



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Meeting Agenda Public Works and Facilities Committee

Thursday, April 22, 2021

3:00 PM

Via Video Conference

Special Meeting

MEETING CALLED TO ORDER

ROLL CALL

PLEASE TAKE NOTICE

DUE TO THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDERS N-25-20 AND N-29-20 WHICH SUSPEND CERTAIN REQUIREMENTS OF THE BROWN ACT, AND THE ORDER OF THE HEALTH OFFICER OF THE COUNTY OF MENDOCINO TO SHELTER IN PLACE TO MINIMIZE THE SPREAD OF COVID-19, COMMITTEE MEMBERS, AND STAFF WILL BE PARTICIPATING BY VIDEO CONFERENCE IN THE PUBLIC WORKS AND FACILITIES COMMITTEE MEETING OF THURSDAY APRIL 22, 2021.

In compliance with the Shelter-in-Place Orders of the County and State, The meeting will be live-streamed on the City's website at <https://city.fortbragg.com/> and on Channel 3. Public Comment regarding matters on the agenda may be made in any of the following ways: (1) By joining the Zoom video conference, (2) Through the City's online eComment agenda feature, (3) Emailed to Public Works Analyst Sandy Arellano, sarellano@fortbragg.com, or (4) Written comments delivered through the drop-box for utility payments to the right of the front door at City Hall, 416 N. Franklin Street.

We appreciate your patience and willingness to protect the health and wellness of our community and staff. If you have any questions regarding this meeting, please contact Public Works at (707)961-2827 ext 131.

ZOOM WEBINAR INVITATION

You are invited to a Zoom webinar.

When: Apr 22, 2021 03:00 PM Pacific Time (US and Canada)

Topic: Public Works and Facilities Committee- Special Meeting

Please click the link below to join the webinar:

<https://zoom.us/j/94068778822>

Or One tap mobile :

US: +16699009128,,94068778822# or +12532158782,,94068778822#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

*US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or +1 646 558 8656 or +1 301 715 8592
or +1 312 626 6799*

Webinar ID: 940 6877 8822

International numbers available: <https://zoom.us/u/aejiXGywZr>

1. APPROVAL OF MINUTES

[21-046](#) Approve Minutes of November 24, 2020 Special Meeting

Attachments: [PWM 11242020](#)

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

3. CONDUCT OF BUSINESS

3A. [21-174](#) Receive Report and Discuss Activities in Support of the Mendocino Progressive Alliance Stop Litter Project

Attachments: [Stop Litter Project Report](#)

[Att 1 - Mendocino Progressive Alliance Letters](#)

[Att 2 - 03082017 Adopt A Street Roll out Report](#)

[Att 3 - 11092016 Stop Butts Committee Report](#)

[Att 4 - 11092016 Attachment, Ifs or Ands, Yet Plenty of BUTTS!](#)

3B. [21-169](#) Provide Oral Report on Public Works Departmental Activities and Update on Items of Interest to Committee

4. MATTERS FROM COMMITTEE / STAFF

ADJOURNMENT

State of California)
) ss
County of Mendocino)

I declare, under penalty of perjury, that I am employed by the City of Fort Bragg, and that I caused this agenda to be posted in the City Hall notice case on April 20, 2021.

Sandy Arellano, Public Works Project Analyst

NOTICE TO THE PUBLIC

DISTRIBUTION OF ADDITIONAL

- *Materials related to an item on this Agenda submitted to the Council/District/Agency after distribution of the agenda packet are available for public inspection in the lobby of City Hall at 416 N. Franklin Street during normal business hours.*
- *Such documents are also available on the City of Fort Bragg's website at <http://city.fortbragg.com> subject to staff's ability to post the documents before the meeting*

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This notice is in compliance with the Americans with Disabilities Act (28 CFR, 35.102-35.104 ADA Title II).



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Phone: (707) 961-2823
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Text File

File Number: 21-046

Agenda Date: 4/22/2021

Version: 1

Status: Minutes to be Approved

In Control: Public Works and Facilities Committee

File Type: Committee Minutes

Approve Minutes of November 24, 2020 Special Meeting



City of Fort Bragg

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Meeting Minutes Public Works and Facilities Committee

Tuesday, November 24, 2020

3:00 PM

Town Hall, 363 N. Main Street

Special Meeting

MEETING CALLED TO ORDER

City Council Member Norvell (sitting in for chair Will Lee) called meeting to order at 3:00 pm.

ROLL CALL

Staff in attendance included, John Smith, Alden Ramos and Sandy Arellano

Present: 2 - Jessica Morsell-Haye and Bernie Norvell

Absent: 1 - Will Lee

1. APPROVAL OF MINUTES

Meeting minutes were approved.

1A. [20-690](#) Approve Minutes of March 11, 2020.

This Committee Minutes was approved for Council review.

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

One public comment was received and added to the record.

2A. [20-932](#) Public Comments on Non-Agenda Items

3. CONDUCT OF BUSINESS

Items presented by staff.

3A. [20-927](#) Receive Report and Provide a Recommendation to the City Council Regarding Future Capital Improvement Program Project Priorities to Provide Additional Raw Water Storage

Public Works Director, John Smith presented his report: Expressed concerns regarding water supply and the need for infrastructure replacement, water sources and supply, expected rainfall, the effects and aftermath of high tides and previous year's water usage. Needs and importance of every CIP project and intention to reuse equipment and material where possible to save on project and operational costs.

Director Smith responded to committee member Morsell-Haye's questions regarding the possibility of rezoning of new areas for future development, and how the desalination system works. The purchase and new location of additional water storage facility was discussed. Committee member Norvell inquired on the status of the Matson hole subsurface pump station.

Both committee members agreed to prioritize two CIP projects, with number one, additional reservoir and second, shallow groundwater project. Committee member Morsell-Haye asked on costs differences related to both projects, Director Smith to look into the costs.

Committee gave direction to staff to prioritize 1. Additional Reservoir and 2. Shallow Groundwater projects for future expansion of the water system.

3B. [20-930](#) Receive Report and Provide Direction to Staff Concerning Wastewater Treatment Plant Biosolids Handling

Wastewater Plant Lead, Alden Ramos presented report. Expressed the necessity and the high costs associated with the hauling of moist sludge and odor causing reactions should additional biosolids handling options not be considered.

Committee member Norvell asked if a smaller greenhouse was an option as would odor control devices be included in the pricing quotes. Staff explained smaller shed would be considered a customized order which would be more expensive as will not accommodate the current system, and, the quoted options include ventilation devices with air-scrubber options. Solar and funding options were discussed, as well as the possibility of decreasing biosolids during the winter season however, due to the new plant and production, it is unknown. Director Smith will be looking into USDA grant funding options for this possible purchase. Council Morsell-Haye asked if the additional power costs to run/life span of greenhouses have been considered and would also like larger sized options highly considered for future capacity needs should future development of housing occur. Staff responded associated costs were considered however, would be cost effective considering the savings in comparison to hauling services. Odor control process and additional storage of bio-solids was discussed as the possible excavation on the south side of the WWTP, will need to look into costs. Item to be brought to Council after gathering more information, possible early 2021.

Staff directed to look into additional size and odor control options and bring to council.

4. MATTERS FROM COMMITTEE / STAFF

Director Smith shared Sewer Main Line on Highway 1 repair was completed and was very expensive. Also reported the research of solar power arrays to be placed on the City's 40 acre parcel and the possible use of Power Resiliency funding through CalOES during his earlier presentation.

No other items were reported.

ADJOURNMENT

Sitting chair member Bernie Norvell adjourned meeting at 4:04 pm.



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Text File

File Number: 21-174

Agenda Date: 4/22/2021

Version: 3

Status: Business

In Control: Public Works and Facilities Committee

File Type: Staff Report

Agenda Number: 3A.

Receive Report and Discuss Activities in Support of the Mendocino Progressive Alliance Stop Litter Project



CITY OF FORT BRAGG

416 N. FRANKLIN, FORT BRAGG, CA 95437
PHONE 707/961-2823 FAX 707/961-2802

COUNCIL COMMITTEE ITEM SUMMARY REPORT

MEETING DATE: April 22, 2021
TO: Public Works & Facilities Committee
FROM: Chantell O’Neal, Assistant Director; Engineering
AGENDA ITEM TITLE: **Receive Report and Discuss Activities in Support of the Mendocino Progressive Alliance Stop Litter Project**

ISSUE:

At the City Council meeting on September 26, 2016, members of the Progressive Alliance Center Mendocino made a presentation on their Project Stop Butts. The group requested the City’s assistance with their campaign. The Council forwarded the matter to the Public Works and Facilities Committee for further consideration and possible direction. In November of 2016, Committee discussed the pros and cons of ash can placement in the Central Business District, an awareness program, and the “Adopt-A-Street” program to assist with improving the quantity of litter in town.

The City is regulated by the Small Municipal Separate Storm Sewer System (MS4) general permit as part of the National Pollution Discharge Elimination System (NPDES). This general permit regulates potential pollution causing activities and establishes goals and programs for how compliance is gained. Below is a list of the activities the City actively and regularly engages in, in efforts to manage trash and other storm water pollution from entering the water ways in compliance with the MS4.

SUMMARY OF ACTIVITIES:

- *City Street Sweeper Program.* Schedule described on homepage of the City’s website, once per month in each grid and then weekly in downtown. A new street sweeper was put into action in 2018 and the quantity of swept material increased substantially with the new equipment.
- *Annual Storm Drain Cleanout.* Each year in the fall prior to the first rain of the season, Public Works Maintenance crews visit and clean every drain in town. This annual

cleaning is timed to maximize effectiveness of the cleanout and minimize debris going to the waterway.

- *Adopt-A-Street.* Adopt a Street Program launched in early 2017. The program had eleven volunteers (either individual or groups) as on 2019. The City requests volunteers complete a liability waiver and then provides all the supplies necessary for their collection activities including; trash grabbers, buckets, gloves, and safety vest. With the onset of the COVID pandemic, this understandably came to a stall or halt with no new volunteers in the last year. However, the City plans to re-launch and advertise the program again now that the shelter in place orders are lifted.
- *Smoking Prohibition.* The Fort Bragg Municipal Code (FBMC) prohibits smoking: in public places whether on public or private property, parks, within 20 feet of the entrance of a building in the downtown, etc. Signs are placed at regular intervals throughout the Central Business District (CBD) where this ordinance applies. Per FBMC Section 16.12.040, J, "The accumulation of ... litter or debris in vestibules, doorways, or the adjoining sidewalks of commercial or industrial buildings"; is prohibited, and the property owner or business owner is responsible for the visual aesthetic of the sidewalk.
 - Swept material should be collected and disposed of, not swept into the street or gutter.
 - Sweeping material out of the gutter in front of businesses (and homes) would additionally go a long way toward reduced debris in the storm drains.
 - Additional education/campaign might be useful for this partnership.
- *Litter Clean-up Events.* The City annually hosts Coastal Clean-Up Day, a statewide event where we contribute through advertising, staff time, material distribution, etc. Additionally, the City partnered with MendoRecycle and was performing monthly clean-ups of illegal dumping, encampments, and graffiti abatement on public lands. The partner agency was providing receptacles and a clean-up crew at no cost to the City, but due to COVID restrictions this program is not currently operating.
- *New Trash Receptacles.* The City began a plan to replace the old trash receptacles with the new MaxR trash/recycling street side bins made of 100% recycled plastics in 2018. City staff unsuccessfully applied for a grant for a total of 50 cans. Due to cost and lack of dedicated funding source, only 10 new cans were purchased and used to replace the cans in the worst condition. We are still in progress of slowly removing and installing new cans on a case-by-case basis as they become unserviceable and the plan includes as installing cans in new locations as well.
 - Trash can waste has increased drastically (particularly in the CBD), staff associates these increases with the increasing waste management fees causing people to dump private waste in cans and also COVID creating a significantly increased quantity of take-out containers due to limited indoor dining.
- *Storm Drain Trash Capture.* In 2017 the City received notice from the State Water Board (Water Code Section 13383 Order), requiring all Small MS4's to detail a strategic plan to capture 100% of trash runoff from priority land use areas using state certified trash capture devices by December 2030. The City's trash capture device project is included

in the 2018 Coastal Mendocino County Storm Water Resources Plan. Additionally, staff has tried unsuccessfully twice (IRWM and Prop 1) to obtain funds to meet the unfunded state trash capture mandate. The current estimated cost of the trash capture devices is \$1,500,000.

RECOMMENDATION:

City programs already address a significant part of the problem, however, should additional activities be desired, staff would like recommendations and strategies for resource allocation and priorities.

ATTACHMENTS:

1. Mendocino Progressive Alliance Letters from April 2021
2. Adopt-A-Street Roll out Report of March 8, 2017
3. Committee Report November 09, 2016
4. Report, "A City with Few Ifs or Ands, Yet Plenty of BUTTS!" from City Council September 26, 2016

NOTIFICATIONS:

1. Rod Jones; Mendocino Progressive Alliance rodjones@mcn.org



Mendocino Progressive Alliance

~ Democracy for All ~

P.O. Box 189
Mendocino, CA 95460
707.937.0549

April 6, 2021

Tabitha Miller
City Manager
City of Fort Bragg
416 N. Franklin Street
Fort Bragg, CA 95437

Dear Manager Miller:

Given your breadth of experience and role in guiding the Council in setting goals, policies and priorities, I write to you mostly on behalf of the marine wildlife and valuable ocean that are our neighbors, as well with a desire to foster an increased sense of community care for our local environment.

I am delivering this letter and box of collected detritus for your review, both for its dramatic effect (to get City staff's attention) and as proof of the extent of the existing problem, i.e. demonstrate non-hyperbolic nature of the issues. City Hall is locked up tight as can be, so I am unable to deliver this to your office. Rest assured that once staff has had an opportunity to inspect the contents, I will be glad to retrieve the box and contents if you just let me know where you will leave it outside for such retrieval.

Background

In early September 2016, a group of residents presented a committee of the City Council with a proposal entitled, "A City Problem with No Ifs or Ands, But[t] many BUTTS!" It compiled information that had painstakingly been assembled over many days by volunteers. They had also conducted "butt-sweeps" of the City (mostly the CBD) and presented their "findings" in a large jar to the committee along with a proposal to embark on a campaign to eliminate or greatly reduce refuse-laden storm water offshore.

