WPA CONFERENCE HIGHLIGHTS:
INTERNATIONAL TRADE ATTORNEY TO DISCUSS NAFTA, TRUMP TRADE POLICIES

The WPA Annual Conference is quickly approaching and we’re pleased to welcome renowned DC trade attorney Steve Orava as a featured speaker. Steve is a partner at the Washington, DC law firm King & Spalding and Chair of the firm’s International Trade practice.

Our Annual Conference is being held at The Lodge at Sonoma May 21–23. Last year’s conference drew a great crowd, and this year’s conference may hit an all-time record. Hotel rooms are filling up quickly and the deadline for making your hotel reservation is April 30. Early-bird reservation ends May 7. [See page 2 for agenda and reservations information.]

Other speakers and relevant topics are also on the agenda: Reusable Bag Law, Enforcement and Implementation; Ecommerce Packaging; Sustainable Flexible Packaging; PCR and Plastic Marine Debris; Extended Producer Responsibility–Europe and Canada; and other great topics.

With the new administration proposals on trade and tariffs, Orava’s speech will be timely and provide a dynamic look at what is happening in DC and around the world:

*Trade and Trump*—What are the objectives underlying the Administration’s trade policy?

*Deploying Old Instruments for New Policy*—How is the Trump Administration using old trade instruments to implement its objectives?

*Trade Negotiations*—What is the status of ongoing (re)negotiations of NAFTA and other trade agreements?

Orava focuses on international trade and related regulatory and policy matters, including litigation and enforcement, and represents clients in a wide range of trade disputes. He advises clients on international trade, markets, investment, climate change and other regulatory/policy matters.

Steve has substantial experience with market access and dispute settlement proceedings under the various agreements of the World Trade Organization, with a particular focus on the Agreement on Subsidies and Countervailing Measures, the General Agreement on Tariffs and Trade, the Agreement on Agriculture, the Agreement on Technical Barriers to Trade and the Anti-Dumping Agreement.

In addition, Steve advises clients in anti-dumping, countervailing duty (anti-subsidy) and safeguard proceedings in Australia, Brazil, China, the EU, India, Mexico, the U.S. and other countries in a broad range of sectors, including chemicals, steel, textiles, agriculture and high-tech products.

Steve is Co-Chair of the Board of Advisors for the Georgetown University Law Center’s Institute for International Economic Law, and a frequent author and speaker at international trade and WTO seminars worldwide. He has been recognized as a leading practitioner in international trade by Chambers USA, Chambers Global, Legal 500 U.S., Legal 500 Switzerland, Who’s Who Legal Trade and Customs and others. In 2012, Steve was given the inaugural MVP award for International Trade by Law360.
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**May 21–23, 2018**

**Sonoma, California**

Join us again in California’s beautiful wine country for a fun-filled getaway

- The Lodge at Sonoma Renaissance Resort & Spa •
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Since 2014, support for this conference has grown every year and is a “Must Attend” meeting filled with timely, pertinent information and great opportunities.

**Monday, May 21**

5:30 PM  Early Opening Reception (leaving you time to make your own dinner plans)

**Tuesday, May 22**

8–11:30 AM  Conference Program
Noon–6 PM  On your own: Golf, Wine Tasting, Relaxation
6 PM  Reception and Dinner Program

**Wednesday, May 23**

8:30 AM–Noon  Conference Program

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Or call / email Amy Quist to register:
info@westernplastics.org  |  916.930.1938

**BOOK YOUR ROOM ONLINE**

Rooms and special rates are limited: room cut-off April 30.
Note: The resort fee will be $15 per day, not the $32 displayed on the online reservation confirmation.

For Sponsorship Opportunities, contact Amy Quist at the WPA office: 916.930.1938.
PRESIDENT’S REPORT:

THERE’S HOPE WE CAN HALT AND REVERSE THE MARINE DEBRIS PROBLEM IN THE NEAR FUTURE

Last month I was able to attend CalRecycle’s monthly meeting to address a number of issues including regulations for the certification of reusable grocery bags. One of the items on the agenda that day concerned the reuse of tires. This made me reflect back some 30 years and the seemingly insurmountable task of what to do with all of the unwanted used tires found along roadsides or in abandoned lots. Today, these very same used tires are recycled at a 90% rate to make new tires, playground surfaces, rubberized asphalt and many useful products.

I mention this because it gives me hope that we will be able to halt and reverse the growing marine debris problem in some measurable way in the near future. Just as the Tire Recycling Act in California dramatically increased the number of waste tires diverted from landfills, our industry might need to accept some form of regulation if we hope to reduce the plastic in our oceans and waterways.

Additionally, here are some things you and I can do based on recommendations from NOAA:

- Get involved! Participate in local cleanups in your area.
- Remember that the land and sea, no matter where you are, are connected.
- Reduce the amount of waste we produce.
- Avoid single use items.
- Recycle as much as possible.

Thank you for being a WPA supporter! We hope to see you at the Annual Conference in Sonoma May 21-23. We have a great lineup for speakers, and Laurie is working on the entertainment for Tuesday night. Don’t miss out on this one!

John Picciuto, President of the Western Plastics Association

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Packaging for the Future

APRIL 18, 2018

JOIN WPA IN THE PACIFIC NORTHWEST FOR OUR PACKAGING UPDATE:

• NOVA chemicals technology and products
• Sustainable packaging for the future
• Importance of collaboration in developing new solutions

Guest Speaker: Rob Clare, Applications Development Specialist, NOVA Chemicals

Rob Clare is an Applications Development Specialist with NOVA Chemicals, where he’s responsible for developing new packaging concepts and working on collaborative customer projects including NOVA Chemicals All PE stand up pouch development. Rob joined the company in 2014 with 25 years of experience in the packaging industry. Rob’s prior experience includes 15 years with Amcor Medical Packaging as a Technical Service Engineer, and 4 years with Mondi Food Packaging as an Application Engineer, as well as earlier roles at precision engineering companies. He holds a patent for child-resistant medical packaging.

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Contact Laurie Hansen for details on how your company can market its services and products to key industry professionals.
916.930.1938 or info@westernplastics.org

WHEN:
Wednesday, April 18, 2018
5:30 PM Registration/Networking
6:30 PM Dinner/Meeting

WHERE:
Richmond Country Club
9100 Steveston Hwy
Richmond, BC V7A 1M5

COST:
RSVP by April 10, 2018
WPA Member: $70
First-time Attendee: $70
Non-WPA Member: $100

RSVP after April 10, 2018
WPA Member: $90
First-time Attendee: $90
Non-WPA Member: $120

Walk-ins at the event: Add $10.
Cancellation Policy: Cancellations must be made 48 hours prior to the event. Registration is non-transferable to another event; send a substitute if you are unable to attend. No-shows will be billed.

RSVP today: info@westernplastics.org or 916.930.1938
Introduction by Robert Bateman:
For those of us who have long been concerned about plastic pollution of the oceans, this article provides an objective perspective although it is hardly reassuring.

The article challenges the common assumption that what is unknown about plastic marine debris will, when known, inevitably turn out to reinforce the dangers of plastic pollution even though the assessment of the dangers is not based on research. CFECA, the predecessor of the WPA, was pressing the industry to finance research into the known unknowns of marine debris twenty years ago. The need is even more urgent now.

In addition, it is generally assumed that plastic debris is the most important issue facing our oceans, the article confirms that it is known that pollution from agriculture, particularly fertilizer run off, and over fishing are causing much more damage and present much higher long-term risks than plastic.

At least we now know that most plastic ocean debris, other than discarded fishing nets that make up over 40% of the floating debris, comes from a few rivers in Asia and that the contribution of plastic carrier bags is insignificant. The amount and source of the micro plastic particles floating below the surface remains unknown and film waste does contribute to this.

The California Coastal Commission’s 2017 collection and analysis of waste left on the beaches showed that plastic carrier bags, which had previously always been in the top five items, were no longer in the top 10 and that the weight of plastic carrier bags was reduced by over 95% from previous years. So, it is now known that the disposable grocery bag ban made a significant difference in terms of litter on beaches although the effect on overall plastic marine waste was minuscule. It is also now known that this will be the case with further bans of disposable film products in first world countries.

There is little known about the health risks posed by the floating micro plastic particles, although this is likely to be low unless they act as vectors for toxins and the extent of this is unknown. Recent research has shown that over 90% of the bottled water we drink contains plastic particles. That does not seem to do us much harm.

One known unknown that is ignored in the article is whether and how plastic degrades. There is evidence that polyethylene film when wet and broken into micro particles does degrade and is absorbed by microbes although the timing and conditions required are unknown. It has been demonstrated that microbes, or is it bugs, are evolving to handle polyethylene. More knowledge of this process could be useful in guiding policy and action.

The industry is now taking a more proactive approach to the ocean debris issue than was the case a decade ago when this issue became the primary driver of policy relating to regulating plastic products in California. But, there continues to be scant regard for the obvious need to invest significant funds, perhaps a percent of the total worldwide plastic revenue, to reduce the steady flow of plastic into the oceans, deal with its consequences and conduct the research into both the known unknowns and the unknown unknowns. Unless this commitment is made in the next decade, plastic ocean debris will become an existential risk.

Reprinted from The Economist:
Mr. McGuire had just one word for young Benjamin, in “The Graduate”: plastics. It was 1967, and chemical engineers had spent the previous decade devising cheap ways to splice different hydrocarbon molecules from petroleum into strands that could be moulded into anything from

(Continued, see Unknowns, page 6)
drinks bottles to Barbie dolls. Since then global plastic production has risen from around 2m tonnes a year to 380m tonnes, nearly three times faster than world GDP.

Unfortunately, of the 6.3bn tonnes of plastic waste produced since the 1950s only 9% has been recycled and another 12% incinerated. The rest has been dumped in landfills or the natural environment. Often, as with disposable coffee cups, drinks bottles, sweet wrappers and other packets that account for much of the plastic produced in Europe and America, this happens after a brief, one-off indulgence. If the stuff ends up in the sea, it can wash up on a distant beach or choke a seal. Exposed to salt water and ultraviolet light, it can fragment into “microplastics” small enough to find their way into fish bellies. From there, it seems only a short journey to dinner plates.

Countries as varied as Bangladesh, France and Rwanda have duly banned plastic bags. Since last year anyone offering them in Kenya risks four years in prison or a fine of up to $40,000. In January China barred imports of plastic waste, while the European Union launched a “plastics strategy”, aiming, among other things, to make all its packaging from recycled or renewable sources by 2025, up from half today, and wants every one of its restaurants to recycle straws, wrappers, cups and the like.

The perception of plastics as ugly, unnatural, inauthentic and disposable is not new. Even in “The Graduate” they symbolised America’s consumerism and moral emptiness. Visible plastic pollution is an old complaint, too (years ago, plastic bags caught in trees were nicknamed “witches’ knickers”). What is new is the suspicion that microplastics are causing widespread harm to humans and the environment in an invisible, insidious manner. “Blue Planet 2”, a nature series presented by Sir David Attenborough last October and in America in January, made the case beautifully. But the truth is that little is known about the environmental consequences of plastic—and what is known doesn’t look hugely alarming.

**A load of rubbish**

We can be surest about how much plastic is produced and where it ends up. In a paper published last year in *Science Advances*, Roland Geyer of the University of California, Santa Barbara, and his colleagues put the cumulative amount of solid plastic waste produced since the 1950s that has not been burned or recycled at 4.9bn tonnes (see chart 1). It could all have been dumped in a landfill 70 metres deep and 57 square kilometres in area—that is to say, the size of Manhattan.

If only it had all remained on land, or even washed up on beaches, where it could be collected. A bigger environmental worry is that much plastic has ended up in the ocean, where, dispersed by currents, the stuff becomes virtually irretrievable, especially once it has fragmented into microplastics. Computer models suggest that seas hold as many as 5trn microplastic particles. Some are the product of larger pieces breaking apart; others, like microbeads added to toothpaste or face scrubs, were designed to be tiny.

Whereas salt and sunlight can cause plastics physically to break apart into smaller pieces, chemically the hydrocarbons linked together into the polymer chains of which plastics are made do not spontaneously decompose into other compounds. Like crude oil, from which most polymers are derived, that happens only if they are burned at a high temperature to release mainly carbon dioxide and water. In normal conditions plastic simply accumulates in the environment, much as carbon dioxide does in the atmosphere.

Even if the flow of plastic into the sea, totalling perhaps 10m tonnes a year, was instantly stanchended, huge quantities would remain. And the flow will not (Continued, see Unknowns, page 7)
stop. Most of the plastic in the ocean comes not from tidy Europe and America, but from countries in fast-developing East Asia, where waste-collection systems are flawed or non-existent (see map). Last October scientists at the Helmholtz Centre for Environmental Research, in Germany, found that ten rivers—two in Africa and the rest in Asia—discharge 90% of all plastic marine debris. The Yangtze alone carries 1.5m tonnes a year.

On current trends, by 2050 there could be more plastic in the world’s waters than fish, measured by weight. Such numbers frighten people and change their behaviour. Nine in ten Europeans worry about plastic’s impact on the environment. More than half told pollsters for Eurobarometer in 2017 that they try to forgo plastic bags when shopping. By comparison, only one-tenth consider fuel-efficiency when buying a new car. Unlike other kinds of pollution, plastic is an eyesore, notes Liz Goodwin of the World Resources Institute, a think-tank. Yet if a comprehensive league-table of environmental ills existed—which it does not—plastics would not top it.

Just 10% of 3.6m tonnes of solid waste discarded each day the world over is plastic. Whereas filthy air kills 7m people a year, nearly all of them in low- and middle-income countries, plastic pollution is not directly blamed for any. A report last year by the Lancet Commission on pollution and health, which put the total number of pollution-related deaths at 9m, mentions plastics once in its 45 pages.

On land, the damage from litter, which exercises many anti-plastic campaigners, is limited. Most refuse does not spread too far beyond population centres, where (at least in principle) it can be managed. At sea, most plastics end up in vast rubbish patches fed by ocean circulation patterns, the biggest of which can be found in the north Pacific.

Mid-ocean gyres are fortunately neither especially rich in fauna nor particularly biodiverse. The effects of plastics on busier bits of the ocean, such as reefs, have been little studied. One paper, published this year in Science by Joleah Lamb of Cornell University and colleagues, linked plastic litter to coral disease near Indonesia and Myanmar. But little similar work exists for other sedentary species, let alone slippery migratory ones.

Researchers have identified 400 species of animal whose members either ingested plastics or got entangled in it. It is known that because polymers repel water (which is why droplets form on their surface), plastic particles also attract certain compounds from their surroundings. Some of these could be toxic. Laboratory studies have shown that if swallowed by fish, compounds in plastic fragments can be absorbed from the digestive tract into flesh. However, no studies have so far been performed to test whether such toxins concentrate up the food chain, as mercury does in fish.

The only direct evidence of plastic entering the human diet is a study by Belgian scientists who discovered plastic fragments in mussels. Unlike fish, bivalves are eaten whole, guts and all.

Munching moules-frites seasoned with a pinch of plastic may sound unappetising but it is hard to say if it is dangerous, says Stephanie Wright, who studies the subject at King’s College, London. Polymers are chemically inert, and so do not themselves present a health risk. Some common additives such as phthalates (which soften PVC) or bisphenol-A (which hardens many types of plastic used in consumer goods) are chemically akin to human hormones, and might therefore disrupt them in high concentrations. For decades both have been licensed for use in everything from pipes to shampoo bottles because human exposure was unlikely to exceed safe limits. America now bans some phthalates in toys and child-care products because of potential harm to growing children.

Weighing the damage

Trucost, a research arm of Standard & Poor’s, a financial-information provider, has estimated that marine litter costs $13bn a year, mainly through its adverse effect on fisheries, tourism and biodiversity. It puts the overall social and environmental cost of plastic pollution at $139bn a year. Of that half arises from the climate effects of greenhouse-gas emissions linked to producing and transporting plastic. Another third comes from the impact of associated air, water and land pollution on health, crops and the environment, plus the cost of waste disposal.

To put that into perspective, the United Nations Development Programme says that the costs of overfishing and fertiliser run-off amount to some $50bn and $200bn-800bn a year, respectively. By 2100 ocean acidification, which is caused by atmospheric carbon dioxide dissolving into water, could cost $1.2tn a year. The costs of rapid ocean warming caused by human-induced climate change are hard to fathom but are likely to be enormous.

The overall cost of plastic pollution compares favourably with other sorts of man-made harm mostly because plastics are light. Making a kilogram of virgin plastic releases 2-3kg of carbon dioxide, about as much as the same amount of steel and five times more than wood. But a product made of plastic can weigh a fraction of a comparable one made of other materials.

That is why replacing plastic with other things could raise environmental costs at least fourfold, according to Trucost’s analysts. This is even true of the various virtue-signalling alternatives to plastic bags. A British govern—

(Continued, see Unknowns, page 8)
ment analysis from 2011 calculated that a cotton tote bag must be used 131 times before greenhouse-gas emissions from making and transporting it improve on disposable plastic bags. The figure rises to 173 times if 40% of the plastic bags are reused as bin liners, reflecting the proportion in Britain that are so repurposed. The carbon footprint of a paper bag that is not recycled is four times that of a plastic bag. And other materials could not replace plastics in all circumstances. Imagine a hospital without surgical gloves, or promiscuity without condoms. By keeping food fresh for longer, plastic packaging substantially reduces organic waste, itself a growing environmental concern. In 2015 J. Sainsbury, a British grocer, reduced waste in a beef-steak line by more than half by using plastic vacuum packaging.

Plastic pollution “is not the Earth’s most pressing problem”, in the words of one European official. But, he immediately adds, just because plastics may not be the biggest problem facing humanity does not make them trouble-free. As scientists never tire of repeating, more research is needed. It is the absence of evidence about how plastics influence health rather than evidence of absence that explains their bit part in the Lancet Commission report, says Philip Landrigan of the Icahn School of Medicine in New York, who chaired it.

Fresh science may be forthcoming. In the past two years Ms Wright has noticed an uptick in grants for plastics-related research. Erik vanSebille of Utrecht University in the Netherlands, recalls that a few years ago a seminar on ocean plastic pollution organised by America’s National Oceanic and Atmospheric Administration drew perhaps 200 participants. This year organisers had to cap attendance at 600 and turn people away. While researchers get a better handle on the science, campaigners badger politicians and browbeat consumers to kick the polymer habit. They often invoke the precautionary principle. If the impact of something is uncertain but could be great, the argument goes, better forestall it just in case. As the proliferation of plastic bans and strategies suggest, they are having some success.

PET peeves
Much of this activity makes scarcely a dent in the world’s plastic pollution problem, however. Some has unintended consequences. Making plastics biodegradable, by adding corn starch or vegetable oil to petroleum-derived hydrocarbons, renders them harder to recycle. Recyclers already struggle to invest in capacity or innovation even in countries that collect lots of their rubbish. Periodic declines in the oil price, which makes virgin plastic cheaper, can bankrupt recyclers, many of which are small or medium-sized companies, says Peter Borkey of the OECD, a rich-country think-tank.

Meanwhile consumer-goods firms sometimes say that too little recycled plastic is available to buy. With costs of some recycled plastic competitive with virgin stuff, “supply is a bigger issue than cost,” says Virginie Helias, Procter & Gamble’s vice-president for sustainability. In other words, erratic demand appears to dampen supply while insufficient supply inhibits demand. Recyclers everywhere face that problem. There is no guarantee that targets like the EU’s will solve it.

China’s import ban may provide the necessary jolt. Introduced as part of a broader clampdown on pollution, it took waste exporters by surprise. In 2017 European countries shipped a sixth of their plastic waste for disposal abroad. Most sailed to China. In the short run some surplus waste can go to Malaysia or India, but those countries’ capacity is a fraction of China’s. Eventually, refuse exporters will have to deal with more of it at home.

Building recycling capacity is one option. Incineration is falling out of favour for heating or electricity generation as coal-fired plants are replaced with gas, which emits less greenhouse gases than waste-to-energy plants. From an ecological standpoint, landfilling is not as bad as it looks, so long as additives that might leach out of the polymers are prevented from escaping. Plasma recycling, where refuse is heated to as much as 5,000°C, turning it into unadulterated hydrocarbons plus a solid residue, looks promising but remains some way from commercialisation.

To be disposed of, though, plastic waste must be collected. In Europe, America and other developed places, virtually all of it is. To eliminate marine litter in particular, more rubbish needs to be picked in the leaky Asian countries.

