CWG Review 1: Spring 2015

Tier 1 Information:

1. Management Action

N-120: Encourage influential entities to lobby for legislation to overturn current legislation restricting bans on plastic bags to protect marine habitats and wildlife.

- N-120: Pass legislation to ban one-time-use plastic bags to protect marine environment (i.e. turtles).
- N-121: Pass legislation restricting the use of "single-use plastics" to limit harm to numerous species of coral reef animals and plants.
- S-44: Florida ban on plastic bags to reduce plastic in the oceans and on the reef.

2. Intended Result (Output/Outcome)

What is the end product/result of this management action?

• The intended outcome of this action is to meant to phase out non-recyclable items with the end result being a ban on one-time-use plastic bags in Florida to protect the marine environment and its inhabitants (i.e. turtles, whales, dolphins, etc.). Due to Florida's current ban on banning plastic bags, this recommended management action could be implemented locally (cities with population <100,000 loophole).

March/April 2015 CWG Updates:

- This recommended recommended management action defines the effects on the environment as: hard to see, animals eat them, suffocate the reefs when they cover them, blocks intake and cause damage to marine engines; defined one-time plastic use as: sandwich bags, grocery bags, bait bags, ice bags (Ziplocs are reusable and would not be included); defined one-time use Styrofoam as: food containers; defined alternative actions as: in their place use recyclable bags (bring your own bags), paper bags, wrap in newspaper.
- This RMA should apply to the entire SEFCRI region.
- Added language to define legislation N assume it is statewide; although S discussed local implement
- Added language restrict keep option open to ban or charge instead of ban; could ban in small area (e.g., state park)
- Further defined one time use plastic bags would not apply to garbage bags; would apply to plastic/Styrofoam doggie bag at restaurant
- o Further defined environmental effects Styrofoam is problem with larval stage all animals as they float in surface, injected by animals eating floating at surface
- Educational campaign about how single use plastics can affect marine environment, so don't switch to other items (also not recyclable); Surfrider has educational campaign re plastics – perhaps piggyback/partner

The SEFCRI Team and TAC reviewing group felt that SEFCRI doesn't possess the resources or influence to implement this, thus, we edited the RMA to indicate that we need to work with larger more influential partners

3. Duration of Activity

Is this a discrete action or a recurring activity? Explain.

- Creating the ban will be a discrete action but once passed by law it will need to be implemented
- Discrete action for pilot project
- MT/ST: indefinite

4. Justification

What issue or problem will this management action address? Explain.

• This recommended management action relates to a statewide ban.

- This recommended management action is being put forth to reduce the amount of plastic in the water and on the reefs. Plastic bags in waterways, wetlands, and the ocean which are often mistaken as a food source by animals such as sea turtles.
- Please reference House Bill # 143 Disposable Plastic Bags.
 https://www.flsenate.gov/Session/Bill/2016/0143/BillText/ /PDF. This bill proposes the ability for coastal municipalities of 100,000 or less to create a pilot program to regulate or ban disposable plastic bags.

5. Potential Pros

What are the potential advantages associated with this management action?

• Some potential benefits to implementation of this recommended management action include: (1) a long lasting reduction in the plastic bags that litter the beaches and the ocean, creating harm to sea turtles who eat them thinking they are jellyfish and other animals that get entangled in them; (2) the less plastic that is produced and distributed would equate to a healthier environment; (3) there would be an increase in prevention of plastic bags that find their way into the waterways and eventually the ocean; and (4) this recommended management action would increase awareness of pollution impacts.

6. Potential Cons

What are the potential disadvantages associated with this management action?

• Some possible issues that may arise with implementation of this recommended management action would include: (1) the existing ban to ban the bags in Florida; (2) there may be associated cost to pay someone to create the law; (3) this would require a legislative buy-in; (4) this would require a lifestyle change for all individuals who frequent retail and consumer industries; and (5) there may be difficulty in convincing people and legislators for the need of this legislation.

7. Location

County/Counties: Miami-Dade, Broward, Palm Beach, Martin, Other?

• This recommended management action relates to a statewide ban.

Relevant Habitats: Coral reef, seagrass, watershed, etc.?

All water bodies.

Specific Location: City, site name, coordinates, etc.?

8. Extent

Area, number, etc.

