

**TESTIMONY
OF THE
NEW YORK PUBLIC INTEREST RESEARCH GROUP
BEFORE THE
NEW YORK CITY COUNCIL COMMITTEE ON SANITATION AND SOLID WASTE
MANAGEMENT
April 15, 2019
Albany, N.Y.**

Good afternoon. My name is Liz Moran, and I am the Environmental Policy Director for the New York Public Interest Research Group (NYPIRG). NYPIRG is a non-partisan, not-for-profit research and advocacy organization. Consumer protection, environmental preservation, public health, healthcare quality, higher education affordability, and governmental reforms are our principal areas of concern.

We appreciate the opportunity to testify before the New York City Council Committee on Sanitation and Solid Waste Management regarding local law T2019-4185, which would create a five-cent fee for paper carryout bags. **NYPIRG strongly supports this legislation and urges swift passage.**

New York State passed a ban on single-use plastic bags in the SFY2019-20 budget. Although banning single-use plastic bags was an important move to protect the environment, it does not include a statewide fee on paper bags. Without a fee, consumers will likely switch to using paper bags, which have their own adverse environmental impacts. However, New York's law leaves it up to cities and counties to implement a 5-cent fee on paper bags. Charging a fee for paper bags is the most effective way to incentivize use of reusable bags, and it is critical that cities and counties step up to implement paper bag fees to prevent a switch to paper.

Often, people mistakenly think that paper bags are a better choice for our environment, but this is a myth. Negative environmental impacts of paper bags include:

- Paper bag production may require hazardous chemicals that create algal blooms, contaminate drinking water,¹ and contribute to acid rain.²
- Paper bag production wastes clean water - it takes a gallon of water to produce a single paper bag.³
- Paper bags are resource intensive. The production of paper bags involves clear-cutting forests around the globe, which is one of the lead causes of climate change.⁴

¹ Yale Scientific, "Paper vs. Plastic: The science behind the national shopping controversy," Rain Tsong, May 8, 2015, <http://www.yalescientific.org/2015/05/paper-vs-plastic-the-science-behind-the-national-shopping-controversy/>

² Stanford Magazine, "Paper, Plastic, or Reusable?" Claire Thompson, September 2017, <https://stanfordmag.org/contents/paper-plastic-or-reusable>.

³ Northern Ireland Assembly, "Carrier Bags- Environmental Impact," Suzie Cave, April 7, 2014, <http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2014/environment/8314.pdf>

⁴ Treehugger, "Paper Bags or Plastic? Everything you need to know," Collin Dunn, July 9, 2008, <https://www.treehugger.com/culture/paper-bags-or-plastic-bags-everything-you-need-to-know.html>.

- It takes large amounts of fossil-fuel based energy to transport paper bags because they are so heavy.⁵

As demonstrated by California, plastic bag bans coupled with fees on paper bags are proven as the most effective models to change consumer behavior and reduce single-use bags overall. Like New York, California has a large, diverse population with large urban areas and a substantial coastline. California's law has been in force for over a year. In Alameda County, CA, people used 210% more reusable bags while shopping once the ban and fee system was in place. Before the single-use plastic bag ban and paper bag fee was implemented, Los Angeles County, CA gave out 196,000 paper bags annually. A year later when the paper bag fee was implemented, they gave out 125,000 paper bags - a 71,000 decrease.⁶

Some counties in New York have already implemented a fee on single-use bags, and it has proven to be successful. Suffolk county charges a fee for single-use bags and according to a survey from the Food Industry Alliance of New York State, there was a notable eighty percent decline of single-use grocery bags within the first four months.⁷

One concern raised about a fee system is that it disproportionately impacts low-income communities. Experience has shown that such worries are overblown. According to a recent review of localities that have enacted fees:

- Lower-income communities adjust to the fee effectively. In Richmond, CA, customers of a discount grocery store chain increased their rate of bringing reusable bags by 48 percentage points.
- Plastic bag fees immediately reduce curb-side litter. Immediate reductions in litter were observed in San Jose, CA, Austin, TX, and Ireland.
- Air quality and public health are improved by a reduction in waste disposal. As waste processing facilities are disproportionately located near low-income communities, these communities suffer the most from their presence due to toxic byproducts in the air and water.⁸

Additionally, in order to address this concern in New York, people on food assistance programs, such as SNAP and WIC, are exempt from the fee (which is included in New York City's proposed law).

New York City is heralded as an environmental leader in both the state and country – implementing a paper bag fee will send an important message to other cities and counties in New York to follow the City's lead, and have a tremendous benefit to the environment and health of all New Yorkers. Thank you for your consideration of our comments.

⁵ Ibid.

⁶ KQED News, "Are Plastic Bag Bans Actually Helping the Environment?" Kelly O'Mara, May 18, 2017, <https://www.kqed.org/news/11461251/are-plastic-bag-bans-good-for-the-environment>.

⁷ Newsday, "Single-use grocery bag numbers fall 80% in Suffolk, retail group says," Torry N. Parish, December 20, 2018, <https://www.newsday.com/business/suffolk-nickel-plastic-bag-fee-reusable-1.24755898>

⁸ Scientist Action and Advocacy Network, "Scientific support for a plastic bag reduction law," December 4, 2017, http://scaan.net/docs/ScAAN_Bags_report.pdf.



STATEMENT OF THE NATURAL RESOURCES DEFENSE COUNCIL

BEFORE THE NEW YORK CITY COUNCIL

COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

RE: LEGISLATION TO REDUCE CARRYOUT BAG LITTER AND POLLUTION

April 16, 2019

Good afternoon, Chairman Reynoso and members of the Committee. My name is Eric A. Goldstein and I am New York City Environment Director at the Natural Resources Defense Council ("NRDC").

As you know, NRDC is a national, non-profit legal and scientific organization, active on a wide range of environmental health, natural resource protection and quality-of-life issues internationally, across the country and right here in New York City, where we were founded and where our main office has been located since 1970. The issue of solid waste has long been one of our regional priorities. And our long-term goal has been to transform New York's focus from reliance on landfilling and incineration, to making waste prevention, recycling, composting and equity the cornerstones of the city's 21st century waste policy.

The legislation that is the subject of today's hearing is designed to reduce paper bag litter and pollution by placing a five-cent fee on paper carryout bags at retail outlets in New York City, thus providing an incentive for New Yorkers to carry reusable bags as is now the growing practices in other localities around the nation and the world. NRDC strongly supports this legislation and appreciates the leadership of the bill sponsors, including Councilmembers Brad Lander and Margaret Chin.

While plastic bag litter and pollution have been receiving stepped-up attention recently, the problems associated with billions of paper bags should not be overlooked. The manufacture, transportation and disposal of paper bags are indeed significant. Processing rigid stands of timber into flexible, printable, smooth, glossy or absorbent paper requires an intensive chemical and mechanical effort after a tree is harvested. The virgin pulp and paper industry is one of the world's largest generators of hazardous air pollution, surface water pollution, sludge and solid wastes. The transportation of timber and finished paper products hundreds of miles, from forests to retail outlets, consumes large amounts of energy and is one of the aspects of paper production that generates significant global warming emissions. To be sure, using recycled paper reduces some of these consequences. Still, the adverse environmental impacts from paper bag production and disposal are substantial.

NATURAL RESOURCES DEFENSE COUNCIL

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For this and other reasons, jurisdictions across the country have sought to discourage the use and disposal of both plastic and paper single-use carryout bags. From California to Chicago to Washington DC., localities are rightly adopting policies that encourage the use of reusables by placing fees or restrictions on paper bags, as well as plastic. And that's why the original bag legislation enacted by the Council in 2016 wisely placed a fee on both plastic and paper bags.

Earlier this month, the State Legislature and the Governor agreed to legislation that would ban plastic carryout bags around the state. The legislation failed, however, to address the problem of increased use of paper carryout bags head-on. Instead, it included a provision that allowed cities and counties to adopt their own laws that would place a five-cent fee on paper carryout bags, with funds to be divided between the state and the locality.

The legislation before the Committee today springs from this new state law and is fully consistent with and supportive of the objectives of the state's plastic bag statute. The intent of the proposed legislation is to encourage city residents to carry reusable bags on their shopping trips, not to generate funds. And significantly, not a single resident will have to pay any fee at all when they go shopping, so long as they remember to bring their reusable sacks.

The proposed legislation also includes important protections to ensure that the impacts of this bill do not adversely affect low-income New Yorkers. Consistent with state law, Section 16-492(a) of the new statute would exempt all SNAP and WIC (food stamp) shoppers from having to pay the five-cent fee. (Of course, we hope that these shoppers too will bring reusable sacks even if they are not required to pay the fee for paper bags.)

In another positive development, the state legislation authorizes the city to obtain two cents of every five-cents collected from the purchase of paper bags at point of sale, and to use such funds for the acquisition and distribution of reusable bags, with priority given to low- and fixed-income communities. This provision will help ensure that every New Yorker who needs help will have access to reusable carryout bags at no additional cost.

Finally, we support swift passage of the proposed legislation so that it can take effect on March 1, 2020. This is the date on which the State's plastic bag ban takes effect and it will make implementation of both laws easier and reduce public confusion if both the state plastic bag ban and the city's paper bag fee are initiated at the same time.

We thank Chairman Reynoso for his support for this legislation and look forward to working with him, Speaker Johnson and the committee members to ensure the successful implementation of this forward-looking piece of environmental legislation. The true beneficiaries of this bill will be our children and grandchildren, as well as all who are seeking a cleaner and less polluted New York City.



Statement of Adriana Espinoza
Director, New York City Program
New York League of Conservation Voters
New York City Council Committee on Sanitation and Solid Waste
April 16th, 2019

Good afternoon. My name is Adriana Espinoza, and I am the Director of the New York City Program at the New York League of Conservation Voters (NYLCV). NYLCV represents over 31,000 members in New York City and we are committed to advancing a sustainability agenda that will make our people, our neighborhoods, and our economy healthier and more resilient.

NYLCV enthusiastically supports the pre-considered introduction on paper bags, which aims to reduce the number of single-use bag waste in New York City. Carry out bags are not free. Every New Yorker pays when our trees, streets, playgrounds, beaches, and waterways become littered with bags. Taxpayers shell out \$12 million a year just to truck disposable bags to landfills, at a time when we need those dollars for so many other things.

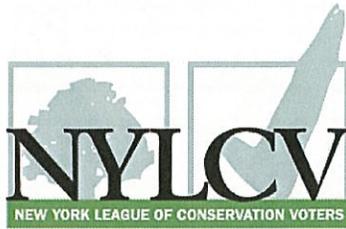
We have become a disposable society. Whether it's grocery bags, shopping bags, utensils, cups, or take-out containers. We use them once and throw them out. The average use of a disposable bag is just minutes – while the toll on the environment lasts for decades. It's time for New York to stand up and say enough is enough; we can and must do better.

Now that New York State has acted and banned single-use plastic bags, we need New York City to tackle paper bags so that we don't substitute one kind of bag waste for another.

Switching from plastic to paper creates a different set of environmental issues. Compared to plastic, paper bags are more carbon-intensive to produce and much heavier, therefore requiring more truck trips to deliver the same number of bags to stores. While easier to recycle, soiled paper bags cannot be recycled and most people do not divert them to composting. And they are much more expensive for retailers. All this adds up to good reason to move away from single use bags to reusable bags.

The pre-considered bill by Councilmembers Chin and Lander would place a five-cent fee on each paper bag provided to a customer at all retail and grocery stores. Customers who bring their own bags will not be charged. Customers who do not take a carryout bag will not be charged. Customers who pay using public benefits such a SNAP or WIC will not be charged.