China’s anti-pollution drive may bring about improvements, although the country now pays more attention to filthy air and water, which are more pressing concerns. Indonesia has launched its own National Action Plan on marine plastic. The other big polluters are eyeing similar measures. What happens there over the next few decades will matter more than any number of Western plastic-bag bans.

The Great Pacific Garbage Patch is getting greater. Twice the size of Texas, the floating mass of about 79,000 metric tons of plastic is up to 16 times larger than previously thought, according to scientists who performed an aerial survey.

The results, published Thursday in the journal Scientific Reports, reveal that this plastic blight in the Pacific Ocean is still growing at what the researchers called an “exponential” pace.

The Great Pacific Garbage Patch, or GPGP for short, is an accumulation of junk that has collected in the waters between California and Hawaii. The concentration of floating plastic in the patch ranges from tens to hundreds of kilograms per square kilometer. But much of it is hidden from the naked eye, partly because some of the plastic has been broken down into smaller and smaller bits over time. (It is not, as its name may suggest, an island.)

“It’s quite frightening,” said lead author Laurent Lebreton, an oceanographer with the Ocean Cleanup Foundation based in the Netherlands. “Out in the stretch of these blue seas, we’re so far from any human activity, there’s nothing out there, and we still leave traces as a society.”

The GPGP is just one of many large garbage patches in the world’s oceans, seeded and fed by humans who manufacture and then discard plastic products. Plastics are meant to last, and that’s great for carrying your groceries in thin bags or holding a six-pack. It’s not so great when those plastics end up in the guts of sea turtles or strangle birds.

Large or small, plastics of all sizes can harm ocean life. Recent studies show that biofouled plastic can attract fish and seabirds and end up in the food chain. While the full effects of this aren’t yet known, scientists worry that this can lead to malnutrition and other problems.

Researchers have tried to get a handle on the GPGP by dragging nets through parts of the patch and sampling the plastic they find. But this only gives them a partial view. For one thing, a team of boats can only see so much. For another, the mouths of the samplers they use are often too small to catch larger pieces of debris.

Lebreton and his colleagues decided a bird’s-eye view would help. The scientist recalled how it felt to fly low over this expanse of ocean, so far from human civilization, and still see its mark.

“It is a deep blue ocean, the water is super clear, and you just see all those things just floating around,” he said. “It just feels so random.”

In addition to their aerial surveys, the team also dispatched boats to sample the debris and bring it back to shore for analysis.

The researchers split the plastic they collected into four size categories: microplastic (0.05 to 0.5 centimeters), mesoplastics (0.5 to 5 cm), macroplastics (5 to 50 cm) and megaplastics (bigger than 50 cm).

Previous accounts of the debris have focused on the amount of microplastics in the Great Pacific Garbage Patch. In this analysis, microplastics did make up 94% of the estimated 1.8 trillion pieces in the patch, but they only accounted for 8% of the total mass.

(Continued, see Patch, page 10)
More than three-quarters of the junk actually came from larger fragments: mesoplastic and macroplastic.

Part of the reason that larger plastics outweighed the other categories was the preponderance of fishing nets, which accounted for 46% of the garbage patch’s mass. Fishing nets are made to be durable, and when they float through the ocean, they entangle and kill animals in their path.

Fifty plastic items had readable production dates: One from 1977, seven from the 1980s, 17 from the 1990s, 24 from the 2000s and one from 2010. (It’s not clear how long these items were actually in the water, Lebreton pointed out.) Some 386 pieces had words from nine different languages—a third were in Japanese and a third were in Chinese.

The researchers think some of the patch’s recent growth may have been fueled by the 2011 Tohoku tsunami, which reportedly washed 4.5 million metric tons of debris into the sea. Scientists estimate that more than 30% of it could have been moved across the ocean surface.

The plastic that lived in the patch also shared certain characteristics, such as a small surface-to-volume ratio. Plastics with high surface-to-volume ratios, such as sheets and films, were probably biofouled or broken down into smaller fragments that did make it into the patch.

None of this, of course, counts all the plastics that may have sunk to the bottom of the ocean.

“Levels of plastic pollution in deep water layers and seafloor below the GPGP remain unknown,” the study authors wrote.

That’s the next step, Lebreton said—to measure how much plastic lies far below the surface.

An industry-funded ocean plastics prevention initiative has received support from a number of new partners, including brand owners, a chemicals giant and an intergovernmental group.

Closed Loop Partners announced last week that the collaborative Closed Loop Ocean effort has added The Coca-Cola Company, Dow Chemical Company, Kimberly-Clark, and Partnerships in Environmental Management for the Seas of East Asia (PEMSEA) as supporters.

The initiative launched last fall with the goal of raising $150 million to fund waste management and recycling infrastructure in Southeast Asia. The region was targeted because it is the top contributor to marine plastic debris. The group says roughly eight million metric tons of plastic enters the ocean each year from five rapidly growing economies: China, Indonesia, the Philippines, Thailand and Vietnam.

Closed Loop Ocean is focusing on funding projects to improve collection, sorting and end market development for scrap plastic in the region.

The new partners join a handful of initial supporters, including 3M, the American Chemistry Council, Ocean Conservancy, PepsiCo, Procter & Gamble, the Trash Free Seas Alliance and the World Plastics Council.

February 23, 2018 Submitted Electronically To: oceanlitterstrategy@resources.ca.gov

Ms. Deborah Halberstadt
Executive Director
California Ocean Protection Council
1416 9th Street, Suite 1311
Sacramento, CA 95814

Re: Comments on the Revised Draft California Ocean Litter Prevention Strategy: Addressing Marine Debris from Source to Sea (January 22, 2018)

Dear Ms. Halberstadt:

Our organizations appreciate the opportunity to provide comments on the Revised Draft California Ocean Litter Prevention Strategy: Addressing Marine Debris from Source to Sea dated January 22, 2018 (Revised Draft). In addition, we want to thank you and your staff for the taking into account concerns raised by our organizations as it relates to issues identified in the California Ocean Protection Council Priorities to Address Ocean Litter document developed last year.

As stated in previous communications, our organizations agree with the objective of reducing the amount of material that is littered in creeks, along our roadways, and on our beaches. To that end, we have been active participants on issues related to marine debris for many years. In fact, several of the land-based ocean litter goals contained in the Revised Draft are consistent with the long-standing actions and approach supported by California businesses.

Goal 3 in the Revised Draft is an example of how California businesses and state regulatory agencies can collaborate together to develop a sound policy. We believe that focusing resources on ways of removing litter before entering the state’s waterways will go a long way in improving the marine debris problem. The implementation of the State Water Resources Control Board Trash Policy and the installation of structural devices to capture trash is a sound policy and we believe the objectives and action items of Goal 3 will improve waste management and interception of litter on land before it enters the ocean.

Our organizations also support Goal 4 (Conduct and communicate research on existing and emerging issues related to land-based ocean litter) and several of the Objectives and Action Items. We believe there is a need for data and information to be developed as highlighted by several action items in Goal 4. However, the way in which these research projects – not only in Goal 4 but throughout the Revised
Draft – will be funded is unclear. If funding for these projects is expected to come from new fees or increases to existing fees on businesses, such proposals would be opposed by our organizations.

The issue of recycling and the need to continue to build upon California’s current recycling infrastructure is a priority for our organizations. We believe that providing the tools and incentives to enable California businesses to work collaboratively with local and state agencies in the development of a robust and thriving recycling program will yield better, more tangible results than more government mandates. Based on this principle, our organizations are opposed to Goal 1 (Reduce the use of common ocean litter items through mandates and incentives targeting public institutions and businesses) and Goal 2 (Reduce the prevalence of common ocean litter items through changes in product production, design, and management) unless substantive changes are made to the goals, objectives, and action items that take into account our fundamental principle of incentive-based, rather than mandate-based approaches to reduce litter.

We recognize that the Revised Draft is not meant to be a “consensus document” and that The Planning Team envisions the Revised Draft to “provide an opportunity” for interested organizations to contribute to a process focused on addressing the problem of ocean litter in California. However, the inclusion of action items that are clearly controversial are already being opposed by our organizations in the California Legislature, and authorizing non-governmental advocacy groups to dictate the process for the next six years does not create an atmosphere of even collaboration.

One way to build back in to the process better collaboration while at the same time incorporating our fundamental principle would be to revise Goal 1 and Goal 2 (including the objectives and action items) to be similar in approach to Goal 6. Objectives in Goal 6 focus on leveraging “industry knowledge,” implementing “best management practices,” and improving information to better understand the issue. The approach taken in Goal 6 is one of collaboration – seeking out information from industry, partnering with industry, engaging stakeholders to reach better outcomes – rather than one of mandates.

In addition to these comments, our organizations also support the comments submitted by the American Chemistry Council regarding the Revised Draft.

Thank you for considering our comments.

Sincerely,

California Manufacturers & Technology Association
Ameripen
CalChamber
California Building Industry Association
California Business Properties Association
California Restaurant Association
California Retailers Association
Household & Commercial Products Association
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Plastic packaging producer Berry Global has joined The Recycling Partnership, a move it sees bringing direct benefits to the company and improvements to the recycling system as a whole. Evansville, Ind.-headquartered Berry Global (formerly known as Berry Plastics) recently joined the recycling nonprofit group as a funding partner. The publicly traded company, which is an integrated plastics reclaimer and end user, has more than 130 locations around the world and 23,000-plus employees.

Robert Flores, Berry’s director of sustainability, recently explained why the company decided to join The Recycling Partnership.

How does joining The Recycling Partnership fit into Berry Global’s larger sustainability plans?

Our sustainability program has four focus areas: natural resources, climate change, waste and social responsibility. Recycling really touches all four. By recycling more materials, we will use less natural resources. Producing post-consumer resin (PCR) has been shown to generate less greenhouse gas emissions than virgin plastic, thereby decreasing impacts on climate change. Recycling is obviously very closely related to waste and our efforts to keep our products out of landfills, or even worse, the natural environment. And finally, for social responsibility, we see encouraging recycling as being extremely important in our efforts to be socially responsible.

What are the biggest issues in the recycling system that The Recycling Partnership is able to tackle?

The Recycling Partnership is addressing several of the biggest challenges to the recycling industry, including access, participation and quality. Recycling really starts with access. If consumers don’t have access to recycle an item, then it is lost from the system. The Recycling Partnership is working with communities to expand access, not just in terms of households served but also in terms of materials accepted. In many cases consumers have access but don’t participate, whether because they have access but it isn’t convenient access or because of confusion about what is and isn’t recyclable. The Recycling Partnership is really data driven. They have lots of data on what does and doesn’t work, and they are partnering with communities to implement best practices to drive participation and increase pounds recycled per household.

In terms of quality, contamination is a major issue affecting the recycling industry. The Recycling Partnership is helping communities improve their recycling education. One of my favorite things they have done is “Oops!” tags to directly educate households with high contamination levels in a non-confrontational way.

How can spending money to support an outside group such as The Recycling Partnership directly benefit Berry Global?

One component is that our customers often ask us about incorporating PCR into their products. The Recycling Partnership is working to increase not only the quantity of material recycled, but they are also trying to decrease contamination to improve the quality of the recycling stream. Their efforts in both of these areas should make recycling more economical, which is important since the hurdle to using more PCR for some of our customers is the cost versus virgin resin.

Also, plastics typically use less natural resources, require less energy to produce and ultimately have a lower environmental impact compared to alternative materials, but plastics aren’t normally seen as being environmentally friendly by consumers. That is partly due to low recycling rates for plastics. As a global manufacturer of plastic products, we wanted to take an active role with this issue, which is why we are excited to partner with other leaders throughout the packaging value chain to improve recycling.

RECYCLING:
PRF ENVISIONED FOR PACIFIC NORTHWEST
BY JARED PABEN, RESOURCE RECYCLING

A Portland, Ore. reclaimer is making plans for a facility that would sort out less commonly recycled plastics coming from across the region.

The Inlander newspaper reports Denton Plastics is looking at building a plastics recycling facility (PRF) to sort, wash and grind recycled plastics. The facility would feed material to the company’s current location, which produces pellets for molding into a variety of applications. The newspaper spoke with company founder and chairman Dennis Denton, who said they’re working to negotiate a guaranteed supply of material for a PRF.

Nicole Janssen, president of Denton Plastics, also spoke at a recent meeting of the Association of Oregon Recyclers about the company’s aspirations to build a PRF in the next couple of years.

PRFs take in mixed plastics and sort out and sell resins that aren’t often targeted by materials recovery facilities (MRFs). They are being talked about more as a solution for boosting domestic markets. A new facility, ReVital Polymers, recently opened in Ontario. Some, including plants run by QRS in Baltimore and Georgia, have encountered financial and operational difficulties.


RECYCLING:
JUDGE’S RULING SETTLES CLAIM AGAINST COSTCO, NORTHERN CALIFORNIA COFFEE FIRM
BY GEORGE KELLY, EAST BAY TIMES

Retail giant Costco and a Northern California coffee company will jointly pay $500,000 in civil penalties after a superior court judge’s ruling settled a consumer protection action, the Alameda County District Attorney’s office said Monday.

JBR Inc. of Roseville, which does business as San Francisco Bay Gourmet Coffee and the Rogers Family Company, drew the action after biodegradability and compostability claims on labels for its plastic coffee pods came into question. Costco had been selling JBR’s coffee pods.

“California consumers trying to help reduce the problem of plastic waste in landfills are often misled to believe that plastic products labeled as ‘biodegradable’ will break down in municipal trash,” District Attorney Nancy O’Malley said in a statement. “But most landfills prevent biodegradation. In order to prevent misleading consumers, the Legislature banned the sale of plastic products labeled with language implying they will biodegrade.”

Plastic coffee pods sold by San Francisco Bay Gourmet Coffee and the plastic bags they came in were labeled “97% biodegradable” and “biodegradable,” despite a legal ban on such products’ sale, as well as compostable without meeting standards.

Are you looking over your shoulder yet?

Until recently, just a few plastic products have been under serious pressure from environmentalists and legislators. Plastic bags, coffee cups and polystyrene takeout packaging have been the biggest targets.

Suddenly more products are under fire. Plastic straws, closures and water bottles are high on the list. One grocery chain in the United Kingdom that specializes in frozen food has even made a commitment to eliminate plastics packaging from its own brands by the end of 2023.

A grocery chain without plastics packaging? What’s going on?

Public concern about single-use plastics packaging has been simmering for decades. But lately there’s been more interest from the news media, nongovernmental organizations and legislators. There’s a growing awareness of marine debris, which has become synonymous with plastics: floating bags, microplastics and microbeads.

When people think of plastics packaging, they’re not thinking about convenience and food safety. They’re thinking about sea turtles, birds and mammals eating or getting entangled in plastic trash.

Activists have had some success in banning single-use plastic bags in California, Hawaii and some scattered cities. But they’re aware that despite the legislative victories, plastics consumption is growing, the marine debris problem is getting worse, and there are millions of pounds of new resin production coming on stream in North America, thanks to low-priced natural gas from fracking.

On top of all that, China is restricting imports of plastic waste. There’s a fear that plastics that have been recycled now will end up in landfills, or worse, in the environment. In response, some people are pushing for more product bans.

Is this all misguided?

That’s a common reaction from the plastics industry. Plastics save energy and material, so banning plastics and replacing them with other materials could end up creating more waste and using more energy. Plastics packaging also prevents food waste and keeps consumers safe from diseases caused by contamination and spoilage.

Also, some industry leaders wonder why plastics are demonized when the marine debris problem is the result of littering and poor waste disposal practices. Don’t blame the material, they say; blame consumers.

That’s all true, and the argument will help stem the tide against some product bans. But not all of them. Remember, critics aren’t suggesting replacing plastics with single-use paper, metal or glass alternatives. They’re pushing for completely changing consumer behavior. No more throw-away culture.

How serious is the threat to plastics?

Despite some of the rhetoric, plastics aren’t going to disappear. In many applications, they are the best choice. Brand owners will fight to continue to use plastics … to a point.

But there will be pressure. In the United Kingdom, Prime Minister Theresa May supports a tax on bottles and coffee cups. The European Union is pushing a (Continued, see Attitudes, page 18)
regional plan to make all packaging either reusable or recyclable by 2030. Consumer product companies including Coca-Cola Co. and Unilever are on board. Plastics packaging is going to change, especially products like multilayer pouches that have rarely been recycled.

I've watched the industry react to these types of challenges before. This time, just announcing a recycling goal isn't going to be enough. Plastics processors will need to adjust to changing laws and shifting consumer preferences.

Plastics recyclers can help, but they'll need a commitment from brand owners and processors that this is a serious goal. In the past, I've seen some brand owners invest a bit of money in pilot projects to prove a product can be recycled, then walk away after collecting just a few thousand pounds. That's not going to be enough. This time, the industry needs to get serious.

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Sustainability:
Plastic: Friend or Foe?

By Peter Maddox, WRAP, Director of Government Programmes

Sir David Attenborough recently called for the world to act on plastic, after witnessing its impacts on marine life during the filming of his latest stunning TV series Blue Planet II. And when we see images of a turtle chasing a plastic bag, a pelican feeding its chick a plastic meal, or a blanket of plastic trash choking the ocean, it’s easy to appreciate why people are increasingly concerned about plastic and its impacts.

While it’s heartening to see this rising desire for change, the solutions put forward to the problem of plastic waste are often piecemeal. Recent initiatives such as those by Procter & Gamble and Ecover to create bottles from ocean plastic are important, but it’s even better if plastic never gets into the ocean in the first place. Commitments by big companies such as Coca-Cola to make bottles containing a higher percentage of recycled plastic represent an excellent step forward, but we also need to design plastic packaging to be reusable and recycled. Deposit return schemes may be beneficial and it’s right that we look at evidence of their effectiveness and explore how we can design them to complement existing infrastructure.

Don’t demonise plastics
Nor is cutting back on plastics always the best solution. We need to consider the context. Plastics are amazing — versatile, durable molecular masterpieces — and there are good reasons why they are used so widely. Take health care, for example. Most disposable medical items — insulin pens, IV tubes, inhalation masks, and so on — use plastic as a core component because it is sterile and reduces the risk of infection. Without plastics, our food waste problem and the associated environmental impacts would be much worse. Plastic packaging preserves and protects food. According to the US Flexible Packaging Association (FPA), plastic film extends the shelf life of a cucumber from three days to 14, for example.

Before joining WRAP in 2006, I worked for BP for 17 years, mostly on the manufacture of plastics. I was amazed by the versatility of polymers and how this helped to make them the material of choice in a wide array of markets. But the problem with plastics is that the very things that make them useful — their versatility, low cost, light weight and durability — also make them ubiquitous and hard to dispose of. Towards the end of my time at BP, I got interested in the environmental impact of plastics. So I was intrigued when the opportunity arose to join WRAP to work on plastics recycling — my first job with the organisation. What appealed to me then as now about the way WRAP approaches this kind of challenge is that it brings everyone together — fast-moving consumer goods companies, retailers, manufacturers, reprocessors, local government and citizens — to collaborate to create sustainable supply chains.

Create circular solutions
What we need are circular solutions embracing how we select polymers, how we design plastic packaging, how we label it so people know it can be recycled, how we collect it for recycling, how we sort and reprocess it, and how we put them back into the economy, ensuring that recycling plastic is economically viable. This isn’t just about keeping plastics out of our oceans and off our streets, it’s about using our precious resources sustainably. It takes 75 percent less energy to make a plastic bottle from recycled plastic compared with using virgin materials.

In my early days with WRAP, we made good progress working with government and industry, working together to create circular solutions — for example, enabling plastic milk bottles to be recycled back into bottles. But this work is not finished. WRAP is still working to create a sustainable plastics supply chain. On the design front, we are working with brands, retailers and manufacturers to improve recyclability and rationalise packaging formats to focus on those for which there is a steady end market.

(Continued, see Circular, page 21)
There has been significant progress in the collection of plastic bottles. Nearly all UK local authorities (99 per cent) now collect plastic bottles for recycling at the kerbside. As a result, the recycling rate for plastic bottles has increased dramatically from just 5 per cent in 2000 to 58 per cent in 2016. Of course, we want to go further. There are gaps in consumers’ knowledge and behaviours. Recycling is increasingly the norm, but many consumers do not realise that plastic bottles from the bathroom and under the sink can be recycled, for example. And there are gaps in provision, especially for recycling ‘on the go’. We need more recycling bins in public spaces where waste arises, as well as to encourage consumers to recycle outside the home.

