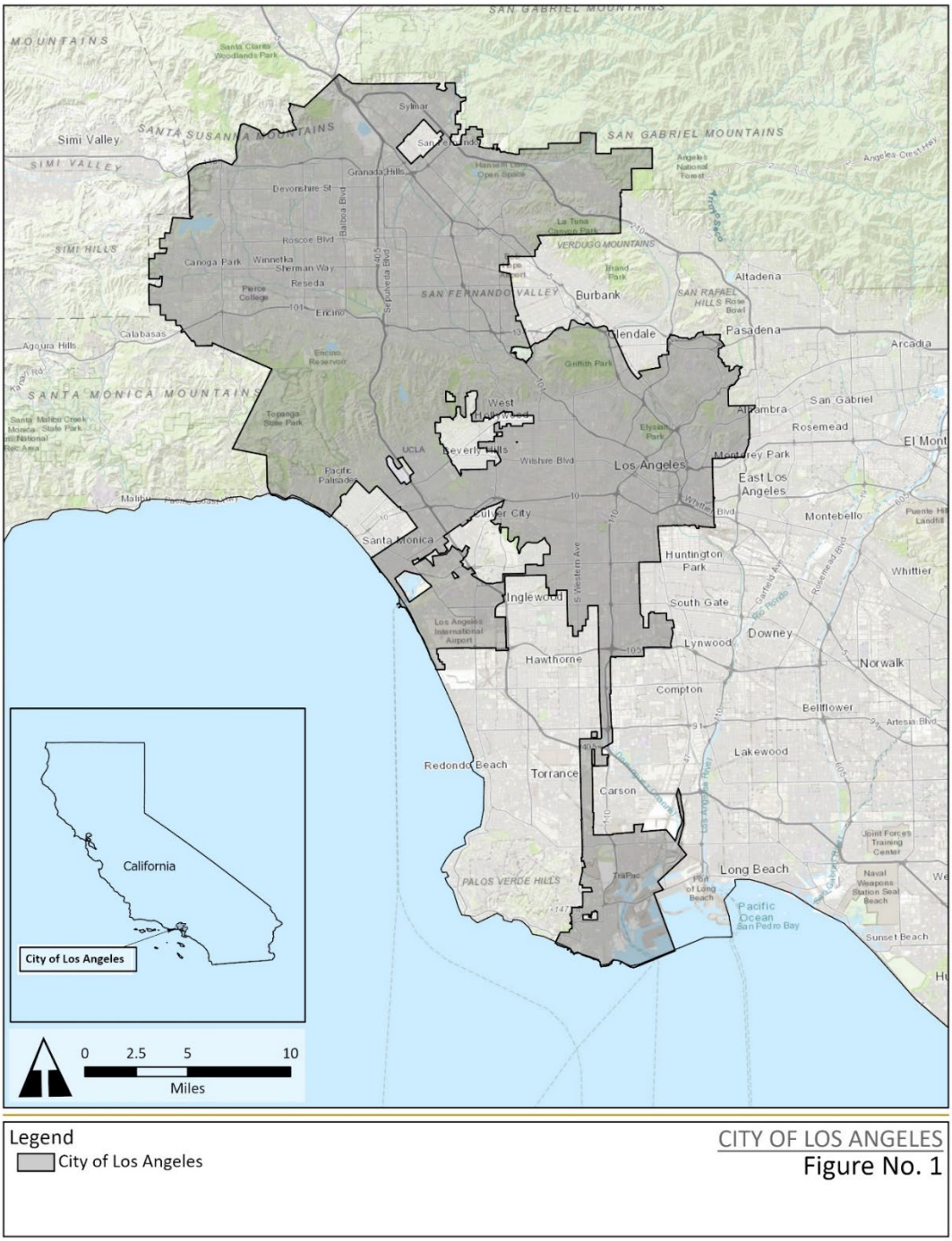

Figure 1. The Project Location: City of Los Angeles

SECTION 4 Basis for Categorical Exemption(s)

The California Environmental Quality Act (CEQA) Guidelines Section 15300, et seq. (California Code of Regulations, Title 14) provide a list of classes of projects that are exempt from CEQA. Two specific classes apply to this ordinance:

- CEQA Guidelines Section 15307 (i.e., Class 7) provides an exemption from environmental review for "actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. Examples include but are not limited to wildlife preservation activities of the State Department of Fish and Game. Construction activities are not included in this exemption."
- CEQA Guidelines Section 15308 (i.e., Class 8) provides an exemption from environmental review for "actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption."

Class 7 and Class 8 Categorical Exemptions apply to this project for the following reasons:

- By the Proposed Ordinance as authorized by the City Charter, the City is proposing to exercise its regulatory powers for the purpose of protecting natural resources and the environment, and therefore meets the definition of a "regulatory agency".
- As discussed below in the No Significant Impacts section, the ordinance would maintain, enhance, or protect a natural resource and the environment.
- As discussed below in the No Significant Impacts section, there are no construction activities authorized by the ordinance either directly or indirectly, and the ordinance would not allow environmental degradation.
- As discussed below in the No Exceptions Apply section, none of the exceptions to the use of these classes of Categorical Exemptions apply to the project.

SECTION 5 No Exceptions for Categorical Exemptions Apply

In applying the categorical exemptions, the City must consider if any exceptions apply, as defined in the CEQA Guidelines, Section 15300.2, and summarized in the following:

1. The project site is environmentally sensitive as defined by the project's location. A project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant;

2. The project and successive projects of the same type in the same place will result in cumulative impacts;
3. There are "unusual circumstances" creating the reasonable possibility of significant effects;
4. The project may result in damage to scenic resources, including, but not limited to, trees, historic buildings, rock, outcroppings, or similar resources, within an officially designated scenic highway, except with respect to improvements required as mitigation for projects for which negative declarations or EIRs have been prepared;
5. The project is located on a site that the Department of Toxic Substances Control and the Secretary of the Environmental Protection have identified, pursuant to Government Code section 65962.5, as being affected by hazardous wastes or clean-up problems; or
6. The project may cause a substantial adverse change in the significance of an historical resource.

As described in the following, no exceptions to application of a categorical exemption apply, and therefore Class 7 and Class 8 exemptions are appropriate.

5.1 No impact on sensitive environments

CEQA Guidelines Section 15300.2(a) state the following:

"(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. These classes are considered to apply in all instances, except where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies."

The exception to categorical exemptions under CEQA Guidelines Section 15300.2(a) of projects in sensitive environments does not apply to the ordinance, because it does not apply to Class 7 and 8 categorical exemptions.

5.2 No cumulative impact

CEQA Guidelines Section 15300.2(b) state the following:

"(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant."