Implementing a fee on paper bags would encourage New Yorkers to bring their own reusable bags. It's not about penalizing shoppers - it's about providing a signal that bags are not free to our society and encouraging consumers to bring their own reusable bags.



Under the State's new law, three cents of the fee on paper bags would go to the State Environmental Protection Fund and two cents would go towards providing reusable bags to low-income New Yorkers. This approach ensures that all will have access to reusable bags.

Banning thin plastic bags coupled with placing a fee on all other carryout bags is the gold standard policy for addressing carryout bag waste. This is a policy that is already in place and successful in many jurisdictions across the country, including statewide in California and locally in Seattle. A fee will cause shoppers to take a pause; a decision at the register will go a long way to make a dent in the 10 billion single-use carryout bags New Yorkers use a year.

Mayor de Blasio and Speaker Johnson have both committed to making New York a leader in the fight against climate change. While we make strides towards the critical goal of reducing our carbon footprint 80% by 2050, we must also take decisive action towards our goal of sending zero waste to landfills by 2030, which also has significant climate impacts.

According to a Siena poll released today, more than 60 percent of New Yorkers support the plastic bag ban. We believe New Yorkers are ready to take the next step. That's why NYLCV has been advocating for a fee on paper bags in addition to dealing with plastic bags for many years. Together, we can stop trashing our city.

We thank Council Members Chin and Lander for their longtime leadership on this important issue. We look forward to working with you and the entire City Council on paper bag fee legislation for New York City, a top priority NYLCV and future scorecard bill.

**Testimony of Melissa Iachan at
New York City Council Committee on Sanitation and Solid Waste
Management Hearing in Relation to Paper Carryout Reduction Fee
Dated April 16, 2019**

Good morning, my name is Melissa Iachan, and I am a Senior Staff Attorney in the Environmental Justice Program at New York Lawyers for the Public Interest. NYLPI has advocated and litigated for environmental justice in New York City for more than two decades. NYLPI's Environmental Justice program has long focused on the detrimental effects of the City's waste system, and I have worked in the area of waste regulation for five years. NYLPI has been a member of the Bag It coalition for several years, and we strongly supported the BYOBag Bill that the New York City council passed a few years ago, so we are encouraged to see our City finally on the precipice of seeing meaningful reduction in harmful waste streams like disposable bags. Thank you to Chairman Reynoso for holding this hearing, and to the sponsors of this important bill Council Members Lander and Chin, and a special welcome to the Sanitation Committee to Council Members Chin and Constantanides.

We are thrilled that the state has passed a ban on plastic bags, which are a scourge to our environment on many levels. However, all precedent indicates that to truly reduce single-use disposable bag use by consumers, the statewide ban should be accompanied by a fee on other single use bags such as paper bags. Thanks to the preconsidered intro bill being heard today, New York City has the opportunity to join other green cities in ensuring that the statewide plastic bag ban be accompanied by a single use paper bag fee to truly reduce our waste as a city, as well as continue the efforts to reduce our carbon footprint.

Plastic bags alone make up about 2 percent of the city's residential waste stream according to DSNY, and single-use, carry out bags account for 1,700 tons of residential garbage each week. This amounts to 91,000 tons of plastic and paper carry out bags each year, costing the City a whopping \$12.5 million annually to dispose this material. Single use bags are a particularly harmful part of our waste stream despite making up a relatively small portion of it, largely due to:

- Harmful byproducts and the high amount of fossil fuel-based energy used in manufacturing plastic and paper bags;
- Greenhouse gas emissions from the production, transport and ultimate disposal of high volumes of single-use paper and plastic bags;
- Plastic bags' detrimental effect on machinery at both putrescible and recycling facilities—these bags get caught on sorting equipment, and cause all sorts of costly malfunctions; and finally
- The litter and visual clutter from the lightweight plastic and paper bags that are blown out of garbage trucks and dumpsters, ending up in our streets, parks, trees, and waterways.

Communities of color and low-income communities who have historically borne the brunt of our waste processing systems can attest to the particularly harmful side effects of having seemingly never-ending amounts of plastic and paper bags in our waste stream. Not only do they require more diesel truck trips through their neighborhoods, but because these polluting trucks queue and idle along their neighborhoods' streets on their way to dumping, these lightweight bags litter the sidewalks, streets, parks and playgrounds far more than in communities where garbage trucks idling are not such a frequent sight. Residents of these neighborhoods are more enthusiastic than ever to adapt their habits, and in fact reusable bag giveaways have been most successful in these communities, and the rest of the City should follow suit.

In order to truly reduce this harmful waste stream, we need to alter our City's behavior and habits. This takes time, willingness, and ultimately requires incentivizing. What we are seeing is a willingness and even a desire like we didn't see 6 or 7 years ago when the effort to ban single use bags began in earnest in our City. With the requisite desire and willingness, the proposed carryout bag fee provides the incentive for people to start carrying reusable bags with them, the missing piece to truly ensure we become a more sustainable city.

What's more, we know that this formula—plastic bag ban with a fee on other single-use bags—works. In Portland, OR, a plastic bag ban without a fee on paper resulted in a 491% increase in paper bag use, and an almost \$5 million increase in the cost of bags. This makes no sense for any city, environmentally or financially. Meanwhile, a plastic bag ban with a 10 cent charge on paper reduced paper bag use

by 30% in the first year of [LA County's bag ban](#). The charge also offsets the stores' costs of distributing paper bags, which can be two or more times as expensive as plastic bags. Additionally, where a fee/ban hybrid has been established, costs of fixing recycling sorting machinery from tangled plastic bags has been reduced by several million dollars, as have sanitation department costs for collection and disposal of these bags.

I know you have heard and will hear even more supportive statistics that illustrate the effectiveness of a ban and fee hybrid, so I won't repeat them all again here. Suffice it to say that today's preconsidered intro proposing to impose a modest five cent fee on single use and carryout paper bags, in combination with the recent statewide ban on single use plastic bags, has the potential to drastically improve our City's environmental record, reduce greenhouse gas emissions, and bring us significantly closer to our goal of achieving zero waste. We strongly support this legislation, and again thank the Sanitation Committee, the City Council, and DSNY for being here today to ensure that we enact the most sensible and effective policies together for a greener and cleaner New York City for all our residents.

Thank you.



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FOR THE RECORD

Testimony of NYC H2O

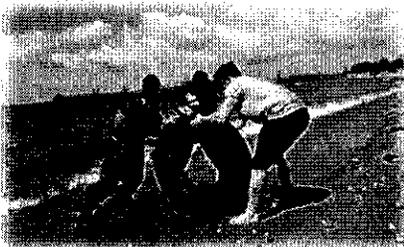
before the

**Committee on Sanitation and Solid Waste Management
Hearing on a paper carryout bag reduction fee, and to repeal chapter
4-F of title 16 of such code, relating to carryout bag reduction.**

April 16, 2019

NYC H2O's mission is to inspire and educate New Yorkers of all ages to learn about, enjoy, and protect their city's local water ecology. Through providing public and school programs at historic reservoirs, parklands, watersheds, bays, rivers, and wetlands, we encourage diverse citizens to advocate for responsible public policy. Our activities promote science-based knowledge of New York's local ecosystems and of what is needed for urban water resilience in a time of escalating climate change impacts.

Several times a year we organize beach clean-ups from Plumb Beach in Brooklyn to Conference House Park on Staten Island. We consistently find that plastic bags make up a large portion of the garbage we collect. Thus, we joined in advocating for a plastic bag ban and are pleased that such a bill passed. However, we know that simply banning plastic bags is not enough: to be fully sustainable, we need a fee on paper bags.



Though we often jump right to recycling as the go-to solution for unsustainable consumption, the mantra actually starts with reduce, reuse, and then recycle. Without a fee, most shoppers will simply switch from plastic bags to paper bags instead of doing the most sustainable option of bringing their own reusable bag. Paper may seem like a harmless switch, but paper bags have their own adverse environmental impacts. As City Council Members Brad Lander and Margaret Chin accurately note:

The manufacture and transportation of heavier paper bags produce global warming emissions and are also a significant source of water and ground level air pollution. Moreover, most paper bags don't get recycled and end up in landfills. And the market for recycled paper is especially weak these days since China has essentially ended the importation of recyclables from the United States. Finally, since paper bags are substantially heavier than plastic ones, New York City would spend even more than the \$12 million we spend each year to truck bag waste to landfills (disproportionately through low-income communities of color).¹

Our friends at Surfrider² studied other municipalities and found this to be true:

- In Westport, CT, a retail checkout bag survey of 2,456 shoppers showed that in areas affected by the straight plastic bag ban ordinance [no fee], over 50% of customers used “reusable” bags (including thicker plastic bags), roughly 45% of customers used paper bags, and only 2% of customers carried out with no bag. Compared to similar stores in areas unaffected by the ordinance, the straight plastic bag ban ordinance increased paper bag usage drastically (from virtually no usage to a prevalence of about 45%).³
- In San Francisco, a straight plastic bag ban ordinance was first implemented in 2007, only applying to large retail stores with over \$2 million in annual sales. UseLessStuff conducted a survey on 25 covered stores and found that the ordinance was ineffective at changing consumer behavior. Retailers switched to paper bags (or thicker plastic bags

¹ <https://council.nyc.gov/brad-lander/2019/03/29/statement-of-city-council-members-brad-lander-and-margaret-chin-on-albany-legislation-to-ban-plastic-bags-and-the-ongoing-effort-to-reduce-bag-waste-in-new-york/>

² <https://www.surfrider.org/coastal-blog/entry/surfrider-foundation-announces-plastic-bag-law-activist-toolkit>

³ David Brown, Sc.D., Retail Checkout Bag Surveys Report, Westport, Connecticut (2010), available at <https://static1.squarespace.com/static/59bd5150e45a7caf6bee56f8/t/5bd30cd0eef1a1d9bb2e0a1d/1540558032257/Westport+Retail+Checkout+Bag+Survey.pdf>

labeled “reusable”) and excessive double-bagging of paper bags was observed, with few people bringing bags of their own.⁴

- The City of San Jose’s bag ban on thin plastic bags and 10-cent charge for paper bags resulted in the percentage of customers bringing their own reusable bags to the store going from 4% to 62%, reduced plastic bag pollution in storm drains by 89%, and reduced downtime in municipal solid waste (MSW) operations related to disruptions from plastic bags by up to 35-50% within a year of implementation.⁵
- In Alameda County, CA a ban on thin plastic bags and a fee on paper and reusable bags led to an 80% decline in the use of single-use paper and plastic bags, a 200% increase in the number of shoppers bringing reusable bags, or not using a bag at all, and a 44% decrease in plastic bags found in County storm drains.⁶
- A study examining Aspen’s two grocers covered by the City ordinance banning the use of single-use plastic checkout bags at Aspen supermarkets and mandating a 20-cent fee for single-use paper bags found that 45% didn’t use any type of bag to carry out their purchases, another 40 percent used reusable bags, and 15% paid 20 cents per paper bag.⁷

New York City Council already passed a ban on plastic bags with a fee on paper bags which would be in place if New York State had not preempted the City. Now, we have the opportunity to put back in place this policy. As such, **NYC H2O supports New York City opting into the fee on paper bags.**

⁴ Use Less Stuff, The ULS Report: A Qualitative Study of Grocery Bag Use in San Francisco (2008), available at http://static1.squarespace.com/static/59bd5150e45a7caf6bee56f8/59bd52c67e2a5fb4e246e29b/59bd52ab7e2a5fb4e246dba4/1505579691282/study_ULS-Report-on-SF-Bag-Ban-2008.pdf?format=original

⁵ Memorandum from Kerrie Romanow to the Transportation and Environment Committee, City of San Jose, California, Bring Your Own Bag Ordinance Implementation Results and Actions to Reduce EPS Foam Food Ware (November 21, 2012), http://www3.sanjoseca.gov/clerk/CommitteeAgenda/TE/20121203/TE20121203_d5.pdf

⁶ Alameda County Waste Management Authority, Reusable Bag Ordinance, Information for Shoppers, <http://reusablebagsac.org/shoppers/information>

⁷ Laura Armstrong and Elizabeth O’Connell Chapman, City of Aspen Single-Use Bag Study, Journal of Sustainability Education (2017), available at http://www.susted.com/wordpress/content/city-of-aspen-single-use-bag-study_2018_01/



TESTIMONY OF THE MANHATTAN SOLID WASTE ADVISORY BOARD

***NYC City Council Committee on Sanitation and Solid Waste Management
In relation to a paper carryout bag reduction fee, and to repeal chapter 4-F of title 16 of such
code, relating to carryout bag reduction. Tuesday, April 16, 2019***

Good afternoon Chair Reynoso and members of the Committee on Sanitation and Solid Waste Management. I am Jacquelyn Ottman, chair of the Manhattan Solid Waste Advisory Board (MSWAB). MSWAB is a volunteer citizens' advisory board dedicated to helping NYC achieve its zero waste goals. We advise the Manhattan Borough President, City Council, City Administration and others on policies and programs regarding the development, promotion and operation of the City's waste prevention, reuse and recycling programs. We are a Board comprised of solid waste management industry professionals, waste reduction and diversion consultants, sustainability professionals, and concerned citizens, appointed by the Manhattan Borough President's Office.

Thank you for this opportunity to comment on the proposed carryout bag reduction fee and the concomitant repeal of chapter 4-F of title 16 relating to carry out bag reduction.

New York City residents use 10 billion plastic carryout bags per year. The Department of Sanitation has estimated that it collects on average 1,700 tons of single-use carryout bags (paper and plastic) per week, which amounts to approximately 19,000 tons every year. Many New York City residents may not realize that much, if not all, of this material is exported to landfills or incinerated outside of New York City at a cost to NYC taxpayers of \$12.5 million annually.¹ This annual cost does not include the environmental impact of collecting, transporting and landfilling or incinerating 19,000 tons of plastic and paper materials.

The primary goal of any carryout bag legislation is overall waste reduction and removal of environmental contaminants associated with the single-use carryout bags that are improperly disposed of outside of the appropriate municipal waste streams. To accomplish this reduction any legislation should incentivize consumers to bring their own reusable bags or not to take a bag at all. Specifically, the

¹ "Testimony of Kathryn Garcia, Commissioner of the New York City Department of Sanitation, Before the New York City Council Committee on Sanitation and Solid Waste Management, Intro No. 209 – A Local Law to Amend the Administrative Code of the City of New York, in Relation to Reducing the Use of Carryout Bags". 19 Nov. 2014.

<http://legistar.council.nyc.gov/View.ashx?M=F&ID=3386792&GUID=5E00AFAF-8A25-481CBD84-16AB695BBC78>

newly passed New York State Bag Waste Reduction Act takes an encouraging first step by banning "plastic carryout bags" other than "exempt" bags which are narrowly defined in the remainder of the bill.

However, the state law does not go far enough to sufficiently incentivize consumers to reduce overall bag use. Retailers can still offer paper bag alternatives; however, in the process, they would be merely shifting the waste stream profile associated with single-use carryout bags from plastic to paper but without effecting an overall reduction in the waste stream. In fact, shifting from plastic to paper would actually increase greenhouse gas emissions associated with bags because it takes more energy to produce paper bags than plastic ones. In addition, because paper bags weigh more than plastic alternatives, transporting paper bags to landfills or incineration facilities would increase both greenhouse gas emissions and ground level air pollution. Fortunately, although the New York State Bag Waste Reduction Act does not ban paper bags outright, it allows municipalities to place a 5 cent fee on paper carryout bags.²

The legislation introduced by Council Members Lander, Chin, Treyger and Reynoso and under consideration today is designed with the goal of reducing the number of single-use paper bags in the waste stream by placing a 5 cent fee on such bags, incentivizing customers to bring their own reusable bags. Such fees have shown to be a major driver in encouraging people to reduce their use of such bags. For example, Washington DC's 5 cent charge on paper and plastic carryout bags went into effect in 2010 and has led to a 60% drop in overall single-use bags and a corresponding drop in bag litter.³ Fees at the point of sale are important because they make consumers more mindful about whether they need a bag for their purchase. MSWAB supports this proposed legislation.

In addition, it is of course expected that some portion of consumers will still use paper bags as an alternative and pay the 5 cent fee. These paper bags, as well as many of the exempt bags, represent an important messaging opportunity. MSWAB recommends that they be printed, as appropriate, with messages to support recycling, organics diversion and reuse in NYC. We urge the City Council to consider requiring or at least incentivizing such communications as an important component to the outreach efforts around NYC's zero waste programs.

Thanks for your time to submit this testimony. I'd be happy to take any questions you may have.

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The Manhattan Solid Waste Advisory Board Chair: Jacquelyn Ottman; Vice-Chair: Rona Banai; Co-secretaries: Katie Hanner, Christine Johnson, Treasurer: Diane Orr. Members: Margot Becker, Matthew Civello, Maggie Clarke, Debby Lee Cohen, Peter Cohen, Naomi Cooper, DeNeile Cooper, Ellen Cooper, Phillip Corradini, Sarah Currie-Halpern, Meredith Danberg-Ficarelli, Wendy Frank, Cullen Howe, Sofia Huda, Melissa Iachan, Nathaniel Johnson, Kate Mikuliak, Kathy Nizzari, Kristi Parson, Tinia Pina, Martin Robertson, Jennie Romer, Laura Rosenshine, Rick Schulman, Brendan Sexton, Marc Shifflett, Amy Uong.

² <https://drive.google.com/open?id=1w071b5udeRkfK6utWqgr50Kt6CITfssr92fqjmbIVxg>

³

<https://doee.dc.gov/sites/default/files/dc/sites/ddoe/documents/0%20BL%20Survey%20Overview%20Fact%20Sheet.pdf>



April 16, 2019

Council Member Antonio Reynoso
Chair – Committee on Sanitation and Solid Waste Management
New York City Council
250 Broadway, Suite 1740
New York, NY 10007

RE: Item No. T2019-4185- The Plastic Bag Ban and Proposed Charge

Dear Chair Reynoso and Committee Members:

Thank you for the opportunity to address the Committee on Sanitation and Solid Waste Management regarding the bag ban law and the question of charging for paper bags. UPSTREAM is a national NGO with offices in NYC, Maine, San Francisco, and Los Angeles. We are at the forefront of work on solving the plastic pollution problem, offering up reduce and reuse as the primary framework for ending our throw away culture.

I personally have been at the forefront of work on reducing plastic bags. I wrote the state action plan for California in 2006 that prioritized reducing plastic bags as one of the top 5 actions the state should implement to address plastics and trash entering the marine environment. As a leading advocate in California on this issue, I helped enact the first bag ban in the world in San Francisco in 2007. Since then, I have worked on hundreds of plastic bag ordinances as a member of the Clean Seas Coalition in California. And as part of that Coalition, I helped defend the state-wide California bag ban in 2016 when industry tried to overturn the hard-won state legislation through a ballot initiative.

I am not only a veteran of the plastic bag wars, but a researcher on the effectiveness of the various models of plastic bag laws. UPSTREAM surveyed the wide array of approaches that have been implemented world-wide. From fee only, to ban/fee hybrid, to straight bans on plastic bags, and I can say with confidence that the hybrid approach is the most effective. Banning plastic without any mandatory charge for paper results in a transition to paper. This is not good policy. In the era of climate change, we need to stop clear cutting forests to make products that are single use and consumed in a matter of minutes. Increasing the use of paper simply exchanges one form of environmental degradation – i.e. the use of plastic- to another- using trees as bags.

Since the State of New York has opted to ban single use plastic bags, I will not focus on the fee only approach. The question is whether to add a fee for paper and the answer should be a resounding yes. This is the only way to avoid a wholesale transition to paper and to ensure that single-use bags are replaced with reusables. A transition to reusable bags is the most cost-effective measure for the City and the best choice for the environment. In California, the clear intent of the law was to change behavior away from choosing single-use carryout bags to a bring your own reusable. And I am pleased to report that in the few jurisdictions that have reported the results of implementation (Counties of Alameda and Los Angeles, and City of San Jose), the ban/fee hybrid approach has resulted in an 80% reduction in bag related litter, which reduces litter abatement and solid waste management costs for local government. It also has resulted in an average adoption of BYO reusable bags of 80%.

Social behavior research is clear on this point- if you want to change a shopper's behavior, the most likely way to accomplish that is through pricing signals. Shoppers are averse to paying more. That's why mandatory charges are way more effective than discounts in changing a shopper's behavior.

The other aspect of the fee is that it needs to be high enough to send a signal to the shopper. In California, 10 cents for a paper bag is working. There is no need to view this as regressive. No one has to pay the 10 cents. The price point will teach people who are averse to paying more to bring their own reusable bag.

For these reasons, we respectfully request that the Committee put forward ~~a 10cent charge~~ *the highest charge possible* for consideration by the Council.

Respectfully,



Miriam F. Gordon
Program Director
UPSTREAM
Miriam@upstreamolutions.org



Paul Darby
VP Marketing
Novamont North America

April 16, 2019

Public Testimony for Committee on Sanitation and Solid Waste Management – T2019-4185: A local law to amend the administrative code of the city of New York, in relation to a paper carryout bag reduction fee, and to repeal chapter 4-F of title 16 of such code, relating to carryout bag reduction.

Chair Reynoso and members of the committee on Sanitation and Solid Waste.

I am Paul Darby, VP Marketing here to speak today on behalf of Novamont a world leading company in the sector of compostable Bio-plastics. Our headquarters is in Italy and we have worked extensively with large European cities to help implement curbside organics collection plus also worked with San Francisco and the City of Brookline, Massachusetts. Our US office is based in Connecticut, and over the past year I have had the pleasure of working with New York based businesses such as Commit to Green plus New York waste management and environmental groups to help promote sustainability and zero waste.

Novamont strongly supports a proposed fee on paper carryout bags as a proven tool to help reduce a municipalities bag consumption.

Although not in the scope of the current Intro, we would also propose a certified compostable (*ASTM D6400 certification standard and TUV OK Home compost certificate*) plastic bag should also be permitted as an alternative to the recently banned traditional plastic bags. We suggest that allowing retailers to offer a certified compostable carry out bag at the same fee as a paper bag, possibly even on a pilot basis in areas where a DSNY residential food waste collection service is offered, would be a game changer in the city's organics program. As you are aware, this program faces challenges in gaining participation and has only scratched the surface of the nearly 1 million tons of divertible organics that are disposed of each year by NYC residents.

In many of the cities we work with, the compostable bag is used as an educational communication tool because it can be clearly labelled to be re-used for food scrap collection and disposed of in a New York City Organic's residential recycling program. We have a lot of research based in other big cities to show that making compostable plastic bags widely available at low cost can help significantly increase the residential NYC food scrap participation rates and organics diversion. This strategy has already been proven in major cities across Europe such as Milan where over 80% of residential food scraps are diverted from landfill to their anaerobic digestion and composting facilities with less than 5%

contamination. These bags are truly compostable, they break down over time in a compost facility and some also work in a backyard compost unit.

