



January 11, 2018

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

Re: Comments on the California Ocean Protection Council Priorities to Address Ocean Litter

Dear Ms. Halberstadt:

Our organizations appreciate the opportunity to provide comments on the California Ocean Protection Council Priorities to Address Ocean Litter document that was part of the second workshop conducted by the OPC late last year regarding the draft update to the *California Ocean Litter Prevention Strategy: Addressing Marine Debris from Source to Sea* which was originally developed in 2008.

We 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. The issue of recycling and the need to continue to build upon California’s current recycling infrastructure is a priority for our organizations. Similarly, implementation of the State Water Resources Control Board recently adopted Trash Policy is also a priority. We believe that enhancing California’s recycling infrastructure while installing structural devices to capture trash before entering the state’s waterways will go a long way in helping stem the marine debris issue.

Based on our collective knowledge of recycling and our direct participation in the development of the Trash Policy, we are opposed to priorities I.a.i, I.a.ii, and I.a.iii and respectfully request that they are

deleted from the document. We believe that California should first build on existing and established (state and local) solid waste management and storm water pollution prevention programs that work and enhance our existing recovery facilities, public education, infrastructure, and financing mechanisms before imposing new regulatory requirements that will not solve the marine debris problem.

As an example of what is already being done to deal with trash from entering California's waterways, the State Water Resources Control Board approved a trash policy that requires every municipality in California to identify how they plan on dealing with trash. As part of this plan, municipalities have the option of pursuing the installation of a structural network of systems to capture trash in the storm drains or use any combination of controls (structural and/or institutional) anywhere in their jurisdiction as long as they can demonstrate that their system performs as well as the structural solution.

We believe this type of policy and implementation plan will yield greater results in the fight against marine debris than a ban on expanded polystyrene foodware products which will not reduce the amount of foodware products that are irresponsibly discarded by individuals. The shortcoming of a product ban was highlighted in the State Water Resources Control Board final staff report for the Trash Amendment stating:

“Contrary to ordinances or laws which prohibit distribution of plastic carry-out bags, which are typically accompanied with requirements and/or incentives to utilize reusable bags to avoid a product-substitution effect (such as Senate Bill 270), other types of product bans enacted by ordinance, such as take-out items, may involve a substitution of the banned item. Mere substitution would not result in reduced trash generation if such product substitution would be discarded in the same manner as the banned item. Any such product ban enacted by ordinance would not reduce trash and would not be an allowable Track 2 method to assist in achieving compliance. It is possible that an MS4 permittee's adoption of other types of ordinances (e.g., anti-litter laws or bans on smoking), may still be a reasonably foreseeable method of compliance, but those types of ordinances are not expected to cause potential environmental impacts through use of replacement products or through other indirect impacts.” (Page 171 of the SWRCB Final Staff Report for Trash Amendments – April 7, 2015)

In addition to the above-mentioned suggestions for Priority I Ocean Litter, we believe that Priority II.c.ii and II.c.iii should be expanded to include “research shall be based on best available data and the development of such studies shall include stakeholders to ensure their integrity”.

Thank you for considering our comments and would welcome the opportunity to further discuss our concerns.

Sincerely,

American Institute for Packaging and the Environment
California Building Industry Association
California Business Properties Association
California Chamber of Commerce
California Manufacturers and Technology Association
California Restaurant Association
California Retailers Association
Consumer Specialty Products Association
Los Angeles Area Chamber of Commerce
Plastics Industry Association
Valley Industry Commerce Association
Western Plastics Association