

City of Capitola

Commission on the Environment Regular Meeting Agenda

Wednesday, November 20, 2024 – 6:00 PM



Capitola City Hall, Community Room
420 Capitola Avenue, Capitola, CA 95010

Chair: Jason Shepardson

Vice-Chair: Anthony Lacenere

Council Member: Margaux Morgan

Commissioners: Michelle Beritzhoff-Law, Peter Wilk

PLEASE NOTE THIS IS AN IN-PERSON MEETING NO REMOTE ACCESS WILL BE PROVIDED

1. Call to Order and Roll Call

Commissioners: Chair Jason Shepardson, Vice Chair Anthony Lacenere, Michelle Beritzhoff-Law, Margaux Morgan, Peter Wilk

2. Additions and Deletions to the Agenda

3. Oral and Written Communications

The Chair may announce and set time limits at the beginning of each agenda item. The Committee Members may not discuss Oral Communications to any significant degree but may request issues raised be placed on a future agenda.

4. Staff Comments

5. Consider the minutes from the September 18, 2024 Regular Commission Meeting

Recommended Action: Approve minutes.

6. General Business

A. Climate Action Plan

Recommended Action: Review and approve the proposed Scope of Work to be included in the Request for Proposals (RFP) for the update of the City's Climate Action Plan.

B. Prohibited Sale of Filtered Tobacco Products

Recommended Action: Provide feedback on the County of Santa Cruz Board of Supervisors approved ordinance amending Santa Cruz County Code Ch. 5.60 to Prohibit the Sale of Filtered Tobacco Products.

C. December COE Regular Meeting

Recommended Action: Select a date for the December 2024 Commission on the Environment

Regular Meeting.

D. Soquel Creek Native Plant Restoration

Recommended Action: Discuss potential projects for restoring native vegetation along Soquel Creek and Noble Gulch riparian habitats.

7. Items for Future Agenda

8. Adjournment

Next regular Commission meeting to be scheduled per General Business item 6C.

Agenda and Agenda Packet Materials: The Commission on the Environment Agenda is available on the City's website: www.cityofcapitola.org/ on Friday prior to the Wednesday meeting. If you need additional information, please contact the Public Works Department at (831) 475-7300.

Americans with Disabilities Act: Disability-related aids or services are available to enable persons with a disability to participate in this meeting consistent with the Federal Americans with Disabilities Act of 1990. Assisted listening devices are available for individuals with hearing impairments at the meeting in the City Council Chambers. Should you require special accommodations to participate in the meeting due to a disability, please contact the City Clerk's office at least 24-hours in advance of the meeting at 831-475-7300. In an effort to accommodate individuals with environmental sensitivities, attendees are requested to refrain from wearing perfumes and other scented products.

City of Capitola

Commission on the Environment Meeting Minutes

Wednesday, September 18, 2024– 6:00 PM



Capitola City Hall, Community Room
420 Capitola Avenue, Capitola, CA 95010

Chair: Jason Shepardson
Vice Chair: Anthony Lacenere
Council Member: Margaux Morgan
Commissioners: Michelle Beritzhoff-Law, Peter Wilk

1. Call to Order and Roll Call – Vice Chair Lacenere called the meeting to order at 6:00 pm.

Commissioners Present: Anthony Lacenere, Michelle Beritzhoff-Law, Peter Wilk

Absent: Jason Shepardson, Margaux Morgan

City Staff Present: Erika Senyk

2. Additions and Deletions to the Agenda

No additions or deletions to the agenda.

3. Oral and Written Communications

Commissioner Wilk informed the Commission regarding oral communications with a member of the Business Improvement Area regarding increasing the number of receptacles for trash, recycling, and organics recycling along the Esplanade.

4. Staff Comments

Staff provided announcements regarding the Wharf Grand Opening event on September 25th, logistics for conducting a special meeting with George McMenemy for an invasive plant species removal training, and a reminder from the City Clerk's office to submit applications for reappointment to the COE by November 22nd.

5. Consider the minutes from the May 15, 2024 and June 19th, 2024 Regular Commission on the Environment Meetings

Recommended Action: Approve minutes.

Motion to approve the May 15, 2024 minutes: Vice Chair Lacenere

Seconded: Commissioner Beritzhoff-Law

Motion passed 3-0-2 (Council Member Morgan and Chair Shepardson absent)

Motion to approve the June 19, 2024 minutes: Commissioner Wilk

Seconded: Vice Chair Lacenere

Motion passed 3-0-2 (Council Member Morgan and Chair Shepardson absent)

6. General Business

A. Plastic Pollution Enforcement

Recommended Action: Review and discuss sample flyer and proposed plan for notifying Capitola business of single use plastics regulations.

The Commission requested that a list of alternative foodware products, drafted by Environmental Innovations, Inc., is attached to the flyers that will be distributed to businesses in the Capitola Village regarding regulations for disposable serviceware.

The Commission requested that the draft flyer be sent to Environmental Innovations, Inc. for review and a quality control check prior to distribution.

The Commission requested for the results of the CalRecycle visit on October 8, 2024 to be shared at the October COE meeting in the Staff Comments portion of the meeting.

Motion for the City to distribute the “Reminder for Restaurants” flyer after the 2024 election, but before January 1, 2025: Vice Chair Lacenere

Seconded: Commissioner Wilk

Passed: 3-0-2 (Council Member Morgan and Chair Shepardson absent)

B. Invasive Riparian Vegetation Removal Projects

Recommended Action: Discuss potential projects for removal of invasive vegetation along Soquel Creek and Noble Gulch riparian habitats.