ST: entire state of Florida

9. Is this action spatial in nature?

No

Do you believe this management action could be informed by the Our Florida Reefs Marine Planner Decision Support Tool?

If yes, you will proceed to the next section on Marine Planner Information.

Marine Planer Information:

N/A

Tier 2 Information:

WHY?

1. Strategic Goals & Objectives to be Achieved

Refer to the SEFCRI Coral Reef Management Goals and Objectives Reference Guide.

• FL Priorities Goal C4 Obj 5: Develop and implement new legislation to reduce the quantities and impacts of land-based sources of pollution entering the coastal environment. FDEP CRCP Coral Reef Ecosystem Conservation Obj 3: Reduce the impacts of land-based sources of pollution on the Florida Reef Tract.

2. Current Status

Is this activity currently underway, or are there planned actions related to this recommendation in southeast Florida? If so, what are they, and what is their status.

- Currently there is an online petition http://petitions.moveon.org/sign/ban-plastic-bags-in-florida that directly relates to this recommended management action. Florida is one of the few states that limits 'home rule' in regards to plastic bag ordinances. Since local municipalities can't pass a plastic bag ban, Flagler College students are working with St. Augustine City Commissioners and local businesses to voluntarily eliminate plastic checkout bags citywide. The resolution was approved in March 2013.
 - Please review and reference House Bill # 143 Disposable Plastic Bags.
 https://www.flsenate.gov/Session/Bill/2016/0143/BillText/ /PDF.
 This bill proposes the ability for coastal municipalities of 100,000 or less to create a pilot program to regulate or ban disposable plastic bags.
 - o In Dunnellon/Rainbow River there currently is a ban and this recommended management action could potentially look at their language to use when implementing. The ban includes items such as Tupperware, Rubbermaid, thermos ok; paper sacks, boxes, plastic water bottles, aluminum cans, breakable plastic utensils, paper napkins or towels prohibited). Since there are very few access points and these items reflect those of typical items that are taken on the river people comply because they don't want to be stuck on the river without water all day.
 - Miami Beach has implemented a blinking sign that states plastic bags and Styrofoam are not allowed on the beach.

3. Intended Benefits (Outcomes)

What potential environmental benefits or positive impacts might this management action have?

• Plastic bags litter the beaches and the ocean, sea turtles eat them thinking they are jellyfish and other animals get themselves entangled in them.

What potential social/economic benefits or positive impacts might this management action have?

Often time's retailers who use paper bags get charged ten cents per paper bag; which if they stopped carrying
plastic bags would encourage people to bring their own.

What is the likely duration of these benefits - short term or long-lasting? Explain.

• long-lasting, less marine debris and harm to animals

4. Indirect Costs (Outcomes)

What potential negative environmental impacts might this action have?

• It's illegal for any local or state government body in Florida to ban plastic bags. Read more at http://higherperspective.com/2014/10/bag-ban-ban.html#ICxmtvxg57psEJDC.99

What potential negative social/economic impacts might this action have?

long-lasting because animals are dying at a large rate from plastic bags

What is the likely duration of these negative impacts - short term or long-lasting? Explain.

5. Risk

What is the threat of adverse environmental, social, or economic effects arising from not implementing this action?

• If this recommended management action were not to be implemented then more plastics will enter our oceans creating additional negative impacts on the environment and the animals that live there

6. Relevant Supporting Data

What existing science supports this recommendation? (Provide citations)

- U.S. Plastic bags never biodegrade, but they do breakdown. As they do so, any toxic additives they contain—including flame retardants, antimicrobials and plasticizers—will be released into the environment. Many of these chemicals may disrupt the endocrine system—the delicately balanced set of hormones and glands that affect virtually every organ and cell in the bodies of humans and animals.
 http://ecowatch.com/2013/08/06/the-danger-of-plastic-bags-to-marine-life/

7. Information Gaps

What uncertainties or information gaps still exist?

There were no uncertainties or gaps identified with this recommended management action.

WHEN?

8. Anticipated Timeframe for Implementation

How long will this recommendation take to implement?

• The anticipated timeframe for implementation of this recommended management action is between 5-10+ years as it will require legislative action.

9. Linkage to Other Proposed Management Actions

Is this activity linked to other proposed management recommendations?

No

If so, which ones, and how are they linked? (e.g., is this activity a necessary step for other recommended management actions to be completed?)

