



In Advance of the Public Hearing set for March 4, 2015

Re: Support and Comments for LD 427, An Act To Address and Mitigate the Effects of Marine Debris

Dear Committee Members:

Surfrider Foundation is an environmental non-profit organization that is dedicated to the protection and enjoyment of the world's oceans, waves and beaches through education, research, conservation and activism. Surfrider engages in many campaigns and programs, including our Rise Above Plastics Program, which aims to keep plastic pollution out of the ocean.

We submit this testimony today on behalf of the Surfrider Foundation Maine Chapter and its thousands of members, volunteers and supporters.

We are pleased that LD 427 is currently a concept draft and appreciate your consideration of all of the relevant issues in creating a bill that is as protective as possible for the marine environment and public health, and which will prevent and mitigate marine plastics pollution to the maximum extent.

The amount of marine debris is staggering. A recent study published by the international journal *Science* estimates that 8 million metric tons (or *17 billion pounds*) of plastic marine debris alone enters the oceans annually from 192 countries with coastal access.¹ Marine debris injures, kills and contaminates sea life. Fish, marine mammals, sea birds and sea turtles all ingest debris, mistaking it for food, and hundreds of thousands of animals become entangled in marine debris each year. For some threatened or endangered species like sea turtles, marine debris is a significant cause of death. Marine debris also litters our beaches and coastal waters and can damage coral reefs, reducing their appeal to tourists, and requiring continual, costly cleanup. Floating debris can be a navigational hazard and necessitate time consuming and expensive boat repairs.

¹ Jenna R. Jambeck, Roland Geyer, Chris Wilcox, Theodore R. Siegler, Miriam Perryman, Anthony Andrady, Ramani Narayan, and Kara Lavender Law, "Plastic Waste Inputs from Land Into Water." *Science* 13 Feb. 2015: 768-771.

In order to address the marine debris problem, Surfrider Foundation encourages that LD 427, at a minimum, address and ban: (1) single-use plastic bags, (2) expanded polystyrene (such as Styrofoam) products, and (3) microplastics.

Single-Use Bags

Worldwide, nearly two million single-use plastic bags are distributed each minute.² It is estimated that Americans go through about 100 billion plastic bags a year, or 360 bags per year for every man, woman and child in the country.³ In 2009, about 3.8 million tons of waste plastic "bags, sacks and wraps" were generated in the United States, but only 9.4% of this total was recycled.⁴ Numerous studies have documented the prevalence of single-use carryout bags littering the environment, blocking storm drains, and endangering wildlife.

Plastic bags are problematic in the litter stream because they float easily in the air and water, traveling long distances and never fully breaking down in water. Plastic bags have consistently been reported in the top five most common forms of ocean litter. For every square mile of ocean, there are about 46,000 pieces of plastic floating in it, which never biodegrades and can take up to 1,000 years to photodegrade.⁵ An estimated 100,000 marine mammals and up to 1 million sea birds die every year after ingesting or being tangled in plastic marine litter, including plastic bags.⁶ Marine life, including whales, turtles, and large birds often swallow plastic bags in the ocean either inadvertently or because they resemble their food source, which can clog the animals' throats and cause choking; fill their stomachs, which prevents food consumption and leads to starvation; and infect or poison them with harmful toxins.⁷ Recent studies also indicate that plastics absorb toxins at extremely high rates, which when ingested by animals, leads to

² Plastic Bags Fact Sheet, Earth Policy Institute, 26 Oct. 2014, *available at:* http://www.earth-policy.org/press_room/C68/plastic_bags_fact_sheet

³ C. Anela Choy & Jeffery C. Drazen, Plastic for Dinner? Observations of Frequent Debris Ingestion by Pelagic Predatory Fishes from the Central North Pacific, 485 Marine Ecology Press Series 155 (2013), at 161

⁴ N. Mrosovsky, Leatherback Turtles: The Menace of Plastic, 58 Marine Pollution Bulletin 287 (2009)

⁵ New Bans on Plastic Bags May Help Protect Marine Life, Worldwatch Institute, *available at:* <http://www.worldwatch.org/node/5565>

⁶ United Nations. *Marine Litter: Trash that Kills*, November 2001, *available at:* http://www.unep.org/regionalseas/marinelitter/publications/docs/trash_that_kills.pdf, pp. 10

⁷ Greenpeace, "Plastic Debris in the World's Oceans." 14 (2006), at 7, *available at:* http://www.greenpeace.org/international/Global/international/planet-2/report/2007/8/plastic_ocean_report.pdf

bioaccumulation of those toxins resulting in significant health issues, disease and/or death.⁸

Cleanup of plastic bags is costly. Maine's taxpayers bear costs associated with the effects of single-use carryout bags on the solid waste stream, drainage, litter, and wildlife.