The ordinance would not lead to significant impacts, and where there are impacts, they are beneficial. Therefore, the exception to categorical exemptions under CEQA Guidelines Section 15300.2(b) of successive projects of the same type in the same place over time does not apply to the ordinance.

5.3 No Unusual Circumstances

The ordinance would not lead to a significant impact due to unusual circumstances. None of the direct or indirect impacts of the ordinance described in this analysis would result in an unusual scope or magnitude of impacts, nor would they occur in sensitive locations such that they would be considered unusual. In addition, there is no unusual circumstance related to this ordinance because it is the usual type of regulation that cities and counties adopt to protect the environment, which fits the Class 7 and 8 exemptions. This type of regulation to improve the environment is common, and many jurisdictions rely

on Class 7 and 8 to exempt similar projects. For example, the City and County of San Francisco and County of Marin implemented similar bans on plastic bags that were deemed to fit the Class 7 and 8 exemptions, and were upheld through published appellate decisions, and therefore this regulation by the City of Los Angeles is not considered unusual for relying on those exemptions. (*Save Plastic Bag Coal. v. San Francisco* (2013) 22 Cal.App.4th 863; *Save Plastic Bag Coal. v. Marin* (2013) 218 Cal.App.4th 209.)

The Los Angeles City Council passed the Single-Use Carryout Bag Ordinance[2] on June 25, 2013, banning single-use carryout plastic bags at the point of sale in the specified retail stores and requiring retailers to provide reusable bags to consumers for sale or at no charge[3]. In support of the ordinance, Los Angeles Sanitation and Environment (LASAN), as lead agency, prepared the Single-Use Carryout Bag Ordinance Environmental Impact Report (EIR; State Clearinghouse #2012091053). The EIR evaluated the potential environmental impacts of the ordinance and found that it would have no significant impact and no mitigation measures were required.

The City's current Single Use-Carryout Bag Ordinance applies to specified retail stores in the City, including large retailers (full-line self-serve retail stores with two million dollars, or more, in gross annual sales, and stores of at least 10,000 square feet of retail space that generate sales or use tax), and small retailers (supermarkets, grocery stores, drug stores, convenience food stores, food marts, pharmacies, or other entities engaged in the retail sale of a limited-line of goods that include milk, bread, soda, and snack food, including those stores that sell alcohol).

In 2014, the State of California passed Senate Bill (SB) 270, which updated Public Resources Code (PRC) Section 42280 to prohibit California stores from providing single-use carryout bags to customers at the point of sale, beginning on July 1, 2015. The state defined a single-use carryout bag as one made of a "plastic, paper, or other material that is provided by a store to a customer at the point of sale and that is not a recycled paper bag or a reusable grocery bag." The Proposed Ordinance does not change any elements of SB 270 but regulates establishments that are outside the definition of SB 270.

A "Store" as defined in PRC 42280 (g) is a retail establishment that is any of the below:

"(1) A full-line, self-service retail store with gross annual sales of two million dollars ($2,000,000) or more that sells a line of dry groceries, canned goods, or nonfood items, and some perishable items.

(2) Has at least 10,000 square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code) and has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code.

(3) Is a convenience food store, foodmart, or other entity that is engaged in the retail sale of a limited line of goods, generally including milk, bread, soda, and snack foods, and that holds a Type 20 or Type 21 license issued by the Department of Alcoholic Beverage Control.

[2] Ordinance 182604 added Article 2 to Chapter XIX of the Los Angeles Municipal Code.

[3] The ordinance also mandates a 10 cent charge on recycled content paper single-use carryout bags at the point of sale in the specified retail stores.

(4) Is a convenience food store, foodmart, or other entity that is engaged in the retail sale of goods intended to be consumed off the premises, and that holds a Type 20 or Type 21 license issued by the Department of Alcoholic Beverage Control."

SB 270 "occupies the whole field of regulation of reusable grocery bags, single-use carryout bags, and recycled paper bags, as defined in this chapter, provided by a store, as defined in this chapter." (PRC 42287). Therefore, the City is preempted by state law from regulating single-use carryout bags distributed at stores, as defined by the state. However, SB 270 does not apply to single-use bags provided by a pharmacy to a customer purchasing a prescription medication; a bag used to protect a purchased item from damaging or contaminating other purchased items when placed in another bag; a bag provided to contain an unwrapped food item; or a bag designed to be placed over articles of clothing on a hanger (PRC 42280(f)). Therefore, the City is able to regulate these types of bags and is able to regulate retail establishments not encompassed by the state's definition of a store. Accordingly, the Proposed Ordinance specifies establishments prohibited from distributing plastic single-use carryout bags that are not already defined as a "store" per PRC 42280(g).

In addition, the State recently passed SB 1046, which will prohibit, on and after January 1, 2025, a store from providing a precheckout bag to a customer if the bag is not either a compostable bag or a recycled paper bag. The bill defines a "precheckout bag" as a bag provided to a customer before the customer reaches the point of sale, that is designed to protect a purchased item from damaging or contaminating other purchased items in a checkout bag, or to contain an unwrapped food item such as, but not limited to, loose produce, meat or fish, nuts, grains, candy, and bakery goods.

Also, that the state legislature found it important to regulate single-use plastic bags, consistent with the way that many other cities had done so at that time, supports that such regulation is commonplace and not unusual as a regulatory approach for protecting the environment and natural resources. Finally, the regulation of single-use carryout bags under SB 270 and precheckout bags under SB 1046 also strongly supports that the additional regulation of single-use bags in types of retail establishments that were not specifically covered by SB 270 does not present any unusual circumstances for relying on the CEQA Class 7 and 8 categorical exemptions, because prohibiting single-use bags is not an unusual method of protecting the environment and natural resources as it has been implemented in laws enacted by the state legislature.

The Proposed Ordinance is consistent with these previous regulations and seeks to further protect the environment from the impacts of plastic bag pollution. The ordinance is also consistent with the US Environmental Protection Agency's waste management hierarchy, in which source reduction is the environmentally preferred method of managing waste (Figure 2). Therefore, there are no unusual circumstances that would lead to a significant impact due to the ordinance.

Figure 2. USEPA Waste Management Hierarchy

5.3.1 No Significant Impacts

The Proposed Ordinance would not result in a significant impact, either direct, indirect, or cumulative. This section provides the factual basis for these findings.

The analysis is based on the fact that there will be a shift away from single-use plastic bags toward paper bags and reusable bags made from various materials (e.g., cotton, linen, synthetic fibers). It is also anticipated that many consumers will simply forgo the use of bags altogether for certain items when not necessary, such as forgoing the use of a plastic precheckout bag to hold apples. Because the use of a particular substitute product would be determined on a case-by-case basis by individual vendors and consumers based on a variety of factors, it is not possible to forecast the exact substitution behavior caused by the ordinance.