**Drive change at scale**

Earlier this year, the Ellen MacArthur Foundation released its report, *The New Plastics Economy: Rethinking the Future of Plastics*, which attempts to reconcile the approaches of industry and activists. The report had input from environmental groups such as Ocean Conservancy as well as companies such as Unilever. This is the kind of systems thinking that drives real change at scale, and which we look forward to seeing more of in the future. We anticipate that the publication of a new EU dedicated plastics strategy, currently being prepared, will help Europe improve recycling, cut marine litter, and remove potentially dangerous chemicals from the supply chain, providing further impetus for change.

Renewed concern about waste plastics presents us with a fantastic opportunity to mobilise and motivate fast-moving consumer goods companies, retailers, manufacturers, processors, local government and citizens to come together to create a truly sustainable plastics supply chain that benefits the economy and the environment.

It also represents an opportunity for the UK Government and devolved administrations to put in place the policy mechanisms that will really make a difference. The solutions lie in convening all the relevant players and working collaboratively to identify and implement practical solutions.

Let’s do it together!

*Reprinted from wrap.org.uk, November 23, 2017.*
SUSTAINABILITY:
AS ACC ADVOCATES STEWARDSHIP ON STRAWS, WHY STOP THERE?

BY STEVE TOLOKEN, NEWS EDITOR, PLASTICS NEWS

On Jan. 26, we saw a point of agreement on plastics waste: the American Chemistry Council and the Plastic Pollution Coalition now both agree that we should all use fewer plastic straws.

OK, it’s not exactly a “stop the presses, we have a Middle East peace agreement,” kind of news. It’s only straws.

But it’s worth unpacking for a minute. ACC’s Plastics division announced Jan. 26 that it’s taken a formal product stewardship position aimed at encouraging consumers to use fewer plastic straws. [See page 23.]

“IT’S THE RIGHT THING TO DO,” said Steve Russell, vice president of the ACC plastics unit, in a statement that linked it to ACC’s work with the Ocean Conservancy and other non-governmental organizations on reducing plastics going into waterways.

“As a member of the Trash Free Seas Alliance, we support many initiatives that help prevent marine litter, and we believe providing straws through an ‘on-demand’ system gives customers choice and helps prevent waste by ensuring that straws are distributed only to those who need them,” Russell said.

It’s unusual for business groups to advocate using less of any of their products. One of the reasons they exist is to advocate for their industry’s products.

So I was struck by how the industry position is now partly similar to the “Last Plastic Straw” campaign from the Plastic Pollution Coalition.

PPC advocates that consumers:
1. Say “no straw please.”
2. Contact local restaurants and ask them to only give straws on request.
3. Encourage them to use non-plastic straws.
4. Screen “Straws the Film.”

PPC, though, is more forceful than ACC. Its website, for example, includes a hard-to-watch video of a plastic straw being pulled from a sea turtle’s nose, with blood running down the unfortunate turtle’s face.

On points of agreement, I’m guessing ACC would go along with 1 and 2, but draw the line at 3 and 4. (Although I wonder if this latest step from the plastics industry would open up the chance for a joint ACC-PPC film screening.)

OK, that’s not a serious suggestion. And I admit I haven’t seen the film. But here’s a serious question: Why should the plastics industry’s product stewardship positions stop at straws?

If it’s the right thing to do for straws, isn’t it also the right thing to do with plastic bags, polystyrene foam clamshell containers and other highly disposable products?

With widespread concern about plastic waste and marine pollution, a stewardship position on those products seems a no-brainer.

I asked ACC what other product stewardship positions it had taken on plastics, and it said it had one in 2015 on microbeads, and an announcement on marine litter.

There’s another level to consider: How about asking the industry to fund public service ad campaigns encouraging people to use fewer straws or plastic bags?

That may seem like a crazy way for an industry to spend its money, but some in the European plastics sector debated that last year, when the PlasticsEurope association considered (Continued, see Straws, page 23)
whether it should support some sort of public education effort to reduce plastic bag use. One leader in the group compared it to the alcohol industry funding advertising campaigns to encourage people to drink responsibly.

The 3 R's of the waste management hierarchy—reduce, reuse and recycle—rank them in order of importance. In that thinking, we should try to reduce before we recycle.

The plastics industry advocates recycling its products, but what PlasticsEurope was debating was taking it to another level: public education aimed at reducing consumption in the first place.

The European association also told us that it is OK with charging people for plastic bags. I think it would be very hard for the U.S. plastics industry to take that position. The European plastics industry clearly faces more public pressure. National governments there are actively considering bottle bills, for example, and the European Union in January adopted an ambitious plastics strategy targeting single use products.

I can imagine a worried industry reaction here. Isn’t it bad to advocate less consumption of my products? Won’t sales go down? But to me, advocating less consumption of single-use products does not change the larger value of plastics to society, particularly in longer-lasting products.

Plastics still make cars lighter and save fuel and vehicle pollution, still reduce food waste with better packaging, still make homes more energy efficient and still can make infrastructure better, to give a few examples. But if it’s the right thing, as ACC says, to reduce use of straws, it’s also the right thing for industry to advocate less use of plastic bags and other single-use packaging.


The Voice of the Plastics Industry in the West

Use Fewer Plastic Straws [Cont’d]

ACC ANNOUNCES PRODUCT STEWARDSHIP POSITION FOR STRAWS
BY AMERICAN CHEMISTRY COUNCIL

If you don’t need a straw, don’t take one. That’s the premise of the latest product stewardship position announced by the American Chemistry Council’s (ACC) Plastics Division. ACC developed its position as part of ongoing efforts to help promote the responsible use of valuable plastic materials and in accordance with our commitment to the Trash Free Seas Alliance® (TfSA).

“It’s the right thing to do,” said Steve Russell, vice president of ACC’s Plastics Division. “As a member of the Trash Free Seas Alliance, we support many initiatives that help prevent marine litter, and we believe providing straws through an ‘on-demand’ system gives customers choice and helps prevent waste by ensuring that straws are distributed only to those who need them.”

ACC’s position on straws is designed to help avoid wasteful use by recommending that straws not be provided unless customers ask for them. At the same time, it acknowledges that there are circumstances where straws enhance safety and sanitary conditions.

Since 2011, America’s Plastics Makers® have partnered in many efforts to research and prevent marine debris around the world under our “Declaration of the Global Plastics Associations for Solutions on Marine Litter,” which has been signed by 70 plastics associations in 35 countries. Our 2016 Progress Report lists 260 projects that have been completed or are in progress in various parts of the world since the effort began.

TSFA brings together thought leaders to work toward the immediate goal of reducing the amount of plastic waste entering the ocean annually by 50 percent by 2025.

SUSTAINABILITY:
GLOBAL CAMPAIGN CHALLENGES
STARBUCKS TO KEEP PROMISE
TO CURB PLASTIC POLLUTION,
CREATE 100% RECYCLABLE CUP

BY STAND.EARTH

Today, more than a dozen leading environmental organizations, including Stand.earth, announced the launch of “Starbucks: Break Free From Plastic” — a global campaign demanding that Starbucks take accountability for its contribution to the growing plastic pollution crisis. Click here to sign the petition.

The campaign formed ahead of Starbucks’ 2018 annual shareholder meeting happening March 21 in Seattle, where the coffee giant is urging its shareholders to vote “no” on a sustainability proposal by As You Sow. The proposal asks Starbucks to address its plastic pollution problem by developing stronger efforts to move toward sustainable packaging.

Starbucks fails on sustainability pledges
The campaign is being launched amidst a backdrop of corporate pledges to address plastic pollution, including from McDonald’s and Coca-Cola. In 2008, Starbucks pledged to make a 100% recyclable paper cup and sell 25% of drinks in reusable cups by 2015. To date, Starbucks has failed to produce a 100% recyclable paper cup, and currently serves only 1.4% of drinks in reusable cups.

“Starbucks serves an astounding 4+ billion paper cups each year, most of which end up in the trash because their plastic lining makes them unrecyclable in most places. That’s a disgraceful amount of plastic pollution ending up in our local landfills. It’s time for Starbucks to start living up to its promises.” — Ross Hammond, Stand.earth.

Starbucks plans massive global growth
Despite knowing its environmental impact, Starbucks has pledged to dramatically expand its presence in Asia in 2018— with no plan to address its plastic waste. Because of this inaction, governments are being forced to step up. A parliamentary committee in the UK recently proposed a “latte levy” on single-use cups to help address the growing plastic pollution problem.

“Starbucks has pledged to open one store every 15 hours in China in 2018. CEO Kevin Johnson continues to turn a blind eye to his company’s contribution to our global plastic pollution problem even as the coffee giant continues to open stores at an astonishing pace.” — Sondhya Gupta, SumOfUs

Starbucks part of global plastic pollution problem
Starbucks cups, lids, and iconic green straws make up a visible portion of the catastrophic plastic pollution in our oceans. In the marine environment, plastics break down into small indigestible particles that birds and marine animals mistake for food, resulting in illness and death.

“Each minute, the equivalent of a garbage truck full of plastic ends up in the ocean, and by 2050, there is projected to be more plastic in the ocean than fish by weight. Starbucks needs to take immediate steps to #breakfreefromplastic before our global plastic pollution problem overwhelms our oceans and marine life.” — Von Hernandez, Break Free From Plastic

The campaign is calling on Starbucks to address its plastic pollution in 5 specific ways:

• Create a 100% recyclable paper cup without a plastic lining.

• Reduce plastic pollution by eliminating single-use plastics like straws.

• Promote reusable cups and encourage customers to change their habits.

(Continued, see Starbucks, page 25)
- Recycle cups and food packaging in all stores worldwide.
- Report publicly on the type and amount of plastics used in packaging.

The campaign includes 5 Gyres, Care2, Clean Water Action, CREDO, Greenpeace USA, Plastic Pollution Coalition, Stand.earth, The Story of Stuff Project, SumOfUs, Texas Campaign for the Environment, UPSTREAM, Hannah4Change, Captain Planet Foundation, Kokua Hawai‘i Foundation, Plastik Diet Kantong, Heirs to Our Oceans, Wild at Heart Taiwan, and a variety of organizations participating under the Break Free From Plastic global movement.

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BAGS:

BAG BAN BATTLES REMAIN INTENSE

BY STEVE TOLOKEN, NEWS EDITOR, PLASTICS NEWS

The fights over plastic bag bans and fees are expected to continue full force in 2018 as the debates move to some new ground.

The shift will be partly geographic. After years of fights on the West Coast, the focus will move to the Northeast, industry lobbyists say, following Boston’s adoption of a bag ban in late 2017.

“New England in general is really what we see in 2018 ... [and] where we anticipate the most amount of effort to regulate our products,” said Matt Seaholm, executive director of the Washington-based American Progressive Bag Alliance.

The battles also are shifting more into the legal system, with cases in Florida and Texas.

In a closely watched case, the Texas Supreme Court heard oral arguments Jan. 11 in a lawsuit challenging the city of Laredo’s 2014 bag ban.

The case has some unusual fault lines. Retailers, merchants and the Texas Attorney General are trying to stop Laredo, arguing the city went beyond what state law allows. But other business groups support Laredo. The state’s cotton-growing industry and some ranchers, worried about wind-blown bags hurting the value of their crops and cattle harming themselves by eating bags, have filed court briefs joining with environmentalists and other cities to side with Laredo.

Ohio and South Carolina are also expected to be battlegrounds, with local governments there pushing bans and fees.

The plastics industry is responding by lobbying state legislators to pass laws limiting the power of cities and counties to restrict bags, in effect pursuing statewide “bans of bans” that would override local laws.

State legislatures in Arizona, Florida, Idaho, Indiana, Iowa, Michigan, Minnesota, Missouri and Wisconsin in recent years put such laws in place, according to the National Conference of State Legislatures.

In short, it promises to be an active year.

Bag battles heat up

For their part, supporters of tougher laws against bags say they see growing interest, driven by public concern over litter, by a desire to protect the oceans and wildlife and by cities wanting to reduce cleanup and drainage costs associated with bags.

Seaholm sees the political battleground as more balanced, with the industry’s successes in stopping bag laws not getting as much attention.

APBA argues that support for bag bans and fees is most active in states where the environmental group Surfrider Foundation has the strongest local chapters, including in New England.

“Really where that comes from is that’s where the strongest organization of groups like the Surfrider Foundation are, in a place where they haven’t already achieved some regulation, like California,” Seaholm said.

Surfrider, which is based in San Clemente, Calif., has 80 chapters nationwide. It made plastics waste one of its four priorities this year and considers plastic pollution “one of the greatest threats to the health of our ocean ecosystems.”

The group said on its website its focuses this year include banning plastic bags in Massachusetts and polystyrene foam in California and working with restaurants to reduce single-use plastics.

“Plastic pollution is a priority for the organization this year along with our water quality work,” said Surfrider Legal Director Angela Howe in an email. “This is the first year that we are prioritizing in this manner.”

Howe said there’s a growing network of groups addressing plastics, including targeting single-use plastics, promoting zero-waste principles and opposing incineration of plastic trash.

“I think there is a trend toward bag bans activating in areas that have not already done so,” Howe said. “The rest of the nation have
noted places like Hawaii and California that have these policies in place and are enjoying a cleaner environment because of it.”

Both APBA and Surfrider identify South Carolina as one such hot spot.

A few coastal communities in the state have passed plastic bag restrictions, and others, including several in Beaufort County, are moving to enact similar laws, said Emily Cedzo, the land, water and wildlife program director for the South Carolina Coastal Conservation League, in Charleston.

“There is an extremely significant amount of momentum locally to better protect resources and regulate plastics better,” she said. The conservation league has made plastic pollution one of its priorities.

Even cities that do not restrict bags have concerns, she said, noting that the mayor of Charleston, the state’s largest city, convened a task force in 2016 to study minimizing plastic bags.

Cedzo believes the industry’s push for a state law overruling cities, also known as pre-emption, comes because industry sees bag bans and fees picking up support.

“As they are seeing local communities passing these ordinances, I think they feel the need to push even harder on the pre-emption bill,” she said.

The pre-emption bill was narrowly stalled last year, in the South Carolina House, in a “tough fight,” she said, and is expected to return for this year’s legislative session.

Cedzo calls state pre-emption bad policy: “Local governments have the right to solve local problems with local solutions.”

Seaholm, however, said APBA pushes for statewide laws because bags or packaging should be regulated at the state level. Otherwise, there will be a patchwork of differing local rules. APBA refers to such bills as uniformity legislation.

APBA argues bag bans and fees are misguided because bags are recyclable and can have a lower carbon footprint than many alternatives, including reusable bags.

Seaholm said the bag debate in South Carolina is driven by Surfrider and the conservation league.

“This is a great example of why is there an issue in South Carolina; it’s because there’s an organized effort to do something. It comes down to two groups,” he said. "They’ve made this just part of their agenda to go out and promote bag bans of all sorts.”

Playing defense in New England

Even with the push in the South, it’s New England where Seaholm expects the most activity this year, and not necessarily favorable to the bag industry.

“I would characterize New England as a little bit more of us playing defense,” he said.

More than 40 cities in Massachusetts now have plastic bag bans or restrictions, which could set up momentum for a statewide ban as retailers grow concerned about differing local laws.

The industry also is hinting at legal challenges: APBA said Boston’s new bag ordinance violates the Massachusetts constitution because it requires stores to keep the fee charged on some bags and not give the money to the government.

Seaholm said the Massachusetts attorney general has previously challenged other bag ordinances on similar grounds.

He said New York, as well, is expected to take up bag fees again after Gov. Andrew Cuomo signed a bill last year to temporarily block a 5-cent bag fee adopted by the New York City Council.

While Cuomo supported the temporary block on New York City—-it expired at the end of 2017, and the city is free to try again—the governor has also publicly said he favors a statewide solution to the “plastic bag problem.”

As the debates heat up, Seaholm argues that environmental groups can bring more resources.

“Our members are very generous with their resources, but we are no match to what the environmental organizations have at their disposal,” Seaholm said.

It’s difficult to independently assess that claim.

Under tax returns required to be made public as part of their nonprofit status, Surfrider, for example, had an annual budget of $6.1 million in 2015, the last year figures are available. But that’s spread over many campaigns, including water quality and offshore drilling.

The conservation league in South Carolina had a budget of $3.4 million in 2015. But that, too, is spread over many campaigns.

APBA, while a nonprofit, is not required to release a tax return because it operates as part of the Plastics Industry Association in Washington.

But the industry has shown it can muster resources when needed. Public records in California show the plastic bag industry spent at least $5.5 million urging voters to reject California’s statewide bag ban in 2016.

Ultimately, though, that industry campaign failed, and California voters approved the ban by a 53 to 47 percent margin.

While new bag laws or defeats like California’s attract a lot of attention, Seaholm argues that some of the industry’s lobbying successes do not get as much attention.

“We’re effective in a lot of places, and those are wins. But they’re less publicized because what typically happens is the ordinance just kind of goes away,” he said. "There isn’t fanfare about an ordinance not being taken up.”

Overall, he says the two sides are evenly matched: “I think the game is still being played, and I think we’re probably pretty close to being tied right now.”

Is California’s statewide plastic bag ban working? The proponents enthusiastically say yes.

But it’s impossible to determine what grocers are doing with the 10 cents they’re collecting for every paper bag they sell.

Initially passed in 2014 as SB 270, most grocery stores could no longer give away plastic bags. Only recycled plastic bags meeting certain environmental standards and paper bags would be allowed. Plus stores would charge a minimum of a dime per bag. The law mandated that the recycled plastic bags shall be constructed to be used 125 times.

Moreover, the law goes beyond just grocery stores. Pharmacies, convenience stores and liquor stores are included. Local cities and counties could impose tighter restrictions, but that hasn’t been done in Fresno and the Central Valley.

San Francisco became the first city to set local rules, passing a bag ban in 2007.

The law specifies what bags can and cannot be used, and how the money stores collect is supposed to be used. However, there is no system to track progress or conduct audits.

“The Single-Use Carryout Bag Ban statute does not include any reporting requirements for regulated entities,” CalRecycle spokesman Mark Oldfield said. “Although stores are not required to report information regarding bag sales and usage to CalRecycle, staff is preparing a legislative report (due by March 1, 2018) that will include the results of an informal survey conducted by the department.”

CalRecycle said its role in regulating the bag ban is to certify third-party manufacturers of reusable bags. Those regulations should come out this year.

The law also had specific requirements on how the dime per bag could be spent, namely only on recovering the actual costs of the bags or spending on a “store’s educational materials or educational campaign encouraging the use of reusable grocery bags.”

GV Wire asked many of the state’s major retailers, such as Target, SaveMart, Albertsons and Smart & Final for figures on how many bags they sold and what they have done with the money. They either failed to reply to GV Wire’s request for information or outright refused to answer.

**Implementation initially delayed**

The law’s implementation was delayed until a statewide referendum (Proposition 67) in November 2016, pushed by plastic bag producers. Voters kept the law, with 52% in favor.

Many local jurisdictions already had a ban, making the statewide ban moot in those areas. But for places like Fresno, the decades-old grocery store practice of bags at no extra charge ceased. Most of the local jurisdictions banning bags were in southern California, the Central Coast or the Bay Area; none was in the Central Valley.

“The bag ban has been a clear win for our environment and our economy, as less taxpayer dollars are spent cleaning up pollution and litter caused by plastic bags.” —California Secretary of State Alex Padilla

The California Grocers Association, the trade group representing grocery stores, supported SB 270. One reason was to have a uniform bags standard across the state.

“Since its implementation one year ago, the grocery industry has seen little change resulting from the statewide law regarding carryout bags. When the law went into effect there were already nearly 150 California cities and counties (almost half of the state’s population) that had implemented their own ordinance,” said Ron Fong, President/CEO of the CGA.

(Continued, see Year, page 29)
“Because of this, many Californians understood their options well before the law came into effect statewide. This allowed both consumers and stores to quickly adjust to the new process—with many shoppers choosing to bring their own reusable bag with little fanfare and many grocers already having systems in place to comply with the law.”

Praise for the law
But the lack of record keeping does not bother the bill’s author, Alex Padilla, now the California Secretary of State.

“The bag ban has been a clear win for our environment and our economy, as less taxpayer dollars are spent cleaning up pollution and litter caused by plastic bags,” Padilla said.

