



Jesse Arreguín
Councilmember, District 4

CONSENT CALENDAR
October 28, 2014

To: Honorable Mayor and Members of the City Council
From: Councilmember Arreguin
Subject: Release of Balloons

RECOMMENDATION:

Refer to Community Environmental Action Commission the issue of releasing balloons into the environment and to report back to Council with recommendations to mitigate the environmental and infrastructural impact of the release of latex and Mylar balloons, including, but limited to:

- 1) Declare that balloons pose environmental and physical hazards when released into the environment
- 2) Include a clause prohibiting the release of balloons within permits issued by the City for special events
- 3) Define the intentional act of releasing balloons by adults into the environment as littering for the purposes of citation
- 4) Require disclosures at the point of sale of helium inflated balloons regarding the environmental and infrastructural impact of releasing such balloons and that the intentional release of balloons is considered littering, actionable offense; provide a private right of action for failure to provide such disclosure so that staff resources are not needed for enforcement

BACKGROUND:

The environmental impacts of releasing latex and Mylar balloons into the air are indisputable and have been extensively documented. The issue is even more pronounced in the City of Berkeley given its proximity to the Bay, which is home to diverse wildlife that are impacted when latex debris finds its way into their habitat. Additionally, the release of Mylar (a metallic-like, conductive material) balloons has caused power shortages upon contact with transmission lines, posing an additional hazard to utility workers who must remove them.

On October 21, 2008, then Councilmember Betty Olds and Councilmember Laurie Capitelli referred the issue balloon release to the Community Environmental Action Commission (CEAC). The referral requested the consideration of public education on the issue and the possibility of limiting the sales of helium-filled balloons within the City of Berkeley.

On November 17, 2009, CEAC returned to Council with recommendations to 1) declare the release of balloons to be an environmental and physical hazard, 2) prohibit the release of balloons at special events permitted by the City, and 3) initiate a public education campaign regarding the hazards of balloon release.

Unfortunately, an industry group of latex and Mylar producers called "the Balloon Council" vigorously opposed the City's modest proposal to regulate the issue and engaged in an intense lobbying campaign that saw Council offices receive free coffee mugs with printed "Balloon Facts." The Balloon Council even riled up a local business that specializes in helium-filled balloons and brought several media outlets to the November 17 Council meeting to create what can be best described as "political theater."

Despite the fact that only the only regulatory proposal under consideration was a modest requirement that balloons NOT be released ONLY at special events permitted by the City, the Balloon Council succeeded in creating enough confusion and concern that Council voted to table the issue for future consideration. It has since not returned to City Council.

The Balloon Council has also been responsible for thwarting any attempt at the State level to legislatively address helium-filled balloon releases.

This is Berkeley and we have a history of standing up to Big Money and fighting for the public good. This Council should renew its interest in mitigating the impacts of balloon release and be prepared in advance to overcome the tactics of the Balloon Council so that we can make sure good policy is passed and that well-financed lobbyists cannot stop that which has merit.

FINANCIAL IMPLICATIONS:

Unknown. Some staff time.

ENVIRONMENTAL IMPLICATIONS:

Decreased balloon release due to awareness and enforcement, which will have positive impacts on Bay wildlife, power grid infrastructure and worker safety.

CONTACT PERSON:

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ATTACHMENTS:

1. CEAC Referral; October 21, 2008
2. CEAC Recommendation; November 17, 2009

CONSENT CALENDAR

October 21,2008

To: Honorable Mayor and Members of the City Council
From: Betty Olds, Councilmember District 6, Laurie Capitelli, District 5
Subject: Referral to CEAC regarding Helium Balloons

RECOMMENDATION:

Refer to the Citizen's Environmental Advisory Commission for study, the issue of the impact of helium balloons on wildlife and our environment and request that the CEAC return to Council with a recommendation for a process to educate the public and possibly limit sales of helium balloons in Berkeley.

FINANCIAL IMPLICATIONS: None

BACKGROUND

Balloon litter floating at sea is deadly for many marine wildlife species. Marine turtles and some seabirds are particularly at risk, as they feed on prey that floats at the surface. They can mistake floating balloons for their jellyfish prey and swallow them, or become entangled and drown. Once swallowed, a balloon may block the digestive tract and eventually lead to death by starvation.

Whales, dolphins and fish are also known to have died as a result of eating balloons.

CONTACT PERSON

Betty Olds, District 6 981-7160



Community Environmental Advisory Commission

CONSENT CALENDAR

November 17, 2009

To: Honorable Mayor and Members of the City Council
 From: Community Environmental Advisory Commission (CEAC)
 Submitted by: Nabil Al-Hadithy, Secretary, Community Environmental Advisory Commission
 Subject: Balloons – Environmental Impacts

RECOMMENDATION

Declare that balloons pose environmental and other physical hazards when released into the environment. Council requests the City Manager to include a clause prohibiting the release of balloons in special event permits issued by the City. Finally, Council requests staff to work with the CEAC to provide educational material in the form of a leaflet to educate event organizers, businesses and schools at special events or other public gatherings and at point of sale outlets.