Does this activity conflict with other existing or proposed management actions?

No

WHO?

10. Lead Agency or Organization for Implementation

What agency or organization currently has/would have authority? Refer to the Agencies and Actions Reference Guide.

• The Lead Agency for implementation of this recommended management action would be FDEP and Florida's legislature.

11. Other Agencies or Organizations

Are there any other agencies or organizations that may also support implementation? Explain.

• Other potential agencies or organizations who could be involved include big non-profit organizations such as: The Sierra Club, Surfrider, Ocean Conservancy, Nature Conservancy, etc.; SEFCRI; and organizations/ rescue centers that deal with birds and sea turtles.

12. Key Stakeholders

Identify those stakeholders most greatly impacted by this management action, including those from whom you might expect a high level of support or opposition. Explain.

The key stakeholders for this recommended management action would be the retail industry (liquor stores,

clothing stores, etc.); and the consumer industry (i.e. Target, Walmart, Home Depot, Winn Dixie, Publix, etc.).

HOW?

13. Feasibility

Is there appropriate political will to support this? Explain.

• The political will to support this recommended management action is there. Currently, there are 132 cities and counties in the US that ban the bag in retail stores. State Senator Dwight Bullard wants to add Florida to that list, but Florida's legislature in 2008 passed a ban on banning plastic bags. The Department of Environmental Protection in Florida recommended guidelines for better regulating plastic, but the state has not acted on it. Senator Bullard has twice challenged the prohibition against prohibiting plastic bags in Florida, but it's been shot down each time. Read more at http://higherperspective.com/2014/10/bag-ban-ban.html#ICxmtvxg57psEJDC.99

What are the potential technical challenges to implementing this action? Has it been done elsewhere?

• Until such time that the Legislature adopts the recommendations of the [DEP], no local government, local governmental agency, or state government agency may enact any rule, regulation, or ordinance regarding use, disposition, sale, prohibition, restriction, or tax of such auxiliary containers, wrappings, or disposable plastic bags. Read more at http://higherperspective.com/2014/10/bag-ban-ban.html#ICxmtvxg57psEJDC.99

14. Legislative Considerations

Does the recommendation conflict with or actively support existing local, state, or federal laws or regulations? Explain.

conflicts, see above

15. Permitting Requirements

Will any permits be required to implement this action? Explain.

No

16. Estimated Direct Costs

Approximately how much will this action likely cost? (Consider one-time direct costs, annual costs, and staff time, including enforcement.)

\$250K

Will costs associated with this activity be one-time or recurring?

• There may be legal fees required for court to overturn the existing ban.

If recurring, approximately how long will staff time and annual costs be necessary to implement the management action?

17. Enforcement

Does this require enforcement effort?

Yes

Provide an explanation if available.

We would need an agency to enforce the no plastic bag law if passed by going to stores as a secret shopper and
asking for a plastic bag at check out and see what they do....if they violate then there should be strong
fees/actions against the store for not complying.

18. Potential Funding Sources

Identify potential funding organizations/grant opportunities, etc.

19. Measurable Outcomes/Success Criteria/Milestones

How will the success of this recommendation be measured? How will you know when the intended result is

achieved?

• A way to provide a means to measure the success of this recommended management action will occur when the ban that is currently installed can be lifted and there is a ban on one-time-use plastic bags.

SEFCRI/TAC Targeted Questions:

1. TAC - Is the recommendation likely to achieve the intended result? Explain.

Tier 1 – #2 (Intended Result - Output/Outcome)

2. TAC - Is the recommendation sufficient to address the identified issue or problem? Explain.

Tier 1 – #4 (Justification)

3. TAC - Is the recommendation technically achievable from a science or management perspective? Explain.

Tier 2 – #8 (Anticipated Timeframe for Implementation) and Tier 2 - #13 (Feasibility)