Part of the group's educational endeavor was to seek Council awareness of the "Big Butt Problem," as they called it; also known as TPW (tobacco product waste). Among other things, the paper proposal informed:

- Almost all cigarettes are sold with a cellulose acetate filter. About one-third of these butts never are properly disposed of but are thoughtlessly discarded onto the ground. From there, they are washed into watercourses and the ocean, to be eaten by fish, animals and birds.
- Ultraviolet sunlight will eventually biodegrade the filter itself, but not what is inside. Filters take anywhere from 18 months to as much as 10 years to “degrade,” depending on where the butt is dropped and the exposure to sunlight. Meanwhile, in a 1997 study, more than 4,500 chemicals were found inside cigarettes and these chemicals and heavy metals (toxins) remain unaffected by the sun and are poisonous when ingested by any living being.
- Cigarettes today commonly include pesticides, herbicides, insecticides, fungicides and rodenticides. If you want to name names of chemicals: ethyl phenol, nicotine, hydrogen cyanide, polycyclic aromatic hydrocarbons, ammonia, acetaldehyde, formaldehyde, benzene, phenol, argon, pyridines and acetone, and Polonium-210. Of these, more than 50 are known to be carcinogenic to humans. Recent studies have shown that cigarette waste easily meets standardized tests for city and state agencies to label a substance as toxic waste.

Our group pleaded with the Council to form a task force to find and assess locally-feasible solutions. We suggested some possible approaches and said we’d be glad to continue to offer our volunteer services if the City wished them. Our suggestions were:

1. Local tax on cigarette sales to fund clean-up under hazardous waste authority
2. Develop retailer responsibility ordinance for street-side pick-ups (Adopt-Your-Curbside/Sidewalk)
3. Enforce and/or strengthen the City’s litter ordinances & be willing to issue citations
4. Immediately purchase & install Seattle Surfrider cigarette receptacles/canisters (HOTYB: Hold on to your Butts program launched in 2014) or Cal Poly Surfriders’ “Butt Biters” receptacles.
5. Evaluate the Model Tobacco Waste Act for ideas and inspiration
6. Link with San Francisco and piggyback its efforts to find solutions
7. Consider a ban on sale of filtered cigarettes on the coast based on adverse environmental impact
8. Create local awareness and focused clean-up projects, especially at coastal trail areas

The two council members seemed duly impressed and asserted that they would carry the message to their colleagues for Council response and action. We accepted the bona fide of their representations. All for naught. No one in City government ever replied and apparently the entire idea was shelved and a gag order put in place. We were neither thanked nor told to jump from the Noyo Bridge with our ideas. Nothing. Zip.

But (pardon the pun) the problem has not gone away. Indeed, we are faced with a serious ocean crisis with loss of abalone and the bull-kelp forests, all now overrun with purple urchins. Yet that very ocean is a source of both fishing and recreation, as at least two present-day Council members can readily attest. Most of our group has disbanded, in part because of the way in which the Council chose to ignore these volunteer efforts.



Renewed Current Effort

A few others and I are a bit more stubborn, however. With this letter, I've brought before you the physical results of what was about five hours of volunteer effort again scouring the City for butts and other detritus that could poison, harm, or kill marine life. We note that the City storm water drains remain often clogged with trash and none of us have ever seen any City staff removing the grills and cleaning the drains. The most the City has done is place fine-looking medallions by some of the drains advising that they lead directly to the ocean and dumping should not be done. Meanwhile, exactly that happens daily and piece-by-piece, with everything washed unfiltered and unrestrained directly offshore. Added to this existing insult, CALTRANS apparently has neglected to pick up portions of its storm water cloth covers used when Highway 1 was resurfaced recently.

Further, the City's street sweeping program leaves more than a bit to be desired. Evidently, residents in various "grids" are asked to voluntarily "use off-street parking" on the days the sweeper comes to the neighborhood, with a seven-hour scope in which this is supposed to occur each month. However, the last time a very expensive-appearing sweeper was seen by anyone was adjacent to the Veteran's Hall on a Tuesday morning in early February. And it was simply rolling down the middle of the street as the curbs were fully parked up. It didn't even begin to get to the gutters. There are a number of vehicles parked that have clearly not been moved in months or more. So, bottom line, the gutters are not being addressed by street sweeping. This is evident on Franklin Street (especially the west side) only a block from City Hall. (See picture below.)

We understand that many municipalities, even the local Mendocino town district (MCCSD), manage to filter their storm water, but Fort Bragg evidently chooses not to do so. The Regional Water Board carries an expectation that small cities will engage in a “typical and reasonable” course of conduct to prevent “trash discharge” that generally includes a meaningful street sweeping program. In June of 2017, the Board approved a Trash Implementation Program that applied to both Phase I (large municipalities) and Phase II permittees under their respective “MS4” permits. So-called “trash treatment control devices” are supposed to meet a “Full Capture System” that will “trap all particles that are 5 mm or greater.” Permittees must comply with all permit conditions or they are in violation of the Clean Water Act and Porter-Cologne Water Quality Control Act. Ye, according to its Phase II Small MS4 Once - Report - 2018-2019 on file with the Regional Board and submitted by Tom Varga, Fort Bragg has taken only baby steps to comply, by simply “updating” part of its “jurisdictional map with regard to storm drainage areas and drain network.

As you know, the State Water Control Board via Order No. 2013-001-DWQ says this about maintenance of gutters and storm drains:

Storm Sewer System Maintenance

Fine particles and pollutants from run-off, run-on, atmospheric deposition, vehicle emissions, breakup of street surface materials, littering, and sanding (for improving traction in snow and ice) can accumulate in the gutters between rainfall events. Storm drain maintenance is often the last opportunity to remove pollutants before they enter the environment. Because storm drain systems effectively trap solids, they need to be cleaned periodically to prevent those materials from being picked up during high flow storm events.

Proper storm drain system cleanout includes vacuuming or manually removing debris from catch basins; vacuuming or flushing pipes to increase capacity and remove clogs; removing sediment, debris, and overgrown vegetation from open channels; and repairing structures to ensure the integrity of the drainage system. It is important to conduct regular inspections of all storm sewer infrastructure and perform maintenance as necessary. Though these activities are intended to ensure that the storm drain system is properly maintained and that any accumulated pollutants are removed prior to discharge, if not properly executed, cleanout activities can result in pollutant discharges. The Permittee should carefully evaluate maintenance practices to minimize unintended pollutant discharges, such as flushing storm drains without capturing the discharge. (pp. 30-31)

Requested Action

While the Water Board was contacted to learn about pertinent regulations, no complaint was filed with the Board and no action was requested. Rather, the Board staff was told that MPA wanted to first bring this back to the attention of the City to see if the Council is willing to take steps to bring itself in compliance and to significantly dial-down harmful gutter/sidewalk trash. Obviously, something also should be happening with respect to overflowing and highly

unsanitary waste/recycle containers around town. This ought to include a real and meaningful effort to re-institute the recycling portion of those receptacles.

We would appreciate some firm response from the City by April 28 before MPA decides whether to move the problem to the Board's offices for remediation and enforcement. Thank you.

Sincerely,

Rodney R. Jones
Coordinator for MPA

CC: Chantell O'Neal



Contents of box delivered to City Hall



300 Block of North Franklin



Mendocino Progressive Alliance

~ Democracy for All ~

P.O. Box 189
Mendocino, CA 95460
707.937.0549

April 13, 2021

Tabitha Miller
City Manager
City of Fort Bragg
416 N. Franklin Street
Fort Bragg, CA 95437

Dear Manager Miller:

I am making a second delivery of collected detritus for your review, all retrieved over the past week at about two-day intervals and mostly just in the Central Business District. I won't trouble with any further deliveries like this or correspondence, and am assuming based on not hearing from you or anyone else at City Hall, that there is no interest in discussing this problem. I will wait another week, as indicated, and then turn this over to the Water Board via a citizen complaint. Again, I remain quite willing to pick this box of refuse up from you after your inspection if you will leave it somewhere and notify me about retrieving it.

As you know, the problem has only worsened with the in-flow of greater tourist traffic and it is now quite common to find trash bins overflowing, particularly in the CBD, with refuse scattered about on the ground or, in one case on Main Street, an entire old tire left atop one bin. But you know all this already and I state it just to be clear for the record going forward. Please also see the attached recent photos including the detritus collected and delivered with this letter.

Sincerely,

Rod Jones

Rodney R. Jones
Coordinator for MPA

CC: Chantell O'Neal



Contents of box delivered to City Hall 4-13-21



Main Street at Redwood April 7, 2021



CalTrans sheathing from roadwork never removed



(Ditto)



CITY OF FORT BRAGG

416 N. FRANKLIN, FORT BRAGG, CA 95437
PHONE 707/961-2823 FAX 707/961-2802

COUNCIL COMMITTEE ITEM SUMMARY REPORT

MEETING DATE: March 8, 2017
TO: Public Works & Facilities Committee
FROM: Tom Varga, Director of Public Works
AGENDA ITEM TITLE: **Receive Update on April 1, 2017 Roll-Out of Adopt-a-Street Program Report**

ISSUE:

The Public Works & Facilities Committee has previously considered the matter of starting an “Adopt-A-Street” program. The idea was first presented by Mr. Mike Beck who has been very active in picking up litter and trash throughout the greater Fort Bragg area. The Public Works & Facilities Committee followed up by considering the matter on November 9, 2016. Since that time, additional, related litter and trash issues have come to light.

To address all these litter and trash problems, an “Adopt-A-Street” program is being prepared for roll out in April 2017. Staff will update the Committee on the status of this program roll out, including recent additions to its scope.

SUMMARY:

Adopt-A-Street

The original Adopt-A-Street program was suggested by Mr. Mike Beck as a way to broaden litter and trash pick-up efforts by enlisting the assistance of volunteers. Mr. Beck provided information from the City of Paso Robles as an example of what such a program might look like. In addition, staff examined Mendocino County’s Adopt-A-Road program.

The essential elements to get program off the ground would include:

- Trash bags
- Safety equipment and simple tools
- Basic safety training
- Application and authorization for litter pick-up in the public right of way or other grounds
- Liability release

The City can provide these basic tools and supplies as well as dispose of the bagged litter.

After the program is underway, staff will develop different ways for the volunteers to be recognized. This can include things like: signage (similar to that used by Caltrans, but smaller in size), recognition letters of appreciation, and so on. Also, a brochure can be created as an informational and outreach tool. The brochure produced by the City of Paso Robles is attached as an example.

Project Stop Butts

Following a field survey of a small part of downtown and picking up a significant number of cigarette butts, the Progressive Alliance Center Mendocino (PACM) made a presentation to the City Council, September 2016. Their investigation illustrated the importance of litter prevention in our downtown. It is not only unsightly, but can contribute to storm water pollution.

At the City Council meeting, they submitted the results of their survey, suggested corrective measures, and other resource/background material. Their short report, (excluding the supporting material) is attached for reference.

Page three of the PACM report lists six potential solutions. A seventh item has been added by staff. Following is more detailed discussion and analysis of these suggested solutions:

1. *Develop retailer responsibility ordinance for street side pick-ups (Adopt-Your-Curbside/Sidewalk)*

This idea is already largely contained in existing municipal code, see item 2 below.

2. *Enforce and/or strengthen the City's litter ordinances & be willing to issue citations*

The City already has substantial regulations regarding tobacco usage and tobacco waste in the Fort Bragg Municipal Code contained in Chapter 16.12 – Nuisance and Chapter 16.18 Smoking Pollution Control and Health Protection Regulations. Together, the two chapters address litter caused by smoking. Section 16.12.040, paragraph J prohibits, “The accumulation of ... litter or debris in vestibules, doorways, or the adjoining sidewalks of commercial or industrial buildings” Section 6.18.050, paragraph C states, “Smoking shall be prohibited within ... 20 feet of the entrance to any business and/or along the sidewalk adjacent to the building ... in the Central Business...” In addition, any retail, non-profit, or service related business outside the Central Business District can voluntarily invoke the same prohibitions.

In general, nuisance violations are enforced by Code Enforcement. The code requires no smoking violations to be enforced by the Police Department (Section 16.18.050, paragraph E).

Additional and citations are possible, but would presumably require the shifting of enforcement priorities.

3. Immediately purchase & install Seattle Surfrider cigarette receptacles/canisters or Cal Poly Surfrider's Butt Biters receptacles.

This is a fairly easy option to implement. To avoid conflicts with the FBMC code sections prohibiting smoking, signage should be added next to any receptacles or canisters. Proposed language could be along the lines of, "Fort Bragg Municipal Code Section 6.18.050.C prohibits smoking at the entrance to this building and within 20 feet along the sidewalk next to this building. Please extinguish your cigarette, cigar, or other tobacco product. Please put your tobacco waste in the receptacle for recycling - Thank You".

4. Evaluate the Model Tobacco Waste Act & other publications for ideas, inspiration and regulatory options.

The FBMC already has significant provisions regulating the use and disposal of tobacco products see item 2 above. The Model Tobacco Waste Act (MTWA) is a product stewardship policy based on the environmental principle of Extended Producer Responsibility. This policy seeks to shift the burden of managing the impacts of tobacco usage onto the producers and sellers of tobacco products. The MTWA was developed in collaboration with the Product Stewardship Institute.

This is a much broader policy matter that is larger than the litter and trash mitigation ideas that are part of the Adopt-A-Street matter. If the Committee wishes to further investigate the MTWA, it would be best to take it on as a separate matter.

5. Consider a ban on sale of filtered cigarettes on the coast based on environmental impact.

As noted in item 4 above, this question is beyond the immediate scope of an Adopt-A-Street program and could be taken up as part of the MTWA.