The Commission discussed pursuing grant opportunities related to riparian restoration projects. Commissioner Beritzhoff-Law to contact San Lorenzo River nonprofit to inquire about grant opportunities for Soquel Creek native plant restoration projects.

The Commission is to review George McMenemy’s proposal, “Evaluation and Discussion of the Rispin Riparian Areas Relating to Invasive Plant Species Control and Benefits” prior to the regularly scheduled October COE meeting.

7. Items for Future Agenda

The Commission requested that the following items be agendaized for a future meeting:

- Soquel Creek native plant restoration projects
- Review of a draft RFP for updating the City’s Climate Action Plan
- White roof rebate program

8. Adjournment

The meeting was adjourned at 7:00 pm to the next Regular Meeting of the Commission on the Environment on October 16, 2024.

ATTEST:

Erika Senyk, Environmental Projects Manager

Jason Shepardson, Chair

I. GENERAL INFORMATION & SCHEDULE

This Request for Proposals (RFP), issued by the City of Capitola (City), invites responses from qualified, experienced professional consulting firms or individuals to develop and revise the City's Climate Action Plan in alignment with the City's current sustainability goals and best practices.

Questions concerning this RFP must be submitted via email per the schedule outlined below. Responses to all submitted questions will be posted at <https://www.cityofcapitola.org/rfps>.

Issue date: TBD

Questions due: TBD

Submittals due: TBD

Inquiries/submissions to: Erika Senyk
Environmental Projects Manager
City of Capitola
420 Capitola Avenue, Capitola, CA 95010
esenyk@ci.capitola.ca.us
(831) 475-7300

II. BACKGROUND

The City of Capitola is committed to reducing its carbon footprint and addressing climate change through the implementation of a comprehensive Climate Action Plan (CAP). The City's current CAP was adopted on October 22, 2015 and requires revision and updating to align with the latest climate science, sustainable practices, and the City's evolving sustainability goals.

In 2023, the City's Commission on the Environment met to discuss and provide feedback on each sector of the CAP and their associated measures. Based on the Commission's feedback, City staff has compiled a list of recommended actions for updating the CAP, which are to be taken into consideration by City Council, City staff, and the selected consultant conducting the CAP revisions (Attachment 1).

III. PROJECT SCOPE

The City of Capitola is seeking to hire a qualified consultant or firm to provide professional services for revising and updating the City's CAP. The consultant shall conduct a thorough review of the current plan, incorporate the feedback provided by the Commission on the Environment, identify additional areas for improvement, and propose updated strategies, initiatives, and targets to further the City's sustainability objectives.

Key components of the project include:

1. GHG Inventory:

Conduct a comprehensive greenhouse gas inventory to establish a baseline for emissions. This inventory will help identify key emission sources and inform future target-setting.

2. New Targets:

Establish updated greenhouse gas reduction targets that align with state and regional goals. The targets should be realistic, measurable, and aimed at fostering long-term sustainability.

3. Public Outreach:

Develop an inclusive public outreach strategy to engage community members and stakeholders in the CAP update process. Outreach methods may include:

- Surveys and questionnaires to gather community input.
- Workshops and focus groups to facilitate discussions on climate action priorities.
- Public meetings to present findings and solicit feedback.
- Online platforms (e.g., social media, city website) to provide updates and gather comments.

4. Collaboration:

The consultant shall work closely with City staff and stakeholders to gather input, develop innovative solutions, and ensure that the revised CAP is comprehensive, inclusive, and achievable. The consultant shall also provide recommendations for monitoring, evaluating, and reporting progress on the plan's implementation.

5. Key Areas of Focus:

The revised CAP should address key areas such as renewable energy, energy efficiency, transportation, waste management, and community engagement. The consultant is to consider each of the existing sectors and identify areas that are underrepresented in the current CAP:

VMT and Transportation
Residential and Non-Residential Energy
Water and Wastewater
Solid Waste
Parks, Open Space, and Agriculture

6. Action and Implementation

The consultant shall deliver a final, comprehensive plan that includes specific actions, timelines, responsible parties, and performance metrics for tracking success of CAP implementation. Recommendations for monitoring, evaluating, and reporting progress on the plan's implementation should also be included.

The City anticipates that the revised Climate Action Plan will serve as a roadmap for achieving the City's climate goals over the next 10 years.

III. BUDGET

The City has allocated \$50,000 for this project. Applicants are invited to submit cost proposals detailing their fees, expenses, and anticipated project timeline. Proposals should include a

breakdown of costs for each phase of the project, including research, stakeholder engagement, plan development, and reporting.

Interested firms or individuals are encouraged to submit proposals that demonstrate their expertise in sustainability planning, climate action, stakeholder engagement, and project management.

Commission on the Environment CAP Individual Sector Feedback

August - November 2023

Bold = changes to CAP

VMT and Transportation

Measure	COE Feedback	Recommended Action
VMT-1 Ridesharing and Car Sharing	Promote ride-sharing options to the public and increase signage to encourage carpooling.	Add feedback as a new action item. Proposed action language: Promote ride-sharing options to the public and increase signage to encourage carpooling.
VMT-2 Increase Bus Ridership	Include bus accessibility as an item in the Planning Department’s review process for larger multi-family residential projects.	Add feedback as a new action item. Proposed action language: Incorporate ‘bus accessibility’ into the Planning Department’s review process for larger multi-family residential projects.
	Provide discounted bus passes for youth and seniors to encourage bus ridership.	Add feedback as a new action item. Proposed action language: Provide incentives (e.g., discounted bus passes) to youth and seniors to encourage bus ridership.
	Suggest onsite improvements to improve public accessibility to Santa Cruz Metro bus stops.	Add feedback as a new action item. Proposed action language: Coordinate with Santa Cruz Metro for onsite improvements to increase public accessibility to Metro bus stops.
VMT-3 Increase Bicycle Ridership	Continue to designate resources towards improving bicycle infrastructure and painted bike lanes on City roads.	Revise action language to: Seek funding and designate resources to improve bicycle infrastructure and painted bike lanes on City roads.
	Public Works Department to update the Bicycle Transportation Plan (Adopted February 10, 2011), complete the relevant projects outlined in the Plan, and have clearly defined short- and long-term goals for funding and implementing bike infrastructure improvements.	Add feedback as a new action item. Proposed action language: Update the Bicycle Transportation Plan (Adopted February 10, 2011), complete the relevant projects outlined in the Plan, and have clearly defined short- and long-term goals for funding and implementing bike infrastructure improvements.

VMT-4 Educate and Engage the Public About Alternative Modes	Continue to maintain resources to educate the public on ways to reduce our carbon footprints, such as supporting the Resilient Capitola Campaign.	Add feedback as a new action item. Proposed action language: Maintain resources to educate the public on methods to reduce carbon footprints, such as supporting the Resilient Capitola Campaign.
VMT-5 Support Local Uptake of Electric Vehicles	Invest in infrastructure that would give residents more efficient and accessible EV charging opportunities and aim to use pre-existing parking lot footprints for installation locations.	Add feedback as a new action item. Proposed action language: Seek funding and designate resources towards infrastructure that would provide residents with more efficient and accessible EV charging opportunities. Aim to use pre-existing parking lot footprints for installation locations.
VMT-6 Support Rail as a Commute Option	Invest in infrastructure that would give residents efficient access to the Rail on- and off-boarding locations.	Add feedback as a new action item. Proposed action language: Seek funding and designate resources towards infrastructure that would give residents efficient access to the Rail on- and off-boarding locations.
VMT-7 Support Implementation of Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS)	Continue to support regional transportation efforts by working with regional partners and collaborating with local and regional transit agencies.	No change to CAP. Feedback addressed in current action items for this measure.
	Review ability to make roads and sidewalks reflective (to yield lower surface temperatures) and permeable (to reduce stormwater runoff).	Add feedback as a new action item. Proposed action language: Review feasibility of making roads and sidewalks reflective (to yield lower surface temperatures) and permeable (to reduce stormwater runoff).

Residential and Non-Residential Energy

Measure	COE Feedback	Recommended Action
ENRG-1 Solar Energy	Prioritize assessing renewable (e.g., solar) energy as a way to power EV infrastructure within the City, given the limitations of Pacific Gas and Electric infrastructure for residential and non-residential areas in Capitola.	Add feedback as a new action item. Proposed action language: Research and assess renewable (e.g., solar) energy by means of powering EV charging infrastructure.

	Prioritize identifying locations for solar farms within the City, which can help to inform permitting and municipal planning processes.	Add feedback as a new action item. Proposed action language: Coordinate internally, as well as with PG&E and other regional partners to identify locations for installation of solar farms.
ENRG-2 Energy Upgrade California and Residential Energy Efficiency	Prioritize researching energy saving materials and avenues through which the City can provide those materials to residents (e.g., energy-efficient light bulb giveaway event, white roofs, etc.).	Add feedback as a new action item. Proposed action language: Pursue programs through which the City can provide energy saving materials to residents (e.g., energy-efficient light bulb giveaway event, white roofs, etc.).
ENRG-3 Residential Weatherization	No comment.	No change to CAP.
ENRG-4 Renewable Energy Sources and Community Choice Aggregation	No comment.	No change to CAP.
ENRG-5 Non-Residential Energy Efficiency	No comment.	No change to CAP.
ENRG-6 Right Lights Energy Efficiency Program	Research whether the Right Lights Energy Efficiency Program is still current and who is responsible for implementation. New Climate Action Plan should include an updated scope of relevant programs.	Revise action language to: Research whether the Right Lights Energy Efficiency Program is still current and identify responsible department(s) for implementation; provide an updated scope of relevant programs.
ENRG-7 Green Business Certification Program	Remove ENRG-7 Green Business Certification Program and replace with a new ENRG-7 measure that enforces Capitola businesses to adopt practices that comply with current environmental regulations.	Remove “Green Business Certification Program” language from ENRG-7 and replace with a new measure and actions that enforce Capitola businesses to adopt practices that comply with current environmental regulations.
ENRG-8 Municipal Energy Use	Amend the City’s teleconferencing for Brown Act meetings policy to allow for remote teleconferencing for the Commission on the Environment regular meetings.	Add feedback as a new action item. Proposed action language: Amend Administrative Policy Number I-46 to allow hybrid meetings for City advisory bodies.

Water and Wastewater

Measure	COE Feedback	Recommended Action
WW-1 Water Conservation	Prioritize improving this sector for the new Climate Action Plan and incorporate topics such as saltwater intrusion, wastewater infrastructure, and impacts on water resources.	Integrate into action implementation plan.
	Encourage the Planning Department and the Planning Commission to review landscaping plans with drought tolerant plants in mind.	Add feedback as new action item. Proposed action language: Encourage use of drought-tolerant landscaping for new development and remodel projects during the Community Development Department's and Planning Commission's plan review process.
	Update City building codes to include water and wastewater requirements beyond the state's Green Building Codes and in collaboration with the City's two water providers.	Revise action language to: Update the Green Building Ordinance to include water and wastewater requirements in excess of state regulations and in collaboration with Soquel Creek Water District and the Santa Cruz Water Department.

Solid Waste

Measure	COE Feedback	Recommended Action
SW-1 Communitywide Solid Waste Diversion and Recycling	Pursue funding opportunities in support of enforcing state requirements.	Add feedback as new action item. Proposed action language: Seek funding and designate resources to support enforcement of state waste reduction and recycling requirements.
SW-2 Communitywide Food Waste Diversion	Review feasibility of designating a food waste or mulching center within the City.	Add feedback as a new action item. Proposed action language: Review feasibility of designating a new location within City limits as a food waste or mulching center.
	Conduct educational outreach to residents regarding state requirements for organics recycling and the resulting environmental benefits.	Revise action language to: Continue the City's educational and outreach programs about state requirements for food waste reduction, organics recycling, and the environmental benefits.

	Conduct outreach to Multi Family Dwellings regarding organics recycling opportunities.	Add feedback as new action item. Proposed action language: Conduct outreach to Multi Family Dwellings regarding organics recycling opportunities.
	Pursue funding opportunities in support of enforcing state requirements.	Add feedback as a new action item. Proposed action language: Seek funding and designate resources to support enforcement of state requirements for food and green waste diversion from landfills.
SW-3 Elimination of Single-Use plastics.	Create an implementation plan for the City to meet SB 54 requirements and eliminate single use plastics.	Add as a new measure (SW-3) to the Solid Waste Sector of the Climate Action Plan.

Parks, Open Space, and Agriculture

Measure	COE Feedback	Recommended Action
OS-1 Community Gardens and Locally-Sourced Food	Identify funding sources to maintain community gardens.	Add feedback as a new action item. Proposed action language: Seek funding and designate resources to create and maintain community gardens.
OS-2 Urban Forests	Require that native plants be used for planting projects by the City's Public Works Department.	Add feedback as a new action item. Proposed action language: Source native plants for all City planting projects by the Public Works Department.
	Review canopy cover requirements within the municipal zoning code with the goal of increasing canopy coverage percentages from current levels.	Add feedback as a new action item. Proposed action language: Review canopy cover requirements within the Zoning Ordinance and increase canopy coverage percentages from current levels.
Other	Leverage programs (e.g., Save The Waves) to maintain the surf breaks within City limits.	Consider incorporating as an action item under a new measure. Proposed action language: Pursue programs (e.g., Save The Waves) to maintain surf breaks within City limits.
	Encourage designated funding to improve and maintain parks and waterways, specifically long-term funding for restoration and maintenance of our riparian watershed.	Consider incorporating as an action item under a new measure. Proposed action language: Seek long-term funding and designate resources to restore and

		maintain parks, waterways, and the riparian watershed.
	Account for how public parks and open spaces directly relate to measurable carbon emission reductions.	Address during the process of updating the Climate Action Plan.
	Review the necessity of open space in commercial or mixed-use development projects.	Consider incorporating as an action item under a new measure. Proposed action language: Review necessity of maintaining open space in proposed commercial or mixed-use development projects.

Action and Implementation

Measure	COE Feedback	Recommended Action
IMP-1 Comprehensive Climate Change Efforts	Clearly articulate which City department(s) is/are responsible for each action item within the Climate Action Plan.	Address during the process of updating the Climate Action Plan.
IMP-2 Climate Action Plan Implementation and Maintenance	Assign the Commission on the Environment to support the review of the newly proposed Climate Action Plan, including targets, goals, and action items.	Consider appointing the Commission on the Environment to support the review of the newly updated Climate Action Plan, including evaluating progress of CAP goals and action items.
	Track new Climate Action Plan goals through quarterly Commission on the Environment review of action items and progress evaluations.	Add feedback as a new action item. Proposed action language: Conduct reviews of the Climate Action Plan and GHG reduction measures at quarterly Commission on the Environment regularly scheduled meetings.

Overarching Feedback for Incorporation into Plan

Theme	COE Feedback	Recommended Action
CAP Development and Review	Increase level of City Staff involvement in development and review of the newly proposed CAP to minimize consultant fees.	Clarify in the Action and Implementation sector and address during the process of updating the CAP.
CAP Implementation	Assign action items to specific departments and identify who is responsible for their implementation and tracking.	Specify which City departments will serve as the responsible party for each action item of the CAP.



COUNTY OF SANTA CRUZ

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(831) 454-2000 WWW.SANTACRUZCOUNTY.US

CARLOS J. PALACIOS, COUNTY ADMINISTRATIVE OFFICER

NEWS RELEASE



Date: October 8, 2024

Contact: Jason Hoppin

Jason.Hoppin@santacruzcountyca.gov

LANDMARK VOTE PROHIBITS SALE OF FILTERED TOBACCO PRODUCTS

Voting unanimously, the Santa Cruz County Board of Supervisors on Tuesday approved an ordinance that bans the sale of filtered cigarettes in unincorporated areas of the county.

The historic vote is the latest measure by Santa Cruz County to protect the environment and human health by restricting the use of plastics. The ordinance was developed by the Board's Tobacco Waste Ad Hoc Subcommittee and supported by a broad coalition of environmental, health, educational and other groups and stakeholders.

"This is a momentous day that builds on the work our community has been doing for generations to protect our environment and establish Santa Cruz County as a global leader in the environmental movement," Board of Supervisors Chair Justin Cummings said. "While the County is the first to take this step, by no means will we be the last. We look forward to working with local cities and other jurisdictions to protect our coast, our environment and our people."

Once implemented, the ordinance would prohibit the sale of filtered cigarettes but does not prohibit the sale of unfiltered cigarettes or cigars, loose-leaf and chewing tobacco, unflavored vape pens or other tobacco products. The ordinance will go into effect January 1, 2027 or when two other local jurisdictions pass similar prohibitions, whichever is later.