- North Carolina has a ban in the Outer Banks.
 - o CA is state-wide, but there were >90 municipalities that banned it first.
- This would have to be a state effort. The DEP would have to make a recommendation that the legislature
 adopts. Municipalities are banned from banning plastic bags. The focus would have to be directed at the
 legislature to reverse this.
- Miami Beach banned Styrofoam. There is a possibility of doing some of this with a private-public partnership. (e.g., Publix or Walmart)
- What is the economic impact of banning plastic bags? Is it costly? This information might exist in other states if we could determine that economic costs are small.
 - Costs will be to the companies that produce those bags.
- There might be a public education component that would need to be included to make this feasible (people need to think about recycling plastic bags/ using reusable bags).
- If the ban is impossible because of the legislature, might have a voluntary program where people pay for the plastic bags.
- EPA study— It is cost prohibitive to go plastic-bag free (Publix). There might be more opportunity to enact a cost to those plastic bags.
- Publix does have recycling, but they could have bigger signs, etc. to increase the visibility and shopper education.
- There are domestic plastic-bag recycling facilities.
- Trader Joes has an effort on this front Bring reusable bag you are automatically entered to win a \$25 gift certificate.
- 4. SEFCRI Team, PPT & Other Advisors Has this been done (by SEFCRI, other agencies or organizations in the SEFCRI region)? Explain.

Tier 2 – #2 (Current Status)

- PD- No
- SEFCRI Team, PPT & Other Advisors Is this recommendation a research or monitoring project?
 (Recommendations should be turn-dirt management actions, not the step you take before a management action).
 Explain.
 - PD- No
- 6. SEFCRI Team, PPT & Other Advisors If either of the following applies to this management action, provide feedback on which information submitted by the Community Working Groups may be more appropriate, or if entries should be merged. Explain.
 - a. There are different viewpoints for an individual management action (i.e. two working group members provided separate information, as indicated by a '//' marking between them).
 - b. Information submitted for this and other draft management actions is sufficiently similar that they might

be considered the same.

- PD- Combine with N-121 (Pass legislation to ban one-time-use plastic bags) and S-44 (Florida ban on plastic bags)
- PD- Combine with N-120 and S-44.
- 7. SEFCRI Team, PPT & Other Advisors Non-agency Question: Is the recommendation technically achievable from your stakeholder perspective? If not, do you have suggestions that would allow this to become technically achievable from your stakeholder perspective? Explain.

Tier 1 - #5 (Potential Pros), Tier 1 - #6 (Potential Cons), Tier 2 - #3 (Intended Benefits), Tier 2 - #4 (Indirect Costs) and Tier 2 - #12 (Key Stakeholders)

- PD- Achievable at great cost and effort. A more realistic alternative could be reduce use and increase cleanup efforts rather ban bags.
- The group assumed plastic bags or single use plastic. Would suggest to merge with N-
- 120. Observation I have had while fishing is bait bag plastic, rope, balloons, sandwich bags, are present on the reefs but not grocery plastic bags.
- There is legislation that bans the State from banning plastic bags (bans municipalities). Alternative would be an educational campaign suggesting alternatives to plastic bags.
 - Need potential alternatives to banning plastic? Suggestions?
- FS: Plastic water bottles are an additional aspect as observed during fishing. Marketing advertisements have been seen asking people in the FL Keys to use reusable bottles, maybe something to do in the SEFCRI region also.
- EA: While doing ocean research as far as a mile offshore, balloons are the majority of the debris
 - LG: FL statues allow balloon releases up to 10 a day but limited enforcement. If more than 10 balloons, they must be biodegradable for salt water.
- NM: Supermarkets could lead the initiative; there is a group called Five Gyres that has been working on this.
- LM: Shoreline cleanups in the Key have shown plastic bottles and lobster traps.
- PD: are plastic grocery bags the target or is it broader?
- DJ: Miami Beach has plastic on the beach and maybe more garbage cans are needed because there are almost no existing ones. Increased garbage cans would make it easier for people to clean up after themselves.
- IA: Regarding PD question, education on bans should this awareness campaign be lumped with other MA that address this? Or should this be a separate MA?
- JT: I also see plastic in the ocean and on the beach see chum bag and associated chum both together in the water. Plastic bottles are a huge problem because they float and get caught up in the weed line.
- KB: Maybe a deposit on plastic bottles would discourage plastic water bottles from becoming marine debris.
- LK: Maybe something as simple as looking at the number of garbage cans, or developing educational campaigns could be something to could look at.
- EM: Exiting marine debris campaigns would be something to partner with as others have said. This may be too big for SEFCRI to take on (marine Debris) to work together without groups and lead it but not alone.
- JB: When developing conservation actions: Everything should look at the recipient of the action who are we giving back to? Keep that focus in mind when developing the details.
- LM: The Ocean Conservancy may be someone to look at to see what other work has been done.
- 8. SEFCRI Team, PPT & Other Advisors Agency Question: Is the recommendation technically achievable from a management perspective? If not, do you have suggestions that would allow this to become technically achievable from your agency's management perspective? Explain.