It is reasonably foreseeable that a wide spectrum of replacement products will be made from a variety of materials and used as replacements in various degrees within different contexts. Therefore, a life-cycle analysis of the potential substitute products is not warranted for the Proposed Ordinance with respect to air quality as the basis of the calculations would be highly speculative (e.g., manufacturing processes for both disposable plastics and substitute products differ by manufacturing plants, grade of product, origin of the raw materials, regulations/permits of facilities outside City limits) and beyond the influence of the City (i.e., the City does not control where establishments purchase their products, how far they must be transported, or the exact substitute materials chosen). This analysis is a good faith effort to provide comparisons between the environmental impacts of plastic bags and the potential impacts of substitution products using the best available evidence and substantiated research. Based on this analysis, the Proposed Ordinance would not have a significant adverse impact, directly, indirectly, or cumulatively, on the environment.

5.3.1.1 Aesthetics

Litter has historically presented a challenge to environmental management. Trash and debris that are not properly disposed of are an unsightly presence. Plastic bags are easily blown into storm drains, carried downstream in waterways, entangled in bushes, tossed along freeways, and washed up on beaches.

Single-use paper and plastic bags were the fourth most common items found on beaches during the California Coastal Commission annual "Cleanup Day" between 1988 and 2020, accounting for approximately 7% of waste items collected over that period (plastic bags were over 90% of the bags found).[4] In 2020, plastic grocery bags were the sixth most collected items during beach clean-ups conducted by the International Coastal Cleanup in California and have been in the top ten list of trash collected during these events for over two decades.[5] Caltrans conducted a study from 1998-2000 on litter discharged at 24 freeway catchments throughout Los Angeles and found that plastic film accounted for approximately 12% of freeway stormwater litter captured by count and volume.[6]

Single-use paper bags are less likely than plastic bags to become litter due to their weight and recyclability. Unlike plastic bags, they also biodegrade in the environment and breakdown when wet. Reusable bags are also less likely to be become litter due to their weight and sturdiness. Therefore, an increased use in paper and reusable bags due to the ordinance would not have an adverse impact on aesthetics.

Implementation of the ordinance would reduce the amount of single-use plastic bags used, disposed of, and littered in the City. Therefore, the ordinance would improve the environment consistent with the Class 7 and 8 categorical exemptions, and the ordinance would result in no impact or a beneficial impact to aesthetics.

5.3.1.2 Air Quality

The use of single-use plastic bags can have indirect effects on air quality through emissions associated with their production and through emissions associated with their transport (both delivery for use and as part of disposal). Large-scale production of plastics for use in consumer goods produces emissions of air pollutants including sulfur oxides, nitrous oxides, methanol, ethylene oxide, and volatile organic compounds.[7] Additionally, transport, and disposal of single-use plastic bags produce air pollutant emissions, including volatile organic compounds, nitrous oxides, carbon monoxide, and particulate matter from fuel combustion.[8]

The ordinance would lead to an increase in the manufacture of substitute products from allowed materials. There are no manufacturing facilities of single-use paper bags or reusable bags within the

[4] California Coastal Commission. 2020. Statewide Results for Cleanups between 1988 and 2020. https://www.coastal.ca.gov/publiced/ccd/history.html. Accessed August 4, 2022.
[5] Ocean Conservancy. 2021. We Clean On. 2021 Report. Available at: https://oceanconservancy.org/wp-content/uploads/2021/09/2020-ICC-Report_Web_FINAL-0909.pdf. Accessed August 8, 2022.
[6] Lippner, G., J. Johnston, S. Combs, K. Walter, D. Marx. 2000. Results of the Caltrans Litter Management Pilot Study.
[7] Ecology Center. 2022. N.d. PTF: Environmental Impacts. Available at: https://ecologycenter.org/plastics/ptf/report3/. Accessed September 16, 2022.
[8] USEPA. 2022. Criteria Air Pollutants. Available at: https://www.epa.gov/criteria-air-pollutants#self. Accessed September 16, 2022.

City. At those facility locations where single-use plastic bags are produced, there would be a related decrease in emissions associated with production of single-use plastic bags. Similar to plastic bags, the manufacturing process of alternative products such as paper or other plastic products can vary as would the associated air emissions, which would be dependent on the manufacturing process, input materials, and origin of the raw materials anywhere in the world. By eliminating the use of single-use plastic bags from the specified stores, the ordinance would result in less manufacturing of single-use plastic bags but would increase the manufacture of substitute products. Life cycle emissions include indirect emissions associated with materials manufacture. However, these indirect emissions involve numerous parties, each of which is responsible for emissions of their particular activity. The California Natural Resources Agency (CNRA) found that life-cycle analyses were not warranted for project-specific CEQA analysis in most situations. Because the origin of the raw materials purchased is not known, the manufacturing information for those raw materials is also not known, and specific suppliers are variable, calculation of life cycle emissions would be speculative. Thus, for the purposes of analyzing air quality, manufacturing emissions of criteria and toxic air pollutants are not included in this analysis because information is not known, and the Proposed Ordinance does not propose any change to any manufacturing process.

Further, the City previously estimated that transition from single-use plastic bags to paper and reusable bags would generate an estimated 5.8 new truck trips per day.[9] The emissions associated with such trips would be negligible and substantially below the SCAQMD regional significance thresholds resulting in less than significant impacts related to criteria and toxic air pollutants. The Proposed Ordinance would result in the substitution of fewer single-use plastic bags than was considered in the 2013 Single-Use Carryout Bag Ordinance EIR[10], thus the Proposed Ordinance would be expected to result in relatively less long-term emissions associated with additional truck trips. Thus, implementation of the ordinance would not result in a significant impact on air quality.

5.3.1.3 Biological Resources

Plastic bags threaten biological resources, particularly when improperly disposed. While plastic litter can contaminate terrestrial, freshwater, and marine environments, most available data on plastic pollution comes from marine environments. Approximately eight million tons of plastic waste ends up in the ocean every year, either through intentional dumping or accidental reasons, and the U.S. is one of the

[9] City of Los Angeles. 2013. Single-Use Carryout Bag Ordinance EIR. SCH #201209053.

[10] The 2013 Single-Use Carryout Bag Ordinance EIR calculated the number of single use plastic bags banned under the ordinance using the following rationale: "Based on the City of Los Angeles population of approximately 3,825,297 persons in 2012, and a statewide estimate of approximately 531 single-use use plastic carryout bags used per person per year, retail customers in the City of Los Angeles currently use an estimated 2,031,232,707 single-use plastic carryout bags per year." Note that the estimated 531 bags per capita would be equivalent to a family of four would using about 41 plastic carryout bags per week (i.e., 4 x 531 or 2,124 bags per year). Of note, the cited estimate of 531 single-use plastic bags was derived by dividing the estimated weight of plastic grocery and other merchandise bags (defined as "plastic shopping bags used to contain merchandise to transport from the place of purchase, given out by the store with the purchase") in the California waste stream, which presumably includes not only single-use plastic bags offered at the point of sale but also precheckout bags, pharmacy plastic bags used to carry out prescription drugs, and dry cleaning plastic bags/films provided by dry cleaners. Accordingly, the single-use bags considered under the Proposed Ordinance would account for a percentage of the 531 total plastic bags used per capita.

top 20 contributors to plastic pollution in the world.[11] Plastic pollution has been found in a range of marine and estuarine environments including the seafloor, surface water, the water column, and along beaches.