6. Create local awareness and focused clean-up projects, especially at coastal trail areas.

There are already several clean-up strategies in place:

- The City sweeps downtown streets weekly
- Hospitality House clients perform periodic sidewalk and street clean-ups
- Some businesses with smoking clientele sweep up sidewalks in the morning
- Coastal clean-up events are regularly scheduled, especially by the Noyo Center for Marine Science

Nevertheless, there is always a need for litter pick up efforts that would include the collection and disposal of cigarette butts. Any person, group, or organization could volunteer for this work under an Adopt-A-Street program. See also item 1 above.

This would also be a great opportunity for a volunteer group or organization to assist the City with public outreach and/or education.

7. *(Added by City staff) Consider participation in the Terracycle cigarette recycle program.*

Within the supplemental information provided by PACM was a reference to a cigarette recycling program provided by a company called Terracycle. Terracycle is a global company specializing in a wide range of recycling services. One such service is the recycling of cigarette butts. Terracycle works with the Santa Fe Natural Tobacco Company (manufacturers of Natural American Spirit cigarettes) to recycle cigarette butts and related tobacco waste. The recycling of this waste can be done at no cost to the City. However the waste does need to be packaged for shipment. Cigarette butt collection receptacles can be purchased from Terracycle for a little more than \$100 apiece. If the Committee concurs, staff can further investigate this recycling program.

The proposal and report submitted by PACM contains many ideas and suggestions for consideration. Some can be immediately implemented within the scope of an Adopt-A-Street program. Other ideas involve policy considerations involving the manufacturing and sales of tobacco products. These ideas are beyond the scope of an Adopt-A-Street program. If the Committee wishes to pursue these ideas further, it can be done so at a future meeting.

Adopt-A-Park

At the suggestion of the Bee City Committee, the grounds around the Guest House were recently designated by the City Council as the Guest House Park. The Fort Bragg Garden Club in association with some of the members of the Bee City Committee (see attached memo) has since proposed that maintenance of the Guest House Park could be enhanced with the creation an adopt a park program. Given the high degree of similarity between adopting a street or a park, this could easily be added to the Adopt-A-Street program. The scope of the Adopt-A-Street program can be clarified to include the litter pick up for a street, park or other similar open public space where such litter pick-up is useful.

RECOMMENDATION:

Today's report is an update of the various ways that an Adopt-A-Street program is being readied for implementation. This includes a provision for cigarette butt cleanup, and the inclusion of parks and other similar public spaces. Staff is ready to roll out the Adopt-A-Street program with the following components:

- A. Provide basic tools, supplies, and safety training for Adopt-A-Street participants
- B. Require the minimum liability release
- C. Accommodate any tobacco waste (cigarette butts) clean-up efforts
- D. Investigate the practicality of participating in a cigarette recycling program
- E. Accommodate litter and trash clean-up for public parks and similar public open spaces

If given the Committee concurs, staff can follow up on the installation of cigarette butt/tobacco waste receptacles that can be placed where tobacco users regularly gather. Signage to encourage no smoking in accordance with existing City ordinances should be added to these installations.

The Committee should give guidance to staff which, if any, larger policy questions can be considered in the future.

ATTACHMENTS:

1. Paso Robles, Adopt-A-Street brochure
2. Progressive Alliance Center Mendocino, "No Butts" report
3. Fort Bragg Garden Club memo
4. Rod Jones Comments on Staff Report

NOTIFICATIONS:

Mr. Mike Beck

Progressive Alliance Center Mendocino

Fort Bragg Garden Club/Bee City



CITY OF FORT BRAGG

416 N. FRANKLIN, FORT BRAGG, CA 95437
PHONE 707/961-2823 FAX 707/961-2802

COUNCIL COMMITTEE ITEM SUMMARY REPORT

MEETING DATE: November 9, 2016
TO: Public Works & Facilities Committee
FROM: Tom Varga, Director of Public Works
AGENDA ITEM TITLE: **Receive Report and Consider Options for Support of the Stop Butts Project**

ISSUE:

At the City Council meeting on September 26, 2016, members of the Progressive Alliance Center Mendocino made a presentation on their Project Stop Butts. The group requested the City's assistance with their campaign. The Council forwarded the matter to the Public Works and Facilities Committee for further consideration and possible direction.

SUMMARY:

In September, members of the Progressive Alliance did a field survey of a small part of downtown and picked up a significant number of cigarette butts. Their investigation illustrated the importance of litter prevention in our downtown. It is not only unsightly, but can contribute to storm water pollution.

The City has in place a substantial program of litter pick up that includes cigarette butts with all the other trash found along our streets. Street sweepers work their way through downtown weekly. This is reinforced with special storm drain cleaning efforts in the fall before the start of the rainy season. The residents from the Mendocino Coast Hospitality House regularly sweep through downtown to pick up litter.

Just as important is to prevent dropping cigarette butts from becoming litter in the first place. The Fort Bragg Municipal Code prohibits smoking: in public places whether on public or private property, parks, within 20 feet of the entrance of a building in the downtown, etc. The City appreciates the efforts of those businesses that discourage smoking in or near their establishments; it is especially appreciated when they take the extra effort to clean up after those that do not always follow the rules.

Litter control efforts extend beyond the limits of downtown. The recent coastal clean-up day is an annual event that pays special attention to the needs of our beaches. Furthermore, our Noyo Beach receives additional litter pick up attention by the Mac DOG organization and the high school's Interact Club. Next spring, the City anticipates rolling out an Adopt-A-Street program to bolster all of these efforts.

The City is willing to collaborate with interested people and groups in the community in keeping our town clean and attractive. This can range from formal large scale clean-ups all the way down to the simple act of picking up a bit of litter left by some careless person. With an already significant commitment of staff, time, and money to litter control, including cigarette butts, the City would gratefully appreciate volunteer efforts to extend the reach of our limited public resources.

RECOMMENDATION:

Review and consider the report provided by the Progressive Alliance Center Mendocino regarding issues involving cigarette butt litter in Fort Bragg. City programs already address a significant part of the problem. However, additional assistance would be valuable and appreciated. If a group of volunteers, including members of the Progressive Alliance Center Mendocino, wish to propose a program to collect cigarette butts, the City can work with them to help dispose the collected waste material.

ATTACHMENTS:

1. Report, "A City with Few Ifs or Ands, Yet Plenty of BUTTS!"



A City Problem with few Ifs or Ands,



**Yet Plenty of
BUTTS!**



**Progressive Alliance
Center Mendocino
328 N. Main Street
Fort Bragg**





Progressive Alliance Center Mendocino

~ Democracy for All ~
328 N. Main St. Fort Bragg 962.3101

To: City Council, City of Fort Bragg

Re: Project StopButts - Report requesting City Action

Da: September 26, 2016

Worldwide, well over 5 trillion cigarettes are sold each year. The U.S. accounts for 300 billion of the total. Once smoked, what becomes of the butt?

Cigarette butts are the most common form of litter, as an estimated 4.5 trillion cigarette butts are thrown away every year worldwide. Most cigarette filters are composed of cellulose acetate, a form of plastic. The white fibers in a cigarette filter are NOT cotton, but a plastic that can persist in the environment as long as other forms of plastic.

Rather than being a protective health device, cigarette filters are primarily a marketing tool to help sell 'safe' cigarettes and are erroneously perceived by much of the public (especially current smokers) to reduce health risks. Slightly reduced per-cigarette intake of tar and nicotine is often offset by smokers inhaling more deeply or simply smoking more often.

“The Big Butt Problem – TPW (Tobacco Product Waste)”

Almost all cigarettes are sold with a cellulose acetate filter. About one-third of these butts never are properly disposed of but are thoughtlessly discarded onto the ground. From there, they are washed into watercourses and the ocean, to be eaten by fish, animals and birds.

Ultraviolet sunlight will eventually biodegrade the filter itself, but not what is inside. Filters take anywhere from 18 months to as much as 10 years to “degrade,” depending on where the butt is dropped and the exposure to sunlight. Meanwhile, in a 1997 study, more than 4,500 chemicals were found inside cigarettes and these chemicals and heavy metals (toxins) remain unaffected by the sun and are poisonous when ingested by any living being.

Tobacco companies tried to make fully biodegradable filters for years but were unsuccessful.¹ Cigarettes today commonly include pesticides, herbicides, insecticides, fungicides and rodenticides. If you want to name names of chemicals: ethyl phenol, nicotine, hydrogen cyanide, polycyclic aromatic hydrocarbons, ammonia, acetaldehyde, formaldehyde, benzene, phenol, argon, pyridines and acetone, and Polonium-210. Of these, more than 50 are known to be carcinogenic to humans.

In California specifically, our Department of Public Health Tobacco Control Program puts it in these terms:

- Butts are the number one item found on California highways and 34% of total waste captured statewide
- Cigarette production requires one tree for every 300 cigarettes or one tree for every 1 ½ cartons manufactured
- Discarded butts have been linked to numerous wildfires and property damage
- State agencies spend over \$40 million annually in cigarette litter cleanup

“The Local Butt Problem”

About one-half of smokers do not consider the butts to be litter and feel free to discard them on the ground or even toss them from a car window. Cigarette butts are the most common form of debris collected from beaches and waterways during the annual Ocean Conservancy’s International Coastal Cleanups. Cigarette butts recovered from beaches are not necessarily due to cigarettes that are smoked at that location. Butts are dropped on sidewalks or thrown from moving cars; they then move to the street drains and into streams, rivers, and the ocean. In addition, since the early 1980s there has been increasing concern about the health consequences of passive smoking, and thus more smoking occurs outdoors, likely contributing to this chain of events.

In 2011, researchers at San Diego State University published their study that found lethal concentration (LC50) for both fresh water (fathead minnow) and saltwater (topsmelt) fish species exposed for four days was just one cigarette butt in one liter of water. A “leachate” (chemical soup produced by soaking butt) proved similarly toxic, with most of it emanating from the smoked cigarette butt and residue tobacco. Filters alone showed such toxicity.

“Clean-up ain’t necessarily cheap, but you can start right here in Fort Bragg”

In a review of litter cleanup project reports, the Keep America Beautiful Campaign reported that cigarette butts comprise from 25 to 50 percent of all collected litter items

¹ CORESTA, the tobacco industry’s international research organization, formed a ‘Cigarette Butt Degradability Task Force’ in the early 1990s to “develop a test to determine the rate of degradability of a complete cigarette butt.” The task force disbanded in 2000 after CORESTA found that it was “unlikely that the level of interest could justify the scale of the effort”, which would require more data collection and the development of instrumentation to establish a standardized test for cigarette filter degradation.

from roadways and streets. One report from a college campus estimated the cost of cigarette litter cleanup at \$150,000 for a single, two-week-long effort. No other economic impact studies have been reported. Their non-biodegradability means that they also increase landfill demands, add costs to municipalities' waste disposal programs, and create environmental blight in public spaces.

“Set up a brainstorm group to identify the extent of the problem & to propose solutions”

Form a task force of some kind to explicitly emphasize the importance of this problem and of finding locally-feasible solutions. Ask that body to conduct further fact-finding and to seek creative solutions. These might include:

1. Develop retailer responsibility ordinance for street-side pick-ups (Adopt-Your-CurbSide/Sidewalk)
2. Enforce and/or strengthen the City's litter ordinances & be willing to issue citations
3. Immediately purchase & install Seattle Surfrider cigarette receptacles/canisters (HOTYB: Hold on to your Butts program launched in 2014) or Cal Poly Surfriders' "Butt Biters" receptacles.
4. Evaluate the Model Tobacco Waste Act & other publications for ideas, inspiration and regulatory options
5. Consider a ban on sale of filtered cigarettes on the coast based on adverse environmental impact
6. Create local awareness and focused clean-up projects, especially at coastal trail areas

Sources consulted:

California Tobacco Control Program (Tobacco Product Waste Reduction Toolkit [2013] produced by Department of Public Health) & website www.tobaccofreeca.com
Cigarette Butt Pollution Project (www.cigwaste.org) & "Kick the Butts" initiative [based in San Marcos, CA]

Truth Initiative (www.truthinitiative.org)

Surfrider Foundation (<https://seattle.surfrider.org>)

National Center for Biotechnology (www.ncbi.nlm.nih.gov)

"Cigarette Butt Litter" newsletter (www.longwood.edu) [Clean Virginia Waterways project of Longwood University]

<http://saveourshores.org/what-we-do/reduce-cigarette-litter/>



Progressive Alliance
Center Mendocino
~ Democracy for All ~

StopButts Project

RESOURCES & BACKGROUND MATERIALS

SAVE THE BAY

<http://www.savesfbay.org/municipal-resources>

Resources for Municipalities

Save The Bay's pollution prevention program - the Clean Bay Project - works with municipalities in the nine Bay Area counties to develop and implement policies that stop trash at the source. By adopting ordinances, restricting plastic bags and Styrofoam food ware and limiting outdoor smoking, cities and counties can prevent plastics, toxic chemicals and other pollutants from impacting our waterways and the Bay. Listed below are resources for municipalities interested in pursuing these policies.

For more information, please contact Allison Chan, Clean Bay Campaign Manager at allison@savesfbay.org.

