

ASSEMBLY THIRD READING

AB 258 (Krekorian)

As Amended June 1, 2007

Majority vote

NATURAL RESOURCES 6-3

APPROPRIATIONS

12-5

Ayes: Hancock, Brownley, Laird, Saldana,
Wolk, HuffmanAyes: Leno, Caballero, Davis, DeSaulnier,
Huffman, Karnette, Krekorian, Lieu,
Ma, Nava, Solorio, Feuer

Nays: Fuller, Aghazarian, Keene

Nays: Walters, Emmerson, La Malfa,
Nakanishi, Runner

SUMMARY: Establishes a plastic debris eradication program to reduce the amount of preproduction plastics entering the marine environment. Specifically, this bill:

- 1) Defines "preproduction plastic" as plastic pellets, plastic resin products, powdered coloring for plastics, plastic additives, plastic materials, and plastic fragments.
- 2) Requires the State Water Resources Control Board (SWRCB) and regional water quality control boards (RWQCBs) to implement a program to control discharges of preproduction plastic by January 1, 2009.
- 3) In developing the program, SWRCB shall consult with any RWQCB, with plastic manufacturing, handling, and transportation facilities located within the RWQCB's jurisdiction, which has already voluntarily implemented a program to control discharges of preproduction plastic.
- 4) Requires SWRCB to establish criteria for the submittal of the "no exposure certification" requirement for plastic manufacturing and processing facilities subject to the National Pollutant Discharge Elimination System (NPDES) permitting requirements. If a facility is granted certification, the facility is not required to comply with the Best Management Practices (BMPs) established pursuant to this bill, unless required by SWRCB or a RWQCB.
- 5) Requires SWRCB to establish a fee schedule to fund the bill's requirements.

FISCAL EFFECT: According to the Assembly Appropriations Committee this bill has substantial one-time General Fund (GF) costs, in the range of \$1.3 million in 2008-09, to the SWRCB to develop and implement the preproduction plastic discharge control procedures for affected facilities. This bill also has moderate ongoing GF costs, in the range of \$1 million starting in 2008-09, to the SWRCB and RWQCBs to administer and enforce the discharge control requirements. These costs will be covered by revenue generated by fees SWRCB is authorized to impose.

COMMENTS: According to the USEPA, marine debris has become a problem along shorelines, coastal waters, estuaries, and oceans throughout the world. Marine debris can be life threatening to marine organisms and can wreak havoc on coastal communities and the fishing industry. In

general, there are two types of marine debris that pollute our ocean and coastline in California. The first is from ocean sources, and includes waste discharged by ships, recreational boaters and fishermen, and offshore oil and gas exploration and production facilities. The second, and by far more environmentally destructive, type of marine debris is from the land. This type of debris includes stormwater runoff, solid waste, floating structures, and poorly maintained garbage bins and is transmitted to the marine environment by waterways. Land based litter constitutes nearly 80% of the marine debris found on our beaches and oceans, and 90% of it is plastic.

When debris from the land reaches the beaches and ocean, marine life is often threatened because they confuse the debris for food. Small pieces of preproduction plastic, plastic cups, bags, and cigarette filters are often found in the stomachs of fish, birds, whales, and other marine creatures. Recent studies by the Algalita Marine Research Foundation and the Southern California Coastal Water Research Project have found that the average mass of plastics in the seawater off the coast of Long Beach is two and a half times greater than the average mass of plankton. After storms with excessive runoff, the mass of plastics is even greater. A similar study over seawater 1,000 miles west of San Francisco found the mass of plastics was six times the mass of plankton in drifts where marine animals congregate for feeding on plankton.

According to the author's office, approximately 60 billion pounds of preproduction plastic is manufactured annually in the US. These plastics are discharged into waterways during transport, packaging, and processing when proper housekeeping practices are not employed. Because of their small size, these materials are not generally captured through traditional storm water catch basins. The plastics industry attempted to address the release of preproduction plastics into the marine environment by developing a voluntary program called Operation Clean Sweep. This program, developed by the Society of Plastics Industry and the American Plastics Council, developed BMPs to reduce discharges of preproduction plastic through proper handling and cleanup. Where implemented, Operation Clean Sweep has been shown to reduce the release of preproduction plastic; however, the program is voluntary and many plastic manufacturers and processors have chosen not to implement its recommendations.

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