“California is quickly moving past the era of single-use plastic bags,” he continued. “For too long, plastic blight plagued our coastline and inland communities alike. These bags wreak havoc on our ecosystems, threatening wildlife and California’s natural beauty.

Mark Murray is executive director of Californians Against Waste, which supported Prop. 67. The group is happy about the early results.

“Overall, this was a big transformation. A state of 39 million people went from having single-use plastic grocery bags that they’ve had for four decades to now moving to reusable bags, recycled paper bags. The transition has gone quite smoother than many of us thought,” Murray said.

California Manufacturers & Technology Association opposed Prop. 67, but declined to comment on its effectiveness one year later.

Cleanup stats
Many of the plastic bag ban supporters pointed to statistics provided from the annual Coastal Cleanup Day as proof of the ban’s effectiveness.

In 2010, volunteers picked up 65,736 bags in and around beaches. That was the No. 2 item collected.

Seven years later in 2017, 11,847 were found, falling to No. 10 on the list.

Cashing in?
One of the arguments used by Prop. 67 opponents was that grocery stores would profit from collecting a dime per bag.

Despite silence from the grocery store industry, Murray says that 10 cents is about what it costs to implement the reusable bag program.

He noted that customers used 35 million single-use plastic bags a day; now they don’t.

“Those single-use bags are gone,” Murray said.

BAGS:

CALRECYLE BEGINS REGULATORY DEVELOPMENT FOR REUSABLE BAGS

SB 270 Reusable Grocery Bag Certification Fee: Description
On November 8, 2016, California voters approved Proposition 67, which lifted a referendum that suspended the enactment of SB 270 (Padilla, Chapter 850, Statutes of 2014) and upheld the nation’s first statewide single-use plastic bag ban. As a result, SB 270, the original bag ban legislation, went into immediate effect. Because of this new law, most grocery stores, retail stores with a pharmacy, convenience stores, food marts, and liquor stores may no longer provide single-use plastic carryout bags to their customers. Instead, these stores may provide a certified reusable grocery bag or recycled paper bag to a customer at the point of sale for a charge of at least 10 cents.

Pursuant to the passage of the law, CalRecycle is currently accepting third-party certifications of reusable grocery bags through the Reusable Grocery Bag Reporting System (RGBRS) and is maintaining a list of certified reusable grocery bag producers on its website. Additionally, CalRecycle must establish an administrative certification fee schedule. The certification fees must be sufficient to cover CalRecycle’s ongoing costs of implementing its statutory responsibilities. CalRecycle will promulgate regulations in order to establish the administrative fee schedule. Once the regulations are approved, reusable grocery bag producers must pay a fee when they submit proof of certification documents to CalRecycle, and they must re-certify reusable grocery bags sold in the state on a biennial basis.

Affected regulatory code sections
California Code of Regulations, Title 14, Division 7, Chapter 4, Article 7, commencing with section 17988.

Current status and documents
CalRecycle staff presented updated, proposed regulations and a request for approval to begin the formal rulemaking process at the monthly public meeting on March 20, 2018. More information can be found on the Public Notice. For more information on the regulatory process, please visit the Office of Administrative Law’s website.

The following schedule is a tentative estimate of the rulemaking timeline and is subject to change.

• Public workshop on draft regulatory text: October 25, 2017
• Initiate the rulemaking process: First quarter 2018
• Adoption of the regulations: Late 2018 or Early 2019
• Implementation of certification fee: July 2019

Documents
• First draft regulations, October 2017
• First draft certification fee concepts, October 2017
• October 2017 Public Workshop Presentation
• October 25 (Sacramento) video
• Second draft regulations, March 2018 [See page 31 for proposed regulatory text]

Stakeholder input
Public comments on first draft regulations.

Contact
CalRecycle staff can be contacted at SB270@calrecycle.ca.gov.

More information
For more information regarding the requirements of the law and to review commonly asked questions, see the SB 270 FAQ.

To receive updates, including notices regarding rulemaking, please subscribe to the Reusable Grocery Bag Certification (SB270) Listserv.
PROPOSED REGULATORY TEXT

Proposed Regulations

Administrative Certification for Reusable Grocery Bags

TITLE 14: NATURAL RESOURCES
DIVISION 7. DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
CHAPTER 4 RESOURCE CONSERVATION PROGRAMS
ARTICLE 7. REUSABLE GROCERY BAGS

§ 17988.1. Scope and Purpose.
This Article establishes an administrative certification fee schedule and clarifies administrative procedures related to payments and submittal and resubmittal of proofs of certification to the department as set forth in sections 42281.5, 42282, and 42282.1 of the Public Resources Code. These regulations are designed to facilitate the process by which reusable grocery bag producers provide proof of certification to the department and ensure that the required administrative certification fee sufficiently covers the department’s reasonable costs to implement its responsibilities under the law pursuant to Chapter 5.3 (commencing with section 42280), Part 3, Division 30 of the Public Resources Code.

Authority cited: Sections 40401 and 40502, Public Resources Code, Reference: Sections 42280, 42281, 42281.5, 42282, 42282.1, 42283, 42283.5, 42283.6, 42283.7, 42284, 42285, 42287, 42288, Public Resources Code.

§ 17988.2. Definitions.
(a) The definitions set forth in this Section and in Chapter 5.3 (commencing with section 42280), Part 3, Division 30 of the Public Resources Code, shall govern the construction of this Article.
(b) “Aesthetic change” means a change to a reusable grocery bag that does not affect the material composition or the results of the chemical or physical tests of a certified reusable grocery bag, pursuant to sections 42281 and 42281.5 of the Public Resources Code, and does not constitute a change that creates a new type of reusable grocery bag.
(c) “Certified Reusable Grocery Bags and Producers List” means the list of reusable grocery bag producers from which the department has received the payment, required by
PROPOSED REGULATORY TEXT

section 42282.1 of the Public Resources Code, and a proof of certification for each type
of reusable grocery bag that a producer offers for sale or distributes in the state of
California, as required by sections 42281, 42281.5, and 42282 of the Public Resources
Code.
(d) “ISO/IEC 17025” means the International Organization for
Standardization/International Electrotechnical Commission “General requirements for the
competence of testing and calibration laboratories.”
(e) “Proof of certification” means a document (or multiple documents) submitted by a
reusable grocery bag producer under penalty of perjury to the department via the
Reusable Grocery Bag Reporting System. A proof of certification shall demonstrate that
a reusable grocery bag sold or distributed to a store in California, as defined by section
42280(g) of the Public Resources Code, is compliant with the provisions of this Article.
(f) “Reusable grocery bag” has the same meaning as in section 42280 of the Public
Resources Code, and includes, but is not limited to, a reusable grocery bag made with
plastic film, compostable plastic film, or with natural or synthetic fiber, including, but not
limited to, woven or non-woven nylon, polypropylene, polyethylene-terephthalate, or
Tyvek.
(g) “Reusable Grocery Bag Reporting System” means the department’s online
database established to receive proofs of certification from reusable grocery bag
producers for reusable grocery bags.
(h) “Third-party certification entity” means an independent laboratory that is ISO/IEC
17025 accredited, and performs applicable testing and certifies that a reusable grocery
bag meets the requirements of section 42281 and 42281.5 of the Public Resources Code.
(i) “Type of reusable grocery bag” means a reusable grocery bag manufactured, sold,
or distributed by a certified reusable grocery bag producer that is a different material
composition or size or has different results for chemical or physical tests than another
reusable grocery bag manufactured, sold, or distributed by the same certified reusable
grocery bag producer.

Authority cited: Sections 40401 and 40502, Public Resources Code, Reference: Sections
42280, 42281, 42281.5, 42282, 42282.1, 42283, 42283.5, 42283.6, 42283.7, 42284,
42285, 42287, 42288, Public Resources Code.
§ 17988.3. Submittal and Resubmittal of a Proof of Certification.

(a) A reusable grocery bag producer shall submit a proof of certification to the Reusable Grocery Bag Reporting System for each type of reusable grocery bag that it manufactures, sells, or distributes in the state and provides to a store for sale or distribution.

(b) The proof of certification shall include documentation in English from a third-party certification entity sufficient to verify that a reusable grocery bag meets each requirement specific to the reusable grocery bag material type, including but not limited to:

(1) Compliance with the requirements of section 42281 and 42281.5 of the Public Resources Code, including identification of the test methods or a description of the procedures used to confirm compliance, as applicable.

(2) Images depicting applicable labeling requirements pursuant to sections 42281(a)(4) and 42281(b)(1)(D) of the Public Resources Code.

(3) An accreditation certificate or accreditation number confirming the third-party certification entity is an accredited ISO/IEC 17025 laboratory.

(4) All documents shall be submitted to the department under penalty of perjury.

(c) A reusable grocery bag producer shall biennially resubmit a proof of certification at the time it pays the administrative certification fee for each type of reusable grocery bag that it manufactures, sells, or distributes in the state and provides to a store for sale or distribution.

(d) The department shall review each proof of certification submitted or resubmitted to the Reusable Grocery Bag Reporting System to determine if the proof of certification is complete.

(1) For purposes of this review, “complete” means that all of documentation required by sections 42281 and 42281.5 of the Public Resources Code have been submitted.

(2) If the proof of certification is deemed complete, the department shall add the name of the reusable grocery bag producer to the Certified Reusable Grocery Bags and Producers List.
(3) If a proof of certification is deemed incomplete, the department shall notify the submitting reusable grocery bag producer.

(e) A reusable grocery bag producer shall label or identify any portions of its proof of certification it believes are confidential or proprietary that it wants the department to maintain as confidential pursuant to section 17988.6. Any portions of a proof of certification that are not labelled confidential shall be deemed a public document.


§ 17988.4. Administrative Certification Fee Schedule.

(a) A reusable grocery bag producer shall pay the administrative certification fee, at the time it submits its initial proof(s) of certification to the Reusable Grocery Bag Reporting System. A reusable grocery bag producer then shall biennially pay the administrative certification fee, when it resubmits a proof of certification to the Reusable Grocery Bag Reporting System.

(b) The administrative certification fee schedule shall be established by the department and shall be sufficient to cover its reasonable costs to implement Article 2 of Chapter 5.3 of Part 3, Division 30 of the Public Resources Code.

(c) The administrative certification fee schedule shall be determined in the following manner:

(1) For the July 2019 administrative certification fee, the department shall determine its startup costs and operating costs through Fiscal Year 2020-21 to implement the requirements set forth in Article 2 of Chapter 5.3 of Part 3, Division 30 of the Public Resources Code. The department will divide its startup costs, including any paybacks to other funds, and total two-year operating costs equally among the total number of reusable grocery bag producers published on the Certified Reusable Grocery Bags and Producers List. For future biennial time periods, the department shall determine in advance its operating costs to implement the department’s statutory responsibilities for the subsequent two fiscal years.
(2) The administrative certification fee shall be rounded to the nearest dollar and calculated as follows:

\[ \text{certification fee} = \frac{\text{CalRecycle 2 - year operating cost}}{\text{number of certified producers}} \]

(3) Before July 1, 2019, the department shall give public notice of the initial administrative certification fee for approval at a public meeting. After approval of the initial administrative certification fee, at or following the public meeting, and no later than July 1, 2019, the department shall publish the administrative certification fee amount on its public website. All reusable grocery bag producers on the Certified Reusable Grocery Bags and Producers List at the time the administrative certification fee is published shall pay the initial administrative certification fee within 30 days from July 1, 2019.

(4) A reusable grocery bag producer not included on the Certified Reusable Grocery Bags and Producers List that submits a proof of certification after the initial fee is posted in 2019, and prior to the establishment of the next certification fee in 2021, shall pay the initial administrative certification fee in effect at that time.

(5) No later than July 1, 2021 and on a biennial basis thereafter, the department, after giving public notice and consideration at a public meeting, shall publish on its public website the administrative certification fee amount for the following biennial period. All reusable grocery bag producers on the Certified Reusable Grocery Bags and Producers List shall pay the administrative certification fee within 30 days of July 1.


§ 17988.5. Procedures for Submitting Payment to the Department.

(a) Reusable grocery bag producers shall submit payment to the department. All financial transactions shall be reported and recorded in currency of the United States of America ("dollars"). Where the actual transaction is made in foreign currency it shall be
PROPOSED REGULATORY TEXT

150 converted to dollars for reporting and recording at the prevailing exchange rate at the time
151 of the payment.
152 (b) Administrative certification fee payments shall be deposited into the Reusable
153 Grocery Bag Fund by the department. Moneys in the fund shall be expended by the
154 department to implement Article 2 of Chapter 5.3 of Part 3, Division 30, of the Public
155 Resources Code, and may be used to reimburse other funds that financed startup costs
156 of the department’s activities pursuant to this chapter.
157 (c) Reusable grocery bag producers with delinquent accounts will be removed from
158 the department’s Reusable Grocery Bag Reporting System and Certified Grocery Bags
159 and Producers List until fees are paid in full.
160 (d) Delinquent payments shall accrue interest from the date the payment was due.
161 (e) Administrative certification fee payments are not refundable.
162 (f) Failure to comply with the requirements set forth in this article will result in
163 immediate removal of the reusable grocery bag producer from the department’s Certified
164 Reusable Grocery Bags and Producers List, pursuant to subdivision (b) of section 42282,
165 of the Public Resources Code.
166 Authority cited: Sections 40401 and 40502, Public Resources Code, Reference: 42280,
167 42281.5, 42282, and 42282.1, Public Resources Code.

§17988.6. Confidential and Proprietary Information
169 The department shall maintain the confidentiality of information submitted to the
170 department as required by the California Public Records Act (Chapter 3.5 (commencing
171 with section 6250) of Division 7 of Title 1 of the Government Code), section 40062 of the
172 Public Resources Code, and Title 14, California Code of Regulations, Division 7, Chapter
173 1, Article 4 (commencing with section 17041).
174 Authority cited: Sections 40401 and 40502, Public Resources Code, Reference: Sections
175 42280, 42281.5, 42282, and 42282.1, Public Resources Code.
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LEGISLATION: CALCHAMBER RELEASES ANNUAL LIST OF ‘JOB KILLERS’
BY CALCHAMBER ADVOCACY

The California Chamber of Commerce has released its annual list of job killer bills, calling attention to the negative impact that 21 proposed measures would have on California’s job climate and economic recovery should they become law.

The list of 2018 job killer bills follows:

**AB 1745** (Ting; D-San Francisco) Vehicle Ban—Bans the sale of combustion engine vehicles in the state by prohibiting the registration of a new vehicle in the state after 2040 unless it is a zero emission vehicle.

**AB 1761** (Muratsuchi; D-Torrance) Customer Blacklist and Hotel Workers Panic Button—Denies hotel guests due process, by requiring hotels to create a blacklist of guests who have been accused, yet not proven, to have engaged in inappropriate behavior towards hotel employees, and precludes the hotel from allowing those guests on the blacklist to enter their properties for three years.

**AB 1902** (Levine; D-San Rafael) Interference with Contracts—Discourages and reduces “personal service contracts” as defined, by unfairly increasing the contract price for these services based upon an undefined and unspecified “area income” rate that presumably will include wages from different industries and different occupations that are not comparable to personal services. It also provides the Department of Industrial Relations with extraordinary authority to value companies, determine “similar services” to be included under the provisions of this bill, and what constitutes “area income.”

**AB 2069** (Bonta; D-Oakland) Medical Marijuana in Employment—Undermines employer’s ability to provide a safe and drug-free workplace by creating a new protected classification of employees who use marijuana for medical purposes, and exposing employers to costly and unnecessary litigation under the Fair Employment and Housing Act (FEHA) whenever the employer terminates an employee in this new protected class who has created a safety hazard in the workplace.

**AB 2351** (Eggman; D-Stockton) Targeted Tax on High Earners—Unfairly increases the personal income tax rate from 13.3%–which is already, by far, the highest income tax rate in the country—to 14.3% for one category of taxpayers (including some proprietors), who already pay half of California’s income taxes, forcing them to mitigate these costs through means that include reducing workforce, in order to provide more funding for higher education.

**AB 2527** (Muratsuchi; D-Torrance) Costly Litigation Against Small Employers—Exposes small business who are seeking financial investors in their company to devastating class action litigation by banning the use of arbitration agreements, which is preempted by the Federal Arbitration Act, prohibiting class action waivers, allowing for the award of treble damages, punitive damages, and attorney’s fees, and interferes with contractual negotiations between sophisticated parties by dictating the choice of forum and choice of law for such litigation.

**AB 2571** (Gonzalez Fletcher; D-San Diego) PERS Investment Policy—Seeks to publicly shame investment managers and the hospitality companies in which they invest, by forcing them to submit an annual report subject to a public review, that discloses employee wage information according to gender, ethnicity, and race, exposing such companies to costly litigation.

**AB 2765** (Low; D-Campbell) Portable Benefits for The Gig Economy—Imposes onerous and costly mandates on companies in the gig economy labeled as the “digital marketplace” by adding them under the provisions of the Fair Employment and Housing Act (FEHA), expanding the protected classifications under FEHA for contractors of the (Continued, see Killers, page 39)
digital marketplace to include “familial status,” and creates further confusion and uncertainty regarding the use and classification of independent contractors. These new mandates will dramatically increase the amount of frivolous litigation under FEHA and the Private Attorneys General Act (PAGA) for the digital marketplace.

**AB 3080** (Gonzalez Fletcher; D-San Diego) Ban on Settlement Agreements and Arbitration Agreements—Significantly expands employment litigation and increases costs for employers and employees by banning settlement agreements for labor and employment claims as well as arbitration agreements made as a condition of employment, which is likely preempted under the Federal Arbitration Act and will only delay the resolution of claims. Banning such agreements benefits the trial attorneys, not the employer or employee.

**ACA 22** (McCarty; D-Sacramento) Middle Class Fiscal Relief Act—Unnecessarily increases California’s 8.84% corporate tax rate, already one of the highest in the nation, to 18.84%, which will encourage companies to leave the state and discourage companies from expanding or relocating here.

**SB 1284** (Jackson; D-Santa Barbara) Disclosure of Company Pay Data—Unfairly requires California employers to submit pay data to the Department of Industrial Relations creating a false impression of wage discrimination or unequal pay where none exists and, therefore, Subjecting employers to unfair public criticism, enforcement measures, and significant litigation costs to defend against meritless claims.

**SB 1300** (Jackson; D-Santa Barbara) Removes Legal Standing and Prohibits Release of Claims—Significantly increases litigation by removing standing requirement for plaintiff alleging failure to prevent harassment or discrimination when no harassment even occurs, limits the use of severance agreements, and prohibits the use of a general release or nondisparagement clause in employer/employee contracts.

**SB 1398** (Skinner; D-Berkeley) Increased Tax Rate—Threatens to significantly increase the corporate tax rate on publicly held corporations and financial institutions up to 15% according to the wages paid to employees in the United States, and threatens to increase that rate by 50% thereafter, if the corporation or institution reduces its workforce in the United States and simultaneously increases its contractors.

### 2017 JOB KILLER CARRY-OVER BILLS

**AB 127** (Committee on Budget) Threatens Energy Reliability—Threatens energy reliability and will lead to the elimination of jobs by mandating the closure of the Aliso Canyon natural gas storage facility.

**ACA 4** (Aguirar-Curry; D-Winters) Lowers Vote Requirement for New Tax Increases—Unnecessarily reduces the voter threshold from two-thirds to 55% for local governments to enact special taxes including parcel taxes, for the purpose of improving public infrastructure and affordable housing, which creates an opportunity for discriminatory and higher taxes to be imposed against disfavored industries and commercial property owners.

**SB 538** (Monning; D-Carmel) Arbitration Discrimination—Unfairly and unlawfully discriminates against arbitration agreements by restricting the formation of antitrust arbitration agreements in hospital contracts, leading to costly litigation over preemption by the Federal Arbitration Act.

**SB 562** (Lara; D-Bell Gardens) Government-Run Health Care—Penalizes responsible employers and individuals and results in significant new taxes on all Californians and California businesses by creating a new single-payer government-run, multibillion-dollar health care system financed by an unspecified and undeveloped “revenue plan.”

**SB 774** (Leyva; D-Chino) Increased Permitting Fees and Delayed Permitting—Exposes permittees to unknown, increased fees by providing the Department of Toxic Substances Control (DTSC) a blank check to impose additional fees on permittees to implement and perform its statutory requirements when its primary sources of funding have structural deficits and creates substantial uncertainty and delay of facility permitting by interjecting a new board into the organizational structure.