Cigarette Butts

Model Ordinances:

- [Walnut Creek](#)
- [Berkeley](#)
- ChangeLab Solutions model ordinance - [Comprehensive Smokefree Places](#)

Fact Sheets

- [Save The Bay tobacco litter fact sheet](#)
- [Cigarette Pollution Project fact sheet](#)
- [American Legacy Foundation tobacco fact sheet](#)

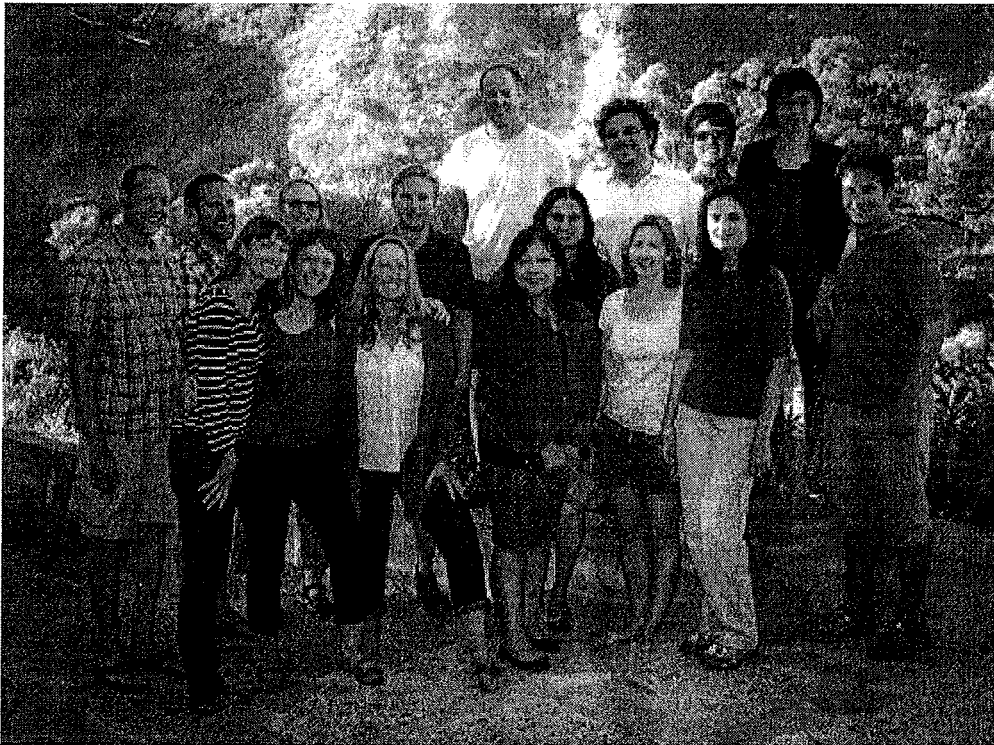
Literature

- [Tobacco Control: The Environmental Burden of Cigarette Butts](#)
- [Tobacco Product Waste: An Environmental Approach to Reduce Tobacco Consumption](#)
- Changes in smoking behaviours following a smokefree legislation in parks and on beaches, an [observational study](#)

Visit Save The Bay's [Butt Free Bay](#) site to learn more about our public campaign.



Get to know our member cities and green leaders.



- | | | |
|-------------------|--------------------|-----------------|
| 1. Berkeley | 2. Chula Vista | 3. Hayward |
| 4. Los Angeles | 5. Manhattan Beach | 6. Marin County |
| 7. Oakland | 8. Palo Alto | 9. Richmond |
| 10. San Diego | 11. San Francisco | 12. San Jose |
| 13. Santa Barbara | 14. Santa Monica | |



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Zero Waste

CIGARETTES

Animals accidentally eat cigarette butts which can give them seizures (<http://www.savesfbay.org/buttfreebay>). You can change that with this policy:

- First and last CA fee to cleanup cigarettes (**Cigarette Litter Abatement Fee Ordinance** (<https://greencitiesca.squarespace.com/zero-waste-1/san-francisco-cigarette-litter-abatement-fee>)), 2009, San Francisco, CA

COMPOST & RECYCLING

If you put compostables (food, plants, paper foodware, plastics labelled "compostable" not "biodegradable") in the landfill, you create polluting greenhouse gasses. So join cities below in preventing that:

- Most comprehensive U.S. composting and recycling law (**Recycling and Composting Ordinance** (<http://greencitiesca.squarespace.com/zero-waste-1/san-francisco-recycling-composting-ordinance>)), 2009, San Francisco, CA
- Achieving zero waste by 2022 (**Zero Waste Resolution** (<http://greencitiesca.squarespace.com/zero-waste-1/zero-waste-resolution-san-jose-ca>)), 2008, San Jose, CA
- Requiring all building materials, packaging, vegetation to be reused or recycled (**Construction and Demolition Ordinance** (<http://greencitiesca.squarespace.com/zero-waste-1/construction-and-demolition-ordinance-san-francisco-ca>)), 2006, San Francisco, CA

PAPER

KEEP YOUR BUTTS OUT OF OUR BAY!

An estimated 1 billion cigarettes are littered each year in the Bay Area.

Cigarette butts wash into storm drains, which flow into creeks.

Lined end-to-end, the number of cigarette butts littering the Bay each year would span the Golden Gate Bridge 9,284 times.

In one study, a single cigarette filter in a liter of water killed half the fish living there.

Creeks carry the toxic butts into the Bay where they leach harmful chemicals into the water.

Cups, plates, utensils, Food Wrappers, Cigarette Butts. Since 1989, cigarette butts have made up 40% of the litter picked up at Coastal Clean-up Days.

CIGARETTE BUTTS ARE TOXIC PLASTIC LITTER

ACETIC ACID
BUTANE
HEXAMINE
ARSENIC
TOLUENE
METHANOL
CHROMIUM
NITROGEN
PHOSPHORUS
AMMONIA

PLASTIC FILTERS ARE NOT BIODEGRADABLE

TAKE ACTION
www.savesfbay.org/buttfreebay
#BUTTFREEBAY

(<http://www.savesfbay.org/buttfreebay>)

HOW YOU CAN BENEFIT

In 2009, San Francisco experienced 25% of cigarette butt and packaging litter, and spent over \$6 million a year to clean them. So the city created the Cigarette Litter Abatement Fee Ordinance to collect \$0.20 when a customer buys a cigarette pack. The fee funds the Environment Cigarette Litter Abatement Fund.

WHY IT'S A LEADING POLICY

This is the first and possibly last ordinance of its kind in California because Proposition 26 now requires a two thirds super-majority vote in the State Legislature to pass fees, levies, charges and tax revenue allocations. Previously, only a simple majority vote was required.

GOAL

To fund costs to clean up cigarette litter.

WHO CAN TAKE ACTION

Retailers of cigarettes.

OUTCOME

Some of the revenue goes to the Treasurer to administer fees. The rest goes to the Department of Public Works to cleanup litter. The ordinance generates about \$5 million annually.

CONTACT

Soko Made, City Government Zero Waste Assistant, San Francisco Department of Environment, (415) 355-3739, Soko.Made@sfgov.org

LAST UPDATED

September 25, 2015

♥ 0 LIKES < SHARE

Hold On To Your Butts

Seattle Chapter of Surfrider Foundation

In early 2014, the Seattle Chapter launched the Hold On To Your Butts Program (HOTYB), which is a national campaign that has been met with significant success in San Diego and Huntington Beach. Through beach cleanups, the Seattle Surfrider chapter has witnessed that the city has a serious problem of cigarette filters littering public areas, especially beaches and city parks. Though it is illegal to smoke at beaches and parks in Seattle, and within 25 feet of public places like bus stops and doorways (per WA state 70.160.0175 RCW) butts are a significant problem particularly in these areas.

The Seattle chapter is focused on 1) educating people about cigarette impacts and 2) providing smokers an opportunity to dispose of cigarette butts responsibly. The chapter collaborated with Seattle Parks and Recreation to install two ashcans at Alki Beach Park in August, 2014 and added 6 more in July 2015. The chapter donated 12 cans to West Seattle Junction Association in July 2015 for use in the Junction restaurant and shopping district. Three UW interns have contributed 300 hours of service combined in 2015 and spoken with hundreds of park and event patrons about HOTYB. Chapter volunteers completed a Walk of Shame to draw social media presence to litter at popular bars in Capitol Hill.

Why choose Surfrider cigarette receptacles?

You can find other cigarette receptacles for cheaper, but you won't find one like ours. Ours were specially designed by the manufacturer and Don and Tony at the Huntington Beach Surfrider Chapter. Check out the benefits of using Surfrider's cans:

- The attractive vinyl sticker helps create uniformity, making receptacles easy to spot from far away, which increases likelihood of use
- The openings are small enough to keep other litter out
- The grooves draw rainwater away from the openings
- The locking mechanism keeps out passersby looking for a butt, doesn't spill or tip over, and are easy to empty into a garbage
- Metal canisters are less of a fire hazard and have proven they can handle the weather on California beaches for several years
- They can be secured to a wall or post to reduce stealing

Our next steps

We are actively working to find partners (local businesses owners, business associations, government departments, etc.) in high litter areas to install ashcans to reduce litter as well as promote education of cigarette litter impacts on the environment. We are looking for local businesses, especially near parks and beaches, to sponsor ash cans and partner with us to keep these toxic butts out of our waters. Check out this success story from the Vancouver Island Chapter on their highly successful HOTYB program to get inspired!

<file:///C:/Users/Owner/Desktop/Surfrider%20Seattle%20Chapter.htm> [Barbara Clabots]



Copy of Image of many ash cans w/o sticker

Sign In



Surfrider aims to can cigarette butts in Huntington Beach

The Orange County Register [April 12, 2015]

HUNTINGTON BEACH – Norma Sellers wears the message on her T-shirt like a walking billboard as she strolls the streets of downtown Huntington Beach.

“Our streets and beaches are not ashtrays,” it reads.

It’s a message the volunteer with the Huntington Beach chapter of Surfrider Foundation takes seriously, for the past three years helping to implement a canister program called “Hold Onto Your Butts” that has gathered more than 250,000 cigarette butts.

There are more than 170 canisters that serve as bright ashtrays dotting the city, everywhere from downtown to bus stops to college campuses. The butts have been collected and recycled for the past three years, keeping them off Surf City’s streets, gutters and beaches.

Surfrider has long held beach clean ups around the world, but the nonprofit hopes the canister program will catch fire among others who want to help tackle the big problem. Even though many cities outlaw smoking on the sand, butts still generate the number one trash item on the beach, making their way to the coast from waterways and storm drains.

The Huntington Beach program is now being watched closely by other major cities such as Chicago, and as close as Stanton and Long Beach. The canisters are already being used in Vancouver, Canada.

San Diego has a similar program, but businesses are responsible for cleaning the canisters. When Surfrider volunteer Don MacLean first proposed the project to Huntington Beach officials to have city employee maintenance workers involved, there was some resistance. Naysayers thought it would promote smoking, or generate resistance from smokers.

“At the very beginning, people thought we were trying to prevent smoking. We’re not,” said Surfrider Huntington Beach and Seal Beach chapter chairman Tony Soriano. “We’re trying to prevent people from throwing it onto the ground. It ends up in the ocean. It’s the number one contaminant in our ocean.”

Soriano remembers standing around the downtown area with MacLean, looking at the butts covering the streets and gutters.

“There were cigarette butts everywhere. You could see it in the gutter, you could see it here (on the sidewalk),” Soriano said. “Any place people sat down, you’d see it. It was disgusting.”

Downtown ambassador Russ Myers, who walks around in a bright yellow shirt to make sure people are behaving, said the response has been well received.

“Once I learned about the program, I thought, ‘this is killer’,” the former smoker said. “(Smokers) actually make a conscious decision to put them in there. It keeps them from going down the sewers. Mostly, people don’t mind using it. I see people throw cigarettes on the ground, see a butt can and put it in the canister.”

There’s still some resistance getting the canisters near the beach, with lifeguards worried it will send mixed messages to people who think they are allowed to smoke. Huntington outlawed smoking on the sand about a decade ago.

Special keys are required to open up the canisters, and each week city maintenance worker Isabel James empties out the canisters. Then, Sellers gathers the piles of butts each month or so in big plastic bags and takes it to the U. S. Post Office to ship them out to be recycled to a company called Terracycle.

On a recent day, Sellers had two big boxes full of butts that had been collected during the past two months.

“Holy smokes,” Myers exclaimed when the weight of the first box hit the scale, showing it weighed nearly 14 pounds.

The second bag was even more impressive, weighing in at 21 pounds.

That's an estimated 35,000 cigarette butts taken off Huntington Beach streets in just two months' time.

The next step is to get canisters set up at bus stops and the Bella Terra area.

Smoker Kyle Shelby, who can be found hanging out on the corner of Walnut and Main Street nearly every day, said he always makes it a point to tell fellow smokers about the Surfrider canisters if he sees them toss a butt on the ground.

"It's very convenient," he said. "They are bright, and you can see them. It gives a message to everyone, especially out-of-towners, 'pick up your stuff and stop littering our streets'," he said.

Contact the writer: lconnelly@ocregister.com

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Cal Poly Surfrider Installs Cigarette Receptacles in Morro Bay

Published: May 29, 2012 Views: 941 Share This Article: Tweet

PRESS RELEASE

On Saturday May 26, 2012 three members of Cal Poly Surfrider, Scott Doyle, Adam Rianda, and Jon Howard, installed three cigarette receptacles at Morro Bay beach. Philip Chehade, a industrial technology senior at Cal Poly and one of Cal Poly Surfrider's own, welded four Butt Biters November, 2011. The Butt Biters were constructed as a result of CP Surfrider recognizing an increasing need to combat cigarette pollution at San Luis Obispo County beaches. Cal Poly Surfrider decided to place three of the four Butt Biters at Morro Bay beach, with the knowledge that cigarette pollution is high at the Morro rock parking lot and the "pit" main parking lot in Morro Bay. The first location of placement is between the rocks and the first row of parking at the Morro rock parking lot. The students planted the second one next to the row of signs that contain beach rules and regulations and sits in front of the Morro rock parking lot bathrooms. The third Butt Biter is located at the "pit" main parking lot, in front of the first row of parking. With the cigarette receptacles newly installed, CP Surfrider hopes for the residents of Morro Bay to use them properly and often. CP Surfrider will be placing the fourth Butt Biter at another beach in the county in the near future. On a closing note, CP Surfrider kindly asks all residents of SLO County to properly dispose of all cigarette butts when out in public, especially when visiting beaches.

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'Get the Filter Out' campaign aims to clean up littered cigarettes

By Tanaz Ahmed, University of Michigan, Ann Arbor USA TODAY COLLEGE
(August 6, 2015)

Do Something, a nonprofit organization geared toward teen volunteerism and activism, is launching a campaign with truth, a youth smoking prevention campaign, to clean up cigarette butts littering the streets.

The new campaign, Get the Filter Out — GTFO for short — asks young Americans to sign up on Do Something to receive a free clean-up kit. Once a person signs up, he or she is also has the opportunity to win \$10,000. For every 250 cigarettes an individual collects, they receive an additional entry into the scholarship lottery. The winner will be announced after the campaign ends on Sept. 30, 2015.

GTFO hopes to motivate young Americans to stop smoking and to improve the environment, says Cas Marburger, the social media manager for truth.