However, numerous studies and participating municipalities report that prohibiting the free distribution of single-use carryout bags will dramatically reduce the use of those types of bags, alleviating the associated pollution problem and reducing cleanup costs. For example, where Washington D.C. imposed a 5-cent fee on all disposable shopping bags, the city reportedly saw a reduction from 270 million bags to 55 million bags within the first year and 50% fewer bags were found in an annual local river cleanup;⁹ and in San Jose, California, which prohibits single use shopping bags, except for recycled paper bags at a 10-cent fee, the city experienced a downward trend in the presence of single-use plastic bags in the street (by 59%), storm drain (by 89%), and creek litter (by 60%), and an upward trend in the use of reusable bags by shoppers (from 4% to 62%).¹⁰

Surfrider Foundation strongly suggests that LD 427 address and ban single-use plastic shopping bags, and only allow the provision of recycled paper bags, for a mandatory, uniform fee. A mandatory uniform fee is necessary to (1) disincentivize the use of single use paper bags, and incentivize customers to bring their own reusable bags, and (2) even the playing field for all retailers, including small businesses, who without a uniform fee requirement, may be more likely to have to charge higher fees than larger retailers who may potentially be better positioned to absorb some of the associated costs and charge lower fees. In any event, a portion of said fee should be retained by the retailer to cover associated costs of providing the bag(s), and a reasonable portion of the fee should go towards creating an educational program to educate consumers about the benefits of utilizing reusable shopping bags and reducing waste. This model incentivizes the use of reusable shopping bags, disincentivizes use of single use bags, covers costs to provide bags, and reduces waste. Thus, it is fair and beneficial to business owners, consumers, and the public at large. Model language is provided in the draft bill, attached hereto as Exhibit A.

⁸ *Id.*, at 20.

⁹ Craig, Tim. "D.C. Bag Tax Collects \$150,000 in January for River Cleanup."

Washington Post 30 Mar. 2010; Riley, Charles. "No Paper, No Plastic. The Tax That Works Too Well." *CNN Money*. N.p., 5 Oct. 2010. Web. 27 Feb. 2015.

¹⁰ Romanow, Kerrie, Dir. Enviro. Services, City of San Jose, "Bring Your Own Bag Ordinance Implementation Results and Actions to Reduce EPS Foam Foodware." 20 Nov. 2012, available at:

<http://www3.sanjoseca.gov/clerk/CommitteeAgenda/TE/20121203/TE20121203d5.pdf>

Expanded Polystyrene (EPS) (such as Styrofoam)

Because it is lightweight and floats, EPS waste is easily swept from streets, through storm drains, and into the ocean. In the environment, EPS breaks down into smaller and smaller pieces and is easily mistaken for food by marine animals, and when ingested, can harm or kill the animals. EPS food containers cannot be recycled because they are too tainted with food waste; other types of EPS packaging, such as shipping materials, are rarely recycled. In addition, EPS food containers negatively impact public health, as styrene is a toxic substance labeled by the US Department of Health as reasonably anticipated to be a human carcinogen¹¹ that leaches from EPS containers into food and beverages when heated, or in contact with alcohol, or fatty or acidic foods. Styrene residues are found in 100% of all samples of human fat tissue.¹²

Surfrider Foundation strongly suggests that LD 427 address and ban any food service containers made in whole or in part with EPS. Model language regarding EPS is provided in the draft bill, attached hereto as Exhibit A.

Micoplastics

Many consumer products sold in the United States, including in Maine, such as facial scrubs, shampoos, soaps, toothpastes, and deodorant, contain microplastic particles as abrasives and exfoliants. These particles are made of Polyethylene (PE), Polypropylene (PP), Polyethylene Terephthalate (PET), Polymethyl methacrylate (PMMA) and Nylon. In most cases, microplastic particles are intended to be washed down the drain after use. However, many wastewater treatment facilities are incapable of capturing them, as they are too small, do not biodegrade, and float. A number of studies have shown that microplastics simply pass through wastewater treatment facilities; and in some cases, wastewater is not treated at all, as when, during heavy storm events, wastewater overflow is sometimes released directly into waterways. As a result, microplastics are entering our waterways, and ultimately, polluting our oceans. Microplastic particles are found in all oceanic gyres, bays, gulfs and seas worldwide.