FISCAL IMPACTS OF RECOMMENDATION

Minimal impacts - primarily cost to prepare and disseminate an educational leaflet and revise some permit language.

CURRENT SITUATION AND ITS EFFECTS

Berkeley's proximity to the Bay makes it important for the City to be careful about what is freely discharged into the atmosphere. Plastic and latex balloons are associated with the death of dolphins, whales, turtles, fish, sea birds and even land animals. Furthermore, metal-based balloons, such as Mylar and foil, are known to cause shorts when they connect the circuit between two power lines and could even cause a blackout. Currently, there are no rulings to protect the marine animals from ingesting balloons. However, many states have adopted rulings on release of balloons with metallic components to protect electrical grids, aircraft etc.

BACKGROUND

On October 21, 2008, the City Council referred the impacts of Helium balloons on the environment to the CEAC. On June 4, 2009, the CEAC voted as follows: Motioned, Seconded, Passed (MacKusick/Harris. For: Clear, Harris, Kim, Leventis, MacKusick, Thompson. Absent: Murthy. Against: None. Abstain: None.) Staff to provide educational materials to event organizers, businesses, schools, point of sale and the public on the harmful effects and remedies as result of releasing balloons into the environment and remedies. Consider including a clause in permits for public gatherings prohibiting the release of balloons, and require applicants to state proper disposal methods.

It is unacceptable to toss trash onto the street or into the Bay. However, releasing Helium balloons, some of which will eventually end up on streets and in the water, is not seen as littering. Releasing Helium balloons is the equivalent of throwing them directly into the Bay or being transported in the stormwater sewers into the Bay.

Danger to Wildlife – Balloons

Although 90-95% rise high into the atmosphere and explode into small pieces, 5-10% fall back to the earth's surface whole¹, especially if they have an attachment weighing them down or if they are not completely inflated. After several days, balloons lose their Helium, and thus their lift, bringing them back down if they have not exploded. Even the pieces of exploded balloons fall back to earth.

In the water, these balloons can be mistaken for jellyfish, squid or other food for sea life. Ingestion of a partly inflated balloon can block the digestive tract and lead to painful starvation. Only one of these materials, latex, is biodegradable and dissolves in water, but in cold water this could take up to six months, leaving ample time for it to harm of wildlife.

Danger to Wildlife – Cords

Furthermore, cords tied to balloons present their own problems. These cords can entangle birds.

Hazard for Power Lines

Finally, balloons made of foil have been known to float into power lines, causing power outages. According to California utility companies, these outages happened more than 800 times in 2007. These outages can be simple shorts or as bad as blackouts. When this phenomenon occurs, the balloon often melts onto the power line, creating a dangerous situation for utility workers who must remove the melted balloons². PG&E regularly advertises against release of metallic balloons during graduations and Mother's Day celebrations. In 2008, Sen. Jack Scott (D-Altadena) attempted legislation to ban Helium filled balloons; including a financial penalty and registering it as a misdemeanor.

RATIONALE FOR RECOMMENDATION

Although the CEAC does not oppose the use of balloons nor want to ruin an amusement for people, the wanton release of balloons into the air is tantamount to dumping a harmful material for sea life directly into the Bay. Furthermore, letting loose Mylar or foil balloons presents the risk of shorts, blackouts and possible injury for utility workers who must remove melted balloons from power lines. Balloons can be enjoyed without watching them float away indiscriminately into the sky. A prohibition on the

¹ "Balloon releases: pollution fact sheet", Marine Conservation Society flyer, reprinted 12.5.06.

² "California Targets New Menace: Helium-Filled Foil Balloons", Amy Kaufman, Wall Street Journal, 7.15.08

release of balloons in special event permits issued by the City is therefore a reasonable step to take in order to significantly diminish the occurrence of these negative results.

The City should note the prohibition on the release of balloons in special event permits issued and provide approved methods for balloon handling in a leaflet to be worked upon with CEAC members. The approved leaflets should be disseminated with all event-planning guides and issued permits as applicable. Such permits are issued by Berkeley Public Works, Parks, Recreation and Waterfront as well as by the Health Department.

ALTERNATIVE ACTIONS CONSIDERED

Alternative measures considered were a ban on balloons or a prohibition on the materials used to make the balloons. A ban on balloons is extreme: they provide enjoyment, are a traditional part of American celebrations and, if properly handled and disposed of, should present no harm to wildlife and no risk of utility interruption. Outlawing plastics, latex, Mylar or foil would be beyond the scope or desire of the City.

CITY MANAGER

No objections to these recommendations.

CONTACT PERSON

Greg Leventis, Chair - Community Environmental Advisory Commission, 415-420-0227
Nabil Al-Hadithy, HazMat Manager, Toxics Management Division, 510-981-7460