“We really feel like this partnership with Do Something is a great opportunity for truth to help inspire people to clean things up and to really take action in their communities,” Marburger says.

According to a PLOS ONE report published on Jan. 27, 2015, cigarettes are the most littered item on Earth. GTFO reports 1.69 billion pounds of cigarette filters end up as waste every year — a fact corroborated in a May 2009 report published in the International Journal of Environmental Research and Public Health.

“A lot of people — smokers and non-smokers alike — think that cigarette butts are an acceptable type of litter because there is this misconception that cigarette butts will biodegrade,” Marburger says. “They don’t. They’re made of a type of plastic, cellulose acetate, which doesn’t degrade well. It sits there and releases toxic waste.”

The National Center for Biotechnology reports that the non-biodegradability of cigarette filters increases landfill demands, municipalities’ waste disposal program costs and environmental blight in public places. Chemicals from discarded cigarettes are also toxic to aquatic organisms.

Lizzy Divine, the environment campaigns associate at Do Something’s in-house marketing agency TMI, says that although this campaign does not address the root cause of the littering, organizing clean-up is still an effective solution to the issue.

“Litter begets litter,” she says. “One of the largest factors affecting a person’s decision to litter is the condition of their physical surroundings. Individuals are more likely to litter

into a dirty or already littered environment. So, by cleaning up the cigarettes we're hoping that people won't want to deviate from the social form and will be less likely to litter in the area."

Along with addressing environmental concerns, Do Something and truth also hope the new campaign will help end teen smoking.

According to a University of Michigan press release, a national survey of approximately 40,000 teens in 2014, found that 8% reported smoking cigarettes in comparison to 28% in 1997, a statistic which Divine believes indicates that cigarette use in the United States can continue to decrease.

Do Something really believes that this can be the generation that puts the cigarette industry out of business, which is why we're teaming up with truth to tell Big Tobacco to GTFO," Divine says.

[Tanaz Ahmed is a student at the University of Michigan and a summer 2015 USA TODAY Collegiate Correspondent.]

Santa Cruz Sentinel

Unanimous support on Capitola City Council for smoking ban

By Jondi Gumz (10/24/09)

CAPITOLA -- The tide is turning against smokers in this oceanfront tourist town.

Citing health hazards and cigarette butt litter, the City Council unanimously expressed support Thursday night for a smoking ban on the Esplanade, Stockton Avenue Bridge and the wharf, all locations frequented by visitors, and other public property in the city.

Council members told staff to draft an ordinance covering those locations and schedule a public hearing. In addition, Councilman Dennis Norton favored banning smoking throughout the city, which attracts thousands of tourists every year. So did Councilmen Ron Graves and Mayor Bob Begun. Councilmen Kirby Nicol and Sam Storey said they would consider a broader ban.

Though the council decided not to go that far at this point, environmental and health advocates hailed the city.

"Capitola is such a leader," said Laura Kasa, executive director of Save Our Shores, which has been picking up cigarette butts on the beach for 25 years. "Capitola is a destination that fosters family recreation and environmental stewardship -- tobacco just doesn't fit in," said Richard Salazar, who chairs the Santa Cruz County Tobacco Education Coalition.

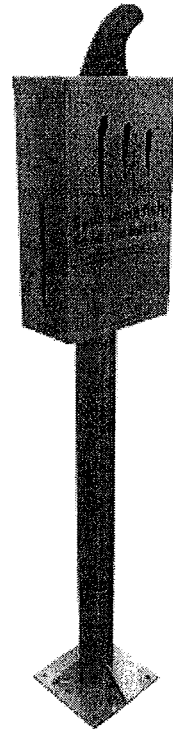
A smoking ban took effect Oct. 20 in the city of Santa Cruz along Pacific Avenue, Beach Street, West Cliff Drive and the wharf, all outside dining areas, such as bars, coffee shops and restaurants, and on city property including all parks. Tolerance of smoking in public has declined since 2006, when the U.S. surgeon general reported secondhand smoke is dangerous in any amount.

In California, adult smoking rates have fallen from 22.7 percent in 1988 to 13.8 percent in 2007.

Capitola currently prohibits smoking on Capitola Beach and near playgrounds and public buildings. "I have friends who come here from Mexico City, Bangkok, Manila and Rome and Paris, and they all say the same thing, the air is so fresh," said Nicol, who sees community support for a broad smoking ban. "We have to protect the environment."

Chris Gay, 24, a Monterey Bay Sanctuary steward, and Sandy Erickson, a nurse, spoke in favor of the ban, as did Bob Yount, 71, who lives on Portola Drive and came wearing a respirator. Hasan Ayaad of Havana Village on Monterey Avenue expressed concern about a ban affecting sales at the smoke shop. "If people can't smoke anywhere else, they will go up to your smoke shop," Storey said. "Maybe that will help your business."

Public Works chief Steve Jesberg noted San Francisco has a new butt "cleanup fee." The 20-cents-per-pack fee, which took effect Oct. 1, would bring \$6 million for that city if sales remain at 30 million packs annually.



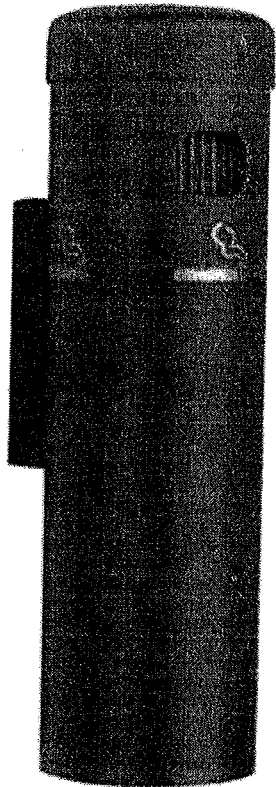
Capitola's Smoke-Free Beach approach



Aarco

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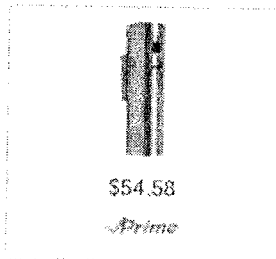
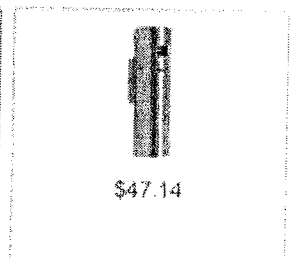
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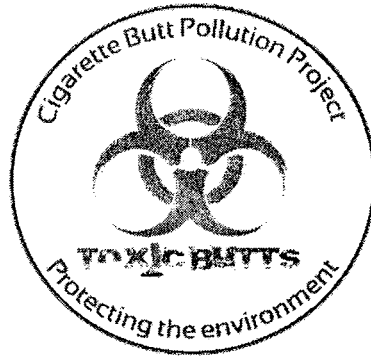


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The Environmental Impact of Cigarette Butt Waste: Just the Facts

1. Trillions of cigarettes: 5 trillion cigarettes sold globally every year; 300 billion sold in the United States.
2. Butt waste is everywhere: 99% of the 300 billion cigarettes sold have cellulose acetate (plastic) filters; at least one-third of those – 100 billion – are discarded into the environment. Washed into rivers, lakes and the ocean, and eaten by birds, animals and fish, they are the most littered item in the U.S. and the world. Smoking-related debris is 1/3 or more of all U.S. debris items found on beaches, and in rivers and streams.
3. Butt waste is not biodegradable: Filters are non-biodegradable, and while ultraviolet rays from the sun will eventually break them into smaller pieces, the toxic material never disappears.
4. Butt waste is toxic: Cigarette butts leach chemicals and heavy metals into the environment that are toxic to fresh and salt-water fish. They are poisonous when ingested by children and other living organisms.
5. Cigarettes kill: Containing so many highly toxic, carcinogenic chemicals, pesticides and nicotine, tobacco use is the No. 1 cause of preventable death globally, taking over 5 million lives a year, and likely to kill 1 billion people this century (ten times the 20th century toll).
6. Cigarette butts are dangerous: Discarded cigarettes can ignite very destructive, deadly and injurious fires. More than 900 people in the United States die each year in fires started by cigarettes, and about 2,500 are injured. Nationally, annual human and property costs of fires caused by careless smoking total about \$6 billion.
7. Butt waste cleanup is expensive: Cigarette butt waste cleanup is very costly, with a San Francisco litter audit study finding the cost to be more than \$7 million annually. Taxpayers and local authorities currently bear the cost everywhere, but it needs to be paid for and managed by the tobacco industry.
8. Filters don't make cigarettes safer: Many smokers believe filters provide some protection - that they're "safer" - but National Cancer Institute studies, among others, show there have been no benefits to public health from filters. The tobacco industry knows that filters are a fraud.
9. The tobacco industry blames smokers: Tobacco companies oppose regulations compelling them to take responsibility for butt waste – despite the widely recognized environmental principle of Extended Producer Responsibility; instead, they say 'the responsibility for proper disposal' of cigarette waste belongs to the smoker.

Butt waste isn't just litter:

Filters falsely reassure smokers, and cigarette waste damages habitat, landscapes and ecosystems; ignites destructive, deadly fires; poisons wildlife and children; consumes tax dollars for cleanup and disposal; and lasts forever!

Sources: "The Environmental Burden of Cigarette Butts," *Tobacco Control*, April 2011, (http://tobaccocontrol.bmj.com/content/20/Supp_1.toc); "The Impact of Tobacco on the Environment," *Legacy Factsheet*, April 2010 (www.Legacyfor-health.org); "Tobacco and the environment," *ASH fact sheet*, 2009 (www.ash.org.uk); CA Dept of Public Health's Butt Waste "Toolkit Project," (www.toxicbutts.com); "Tobacco Watch," *Framework Convention Alliance*, 2010 (www.ftc.org)

www.cigwaste.org



Picking up 52.9 Million Plastic Cigarette Butts off Beaches

APRIL 26, 2012 -- 52.9 million.

That is the disgustingly large number of cigarette butts beach cleanup volunteers have collected over the past 25 years during the International Coastal Cleanup, an annual event sponsored by the Ocean Conservancy.

Consistently the number one piece of litter found, cigarette butts represent an astounding 32 percent of total debris items gathered overall at these cleanups. And that's sadly not only the case on beaches but elsewhere too.

Most cigarette filters are made of a type of plastic, cellulose acetate, which doesn't biodegrade and can persist in the environment for a long time.

Fish, birds, and other animals can mistake small pieces of plastic, like cigarette butts, for food. Eating them could cause the animal to choke or starve to death because the plastic isn't digested, filling up their stomachs.

Cigarette butts contain toxins (such as heavy metals and the organic compounds nicotine and ethylphenol) and not a lot is known about how those toxins impact the environment, wildlife, and humans.

However, studies show they have a negative health impact on fish. For example, according to public health non-profit Legacy®, a recent laboratory test demonstrated that one cigarette butt soaked in a liter of water was lethal to half of the fish exposed to it.

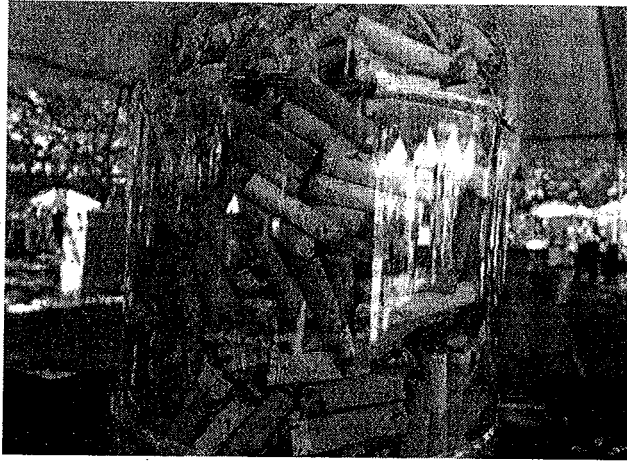
In an effort to raise awareness about this common source of pollution, NOAA's Office of Response and Restoration hosted a booth at the Louisiana Earth Day environmental festival in Baton Rouge on April 22, 2012. The festival is one of the largest Earth Day events in the nation, covering several downtown blocks and attracting thousands of people.

Even as the occasional smoker strolled by the booth, children crowded in for the chance to win a T-shirt by guessing as close as possible the number of cigarette butts in a large jar (1,523 gathered in only two hours!) and marvel at its grossness. Several of the kids remarked as they looked at the jar how they want their parents to stop smoking. Some of the parents and other grown-up visitors proudly announced how long it had been since they quit.

One current smoker announced that his girlfriend was making him dispose of his cigarette butts responsibly, rather than tossing them on the ground. Lots of visitors had never considered the negative impacts cigarettes could cause to the marine environment.

But here in this part of the country, next to the Mississippi River and not far from the Gulf of Mexico, most seemed interested in learning about the harmful implications this type of marine debris could cause their environment.

The NOAA Marine Debris Program, part of the Office of Response and Restoration, is educating the public on this specific type of pollution, one that almost seems to be the "last form of acceptable litter." While most people would be horrified to see, say, some fast food litter tossed out of the car in front of them, unfortunately



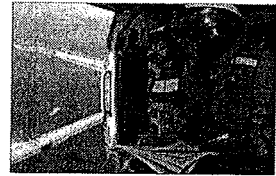
Visitors to the NOAA booth at Louisiana Earth Day tried to guess the number of cigarettes butts in the jar (1,523) to qualify to win a T-shirt, donated by the non-profit Legacy. The NOAA exhibit was designed to raise awareness of how toxic cigarette butts can harm the marine environment. (NOAA)



A local student, visiting the NOAA booth with his mom, guessed how many cigarettes butts were in the jar in hope of winning a T-shirt at Louisiana Earth Day, April 22, 2012. He came close and got a shirt. (NOAA)

On Our Radar

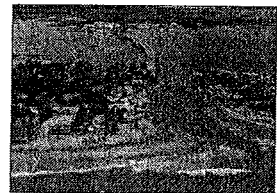
Response Tools for Spills



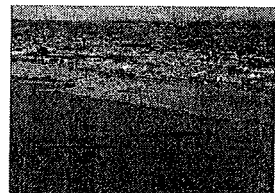
How Do Oil Spills Affect Sea Turtles?