Tier 2 – #10 (Lead Agency or Organization for Implementation) and Tier 2 - #11 (Other Agencies or Organizations)

KB- An alternative approach would be to conduct extensive public outreach and offering alterative
containers/packaging such as water resistant paper/cardboard for items likely to be used near or on other
water.

Comments from the Reviewers:

• Comments for N-120:

- o PD/KB- Use N-120 as the basis for future action and combine this with N-121 and S-44. Not clear from the title if these 3 actions are intended to ban only grocery bags or all plastic bags (ice, bait, Ziplocs, garbage bags, food packaging, etc). Need to be much more specific. Most bags found on reefs are ice, bait and garbage bags rather than grocery bags.
- JL: Find more peer-reviewed information on the impact of a ban, since most of the literature currently cited is anecdotal - for example Cal State Bill (SB 270). Also N. Carolina banned all plastic bags on the Outer Banks since 2009, and the NOAA US marine debris monitoring program has data.
- Perhaps start with legislature at the municipal level, than work to higher scales.
- o PD- The primary intent of these goals is to address non-point sources of pollution. Not sure plastic bags are included in that definition and, if they are, they comprise very minor constituent of LBSOP.
- PD- Not a very active initiative since there are only 252 signatures on the move-on petition since July 2012.
- o FDEP KB: There is currently a ban on banning plastic bags in Florida.
- o From http://www.dep.state.fl.us/waste/retailbags/
- The Energy, Climate Change, and Economic Security Act of 2008 (House Bill 7135) signed into law by former Governor Crist created Section 403.7033, Florida Statutes (http://www.flsenate.gov/laws/statutes/2011/403.7033). This section required the DEP to perform an analysis and submit a report to the Legislature regarding the necessity and efficacy of both statewide and local regulation of bags used by consumers to carry products from retail establishments. DEP's Retail Bags Report was submitted to the Governor, Senate President and House Speaker on February 1, 2010 (http://www.dep.state.fl.us/waste/quick_topics/publications/shw/recycling/retailbags/Retail
- Bag-Report_01Feb10.pdf).
- "Until such time that the Legislature adopts the recommendations of the department, no local government, local governmental agency, or state government agency may enact any rule, regulation, or ordinance regarding use, disposition, sale, prohibition, restriction, or tax of such auxiliary containers, wrappings, or disposable plastic bags."
- UPDATE: HB 661 and SB 966 were filed in February 2015: "Authorizing certain municipalities to establish
 pilot programs for regulation or ban of disposable plastic bags; directing participating municipalities to
 collect data & submit reports to the municipal governing body and the Department of Environmental
 Protection; authorizing municipalities to continue such regulation or ban after the program expires
 under certain conditions, etc."
- Text for HB 661: http://flhouse.gov/Sections/Documents/loaddoc.aspx?
 FileName=_h0661__.docx&DocumentType=Bill&BillNumber=0661&Session=2015 o Text for SB 966: http://flhouse.gov/Sections/Documents/loaddoc.aspx?FileName=_s0966__.DOCX&DocumentType=Bill &BillNumber=0966&Session=2015
- o PD- Other positive benefits include reduced cost to retailers, oil consumption and carbon emissions.
- O PD- Consumers will pay some minor increased cost due to need to purchase multi-use shopping bags. I don't agree with the statement "animals are dying at a large rate from plastic bags." In my experience with stranded sea turtles, only a few percent are associated with plastic bags. A much higher percentage are affected by other types of plastics (fishing line, rope, microplastics (marine debris)) as described in #6 below.
- o PD- Likely 5-10 years if it is implemented statewide.
- PD- Similar to N-121 (Pass legislation to ban one-time-use plastic bags) and S-44 (Florida Ban on Plastic Bags) and should be combined.
- PD- Plastic bag industry has powerful lobbyists. APBA (American Progressive Bag Alliance) fights any state laws (http://waste360.com/state-and-local/bag-alliance- continues-opposition-california-bag-banbill)
- o PD- reduction in plastics in ocean and consumption of plastics by animals

• Comments for N-121:

- o PD/KB- Delete this and combine comments along with S-44 into N-120. Not clear if the intent is to ban all plastic bags or just grocery bags. Need more detail about intent.
- o PD- Other positive benefits include reduced cost to retailers, oil consumption and carbon emissions.