Biodegradability cannot be used as an excuse to litter and we would never actively promote these materials as a solution to littering or marine pollution, they have been designed as part of an overall waste management circular economy strategy for recycling food scraps. However, in the worst case scenario where this happens some compostable products have been proven to break down in soil and marine environments so have a less resonance and risk over time than conventional plastics.

The vast majority of residents (> 85%) will use a bag for hygiene and convenience to help avoid the yuck factor of recycling food scraps. Our US-based customer factories are currently manufacturing compostable bags specifically designed for this dual purpose, to carry grocery items but then re-used for food scrap collection in a kitchen vented pail before emptying outside into the brown bin. As mentioned, the bag will biodegrade in a NYC composting facility and by increasing food scrap recycling help replenish our soils via compost. Our proposal is also aligned with current California state law which allows certified compostable shopping bags in areas with food scrap diversion programs.

I hope you will consider this submission and I'd be happy to organize a separate meeting to discuss further at your convenience.

Sincerely and for your consideration,

Paul Darby

NOVAMONT NORTH AMERICA, INC. – 1000 BRIDGEPORT AVE, SUITE 404 – SHELTON, CT 06484
Paul.darby@novamont.com

T: - 203-414-3150



Creatively working with youth to achieve zero-waste and plastic-free schools and communities, teaching citizen science and civic action with arts and media. www.cafeteriaculture.org

TESTIMONY of Cafeteria Culture, Tuesday, April 16, 2019
New York City Council Committee on Sanitation and Solid Waste

Good afternoon. Chair Reynoso and Councilmembers on the Committee of Sanitation. Thank you for allowing me to testify today in support of the Carryout Bag Reduction Fee.

I am Debby Lee Cohen, the Executive Director and Founder of Cafeteria Culture, a non-profit environmental education organization, originally called Styrofoam Out of Schools. We catalyzed the complete elimination of styrofoam trays from New York City (NYC) schools by partnering with School Food Directors and students. We work creatively to achieve zero waste/ plastic free schools and climate smart communities by teaching citizen science and civic action with media and the arts. Students in our programs, overwhelmingly from low-income communities of color, are providing an urgently needed voice to New York City's environmental movement.

With such short notice, I was not able to organize students to testify here today. Students from our programs, including PS 34 M in Alphabet City and MS 246 K in East Flatbush, spoke at City Hall in 2013 and in 2016 in support of a city plastic bag ban with a fee. You can watch them on our YouTube Channel, Cafcu Media (see:

As both an educator and parent, I am concerned about our city's contribution to greenhouse gas (GHG) emissions due to the unacceptable amount of 12,000 tons of residential and home garbage generated per day that is exported to out of state landfills and incinerators.

While I am grateful that our state government is addressing our pervasive global marine plastic pollution crisis by enacting a statewide plastic bag ban, without a bag fee included, this bill substitutes one problem with another. Stand outside any Trader Joe's store for some bag fee inspiration. Their no-plastic-bag policy without incentives, appears to have increased customer usage of free paper bags. There is no shortage of cities that enacted ineffective bag bans without fees (such as Chicago) only to add a fee a short time later.

The Suffolk County bag bill with a fee is an excellent example of success story. It has reduced bag use overall and changed consumer behavior. It has also changed how retail staff communicate with customers. I was pleasantly shocked a few months ago when I made a purchase in a Suffolk County store and the cashier asked, "Would you like to buy a bag today?"

To reach our City's Zero Waste (0x30) goal to reduce "the amount of waste disposed of by 90 percent by 2030" and our 80x50 goal, to reduce "greenhouse gas (GHG) emissions 80 percent by 2050," we must enact legislation that aims to reduce all single-use bags, plastic and paper. Our City's garbage exportation costs continue to escalate, while negatively impacting low income communities and contributing to GHG emissions all along the way. Single-use plastic and paper bags - from the start of production to the end-of-life, whether ending up as landfilled, incinerated or as costly pollution - are wreaking havoc on our already stressed environment and contributing to a costly culture of solid waste.

Let's not kill the momentum needed to change public behavior! I urge you to pass the Carryout Bag Reduction Fee asap and not waste any more time. Thank you, Debby Lee Cohen

Contact: Debby Lee Cohen, Director/Founder DL@cafeteriaculture.org 917-282-0253
A Project of Fund for the City of New York, 121 Avenue of the Americas, 6th floor, NY, NY 10013



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Watch students from Cafeteria Culture’s Plastic Free Waters program in action on YouTube: Cafcu Media



Watch "Got reusable bags? Youth kickstart BYO bag movement in Flatbush" on Vimeo ->



Watch "#SaveOurOcean - Your Litter is Killing Marine Life" on Vimeo -> (edited by a 7th grade student from MS246 Walt Whitman, Brooklyn, NY)

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Kayla, 5th grade

<http://www.cafeteriaculture.org/microplastic-madness.html>

Contact: Debby Lee Cohen, Director/Founder DL@cafeteriaculture.org 917-282-0253
A Project of Fund for the City of New York, 121 Avenue of the Americas, 6th floor, NY, NY 10013



Two Penn Plaza ■ Fifth Floor ■ New York, New York 10121

Testimony on the Proposed Paper Carryout Bag Fee

Tuesday, April 16, 2019

Submitted to the NYC Council Committee on Sanitation and Solid Waste Management

The Citizens Budget Commission (CBC), a nonpartisan, nonprofit think tank whose mission is to achieve constructive change in the finances and services of New York State and New York City government, submits this testimony in support of proposed legislation to impose a 5-cent fee on most paper carryout bags.

Single-use bags are an environmental problem.¹ Plastic bags make up about 2 percent, or 71,000 tons, of the City's residential waste stream; they cost \$12.1 million annually to landfill and take more than 500 years to decompose.² While paper bags will degrade if landfilled, they also have negative environmental impacts. They require substantial water to produce and are heavier to transport than single-use plastic bags, leading to higher associated greenhouse gas emissions.³

The New York State Plastic Bag Task Force, convened by Governor Andrew Cuomo in March 2017, found that a hybrid ban on plastic bags along with a fee on alternatives is more effective than a simple ban.⁴ Absent the fee, which provides the economic incentive to bring reusable bags to the store, simple bans tend to shift consumers from one type of bag to another rather than reducing the use of single-use bags.⁵ For example, in Chicago, which banned plastic bags based on thickness, stores simply provided thicker single-use bags. The ban was repealed and replaced by a 7-cent tax, which was credited with a reduction in the use of single-use bags.⁶ Similarly, Washington D.C.'s fee on single-use paper and plastic bags is credited with reducing the use of single-use bags and increasing the use of reusable bags.⁷ A similar effort in Los Angeles led to a 94 percent reduction in single-use bags.⁸

Following the Task Force report, CBC called on the City to reauthorize a ban on single-use plastic bags with a fee on paper and other single-use bags.⁹ The New York State Fiscal Year 2020 Adopted State Budget included legislation to ban single-use plastic bags statewide and provided a local option to impose a fee on paper bags.¹⁰ CBC supports legislation to authorize this fee, which would take effect on March 1, 2020, concurrent with the statewide plastic bag ban. Residents who use the Supplemental Nutrition Assistance

Program (SNAP), or Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) to pay for their purchases would be exempted from the fee. The revenue collected will be remitted by the retailer to the New York State Department of Taxation and Finance. According to state law, 40 percent of the revenue collected in New York City will be returned to the City to buy and distribute reusable bags within the City, with priority given to low-income and fixed-income communities. The remaining 60 percent be deposited in the State Environmental Protection Fund.

CBC recommends adopting the paper carryout bag fee to realize the fiscal and environmental benefits of sharply reducing the number of single-use bags from the waste stream.

¹ For a detailed discussion of this topic, see: New York State Plastic Bag Task Force, *An Analysis of the Impact of Single-Use Plastic Bags: Options for New York State Plastic Bag Legislation* (January 13, 2018), www.dec.ny.gov/docs/materials_minerals_pdf/dplasticbagreport2017.pdf.

² City of New York, Department of Sanitation, *2017 NYC Residential, School and NYCHA Waste Characterization Study* (2018), p. 34, <http://dsny.wpengine.com/wp-content/uploads/2018/04/2017-Waste-Characterization-Study.pdf>, and *Carryout Bags* (accessed April 15, 2019), <https://www1.nyc.gov/assets/dsny/site/our-work/zero-waste/carryout-bags>.

³ Some municipalities require paper bags be made partly from recycled materials. Ben Adler, “Banning Plastic Bags is Great for the World, Right? Not So Fast,” *Wired* (June 10, 2016), www.wired.com/2016/06/banning-plastic-bags-great-world-right-not-fast/.

⁴ New York State Plastic Bag Task Force, *An Analysis of the Impact of Single-Use Plastic Bags: Options for New York State Plastic Bag Legislation* (January 13, 2018), p. 22, www.dec.ny.gov/docs/materials_minerals_pdf/dplasticbagreport2017.pdf.

⁵ Jennie Romer, “Why Carryout Bag Fees Are More Effective than Plastic Bag Bans,” *Huffington Post* (February 15, 2017), https://www.huffingtonpost.com/entry/why-carryout-bag-fees-are-better-than-plastic-bag-bans_us_588187ace4b08f5134b61f79.

⁶ New York State Plastic Bag Task Force, *An Analysis of the Impact of Single-Use Plastic Bags: Options for New York State Plastic Bag Legislation* (January 13, 2018), p. 11, www.dec.ny.gov/docs/materials_minerals_pdf/dplasticbagreport2017.pdf.

⁷ Jennie Romer, “Why Carryout Bag Fees Are More Effective than Plastic Bag Bans,” *Huffington Post* (February 15, 2017), https://www.huffingtonpost.com/entry/why-carryout-bag-fees-are-better-than-plastic-bag-bans_us_588187ace4b08f5134b61f79.

⁸ The County of Los Angeles ordinance banned single-use plastic carryout bags and charged a 10 cent fee on recyclable paper bags. Los Angeles County Department of Public Works, *Implementation of the County of Los Angeles Plastic and Paper Carryout Bag Ordinance* (November 2012), <http://dpw.lacounty.gov/epd/aboutthebag/PDF/Bag%20Ban%20Status%20Nov%202012.pdf>.

⁹ Ana Champeny, “The Time is Right for New York City to Act on Plastic Bags,” *Citizens Budget Commission Blog* (April 16, 2018), <https://cbcny.org/research/time-right-new-york-city-act-plastic-bags>.

¹⁰ New York State Assembly, *Part H of A.2008-c* (2019-2020 Session), https://nyassembly.gov/leg/?default_fld=%0D%0A&leg_video=&bn=A02008&term=2019&Summary=Y&Text=Y.



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April 16, 2019

Council Member Antonio Reynoso
Chair – Committee on Sanitation and Solid Waste Management
New York City Council
250 Broadway, Suite 1740
New York, NY 10007

RE: Paper Bag Fee Legislation - SUPPORT

Dear Committee Chair Reynoso,

I am a lawyer and a national authority on plastic carryout bag policy. I provided pro bono counsel to New York City Council Members Brad Lander and Margaret Chin regarding carryout bag policy and in that capacity, I helped develop the 5-cent carryout bag fee that passed City Council in 2016. That policy was ultimately blocked by the state legislature's moratorium bill. Today your committee is considering legislation that would get New York City back on track to implement an effective carryout bag law.

After researching plastic bag policy for over a decade, I have found that the best legislative practice is to include a fee on all bags available at checkout. To date, 376 carryout bag laws have been adopted in the United States. Data from those laws shows that laws that include a fee component are incredibly effective in changing consumer behavior by encouraging customers to bring their own bags. Straight bans, on the other hand, result in customers simply taking whichever bag is available for free, namely paper bags. I encourage you to visit www.PlasticBagLaws.org for a summary of effectiveness studies.