Plastics do not biodegrade, but instead present a threat to marine wildlife because they break down to microplastics (i.e., plastic pieces smaller than 5 millimeters), which marine wildlife, including special status turtles, mammals, birds, and fish, may confuse with food and ingest, either directly or through prey items. Exposure to plastics, and subsequently microplastics, can have harmful effects on wildlife, including transport of toxicants through the food chain, decreased reproduction, starvation, and death.[12] [13] [14] In 2010, the Ocean Conservancy found that almost 15% of marine wildlife (amphibians, birds, fish, invertebrates, mammals, and reptiles) found entangled during beach cleanups around the world were entangled by plastic bags.[15] Additionally, floating marine debris is known to facilitate "rafting", the process by which organisms are transported across vast distances to new ecosystems. Transport of species can result in biodiversity impacts when a new species proves to be invasive.[16] When plastic bags and films fall to the sea floor, they can result in smothering of organisms that inhabit the sea floor.[17] In intertidal zones, plastic bags have been shown to create anoxic conditions (i.e., lacking oxygen) in the sediment underneath along with reduced primary productivity and organic matter and significantly lower abundances of invertebrates.[18]

Implementation of the ordinance would reduce the amount of single-use plastic bags used, disposed of, and littered in the City. Therefore, the ordinance would improve the environment consistent with the Class 7 and 8 categorical exemptions, and the ordinance would result in no impact or a beneficial impact to biological resources.

5.3.1.4 Energy

The ban of single-use plastic bags would result in an increase in the use of reusable bags and recyclable paper carryout bags. The manufacturing process for plastic carryout bags, whether single use or reusable, starts with petroleum and/or natural gas, and consumes energy. In addition, delivery trucks that transport carryout bags from manufacturers or distributors to local retailers also consume fuel. Further, washing and drying of reusable carryout bags requires energy depending on the method of

[11] Ocean Protection Council. 2022. Plastic Pollution. Available at: https://www.opc.ca.gov/programs-summary/marine-pollution/plastics/. Accessed June 24, 2022.
[12] USEPA. 2016. State of the Science White Paper A Summary of Literature on the Chemical Toxicity of Plastics Pollution to Aquatic Life and Aquatic-Dependent Wildlife. EPA-822-R-16-009. December.
[13] Sussarellu, R., et al. 2016. Oyster reproduction is affected by exposure to polystyrene microplastics. Proc. Natl. Acad. Sci. 113, 2430–2435.
[14] Thompson, R. et al. 2009. Plastics, the environment and human health: current consensus and future trends. Phil. Trans. R. Soc. B: 364, 2153–2166.
[15] Ocean Conservancy. 2010. International Coast Cleanup Trash Travels. Available at: https://oceanconservancy.org/wp-content/uploads/2017/04/2010-Ocean-Conservancy-ICC-Report.pdf.
[16] California Coastal Commission. 2022. The Problem with Marine Debris. Available at: https://www.coastal.ca.gov/publiced/marinedebris.html. Accessed June 17, 2022.
[17] Gregory, M. 2009. Environmental implications of plastic debris in marine settings—entanglement, ingestion, smothering, hangers-on, hitch-hiking and alien invasions. Phil. Trans. R. Soc. B 364, 2013–2025.
[18] Dannielle Senga Green, Bas Boots, David James Blockle, Carlos Rocha, and Richard Thompson. 2015. Impacts of Discarded Plastic Bags on Marine Assemblages and Ecosystem Functioning. Environmental Science and Technology 49:9(5380-5389).

washing and drying (i.e., hand washing, electric or natural gas-powered washing machine, dryer or hang dried) and on the frequency of washing.

The 2013 Single-Use Carryout Bag Ordinance EIR estimated that the previously adopted Single-Use Carryout Bag Ordinance would result in replacement of approximately 2.03 billion single-use plastic bags annually (based on an estimated 531 single-use plastic carryout bags per City resident per year) with approximately 609 million recycled-content and recyclable paper bags and approximately 25 million reusable bags; the use of approximately 102 million single-use plastic bags would remain. The Proposed Ordinance would result in the relative incremental reduction in single-use plastic bags and an increase in reusable and paper bags.

Various studies have estimated the energy consumption associated with the different types of carryout bags (single-use plastic, paper, or reusable) to determine the per bag energy consumption rate (based on a life cycle assessment [LCA]). A study conducted by the California State University (CSU), Chico Institute for Sustainable Development[19] assessed the energy usage, water usage, greenhouse gas emissions, and waste generation for reusable non-woven polypropylene (PP) and LDPE plastic bags as compared to single-use HDPE and paper bags. This study developed a "cradle-to-gate" life cycle inventory of non-renewable energy associated with the various carryout bag options. This analysis recognized that a single traditional plastic grocery bag may not have the same carrying capacity as a paper or reusable bag, so to examine the effect of carrying capacity, calculations were performed both on an adjusted basis (1:1.5) paper/reusable to plastic. This same assumption can be carried forward for different types of plastic bags (e.g., precheckout bags, prepared take-out food bags, and bags provided at vendors at farmers' markets). Table 1 summarizes the non-renewable energy consumption associated with an equal carrying capacity (i.e., 1,500 single-use plastic bags have a similar carrying capacity as 1,000 reusable plastic and single-use paper bags). The data provided in Table 1 was developed under the assumption that reusable bags are washed at a rate of 20 percent of the bags over the time period (one year). In addition, 40 percent Post-Consumer Resin (PCR) is assumed to be used in the manufacture of the reusable LDPE bags in accordance with PRC 42281.