- KB/PD- Should be all counties
- o PD- Not sure if the goal is to ban bags in SEFCRI area or entire state?
- o PD- I could not find where this Action clearly meets any existing goals and objectives with the possible exception of the SEFCRI LAS FDOU Issue 3 Goal Obj 1 (Reduce improper solid waste disposal).
- O JF There is precedent in Florida for local laws restricting use of disposable containers on rivers see http://dunnellon.org/index.aspx?NID=370 Disposable containers are prohibited on the Rainbow River and the ban is enforced by cooler checks at boat ramps. Allowable containers include multiple use styles like Tupperware. Voluntary compliance with this law appears to be high . . . the prospect of having water or lunch/snacks confiscated at the boat ramp makes river users take this seriously.
- o PD- See N-120 and S-44 for details
- o PD- 5-10 years if statewide.
- PD- See N-120 (Pass legislation restricting use of "single-use plastics) and S-44 (Florida ban on plastic bags)
- o PD- Legislature, DEP

Comments for S-44:

- o Eliminate this one and move S-44 and N-120 comments into N-120. Not clear if this is a ban on all plastics (highly unlikely) or if the intent is to address just grocery bags or something else.
- PD/KB- Assuming this is a ban on all plastics, this is not feasible due to the wide use of plastics (fishing line, etc)
- LJG: Little or no detail provided should be merged with "N-120 Pass legislation to ban one-time-use plastic bags"
- o SEFCRI Team, PPT & Other Advisors' Comments
- o FDEP (MB)- ***over 160 state and local governments have passed plastic bag bans. There is often a small fee, up to 10 cents in some areas, to encourage reusable bags. 2008: FL banned ban on plastic bags: In 2008, the Florida Legislature passed a law that denied local governments the opportunity to enact plastic bag laws. The state Department of Environmental Protection (DEP) subsequently created a list of recommendations based on a 2010 Retail Bags Report, ensuring that the Legislature could enact no new bag rules unless it followed the DEP guidelines. The DEP regulatory strategy discouraged single-use plastic and paper bags, and noted that outright bans produced the fastest results closely followed by plans that impose user fees or taxes. From state charter: "Until such time that the Legislature adopts the recommendations of the [DEP], no local government, local governmental agency, or state government agency may enact any rule, regulation, or ordinance regarding use, disposition, sale, prohibition, restriction, or tax of such auxiliary containers, wrappings, or disposable plastic bags." Read more at http://higherperspective.com/2014/10/bag-ban- ban.html#rT8Hb4YwGluBOrfo.99
- DEP recommended guidelines for better regulating plastic at the time. Senator Dwight Bullard has tried twice to ban the ban but has been denied. = efforts have been made. Quote: "There is no brouhaha or riot in the streets going to happen because people are asked to pay an additional 10 cents for a processing fee," said Bullard. "There is a level of ignorance in Tallahassee towards the national trend. This is not an overly cumbersome thing. Certain retailers are actually asking for this."
- o FDEP (MB)- Do we know why FL is going out of it's way to ignore other national trends that are being proven effective?
- May be helpful to have numbers on how much marine debris (plastics) is recovered each year and the \$ figure for how much damage it causes on beaches, mangroves, reef and associated habitat. If debris kills coral or essential fish habitat, there would be a financial cost (1 meter of reef= \$47,000 property value: Ferrario et al 2014).
- See "N-120 Pass legislation to ban one-time-use plastic bags"
- o PD/KB- Not feasible if a total ban.

Questions from the Reviewers:

1.	Find more peer-reviewed information on the impact of a ban, since most of the literature currently cited is anecdotal - for example Cal State Bill (SB 270)	☐ This does not apply. ☐ Need help addressing it.
2.		☐ This does not apply. ☐ Need help addressing it.
3.		☐ This does not apply. ☐ Need help addressing it.

Questions from the CWGs back to the Reviewers:

