



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

M-1

For the meeting of: June 9, 2015

Date: June 4, 2015
To: Board of Supervisors
From: Phillip Smith-Hanes, County Administrative Officer *PSH*
Subject: County Administrative Officer Report: Plastic Bag Usage and Various Other Topics

RECOMMENDATION(S):

That the Board of Supervisors receives an oral report from the County Administrative Officer regarding a survey from Zero Waste Humboldt on plastic bag usage in the unincorporated area, and various other topics, and takes action as may be required.

SOURCE OF FUNDING: N/A

DISCUSSION:

The County Administrative Officer will provide a brief oral report to the Board on various topics. Anticipated topic for June 9 is:

1. Plastic Bag Usage

In 2014, state law was changed to ban the distribution of single-use plastic bags. This law is currently subject to a referendum. Your Board has expressed support for voluntary reductions in plastic bag usage pending a vote on the state law. Zero Waste Humboldt has done a private survey of local businesses and asked that it be presented to the Board.

Prepared by	Phillip Smith-Hanes	CAO Approval	<i>Amy [Signature]</i>
REVIEW:			
Auditor	County Counsel	Human Resources	Other
TYPE OF ITEM:			
<input type="checkbox"/> Consent			
<input checked="" type="checkbox"/> Departmental			
<input type="checkbox"/> Public Hearing			
<input type="checkbox"/> Other			
PREVIOUS ACTION/REFERRAL:			
Board Order No. <u>M-1</u>			
Meeting of: <u>1/6/15</u>			
BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT			
Upon motion of Supervisor _____ Seconded by Supervisor _____			
Per Order of the Chair			
Ayes _____			
Nays _____			
Abstain _____			
Absent _____			
and carried by those members present, the Board hereby approves the recommended action contained in this Board report.			
Dated: <u>June 9, 2015</u>			
By: <i>[Signature]</i>			
Kathy Hayes, Clerk of the Board			

FINANCIAL IMPACT:

There is no financial impact to hearing the oral report. Some topics discussed may have positive or negative financial impact on the County.

OTHER AGENCY INVOLVEMENT: None.

ALTERNATIVES TO STAFF RECOMMENDATIONS: Board's discretion.

ATTACHMENTS:

1. Report from Zero Waste Humboldt

**For Presentation to the County of Humboldt
BOARD OF SUPERVISORS**

**AN ASSESSMENT OF AWARENESS OF THE STATE SINGLE-USE
PLASTIC CARRY-OUT BAG LAW (SB 270), FAMILIARITY WITH KEY
PROVISIONS, AND NEED FOR PUBLIC EDUCATION.**

**Based on a Survey of the Store Owners/Operators in Unincorporated
Areas of Humboldt County Covered By the Law.**

by
Jud Ellinwood and Tim Combley

A Zero Waste Humboldt Report

May 27, 2015



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ACKNOWLEDGEMENT

This study was made possible by the contribution made by Humboldt State University School of Business Intern, Tim Combley. Tim conducted the phone survey, compiled and charted the research data. Zero Waste Humboldt is deeply appreciative of Tim's dedication, perseverance and high work standards.



BACKGROUND

In the past five years, state legislators have introduced four bills banning use of single-use plastic carry-out bags. The first three failed to be passed by the legislature; the latest – SB 270 – was passed in August 2014 and signed into law by the Governor on the last day of September. The Humboldt County Board of Supervisors (“Board”) unanimously supported passage of each of these four bills.

In January 2014, following failure of the third bill to gain passage, the Board directed the County Administrative Officer (“CAO”) to develop a County single-use plastic carry-out bag ban ordinance and staff commenced work on it. Work was halted in mid-May when SB 270 was introduced.

On October 1, 2014, the day after SB 270 was signed into law, plastic industry political operatives began gathering signatures for a referendum to be placed on the November 2016 ballot that would repeal the law. The three month signature gathering campaign - bankrolled with millions of dollars contributed by out-of-state plastic industry interests - succeeded; the result is that implementation of SB 270 has been suspended until the outcome of the vote on the ballot measure is decided.

In January 2015, Zero Waste Humboldt asked the CAO if the County was going to resume working on the County ordinance. At the January 6 Board meeting the CAO presented a status report to the Board and asked for direction from the Board. The Board approved a statement of policy and directed the CAO to draft a resolution expressing their position. The resolution – Appendix 1 of this report - was presented to the Board at their January 27, 2015 meeting and passed unanimously.

In it, the Board reaffirmed its support for SB 270, stated it felt an interim County ban ordinance would not be the best use of County staff resources but committed itself to passing an ordinance - modeled after SB 270 and covering the unincorporated areas of the County - if the November 2016 referendum measure is approved and it is determined voluntary compliance had been ineffective.

At the January 6 meeting, some supervisors implied that in the event the referendum succeeds, a County ban might not be necessary if during the interim, businesses covered by the state law voluntarily ceased using single-use plastic carry-out bags. Some supervisors felt, based on personal conversations with store owners and managers that total voluntary compliance might be attainable, especially if public outreach efforts provided effected business owners and operators with information about SB 270.

In fact, in the resolution passed on the 27th, provision #4 says *"If SB 270 is overturned by referendum, the Humboldt County Board of Supervisors intends to revisit the issue of a ban on single-use plastic bags in the unincorporated area of the County. The Board intends to evaluate the effectiveness of voluntary measures to reduce usage of single-use plastic bags in determining whether a ban is necessary."*

The resolution does not indicate the basis on which a decision to proceed with a local ordinance would be made. Zero Waste Humboldt believes anecdotal information would not provide adequate justification for decision-making, and assumes that the Board concurs with Zero Waste Humboldt's position that if credible, quantified information is available, it would be the logical and reasonable basis for the Board's decision.

Since none currently exists, credible data needs to be collected and analyzed to accurately determine the extent of conversion from plastic to paper and reusable bags. In an exchange of emails with the CAO subsequent to the January 27 Board meeting, the CAO acknowledged the need to determine store bag use, and indicated the County doesn't have the resources to collect it.

INFORMATION-GATHERING METHODOLOGY

To provide the County with the desired qualitative and quantitative information, Zero Waste Humboldt initiated two studies. The studies' source for data collection is a product of the preliminary work already completed by the County: a spreadsheet that identifies all 486 stores in the County's unincorporated areas that would be covered by both SB 270 and the Arcata ordinance. In the spreadsheet, stores are grouped in six categories.

Categories #1 through #4 correspond to those covered by SB 270 – a total of 71 stores. The last two categories of stores are covered by Arcata's ordinance but not by SB 270.

Both ZWH studies are confined to the SB 270 covered stores.

County spreadsheet categories #1 through #3 cover 18 large stores:

- supermarkets (8)
- pharmacies (7)
- large retail stores (3)

All are required by SB 270 to cease use of single use carry out plastic bags by July 1, 2015. Category #4 stores - convenience food stores (61) - have a July 1, 2016 deadline for eliminating use of the bags.

In these studies, ZWH aggregated the three large-store categories into a single category labeled “Category 1+2+3” because of their commonality in size and compliance deadline.

Our second study is a store by store determination of plastic bag use. An initial assessment will be completed, we expect, by the end of June and a summary of results will be delivered to the CAO, who we will ask to present to the Board. The initial assessment will serve as a baseline. A second assessment will be conducted in the months between July 1, 2016 and the November 2016 election and will be used to gauge progress in converting to paper and reusable carry-out bags. July 1, 2016 is the date in the state law by which all stores covered by the laws would be required to be in compliance.

Collectively, the two studies will provide the Board with the quantified fact-based body of information they need to determine if key information should be proactively provided to business owners over the next year and to determine immediately prior to the November 2016 election if development of a local ordinance is justified.

This study examines the awareness and familiarity of store management with SB 270, including key provisions.

This study’s research methods were:

- conduct a phone survey of all (18) of the large stores in category 1+2+3 and a geographically representative sampling of convenience stores – 10 of 61 - in category 4;
- record the data; and
- calculate total responses for each question numerically and as a percent of responses.

Storeowners or managers were asked to respond to eight questions about SB 270 (10 questions total) with either a “yes” or “no” answer. The survey results are shown in below in Table 1. The survey script and questions are in Appendix 2. of this report.

Up to six attempts were made to speak to a store’s owner or manager. We received responses from 14 of 18 of Category 1+2+3 stores (78%), and 7 of 10 from Category 4 stores (70%). Managers of the four national chain stores in Category 1+2+3 that didn’t respond stated that corporate policy prohibited them from responding and we would have to speak to someone in corporate headquarters; subsequent calls to public affairs personnel were not answered. Of all stores contacted, only 1 of 28 store owners/managers (4%) outright declined to be surveyed.

RESULTS

Table 1. SB 270 phone survey responses (“yes” or “no”). Category 1+2+3 aggregates responses for large supermarkets, pharmacies and retail stores, respectively. Category 4 stores are convenience stores. Stores are located in unincorporated areas of Humboldt County. Stores were contacted in March and April, 2015. All Category 1+2+3 stores and 10 of the 61 convenience stores in Category 4 were contacted; responses were received from 14 and 7, respectively. Questions are paraphrased to save space.

Question	(14 Total) <u>Category 1+2+3</u>		(7 Total) <u>Category 4</u>	
	Yes	As %	Yes	As %
1. Are you aware that a state law was passed last September that will require [your] store to cease using single-use plastic carry-out bags by [date specified]?	8	57%	7	100%
2. Have you received any information from the State or County about this law and it’s provisions?	1	7%	0	0%
3. Do you think it would be helpful if information about the law was sent to all owners of stores covered by the law in Humboldt County by their local government?	13	93%	7	100%
4. If yes to #1, did you know customers will have a number of carry-out bag options, including buying paper bags, at a cost of 10¢ per bag, buying a reusable bag from your store or bringing their own bags?	11	79%	6	86%
5. If yes to #1, did you know customers using a payment card or voucher issued by the California WIC program or an electronic benefit transfer card won’t have to pay for paper bags?	3	21%	0	0%
6. Did you know a referendum has been placed on the November 2016 ballot that would repeal this law if approved by a majority of voters?	4	29%	2	29%
7. Did you know that implementation of the law is suspended until the November 2016 election?	2	14%	1	14%
8. Did you know that if the referendum fails, all stores covered by the law will be required to be in compliance once the election results are made official?	7	50%	1	14%

Responses to each question are discussed below:

Question #1. Only about half of Category 1+2+3 store owners/managers were aware of the law, whereas all sampled convenience store owners/managers were. This difference is mostly attributable to the fact that all 6 pharmacy owner/managers answered "no", indicating owner/managers of this store type were less informed about the law's existence than those in other categories.

Question #2. Almost all stores surveyed had not received official information about the law from either the state or County.

Question #3. Essentially all store owner/managers want information sent to them by the County.

Question #4. Of store owner/managers aware of the law, a majority (about 80%) were aware of a customer's bag options.

Question #5. Very few store owner/managers knew about the waiver of the paper bag charge for low income customers possessing one of three different forms of qualifying documents.

Question #6. Less than a third of all store owner/managers were aware of the 2016 referendum.

Question #7. Only a small fraction of store owner/managers - less than half of those responding "yes" to #6 - knew that the law had been suspended until the outcome of the 2016 referendum vote was determined.

Question #8. Only half of Category 1+2+3 store owner/managers, and a small fraction of convenience store owner/managers understood that if the referendum fails their store would have to be in compliance immediately after the fate of the measure was determined.

CONCLUSIONS

STORES' AWARENESS AND KNOWLEDGE OF THE LAW:

Basic awareness of the law is not universal, and knowledge about the law's specific provisions and requirements that directly affect a store's operation is shallow and fragmented.

NEED FOR PUBLIC EDUCATION PROVIDED BY A COUNTY LED OUTREACH UNDERTAKING:

The need to provide timely information to store owner/managers is obvious. All surveyed store owner/ managers expressed a desire to receive information from the County. Survey results provide ample evidence that anything approaching complete voluntary compliance by the November 2016 election will require the County to play an active role in the education of store owner/managers about (1) the law's deadlines, store requirements and customer options, and (2) commitment of the Board to pass a local ordinance should the referendum fail and voluntary compliance is insufficient.

If you have questions or wish additional information, please contact: Jud Ellinwood (443-9153 / jud@humboldt1.com)



APPENDIX 1.

Excerpts from

Resolution Regarding Commitment to Reducing Environmental Impacts of Single-Use Plastic Bags

January 27, 2015

DISCUSSION:

On January 6, 2015, the Board of Supervisors heard an update from the County Administrative Officer regarding a popular referendum challenging implementation of Senate Bill 270 (2014), regarding a statewide ban on single-use plastic bags. At that time, the Board directed staff to return with a resolution supporting voluntary reduction in plastic bag usage pending the implementation of a statewide ban.

FINANCIAL IMPACT:

There is no financial impact to adopting the resolution. This action supports the Board's strategic framework, priorities for new initiatives, by making a proactive decision to be an effective voice for the community in areas outside traditional mandates through advancing local interests in natural resource discussions.

PREVIOUS ACTION/REFERRAL:

Board Order No. M-1

Meeting of: 1/6/15

OTHER AGENCY INVOLVEMENT: None.