Preparing for Hurricane Season



How Does NOAA Model Oil Spills?



few of us would be as shocked to see someone throw a cigarette butt on the street. [Learn more about what you can do about this problem.](#)

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Tobacco Product Waste Reduction Toolkit

April 2013



This publication was developed by the San Diego State University Research Foundation and the Cigarette Butt Pollution Project and made possible with funds from the Tobacco Tax Health Protection Act of 1988 – Prop. 99, through the California Department of Public Health, under Grant No. 10-10230.

1

COVER ONLY - TOOLKIT 67 PAGES



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Cigarette butts are more than mere litter; environmental and health groups are just now appreciating the seriousness of the butt problem, from bio-accumulation of poisons up the food chain to damage to commercial fisheries and water supplies. A recent study showed that cigarette waste easily meets standardized tests for city and state agencies to label a substance as toxic waste. This hazardous material persists in the environment for some time and is often ingested by aquatic creatures, wildlife, and pets, not to mention small children, who suffer serious health problems as a result. Cigarette filters are made from cellulose acetate, a plastic that can break into smaller pieces, but will never biodegrade or disappear. What's worse is that the filters themselves are a sham. They offer no health protection and are simply a marketing device to give the appearance that a cigarette is somehow safer.

A study from the Centers for Disease Control and Prevention on small children who had ingested cigarette butts concluded that one-third of them exhibited symptoms of illness such as spontaneous vomiting, nausea, lethargy, gagging, and flushing. Cigarette butts leach toxins into the water and kill or injure various forms of wildlife. In addition, the plastic parts of cigarette butts can be ingested by fish, birds, whales and other marine animals. According to the Surfrider Foundation, cigarette butts are the most frequent item collected during the group's beach cleanups. The good news is that **smokefree beach laws help reduce butts on beaches by 45%** according to the Audubon Society. Discarded cigarettes are also a major cause of fires.

The cleanup costs are immense - the city of San Francisco has estimated that it spends \$11 million per year cleaning up butts. The city has proposed a first of its kind fee on tobacco retailer licenses to help recover the cost of cleanup. We expect more cities and states to label cigarette butts as toxic waste and to pursue policy approaches to address this serious environmental problem. A study published in the April 2011 issue of Tobacco Control, estimated that "tobacco product litter (TPL)" comprises 22 to 36 percent of all visible litter. Estimated removal costs range from \$3 million to \$16 million for major cities and municipalities.

A May 2009 study published in the *International Journal of Environmental Research and Public Health* stated, "Several options are available to reduce the environmental impact of cigarette butt waste, including developing biodegradable filters, increasing fines and penalties for littering butts, monetary deposits on filters, increasing availability of butt receptacles, and expanded public education. It may even be possible to ban the sale of filtered cigarettes altogether on the basis of their adverse environmental impact. This option may be attractive in coastal regions where beaches accumulate butt waste and where smoking indoors is increasingly prohibited."

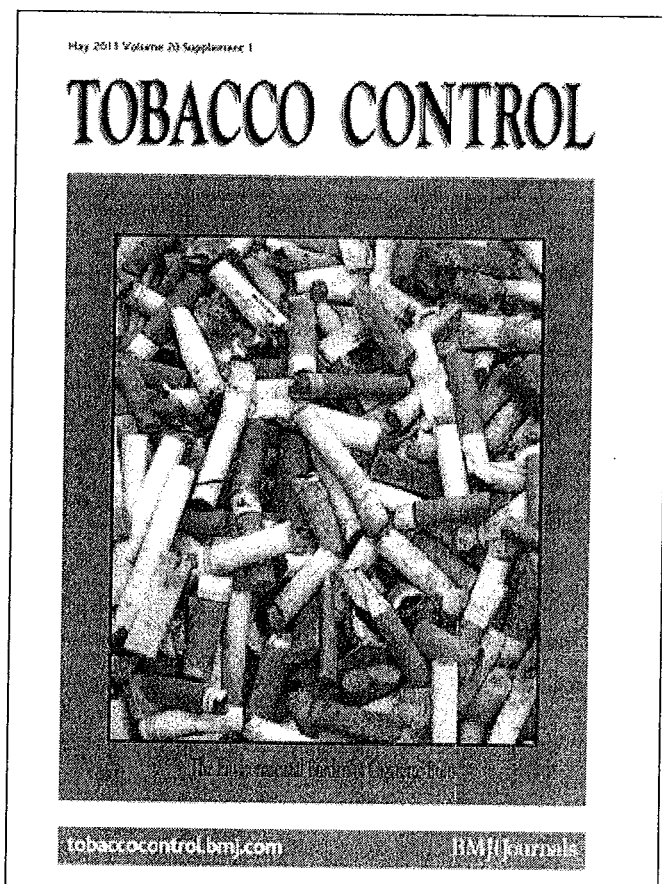
Tobacco Control

An international peer-reviewed journal for health professionals and others in tobacco control

Tobacco Control aims to study the nature and consequences of tobacco use worldwide; tobacco's effects on population health, the economy, the environment, and society; efforts to prevent and control the global tobacco epidemic through population level education and policy changes; the ethical dimensions of tobacco control policies; and the activities of the tobacco industry and its allies. Owned by BMJ, that began 170 years ago as a single medical journal and now publishes 55 medical and science journals. Based in London, it has additional offices in Europe, Asia and North America (Hoboken, NJ).

May 2011, Volume 20, Suppl 1 (tobaccocontrol.bmj.com)

The Environmental Burden of Cigarette Butts



Research papers

Whose butt is it? tobacco industry research about smokers and cigarette butt waste

- Elizabeth A Smith,
- Thomas E Novotny

The intractable cigarette ‘filter problem’

- Bradford Harris

Tobacco and cigarette butt consumption in humans and animals

- Thomas E Novotny,
- Sarah N Hardin,
- Lynn R Hovda,
- Dale J Novotny,
- Mary Kay McLean,
- Safdar Khan

Smoke-free college campuses: no ifs, ands or toxic butts

- Michael Sawdey,
- Ryan P Lindsay,
- Thomas E Novotny

Toxicity of cigarette butts, and their chemical components, to marine and freshwater fish

- Elli Slaughter,
- Richard M Gersberg,
- Kayo Watanabe,
- John Rudolph,
- Chris Stransky,
- Thomas E Novotny

Analysis of metals leached from smoked cigarette litter

- J W Moerman, G E Pottsle

Tobacco litter costs and public policy: a framework and methodology for considering the use of fees to offset abatement costs

- John E Schneider,
- N Andrew Peterson,
- Noemi Kiss,
- Omar Ebeid,
- Alexis S Doyle

Geographic patterns of cigarette butt waste in the urban environment

- Maacah Marah,
- Thomas E Novotny

Regulating the disposal of cigarette butts as toxic hazardous waste

- Richard L Barnes

Excerpt from Barnes submission [footnotes omitted]:

We know that tobacco contains thousands of different and potentially hazardous compounds and that cigarette butts in water leach a variety of toxic wastes, including heavy metals, nicotine and ethyl phenol. However, we have very limited knowledge on the actual toxic impact of these compounds in the environment. By applying the precautionary principle to the issue of cigarette butt waste, it is not necessary to have identified each and every toxic compound in cigarette butt leachate before we undertake to regulate and control it. The precautionary principle holds that when an activity raises threats to human health or the environment, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically, shifting the burden of proof to the proponent of the activity, and has been embodied in laws and in international treaties.

A PRODUCT STEWARDSHIP APPROACH

Product stewardship started in the USA as an effort to shift the responsibility and the cost of protecting the environment from taxpayers to the manufacturer, retailer and consumer for products put in the stream of commerce: “The greater the ability of a party to influence the life cycle impacts of a product, the greater the degree of that party’s responsibility. The stakeholders typically include manufacturers, retailers, consumers and government officials. This movement has gone global.

A related, but different, approach is the extended producer responsibility (EPR) concept, which places the onus of waste management for end-of-life products on the manufacturer, while product stewardship adds retailers and consumers into the process. EPR began to be implemented in Europe in the early 1990s, and was incorporated into European Union environmental policy in 2002; to date it has not been considered at the federal level in the US. In the US, as of October 2010 a total of 32 states have enacted EPR laws that require manufacturers to finance the costs of recycling or safe disposal of their consumer products, covering a range of products including auto switches, batteries, carpet, cell phones, electronics, fluorescent lighting, mercury-containing thermostats, paint and pesticide containers. Most of this legislation is of recent origin, but it may be another model of regulations that could be adapted to cigarette butt waste.

In 2010, the State of Maine considered a bill to enact a comprehensive product stewardship law that would avoid the EPR problems experienced in Europe. Under the proposed law, the Maine Department of Environmental Protection would designate what products or product categories sold in Maine would be required to participate in a product stewardship program, financed and either managed or provided by producers of a designated product. No designated product could be sold or offered for sale in Maine by any producer, wholesaler, retailer, or other person unless the producer participated in a product stewardship program.

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This article has a correction

Please see: [Tob Control 2011;20:418](#)

[Tob Control 2011;20:i25-i29](#) doi:10.1136/tc.2010.040170

Research paper

Toxicity of cigarette butts, and their chemical components, to marine and freshwater fish



Authors

Abstract

Background Cigarette butts are the most common form of litter, as an estimated 4.5 trillion cigarette butts are thrown away every year worldwide. Many chemical products are used during the course of growing tobacco and manufacturing cigarettes, the residues of which may be found in cigarettes prepared for consumption. Additionally, over 4000 chemicals may also be introduced to the environment via cigarette particulate matter (tar) and mainstream smoke.

Methods Using US Environmental Protection Agency standard acute fish bioassays, cigarette butt-derived leachate was analysed for aquatic toxicity. Survival was the single endpoint and data were analysed using Comprehensive Environmental Toxicity Information System to identify the LC50 of cigarette butt leachate to fish.

Results The LC50 for leachate from smoked cigarette butts (smoked filter + tobacco) was approximately one cigarette butt/l for both the marine topsmelt (*Atherinops affinis*) and the freshwater fathead minnow (*Pimephales promelas*). Leachate from smoked cigarette filters (no tobacco), was less toxic, with LC50 values of 1.8 and 4.3 cigarette butts/l, respectively for both fish species. Unsmoked cigarette filters (no tobacco) were also found to be toxic, with LC50 values of 5.1 and 13.5 cigarette butts/l, respectively, for both fish species.

Conclusion Toxicity of cigarette butt leachate was found to increase from unsmoked cigarette filters (no tobacco) to smoked cigarette filters (no tobacco) to smoked cigarette butts (smoked filter + tobacco). This study represents the first in the literature to investigate and affirm the toxicity of cigarette butts to fish, and will assist in assessing the potential ecological risks of cigarette butts to the aquatic environment.

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Responses to this article

a possible solution?

steven m. bergey

Tob Control published online April 28, 2016

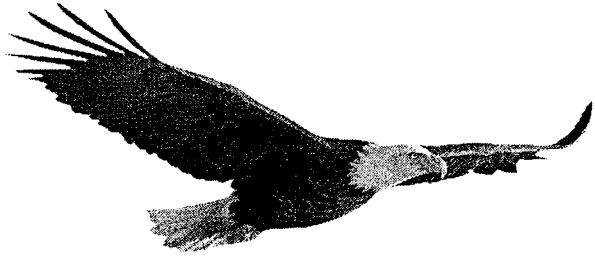
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Progressive Alliance
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StopButts Project

REGULATORY MATERIALS

San Francisco Administrative Code

CHAPTER 105:

CIGARETTE LITTER ABATEMENT FEE ORDINANCE

Sec. 105.1. Title.

Sec. 105.2. Definitions.

Sec. 105.3. Imposition of Cigarette Litter Abatement Fee.

Sec. 105.4. Enforcement.

Sec. 105.5. Records for Enforcement Only.

Sec. 105.9. Effective/Operative Dates.

SEC. 105.1. TITLE.

This Ordinance shall be known as the "Cigarette Litter Abatement Fee Ordinance" and the fee imposed herein shall be known as the "Cigarette Litter Abatement Fee."

(Added by Ord. 173-09, File No. 090724, App. 7/21/2009)

SEC. 105.2. DEFINITIONS.

The following definitions shall apply for purposes of this Ordinance:

(a) "Cigarette Retailer" means a person required to obtain and maintain a tobacco sales permit under San Francisco Health Code Section 1009.52.

(b) "Cigarette Sale" means any transfer of title or possession of a Pack or Packs of Cigarette by a Cigarette Retailer to a person for a consideration, exchange or barter, in any manner or by any means whatever.

(c) "City" means the City and County of San Francisco.

(d) "Fee" means the Cigarette Litter Abatement Fee imposed pursuant to this Chapter 105 of the San Francisco Administrative Code.

(e) "Inventory Purchase Invoice" means a purchase invoice for every Cigarette Retailer tobacco product purchase, that meets the requirements of California Business and Professions Code Section 22978.4, as it may be amended from time to time, and that California Business and Professions Code Section 22974 requires a Cigarette Retailer to retain for at least four years.

(f) "Pack of Cigarettes" means the individual packet, box or other container by which retail sales of cigarettes are normally made or intended to be made. "Pack of Cigarettes" does not mean containers such as cartons, cases, bales or boxes which contain smaller packaged units of cigarettes.

(g) "Person" means any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity other than a cigarette wholesaler, cigarette distributor, cigarette manufacturer or Cigarette Retailer.

(h) "Purchaser" means the person obtaining cigarettes from a Cigarette Retailer as a result of a Cigarette Sale

(i) "Rule" means any rule, regulation, guideline, instruction or prescribed form that the Tax Collector duly issues, promulgates or adopts under either Section 105.4(b) of this Ordinance or Article 6 of the Business and Tax Regulations Code to enforce and administer this Cigarette Litter Abatement Fee Ordinance.

(j) "Tax Collector" means the designee of the Office of the Treasurer and Tax Collector of the City and County of San Francisco.

(Added by Ord. 173-09, File No. 090724, App. 7/21/2009)

SEC. 105.3. IMPOSITION OF CIGARETTE LITTER ABATEMENT FEE.