**SCA 6** (Wiener; D-San Francisco) Lowers Vote Requirement for Tax Increases—Unnecessarily reduces the voter threshold from two-thirds to 55% for local governments to enact special taxes, including parcel taxes, for the purpose of providing transportation services, which creates an opportunity for discriminatory and higher taxes to be imposed against disfavored industries and commercial property owners.
Environmental advocates in California who successfully pushed for a ban on single-use plastic bags have expanded their fight against plastic waste, targeting straws and bottle caps and calling on the state to increase the amount of recycled material in plastic water and soda bottles.

The efforts face stiff opposition from the beverage and plastic industries, however, and opponents buried one bill on Monday. Assembly Bill 319, introduced by Assemblyman Mark Stone, D-Scotts Valley, aimed to reduce plastic bottle cap waste by prohibiting retailers from selling bottled beverages with a cap not tethered to the container. Lacking enough support from fellow Assembly Democrats, he decided to let the measure die without a vote.

Stone said the resistance from the beverage industry on his tethered cap bill was strong and featured the use of misleading tactics.

“We expected that pushback from the industry,” Stone said. “But at some point, we really owe it to ourselves to pursue a comprehensive strategy to limit overall plastic usage.”

Stone has made efforts in the past to restrict individual plastic products, including unsuccessful attempts to ban plastic cigarette filters. He plans to propose a similar ban again this year and to keep up the effort to limit plastic bottle cap waste.

Stone said he would like to see lawmakers and private industry put together a comprehensive plan to address plastic waste overall, but disagreements have hindered that process. Until that happens, Stone said, “we’re left with policies around individual products.”

Joining the push to limit plastic waste is Assemblyman Ian Calderon, D-Whittier, who introduced a bill last month that would prohibit dine-in restaurants from giving plastic straws to customers unless customers request them. Calderon says the bill would not ban straws but would attempt to limit their use and protect the environment.

“We need to create awareness around the issue of one-time-use plastic straws and its detrimental effects on our landfills, waterways and oceans,” Calderon said in a news release announcing the bill.

Republicans have blasted the effort as unnecessary and an example of the worst kind of restrictive “nanny government.”

Jon Fleischman, a conservative blogger and former state GOP official, said while littering should be punished, Calderon’s proposal is “nonsensical” and would impose “overarching restrictions on everyone.”

“Instead of going after people littering, we are going to make law-abiding citizens have restrictions on their straws. It is really ludicrous,” Fleischman said. “If you use a little bit of public education, people will do the right thing without there having to be legislation.”

These recent legislative proposals follow several steps the Legislature has taken in the past few years to reduce plastic waste, such as bans on plastic microbeads in cosmetics and plastic bags.

Bottled water, soft drink and plastic producers have opposed the efforts that target plastic bottles, saying that consumers and producers would face increased costs.

The beverage industry, which argued a tethered cap requirement would be expensive and inconvenient for companies to implement, has previously poured millions into blocking proposals in California that targeted its industry, such as efforts to tax soda and put warning labels on sugary drinks.

The American Beverage Association led the effort against AB 319. “The best way to improve on cap recycling is with public service (Continued, see Regulate, page 41)
reminders that get people to ‘Keep the Caps On!’ when discarding containers in recycling bins,” said Fredericka McGee, the group’s vice president of California government affairs and operations.

The association spent nearly $400,000 last year to lobby bills and other legislative matters, including opposing AB 319, according to filings submitted to the California secretary of state. Opponents also are active contributors to legislative campaigns. The ABA donated $52,300 last year to various California lawmaker election campaigns, according to filings. Pepsico gave more than $350,000 to legislative campaigns and the two major political parties in the 2015-16 election cycle.

Mark Murray, executive director of Californians Against Waste, said the opposition helped sway some lawmakers against Stone’s bill.

“(Lawmakers) told us, ‘Oh, I’ve got a Coke facility in my district,’ or ‘Oh, I’ve got a bottled water facility in my district,’” Murray said. “At the end of the day, I’m not sure legislators were all that focused on the substance of (Stone’s bill).”

A coalition of plastic recycling companies is part of the push to mandate the use of recycled plastic—possibly as much as 50 percent—in the manufacturing of new plastic bottles and to extend a program that supports California companies that make new products from recycled plastic bottles.

The group says taking these steps will support green jobs in California and help the state reach its goal of slashing greenhouse gas emissions to 40 percent of 1990 levels by 2030, according to the coalition.

The California Plastics Recyclers Coalition includes five California companies that take recycled plastic water and soft drink bottles and turn them into new products. Their push for a recycled plastic content mandate received a boost Monday, when state senators approved Senate Bill 168 to direct CalRecycle to establish minimum recycled content standards for beverage containers, including plastic bottles, by 2023.

California currently mandates that glass containers are made with at least 35 percent recycled material and newsprint with at least 50 percent recycled material. Plastic beverage containers have no minimum recycled content mandate.

Sen. Bob Wieckowski, D-Fremont, introduced SB 168 last year. The bill, which passed the Senate 28-6, will help give momentum to the state’s recycling efforts and generate economic and environmental benefits, Wieckowski said.

“We need to do more to improve recycling,” Wieckowski said. “I think it’s important that if we are going to be the leaders internationally that we have these standards that are higher.”

Californians buy a lot of plastic bottles. For the 2016-17 fiscal year, about 11.88 billion plastic bottles were sold in California, and 8.6 billion of those bottles were recycled, resulting in a 72 percent recycling rate, according to data from CalRecycle, the department that oversees the state’s recycling program.

Some beverage companies, such as Naked Juice, are already producing plastic bottles with higher amounts of recycled content than the mandate would establish, said Paula Treat, a lobbyist for the recyclers’ coalition. Treat said the minimum content mandate would likely range from 15 to 35 percent but could reach 50 percent.

Jacob Barron, senior manager of communications for the Plastics Industry Association, said big beverage companies are already making strides in using recycled content.

“We’re big supporters of using more recycled content, but we’re concerned a mandate might kind of smother that ongoing effort,” Barron said.

The American Beverage Association believes a recycled content mandate would not increase recycling rates in California, McGee said.

“No additional bottles will be collected or recycled as a result of this minimum content requirement,” McGee said. “It would only shift recycled (plastic) in use today from one product to another product and raise the cost.”

Apart from SB 168, other lawmakers are planning on introducing legislation to revive a state (Continued, see Regulate, page 42)
“I think you’re going to see more recyclers going out of business, as virgin plastics are cheaper,” Treat said.

The program provided plastic recycling companies with a $150 rebate for every ton of material processed in state and paid manufacturers who make products out of the recycled material. It helped attract more than $500 million in private investment for the recycling industry, said Rich Costa, director of procurement, sustainability and government affairs for CarbonLite Industries, a Riverside-based plastic recycling plant that is part of the CPRC.

The incentive program also supported in-state recycling, Murray said. More than 204,500 tons of plastic containers were sold in the state in 2016 alone, and more than 96,000 tons of those containers were recycled and processed in California for a 47 percent in-state recycling rate, according to CalRecycle.

CPRC members want to increase that in-state recycling rate, as bottles are otherwise shipped out of state or overseas, often to China, and used to make products there.

But China implemented a ban on imports of recycled materials at the beginning of 2018. Costa said China’s ban, coupled with the stalled plastic market development program, results in a “double whammy” where recycled materials are left sitting in California with no demand for them.

Environmental advocates said taking steps to limit plastic waste is necessary, but they acknowledge how important and prevalent plastic is in California.

“The reality is plastic is not going away,” Stone said. “It’s everywhere.” •

LEGISLATION:
CALIFORNIA RULES: NO MORE NO. 1 RESIN CODE FOR PETG
BY JIM JOHNSON, PLASTICS NEWS

When is PET not PET? When it is PETG.

To the typical consumer, the difference between PET and glycol-modified PET is simply a letter.

But to a polymer scientist worth her molecular weight, there’s a huge difference. Especially when it comes to recycling.

And that’s why the Association of Plastic Recyclers worked for years to clarify that difference in California, culminating in the recent passage of a new law that defines exactly what constitutes PET.

A workhorse of the container business, PET is the most recycled resin, especially in bottle bill states like California, where there is a financial incentive to recapture the material.

The resin identification code for years has labeled PET as a No. 1. But some PETG-container makers also have been putting a No. 1 code on their products.

And that’s a problem because PET and PETG perform differently during the recycling process, explained APR Technical Director John Standish.

“It’s distinctly different,” he said. “It might sound silly, but people go, ‘It’s polyester, and all polyesters are the same.’ And no, they are not.”

PETG, when recycled, end up glomming on to PET flake to create clumps that disrupt processes and equipment.

“PETG is a copolymer. So it’s a polyester. But it’s a different composition than the PET that’s used to make injection stretch blow molded bottles, which are what a Coke bottle, a Pepsi bottle, a single-serve water bottle [are made from],” Standish said.

The introduction of glycol to create PETG from PET creates a distinct material, one that performs differently during processing as well as recycling.

PETG, in the thermoformed container market, is used in food packaging. It’s also frequently used to package medical devices and electronics.

It’s typically a shade of blue in thermoformed medical applications, and not typically found in the recycling stream, Standish explained.

“All we really did in California, we introduced a piece of legislation that really clarified their existing law,” APR Executive Director Steve Alexander said. “All we did was just reinforce the definition of what PET was for the purposes of the resin identification code in California.”

California emerged as an important market to make the distinction due to the state’s Rigid Plastic Packaging Container Law, which assesses fees to container-makers based on the resin used, Alexander explained.

“There’s a huge financial incentive to label your product anything but a [No.] 7, if you will, so that’s certainly a part of it. But there’s also, I guess you would say, the negative connotation of a 7 being less than optimally recyclable,” Alexander said.

PETG, he said, “wasn’t a 1, that’s all we were saying, and the legislature agreed with us.”

“We’ve probably been complaining about it for six or seven years. We struggled to come up with a solution,” the executive director said.

Earlier work involved trying to create change through the ASTM industry standards process, but that didn’t go anywhere.

“We just decided to take a shot legislatively, and we were able to be successful. It’s been a recognized problem for quite a long time,” Alexander said.

“We created legislation that simply was the definition of what PET is. It doesn’t even mention PETG. There could be other potential contaminants we eliminated as well, but PETG was the primary one we were focusing on,” he said.

(Continued, see PETG, page 44)
It’s no surprise that polymer chemistry can get confusing to the layman, so here’s the language from the new law, AB 906:

“Polyethylene terephthalate is generally referred to as PET; it is also known as PETE, which is used in California statute. PET is widely used in water and soft drink bottles and is used for a variety of other products. PET is recyclable; PET flakes and pellets are commonly recycled into other types of packaging and fiber (e.g., carpet and microfiber).

“Polyethylene terephthalate glycol-modified (PETG) refers to PET plastic resin with the addition of glycol. PETG eliminates hazing that can occur when manufacturing PET containers and is less brittle than PET. PETG also produces a softer and more pliable exterior surface, which is viewed by some as more comfortable to hold for consumers. Unlike PET, PETG does not have a consistent melting point and becomes molten when heated.

“Because both PET and PETG are comprised of polyethylene terephthalate, they are both required to be labeled with the ‘1’ resin code. However, PET has a much higher processing temperature than PETG. This creates significant challenges for recycling. When processed together, PETG melts and becomes sticky while PET remains solid. This results in PETG sticking to PET chips, forming large clumps that cannot be processed. This bill revises the definition of polyethylene terephthalate to exclude PETG so that the materials can be effectively sorted prior to recycling,” the analysis states.

The new law, which becomes effective Oct. 1, defines PET through certain characteristics, including its “melting peak temperature.”

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LEGISLATION:
WHY SINGLE-PAYER WON’T WORK IN CALIFORNIA. YET
BY ANGELA HART, SACRAMENTO BEE

Betty Doumas-Toto’s health insurance premium rose nearly 48 percent in January, to $800 per month for an Affordable Care Act plan. She and her husband are both Los Angeles freelancers in the film industry and are draining their savings trying to keep up with their monthly payments.

A Pomona mother of five named Claudia, who is undocumented, can’t get health insurance because of her immigration status. She’s losing her hearing, but can’t afford tests a doctor ordered because the costs are too high.

At an elder care home in the Sacramento suburbs, small business owners Harue Seki and her father Nori Seki say their 13 employees largely use Medi-Cal and rely on the emergency room when they get sick.

“We’d really like to be able to offer them health care ... but we can’t afford it, Harue Seki said. “It makes it very difficult to compete as a small business owner.”

The three women hope California will lead the nation in building the first universal, taxpayer-financed “single payer” health care system independent from the federal government. The state would take over the business of health care, cut out insurance companies and become the sole payer for all services, including primary care, surgeries and prescription drugs.


Now there is renewed interest, as proponents like Sen. Kamala Harris and gubernatorial candidate Gavin Newsom see single-payer as the solution to Republican-led efforts to unravel Obamacare. Evidence already shows the law is collapsing under the weight of soaring out-of-pocket costs and fewer affordable coverage options.

As a result, Americans are spending more of their income on medical care, delaying treatments or rationing medicine. Some are opting out of purchasing insurance altogether.

“What happens when our savings is gone? I get scared,” Doumas-Toto said. “Democrats in California have a chance to do something about that. They need to be brave.”

The idea is being strenuously pushed in the Legislature by the California Nurses Association, but has stalled amid Democratic opposition in the Assembly and is most likely dead for the year. No one has made a detailed proposal with a financing plan. Gov. Jerry Brown is skeptical.

Tremendous uncertainty exists over how a state-based single-payer system would work. No matter how it’s crafted, the costs would be steep. Californians likely would face huge increases to their tax bills—both to pay for it initially and to cover inevitable cost increases in the future.

Creating such a system would cost $400 billion per year, more than double the state budget, according to an estimate by the nonpartisan Legislative Analyst’s Office, one the nurses dispute.

California taxpayers would be on the hook for at least $200 billion, with the expectation that they would also no longer pay for health care premiums, co-pays or insurance deductibles.

Making that trade-off, both politically and financially, would be difficult to achieve.

On average, a person with private insurance now pays $6,690 a year in premiums, according to the Kaiser Family Foundation.

The estimated tax increases needed to pay for a new system would be unprecedented. Under one scenario, the average statewide sales tax rate would have to jump from 8.5 percent to nearly 37 percent to generate the amount of revenue needed.

Under another, California would have to create a new 15 percent (Continued, see Trade-off, page 46)
payroll tax, withholding $150 from a $1,000-a-week paycheck. “The tax increases we’re talking about are so ridiculously high that you can’t assume there wouldn’t be significant behavioral responses—people earning less income or leaving the state,” said Alan Auerbach, a UC Berkeley economist who directs its Robert D. Burch Center for Tax Policy and Public Finance.

Harue Seki said she’d be willing to pay higher taxes in exchange for single-payer. “I’m already paying 700 bucks a month for a policy. I’d rather have it be to a state system because the state is not going to have a big profit motive,” Seki said. “I’ve tried private insurance this long, and it’s not working. Single-payer wouldn’t be perfect, but at least it’d be controlled by a government entity with some public oversight and not a giant corporation.”

California currently spends roughly $400 billion per year on health care, according to a Sacramento Bee analysis of national health expenditure data from the Centers for Medicare and Medicaid, projections by state health care analysts and independent health economists.

Half of that comes from taxpayers, in the form of federal and state funding for Medi-Cal, the health insurance program for the poor, Medicare for people 65 and older and Covered California premium subsidies. Most of the rest is in the commercial market, with more than 15 million Californians covered through their employers.

To capture the $200 billion in public money currently spent on Medi-Cal, Medicare and federal Covered California subsidies and divert it to a state-based single-payer system, lawmakers would have to secure numerous federal waivers, legal exemptions to the Affordable Care Act and controversial changes to regulations governing private insurance plans—highly unlikely under President Donald Trump and the Republican-controlled Congress.

Voters would likely have to agree to raise the state’s constitutional spending cap and alter the state’s school spending guarantee. Two-thirds of lawmakers would have to approve any tax hikes needed to raise $200 billion a year. Even that might not be enough. Health care costs are continuing to soar, fueled by uncontrolled prices in America’s market-driven system.

The state of Vermont learned that lesson when its Democratic governor tried to implement his version of single-payer four years ago. Former Vermont Gov. Peter Shumlin abandoned his plan in 2014, despite winning majority support from liberal legislators in a deep-blue state that produced Sen. Bernie Sanders, who has championed a national “Medicare-for-all” single-payer plan.

“My critics say I abandoned single-payer because it was too expensive,” Shumlin said. “That’s not accurate. I abandoned single-payer because health care in America is too expensive. Until we get costs under control, there is no system that we can afford.”

“No legislator is going to vote for a system that passes those costs on to consumers in the form of higher taxes,” he said. “That’s a very tough sell to anyone from any political party.”

American costs are the highest of the world’s industrialized counties. The United States spent nearly $3.5 trillion on health care last year—more than $10,000 per-capita—and spending is expected to climb 5.5 percent each year from now until 2026, according to the Centers for Medicare and Medicaid.

“Overwhelmingly, the reason we spend so much more is not because we use more health care, but because we pay higher prices in California and across the U.S.—higher prices for drugs, higher prices for hospital care, higher prices for physician care,” said Larry Levitt, a health economist and co-executive director for the Program for the Study of Health Reform and Private Insurance at the Kaiser Family Foundation.

“Every other country has some kind of government mechanism to control prices.”

The Trump administration, meanwhile, is working to dismantle Obamacare and undo regulations put in place under former President Barack Obama aimed at controlling costs, sparking renewed urgency in California for a single-payer system.

“The more Republicans destroy the Affordable Care Act, the more people decide single-payer is what they want,” said David Cutler, a health policy expert and professor of economics at Harvard. “People aren’t going to say ‘Ooh goody, let’s let a large share of the population go without health care.’

Some see an opportunity for the state to go even further than Obamacare, which doesn’t include people like Claudia, the undocumented Pomona mom.

“When I feel pain or something, I just hope it goes away,” she said. Claudia is afraid her family will be targeted by an Immigration and Customs Enforcement raid, so The Sacramento Bee agreed to not use her last name. “If I need blood work or I get sick, the first thing that comes to mind is ‘I’m going to have to take some money from another bill or rent to pay for it.’”

A single-payer system could cover her, yet without a way to control rising costs, even greater year-over-year tax increases would be required to operate a universal, single-payer system. Unlike the federal government, California cannot operate with a budget deficit.

Major changes to state law would be needed to forestall even greater tax hikes, including deep payment cuts to medical providers, state-regulated caps on total health spending and large-scale transformations in the way providers are paid, to a structure that rewards better health outcomes rather than more care and expensive procedures.

Single-payer proponents argue the government can achieve (Continued, see Trade-off, page 47)
widespread savings by providing everyone with access to preventive care, negotiating lower provider rates, bulk purchasing of pharmaceuticals and cutting health industry overhead—executive pay, profits, marketing budgets and other administrative costs.

The nurses are convinced those major changes would bring down current costs and control them in the future. “The reason we take this on is because the health care system has become an industry where money is the metric of good medicine,” said Michael Lighty, director of public policy for the nurses association. “Simply providing insurance to everyone will not solve these problems.”

Their projections come from University of Massachusetts Amherst economist Robert Pollin, who co-authored a 2017 nurses study on a single-payer bill that stalled in the Legislature last year. The study estimated total spending of $331 billion per year.

No clear consensus concludes how much savings a single-payer system could achieve. But according to more than a dozen experts The Sacramento Bee interviewed, including economists, health care analysts and doctors, some evidence shows that the approach could result in savings. For traditional Medicare, for example, administrative costs—including advertising, billing and profits—are 1 to 2 percent of total program costs, compared to 11 percent for employer-sponsored insurance and up to 20 percent of for individual insurance, according to an estimate by the Kaiser Family Foundation. “When you eliminate all that complexity, which is causing all these inefficiencies, you get the biggest chunk of savings,” said Jim Kahn, a doctor and professor at the University of California, San Francisco School of Medicine. “When every patient has exactly the same coverage, you get rid of that back-and-forth discussion with insurance companies about ‘Why didn’t you pay for this, why you didn’t pay for that?’”

Still, some argue the savings would not be nearly enough to counter rising costs. The alternative? Rationing care. “I don’t think you can just take it on faith that costs will be controlled,” Levitt said. “Otherwise you’ve got tremendous cost over-runs and taxes have to keep going up, or you’ve got to cut back on care if you don’t have the money to pay for it.”

The political hurdles would be monumental, with the insurance industry, pharmaceutical companies and hospitals opposed to the concept. It’s already inviting backlash from those who would rather fix the current problems with Obamacare.

A coalition of pharmacy, hospital and doctor groups formed this year to kill any remaining chances to revive a Democratic proposal to create a single-payer system for California. The Coalition to Protect Access to Care includes the California Medical Association, Kaiser Permanente and the California Pharmacists Association, among others. Members have been meeting with lawmakers and thanking them publicly on Twitter for opposing the single-payer proposal, Senate Bill 562, still languishing in the Legislature. They say they want to #SaveTheACA, and include doctors who ultimately think a single-payer system is the wrong way to go.

Supporters say they may just have to wait for a different governor and a friendly federal administration. “If you try and change things too fast, it will cause problems and the public won’t like it. They’ll worry about what will happen with their health insurance,” said Stephen Tarzynski, a practicing doctor and president of the California Physicians Alliance. “You want to bring people along with you, not create resentment and opposition.”

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LEGISLATION:
IMMIGRANT WORKER PROTECTION ACT (AB 450) FAQ

The California Labor Commissioner and California Attorney General provide this joint guidance on AB 450.

What is the Immigrant Worker Protection Act (AB 450)?
Starting January 1, 2018, the Immigrant Worker Protection Act (AB 450) imposes various prohibitions and requirements on employers with regard to worksite inspections by immigration enforcement agents.

The law sets forth certain prohibitions on employer conduct if an immigration enforcement agent seeks to enter the employer’s place of business or requests employee records, subject to certain specified exceptions. It also mandates that employers comply with specific notice requirements to employees if the employer receives notice from an immigration agency of an upcoming inspection of I-9 Employment Eligibility Verification Forms or other employment records. Finally, it prohibits employers from reverifying employment eligibility of any current employee at a time or in a manner not required by federal immigration law. The details of employer obligations under these provisions, which trigger certain penalties for their violation, are discussed more fully below.

Who is charged with enforcing AB 450?
The California Attorney General and California Labor Commissioner have exclusive authority to enforce this new law.

Which employers are subject to the provisions of AB 450?
The provisions of this law apply to all public and private employers.

What does this law prohibit employers from doing if an immigration enforcement agent seeks to enter the employer’s place of business?
The law prohibits employers, or persons acting on behalf of the employer, from providing “voluntary consent” to the entry of an immigration enforcement agent to “any nonpublic areas of a place of labor.” Accordingly, there is no violation of this provision if the agent enters a nonpublic area without the consent of the employer or other person in control of the place of labor. In addition, employers are not precluded from taking an agent to a nonpublic area if employees are not present in the nonpublic area; the agent is taken to the nonpublic area for the purpose of verifying whether the agent has a judicial warrant; and no consent to search the nonpublic area is given in the process.

Is there any penalty if an employer provides voluntary consent to the entry of an immigration enforcement agent to a nonpublic area of a place of labor?
Yes. Employers that violate this provision are subject to civil penalties of $2,000 to $5,000 for a first violation, and $5,000 to $10,000 for each subsequent violation. For purposes of this penalty, a “violation” means each incident when it is found that a violation occurred, regardless of the number of employees, the number of immigration enforcement agents involved in the incident, or the number of locations affected in a day.

However, an employer would not be subject to this penalty provision if the immigration enforcement agent provides a judicial warrant.

See Government Code Section 7285.1.

What does it mean to provide “voluntary” consent to the entry of an immigration enforcement agent?
In general, for consent to be voluntary, it should not be the result of duress or coercion, either express or implied.

An example of providing “voluntary” consent to enter a nonpublic area could be freely asking or inviting an immigration enforcement agent to enter that area. This could be indicated by words and/or by the act of freely opening doors to that area for the agent, for instance.

(Continued, see FAQ, page 49)
FAQ FOR ASSEMBLY BILL 450 [CONT’D]

It is important for employers to understand that whether or not voluntary consent was given by the employer is a factual, case-by-case determination that will be made based on the totality of circumstances in each specific situation.

This law does not require physically blocking or physically interfering with the entry of an immigration enforcement agent in order to show that voluntary consent was not provided.

What is a “nonpublic” area of a place of labor?

The statute does not define the meaning of “nonpublic” area nor otherwise indicate that the term “nonpublic” should be given anything but its usual or ordinary meaning. A “nonpublic” area is one that the general public is not normally free to enter or access. For example, this could be an office where payroll or personnel records are kept, or an area that an employer designates (for instance, by posting signs or keeping doors closed) as restricted to employees or management of the business.

The prohibition under AB 450 against providing voluntary consent to the entry of an immigration enforcement agent does not apply to a “public” area of a place of labor—an area that the general public is normally free to enter and access—such as the dining room of a restaurant or the sales floor of a store during business hours.

Under AB 450, an employer’s designation (or non-designation) of an area as “nonpublic” or “public” is not dispositive. It is important to recognize that every place of employment is different and whether or not a business premise, or any part thereof, constitutes a “nonpublic” area of a place of labor is a factual, case-by-case determination that will depend on an assessment of all the circumstances in any given situation.

Employers may wish to consult with their own legal counsel about their specific situation. Separate from understanding what is required under AB 450, employers may also wish to consult with their own legal counsel about any constitutional protections that may apply to their situation (and how to safeguard any such protections) if an immigration enforcement agent shows up at the employer’s place of business.

What does this law prohibit an employer from doing if a federal immigration agent tries to access, review, or obtain employee records?

The law prohibits employers, or persons acting on behalf of the employer, from providing “voluntary consent” to an immigration enforcement agent “to access, review, or obtain the employer’s employee records.” Accordingly, there is no violation of this provision if the agent accesses, reviews, or obtains employee records without the consent of the employer or other person in control of the place of labor.

See Government Code Section 7285.2.

Is there any penalty if an employer provides voluntary consent to an immigration enforcement agent to access, review, or obtain employee records?

Yes. Employers that violate this provision are subject to civil penalties of $2,000 to $5,000 for a first violation, and $5,000 to $10,000 for each subsequent violation. For purposes of assessing this penalty, a “violation” means each incident when it is found that a violation occurred, regardless of the number of employees, the number of immigration enforcement agents involved in the incident, or the number of employee records accessed, reviewed, or obtained.

However, an employer would not be subject to this penalty provision if:

- The immigration enforcement agent provides a subpoena for employee records; or
- The agent provides a judicial warrant for employee records; or
- The employee records accessed, reviewed, or obtained by the immigration enforcement agent are I-9 Employment Eligibility Verification forms and other documents that are requested in a Notice of Inspection issued under federal law.

Employers need to be aware that the new law sets out different and distinct exceptions to its penalty provisions. In the case where an immigration agent seeks to enter a nonpublic area of a place of labor, the penalty provision (under Govt. Code Section 7285.1) does not apply if the agent provides a judicial warrant. However, in the case where an immigration agent seeks to access, obtain, or review employee records from the employer, the penalty provision (under Govt. Code Section 7285.2) does not apply if the agent provides either a subpoena or judicial warrant for the employee records, or a Notice of Inspection for I-9 forms and other documents. Employers may wish to consult with their own legal counsel about compliance with federal immigration law, and any legal obligations if an immigration enforcement agent issues a Notice of Inspection, subpoena, or judicial warrant for employee records.

See Government Code Section 7285.2.

What does it mean to provide “voluntary” consent to an immigration enforcement agent to access, review, or obtain employee records?

In general, for consent to be voluntary, it should not be the result of duress or coercion, either express or implied.

Examples of providing “voluntary” consent could be freely stating to an immigration enforcement agent that the agent may look at employee records, freely telling the agent where to find employee records, or freely turning on a computer or opening a file cabinet (in which employee records are kept) for the agent.

It is important for employers to understand that whether or not (Continued, see FAQ, page 50)
FAQ FOR ASSEMBLY BILL 450 [CONT’D]

voluntary consent was given by the employer is a factual, case-by-case determination that will be made based on the totality of circumstances in each specific situation.

This law does not require physically blocking or physically interfering with an immigration enforcement agent in order to show that voluntary consent was not provided.

**AB 450 refers to a “judicial warrant.” What type of document qualifies as a judicial warrant?**

A judicial warrant is a warrant that has been reviewed and signed by a judge upon a finding of probable cause. The name of the issuing court will appear at the top of the warrant.

Documents issued by a government agency but not issued by a court and signed by a judge are not judicial warrants. An immigration enforcement agent may show up with something called an “administrative warrant” or a “warrant of deportation or removal.” These documents are not judicial warrants.

Under AB 450, both of the penalty provisions noted above (under Govt. Code Sections 7285.1 and 7285.2) do not apply when an immigration enforcement agent provides the employer with a judicial warrant. There is no statutory exception to the penalty if the agent provides an administrative warrant.

Employers may wish to consult with their own legal counsel to understand the differences between judicial warrants and administrative warrants, and the employer’s legal rights and obligations (separate from any obligations under AB 450) if presented with either type of warrant. An employer may also wish to consult with their own legal counsel about any constitutional protections that may apply to their specific situation (and how to safeguard any such protections).

Click here for a sample of a judicial warrant. Employers should understand that not all warrants will appear the same, and that they may wish to consult with their own attorney when presented with a purported warrant.

**AB 450 also refers to a “subpoena.” What is a subpoena?**

A subpoena is a legal demand for the appearance of a witness or the production of documents or other evidence at a specific time and place. It can be issued under the authority of a government agency or an attorney without the need for prior court approval if the agency or attorney is authorized to issue subpoenas under the law. A subpoena must describe the particular information sought.

Employers need to be aware that AB 450 sets out different and distinct exceptions to its penalty provisions. Under the new law, where an immigration enforcement agent seeks to access, obtain, or review employee records, the penalty provision noted above (under Govt. Code Section 7285.2) does not apply if the agent provides a subpoena (or a judicial warrant or Notice of Inspection for I-9 forms and other documents). **This penalty exception when an immigration enforcement agent has a subpoena is limited to the situation where the agent seeks to access, obtain, or review employee records (under Govt. Code Section 7285.2).** In the case where an immigration enforcement agent enters a nonpublic area of a place of labor with the voluntary consent of the employer, there is no statutory exception to the separate penalty (under Govt. Code Section 7285.1) if the agent has a subpoena. (For questions on AB 450 requirements regarding entry of an agent into a nonpublic area of a place of labor, please see FAQs 4-7.)

Click here for a sample of a subpoena. Employers should understand that not all subpoenas will appear the same, and that they may wish to consult with their own attorney when presented with a purported subpoena.

**As an employer, what should I do if an immigration enforcement agent provides a subpoena or judicial warrant for employee records?**

When confronted with a subpoena or judicial warrant for employee records by an immigration enforcement agent, employers may wish to consult with their own legal counsel about their legal rights and obligations, in order to evaluate the request and to determine how to respond.

AB 450 specifies that it does not prohibit an employer, or person acting on behalf of an employer, from challenging the validity of a subpoena or judicial warrant in court.

Any challenge to, or compliance with, a subpoena or judicial warrant for employee records are separate matters that are not addressed by AB 450.

**Under AB 450, what are the notice requirements that an employer must follow?**

The new state law requires that an employer must provide the following written notices to employees regarding an inspection by an immigration agency of I-9 Employment Eligibility Verification forms (“I-9 forms”) or other employment records, including the results of any such inspection:

(1) Notice of inspection of I-9 forms or other employment records. **Within 72 hours of receiving a Notice of Inspection of I-9 forms or other employment records by an immigration agency,** an employer must provide notice of the inspection to each current employee, and to the employee’s exclusive collective bargaining representative (if any). The notice to employees must include the name of the immigration agency conducting the inspection; the date the employer received the Notice of Inspection; the nature of the inspection to the extent known; and a copy of the Notice of Inspection.

This notice to employees must be posted by the employer in the language normally used by the employer to communicate employment-related information to the employee.

The Labor Commissioner has provided a **template posting** that employers may use to comply with this provision.

Upon reasonable request, an employer must also provide an (Continued, see FAQ, page 51)
affected employee with a copy of the Notice of Inspection from the immigration agency.

(2) Notices relating to inspection results. Within 72 hours of receiving written notice from the immigration agency of the results of the inspection of I-9 forms or other employment records, an employer must also provide to each current affected employee, and to the employee’s exclusive collective bargaining representative (if any):

• A copy of the written notice from the immigration agency that provides the results of the inspection of the I-9 forms or other employment records; and

• Written notice of the obligations of the employer and the affected employee arising from the results of the inspection, which must include a description of any and all deficiencies or other items identified by the immigration agency (in its written notice of inspection results) that relate to the affected employee; the time period for correcting any potential deficiencies identified by the immigration agency; the time and date of any meeting with the employer to correct any identified deficiencies; and notice that the employee has the right to representation during any meeting scheduled with the employer. Each affected employee’s notice shall relate only to that individual affected employee, and must be delivered to the employee by hand at the workplace if possible, or by mail and e-mail (if known) if hand delivery is not possible.

An “affected employee” to whom notice of the above must be provided by the employer is an employee identified by the immigration agency as having deficiencies. See Labor Code Section 90.2.

Is the 72-hour time period for posting a notice to employees of an inspection of I-9 forms or other employment records triggered by a visit by immigration enforcement agents?

No. Under the new state law, the triggering event for the 72-hour period to post a notice is the receipt of a Notice of Inspection of I-9 forms or other employment records. While a Notice of Inspection is often delivered during a visit from immigration enforcement agents, it could also be delivered or served without an actual visit from government agents. It is important for employers to understand both that a visit from immigration enforcement agents does not automatically trigger the 72-hour period unless they serve a Notice of Inspection seeking I-9 and/or other employment records during such a visit, and that the 72-hour period can be triggered without any visit at all from immigration authorities if a Notice of Inspection is delivered by some means other than in person. Under AB 450, regardless of how it is delivered, a valid Notice of Inspection requires employers to post a notice to all current employees within 72 hours of receipt.

Is there any penalty if an employer fails to comply with the foregoing notice provisions relating to an inspection by an immigration agency of I-9 forms or other employment records?

Yes. An employer who fails to provide the required notices is subject to civil penalties of $2,000 to $5,000 for a first violation, and $5,000 to $10,000 for each subsequent violation.

However, the penalty will not apply if an employer fails to provide notice to an employee at the express and specific direction or request of the federal government. See Labor Code Section 90.2.

Is there any other employer conduct that is prohibited under AB 450?

Yes. AB 450 also prohibits an employer, or a person acting on behalf of an employer, from reverifying the employment eligibility of any current employee at a time or in a manner that is not required by Section 1324a(b) of Title 8 of the United States Code. Violation of this prohibition subjects the employer to a civil penalty up to $10,000.

See Labor Code Section 1019.2.

Does AB 450 require employers to defy federal requirements?

No. Compliance with AB 450 does not compel any employer to violate federal law. Rather, it may require employers in some instances to decline requests for voluntary cooperation by federal agents. However, the statute makes clear that its provisions only apply “except as otherwise required by federal law” and do not restrict or limit an employer’s compliance with any memorandum of understanding governing use of the federal E-Verify system.

Press release reprinted from California Attorney General’s office and California Department of Industrial Relations.
Faced with an unholy tonnage of chip bags, soda bottles, takeout containers and other disposable plastic items flowing into our landfills and our waters, winding up in wildlife, drinking water and food, policymakers in California have tried reining in plastic waste bit by bit. For example, more than 100 cities have adopted restrictions on polystyrene takeout containers, and the state has banned single-use plastic grocery bags.

Considering the magnitude of the problem, however, this item-by-item, city-by-city approach isn’t going to cut it.

The state and local rules certainly have raised public awareness about the problem. Denying free plastic bags at checkout or providing plastic straws only on request sends consumers an important message that there’s a bigger cost to these everyday items than they may have considered. But the actual flow of trash has been disrupted only modestly.

It’s going to take more than a smattering of bans on single items to cure society of its disposable-plastic habit. The sheer volume of plastic trash now littering Earth has become impossible to ignore. It’s time for environmentalists, policymakers and elected officials to start planning a broader response: phasing out all single-use plastic, not just the most pernicious.

That’s right, all of it. If that sounds like a pipe dream, consider what’s happening across the pond. Last month, British Prime Minister Theresa May outlined a plan to eliminate plastic waste by 2042. Queen Elizabeth II kicked it off this month by banning plastic straws and bottles from royal estates, and the Church of England supported a nascent social media campaign, #plasticlesslent, to encourage its flock to give up plastic for Lent this year. Simultaneously, the European Union announced its own plan to significantly reduce plastic waste, including adopting a possible plastic tax, in a direct response to the news that China, the largest importer of plastic recyclable material, was no longer accepting “foreign garbage.”

We don’t expect President Trump or Congress to follow suit, even though it’s impossible to pretend that the trash filling up in the ocean is naturally occurring. That leaves it to states like California to step in. One strategy is for lawmakers to adopt a reduction goal, as they did for greenhouse gas emissions and energy derived from fossil fuels, and then to adopt specific programs to meet that goal. It’s a simple but effective approach to tackling such a formidable environmental threat. Also, it puts makers of disposable plastic on notice, so they can’t complain they didn’t have time to adapt or move into other, less harmful product lines.

If we don’t cut back now, there will eventually be more plastic than fish in the ocean.

But even forewarned, the plastic industry isn’t likely to take an assault on its bottom line well. Plastic makers spent millions of dollars trying to stop the state from banning single-use plastic bags. Imagine what they might unleash if all their disposable plastic products were threatened. As part of that, they will no doubt argue, as they did in the plastic bag fight, that the efforts to clean up plastic waste would mean lost jobs.

But it’s not a zero-sum game. Cutting jobs on a disposable plastic product line doesn’t automatically translate into fewer people employed. If the door closes on polystyrene takeout containers, for example, it will open for cardboard and other biodegradable alternatives.

No one expects consumers to give up convenience completely. In fact, the market for bio-plastic alternatives, which are made from corn starch and other biodegradable sources, is already growing thanks to public awareness.

(Continued, see Phase, page 53)
ness and the sporadic efforts to curb plastic waste.

Opponents will insist that the answer is just to encourage more recycling. Not only is recycling not the answer (see China’s diminished appetite for imported plastic trash), it has only enabled our addiction to convenient, disposable plastic packaging to deepen for some 60 years.

Yes, it’s scary to think about a world where one has to carry around a reusable bag or worry about a paper drinking straw falling apart mid… Oh, wait. No, it’s not. Knowing that every piece of plastic manufactured on Earth is still with us and that if we don’t cut back now, there will eventually be more plastic than fish in the ocean—that’s the truly frightening thought.”

*Reprinted from latimes.com, February 20, 2018.*
During every visit to the beach, Sheila Morovati, her husband and their two kids each pick up at least 10 pieces of trash. Almost always, every item is made of plastic: straws, bottle caps, lids, forks.

So last year, Morovati helped lead a campaign to get rid of plastic straws in the city of Malibu. The effort culminated Monday night with the City Council banning the seaside town’s roughly 65 restaurants and food vendors from offering or selling plastic straws, stirrers and utensils to customers.

“This is a community based on its ocean and beaches and we want to protect those,” said Craig George, the city’s environmental sustainability director. “Individual cities have to decide how they’re going to protect the earth,” he said. “We’ve got to start somewhere. If we can start locally, that’s the best place to start.”

Businesses have until June 1, when the ban takes effect, to make the change, swapping out the plastic items for ones made of paper, wood or bamboo. Diners are also encouraged to use reusable straws and cutlery made of metal or glass.

“This is the right thing to do,” said Mayor Rick Mullen. Even if people have to “pay a little more for something to do the right thing, it’s the right thing to do.”

The new law marks the beach town’s latest move to crack down on the distribution of single-use plastics. Malibu was early to adopt a plastic shopping bag ban, passing an ordinance in 2008 to keep bags from drifting into the ocean and killing marine life.

Los Angeles followed suit five years later, and eventually the bag ban went statewide. Supporters of the latest restrictions on plastic cutlery and straws in Malibu hope it takes root in a similar way.

“If Malibu is doing it, so many other cities will follow suit,” Morovati said.

Critics say the ban will have far-reaching impacts on business owners who may struggle to find—and pay for—viable alternatives, which are more expensive, in bulk.

In a city report on the new law, officials cited a figure widely used by environmentalists when advocating for people to ditch plastic straws: that 500 million single-use plastic straws are discarded per day across the nation. Turns out, that number is based on research conducted by a teenager who, in 2011, when he was 9 years old, asked manufacturers how many straws they produce a day. It’s unclear how valid his figure is, but environmentalists say it’s probably not far off.