This is cause for alarm for many reasons. First, plastic does not biodegrade into elements or compounds commonly found in nature like other organic materials, but instead, photodegrades into smaller pieces of plastic causing land and water

¹¹ Burwell, Syliva M., U.S. Department of Health and Human Services Secretary "13th Report on Carcinogens." 13 Oct. 2014, available at: <http://ntp.niehs.nih.gov/ntp/roc/content/profiles/styrene.pdf>

¹² The EPA National Human Adipose Tissue Survey for 1986 identified styrene residues in 100% of all samples of human fat tissue taken in 1982 in the US. A 1988 survey published by the Foundation for Advancements in Science and Education also found styrene in human fatty tissue with a frequency of 100%

Again, any such exception creates an industry loophole, rendering the bill futile, as the number of over the counter drugs is incredibly broad, and contains numerous types of products such as fluoride and whitening toothpastes, acne scrubs, moisturizing cleansers, and wrinkle creams, which are the kinds of products which typically utilize microplastics. There should be no exceptions for any consumer products, as there are *already viable safer, non-polluting alternatives, including natural apricot shells and cocoa beans*, which can be utilized instead.

- There **must not be an exemption for “biodegradable” plastics**, as such products do not actually exist. Plastics claimed to be biodegradable tend to not actually biodegrade into benign substances, but to break down into smaller pieces that exacerbate the plastic pollution problem. Further, as with traditional plastics, “biodegradable” plastics contain chemical additives that may be unknown and additionally dangerous. Any such exemption creates a loophole for the microplastics-using industry, which will render any attempts to mitigate the foregoing problems utterly futile.
- If “plastic” is not yet defined in current Maine statutes, it may not be appropriate to define plastics (and/or microplastics) in the bill. However, if it is defined, the definition must be carefully drafted so it is not too restrictive. For example, any potential definition must not include that it is a substance that retains its defined shape during life cycle and after disposal. Such a definition has been proposed in other state legislation, which is problematic since one of the most insidious characteristics of plastics is that they break down into smaller pieces as they are exposed to the elements (but not at the molecular level, such that they maintain the negative characteristics of toxicity and proclivity to starve marine life upon ingestion).
- The bill must contain enforcement mechanisms and effective deterrents to violation. For example, civil penalties up to \$2,500 per day, per violation.

Model language regarding microplastics is provided in the draft bill, attached hereto as Exhibit A.

Ensuring the vibrancy of Maine’s coastal resources is critical, not only because of the health impacts described above, but because of the potential economic impacts that damaged coastal resources will have, including on Maine’s tourism, recreation, and fisheries. Coastal and ocean tourism and recreation in Maine contributed over \$1 billion to the State’s Ocean Gross Domestic Product in 2011 (constituting fifty-one percent (51%) thereof).¹⁴ It is clear that Maine’s coastal resources are a critical part

¹⁴ State of the U.S. Ocean and Coastal Economies 2014, National Ocean Economic Program & Center for the Blue Economy, available at: <http://www.oceaneconomics.org/download/>

pollution that is virtually impossible to remediate. Second, microplastic debris absorbs toxic, environmentally persistent chemicals such as DDT, PCBs, PAHs, and flame retardants found in our waterways. In 2011, the National Oceanic Atmospheric Association found that plastic debris accumulates pollutants such as PCBs up to 100,000 to 1,000,000 times the levels found in seawater.¹³ Thus, aside from the negative effects of plastic consumption by marine life, such as intestinal clogging and starvation, fish can become contaminated by the plastic's absorbed toxins, which bioaccumulate up the food chain negatively impacting animals who feed on fish, including some humans. These toxins pose serious threats to humans and wildlife that consume them.