(a) The City hereby imposes a Cigarette Litter Abatement Fee at the rate of \$0.20 per Pack of Cigarettes on the Purchaser for all Cigarette Sales within the geographic limits of the City, subject to adjustment from time to time under subsection (f) below. The Fee shall be imposed on a per-Pack of Cigarettes basis for Cigarette Sales in larger quantities. The Fee is payable at the time of the Cigarette Sale transaction.

(b) Each Cigarette Retailer shall collect the Fee from the Purchaser at the time of the Cigarette Sale and remit the collected revenue to the City as provided in Subsection (c).

(c) The Cigarette Retailer shall hold the collected Fee revenue in trust for the City and remit such revenue to the Tax Collector each calendar quarter on or before the last day of the month immediately following each respective quarterly period, and in accordance with the Tax Collector's Rules, except that all such amounts shall be due immediately upon the City's suspension of a Cigarette Retailer's Health Code Article 19H tobacco sales permit, or upon a Cigarette Retailer's voluntary surrender of such tobacco sales permit, or upon the transfer of ownership or cessation of a Cigarette Retailer's business for any reason.

(d) If the Cigarette Retailer fails to collect and remit the Fee as Subsections (a), (b) and (c) require, the Cigarette Retailer is liable to the City for the full Fee amount.

(e) The Tax Collector shall deposit all monies collected pursuant to this Cigarette Litter Abatement Fee Ordinance to the credit of the Environment Cigarette Litter Abatement Fund authorized by San Francisco Administrative Code Section 10.100-70. Said fund shall be used exclusively for the following purposes:

(1) Refunds of any overpayments of the Fee imposed hereunder;

(2) Costs of the Department of Public Works incurred in abating cigarette litter from sidewalks, street gutters, and similar outdoor public spaces consistent with the categories of expense items included in the report that the Department of Public Works has submitted to the Board of Supervisors in support of this ordinance and that appears in File No. 101140;

(3) Costs of the Tax Collector incurred in the collection and enforcement of the Cigarette Litter Abatement Fee consistent with the categories of expense items included in the report that the Tax Collector has submitted to the Board of Supervisors in support of this ordinance and that appears in File No. 101140;

(4) Costs of public outreach and education to curb improper cigarette litter disposal;
and

(f) Fee Adjustment. No later than December 1, 2010, and every year thereafter, the Controller shall adjust the Fee without further action by the Board of Supervisors, as set forth in this subsection.

(1) The Controller shall determine whether the current Fee has produced or is projected to produce revenues sufficient to support the services and activities described in Section 105.3(e) herein and that the current Fee has not produced or is not projected to produce revenue which is significantly more than necessary to support those services and activities. In making such determinations, the Controller shall use the most recent available data concerning the percentage of litter on City sidewalks, street gutters, and similar outdoor public spaces that is cigarette butts and related packaging litter. At the time of the enactment of this Ordinance, such data indicates that 22% of litter on City sidewalks, street gutters, and similar outdoor public spaces consists of cigarette butts and related packaging litter. The Controller shall periodically procure updated data concerning the percentage of litter in such areas that is cigarette butts and related packaging litter.

(2) The Controller shall, if necessary, adjust the Fee upward or downward for the upcoming fiscal year as appropriate to ensure that, over time, the Fee program recovers no more than the costs of the services and activities described in Section 105.3(e) herein. The adjusted Fee shall become operative on January 1.

(3) The Tax Collector shall post the adjusted Fee on its website. Failure to make the posting that this subsection requires shall not affect the rights of the City to collect the adjusted Fee.

(Added by Ord. 173-09, File No. 090724, App. 7/21/2009; Ord. 239-10, File No. 101140, App. 9/28/2010)

SEC. 105.4. ENFORCEMENT.

(a) The Tax Collector shall enforce the provisions of this Cigarette Litter Abatement Fee Ordinance. The Tax Collector shall collect the Fee, conduct audits, and issue deficiency and jeopardy determinations pursuant to the Business and Tax Regulations Code, Article 6, provided that nothing in this Ordinance or in Article 6 of the Business and Tax Regulations Code shall be construed to mean that the Cigarette Litter Abatement Fee is a tax rather than a fee. The Tax Collector may issue, and serve, subpoenas to carry out these duties.

(b) The Tax Collector shall have the power and duty to promulgate Rules to implement and administer this Ordinance, including but not limited to Rules prescribing methods and schedules for Fee collection, payment and verification. A Cigarette Retailer's failure or refusal to comply with any Rule shall be a violation of this Ordinance and may subject the violator to the penalties set forth herein or in Business and Tax Regulations Code, Article 6.

(c) Until otherwise specified by Rule, the Tax Collector shall allow any Cigarette Retailer to report Cigarette Sales based either on its Inventory Purchase Invoices for the reporting period or its Cigarette Sales records for the reporting period. A Cigarette Retailer shall use the same method for calculating and reporting its Fees each reporting period until otherwise specified by Rule.

(d) The Cigarette Litter Abatement Fee Ordinance is a Tobacco Control Law under Health Code Section 1009.60. Upon a decision of the Director of the Department of Public Health that any Cigarette Retailer has engaged in any conduct that violates any requirement of this Ordinance, the Director may suspend the Cigarette Retailer's tobacco sales permit as set forth in Health Code Section 1009.66, impose administrative penalties as set forth in Health Code Section 1009.67, or both suspend the permit and impose administrative penalties.

(Added by Ord. 173-09, File No. 090724, App. 7/21/2009)

SEC. 105.5: RECORDS FOR ENFORCEMENT ONLY.

(a) Every Cigarette Retailer shall keep and preserve all such records as the Tax Collector may require for the purpose of ascertaining and determining compliance with this Cigarette Litter Abatement Fee Ordinance, including but not limited to, all local, State and Federal tax returns and all Inventory Purchase Invoices, for a period of four years. Cigarette Retailers shall submit copies of such records with its periodic Fee returns as the Tax Collector may by Rule require, and shall make its original documents available at its retail location for review, inspection or copying by the Tax Collector upon request during normal business hours.

(b) The City shall access and use Cigarette Retailers' records required to be prepared or provided under this Ordinance and Rules promulgated hereunder, including but not limited to its local, State and Federal tax returns and Inventory Purchase Invoices, solely for the purposes of enforcing this Cigarette Litter Abatement Fee Ordinance. The City shall adhere to all applicable state and local laws, policies and regulations pertaining to personal information, individual privacy, trade secrets and proprietary information with respect to such records.

(Added by Ord. 173-09, File No. 090724, App. 7/21/2009)

SECS. 105.6—105.8. RESERVED.

SEC. 105.9. EFFECTIVE/OPERATIVE DATES.

This Chapter shall become effective upon passage, except that the Fee imposed by this Ordinance shall become operative and be imposed on October 1, 2009, and shall not apply to Cigarette Sales that occur prior to October 1, 2009.

(Added by Ord. 173-09, File No. 090724, App. 7/21/2009)



September 24, 2009

NOTICE TO SAN FRANCISCO CIGARETTE RETAILERS

RE: CIGARETTE LITTER ABATEMENT FEE

In July 2009, the Cigarette Litter Abatement Fee was passed by the Board of Supervisors and signed by the Mayor. The fee is imposed on the sale of cigarettes in San Francisco at \$0.20 per pack. **The fee is effective as of October 1, 2009** and due and payable to the Treasurer's Office in quarterly installments. The first quarterly statement will be mailed to cigarette retailers by December 1, 2009 and payment will be due on or before January 31, 2010.

The ordinance is available the following web address: www.sfgov.org/treasurer/cigarettefee.

Cigarette retailers must report cigarette sales based on its cigarette sales records for the reporting period, or, if that is impracticable, its inventory purchase invoices for the reporting period.

Cigarette retailers must be prepared to demonstrate by records which can be verified by audit that the method used properly reflects their cigarette sales. Such records include but are not limited to: (A) Normal books of account ordinarily maintained by the reasonably prudent businessperson engaged in the activity in question; (B) Bills, receipts, invoices, cash register tapes, or other documents of original entry supporting the entries in the books of account; and (C) Schedules or working papers used in connection with the preparation of returns and the calculation of fees. Pursuant to Section 105.5(a) of the San Francisco Administrative Code, cigarette retailers must maintain records for a period of four years.

Please begin collection of the fee on October 1, 2009.

Information about the Cigarette Litter Abatement Fee is available at the Treasurer's Office website, at www.sfgov.org/treasurer/cigarettefee. If you have any questions about the fee, please contact Loretta Lieberman in the Treasurer's Office at 415-554-7339.

Sincerely,

George Putris
Tax Administrator

San Francisco to double litter fee on cigarette sales



By Joshua Sabatini (12-18-15)

For the first time since imposing a litter fee on the purchases of cigarettes six years ago, San Francisco is doubling the surcharge on Jan. 1. Every pack of cigarettes sold starting next year will come with a 40 cent fee, double the current fee. Last fiscal year, an estimated 11.9 million packs of cigarettes were purchased in San Francisco, generating more than \$2 million in fee revenue for litter cleanup crews.

The City says it could charge up to 84 cents to fully recoup the cleanup costs of discarded butts and other related items like wrappers, foil and lighters. Even though cigarette-related litter is down, according to a 2014 litter study used to justify the fee hike, the percentage of tobacco-related litter has significantly increased from the previous 22 percent of all litter to 53 percent.

Another factor driving the fee increase is the Department of Public Works is spending more on litter cleanup in San Francisco's public spaces, increasing from \$16.6 million in fiscal year 2012-13 to \$21.4 million in fiscal year 2014-15. The analysis shows that The City's costs for tobacco-related litter cleaning increased from \$3.7 million to \$11.4 million during the same time frame.

"Setting the fee at the permissible level of 84 cents per pack would result in a 400 percent increase from the current fee level of 20 cents per pack," said City Controller Ben Rosenfield's memo to the Board of Supervisors. "In order to reduce the volatility of the fee level, the Controller's Office is limiting the fee increase to 40 cents per pack, an increase of 100 percent." At one retailer near City Hall on Thursday, a pack of cigarettes was selling for as much as \$7.49, before tax.

In 2009, as The City's budget was facing a significant deficit, the Department of Public Works proposed the fee, approved by the Board of Supervisors and mayor, to help defray costs. Other fee proposals surfaced a year later, such as one on the sale of alcohol and another on fast-food wrappers. Both those fees died for lack of political support. San Francisco's tax collector Jose Cisneros sent letters earlier this month to cigarette retailers alerting them of the fee hike. "You are responsible for collecting the new fee on all packs of cigarettes sold," the letters said. The legislation, adopted in 2009, authorizes the city controller, in this case Ben Rosenfield, to adjust the fee without additional approval, which he has done.

HDR, Inc, an engineering firm with offices in the Mission, conducted the 2014 litter analysis, examining 32 sites, each 200 feet in length and 18 feet wide, around The City. The same sites were used in a 2009 litter study.

"The 2014 litter study found that 53 percent of litter consisted of tobacco-related litter," the study found. "This result differed substantially from the results of the 2009 litter study which found that 22 percent of all litter was tobacco-related. The primary reason for this difference was that

the sites were substantially cleaner in 2014 (with a total of 3,881 individual pieces of litter) than they were in 2009 (with 12,123 individual pieces of litter).”

The site with the most litter found was 20th Street and Folsom Street, in the Mission, at 285 pieces of litter, of which 172 were tobacco-related products, such as cigarette butts, cigar butts, cigarette packs, cellophane from cigarette packs, wrappers, tobacco foil products, lighters, matchboxes and matches. The second highest count for litter was in North Beach at Francisco Street and Mason Street, where 260 pieces of litter were counted, 159 of which were tobacco-related. The cleanest of the 32 sites was in Hayes Valley at Fell Street and Franklin Street, where just 42 pieces of litter were counted, 17 of which were tobacco-related.

Department of Public Works spokeswoman Rachel Gordon said the revenue boost will help improve the cleanliness of neighborhoods. “Cigarette butts are a major contributor to litter in San Francisco and often are labor-intensive to pick up,” Gordon said. While crews use brooms or mechanical street sweepers, many butts are “tossed into tree wells or that get caught between the sidewalk squares and must be picked up by hand,” according to Gordon. She added that “there still are a lot of smokers who fling the cigarette butts without consideration for the blight and the environmental harm they cause.”

California Proposition 26, Supermajority Vote to Pass New Taxes and Fees (2010)

California Proposition 26, or the Supermajority Vote to Pass New Taxes and Fees Act, was on the November 2, 2010 ballot in California as an initiated constitutional amendment, where it was approved [52.5% to 47.5%].

Proposition 26 requires a two-thirds supermajority vote in the California State Legislature to pass many fees, levies, charges and tax revenue allocations that under the state's previous rules could be enacted by a simple majority vote. Supporters of Proposition 26 called it the Stop Hidden Taxes initiative, saying that fees, levies, and so on imposed by the California government amount to taxes, and should therefore require the same supermajority vote required to enact income or sales tax increases.

Official summary: Requires that certain state fees be approved by two-thirds vote of Legislature and certain local fees be approved by two-thirds of voters. Increases legislative vote requirement to two-thirds for certain tax measures, including those that do not result in a net increase in revenue, currently subject to majority vote.

Philip Morris provided \$2.3 million out of a total of \$18.3 million to the California Chamber of Commerce's Proposition 26... These restrictions on the enactment of fees severely limits state and local efforts to mitigate costs through the collection of fees, such as fees to help recover costs of picking up cigarette butts through fees imposed on cigarettes.

[Sources: www.ballotpedia.org; Natl Inst Health Lib of Medicine <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4040295/>]

Background from “Proposition 26 Implementation Guide, April 2011,” League of California Cities [Excerpts]:

Proposition 13 made the definition of “tax” important for the first time. It led to the adoption of Gov. Code § 50076, which states: “A special tax shall not include any fee which does not exceed the reasonable cost of providing the service or regulatory activity for which the fee is charged and which is not levied for general revenue purposes.” The authority to impose regulatory fees was well established when Proposition 13 was adopted in 1978. It derives from the “police power,” the inherent reserved power of government to subject individual rights to reasonable regulations for the general welfare. Fees, charges, and rates must be reasonable, fair and equitable in nature and proportionately representative of the costs incurred by the regulatory agency... For such fees to be valid, there must be a reasonable relationship between the fee's use and type of project; and between the need for the public facility and the type of development project on which the fee is imposed.