Table 1. Non-renewable energy associated with cradle-to-gate LCA of plastic bags, single-use paper bags, and reusable plastic bags (gigajoule [MJ]).[20]

1,500 HDPE Bags (Single Use)	1,000 Reusable PP Non-Woven (Single Use)	1,000 Reusable PP Non-Woven (8 Times)	1,000 Reusable PP Non-Woven (52 Times)	1,000 Reusable LDPE Bag with 40% PCR (Single Use)	1,000 Reusable LDPE Bag with 40% PCR (8 Times)	1,000 Reusable LDPE Bag with 40% PCR (52 Times)	1,000 Paper Bag with 30% PCR (Single-Use)
763	3,736	467	72	2945	368	57	2,620

Table 1 illustrates that 1,000 single-use reusable non-woven PP plastic bags require almost five times more energy than 1,500 single-use HDPE bags. However, if used more than eight times (as intended),

[19] Greene, Joseph. 2011. Life Cycle Assessment of Reusable and Single-use Plastic Bags in California. Prepared for California State University, Chico Institute for Sustainable Development. January 2011.
[20] Ibid.

the energy associated with non-woven PP bags is less than the equivalent carrying capacity of single-use HDPE bags. If the reusable bag is used once a week for 52 weeks, the reusable non-woven PP bags require significantly less energy. Single-use paper bags require the most energy next to the non-woven PP bags if only used once. Table 1 also illustrates how the reusable LDPE bag with 40 percent PCR has the lowest associated cradle-to-gate energy use of all the carryout bag alternatives. Accordingly, as a result of the increase in reusable bags, the CSU study results indicate that the Proposed Ordinance would result in a reduction in cradle-to-gate energy for carryout bags if bags are reused at least eight times over the course of a year.

Implementation of the Proposed Ordinance would reduce the amount of single-use plastic bags and potentially increase the use of reusable and paper bags. As shown in Table 1, this transition would result in a reduction in total non-renewable energy consumption with an increase in use of reusable options. Further, studies conducted in Los Angeles County regarding paper bag usage following plastic bag bans indicate that even as more municipalities in the region have adopted and implemented bag restrictions, paper bag usage has largely stabilized and continues to be lower than prior to adoption of the Los Angeles County plastic bag ban ordinance.[21] Thus, it can reasonably be assumed that the Proposed Ordinance would not substantially increase paper bag usage and would not result in an associated increase in energy consumption from existing conditions. The Proposed Ordinance does not otherwise have the potential to conflict or obstruct a state or local plan for renewable energy or energy efficiency. Thus, the Proposed Ordinance would have no impact in this regard.

Further, the 2013 Single-Use Carryout Bag Ordinance EIR estimated that transition from single-use plastic bags to paper and reusable bags would generate an estimated 5.8 new truck trips per day. However, the bags are typically delivered to supermarkets and retail stores as part of larger mixed loads of groceries and merchandise. Therefore, there may not be an actual net increase in truck traffic from the change in bag use, particularly since paper and reusable bags could be included in regular mixed loads deliveries to the grocery stores, supermarkets, and other retail stores. Therefore, the Proposed Ordinance would not result in wasteful, inefficient, or unnecessary consumption of energy resources.

5.3.1.5 Greenhouse Gases

Carryout bags have the potential to contribute to the generation of greenhouse gases (GHGs) through emissions associated with manufacturing process, through truck trips delivering carryout bags to retailers, and through disposal as part of landfill decomposition. The ban of single-use plastic bags would result in an increase in the use of reusable bags that are often non recycled and recyclable paper carryout bags. The manufacturing process for plastic carryout bags, whether single use or reusable, starts with petroleum and/or natural gas, and consumes energy that generates GHG emissions. In addition, fertilizers that are used on crops for cotton, pulp, and similar materials which are utilized in the manufacture of plant-based textile reusable carryout bags, also generate GHG emissions. The mount of GHG emissions varies depending on the type and quantity of carryout bags produced. The manufacturing process is the largest emitter of GHGs due to the higher volume of fuel that is used during the process. Delivery trucks that transport carryout bags from manufacturers or distributors to local retailers also generate GHG emissions. Further, most carryout bags that do not become litter or are

[21] Los Angeles County Department of Public Works. 2022. About the Bag, Announcements. Available at: https://dpw.lacounty.gov/epd/aboutthebag/Announcements.aspx. Accessed October 25, 2022.

not recycled are deposited in a landfill where they are left to decompose and degrade. Methane (CH_4) is emitted when carryout bag materials degrade in anaerobic conditions in a landfill.[22] In addition, washing and drying of reusable carryout bags requires energy depending on the method of washing and drying (i.e., hand washing, electric or natural gas-powered washing machine, dryer or hang dried) and on the frequency of washing.

The CSU, Chico Institute for Sustainable Development study[23] described in Section 5.3.1.4 above evaluated the GHG emissions for non-woven PP and LDPE plastic bags as compared to single-use HDPE and paper bags. Table 2 summarizes the GHG emissions associated with an equal carrying capacity (i.e., 1,500 single-use plastic bags have a similar carrying capacity as 1,000 reusable plastic and single-use paper bags) for one year. The data provided in Table 2 was developed under the assumption that reusable bags are washed at a rate of 20 percent of the bags over the time period (one year). In addition, 40 percent PCR is assumed to be used in the manufacture of the reusable LDPE bags in accordance with Public Resources Code Section 42281.

Table 2. GHGs Emissions associated with cradle-to-gate LCA of plastic bags, single-use paper bags, and reusable plastic bags (Metric Tons Carbon Dioxide Equivalents [CO_2e]).[24]

1,500 HDPE Bags (Single Use)	1,000 Reusable PP Non-Woven (Single Use)	1,000 Reusable PP Non-Woven (8 Times)	1,000 Reusable PP Non-Woven (52 Times)	1,000 Reusable LDPE Bag with 40% PCR (Single Use)	1,000 Reusable LDPE Bag with 40% PCR (8 Times)	1,000 Reusable LDPE Bag with 40% PCR (52 Times)	1,000 Paper Bag with 30% PCR (Single-Use)
0.04	0.262	0.033	0.005	0.182	0.023	0.003	0.08

Table 2 illustrates that 1,000 single-use reusable non-woven PP plastic bags emit almost seven times more GHGs than 1,500 single-use HDPE bags. However, if used more than eight times (as intended), the GHGs associated with non-woven PP bags is less than the equivalent carrying capacity of single-use HDPE bags. If the reusable bag is used once a week for 52 weeks, the reusable non-woven PP bags would emit significantly less GHGs. Single-use paper bags would result in approximately two times the GHG emissions than single-use HDPE bags but less GHGs than the other single-use scenarios. Table 2 also illustrates how the reusable LDPE bag with 40 percent PCR has the lowest associated cradle-to-gate GHG emissions of all the carryout bag alternatives. Accordingly, as a result of the increase in reusable bags, the CSU study results indicate that the Proposed Ordinance would result in a reduction in cradle-to-gate GHG emissions for carryout bags if reusable bags are reused at least eight times over the course of a year (one study found that non-woven PP bags on average are reused 14.6 times in the U.S [25], making this a reasonable assumption for the purposes of this analysis). Further, studies conducted in Los

[22] Green Cities California. 2010. Master Environmental Assessment on Single-Use and Reusable Bags, March 2010. Available at: http://nebula.wsimg.com/68307436d6d317ac8cc952afe19d96b4?AccessKeyId=1C31A3B4B1A73412F089&disposition=0&alloworigin=1. Accessed September 19, 2022.

[23] Greene, Joseph. 2011. Life Cycle Assessment of Reusable and Single-use Plastic Bags in California. Prepared for California State University, Chico Institute for Sustainable Development. January 2011.

[24] Ibid.

[25] Edelman Berland. Reusable Bag Study. Available at: https://www.slideshare.net/EdelmanBerland/reusable-bag-study-results. Accessed October 25, 2022

Angeles County regarding paper bag usage following plastic bag bans indicate that even as more municipalities in the region have adopted and implemented bag restrictions, paper bag usage has largely stabilized and continues to be lower than prior to adoption of the Los Angeles County plastic bag ban ordinance.[26] Thus, it can reasonably be assumed that the Proposed Ordinance would not substantially increase paper bag usage and would not result in an associated increase in GHG from existing conditions.

The Proposed Ordinance would have the potential to increase the number of truck trips associated with delivering paper and reusable carryout bags to retailers. The 2013 Single-Use Carryout Bag Ordinance EIR estimated that transition from single-use plastic bags to paper and reusable bags would generate an estimated 5.8 new truck trips per day.

Overall, the 2013 Single-Use Carryout Bag Ordinance EIR reported that within one year, GHG emissions associated with the manufacturing, transportation and disposal of carryout bags used in the City would result in approximately 75,329 metric tons of CO_2e per year, representing an increase of approximately 0.006 CO_2e metric tons per capita, which would be less than the current State per capita target emission rate of 6 metric tons of CO_2e per year by 2030. The Proposed Ordinance would incrementally increase the manufacturing of paper and reusable carryout bags, resulting in an incremental increase in GHG emissions associated with manufacturing and production from that analyzed previously. However, as noted above, the increase in reusable bags would result in a reduction in cradle-to-gate GHG emissions for carryout bags if reusable bags are reused at least eight times over the course of a year. As such, the Proposed Ordinance would not have the potential to increase the per capita GHG emissions above the State per capita target emission rate of 6 metric tons of CO_2e per year by 2030. Further, it would not increase GHG emissions if reusable bags are reused as intended, since these reduce GHG emissions as identified in Table 2. Further, the 2013 Single-Use Carryout Bag Ordinance EIR found that the ban on single-use plastic carryout bags would be consistent with both the GHG reduction strategies set forth under AB 1493, CARB Airborne Toxic Control Measures to Limit Diesel-Fueled Commercial Motor Vehicle Idling (§2485), Integrated Waste Management Act of 1989 (AB 939), as well as additional measures identified in the Climate Action Team 2006 report that identified GHG reduction strategies. Accordingly, the Proposed Ordinance would similarly not conflict with the applicable adopted plans, policies, and regulations.

At this time, the GHGs associated with any future manufacture of substitute bags within the City of Los Angeles would be highly speculative since no such facilities are known to be located in the City. In addition, the manufacturing processes for the various bag types differ by manufacturing plants, grade of product, and the raw materials used in the manufacture of each product. The SCAQMD does not regulate GHG emissions from specific consumer products. It has published interim CEQA GHG thresholds for stationary/industrial sources (<10,000 MT CO_2eq/yr). Any increased production of substitute products by local manufacturers - though no such facilities are known to be located in the City - would be conducted under the jurisdiction of the SCAQMD and applicable Best Available Control Technology (BACT) for facilities subject to prevention of significant deterioration for GHG established by the USEPA

[26] Los Angeles County Department of Public Works. 2022. About the Bag, Announcements. Available at: https://dpw.lacounty.gov/epd/aboutthebag/Announcements.aspx. Accessed October 25, 2022.

in 40 CFR 52.21 and incorporated by reference in SCAQMD Rule 1714. Therefore, the Proposed Ordinance would have no significant impact on GHG emissions.

5.3.1.6 Hazards/Hazardous Waste

As noted above, microplastics can accumulate in the aquatic food chain, predominantly in the fatty tissues of animals. A study of predatory fishes, including species commonly eaten by people, in the North Pacific Subtropical Gyre found that 19 percent of sampled fish contained marine debris, most of it plastic.[27] Humans also ingest microplastics in other seafood (e.g., oysters, crabs, and scallops) as well as from food containers and in drinking water.[28]

Microplastics have been shown to contain various contaminants such as polychlorinated biphenyls, polycyclic aromatic hydrocarbons, metals, and pesticides[29]. Microplastics cannot be digested, so aggregates can cause gastrointestinal obstruction. Absorbed microplastics and nanoplastics can damage cells directly and can be passed into the bloodstream via the digestive tract. Microplastics ingested via food or water may cause immune reactions such as cytokine or chemokine production[30].

No manufacturing facilities for single-use paper replacement bags and reusable bags exist within the City, and any potential future manufacturing facilities would be required to comply with the California Health and Safety Code Section 25531-25543.3, which established a program for the prevention of accidental release of hazardous substances. Neither single-use paper bags nor reusable bags that would be used to replace plastic single-use carryout bags from retail stores (such as hardware stores, clothing stores), restaurants, or farmers markets or precheckout bags, pharmacy bags, or drycleaning bags are considered hazardous materials because they do not possess at least one of the four characteristics of hazardous wastes (e.g., ignitability, corrosivity, reactivity, or toxicity) and do not appear on special U.S. Environmental Protection Agency lists. Therefore, there would be no hazards to the public and environment from the Proposed Ordinance.

5.3.1.7 Hydrology/Water Quality

As described in Section 5.3.1.1, paper and reusable bags are less likely than plastic bags to become litter and therefore would not negatively impact water via clogging storm drains and entering local waterways. Reducing the quantity and mass of plastic bags in the City would have a beneficial impact on water quality by resulting in lower rates of plastic waste and associated contaminants entering surface water, groundwater, and marine environments. Further, reducing the use of plastic bags would help the City meet the Los Angeles River Trash Total Maximum Daily Load (TMDL), Echo Park Lake Trash TMDL, Lincoln Park Lake Trash TMDL, and Santa Monica Bay Trash TMDL. Because the ordinance would result in reductions in litter because substitute items could be reused, recycled, or composted, the impact to

[27] Choy, C.A. and J. C. Drazen. 2013. Plastic for dinner? Observations of frequent debris ingestion by pelagic predatory fishes from the central North Pacific. Marine Ecology Progress Series 485:155-163. Doi: 10.3354/meps10342.
[28] Van Cauwenberghe, L. and C.R. Janssen. 2014. Microplastics in bivalves cultured for human consumption. Environmental Pollution 193:65-70. http://dx.doi.org/10.1016/j.envpol.2014.06.010.
[29] Teuten, Emma L et al. 2009. Transport and release of chemicals from plastics to the environment and to wildlife." Philosophical transactions of the Royal Society of London. Series B, Biological sciences vol. 364,1526.
[30] Hwang, J., D. Choi, S. Han, S. Jung, J. Choi, and J. Hong. 2020. Potential toxicity of polystyrene microplastic particles. Science Reports 10, 7391. https://doi.org/10.1038/s41598-020-64464-9.

water quality is not a significant impact, and where there are potential impacts, they would be beneficial.

5.3.1.8 Utilities and Service Systems

There are no manufacturing facilities of single-use paper bags or reusable bags within the City; therefore, manufacturing facilities would not utilize Los Angeles Department of Power and Water's water supply nor the wastewater conveyance and treatment facilities serving the City.

An increase in the laundering of reusable bags could lead to an increased use of potable water and generation of wastewater. Laundering would be integrated into family laundry loads, which would occur with or without the reusable bags present. Nonetheless, when the City analyzed the conservative and unlikely scenario in which up to 25% of reusable bags would be washed separately from home laundry, the potential increase in the City's water demand was approximately 234 acre-feet per year (or roughly 19.5 gallons per capita per year based on a population of 3.91 million).[31] For the purposes of this analysis, it is assumed that the Proposed Ordinance would result in a similar increase in water use. This represents a tiny fraction (approximately 0.0005%) of the current water supply and thus would not be a significant impact on the City's water supply.

LASAN stopped accepting low-grade plastics, including plastic films, in the residential curbside and City facilities recycling programs in early 2022. There is essentially no market for precheckout bags and plastic films, and their reuse potential is very limited or nonexistent.

Five years after County of Los Angeles' single-use carryout bag ban, the County announced that annual paper bag usage in large stores leveled off at 175,000 bags compared to 2.2 million plastic bags used in large stores in 2009, representing an over 90% reduction in the use of single-use bags.[32] The Proposed Ordinance would further help to reduce the use of single-use bags and would likely help the City achieve its goal of achieving 90 percent diversion of solid waste from landfill by 2025, 95 percent by 2035, and zero waste to landfills by 2050.[33] Therefore, the ordinance would improve the environment consistent with the Class 7 and 8 categorical exemptions, and the ordinance would result in no impact or a beneficial impact to utilities and service systems.

5.3.1.9 Resource Areas with No Impact

There are multiple resource areas that would not be affected by the ordinance. These resource areas include the following:

- Agriculture and Forestry Resources
- Cultural Resources
- Geology and Soils
- Land Use and Planning

[31] City of Los Angeles. 2013. Single-Use Carryout Bag Ordinance EIR. SCH #201209053.
[32] Los Angeles Department of Public Works. 2016. https://dpw.lacounty.gov/epd/aboutthebag/Announcements.aspx
[33] LASAN. 2013. City of Los Angeles Solid Waste Integrated Resources Plan – A Zero Waste Master Plan. Available: https://www.lacitysan.org/san/sandocview?docname=cnt012522.

- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Wildfire

The ordinance would not have impacts on any of the listed areas.

5.3.2 Summary of Environmental Impacts

As demonstrated by this analysis, the ordinance would maintain, enhance, or protect a natural resource and the environment, and the ordinance would not cause environmental degradation.

5.4 No damage to scenic resources

CEQA Guidelines Section 15300.2(d) state the following:

"(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR."

The Proposed Ordinance would not result in a significant impact on scenic resources as it would not involve any construction or adverse changes to any designated state scenic highways or locally-designated scenic resources in the City. As described above in Section 5.3.1.1, a reduction in plastic bag use would have a beneficial impact on scenic resources.

5.5 Not located on a hazardous waste site

CEQA Guidelines Section 15300.2(e) state the following:

"(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site, which is included on any list compiled pursuant to Section 65962.5 of the Government Code."

The Proposed Ordinance does not propose construction on "a site". Therefore, there would be no impacts on hazardous waste sites.

5.6 No substantial adverse change in the significance of an historical resource

CEQA Guidelines Section 15300.2(f) state the following:

"(f) Historical Resources. A categorical exemption shall not be used for a project, which may cause a substantial adverse change in the significance of a historical resource."

The Proposed Ordinance does not modify current protections for historical resources in the city and does not involve any construction or activity that would cause an adverse change in the significance of a historical resource. Therefore, there would be no impacts on historical resources.

SECTION 6 Conclusion

As set forth above, the ordinance is exempt under the above-cited classifications and can be appropriately determined to be categorically exempt from CEQA pursuant to CEQA Guidelines 15307 (Class 7) and 15308 (Class 8).

Dan Tormey, Ph.D., P.G.

PRESIDENT, TECHNICAL DIRECTOR

Summary of Qualifications

Dr. Tormey is an expert in energy, water resources, land management and environmental policy. He has served as a technical expert in state and federal court, including testimony in Federal Court on questions related to water supply and sustainable yield and testimony in state court on contaminant assessment, fate and transport, risk assessment and remediation. Other litigation and testimony have included environmental effects of plastics, water quality and quantity, water rights, and Endangered Species Act issues.

Dr. Tormey has been project manager or technical lead for many controversial CEQA and NEPA projects and is noted for the creativity of his policy and technical approaches. He has managed CEQA/NEPA reviews both for regulatory agencies (US Federal Energy Regulatory Commission, US Bureau of Land Management, US Bureau of Reclamation, US Forest Service, California Public Utilities Commission, California State Lands Commission, California State Water Resources Control Board) and for private-sector applicants.

Dr. Tormey has managed several CEQA reviews for the City of Los Angeles, including the PEIR for the City's enhanced watershed management plans; 2 major projects related to achieving the goal of 100% recycling of wastewater; projects related to reducing the presence of plastics; and several support assignments in environmental justice, cleanup of contaminated sites, and CEQA support. Dr. Tormey has conducted geochemical analysis and fate and transport analysis of plastic waste in the environment and associated natural resource damages. He has benchmarked local and state approaches to reducing plastics in the environment, and in the analysis of the comparative impacts and manufacturing of plastic compounds and replacement compounds.

Education

- Ph.D., Geology and Geochemistry, MIT
- B.S., Civil Engineering and Geology, Stanford University

Registrations

- Professional Geologist

Appointed

- U.S. National Academy of Sciences: Steering Committee on Geoheritage (2020-present)
- IUCN Geoscientist Specialist Group (2015-present)
- UNESCO World Heritage Site Review Panel (2009 - present)
- California Council on Science and Technology: Hydraulic Fracturing Study (2014-2015)
- California governor and legislature-appointed advisory committees on oil and gas issues (2014-present)
- Lead Scientist, Cruz del Sur (Andean post-disaster search and rescue group)
- Fellow, Explorers Club

Representative Project Experience

- Project Manager – Programmatic EIR for Stormwater Management Program – City of Los Angeles Bureau of Sanitation
- Project Manager – EIR for Bacteria TMDL Compliance in Ballona Creek – City of Los Angeles Bureau of Sanitation
- Project Manager – Disposable Foodware Accessories Ordinance Categorical Exemption – City of Los Angeles Bureau of Sanitation
- Project Manager – CEQA/NEPA/Permitting for Santa Felicia Dam Safety Improvement Project – United Water Conservation District
- Geomorphology Expert – Newhall Ranch EIR/EIS, Los Angeles County
- Technical Lead – Comprehensive analysis of impacts of high-volume hydraulic fracturing at an oil and gas field in Los Angeles County

Lindsey Garner, Ph.D.

SENIOR SCIENTIST

Summary of Qualifications

Dr. Lindsey Garner is an environmental toxicologist with over a decade of aquatic toxicology, water resources, CEQA/NEPA, permitting, litigation support, risk assessment, and project management experience. Dr. Garner has worked on a variety of large and complex projects involving multiple stakeholders including federal, state, and local government agencies, private industry, legal professionals, and the public. She has evaluated the toxicity, fate, and transport for various anthropogenic and natural compounds, including oil constituents, pesticides, drilling fluid-related materials, and metals, in support of environmental impact reports (EIRs), natural resource damage assessments (NRDAs), ecological risk assessments (ERAs), and various litigated cases. She has also served as subject matter expert and resource lead for various sections of EIRs, environmental impact statements (EISs), and environmental assessments (EAs).

Education

- PhD, Integrated Toxicology and Environmental Health, Duke University
- BS, Biology, Aquinas College

Disciplines

- Environmental Toxicology
- Ecological Risk Assessment
- Natural Resource Damage Assessment
- Aquatic Toxicology
- NEPA/CEQA
- Research and Publication

Professional Affiliations

- Society of Toxicology
- Society of Environmental Toxicology and Chemistry

Representative Project Experience

- Deputy Project Manager, EIR Analyst, and Risk Assessor – Hydrilla Eradication Program Environmental Impact Report, California Department of Food and Agriculture
- CEQA Lead Author and Analyst – Disposable Foodware Accessories Ordinance Categorical Exemption – Los Angeles Sanitation and Environment
- CEQA Lead Author – Categorical Exemption for 61 Oak Grove St Project – EVgo, San Francisco, California
- Project Manager and CEQA Analyst – Ventura County Coastal and Noncoastal Zoning Ordinance Updates for Oil and Gas Development – Ventura County Resource Management Agency
- CEQA Biological Resources Author – Hyperion Wastewater Reclamation Plant Recycled Water Program EIR – Los Angeles Sanitation and Environment
- Environmental Scientist – Comments on Draft CalEnviroScreen 4.0 – Los Angeles Bureau of Sanitation, California
- CEQA Resource Author – San Gabriel Valley Greenway Network Implementation Plan – Los Angeles County Department of Public Works
- CEQA Resource Author – Santa Ana River Watershed Weather Modification Initial Study/Mitigated Negative Declaration – SAWPA
- Deputy Project Manager, EIR and EA Resource Analyst, Biological Assessment Author, Permitting Specialist – Santa Felicia Dam Safety Improvement Project – United Water Conservation District
- Deputy Project Manager, Resource Analyst, Permitting Specialist – Harvey Diversion Fish Passage Restoration Project Environmental Assessment/Mitigated Negative Declaration – CalTrout
- Deputy Project Manager and CEQA Lead Author – Project-Specific Analysis and Addendum for the North Ojai Incendiary Fuels and Ember Cast Reduction Project – Ventura County Fire Department

Paden J. Voget, P.E., QSD, ENV SP

SENIOR SCIENTIST

Summary of Qualifications

Ms. Voget is a licensed Professional Engineer with over 19 years of experience in environmental and civil engineering consulting. She has a diverse background that includes CEQA and NEPA projects, environmental compliance, construction project management, environmental permitting, civil/restoration engineering, and water resources projects. She is highly experienced in working with federal and California environmental regulations and has a working knowledge of many other state and local regulatory requirements and agencies.

Ms. Voget has accumulated extensive experience in CEQA and NEPA compliance for air quality and greenhouse gas resource areas, including air quality and greenhouse gas impact assessments, air mitigation quantification methods, and air pollution control technology. In particular, she has developed air quality and climate change impact assessments to support CEQA and NEPA environmental review documents. For these assessments, she analyzed the construction and operational impacts through quantification of emissions, modelling of pollutant concentrations, and determination of the level of significance, along with providing recommendations for mitigation measures.

Education

- Bachelor of Science, Environmental Resources Engineering, Humboldt University

Disciplines

- Civil & Environmental Engineering
- CEQA & NEPA
- Due Diligence
- Site Assessment & Remediation
- Water Resources Compliance & Management
- Hydrology & Geomorphology

Registrations

- California Professional Engineer No. C69238
- California State Water Resources Control Board, QSD Certification No. C06923
- Institute for Sustainable Infrastructure Envision Sustainability Professional

Representative Project Experience

- CEQA Resource Analyst, Transportation/Noise/Air Quality/Greenhouse Gas – Ballona Creek Low-Flow Treatment Facility EIR, City of Los Angeles
- CEQA Resource Analyst, Air Quality/Greenhouse Gas/Noise – Statewide Hydrilla Eradication Program EIR – California Department of Food and Agriculture
- Deputy Project Manager – CEQA Review of the Operation Next/Hyperion 2035 Program EIR, City of Los Angeles
- CEQA Resource Analyst, Air Quality/Greenhouse Gas/Noise - D.C. Tillman Recycled Water Project IS/MND – City of Los Angeles
- CEQA Specialist – Hollywood Burbank Airport Terminal Replacement Project EIS Review and Comment – City of Los Angeles
- CEQA Specialist – Comments on the Draft Environmental Impact Report prepared for the Biogas Renewable Generation Project at Scholl Canyon Landfill (SCH No. 2017081062), Los Angeles, California
- Resource Specialist – CalEnviroScreen 4.0 Review and Comment – City of Los Angeles, California
- CEQA Resource Analyst, Hydrology/Geology/Hazards, Transportation and Hazardous Materials/Noise - Santa Felicia Dam Safety Improvement Project EIR, United Water Conservation District
- CEQA/NEPA Resource Analyst, Transportation/Noise/Air Quality/Greenhouse Gas - Bijou Park Creek Watershed Enhancement Project – City of South Lake Tahoe
- NEPA Resource Analyst, Noise/Air Quality/Transportation - Baltazor Geothermal Energy Project Environmental Assessment – US Bureau of Land Management