In San Francisco, Chicago, and Honolulu, straight plastic bag bans were initially adopted but were determined to be ineffective in providing a clear environmental benefit because customers switched to the free available option (paper or plastic marketed as reusable). Those cities later added a fee for all available carryout bags and saw immediate and lasting reductions in single-use carryout bag consumption.

Governor Cuomo's statewide ban on plastic bags was a monumental step forward to address single-use plastic, but the ban was a disappointment in that it (among other things) failed to address paper bags. I urge City Council to learn from the experience of other cities and close the paper bag loophole at the outset of New York State's bag ban. I urge you to opt-in to the paper bag fee.

Thank you for inviting me to testify.

Sincerely,

Jennie Romer, Esq.

TYPES OF BAG LAWS

Best practice: Include fee component so all bag types are addressed & increase in the use of any bag is discouraged

Recommended Structures:

- **Bag Fee:** fee mandated for all carryout bags
- **"Second Generation" Ban or "Ban/Fee Hybrid":** ban on thin plastic bags, fee for all other carryout bags (paper, reusable, compostable)

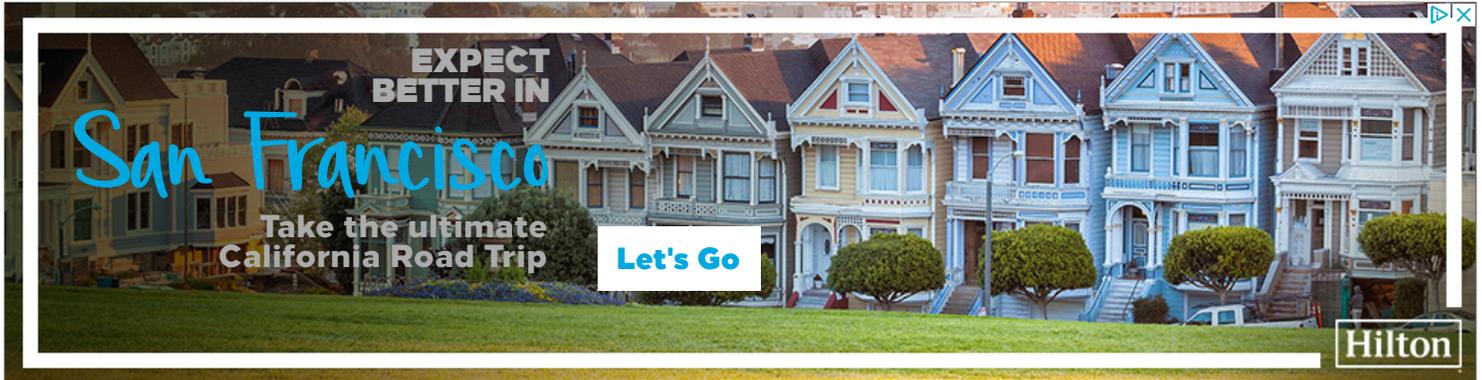
Non-Recommended Structures:

- **"First Generation" or "Straight" Ban:** ban on thin plastic bags only



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Jennie Romer, Contributor
Attorney and Sustainability Consultant

Why Carryout Bag Fees Are More Effective Than Plastic Bag Bans

“Would you like to purchase a bag for that?”

01/20/2017 12:13 am ET | Updated Feb 15, 2017



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Why Carryout Bag Fees Are More Effective Than Plastic Bag Bans





DOROTHEE PIERRARD

Photographs of plastic carryout bags littering curbsides in Harlem (part 6).

As New York City moves forward with implementation of its carryout bag fee law, many people are asking why a fee is being pursued instead of a ban. Plastic bag “bans” sound like an ultimate sweeping policy choice, in part because “bag ban” is a term that has entered the American lexicon as shorthand for bag laws generally. However, the fee component is the policy element that’s by far the most effective way to change consumer behavior and reduce carryout bag consumption.

A “straight” plastic bag ban in the U.S. generally means that thin plastic bags are banned and paper and reusable bags are still available for free; this style of ordinance is sometimes called a “first generation” plastic bag ban. Straight bans often result in consumers taking whichever alternatives are still available for free, meaning that consumption of free paper and thicker plastic bags that qualify as a “reusable bag” (2.25 mils thick under most laws) often increases to some extent as consumption of thin single-use plastic bag use decreases.



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Why Carryout Bag Fees Are More Effective Than Plastic Bag Bans



Underlying all of this is that the plastics industry, and to a lesser extent the grocers' industry, have a history of threatening to [sue any jurisdiction](#) that moves forward with straight plastic bag bans. Plastic bag manufacturers have an obvious interest in protecting an unregulated marketplace for their product and plastics industry trade groups have been lobbying against bag bans and fees practically since the idea was first articulated. Plastic bag manufacturers have also found that litigation - suing cities to stop adoption or implementation of bans and fees - to be incredibly effective in slowing down the speed at which bag laws are adopted. The plastics industry's best argument against bans has been an environmental one, that if plastic bags are banned then people will just use paper (or whatever is free) and therefore the outcome of bans *could* be worse for the environment.

Grocers' industry groups have a different motivation for not wanting straight bans, the main reason being that paper bags cost significantly more than plastic: thin plastic bags cost 1-3 cents and paper bags with handles and recycled content cost around 8-10 cents. In practice, laws that ban plastic and don't mandate a charge on paper bags often result in stores providing paper for free, since stores want to make sure consumers purchase as much as possible and most grocery stores don't want to run the risk of offending customers by charging for paper bags when a charge is not mandated. The cost of supplying for free the more expensive paper bags cuts into the grocers' profit. As a result, grocery store associations often oppose straight plastic bag bans and sometimes file lawsuits (including [one in New York state](#)) using many of the same arguments that plastics industry groups do.

These plastics industry and grocer lawsuits concentrate on weighting the merits of plastic versus paper and various types of reusable bags in [exhausting detail](#), down to things like comparing the greenhouse gas emissions for paper bags versus plastic because paper takes up more space in trucks and additional trucks idling in front of stores due to increased paper bag consumption could possibly contribute more overall diesel emissions. Many cities have spent years in court battling these lawsuits regarding straight bans, with mixed results.

In response to the lack of real change in consumer behavior resulting from straight bans as well as threatened lawsuits from industry groups with innocuous-sounding names like *Coalition to Support Plastic Bag Recycling* and [Save the Plastic Bag Coalition](#), cities that had pioneered straight plastic bag ban - namely [San Francisco](#) - began to add a minimum charge for paper bags and reusable bags. These new ordinances kept the ban on thin plastic in place and added a 10-cent charge to all other carryout bags including paper and reusable bags of any kind. These new ban/fee hybrids were deemed "second generation bans" and they were much more effective: overall single-use bag consumption decreased. When customers are suddenly presented with the question "Would you like to purchase a bag for that?" bag consumption drops dramatically. For example, in San Jose, California [reusable bag use increased greatly](#) following the implementation of the ordinance, from almost 4 percent of bags observed to approximately 62 percent of bags observed.



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DOROTHEE PIERRARD

Photographs of plastic carryout bags littering curbsides in Harlem (part 7).

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Washington DC's 5-cent charge on paper and plastic carryout bags that went into effect in 2010, and has led to a 60% drop in overall single-use bags and a corresponding drop in bag litter in the river there. Eighty percent of Washington DC residents surveyed were positive or neutral about the bag fee there. One benefit to the fee on all bags versus a ban/fee hybrid is that many people use thin plastic bags as liners for small trash cans and to pick up



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don't have the power to levy taxes unless specifically granted permission to do so by the state. Washington DC isn't part of a state so was able to levy a 5-cent tax on bags and have a portion of the money generated go to a bag education and river clean-up fund. However, when other cities started discussing imposing paper bag fees and sending that money back to local governments for a similar clean-up or education purpose, they were threatened with lawsuits again, this time for unconstitutional taxation.

To avoid this claim of unconstitutionality, municipalities — including the County of Los Angeles — mandated that retailers must charge 10 cents for paper bags and that the entire amount must stay with the retailer. Los Angeles County was sued and the California Court of Appeal found that, because no money went to the government, the mandatory charge could not be considered a tax. LA County's bag law (a ban on thin plastic and 10 cent charge for paper) was upheld. Many other cities across the U.S. then followed LA County's model and required that the entire amount of the charge stay with stores. Plastics industry groups often use the fact that bag ban money must legally remain with the retailer to malign the laws as "grocers-getting-rich" but the truth is that there isn't much of a choice for local lawmakers as far as where the bag fee money can go and, perhaps more importantly, a bag fee of 5-10 cents is roughly equal to the cost of providing a carryout bag.

The take-home lesson here is that either a bag fee on all bags or a ban/fee hybrid that covers all types of bags are the most effective methods to reduce overall bag consumption as well as avoid getting sued in the process. Also, many NYC residents expressed concerns that they re-use plastic bags as garbage liners or for picking up after their dogs, so a fee on all bags was determined to be the best policy option for NYC.

The City Council passed NYC's #BYOBag law, a minimum 5-cent fee on all carryout bags, in May 2016. NYC's law is scheduled to be implemented on February 15, 2017 unless the NY state legislature blocks the fee with a preemption bill. To learn more about the preemption bill visit NYC Council Member Brad Lander's website, for grassroots activism updates visit the BagItNYC Facebook page, and if you'd like to show your support for NYC's law, sign this petition against preemption.



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A 5¢ Fee is an effective reminder to Bring your Own Bag



Support NYC's #BYOBag Law & shop with your #ReusableBag

DOROTHEE PIERRARD



BEFORE YOU GO



01:37



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Why Carryout Bag Fees Are More Effective Than Plastic Bag Bans



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April 16, 2019

Committee on Sanitation and Solid Waste Management
New York City Council, City Hall Park
New York, NY 10007

RE: New York City legislation to enact a paper carryout bag reduction fee in conjunction with the New York State plastic bag ban (File T2019-4185).

Dear Council Members,

The New York City Chapter of the Surfrider Foundation (Surfrider) submits these comments to the New York City Council concerning legislation proposed to add a fee to the purchase of single-use paper bags, in conjunction with the New York State plastic bag ban. We support these efforts to add a fee to all single use paper bags sold in the city.

Surfrider is a grassroots environmental organization dedicated to the protection and enjoyment of the ocean, waves, and beaches through a powerful activist network. Surfrider's efforts include ocean protection, coastal preservation, and promoting the right of low-impact, open access to the coastal environment. In New York City, our volunteers organize and run beach clean-ups and water quality testing on our public beaches, youth programs, and other activities and events to help keep our local beaches and water clean and healthy. We have seen first-hand how NYC's single-use bag consumption negatively impacts our public spaces.

We submit these comments on behalf of our hundreds of members and volunteers and thousands of supporters in the New York City area.

Why the NYC Chapter of Surfrider Supports a Fee on Single-Use Paper Bags:

Adding a fee on paper bags is crucial to the success of the single-use bag legislation that recently passed statewide, banning most plastic bags. Surfrider has been working on single-use bag legislation for at least a decade. We have seen that, without a fee, many consumers will switch to paper bags, instead of using reusable bags.

Paper bags, while less directly harmful to marine life, have many negative environmental impacts, especially for climate change issues and environmental justice issues. They are also substantially more expensive than single-use plastic bags, leading to increased expenses for NYC businesses, who feel like they must provide free bags to customers.