"Cigarette butts are the most littered item on the planet, they provide absolutely no health benefit to smokers, and they are poisonous to the environment. Let's ban this toxic trash," Supervisor Manu Koenig said. "This is a day for all Santa Cruz County residents to celebrate, and our hope is that this will be a catalyst for change throughout California and the rest of the country."

Santa Cruz County has long been an environmental leader, from being one of the first counties in the nation to implement curbside recycling to local ordinances banning

single-use plastic bags, prohibiting the use of expanded polystyrene to-go containers, banning single-use plastic shampoo bottles in visitor accommodations, requiring to-go cups and single-use food service wares be certified compostable, banning plastic straws and stir sticks, and prohibiting the sale of plastic water bottles at County facilities, among other measures.

Cigarette filters are the top item collected during local beach cleanups and have no health benefits for smokers. Furthermore, they degrade into microplastics which are harmful to human health and the environment, including marine life and ecosystems.

The Tobacco Waste Ad Hoc Subcommittee has been coordinating with other local jurisdictions, two of which have followed the County by declaring tobacco waste a threat to public health and the environment.



**County of Santa Cruz Board of Supervisors
Agenda Item Submittal**

From: Justin Cummings, Third District Supervisor, Manu Koenig, First District Supervisor
(831) 454-2200

Subject: Ordinance Amending Santa Cruz County Code Ch. 5.60 to Prohibit the Sale of Filtered Tobacco Products

Meeting Date: October 8, 2024

Recommended Actions:

- 1) Approve, in concept, an “Ordinance Amending Chapter 5.60 of the Santa Cruz County Code (SCCC) Regarding Tobacco Retail License to Prohibit Sale of Filtered Tobacco Products”;
- 2) Find that the proposed ordinance is exempt from further environmental review under the California Environmental Quality Act (CEQA) and direct staff to file the CEQA Notice of Exemption;
- 3) Direct the Clerk of the Board to schedule the ordinance for a second reading and final adoption on October 29, 2024;
- 4) Direct the Clerk of the Board to publish the Notice of Proposed Ordinance Summary in a newspaper of general circulation at least five days prior to the second reading and final adoption, no later than October 23, 2024, pursuant to Government Code Section 25124;
- 5) Direct staff to develop and provide education and outreach to affected retailers to assist with the transition away from the sale of filtered tobacco products and partner with local healthcare organizations to increase tobacco screening and cessation referral; and
- 6) Affirm the Board’s commitment and support for staff to work with our local community partners to educate the community on the harms of smoking and tobacco waste.

Executive Summary

On May 16, 2023, the Board adopted a resolution recognizing tobacco product waste as a public health and environmental threat. The Board created a Tobacco Waste Ad Hoc Subcommittee (Subcommittee) to 1) Develop policy aimed at reducing filtered tobacco litter in the local environment and 2) Conduct community outreach and education within Santa Cruz County about the need for, and benefits of, such policy. The Subcommittee has met with community stakeholders and reviewed policy options. It recommends that the Board adopt an ordinance to ban the sale of filtered cigarettes and other tobacco products with non-consumable filters with full enforcement to begin January 1, 2027.

Discussion

Plastic pollution is one of the greatest threats to our environment globally, especially in our oceans where there is an estimated 75 - 199 million tons of plastic. Most plastics are non-biodegradable. When plastic is improperly disposed of in our environment and not removed, it breaks down into smaller forms of microplastics. These microplastics can not only persist in our environment for hundreds of years but can also be inadvertently consumed by humans and wildlife.

Consuming plastics can lead to physical blockages, chemical exposure, or be fatal to wildlife, and recent research is beginning to identify the impacts of microplastics on human health. For example, recent studies have found microplastics in human lungs, placentas, reproductive organs, livers, kidneys, knee and elbow joints, blood vessels and bone marrow (Attachment A). The evidence of microplastics accumulating in humans should be of concern given that little is known about the impact of microplastics on human health (Attachment B). With our growing understanding of the interaction between plastics, human health, and our environment, there is a growing global effort to end plastic pollution. See <https://www.un.org/en/climatechange/nations-agree-end-plastic-pollution>.

County of Santa Cruz has been a leader in the field of environmental protection and has been at the forefront of trying to address the plastic pollution crisis. The following actions by the Board are examples of previous actions taken to address plastic pollution.

- In March of 2012, the County banned single use plastic bags.
- In November of 2018, the County banned single use plastic shampoo bottles for use in hotels.
- In 2019, the Board approved an ordinance requiring sellers or providers of single-use disposable beverage cup to charge the purchaser or receiver \$0.25 to reduce plastic cup waste.
- In August 2019, the Board voted to ban the sale of plastic water bottles at County facilities.
- In May 2023, the Board passed a Resolution Recognizing Tobacco Product Waste (TPW) as a Public Health and Environmental Threat.

Tobacco waste is a major source of plastic pollution here in Santa Cruz County, especially in the Monterey Bay. Cigarette filters are composed of a form of plastic called cellulose acetate and is the most littered item on the planet, making it a major form of plastic pollution globally. In the last ten years, almost half a million cigarette butts were collected from the beaches in Monterey Bay by Save Our Shores volunteers during beach cleanups and represent the single, most common form of plastic found during community beach clean-ups. In October of 2023, the Office of National Marine Sanctuaries National Oceanic and Atmospheric Administration published a study that analyzed marine debris data collected along the entire 276 miles of MBNMS shoreline over a five year period from January 1, 2017 - December 31, 2021, which found that 24.5% of the trash that was found on beaches was related to smoking and cigarette filters made up 94.4% of the items in the smoking category (Attachment C). This is important because each cigarette filter can break down into tens of thousands of smaller

microplastics that can persist in our environment for hundreds of years.