Therefore, it is critical that LD 427 be drafted so as to prevent and mitigate marine plastics pollution, including microplastics, to the maximum extent possible. The below are considerations with respect to microplastics, which Surfrider Foundation believes are critical to the bill's efficacy:

- The bill must prohibit the sale or promotion of any products containing microdebris and microplastic. While Surfrider Foundation appreciates the Committee's desire to address microplastics in this bill, the proposed definition of "microdebris" to mean "particles of plastic approximately 5 to 10 microns in length" is too restrictive, and any definition of microdebris should be broad enough to also include plastic particles smaller and larger than those specific lengths. Many microplastic particles are smaller than 5 microns in length, and larger than 10 microns. Microplastics are more commonly defined as particles 5 millimeters or less in length in any direction (a micron is one-millionth of a meter, while a millimeter is one-thousandth of a meter).
- The prohibition on sales and promotion of products with microplastics should become effective sooner rather than later. As illustrated above, the problems posed by marine plastics are huge and dire, and delay is dangerous to public health and wildlife.
- This prohibition must apply to all persons and entities (no exceptions to government entities, or small businesses).
- Any prohibition must be broad enough to apply to the entire landscape of personal care products, which use or could use microplastics.
- There must not be any compliance deadline extension(s) for "over the counter drugs" (as regulated by the Federal Code of Regulations) or the like.

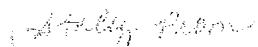
¹³ National Oceanic and Atmospheric Association, "What We Know About: Plastic Marine Debris." Sept. 2011, available at: http://marinedebris.noaa.gov/sites/default/files/Gen_Plastic-hi_9-20-11_0.pdf

of the state's economy. Continued degradation of these resources will have devastating effects on the state. Maine can take action through LD 427 to mitigate the instances of plastic marine debris, making positive impacts on our environment and industry.

On behalf of the Surfrider Foundation Maine Chapter, we appreciate your attention to the very serious threats that plastic pollution poses to Maine's coastal resources and water quality. We apologize for not being in a position to attend this March 4 hearing personally but look forward to following the development of this concept draft closely, and to offering further expertise to the Committee, should such assistance be desired.

Thank you for your consideration.

Sincerely,



Staley Prom
Legal Associate
(California Bar Certified)
Surfrider Foundation
sprom@surfrider.org

Melissa Gates
Northeast Regional Manager
Surfrider Foundation
mgates@surfrider.org
Resident of Cushing, Maine

Testimony submitted on behalf of:
Surfrider Foundation Maine Chapter
PO Box 313
Thomaston, ME 04861

Surfrider Foundation in Maine: maine.surfrider.org
Surfrider Foundation in New England: northeast.surfrider.org
Surfrider Foundation in the U.S.: Surfrider.org

EXHIBIT A

SURFRIDER FOUNDATION'S PROPOSED DRAFT LD 427 AN ACT TO ADDRESS AND MITIGATE THE EFFECTS OF MARINE DEBRIS

Be it enacted by the People of the State of Maine as follows:

SECTION 1. Single-Use Bags

§ XXXX is enacted to read:

A. Single-Use Bags

- a. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.
 - i. "Plastic" means an organic or petroleum derivative synthetic or semisynthetic organic solid that is moldable.
 - ii. "Recycled paper bags" means a paper bag provided by a retailer at a point of sale or other point of departure for the purpose of transporting food or consumer goods out of the retail establishment, that contains no old growth fiber and a minimum of forty percent (40%) post-consumer recycled content; is one hundred percent (100%) recyclable; and has printed in a highly visible manner on the outside of the bag the word "Recyclable."
 - iii. "Retailer" means a person, store, or other entity that sells or offers for sale consumer goods at retail establishments in the state.
 - iv. "Reusable bag" means a bag with handles that is specifically designed and manufactured for multiple reuse (a minimum lifetime of one hundred and twenty five (125) uses), and is made of cloth, fiber, durable plastic, or other fabric which is machine washable or can be cleaned or disinfected.
 - v. "Single-use plastic disposable bag" means a bag made from plastic and designed for one-time use to carry consumer goods out of a retail establishment in a retail transaction. Single-use plastic disposable bag does not include:
 1. Plastic bags without handles used by consumers inside of stores to package bulk items, such as fruit, vegetables, nuts, grains, candy, or small hardware items; to contain or wrap frozen foods, meat, or fish, whether prepackaged or not; to contain or wrap flowers, potted plants, or like items where dampness may be a problem; or to contain unwrapped prepared foods or bakery goods;
 2. Plastic bags provided by pharmacists to contain prescription drugs; or