“Give or take a couple hundred or thousands, it’s still an incredible number of straws per day,” George said.

Environmental activists said plastic is especially harmful when it winds up in the ocean because it’s not biodegradable.

“It gets into smaller and smaller and smaller pieces, but it doesn’t go away,” said Harlin Savage, communications director for the nonprofit recycler Eco-Cycle. “All plastic trash is winding up in landfills, littering the countryside, in the oceans.”

This may not be the last ban on single-use plastics in the coastal enclave. As a next step, Malibu has its eye on another item often collected during beach cleanups: plastic lids.

LEGISLATION:
CALIFORNIA LAWMAKER TARGETS PLASTIC STRAWS AT RESTAURANTS
BY MELODY GUTIERREZ, SAN FRANCISCO CHRONICLE

Three years after California banned single-use plastic bags, a state lawmaker is attempting to make plastic straws the next taboo item.

Assemblyman Ian Calderon, D-Whittier (Los Angeles County), introduced a bill this month that would require servers at sit-down restaurants to ask customers if they want a straw before providing one. It’s a small step, but Calderon said it’s in the right direction.

The bill would not apply to fast-food restaurants, cafes or delis, or any takeout orders, where straws are far more likely to be improperly disposed. It’s far short of a ban on plastic straws that environmental groups are pushing for, but its limited scope may make it easier to accept for potential opponents, such as the restaurant industry.

“Really, what’s at stake here is a few moments of convenience creating a years-long environmental threat,” said David Lewis, executive director of Save the Bay.

Some restaurants and bars have already taken steps to cut back or eliminate plastic-straw use. It has been almost a year since Pagan Idol tiki bar in San Francisco’s Financial District stopped using plastic straws, instead finding a compostable paper straw that wouldn’t end up in the bay and other waterways.

Beverage manager Daniel Parks said that in the time since Pagan Idol made the change, he’s seen a number of other bars and restaurants switch too, a move environmentalists say is needed to curb one of the leading causes of plastic pollution in the state.

“It started with plastic bags, and this is an important thing to get away from, too,” Parks said.

Lewis said what was learned from California’s plastic-bag ban was that cities and counties had to take up the fight first before state lawmakers could muster enough votes in the Legislature.

“It took years for the Legislature to pass a ban on plastic bags,” Lewis said. “I don’t know if the same will be true of straws.”

Calderon’s bill, AB1884, is similar to city ordinances adopted in San Luis Obispo and Davis last year. Stan Gryczko, the assistant public works director in Davis, said that since the ordinance went into effect in the city in September, there have been no complaints.

“It’s been very quiet,” Gryczko said.

Manhattan Beach (Los Angeles County) has a ban on all disposable plastics, including straws. Berkeley is considering a ban on plastic straws, while Santa Cruz does not allow plastic straws in to-go orders. Other cities are considering limiting the use of plastic straws, including Los Angeles.

In San Francisco, the Golden Gate Restaurant Association is partnering with the Surfrider Foundation to highlight alternatives to plastic straws during its Restaurant Week, which began Monday.

Golden Gate Restaurant Association executive director Gwyneth Borden said that kind of voluntary approach to solving the environmental issue with straws is far more palatable than a state mandate.

“No, not everything needs to be legislated,” Borden said. “The industry will be more creative and innovative if given the opportunity to come up with a solution.”

Borden questioned how AB1884 would be enforced.

“Will there be secret straw investigators?” Borden joked.

“They don’t need to create a law around it,” she said. “You aren’t (Continued, see Steps, page 56)
really even tackling where the mass usage happens. The segment of the restaurant industry that is struggling the most is full-service restaurants, and this law singles them out.”

Sharokina Shams, a vice president at the California Restaurant Association, said her industry group has not had a chance to look at the impacts of the bill or take a position yet.

“But I can say that the assemblyman’s approach is preferable to an outright ban of a product,” Shams said. “If it ultimately supports the idea of helping the environment while also allowing consumers and businesses some cost-effective choices, then it could be workable.”

Those that have stopped using plastic straws, such as Pagan Idol, said they did not want to be part of a serious problem.

Millions of straws are used once and then discarded in the United States each day, with some operations like the National Park Service saying some 500 million straws are discarded a day. And yet straws are not recycled, in part because of the type of plastic they are made from, and because it’s too costly.

Straws end up in landfills, and when improperly disposed, oceans and waterways, where they can break down into smaller pieces that are mistaken for food by fish and other marine life.

The California Coastal Commission’s annual coastal cleanup days — where the type of trash found is logged — have found plastic straws and stirrers the sixth-most-common type of litter on state beaches. Between 1989 and 2014, the cleanup efforts yielded 736,000 straws and stirrers.

“We are aware of the problem we’ve created with plastic and wanted to get away from it as much as possible,” said Parks, the beverage manager at Pagan Idol.

Parks said there is a bit of a learning curve when a new customer uses a paper straw for the first time.

“It’s almost like you have to teach them,” Parks said.

Don’t handle the straw, he recommends. Paper straws are not great for poking at ice or leaving in a drink for too long.

“That challenges our bartender to make the drinks absolutely delicious,” Parks said.

Dear Customer,

This letter is to inform food service businesses that the use of plastic utensils, plastic straws, and plastic cocktail picks will be prohibited in Seattle effective July 1, 2018. Compliant options include durable or compostable utensils, straws, and cocktail picks. Compliant straws include those made of compostable paper or compostable plastic. Utensils banned include disposable plastic forks, plastic spoons, plastic knives, and plastic cocktail picks.

Timeline: In 2008, the City of Seattle put in place an ordinance to require that one-time-use food service items, including packaging and utensils, be recyclable or compostable. Seattle Public Utilities has provided a year-by-year exemption for a handful of items, including plastic utensils and straws. Plastic utensils and straws are not recyclable. There are now multiple manufacturers of approved compostable utensils and straws, these food service items will no longer be exempt from the existing requirements.

Enforcement: SPU staff continue to perform inspections of all food service businesses to verify compliance with Seattle Municipal Code Section 21.36.084 and 21.36.086 which require that:

- Food service businesses are required to use compostable or recyclable food serviceware (effective 7/1/2010).
- Use of collection bins and collection service for compostables and recyclables is required (effective 7/1/2010).
- Use of expanded polystyrene foam food service packaging is prohibited (effective 1/1/2009).
- Use of plastic utensils and plastic straw food serviceware is prohibited (effective 7/1/2018).
- Failure to comply with the food service ware ordinance may result in a $250 fine.

Take Action:

- Use up your existing inventory of plastic utensils and straws before July 1, 2018. If you are unable to do so, please contact us at the number below to establish a compliance schedule.
- Choose compliant food serviceware to meet packaging, utensil, and straw requirements.
- Provide utensils and straws only on request, and use dispensers for customers to select their own utensils and straws, if not already a current practice.
- Designate clearly marked collection containers for recyclables and compostables in employee and customer areas.
- Arrange for commercial collection service of compostable and recyclable materials.

Free Assistance:

Contact SPU via GreenBusiness@Seattle.Gov or 206-343-8505 or visit the SPU website at seattle.gov/util/GreenYourBusiness for additional information. At the website, you can order a variety of free materials, including posters and stickers, to help you communicate to your employees and customers about what is compostable and recyclable and what is required in Seattle. Thank you for your cooperation and commitment to helping Seattle save resources and reduce waste.

Sincerely,

Seattle Public Utilities
Green Business Program
The Voice of the Plastics Industry in the West

NEW Straw & Utensil Requirements

Summary of Seattle’s Food Serviceware Requirements: (SMC 21.36.086)

Ban of plastic straws and plastic utensils is effective July 1, 2018.
Food service businesses are prohibited from using plastic straws and plastic utensils in Seattle. The temporary exemption for plastic straws and plastic utensils will expire, and the use of compostable straws and compostable utensils will be required, effective July 1, 2018.

NEW

BANNED
Disposable Plastic Straws
Compostable* Paper Straws and Compostable* Plastic Straws

ALLOWED
Disposable Plastic Utensils
Compostable* Utensils

☑ Effective July 1, 2010, food service businesses are prohibited from selling or providing food for consumption on or off the premises with disposable food serviceware. Food packaging used for dine-in service must be compostable and take-out packaging can be compostable or recyclable.

Approved compostable indicates packaging and serviceware that has been tested and approved at a local commercial compost facility.

Plastic utensils and plastic straws are banned in Seattle, effective July 1, 2018.
Serviceware allowed for use includes durables or approved compostable utensils and straws.

FOR DETAILS ABOUT APPROVED COMPOSTABLE PRODUCTS, GO TO:
seattle.gov/util/GreenYourBusiness

GreenBusiness@Seattle.Gov  |  206-343-8505  |  seattle.gov/util/GreenYourBusiness
LEGISLATION:
WASHINGTON IS FIRST STATE TO BAN FLUORINATED CHEMICALS IN FOOD PACKAGING
BY SONYA LUNDER, SENIOR ANALYST EWG

On Wednesday, Washington Gov. Jay Inslee signed the first state law to ban toxic fluorinated chemicals in food packaging, such as microwave popcorn bags, pizza boxes and fast-food wrappers. The ban—conditioned on the state identifying a safer alternative—is a major defeat for the chemical and packaging industries, which have quashed similar proposed bans in other states.

The chemicals, known as PFASs or PFCs, have been linked to cancer, thyroid disease, reduced effectiveness of childhood vaccines and other serious health problems. PFAS chemicals are a family of greaseproof, water-proof and nonstick industrial compounds used in hundreds of consumer products including Teflon, Scotchgard and Gore-Tex.

As early as 2008, tests by the Food and Drug Administration found that PFAS chemicals could migrate out of food wrappers to contaminate food. In 2007, tests by the Environmental Protection Agency detected PFASs in the air released from just-heated popcorn bags, suggesting people might also inhale these chemicals when eating microwave popcorn.

In 2017, EWG collaborated with several national environmental organizations and academic scientists to test fast food wrappers. The tests identified fluorinated chemicals in 40 percent of the 327 wrappers, including packaging for sandwiches, pizza, fried chicken and pastries. Recent tests by the Center for Environmental Health found fluorinated chemicals in every microwave popcorn bag tested as well as in many types of take-out food containers, including those marked as compostable.

For decades, chemical companies covered up the mounting evidence that PFAS chemicals were harmful to human health and the environment. Under pressure from the EPA, some PFASs were phased out, but the replacement chemicals, including those used in food packaging, are very similar in structure and may be no safer. A recent analysis by the Environmental Defense Fund shows the FDA has rubber-stamped several dozens of PFAS chemicals for use in food packaging.

The public scrutiny on PFASs puts pressure on food companies and restaurant chains to use non-fluorinated wrappers. In the absence of federal regulations, states are leading the way.

The Washington ban takes effect in 2022 if the state’s Department of Ecology has identified viable safer replacements for food packaging by 2020. It marks an important shift away from regulating one chemical at a time, to removing a whole class of fluorinated chemicals in food packaging.

EWG urges consumers who want to reduce their exposure to PFASs to tell the FDA to ban these chemicals in food packaging, and ask restaurants and food companies to stop using products with PFASs. You should support legislative efforts in your city or state, and groups working for PFAS bans, such as Toxic-Free Future, which—along with other Washington state advocates—was instrumental in passing the groundbreaking law.

In the meantime, pop your own popcorn on the stovetop, and eat less packaged food and fast foods. If you purchase disposable products that touch food for a cafe, restaurant or cafeteria, check out the Center for Environmental Health’s report, which identifies PFAS-free products for commercial and institutional purchasers.

The California Legislature is facing deadlines at the end of April to report bills out of policy committees to keep the bills “alive” to the next step in the process. 2018 is the end of a two year session, so bills that don’t make it to the Governor by September will really be “dead.”

With all of the anti-Trump actions being taken by the State’s Attorney General and Legislative leadership, not much attention is being paid to legislative work. But the focus on plastics is still alive and well in the marine debris area, mandated post consumer content and bans on polystyrene foam. Bills that were introduced in February include legislation to limit access to plastic straws by customers in restaurants, labeling requirements for polyester fabrics to include notices about the potential for the fabric to shed plastic microfibers, and a new form of product stewardship for the EPS foodservice ware industry in the form of an industry self funded council to fund EPS recycling efforts statewide.

Following is a synopsis of the current bills. Click on the bill number to read the bill in its latest form.

LEGISLATION:
CALIFORNIA LEGISLATIVE REPORT
BY LAURIE HANSEN, WPA LEGISLATIVE DIRECTOR

WPA TRACKED BILLS

AB 1884 (Calderon D) Solid waste: single-use plastic straws.
Location: 2/5/2018-A. NAT. RES.
Summary: Current law establishes state programs for the regulation of various solid waste, including, among others, plastic products, tires, and electronics. Current law also imposes health and sanitation standards for retail food facilities, as defined, including restaurants. This bill would prohibit a food facility, as specified, where food may be consumed on the premises from providing single-use plastic straws to consumers unless requested by the consumer, as specified. Position: Watch

Location: 2/22/2018-A. NAT. RES.
Summary: Would appropriate $200,000,000 from the Greenhouse Gas Reduction Fund to the Department of Resources Recycling and Recovery for organic waste recycling infrastructure projects that reduce greenhouse gas emissions and solid waste recycling infrastructure projects that reduce greenhouse gas emissions. Position: Watch

AB 2379 (Bloom D) Waste management: polyester microfiber.
Location: 3/8/2018-A. NAT. RES.
Summary: Would require that clothing made from fabric that is composed of more than 50% synthetic material bear a conspicuous label that is visible to the consumer at the point of sale, in the form of a sticker, hang tag, or any other label type, with specified information, including a statement that the garment sheds plastic microfibers when washed. The bill would require clothing with that material composition, if a care label is required pursuant to federal law, to include additional information on the care label, including that same statement. The bill would prohibit a person from selling or offering for sale clothing made from fabric that is composed of more than 50% synthetic material that does not bear those labels. The bill would make these provisions effective on January 1, 2020. Position: Watch

(Continued, see page 61)
**AB 2411**  (McCarty D)  **Solid waste: use of compost: planning.**
Location: 4/2/2018-A. NAT. RES.
Summary: Would require the Department of Resources Recycling and Recovery, on or before December 31, 2019, to develop and implement a plan to maximize the use of compost for slope stabilization and establishing vegetation in the course of providing debris removal services following a fire and, in coordination with the Department of Transportation, to identify best practices of each of the Department of Transportation’s 12 districts regarding the cost-effective use of compost along roadways and develop a plan to expand the identified best practices to the other districts. Position: Watch

**AB 2766**  (Berman D)  **California Beverage Container Recycling and Litter Reduction Act: market development payments.**
Location: 3/8/2018-A. NAT. RES.
Summary: Moneys in the California Beverage Container Recycling Fund are continuously appropriated to the Department of Resources Recycling and Recovery for certain payments, including, until January 1, 2018, market development payments. Former law authorized the department, until January 1, 2018, (1) to annually expend up to $10,000,000 from the fund to make market development payments to an entity certified by the department as a recycling center, processor, or dropoff or collection program for empty plastic beverage containers that are subsequently washed and processed into flake, pellet, or other form, and made usable for the manufacture of a plastic product, or to a product manufacturer for empty plastic beverage containers that are subsequently washed and processed into flake, pellet, or other form, and used by that product manufacturer to manufacture a product, and (2) to expend additional amounts to make market development payments, calculated as provided. This bill would authorize the department to again expend those amounts to make market development payments from January 1, 2018, until January 1, 2024. Position: Watch

**AB 2921**  (Low D)  **Polystyrene Food Service Packaging Recovery and Recycling Act.**
Location: 3/8/2018-A. NAT. RES.
Summary: Would enact the Polystyrene Food Service Packaging Recovery and Recycling Act, which would authorize polystyrene food service packaging (PFP) manufacturers and polystyrene resin producers to form or designate an organization consisting of PFP manufacturers and resin producers, to be known as the Polystyrene Food Service Packaging Recycling Organization. Position: Watch

**AB 3178**  (Rubio D)  **Integrated waste management plans: source reduction and recycling element: diversion requirements.**
Location: 3/19/2018-A. NAT. RES.
Summary: Would make findings that the storage of recyclable materials in amounts that exceed the design capacity or permitted capacity of a solid waste facility can pose a threat to public health and safety. The bill, notwithstanding the above-described diversion requirements, would authorize a jurisdiction to temporarily arrange for the disposal of recyclable material if the disposal is necessary for the facility to operate within its design or permit storage limits. This bill contains other related provisions and other existing laws. Position: Watch

**AB 3232**  (Friedman D)  **Zero-emissions buildings and sources of heat energy.**
Location: 3/15/2018-A. NAT. RES.
Summary: Would require the commission, by January 1, 2020, to establish a plan to achieve the goal that all new residential and nonresidential buildings built on or after January 1, 2030, to be zero-emission buildings, as defined, and to develop a strategy to achieve the goal that the emissions of greenhouse gases from the state’s residential and nonresidential building stock shall be reduced to at least 50% below 1990 levels by January 1, 2030. Position: Watch

**SB 71**  (Wiener D)  **Solid waste: disposal.**
Location: 2/26/2018-A. U. & E.
Summary: Current law authorizes a court, in a civil action by a recycling agent against a person alleged to have violated these laws, to either allow treble damages or award a civil penalty, as specified, against the unauthorized person removing the recyclable material, and to allow treble damages or award a higher civil penalty, as specified, against a person for a second violation and subsequent violations. This bill, where a city, county, or other local government agency has authorized a solid waste enterprise to handle solid waste, would subject an unauthorized person to these same damages for collecting, removing, or transporting solid waste generated by another person on residential, commercial, or industrial premises, except in compliance with applicable law. Position: Watch

(Continued, see page 62)
SB 168  (Wieckowski D) Recycling: beverage containers.
Location: 1/29/2018- A. DESK
Summary: Current law requires each glass container manufacturer to use a minimum percentage of 35% of postfilled glass in the manu-facturing of its glass food, drink, or beverage containers. This bill would require the Department of Resources Recycling and Recovery, on or before January 1, 2023, to establish minimum content standards, as defined, for beverage containers that are constructed of metal, glass, or plastic, or other material, or any combination thereof, except as specified in the above provision. The bill would require the department, on or before January 1, 2020, to provide to the Legislature a report on the establishment and implementation of an extended producer responsibility program to replace the current California beverage container recycling program, as specified. Position: Watch

SB 993  (Hertzberg D) Sales tax: services.
Location: 2/14/2018- S. GOV. & F.
Summary: Would, on and after January 1, 2019, expand the Sales and Use Tax Law to impose a tax on the purchase of services by businesses in California at a specified percentage of the sales price of the service. The bill would require the tax to be collected and remitted by the seller of the purchased services. The bill would exempt certain types of services, including health care services, from the tax and would exempt from the tax a business with gross receipts of less than $100,000 in the previous 4 quarters. Position: Watch

SB 1142  (Skinner D) Recycling: beverage containers.
Location: 2/14/2018- S. RLS.
Summary: Current law establishes the California Beverage Container Recycling and Litter Reduction Act, which requires that every beverage container sold or offered for sale in this state have a minimum refund value. The act requires a beverage distributor to pay a redemp-tion payment to the Department of Resources Recycling and Recovery for every beverage container sold or offered for sale in the state to a dealer, and requires the department to deposit those amounts in the California Beverage Container Recycling Fund. This bill would make nonsubstantive changes to the provision naming the act. Position: Watch

SB 1335  (Allen D) Solid waste: disposable food service packaging: state agencies and large state facilities.
Location: 3/1/2018- S. E.Q.
Summary: Would enact the Sustainable Packaging for the State of California Act of 2018, which would prohibit a food service facility in a state agency or large state facility, on and after January 1, 2021, from dispensing prepared food to a customer using disposable food service packaging unless the type of disposable food service packaging is accepted for recovery by the recycling or composting program serving the state agency or large state facility and it has been demonstrated to the satisfaction of the department that the type of disposable food service packaging is recovered for recycling or composting at a rate of 75% or more.
Kicking off the new year with a bang, Jon Stephens took the reins as the company’s new Chief Operating Officer. Stephens’ long-standing tenure with Avangard Innovative (AI) began in 1997 when he started his career in sales in plastic scrap marketing. His position grew along with the company into recycling, equipment sales, OCC, metals and eventually landed him the role of Executive Vice President of Sales and Marketing before being named COO.