Additionally, cigarette filters are not just a form of plastic pollution but toxic waste, leaching dangerous chemicals such as lead, arsenic, and nicotine into the environment. Improperly discarded cigarette butts can poison small children, pets, and wildlife, and are a fire hazard. We also know that low-income communities of color have historically been targeted by the tobacco industry making the tobacco waste pollution problem more prevalent in those communities as well.

Tobacco filters also provide no health benefits. Cigarette filters were introduced to prevent particles from entering people's mouths. In the 1960's when linkages were being made between smoking and lung cancer, the tobacco industry introduced the filtered cigarette as an attempt to reassure smokers that they were promoting a healthier product and promote an alternative to quitting smoking. The reality is that cigarette filters provide no health benefits to smokers and actually cause more harm due to smokers taking more frequent puffs and inhaling the smoke more deeply into their lungs (Attachment D, E).

Cleaning up tobacco waste is also very costly. Dr. Tom Novotny and colleagues from the Center for Tobacco and the Environment at San Diego State University developed a tool to quantify the economic impacts of cleaning up tobacco litter and used data from a subset of cities throughout the state of California in their model, which included the City of Santa Cruz. Based on their models, they estimate that the City of Santa Cruz alone spends over \$2 million per year on tobacco litter cleanup. This highlights the significant costs local jurisdictions have to cover for the pollution caused by a small fraction of people in our community who smoke and litter cigarette filters. Additionally, improperly discarded cigarette filters can cause wildfires, which can have significant financial costs to local jurisdictions for firefighting and loss of public and private property.

To help educate the community on the harms of tobacco waste, since 2017 the Tobacco Education and Prevention Program at the County of Santa Cruz Health Services Agency (HSA), in collaboration with the Santa Cruz County Tobacco Education Coalition, has worked on the following tobacco product waste (TPW) activities:

- Tabled at two dozen community education and outreach events including Earth Day celebrations, health fairs, International Coastal Cleanup events, and other climate action, environmental, and health-related gatherings.
- Presented more than 30 TPW presentations and trainings to audiences including K-12 schools and youth organizations, local environmental groups, nonprofit organizations, and community beautification programs.
- Hosted or participated in 22 tobacco waste cleanups from Watsonville to Felton, in collaboration with partners including Save Our Shores, the Downtown Streets Team, the County Office of Education's Tobacco Use Prevention Education (TUPE) program, O'Neill Sea Odyssey, and the Cigarette Surfboard.
- Hosted and/or participated in special events including a TPW art night at the Museum of Art and History, a tobacco waste photo contest, and a Ban the Butt speakers' series at the Seymour Discovery Center.
- Created and disseminated a tobacco waste public education campaign including extensive social media, bilingual radio ads, a Spanish-language billboard, and a

7-minute documentary entitled “Within an Inch.” The documentary featured community partners including the City of Watsonville’s Public Works Department and Wetlands Watch.

- Gathered other TPW-related data including public opinion polls, tobacco retailer observations, key informant interviews, and media activity records.

HSA also has programs to educate residents on the significant problems posed by tobacco waste. However, education and outreach must be coupled with enforceable policy that reduces the number of filters in our environment and in our neighborhoods. For these reasons, community members requested that the Board take further action to address tobacco waste locally.

On May 16, 2023, the Board adopted a resolution recognizing tobacco product waste as a public health and environmental threat (Attachment F). The Board created a Tobacco Waste Ad Hoc Subcommittee (Subcommittee) and directed the Chair of the Board of Supervisors to take related actions to address the issue of plastic-filtered tobacco litter. Co-chaired by Supervisors Cummings and Koenig, the Subcommittee was convened to

1. Develop policy aimed at reducing filtered tobacco litter in the local environment; and
2. Conduct community outreach and education within Santa Cruz County about the need for, and benefits of, such policy.

Policy Development

The Subcommittee met eight times over the course of 16 months to complete its work. The Subcommittee initially engaged with County staff from the Health Services Agency Public Health and Environmental Health Divisions, County Counsel, the Sheriff’s Office, and community stakeholders including Save Our Shores, members of the Tobacco Education Coalition, Save the Waves, The Surfrider Foundation, The Cigarette Surfboard, and Santa Cruz Waves to determine policy options. Although the Subcommittee did consider prohibiting the sale of all tobacco products, the Subcommittee decided to focus on the products that were causing the most environmental waste. After considering numerous options and based on the results from a recent NOAA study, which highlights cigarette filters being one of the most littered items on our beaches (Attachment C), the subcommittee decided to focus policy specifically on reducing cigarette filter litter in Santa Cruz County.

There have been many attempts in the past to regulate smoking and tobacco litter which have had some success, but not enough to fully mitigate tobacco waste. Increased litter enforcement and increased receptacles may help but would come at a high cost to taxpayers. For these reasons, the Subcommittee decided to take a top-down approach to addressing tobacco litter by proposing to ban the sale of filtered tobacco products to help reduce this form of pollution at its source.

In coordination with County staff, stakeholders, and the Public Health Law Center, the Subcommittee proposes that the Board amend SCCC Section 5.60 to prohibit the sale of filtered tobacco products within the unincorporated jurisdiction of Santa Cruz County as an upstream solution to help reduce tobacco waste (Attachment G, H). The proposed amendments to SCCC 5.60.040(J) clarify enforcement of the ban on partially

inconsumable tobacco products, specifically focusing on filtered cigarettes and cigars. SCCC 5.60.090(A) outlines the authority for inspections, investigations, and enforcement related to compliance with tobacco regulations. This Section states that EHD or any law enforcement officer is responsible for monitoring compliance, which includes conducting inspections and investigations.