The proposed legislation would ensure an even playing field for NYC businesses, reduce emissions and truck traffic in NYC neighborhoods, reduce the amount of taxpayer money spent on trash collection and export (\$1 billion annually and increasing) and help move NYC residents to a more healthy and sustainable future.

We thank the New York City Council for their continued leadership on this issue.

Patrick Diamond, Vice Chair,
New York City Chapter of the Surfrider Foundation
vicechair@nyc.surfrider.org

PLASTIC BAG LAW ACTIVIST TOOLKIT

2019



SURFRIDER
FOUNDATION



SURFRIDER FOUNDATION'S PLASTIC BAG LAW ACTIVIST TOOLKIT FOR U.S. CITIES & STATES

**SUPPLEMENT TO SURFRIDER'S
RISE ABOVE PLASTICS ACTIVIST TOOLKIT**

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The information in this toolkit is not, nor is it intended to be, legal advice. You should consult an attorney for individual advice regarding your specific situation.

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HOW TO USE THIS TOOLKIT

As part of Surfrider Foundation's Rise Above Plastics campaign, Surfrider partnered with PlasticBagLaws.org to create this U.S. Plastic Bag Law Toolkit. This Toolkit is a supplement to Surfrider's [Rise Above Plastics Activist Toolkit](#),⁽¹⁾ which gives an overview of the problems of single-use plastics and outlines plastics reduction laws. Here, we focus exclusively on best practices for drafting plastic bag laws. The intended audience for this Toolkit includes Surfrider Foundation chapters, local community leaders, organizations, and even legislators. We anticipate that most people using this Toolkit already have some background on the plastic bag ⁽²⁾ issue and are ready to take the next steps to advocate for state and local plastic bag laws in their communities.

The first plastic bag law in the U.S. was adopted in San Francisco in 2007. Since then, plastic bag laws have expanded to all corners of the country.

Cities and towns are leading the way: at least [345 municipalities in 25 states](#) have adopted bans and/or fees ⁽³⁾ on carryout bags.⁽⁴⁾ As of January 2019, California is the only state to adopt a statewide plastic bag law, but Hawaii has county-by-county laws that cover nearly the whole state and many other states are currently considering statewide bag laws. Over the past decade, plastic bag laws in the U.S. have developed nuances in response to effectiveness concerns, state constitutional issues, and lawsuits. Here, we summarize the collective wisdom gained from drafting and implementing plastic bag laws in the U.S.

OUR GOAL IS TO EMPOWER ADVOCATES WITH A DEEPER UNDERSTANDING OF THE INTRICACIES OF PLASTIC BAG LAWS, PREPARING THEM TO EFFECTIVELY FIGHT AGAINST PLASTIC POLLUTION.



PHOTO: NOWIM CHORVAT

II. TYPES OF BAG LAWS

The recommended ways to structure comprehensive policies that address all carryout bag types are a **Ban/Fee Hybrid** and a **Fee on All Bags**. Plastic bag “bans” sound like the ultimate sweeping policy choice. However, the fee component is by far the most effective way to [change consumer behavior](#) and reduce overall carryout bag consumption.⁽⁶⁾

SURFRIDER FOUNDATION HAS FOUND THAT A BAN/FEE HYBRID AND A FEE ON ALL BAGS ARE THE TWO MOST EFFECTIVE POLICIES AT REDUCING PLASTIC BAG POLLUTION AND HAS ADOPTED THEM AS THE TWO OFFICIALLY RECOMMENDED POLICY OPTIONS.

TYPES OF BAG LAWS

Best Practice: Include a fee component so all bag types are addressed and increase in overall bag use is discouraged.

Recommended Structures:

Bag Fee: Fee mandated for all carryout bags

“Second Generation” Ban or “Ban/Fee Hybrid”: Ban on thin plastic bags, fee for all other carryout bags (paper, reusable, compostable)

Non-Recommended Structures:

“First Generation” or “Straight” Ban: Ban on thin plastic bags only

A. WHY STRAIGHT PLASTIC BAG BANS ARE PROBLEMATIC

A “straight” plastic bag ban generally means that thin plastic bags are banned, but paper and reusable bags are still available for free. This style of ordinance is sometimes called a “first generation” plastic bag ban. Straight plastic bag laws often result in consumers taking whatever alternatives are still available for free. In this scenario, consumption of free paper and thicker plastic bags that qualify as a “reusable bag” (2.25 mils thick under most laws) often increases as consumption of thin single-use plastic bags decreases. For example, a recent straight plastic bag ban implemented in Chicago resulted in many stores, including Wal-Mart, simply upping the thickness of their plastic bags to cross the threshold from “single-use” plastic to “reusable” plastic bags without a significant decrease in the total number of bags used.

STRAIGHT PLASTIC BAG BANS ALSO ATTRACT OPPOSITION FROM GROCERS’ INDUSTRY GROUPS. SEE PAGE 21 FOR A DETAILED DISCUSSION OF GROCERS’ INDUSTRY CLAIMS.

B. RECOMMENDED U.S. PLASTIC BAG LAW STRUCTURES: BAN/FEE HYBRID AND FEE ON ALL BAGS

Below are graphics depicting specific examples of the two recommended carryout bag law structures (Ban/Fee Hybrid, Fee on All Bags). See Appendix II for the text of specific ordinances.

BAN/FEE HYBRID MODEL



Alameda County Waste Management Authority

FEE ON ALL BAGS MODEL*



District businesses selling food or alcohol are required to charge \$0.05 for each disposable paper or carryout bag.

*Washington D.C.'s plastic bag law is the oldest and most popular carryout bag fee model, but has two flaws. The 5-cent fee applies to single-use paper and plastic, but not reusable bags provided by the retailer. The fee should also apply to reusable bags provided by the retailer to avoid the loophole of thicker plastic bags that qualify as reusable being given away for free. Also, Surfrider recommends a fee of at least 10 cents to effectively incentivize consumers to bring their own bags.

I. EVOLUTION OF SECOND GENERATION PLASTIC BAG BANS (A.K.A. BAN/FEE HYBRID)

U.S. cities that pioneered the original plastic bag ban laws created Ban/Fee Hybrid laws (a.k.a. "second generation bans") after straight bans failed to result in the desired consumer behavioral change. These cities didn't see a significant increase in customers bringing their own bags to stores. The new Ban/Fee Hybrid ordinances that replaced the straight bans kept the ban on thin plastic in place and added a 10-cent fee to all other carryout bags including paper and reusable bags of any kind. To be clear, the reusable bags subject to the 10-cent fee are reusable bags provided by the retailer, customers are not charged for bringing their own bags. When customers are suddenly presented with the question "Would you like to purchase a bag for that?" the evidence shows that bag consumption drops dramatically.

THE TAKE-HOME LESSON HERE IS THAT EITHER A FEE ON ALL BAGS OR A BAN/FEE HYBRID THAT COVERS ALL TYPES OF BAGS ARE THE MOST EFFECTIVE METHODS IN REDUCING OVERALL BAG CONSUMPTION AND ALSO AVOID THE RISK OF LAWSUITS.

II. WHAT MODEL IS BEST FOR MY COMMUNITY?

Surfrider Foundation supports both the Ban/Fee Hybrid model and the Fee on All Bags model. For a detailed list of the pros and cons of various bag ordinance structures, see the New York State Plastic Bag Task Force Report.⁽⁶⁾

C. NON-RECOMMENDED PLASTIC BAG LAW STRUCTURES

I. VOLUNTARY PLASTIC BAG REDUCTION PROGRAMS

Countless examples show that voluntary plastic bag reduction programs (e.g. non-binding resolutions, corporate programs, state mandates for recycling) fail to reduce the number of bags that enter the waste stream or are littered and often have very minimal results relative to their high cost. Plastics industry lobbyists often call for voluntary efforts to reduce plastic bag consumption before cities move forward with bag laws, delaying effective laws sometimes for years. Surfrider has an overview of why these programs don't work [here](#).⁽⁷⁾

II. PLASTIC BAG RECYCLING LAWS

Plastic bag recycling laws generally refer to state laws that require grocery stores to provide a plastic bag recycling collection bin in a public space in the store. People typically see recycling as something positive and “green,” but the truth is that plastic carryout bag recycling rates are extremely low (around 5%).⁽⁸⁾ The exact recycling rate is hard to determine because most plastic bag recycling statistics are estimates based on the recycling rates for plastic films more generally. The bigger issue is that some plastic bag recycling bills, including the one in [Delaware](#),⁽⁹⁾ have included preemption language which blocks local plastic bag fees from being enacted in the future. Whenever there is recycling language in a proposed policy, be vigilant to make sure that the bill doesn't include poison pill preemption language. The same applies for all legislation impacting packaging. For more on preemption of bag regulation, see Section III of this Toolkit.



D. IMPORTANT CLAUSES TO CONSIDER IN DRAFTING BAG LAWS

I. WHERE SHOULD THE MONEY FROM THE FEE GO?

There are three main ways that the money paid for a carryout bag can be classified: tax, regulatory fee, or charge. Courts have found that the distinction between a fee and a tax depends on the nature and function of the charge imposed, not on what the government chooses to call it. As a best practice, campaigns should be careful to pick the appropriate term and be consistent in messaging. A “tax” is money collected by a government that goes to that government’s general fund or to a special fund with a dedicated purpose. Cities and towns generally don’t have the power to levy taxes unless specifically granted permission to do so by the state in which they’re located. This depends on the state constitution, and there are exceptions. For example, Chicago’s 7-cent carryout bag fee is a tax that goes to the general fund and was adopted as part of the budget process. Also, Washington, D.C. adopted a 5-cent tax on carryout bags where a portion of the money generated goes to bag outreach and river clean-up via the [Anacostia River Clean Up and Protection Fund](#), which received bag tax revenue of over \$2 million dollars in 2016.⁽¹⁰⁾ A “regulatory” fee is money collected by a governmental body linked to a regulatory scheme and is designed to raise money to help defray an agency’s regulatory expenses. Whether regulatory fees are allowed depends on the state constitution and additional requirements may apply. Aspen implemented an ordinance banning the use of single-use plastic checkout bags at supermarkets and mandating a \$0.20 fee for single-use paper bags in 2012. The paper bag fee was adopted as a “waste reduction fee,” [found to be a regulatory fee](#), with a small portion retained by merchants and the remainder deposited into a special “Waste Reduction and Recycling Account.”⁽¹¹⁾ A “charge” is money that retailers are mandated to charge, but all of the money stays with the retailer and no money goes to the government. Bag charges came about when cities started discussing imposing paper bag fees that would be directed to local governments for environmental purposes, but those cities were threatened with lawsuits for unconstitutional taxation. To avoid this claim of unconstitutionality, most municipalities that mandate bag charges require that the entire amount must stay with the retailer. After [Los Angeles County](#) was sued, the California Court of Appeals found that because no money went to the government, the mandatory charge could not be considered a tax.⁽¹²⁾ Many other cities across the U.S. then followed LA County’s model and required that the entire amount of the charge stay with stores. Plastics industry groups often use the fact that bag law money



must legally remain with the retailer to malign the laws as “grocers-getting-rich,” but the truth is that there isn’t much of a choice for local lawmakers. For Ban/Fee Hybrids, the money staying with the retailer helps offset the greater cost of the allowable alternatives (paper and reusable), which are usually significantly more expensive than single-use plastic bags.