3. Plastic newspaper bags, door-hanger bags, laundry or dry-cleaning bags, or bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags.
- b. Prohibition on Single-Use Plastic Disposable Bags By Retailers
 - i. After December 31, 2015, a retailer may not use, provide, or otherwise make available any single-use plastic disposable bags to customers.
- c. Permitted Bags
 - i. All retailers shall only provide or make available to customers recycled paper bags, or reusable bags for purchase, in accordance with this section. Nothing herein prohibits customers from using bags of any type that they bring to a store themselves or from carrying away consumer goods that are not placed in a bag, in lieu of using bags provided by the retailer.
 1. Retailers shall only make recycled paper bags available to customers for a minimum of ten cents (10¢) per bag.
 2. Retailers may retain five cents (5¢) per bag to cover administrative costs.
 3. Retailers must separately itemize each recycled paper bag sold on the customer's sale receipt. Retailers shall prominently display at each point of retail sale a sign describing the fee required under this section.
 4. Retailers shall keep records of the total number of recycled paper bags provided, and the total amount of monies collected for providing the recycled paper bags, on a form determined by [appropriate department or official], and submit said form on a monthly basis to [department], along with all fees collected minus the fees retained pursuant to subsection (2) herein. Fees remitted to the [department] under this subsection must be credited to the Plastics Recycling Fund established in section [XXX-see below].
 5. The assessment of fees under this section is not considered a sale of tangible personal property or other taxable services under Title 36, section 1811, and the fees retained by retailers are not considered revenue, and are considered tax-exempt under Title 36, Part 8.
- d. Enforcement & Penalties
 - i. If the [appropriate officer] determines that a retailer has violated this section, the commissioner shall initiate an enforcement action pursuant to Title 38, section 347-A to recover any unpaid fees required under subsection (c), and may impose additional penalty(ies) on the retailer consistent with Title 38, section 349. No more than one penalty may be

imposed upon a retailer within a seven (7) day period. Revenues collected by the [department] from penalties assessed under this subsection must be credited to the Plastics Recycling Fund established in section [XXX-see below]

e. Rules

- i. The [department] may adopt rules to implement the provisions of this section. Rules adopted pursuant to this subsection require technical rules as defined in Title 5, chapter 375, subchapter 2-A.

§ XXXX is enacted to read:

A. Plastics Recycling Fund

The Plastics Recycling Fund, referred to herein this section as "the fund" is hereby established within the [department] for the purpose of promoting recycling efforts related to plastics, including establishing statewide or county programs to promote plastics recycling and to educate the public about plastics recycling and about the benefits of the alternate use of reusable bags and establishing other programs that carry out the purposes of the fund as determined by the commissioner. Revenues in the fund may also be used to provide reusable bags to residents of the state, with priority to elderly and low-income residents. The [appropriate official] shall administer the fund. The fund is funded from fees collected under section XXX(c)[above]. Any unexpended money in the fund may not lapse, but must be carried forward to the next fiscal year. Revenues in the fund must be used for carrying out the purposes of the fund after reasonable costs for administration of the fund by the [department] are deducted.

Prior to January 1, 2016, the Department of Environmental Protection shall develop and conduct an intensive public information campaign aimed at educating the public on the importance of reducing the number of single-use plastic disposable bags entering the waste stream and the impact of such bags on the environmental health of the state. By January 1, 2016, the department shall develop and implement an outreach campaign that includes a public-private partnership to provide reusable bags to residents of the state, and working with service providers that assist elderly and low-income residents, to distribute information and reusable bags to elderly and low-income households. The [department] may use funds in the Plastics Recycling Fund established under [XXXXXX] to cover and reimburse the costs of developing and implementing these campaigns.

SECTION 2. EPS Foam Food Service Containers

§ XXXX is enacted to read:

A. Disposable Food Containers

- a. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.
 - i. "Compostable" means material that will undergo degradation by biological processes during composting to yield carbon dioxide, water, inorganic compounds and biomass at a rate consistent with other materials that undergo degradation by biological processes and leave no visible, distinguishable or toxic residue, including no adverse impact on the ability of compost to support plant growth once the compost is placed in soil.
 - ii. "Disposable food service container" means a container, bowl, plate, tray, carton, cup, lid, or other item designed for one-time use for prepared foods. "Disposable food service container" includes service ware for take-out foods and leftovers from partially consumed meals prepared by food vendors, but does not include items composed entirely of aluminum, recyclable service ware or polystyrene foam coolers and ice chests that are intended for reuse.
 - iii. "Polystyrene foam" means polystyrene and expanded foams using a styrene monomer.
 - iv. "Recyclable" means material that would otherwise be disposed of or processed as a waste that can be recovered, separated, collected and reprocessed material in the manufacture of a new product.
- b. Prohibition. Notwithstanding any other section herein, beginning January 1, 2016, a person may not sell or distribute, at retail or wholesale, in the State a disposable food service container:
 - i. That is composed in whole or in part of polystyrene foam; or
 - ii. That is not recyclable or compostable, unless there is no recyclable or compostable product available at a comparable cost as determined by the department in rules adopted pursuant to subsection (c) hereof.
- c. The department shall adopt rules to implement the provisions of this section. Rules adopted pursuant to this subsection are routine, technical rules as defined in the Maine Administrative Procedures Act.