RESOLUTION OF THE HUMBOLDT COUNTY BOARD OF SUPERVISORS REGARDING COMMITMENT TO REDUCING ENVIRONMENTAL IMPACTS OF SINGLE-USE PLASTIC BAGS

WHEREAS, the Humboldt County Board of Supervisors first considered the issues posed by single-use plastic bags on November 2, 2010; and

WHEREAS, the Board of Supervisors has been steadfast since that time in its desire to see the environmental impacts attributed to single-use plastic bags reduced; and

WHEREAS, the Humboldt County community has long been known as a leader in environmental protection and many local retail outlets have voluntarily implemented programs to reduce usage of single-use plastic bags; and

WHEREAS, the City of Arcata, along with more than 100 other local jurisdictions throughout California, implemented bans on single-use plastic bags; and

WHEREAS, Humboldt County recognizes that statewide uniformity of regulation reduces costs of compliance for retailers, and therefore the county had included support for a statewide approach to single-use plastic bags in its legislative advocacy efforts; and

WHEREAS, due to inaction at the state level the Board of Supervisors had directed staff to begin work on an ordinance to ban single-use plastic bags in the unincorporated areas of the county; and

WHEREAS, during the 2014 legislative session Senate Bill (SB) 270 was passed by the California Legislature and signed into law by Governor Brown; and

WHEREAS, SB 270 provides for a statewide ban on single-use plastic bags at grocery stores and pharmacies effective in July 2015 and at convenience and liquor stores in July 2016; and

WHEREAS, SB 270 has now been challenged in a statewide referendum and its implementation may be delayed until after the statewide general election in 2016; and

WHEREAS, the Board of Supervisors remains committed to the reduction of environmental impacts, the support of a statewide approach to single-use plastic bags, and the importance of voluntary reduction in usage of single-use plastic bags;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Humboldt County Board of Supervisors encourages all county residents to avoid usage of single-use plastic bags when possible.
2. The Humboldt County Board of Supervisors expresses its support for implementation of SB 270 and urges voters to consider the environmental impact of single-use plastic bags if a referendum appears on the 2016 ballot.
3. Pending the implementation of SB 270, the Humboldt County Board of Supervisors urges all businesses within the unincorporated area of the county to implement measures to reduce the usage of single-use plastic bags by their customers.
4. If SB 270 is overturned by referendum, the Humboldt County Board of Supervisors intends to revisit the issue of a ban on single-use plastic bags in the unincorporated area of the county. The Board intends to evaluate the effectiveness of voluntary measures to reduce usage of single-use plastic bags in determining whether a ban is necessary.

APPENDIX 2

Script And Survey Questions

“Good Morning, may I speak to your store owner or manager?”

Hello. My name is _ and I’m conducting a survey for Zero Waste Humboldt. I’d like to ask ten “yes” or “no” questions. The survey should take a minute or two at most. May I ask you these questions?

Do you have time now or should I make an appointment to call back?

We are calling a sampling of the stores in Humboldt County ---large and small--- to determine what they know about the new California state law for covering shopping bags. When we summarize this survey, we will not identify individual stores' responses. We will report the findings in a numerical summary.”

[Questions:]

1. Are you aware that a state law was passed last September that will require stores that fit your store’s description to cease using single-use plastic carry-out bags by [choose one of these dates] July 1 2015 (supermarkets, drug or large retail) or July 12 2016 (if a convenience/food store)?
2. Have you received any information from the State or County about this bill and it’s provisions?
3. Do you think it would be helpful if information about the law was sent to all owners of stores covered by the law in Humboldt County by their local government?
4. If you were already aware the law had been passed, did you know customers will have a number of carry-out bag options, including buying paper bags, at a cost of 10¢ per bag, buying a reusable bag from your store or bringing their own bags?
5. If you were already aware the law had been passed, did you know customers using a payment card or voucher issued by the California WIC program or an electronic benefit transfer card won’t have to pay for paper bags?
6. Did you know a referendum has been placed on the November 2016 ballot that would repeal this law if approved by a majority of voters?
7. Did you know that implementation of the law is suspended until the November 2016?

8. Did you know that if the referendum fails, all stores covered by the law will be required to be in compliance once the election results are made official?
9. Would you like technical assistance in reducing waste from Zero Waste Humboldt? If you do, I will have someone contact you.
10. Would you like to have a copy of this summary report emailed to you? If yes, what email address should I use?

That was the last question. May we have your name for our records? Thank you again for your time.”