IS THE CARRYOUT BAG CHARGE TAXABLE? WHETHER A BAG CHARGE IS TAXABLE DEPENDS ON THE STATE WHERE THE LAW IS ADOPTED. THE CALIFORNIA STATE BOARD OF EQUALIZATION ISSUED A SPECIAL NOTICE FINDING THAT SALES TAX DOES NOT APPLY TO CITY AND COUNTY BAG CHARGES.⁽¹³⁾

II. HOW MUCH SHOULD THE FEE BE?

Higher fees generally correlate with reduced bag consumption and the amount of the fee depends largely on the politics of the jurisdiction adopting the law. The political makeup of the city should be considered when deciding what fee amount to propose. In the U.S., the lowest fee amount is 5 cents per bag, including in Washington, D.C., and the highest fee amount is 25 cents per bag in some jurisdictions in California, including San Mateo County. A gradual rise in the fee amount through automatic increase has become relatively common—most of the jurisdictions currently at 25 cents per bag started at 10 cents per bag and increased to 25 cents per bag.⁽¹⁴⁾ Another approach is a cost differential between single-use bags and reusable bags, where reusable bags have a higher minimum fee because they require more resources for manufacture and disposal and are meant to have a longer lifetime. For example, New Castle, NY adopted a Ban/Fee Hybrid and set the minimum fee for paper bags at 10 cents and the minimum fee for reusable bags at 25 cents.⁽¹⁵⁾ Some retailers, including [Beacon’s closet](#), also have their own internal carryout bag policies where they charge more for reusable bags than for paper bags.⁽¹⁶⁾ Whenever possible the bag fee should be a minimum fee rather than a flat fee so that retailers have the option to provide various types of carryout bags at different prices. This also allows for stores that already have adopted their own strict internal carryout bag policies and are selling their bags at a higher price, such as IKEA and Patagonia, to continue their current program.



III. WHAT STORES SHOULD BE COVERED?

The breadth of what types of businesses are covered by a plastic bag ordinance is primarily a function of the political will of a city: How far are they willing to go? Options include covering (1) only city vendors, (2) only supermarkets, (3) supermarkets and large pharmacy chains, (4) all stores that sell food, (5) all retail, or (6) all retail and restaurants. Most ordinances are focused on plastic carryout bags common at grocery stores or stores that sell food. Some ordinances phase in implementation in two parts, starting with larger stores then expanding to smaller stores. A best practice is to cover as many businesses as possible. This may mean starting with an ordinance that is comprehensive and covers all retail and restaurants, then ultimately determine which stores will be covered during the bill negotiation process.

Most plastic bag bans do not include restaurants. This is due in large part to the political will of each municipality or state, opposition from the restaurant industry, as well as practical concerns regarding the logistics of food delivery. A lawsuit was filed against San Francisco claiming that San Francisco's inclusion of restaurants in their 2012 carryout bag law was preempted by the [California Health and Safety Code](#). The case went to the Court of Appeal and San Francisco won.⁽¹⁷⁾ Some states specifically preempt regulation of certain types of businesses (e.g., liquor stores), and those businesses might need to be exempt from plastic bag ordinances.

IV. HOW SHOULD “REUSABLE BAG” BE DEFINED?

The definition of “Reusable Bag” has become a very important topic in drafting plastic bag laws. One of the biggest problems that cities encounter when implementing their plastic bag ordinances is that some stores give away thick plastic bags that just barely fall within the definition of reusable bag. The most important thing is for a fee to apply to all reusable bags provided by the retailer.

Advocates should keep in mind that the reusable bag definition usually sets a minimum standard for bags that can be given away or sold at checkout. Many U.S. cities and the California state bill allow for plastic film bags over 2.25 mils⁽¹⁸⁾ to qualify as reusable (other requirements must be met as well). Some cities, including Austin, TX and Portland, OR, set a higher thickness requirement of 4.0 mils, sometimes with the hope that more expensive bags will be price-prohibitive for retailers. An Austin study reported that a thicker gauge 4.0 mils bag needed to be used 4-12 times in order to offset its overall environmental impact versus a single-use plastic bag.⁽¹⁹⁾ Some cities are experimenting with setting the mils requirement much higher in order to discourage the use of reusable bags made from plastic film altogether. For example, [Greenwich, CT's Reusable Checkout Bag Ordinance](#) requires that reusable checkout bags made from plastic must have a minimum thickness of 12 mils.⁽²⁰⁾ These double-digit mils requirements are new and we've yet to see the results of implementation. Another option that's been discussed is a ban on all film plastic bags.⁽²¹⁾ Some bag laws also regulate non-woven plastic bags made from Polypropylene Non-Woven (PPNW) material, which is measured in grams per square meter (GSM) rather than mils. California's statewide bag law sets the [minimum at 80 GSM](#).⁽²²⁾



Many bag laws require that reusable bags do not contain lead, cadmium, or any other heavy metal in toxic amounts. [Model Toxics in Packaging Legislation](#) is more specific in that it prohibits the intentional use of those metals and also limits the sum of incidentally introduced lead, mercury, cadmium, and hexavalent chromium to a combined maximum of 100 parts per million by weight in any packaging component.⁽²³⁾ Many states have adopted and codified this model legislation, so a best practice is to specify that reusable bags must meet that standard.

Advocates should avoid a fate similar to California's statewide law, S.B. 270, which has a reusable bag definition that is several pages long and requires that manufacturers obtain several expensive certifications for each reusable bag. Advocates should carefully consider the utility of each requirement and weigh them against the ease of enforcement and compliance. These requirements in California have made it difficult for small reusable bag companies to comply and led to a lawsuit by large bag manufacturers against reusable bag companies over certification compliance.⁽²⁴⁾

V. REQUIRE POST-CONSUMER CONTENT FOR BOTH PAPER BAGS, AND PLASTIC BAGS

Most local bag laws in the U.S. require post-consumer content for paper bags. Post-consumer recycled content is material from products that people or businesses already used (e.g., shipping cartons, plastic bottles) versus pre-consumer recycled content, which is material from the manufacturing process (e.g., scraps left over when envelopes are cut).⁽²⁵⁾ It's important to require post-consumer recycled content to drive a market for truly recycled materials and divert recyclable materials from landfill. Under most ordinances, paper carryout bags must be 100% recyclable and include a minimum of 40% post-consumer recycled content. Standard-sized paper shopping bags that meet these criteria are now widely available. Requiring post-consumer recycled content for paper bags is important in straight plastic bag bans, because environmental impacts of paper versus plastic bags are closely analyzed. Many ordinances also require that paper bags must contain no old growth fiber.

Until recently, most ordinances did not require post-consumer recycled content for plastic bags because plastic bags containing post-consumer recycled content were difficult to obtain. However, the California statewide law has created a market for post-consumer recycled content film plastic bags. The California statewide bag law requires that bags marketed as reusable that are made from plastic film must be made from a minimum of 20% post-consumer recycled material after January 1, 2016.⁽²⁶⁾ As more and more jurisdictions require post-consumer content, the percentage of post-consumer content readily available should be monitored and requirements should be adjusted accordingly.

VI. ALLOW FOR LIMITED-TIME GIVEAWAYS OF REUSABLE BAGS AT STORE

Bag laws that include a fee on reusable bags should allow for limited-time giveaways so that stores can periodically give away reusable bags to customers during the transition period and for special events. Additionally, a good Surfrider Chapter outreach event would be to organize reusable bag giveaways at certain shopping centers and grocery stores (e.g., in low-income areas or high traffic shopping areas), coupled with educational materials about the benefits of reusable bags.

VII. SPECIFY THAT BIODEGRADABLE AND COMPOSTABLE BAGS ARE NOT ALLOWED

Beware of greenwashing. In recent years, there's been tremendous market pressure towards developing plastic bags out of biodegradable material. Customers want a bag that they can use for the exact length of time needed to take their groceries home, at which time they want the bag to quickly biodegrade into the environment. As scientists continue to work on developing plastics that meet tough standards for biodegradability, advocates should watch carefully for plastic products marketed as biodegradable or marine degradable.

The Federal Trade Commission (FTC) created detailed guidelines called [Green Guides](#)⁽²⁷⁾ regarding what claims may be made about biodegradable and compostable plastics. The California legislature took it a step further, adopting legislation that made it illegal to market plastic bags as biodegradable and required that any plastic bag labeled with the term "compostable" meet the applicable ASTM International standard specification.⁽²⁸⁾

The concern is that the term biodegradable is an inherently misleading and misunderstood term with regard to plastics. While there are established testing criteria for compostable plastics, namely the ASTM International D6400 standard, experts cannot agree on testing criteria for biodegradable plastics. An ASTM standard for [marine degradability](#) was created, but later withdrawn.⁽²⁹⁾ A best practice is not to allow “biodegradable” or “marine degradable” plastic bags, and only to allow compostable plastic bags if a bag fee applies and only under certain circumstances.⁽³⁰⁾ Keep in mind, however, that compostable bags do not break down in the marine environment and still pose grave threats to marine life. There is a lot of confusion about the definitions of terms like bioplastics, biodegradability, and compostability. The term “bioplastics” is used to describe both fossil fuel-derived plastics that are biodegradable, and biomass or renewable resource-derived plastics (termed bio-based plastics). 5 Gyres’ new [Ban List 2.0](#) report found that most bioplastics that claimed to be biodegradable or compostable did not break down in a reasonable time frame in the soil or the marine environment.⁽³¹⁾

ALERT TO COMBAT GREENWASHING

California law requires that a manufacturer or supplier selling products in California, upon a request from a member of the public shall respond with information and documentation within 90 days [demonstrating compliance](#) with the degradable and/or compostable regulations “in a format that is easy to understand and scientifically accurate.”⁽³²⁾ This means that if a customer sees a product sold in California marketed as “biodegradable,” “degradable,” or “decomposable,” or any form of those terms, a customer can send an information request to the manufacturer or supplier and the manufacturer or supplier is legally obligated to respond.



VIII. ADDRESS THE CONCERNS OF LOW-INCOME COMMUNITIES

The argument that bag fee laws disproportionately impact low-income communities is important to address, both in the structure of the ordinance and in the campaign and associated messaging. Here are three key points:

1. Advocates working on bag fee bills should be very clear that plastic bag fees are intended to encourage people to bring their own bags rather than paying the fee. A study looking at the response to Washington DC's bill (a 5-cent tax on all bags) shows this reduction in consumption happens across all demographics.⁽³³⁾
2. Since the point is to get people to bring their own bags, cities pursuing this type of legislation must be careful to ensure that low-income community members that don't already have their own reusable bags can get some reusable bags for free. Many cities require education and outreach and reusable bag giveaways in low-income communities within the text of the law. For example, New York City's bag bill required that the Department of Sanitation work with local businesses and nonprofit organizations to do targeted outreach prioritizing reusable bag distribution to residents in households with annual income below 200% of the federal poverty line.⁽³⁴⁾
3. Most bag laws include an exemption for transactions paid for in whole or in part by food stamp programs (e.g., SNAP or WIC). This exemption is often included because many legislators feel that the most vulnerable members of low-income groups should receive extra assurances of food security.

IX. INCLUDE A CLAUSE MANDATING A REPORT REGARDING IMPLEMENTATION

A best practice is to mandate that a report regarding implementation be prepared by the implementation/enforcement agency, or whichever agency is best suited for the task. Requirements for the report should be laid out in the text of the bag law. For example, NYC's bag law required that the Sanitation Commissioner conduct a study two years after the law went into effect and mandated that certain information be part of the study: "percentage reduction in single-use plastic or paper carryout bags usage by residents; residents' attitudes toward the law, disaggregated by race and income; and whether residents are substituting other types of plastic bags for single-use carryout bags."⁽³⁵⁾

There is a need for data on bag law implementation in the US, so it is imperative to gain more information. Mandatory reports examining the effectiveness of bag laws can help insulate successful laws from recall by showing that the laws work. Moreover, these reports add to the public narrative, demonstrating that these types of laws are effective at curbing pollution.