Proposition 26 adds a definition of “tax” to the Constitution: “(e) As used in this article, “tax” means any levy, charge, or exaction of any kind imposed by a local government, except the following:

(1) A charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.

(2) A charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product.

(3) A charge imposed for the reasonable regulatory costs to a local government for issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof. [remainder of seven “exceptions” not included].

Previously, the Constitution’s definitions of “general tax” and “special tax” (added by Proposition 218) did not directly define “tax,” but rather the Constitution and statutes described what a tax was not. [Art. XIIC, sec. 1 (e)] For example, Gov. Code § 50076 provides that a fee that does not exceed the reasonable cost of providing a service is not a “tax.” Proposition 26 ... prohibits a local government from enacting, increasing, or extending any levy, charge, or exaction of any kind without voter approval unless an exceptions can be identified. If a post-Proposition 26 fee is “imposed” and does not fall within one of the seven stated exceptions, then Proposition 26 defines it as a “tax” for which voter approval is required under either:

- Proposition 62 (Gov. Code § 53720 et seq.) as to counties and general law;
- Proposition 218 (Art. XIIC, § 2) as to all local agencies.

Exception No. 3 [Permitting and Inspection Fees]: This exception will cover a wide range of local government regulatory fees such as building permit fees, fire inspection fees, assessments to recover the cost of weed abatement services provided to property the owners of which failed to comply with a weed abatement requirement, alarm permit fees, sales tax audit fees and the like. The list of permitted “reasonable regulatory costs” is a closed list (it does not say “including” or “such as”) and includes (i) issuing permits and licenses; (ii) performing investigations and audits; and (iii) administrative enforcement and adjudication. Like the first two exceptions, fees protected by this exception are limited to the local government’s reasonable costs.

Because the history of this measure involves the proponents’ dissatisfaction with *Sinclair Paint Co. v. State Board of Equalization*, and because the ballot arguments described above support “legitimate fees such as those to...fund necessary consumer regulations,” the breadth of this exception will most likely be determined by the courts. A local agency, therefore, should ask the following questions when determining whether its fee comes within this exception:

- Is the fee payor regulated?
- If so, what is the regulatory program?
- Does the program involve the issuance of a license or permit or authorize or require an investigation, inspection or audit?

One example of a regulatory fee within the exception of § 1(e)(3), but which is designed to

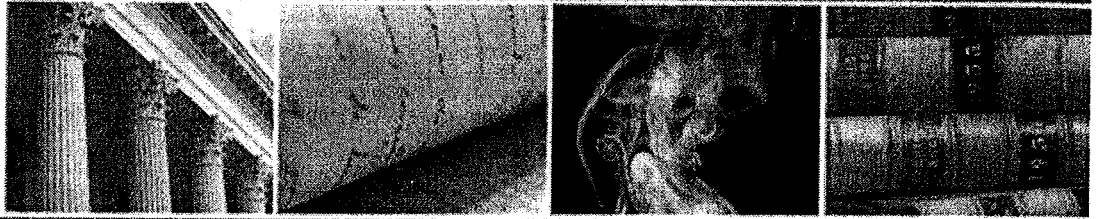
enforce a regulation established to mitigate the adverse impacts of a regulated activity on a community follows:

All restaurants and other food establishments must obtain a license from the county to operate their businesses. The county prohibits restaurants and other food establishments from using Styrofoam® products in the distribution and sale of food products. The purpose of the regulation is to mitigate the adverse impacts that Styrofoam has on the county's landfill. The county imposes a fee on all restaurants and other food establishments for the reasonable costs of issuing the license, performing investigations, and inspections and enforcement of the regulation. In this instance, the purpose of the regulation is to mitigate the adverse impact of the fee payor's operations on the community. The fee, however, is only used for those purposes authorized pursuant to § 1(e)(3) – to recover the reasonable costs to the local agency for issuing permits, performing investigations, inspections, and audits, and the administrative enforcement of the regulations. The regulatory fee in this hypothetical would not be deemed to be a tax within the meaning of § 1(e)(3) for these reasons.

Other Sources/Publications:

CounterTobacco.Org: The first comprehensive resource for local, state, and federal organizations working to counteract tobacco product sales and marketing at the point of sale (POS). Website offers evidence-based descriptions of the problem, policy solutions, advocacy materials, [news updates](#), and an [image gallery](#) exposing tobacco industry tactics at the point of sale. CounterTobacco.Org is supported in part by the [U.S. Centers for Disease Control and Prevention, Office on Smoking and Health](#) (Grant Number U48-DP001944). Countertobacco.org is also supported by grant number U01 CA154281 from the National Cancer Institute's State and Community Tobacco Control Initiative, and in-kind support for Dr. Kurt Ribisl's time from the UNC School of Public Health.

Counter Tobacco. Raising Tobacco Prices Through Non-Tax Approaches; Approach #4: Mitigation Fees. 2012 2011 2011 [cited May 16, 2012]. Available from <http://countertobacco.org/raising-tobacco-prices-through-non-tax-approaches?page=5>; see also, "Licensing and Zoning" (<http://countertobacco.org/policy/licensing-and-zoning/>)



Policy Tools for Minimizing Public Health and Environmental Effects of Cigarette Waste

The Tobacco Control Legal Consortium in partnership with the Cigarette Butt Pollution Project (CBPP), a 501(c)(3) organization registered in California, has created this publication to serve as a starting point for governmental authorities and organizations interested in implementing measures to minimize the adverse public health and environmental effects of cigarette waste.¹ Before attempting to implement any of these measures, be sure to consult with local legal counsel. For more details about policy considerations, please contact the [Consortium](#) and the [Cigarette Butt Pollution Project](#).

Overview

In sheer numbers, cigarette butts constitute the most common type of litter today, with approximately 4.95 trillion cigarette butts thrown away annually.² An estimated 30 percent of the total waste (by count) on U.S. shorelines, waterways and land is cigarette waste.³ This is a significant public health problem: used cigarette butts have been found to contain many toxins including ammonia, formaldehyde, benzene, butane, acrylonitrile, toluene, and alkaloid nicotine.⁴ This waste can affect the health of humans and animals by direct consumption of used cigarettes⁵ and through leachates (chemical soups produced when cigarette butts are wet) that enter storm drains, groundwater, recreational bodies of water, and other environments.⁶



Proposed policies to reduce or eliminate the public health and environmental effects of cigarette butt waste have focused on two discrete methods: 1) making cigarette butt waste less toxic and persistent, and 2) reducing the number of cigarettes smoked. The first method more directly addresses cigarettes as the source of butt waste, but some policymakers have expressed concerns that making cigarettes less harmful might discourage some smokers from attempting to quit.⁷ The second method has broader public health benefits and thus, though difficult to accomplish, may be a more effective long-term solution.

(16 PAGES - FREE DOWNLOAD)



ChangeLab Solutions
Law & policy innovation for the common good.

Tobacco Litter Control Ordinance

A Model California Ordinance Regulating Tobacco Waste

WITH ANNOTATIONS

December 2015

Developed by ChangeLab Solutions

This material was made possible by funds received from Grant Number 14-10214 with the California Department of Public Health, California Tobacco Control Program.

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ChangeLab Solutions has worked on tobacco control policy for more than 15 years. In fact, our model tobacco control policies and laws helped change the public acceptance of smoking in California. Our largest program, formerly known as the Technical Assistance Legal Center (TALC), funded by the California Department of Public Health, provides California communities with free technical assistance on tobacco control policy issues.

ChangeLab Solutions' tobacco control attorneys provide advocates, health professionals, government attorneys, and elected officials with high-quality products and services on tobacco control policies. Our staff offers tailored support throughout the process of law and policy development, including providing research on specific legal issues and analyzing draft ordinances and policies. Thanks to ongoing funding from the California Department of Public Health, many of those services are provided at no cost to California communities.

Our website is packed with model policies, how-to guides, fact sheets, and other policy tools. **Be sure to check out the TOOLS tab to browse or search resources organized by more specific categories.**

To sign up for our e-mail announcement list, or submit specific questions, [use our contact form](#).

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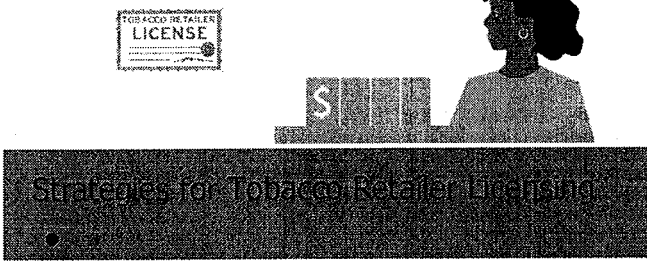
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**(DON'T) SEE MORE BUTTS: PREEMPTION AND LOCAL
REGULATION OF CIGARETTE LITTER**

*Michael Freiberg**

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I. INTRODUCTION

In 2009, the city of San Francisco implemented a first-in-the-nation cigarette litter abatement fee.¹ To help address the staggering cleanup costs of cigarette butt litter, the city began charging twenty cents on a pack of cigarettes.² This figure was not calculated arbitrarily. San Francisco, a city that is justifiably proud of its beaches, conducted an extensive audit showing the costs of cigarette butt litter.³ This audit showed that the city spent

* Michael Freiberg, J.D., is a Staff Attorney with the Public Health Law Center in St. Paul, Minnesota. He has also worked as an Adjunct Professor at the William Mitchell College of Law, teaching courses in Legislation and Public Health Law. He has a B.A. from Georgetown University and a J.D. from the William Mitchell College of Law. The author wishes to thank Melinda Hexum for her research assistance as well as members of the Cigarette Butt Pollution Project for their knowledge of the issue of cigarette waste.

¹ See Jesse McKinley, *Cost of Cigarette Litter May Fall on San Francisco's Smokers*, N.Y. TIMES (May 18, 2009), www.nytimes.com/2009/05/19/us/19smoke.html?_r=0 ("Officials here say the municipal fee would be the first in the country to take aim specifically at cigarette butts, particularly filters . . ."). For text of the San Francisco ordinance, see S.F., CAL., ADMIN. CODE §§ 105.1–5, 105.9 (2013), available at [http://www.amlegal.com/nxt/gateway.dll/California/administrative/chapter105cigarettelitterabatementfeeord?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco_ca\\$anc=JD_105.9](http://www.amlegal.com/nxt/gateway.dll/California/administrative/chapter105cigarettelitterabatementfeeord?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$anc=JD_105.9).

² S.F., CAL., ADMIN. CODE § 105.3.

³ JOHN E. SCHNEIDER ET AL., HEALTH ECON. CONSULTING GRP. LLC, ESTIMATES OF THE COSTS OF TOBACCO LITTER IN SAN FRANCISCO AND CALCULATIONS OF MAXIMUM

HAMLIN LAW REV. VOL. 37 (2014)

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Select Excerpts from Freiberg law review article (footnotes omitted):

approximately six million dollars in 2009 to clean up improperly discarded cigarettes. Cleanup costs are not the only problem caused by cigarette butt litter. Used cigarette butts contain toxic chemicals that can affect the health of humans and animals, including arsenic, cadmium, and toluene. Used cigarette butts have been shown to leach out heavy metals, nicotine, and ethylphenol in water. To make matters worse, they are not biodegradable. Cigarette trash is unsightly and can have an adverse economic impact in areas where it is a problem—particularly in areas where tourism is an economic driver. Finally, discarded cigarette butts can pose a fire safety risk because of the combustible nature of cigarettes.

Tobacco manufacturers so feared the proliferation of laws like the San Francisco litter mitigation fee that they challenged the law on two fronts. First, they unsuccessfully challenged the law as an unauthorized tax rather than a fee. Second, they donated extensively to a successful statewide ballot initiative that sharply limited the authority of local jurisdictions to adopt similar measures.

San Francisco approach is just one way a state or local government has attempted to address the problem of cigarette butt litter. [] There are, however, potential novel approaches to addressing the problem of cigarette litter, which this article will discuss in depth. Several of these approaches have been considered or adopted by legislative bodies.

This article will examine several policy options to address cigarette butt litter, while considering the advantages and disadvantages of each option from policy and legal standpoints. This article will then use these and other options as case studies to determine whether federal law preempts them as a tobacco product standard. It will conclude that the strongest state and local policy options to address the issue of cigarette butt litter are those that can be drafted as sales restrictions rather than as manufacturing requirements. Finally, it will identify the most promising potential regulation from a public health standpoint and from a preemption standpoint: a prohibition on the sale of cigarettes containing filters.



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Kill the Butts: Policy Options for Reducing Cigarette and Other Tobacco Product Waste (2014)

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Cigarette butts on public streets, sidewalks and other outdoor areas are toxic and unsightly and result in high litter management and collection costs for communities. Programs that effectively minimize tobacco product waste can save municipalities money, substantially benefit the environment, enhance our quality of life, and lower the risk of cigarette-caused fires. This webinar will describe the problem of tobacco product waste, explain relevant environmental principles, and discuss several policy and regulatory options and legislative efforts underway to reduce tobacco product waste, including Extended Producer Responsibility and Product Stewardship policy tools and a ban on cigarette filters. Speakers are Dr. Thomas Novotny, Professor of Global Health at San Diego State University (SDSU) and the University of California San Diego (UCSD) and founder of the Cigarette Butt Pollution Project, Clif Curtis, J.D., Policy Research Director at the Cigarette Butt Pollution Project and a Director of the Varda Group for Environment and Sustainability, and Mike Freiberg, Staff Attorney, Tobacco Control Legal Consortium.

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In Control: Public Works and Facilities Committee

File Type: Staff Report

Agenda Number: 3B.

Provide Oral Report on Public Works Departmental Activities and Update on Items of Interest to Committee

1. Prioritizing Facility Improvement Projects
2. Guest House Insulation and Solar
3. Water Treatment Recycling
4. Dig Once Policy
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6. Electric Car Plug-Ins
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