When asked what he is most proud of over the past 20 years of service with AI, he responded, “I am most proud of the growth of this company that has become a leader within an industry which continues to evolve itself.”

Jon eagerly looks forward to this new role and the opportunities it brings. Despite the challenges that arise from a rapidly growing company in an ever-changing industry, he is determined to push the envelope of where AI can grow as a company. In this new role as COO, he is spearheading the opening of the Natura PCR™ (Post-Consumer Resin) Plant based in Houston as his most recent project. Stephens stated, “Our PCR plant is a state of the art facility, where we have invested in technology to provide a high-quality pellet for the film and extrusion markets to further our industry’s Circular Economy goals.” He is equally excited about the opportunities to come from the launch of AI’s new analytics software, Sustain™. This high-tech application will allow Team AI to better serve its Environmental Partners on all levels of the recycling process.

Mr. Stephens has made a few personal commitments as well in his new role. He is committed to leading his team to feel empowered and inspired to learn. Ensuring that individuals grow in their careers and find personal fulfillment at AI will lead to even greater success for the company, and he is invested in making that happen.

Avangard Innovative is the largest waste and recycling optimization company in the Americas and employs a little more than 750 team members worldwide within the 13 countries it operates in. For more information, please visit www.avaicg.com.

MEMBER NEWS:
BERRY INVESTING $70 MILLION IN INDIANA EXPANSION
BY JIM JOHNSON, PLASTICS NEWS

Berry Global Group Inc. is investing more than $70 million in its hometown for a thermoforming expansion that’s expected to create up to 150 jobs.

The Evansville, Ind.-based plastics products company will install four new thermoforming lines in existing space.

“We’re partnering with certain customers within our core food service portfolio to address unmet needs, introducing a new proprietary advanced solution to the market, at a lower cost, with improved functionality and sustainability,” said Jean-Marc Galvez, president of Berry’s Consumer Packaging Division, in an email interview.

Berry expects to add about 50 new employees each year during the next three years. Equipment installation is expected to “begin in the near-term,” he said.

The installation will take place in existing space at Berry’s facility in downtown Evansville.

“Berry has enjoyed a long history of operating in Evansville. During that time we have pursued many expansion projects in Evansville, for which both the city and state have been supportive,” Galvez said.

Berry is receiving $1.5 million in conditional tax credits from the Indiana Economic Development Corp. as well as $100,000 in job training funds. The money is described as performance-based and tied to job creation.

“Because of support such as this we are able to, in turn, meet our customers’ increased demands, while providing fulfilling and competitive jobs to local residents,” CEO Tom Salmon said in a statement.

BERRY GLOBAL GROUP INC.
Berry makes a variety of plastics products including rigid, flexible and nonwoven offerings. The company had sales of $7.1 billion in fiscal 2017. In thermoforming, Berry ranks No. 7 in North America in the latest Plastics News ranking, with sales of $403 million.

The company has about 24,000 employees around the world, including about 3,200 in Indiana.

MEMBER NEWS:
DELTA PLASTICS AND COMMAND PACKAGING HAVE MERGED

We are excited to announce that Delta Plastics of the South has acquired Command Packaging and Encore Recycling effective January 30, 2018.

Command Packaging, headquartered in Vernon, California, has been a family owned manufacturer that offers market leading flexible packaging solutions. The company’s product line is used by major airlines, grocery chains, retailers, and food service end markets who are looking for sustainable solutions tailored to their business needs. Command’s product offering is a full spectrum of environmentally conscious, reusable carryout bags with the ability to execute high quality, custom printing.

Encore Recycling, headquartered in Salinas, California, was established with a vision of creating high-quality PCR, sourced from contaminated ag plastics from the Central Valley to use in Command’s manufacturing process. Although there are differences in machinery and methodology, the basis for their recycling operations is not too dissimilar to our Stuttgart plant.

DELTA PLASTICS OF THE SOUTH
We want you to know that we deeply value our relationship with you as a trade partner and will continue to look to you to provide the same high-quality materials and service going forward. A smooth transition and continued efficient operations are our highest priority. We hope this change will only create more opportunities for you to grow and expand with us.

Thank you for your continued support of our business, and please do not hesitate to contact me with any questions or concerns.

Press release reprinted from Delta Plastics of the South, February 1, 2018.
MEMBER NEWS:

PLASTIC SUPPLIERS, INC. ANNOUNCES $35 MILLION IN NEW EXPANSION FINANCING

Plastic Suppliers, Inc. announced today new financing facilities of $35 million including funding for capital expansion of $23 million to increase capacity in 2018 and 2019 in response to growing demand for its EarthFirst® sustainable packaging and label film businesses. Funding for the expansion comes from two facilities: an $8 million facility to expand and add manufacturing to its Ghent Belgium site and a $27 million facility to fund growth and add additional production capacity to its Columbus Ohio manufacturing facilities.

Last October PSI, a pioneer in developing films manufactured from renewable resources, announced the introduction of a new, patented, ultra-lightweight film, EarthFirst® UL made from sugar cane, corn, and tapioca roots. The Company plans to add two new, high-speed production lines and significantly increase the capacity of a third line over the next 18 months. The new film replaces legacy petrochemical-based films used today in flexible packaging applications. It not only reduces the amount of film used in flexible packaging by as much as 40%, but it is also less expensive and has the lowest carbon footprint of any film available today.

“EarthFirst® UL is a big win for consumers, municipalities, retailers, brand owners, and packaging converters alike.” cites George Thomas, CEO of PSI. “It reduces packaging volume entering the waste stream, lowers packaging-to-product ratios, makes the entire supply chain more cost effective, and is compostable. We have a pipeline of new sustainable products that build on this technical platform. The capital will be used to expand our capabilities, enhance our quality and R&D processes, and meet the growing demand for innovative and sustainable packaging in the future.”

KeyBank will provide funding for the Columbus expansion and growth projects. “Key Bank has earned our business and we are thrilled to have them as our banking partner,” cites PSI’s CFO, Michael DuFrayne. “They have been extremely creative in adapting these facilities to our specific needs.”

In addition to the new equipment, the company will invest over $750,000 for SQF certification by mid-year. SQF certification assures food retailers, brand owners, food processors, and packaging converters that food, including the materials used to make packaging, have been produced, processed and handled according to the highest standards. Chief Technical Officer, Francisco Cavalcanti noted, “Although not a requirement of film manufacturers, our new films are in direct contact with food and we see ourselves as an integral part of the final product. We feel it is critical that we elevate our manufacturing operations to the same food safety standards as the food processors.”

Plastic Suppliers, Inc. is a global manufacturer of thin gauge films for the packaging, food, beverage, medical, personal care, office products, and other CPG segments with offices in Columbus, Ohio, and Ghent, Belgium. The company markets products in over 50 countries in The Americas, Europe, Asia, Africa, and The Middle East.

MEMBER NEWS:

temkin installs Pcmc’s meridian laser anilox cleaner

Paper Converting Machine Company (Pcmc), part of Barry-Wehmiller, is pleased to announce that Temkin International Inc. — a leader in the flexible film packaging industry located in Payson, Utah — has completed its installation of Pcmc’s Meridian laser anilox cleaner.

Formerly known as the Graphbury laser anilox cleaner, the Meridian uses a powerful laser to clean anilox cells without damaging them, by vaporizing deposited particles inside of the cells. It deeply cleans chrome and ceramic rolls of any line screen without causing surface wear. The result is a superior clean, improved print quality and a longer life for anilox rolls.

“The addition of the Meridian laser anilox cleaner has significantly saved us time and money,” commented John Cowens, Director of Printing and Prepress at Temkin International. “Using our old cleaning method, we would lose volume over time, which would require us to use more expensive baseinks to achieve color, as well as creating downtime to tone ink. With the Meridian laser anilox cleaner, rolls are cleaned to near full volume minus wear, which eliminates our need for adding base and toning time.”

A worldwide leader in the design and manufacture of inline and CI presses, Pcmc also offers customers a commitment to quality and a dedication to service. The company acquired Graphbury Machines in August of 2017.

“The decision to buy from Pcmc was an easy one,” continued Cowens. “The Meridian has advanced laser technology and is backed by Pcmc’s superior customer service and support.”

“I’m thrilled that Temkin International has had such exceptional results with the Meridian laser anilox cleaner,” said Rich Stratz, Regional Sales Manager at Pcmc. “The Meridian is a great compliment to the other Pcmc machines that Temkin runs.”

PAPER CONVERTING MACHINE COMPANY

Pcmc specializes in the design and manufacture of high-performance converting machinery for the tissue, nonwovens and package-printing industries worldwide. Our comprehensive product offerings include rewinding, laminating, printing, embossing, perforating and packaging equipment for tissue and towels; folding and converting machines; and a complete range of flexographic printing presses, serving the flexible-packaging, prime-label and carton-converting industries.

BARRY-WEHMILLER

Barry-Wehmiller is a diversified global supplier of engineering consulting and manufacturing technology for the packaging, corrugating, sheeting and paper-converting industries. By blending people-centric leadership with disciplined operational strategies and purpose-driven growth, Barry-Wehmiller has become a $2.8 billion organization with more than 11,000 team members united by a common belief: to use the power of business to build a better world. CEO Bob Chapman shares the story of the company’s transformation in his new book, Everybody Matters: The Extraordinary Power of Caring for Your People Like Family.

MEMBER NEWS:

SHIP & SHORE JOINS FORCES WITH UC IRVINE SCHOOL OF PHYSICAL SCIENCES

Ship & Shore Environmental Inc., a leading U.S. pollution abatement firm, announced today that it has joined forces with UC Irvine to commence a program of collaboration, exchange of best practices, research and professional engagements. In addition, S&SE’s CEO Anoosheh Oskouian has become a member of UC Irvine’s School of Physical Sciences Dean’s Leadership Council as well as UCI’s Executive Roundtable, a gateway to mutually beneficial cooperation and knowledge transfer between the business community and the university.

“I am delighted and honored to begin this new journey with UC Irvine. We have been in discussion for months on how we can collaborate and share best practices. UC Irvine is truly a stellar academic and research institution which seeks to advance in the areas of science and technology, and we are honored that they would like to join forces with us,” said Anoosheh Oskouian, CEO of Ship & Shore.

“We are thrilled to partner with Ship & Shore Environmental and look forward to exploring new insight and solutions to the ever critical environmental challenges the world is facing,” said Kenneth C. Janda, Dean of the UCI School of Physical Sciences. “Since inception, our School has been home to some of the most renowned climate scientists in the world, including F. Sherwood Rowland who discovered CFC ozone depletion. The AirUCI center (Atmospheric Integrated Research) is acclaimed for leading research to understand and solve air pollution and other climate issues, and our Department of Earth System Science was the first in the nation established to exclusively study the scientific basis of global environmental problems.”

UCI’s School of Physical Sciences trains the future scientific trailblazers and performs interdisciplinary research to catalyze breakthrough solutions to some of our time’s most existential challenges and exciting questions: human disease, climate change and advancing humanity through a deeper understanding of the world around us.

The UCI Executive Roundtable was founded in 1986 to advance the alliance between UC Irvine and Orange County business leaders. It is comprised of about 70 Orange County business leaders who are primarily their company’s top decision-makers. Through special programs and peer-to-peer networking, business leaders gain direct access to UC Irvine’s leadership, the intellectual capital of its faculty and students, and its research. Correspondingly, the university’s leadership and students benefit from liaisons with businesses that can expand learning, accelerate research, and build pipelines to the marketplace.

SHIP & SHORE

Ship & Shore Environmental, Inc. is a Long Beach, Calif.-based woman-owned, certified business specializing in air pollution capture and control systems for industrial applications. Ship & Shore helps major manufacturers meet Volatile Organic Compounds (VOC) abatement challenges by providing customized energy-efficient air pollution abatement systems for various industries, resulting in improved operational efficiency and tailored “green” solutions.

Since 2000, Ship & Shore has been prepared to handle and advise on the full spectrum of environmental needs with its complete array of engineering and manufacturing capabilities and multiple offices around the U.S., Canada, Europe and, most recently, China. •

MEMBER NEWS:
SHIP & SHORE EXPANDS TEAM TO SUPPORT RECENT GROWTH

Ship & Shore Environmental Inc., a leading U.S. pollution abatement firm, announced today the expansion of its sales force to meet the growing market demand for pollution solutions and the ever-increasing demand by local regulatory agencies. Each of the newest additions are key players in the company’s 2018 sector diversification strategy and will support the rise in activities generated from the company’s recent boom.

Ship & Shore Environmental is pleased to announce the appointments of Mike Pawlowski, Gunnar Peterson and Michael Rupp as Senior Sales Managers representing the company in geographical locations across the United States. These gentlemen will assist the company with their ongoing sales efforts in various industries and lead them into new sectors including Oil & Gas, Remediation, Soil Vapor Extraction, and the Sustainability industries.

“As in 2018, we decided to strengthen our team with proven industry leaders that fit our sector diversification strategy, allowing us to rapidly address the field of opportunities in each of our core markets,” said Anoosheh Oskouian, CEO of Ship & Shore Environmental, Inc. “I am excited about the talent that we have brought to our sales organization with the addition of these gentlemen.”

As Senior Sales Engineering Manager at S&SE, Mike Pawlowski brings four decades of experience in sales and engineering of sustainable energy solutions, thermal oxidizers, process, project, maintenance, and plant engineering in commodity chemicals within the power generation, plastics, specialty chemical and consumer product markets.

As Senior Technical Sales Manager at S&SE, Gunnar Peterson will be providing unmatched experience in the remediation sector. Throughout his career, Gunnar has been intricately involved with all types of site cleanup goals by integrating the proper treatment solutions to cost effectively and safely treat a broad range of contaminated water, soil and air process streams. He specializes in applications where sites are contaminated with chlorinated or hydrocarbon and co-mingled VOCs and in-organics. He has not only assisted with equipment remediation solutions but has installed, optimized, upgraded, and repaired a wide range of groundwater treatment systems.

As Head of Oxidizer and Aftermarket Sales at S&SE, Michael Rupp brings over two decades of sales and engineering experience in Regenerative Thermal Oxidizers (RTOs) and VOC Concentrator systems. He will educate the industry on our pollution technology and innovative solutions for manufacturers and help expand the international market for S&SE.

S&SE’s technologies reduce pollution in safe and controlled environments while increasing operational efficiency, decreasing costs and minimizing environmental effects. Recent growth has drawn in exceptional talent that is sure to take the company into new levels of success.

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MEMBER NEWS:
SHIP & SHORE SIGNS FIVE NEW DEALS

Ship & Shore Environmental Inc., a pioneer in pollution abatement solutions, today announced strong results for 2017 with an overall growth of 15%—a trend that continued into the first quarter of 2018 with five new projects to kick off the year. Company CEO Anoosheh Oskouian attributes these results to a growing, highly professional and experienced team of engineers and advisors and to the ROI that Ship & Shore’s solutions provide current customers and new manufacturers across the globe.

“Despite the general perception of relaxed EPA rules at the federal level, we have witnessed a tightening of rules at the state level as well as a larger-than-ever demand from manufacturers. They realize that operating sustainably, with innovative solutions that respect the environment, not only reduces pollution but is also beneficial for business. We could not be more proud to announce that Ship & Shore just closed five new deals—we have grown as a company and as a team, and our goal remains the same: to help businesses protect the environment,” said Anoosheh Oskouian, CEO of Ship & Shore Environmental. In addition to the new projects in different parts of the globe, this year the company will be focusing on new markets including the water and oil & gas sectors.

In 2017, company leadership traveled back and forth to China to continue to open that market for Ship & Shore, resulting in the signing of two major global contracts. Ship & Shore further grew its presence in the flexographic and packaging industries by assisting manufacturers in this space with meeting the latest EPA Regulations. Specifically, in September 2017, S&SE launched a “Keeping Up with the EPA Campaign” effort to help companies address concerns and meet regulations, while saving time and energy. “Ship & Shore Environmental has hundreds of customers, but the company signed a significant amount of new ones in 2017 due to our experienced team of engineers and advisors that tirelessly provide unmatched end-to-end pollution abatement services,” said COO, Anu Vij.

Ship & Shore Environmental closed five major projects this month (January 2018) from different markets, reflecting the overall accelerated demand for green technology on a global scale. One of these ventures involves work with a company in Dubai to provide a 10,000 SCFM RTO for a personal hygiene company in the U.S. Other U.S. projects include the supply and fabrication for a 30,000 SCFM RTO for a packaging & printing company in Minnesota, a 35,000 SCFM RTO for a coating & finishing company in Texas, as well as another project right here in California.

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Kendall Packaging, a provider of high-quality flexible packaging solutions serving a variety of markets inside the food, personal care, and pet food industries, has completed the expansion of its Pittsburg, KS plant with the installation of a 10c MIRAFLEX II AM press from Windmöller & Hölscher.

The new press is just one part of a $10 million dollar expansion, which added 59,000 ft² and state-of-the-art machinery, also including solvent-free laminating and slitting to the existing facility. With the expansion complete, Kendall now has two plants with identical platforms—in Pittsburg and in Jefferson, WI, giving the company the unique benefit of being its own back-up.

“It’s important that Kendall Packaging continues to evolve and remain on the vanguard of the flexible packaging industry for the benefit of our customers and brand owners,” said Kendall President, Eric G. Erickson III. He added, “Our most recent investment in the MIRAFLEX press technology insures that we will continue to have a positive impact on brand value through consistency, repeatability and overall package integrity. By partnering with W&H, we are able to further address our broader corporate sustainability goals, including general waste reduction, lower energy consumption and better overall environmental stewardship.”

The MIRAFLEX II AM in the Pittsburg plant is Kendall’s fourth W&H press and the first such model sold in North America. It is equipped with W&H’s fully integrated VISION web inspection system with Defect Check and Color Check, which Erickson is looking forward to having as a part of the company’s diagnostic capabilities. An additional feature on the new press is the award-winning TURBOCLEAN ADVANCED E inking and wash-up system with electric pulsation-free pumps, which significantly reduce both ink and energy consumption.

**ABOUT KENDALL**

Headquartered in Mequon, Wisconsin, Kendall Packaging is a world-class supplier of innovative packaging solutions for food, nonretail and personal care products. Unique and efficient packaging designs and high-impact print quality ensures that end products will grab consumer attention. Our superior package integrity and 100-percent on-time delivery show our commitment to total customer satisfaction. Locations in Jefferson, Wisconsin, and Pittsburg, Kansas, provide quality, efficient solutions with state-of-the-art printing presses and laminating and slitting equipment.

**WINDMÖLLER & HÖLSCHER**

Windmöller & Hölscher, a family owned company, is world leader for machinery and systems for the manufacturing and converting of flexible packaging. The product portfolio includes high-performance machines for film extrusion, printing and converting. As a global company W&H offers its clients everything from a single source: from expert consultation and engineering to the delivery of high quality machines and complete packaging production lines. Approximately 2,700 employees create optimal solutions for the individual production tasks of flexible packaging producers. Machines from W&H are in use in over 130 countries by over 5,000 customers.

MEMBER NEWS:
FASTER JOB CHANGES FOR EXISTING BLOWN FILM LINES WITH TURBOCLEAN RETROFIT

In film extrusion, smaller jobs and frequent material changes are commonplace. Given the time required for a conventional changeover, unusable film is produced and machine productivity decreases. With this in mind, Windmöller & Hölscher developed the TURBOCLEAN automation module, which purges resin from all extruders and gravimetric hoppers simultaneously, dramatically decreasing the time required to change out material. “By using TURBOCLEAN on a blown film line, changeovers can take as little as 12 minutes instead of up to 40 minutes,” explains Javeed Buch, VP of Service at Windmoeller & Hoelscher in North America.

TURBOCLEAN was introduced to the market at K 2015 at which time it was only available on new VAREX II systems. Now, existing W&H VAREX II and VAREX I lines built in or after 2010 can be retrofitted with the TURBOCLEAN module allowing film manufacturers to benefit from significant cost savings that result from faster job changes. “Retrofitting machines can be completed with a straightforward “plug & play” solution, which takes between one and two days per extruder,” explains Buch.

With TURBOCLEAN, material changes are almost completely automated. For the machine operator, this means that he no longer has to manually purge resin one extruder at a time. Instead, the work steps are automated and run simultaneously, requiring the operator only to change the suction lance from one resin port to the next.

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