This change to the SCCC is specifically to address cigarette filter litter and *does not* prohibit the sale of all tobacco products. Tobacco retailers would still be able to sell chewing tobacco, loose leaf rolling tobacco, vapes, unfiltered pre-rolled tobacco products, cigars, and other non-filtered tobacco products. This ordinance also does not prohibit smoking any tobacco product in areas where smoking is allowed because the intent behind the ordinance is to reduce cigarette filter waste and not to criminalize individuals who consume tobacco products.

The proposed ordinance is also exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) because there is no reasonably foreseeable significant impact on the environment and CEQA Guidelines Section 15308 because the action taken is for the protection of the environment (Attachment L).

Enforcement

The enforcement mechanism for the proposed ban on filtered cigarettes for licensed tobacco retailers will follow the same penalties outlined in SCCC 5.60.100, which governs the suspension or revocation of tobacco retailer licenses. Retailers who violate the provisions of SCCC 5.60 may face suspension or revocation of their tobacco retail license. As currently codified, a first violation results in a 60-day suspension, a second violation in 120 days suspension, and a third violation in 180 days suspension. A fourth violation within a 60-month period will result in license revocation with no new license issued for five years. The SCCC ensures that the enforcement of the ban on filtered cigarettes is consistent with existing tobacco retailing laws, while upholding the expanded public health and environmental objectives. The Sheriff's Office and EHD already conduct regular tobacco retailer outreach and product inspections to ensure that these retailers are in compliance with current local, State, and federal laws, so adding this proposed ban on filtered cigarettes would not come at an increased cost to the County.

Regional Policy Coordination

At the inception of the subcommittee, it was suggested that one jurisdiction should not attempt to pass this kind of policy on their own. As a result, the subcommittee invited representatives from the City of Santa Cruz, City of Capitola, City of Scotts Valley, and the City of Watsonville to join the meeting, all of whom accepted the invitation. Each jurisdiction agreed that the issue of tobacco litter was a concern worth addressing.

At the time of the convening, the County, the City of Santa Cruz, and the City of Watsonville had passed resolutions declaring tobacco waste a threat to public health and the environment. The Cities of Capitola and Scotts Valley agreed to amend similar resolutions for their Councils to consider and when heard, passed in both jurisdictions. This resulted in regional recognition of tobacco waste as a threat to public health and our environment.

The Subcommittee also had numerous conversations with City representatives regarding bringing forward similar ordinances to their cities. Concern was raised regarding what would happen if cities adopted ordinances and the County decided to not adopt their ordinance. Therefore, it is recommended that the Board adopt the proposed ordinance to address this concern.

Community Outreach

The Subcommittee conducted an extensive community outreach effort over the 16-month effort. The Tobacco Waste Subcommittee launched a dedicated website (<https://www.santacruzcountyca.gov/TobaccoWasteSubcommittee.aspx>) to serve as a central hub for resources including event notification, news articles, information about the health and environmental impacts of tobacco waste, and information regarding tobacco waste reduction efforts in Santa Cruz County. The website also provides access to relevant County resources for individuals who want to quit smoking. The Subcommittee created a Facebook and Instagram account to help inform the community about the Subcommittee work via social media. The website is also translatable into multiple languages including Spanish.

In addition to our online presence, the Subcommittee conducted and participated in numerous Countywide community outreach events. These events included: beach clean-ups; presentations to middle, high school, and university students; tabling events at local farmer's markets; speaking engagements with community stakeholders, environmental groups, retailers, business interests, and local community leaders among many others (Attachment I). These community engagement opportunities allowed the Subcommittee to reach thousands of residents and stakeholders throughout the entire County to present the policy, provide education on its importance, and incorporate that feedback into our policy proposal.

Community Feedback

Over the last 16 months, the Subcommittee members spent hundreds of hours reaching out to thousands of residents Countywide through a variety of different means to gather input on this issue. The subcommittee received overwhelming support to move forward with this policy change. Some people were unaware that cigarette filters were made of plastic and that filters didn't work, but everyone was overwhelmingly concerned with how much this pollution is found in our environment and found cigarette filter litter to be disgusting. We've received letters of support from numerous prominent local non-profits, organizations, and community leaders (Attachment J).

The only opposition we received was from tobacco retailers. The retailers' concerns included a direct loss of income from these sales, decline in "add-on sales" from associated purchases, workforce downsizing and potential layoffs, the potential to bolster an illicit market, and they mentioned that unfiltered cigarettes tend to be more expensive. However, they did recognize the concerns related to cigarette filter litter and suggested that we increase fines and penalties for people who litter, increase litter enforcement, and increase receptacles. The retailers provided a letter with signatures expressing their concerns and opposition to the prohibition which has been included as Attachment K. The signatures were analyzed using the Santa Cruz County voter rolls and about one fifth could be identified as County residents.

County Commission Engagement

The Subcommittee also found it important to receive input from our relevant County Commissions. Representatives of the Subcommittee, in collaboration with the County Tobacco Education Coalition, presented to the Commission on the Environment and the Fish and Wildlife Commission, to inform the Commissions of the Subcommittee work, answer questions, incorporate feedback, and determine whether the Commissions were in support of the Subcommittee's proposal prior to bringing the item to the Board. On September 25, 2024, the Commission on the Environment voted unanimously in support of the policy change and on September 5, 2024, the Fish and Wildlife Commission voted in support of the policy change with one abstention.