SECTION 3. Microplastics

§ XXXX is enacted to read:

A. Plastic microbeads

- a. Definitions. As used in this chapter, the following terms have the following meanings:
 - i. "Person" means an individual, business, or other entity.
 - ii. "Personal care product" means an article intended to be

rubbed, poured, sprinkled, or sprayed on, introduced to, or otherwise applied to, the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and an article intended for use as a component of such an article.

- iii. "Plastic microbead" means a plastic particle measuring five millimeters or less in size in every dimension, intentionally added to a product, and which does not include any natural substance occurring in and generated by the natural environment such as walnut shells, cocoa beans, apricot hulls, sand, clay, or beeswax.

b. Prohibitions

A person shall not, after December 31, 2015, manufacture, sell, accept for sale, or offer for promotional purposes in this state a personal care product that contains plastic microbeads.

c. Enforcement & Penalties

- i. A person who violates Section (b) is liable for a civil penalty not to exceed two thousand five hundred dollars (\$2,500) per day for each violation in addition to any other penalty established by law. That civil penalty may be assessed and recovered in a civil action brought in any court of competent jurisdiction.
- ii. In assessing the amount of a civil penalty for a violation of this section, the court shall consider all of the following:
 1. The nature and extent of the violation.
 2. The number of, and severity of, the violations.
 3. The economic effect of the penalty on the person.
 4. Whether the person took good faith measures to comply with this section and the time these measures were taken.
 5. The deterrent effect that the imposition of the penalty would have on both the person and the regulated community as a whole.
 6. Any other factor that justice may require.
- iii. Actions pursuant to this section may be brought by the Attorney General in the name of the people of the state, by a district attorney, by a city attorney of a city, or, with the consent of the district attorney, by a city prosecutor in a city or city and county having a full-time city prosecutor, or as provided in subdivision (iv).
- iv. Actions pursuant to this section may be brought by a person in the public interest if both of the following requirements are met:
 1. The private action is commenced more than 60 days from the date that the person has given notice of an alleged violation that is the subject of the private action

- to the Attorney General and the district attorney, city attorney, or prosecutor in whose jurisdiction the violation is alleged to have occurred, and to the alleged violator.
2. Neither the Attorney General, a district attorney, a city attorney, nor a prosecutor has commenced and is diligently prosecuting an action against the violation.
 - v. The court, in issuing any final order in any action brought pursuant to this section, shall award costs of litigation, including reasonable attorney and expert witness fees, to any prevailing or substantially prevailing party, unless the court determines the award is inappropriate.
 - vi. The Department of [legislators indicate appropriate authority] shall administer and implement this section. The [Department] may adopt and modify regulations as necessary to implement and further the purposes of this section.
- d. Plastic Pollution Fund
- i. The Plastic Pollution Fund is hereby established in the State Treasury. The [department] may expend the funds in the Plastic Pollution Fund, upon appropriation by the Legislature, to implement and administer this chapter by directly expending those funds, by transferring those funds to other state agencies, or by providing grants to local governments or other entities deemed eligible by the department, including, but not limited to, nongovernmental organizations.
 - ii. The [department] may expend the funds in the Plastic Pollution Fund, upon appropriation by the Legislature, to implement and administer this chapter by directly expending those funds, by transferring those funds to other state agencies, or by providing grants to local governments or other entities deemed eligible by the department, including, but not limited to, nongovernmental organizations.
 - iii. In addition to any other moneys that may be deposited in the Plastic Pollution Fund, all of the following amounts shall be deposited in the fund: (1) Fifty percent of all civil penalties collected pursuant to this Section, and (2) Any interest earned upon the money deposited into the Plastic Pollution Fund. The remaining fifty percent of all civil penalties collected shall be paid to the office of the city attorney, city prosecutor, district attorney, or Attorney General, whichever office brought the enforcement action, or in the case of an action brought by a person under subdivision herein, to that person.