Fiscal Concerns

Adoption of this ordinance may lead to a reduction in sales tax revenue from tobacco purchases in an unknown amount. Sales tax revenue from tobacco products is not available to the County in the regular course of business and calculating an estimate would require historic data from individual retailers. However, cigarette smoking is at an historic low. Sales dropped by 60% in the last three decades and tobacco policies being adopted at the State and Federal level are likely to continue this trend. According to the California Health Interview Survey, only 6.1% of adults in California currently smoke cigarettes. Additionally, when indoor smoking bans were being proposed, many businesses made the argument that it would force them to close, but that did not happen.

Given that we are not banning all tobacco products, we believe that it is likely that many smokers may shift their preferences, which would potentially result in no loss of revenue. However, it is important that we remind the Board that the County invests significant resources into educating people on the harms of smoking with the desire to have people quit smoking. We also anticipate that there may be individuals who will quit smoking, which is aligned with investments in tobacco education. There are also significant costs to the County associated with no smoking signage, waste disposal, receptacles, mechanical and manual surface abatement (e.g. stormwater and wastewater management), public health costs of treating people for tobacco related illnesses, non-profit costs to conduct cleanups, among many other costs that mostly fall on people in our community who don't smoke. Finally, the Environmental Health Division and the Sheriff's Department are not anticipating a significant increase in enforcement costs.

Policy Recommendation

Given the overwhelming support, the Subcommittee recommends that the Board support the recommended actions to prohibit the sale of filtered tobacco products in Santa Cruz County to help reduce tobacco waste in our environment and the negative impacts on public health. This is not a ban on all tobacco products and is intended to specifically target cigarette filter pollution which has been proven to be a major source of plastic pollution in our Marine Sanctuary and broader environment. To help further address the concerns around the potential impacts to small businesses, the Subcommittee is recommending that, should the Board adopt the ordinance, the enforcement of the prohibition would not take effect until January 1, 2027. From the adoption of this ordinance to January 1, 2027, retailers would be issued warnings and

reminders to offload remaining inventory. The issuance of penalties for violations would begin January 1, 2027.

We also recommend that the Board direct County staff to conduct education and outreach that would help educate retailers on the new laws and the products that they can legally sell to help offset the financial losses from shifting to a new product, partner with local healthcare organizations to increase tobacco screening and cessation referral, and continue working with community partners to educate the community on the harms of smoking and tobacco waste.

By providing retailers with a grace period and product education, smokers with resources to help quit smoking, and continued education on the harms of tobacco waste, we believe that this would help achieve our goals of reducing this form of pollution from our environment, reduce financial losses to small tobacco retailers, and support those individuals who struggle with tobacco addiction. It would also provide further opportunity to raise community awareness about the new law and allow time for the other jurisdictions to align their policies with the County.

The tobacco industry is not taking adequate action to address the toxic waste it produces, forcing the physical and financial burden of cleanup onto local government agencies, non-profits, and volunteers. Previous approaches including anti-litter laws, anti-smoking laws, anti-smoking signage, and increased waste disposal containers have failed to solve the problem. This policy proposal is at the intersection of past Board action related to tobacco waste education and plastic pollution prevention, community concern, and new research related to plastic pollution. The Subcommittee conducted extensive outreach and education on the policy before the Board and has received overwhelming support from the community and has worked to address retailer concerns.

By implementing the policy before the Board, we will be taking a huge step to reduce environmental pollution, protect wildlife, reduce costs associated with cleaning up this form of pollution, and promote public health in our community. We also anticipate that by taking the lead on this issue, other communities locally and beyond will follow suit. The Subcommittee believes that they have carried out and executed the direction provided by the Board and for these reasons asks the Board to support the Recommended Actions.

Financial Impact

Adoption of this ordinance may lead to a reduction in sales tax revenue from tobacco purchases in an unknown amount. Sales tax revenue from tobacco products is not available to the County in the regular course of business and calculating an estimate would require historic data from individual vendors. However, there are likely to be cost savings related to tobacco waste removal, disposal, public health, and infrastructure. The Environmental Health Division and the Sheriff's Department are not anticipating a significant increase in enforcement costs.

Strategic Initiatives

This item supports the following County Strategic Plan Elements:

- 1.A. Comprehensive Health & Safety: Health Equity
- 1.B. Comprehensive Health & Safety: Community Support
- 4.B. Sustainable Environment: Natural Resources
- 4.C. Sustainable Environment: Local Conservation

Submitted by:

Justin Cummings, Third District Supervisor, Manu Koenig, First District Supervisor

Attachments:

- a The Guardian_Microplastics are Infiltrating Brain Tissue - Attachment A
- b Health risk of human exposure to microplastics - Attachment B
- c MBNMS_MarineDebris_FinalReport_2023_0 - Attachment C (Cover Sheet)
- d MBNMS_MarineDebris_FinalReport_2023_0 - Attachment C
- e Cellulose acetate cigarette filter is hazardous to human health - Attachment D
- f Evans-Reeves et al - Attachment E
- g TPW Resolutions_All Jurisdictions.pdf - Attachment F
- h Ordinance SCCC 5.60 edits (strikeout-underline) - Attachment G
- i Ordinance Amending Ch. 5.60 of SCCC Prohibiting Sale of Filtered Tobacco Products - Attachment H
- j Outreach Activities and Supporters - Attachment I
- k Organization and Environmental Leader Letters of Support - Attachment J
- l Retailer Opposition_Letters and Petition - Attachment K (Cover Sheet)
- m Retailer Opposition_Letters and Petition - Attachment K
- n Filtered Tobacco CEQA Notice of Exemption - Attachment L
- o Notice of Proposed Ordinance Summary - Attachment M