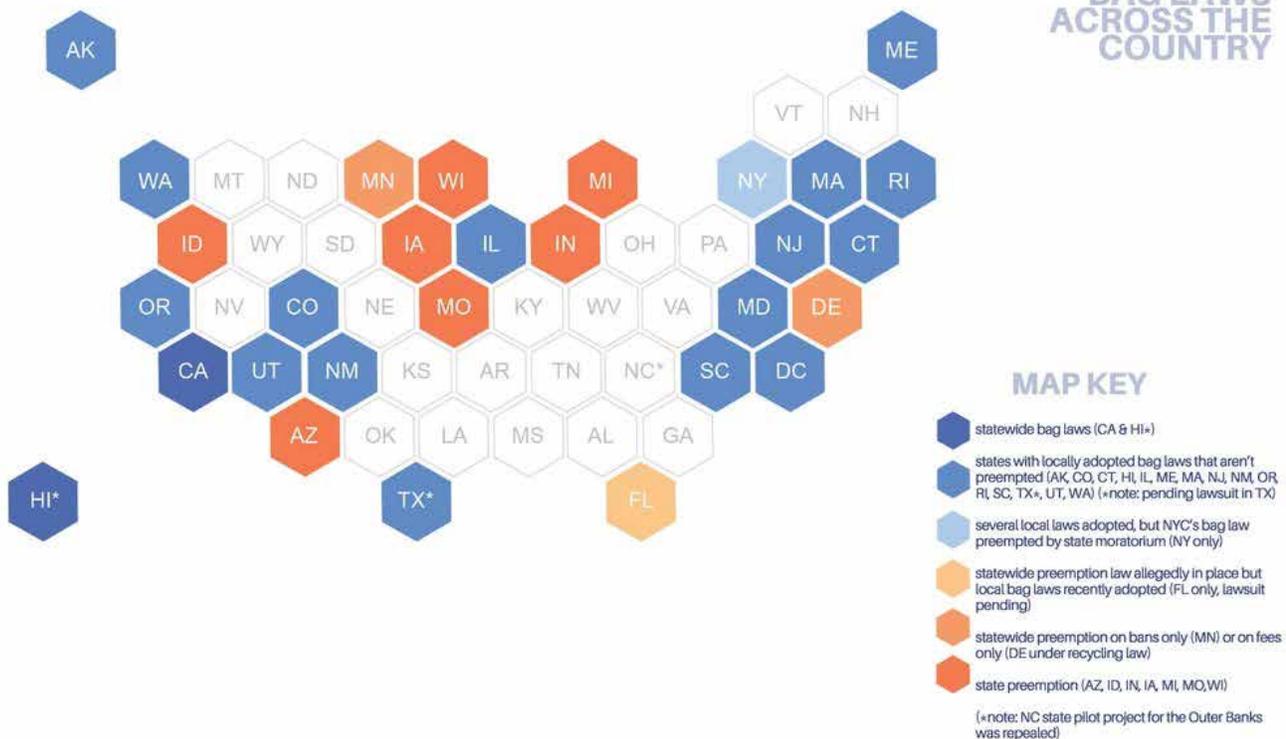


E. MAP OF BAG LAWS IN THE U.S.

The map of plastic bag reduction laws in the U.S. below was created by Korin Tangtrakul in partnership with PlasticBagLaws.org and is accurate as of November 7, 2018. The current version can be found at plasticbaglaws.org/factsheet.

FACT PLASTIC BAG LAWS SHEET IN THE U.S.

BAG LAWS ACROSS THE COUNTRY



III. PREEMPTION: WATCH OUT THAT LOCAL BAG LAWS DON'T GET BLOCKED BY STATE LEGISLATION

The preemption doctrine refers to the concept that a higher authority of law will displace a lower authority when two authorities come into conflict (e.g., federal law trumps state law, state law trumps local law). In the context of plastic bag laws, preemption concerns generally relate to legislation passed at the state level that explicitly blocks local plastic bag reduction legislation (e.g., bans and fees). Preemption is currently considered to be the [biggest challenge to fighting plastic pollution locally](#), because any progress made at the local level on plastic bag reduction laws is at risk of being trumped by a law passed by the state legislature.⁽³⁶⁾

The three main types of preemption related to plastic bag laws are:

- 1) Preemption that applies broadly to any local regulation of bags or “ancillary containers,”
- 2) Plastic bag recycling laws that include a preemption clause blocking local plastic bag laws, and
- 3) State laws crafted to block a specific local bag law.

TYPES OF PREEMPTION

Preemption: The action of forestalling, especially of making a preemptive attack.

American Legislative Exchange Council (ALEC):

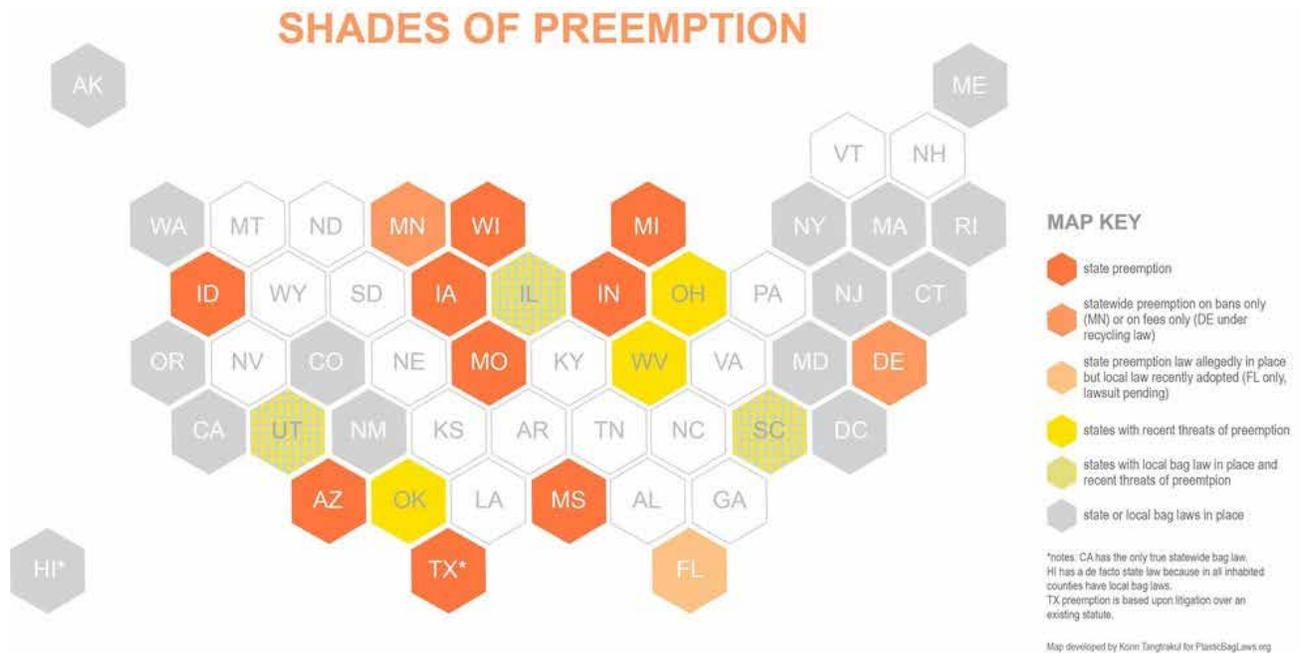
Boilerplate language preempting local laws on plastic bags or “auxiliary containers”

Statewide plastic bag recycling law that includes a clause preempting ban and/or fee

State law intended to block a bag law in a specific city

The best way to push back on preemption is a strong on-the-ground presence to continue to pass local single-use plastic bag regulations coupled with talking to state legislators to make sure that they’re aware of the importance of the issue to their constituents. Another successful strategy to fight against preemption is to develop a statewide coalition of groups working on the issue so that there’s a presence at the state level to challenge the industry lobbyists that threaten to silence local voices and action on the topic of plastic pollution. Lastly, another important strategy is to diligently track the effectiveness of local bag laws and share those statistics with legislators to demonstrate how bag reduction policies effectively change consumer behavior and reduce the amount of single-use plastic pollution in local parks, streets, beaches, and waterways.

The map of plastic bag preemption laws in the U.S. below was created by Korin Tangtrakul in partnership with PlasticBagLaws.org and is accurate as of July 25, 2018. The current version can be found at plasticbaglaws.org/preemption.



IV. BEST STATISTICS TO INCLUDE IN YOUR BAG LAW CAMPAIGN

This section builds an argument for the public record in favor of plastic bag laws by providing information showing:

1) Harms caused by plastic bags and

2) Why plastic bag reduction laws are effective

These statistics can be converted into “Whereas” statements to insert into your Plastic Bag Law.

NOTE: Advocates should make sure to get this information on the record before a bill is adopted. Information is added to the legislative record for a bill by submitting it to the city council clerk. The most common way to submit information to the clerk is a letter of support laying out the information that you find most important and attaching primary sources—including relevant reports or studies. In some jurisdictions, the record for the bill is closed when the bill is adopted and only documents in the administrative record can be relied upon for some potential lawsuit claims. Also, Surfrider Legal Department has a toolkit available on how to build an administrative record. Contact legal@surfrider.org to request a copy.

A. HARMFUL EFFECTS OF PLASTICS & PLASTIC BAGS

Be very careful to only rely on well-vetted information sources where a primary source can be verified. Below are examples of information you might want to include. Many of the examples listed below are pulled from Surfrider’s [Beachapedia](#) page,⁽³⁷⁾ which provides updated pollution facts and figures with footnotes. When possible, also include local examples of harms specific to your community. When describing the problem of plastic pollution, be careful to distinguish between harms of plastic products more generally versus harms caused specifically by plastic bags.

Plastic in the Ocean

- * Plastic is the most [common type](#) of marine litter worldwide.⁽³⁸⁾
- * An estimated [5-13 million tons](#) of plastic enter our oceans each year from land-based sources.⁽³⁹⁾
- * Plastics do not biodegrade, but instead [break up into small particles](#) that persist in the ocean, adsorb toxins, and enter the food chain through fish, seabirds and other marine life.⁽⁴⁰⁾
- * Studies have shown that most [bioplastic products persist in the marine environment](#) just like their petroleum-based plastic counterparts. Therefore, the same argument made for restricting traditional single-use plastic products should apply to bioplastic products.⁽⁴¹⁾
- * The most commonly used plastics, when exposed to the elements, release methane and ethylene—two powerful greenhouse gases that can exacerbate [climate change](#).⁽⁴²⁾

Marine Life

- * Impacts of marine debris have been reported for [663 marine wildlife species](#) and the majority of encounters reported were with plastic debris.⁽⁴³⁾
- * Plastic bags, which resemble jellyfish, are the most commonly found synthetic item in sea turtles’ stomachs, and [34% of dead leatherback sea turtles](#) were found to have ingested plastic.⁽⁴⁴⁾
- * Researchers found that [80% of seabird species](#)⁽⁴⁵⁾ that spend most of their time at sea (of the order Procellariiformes), which include petrels, albatrosses, and shearwaters, have plastic in their [stomachs](#).⁽⁴⁶⁾
- * Recent [studies estimate](#) that fish off the West Coast ingest over 12,000 tons of plastic a year.⁽⁴⁷⁾

Land-Based Plastic Pollution & Economic Damage Caused By Plastic

- * Plastic bag litter can pose a potentially **lethal threat to grazing cattle**, because ingested plastic bags have been known to block all liquid to the rumen. If a cow is known to ingest a plastic bag a rancher might slaughter the animal early or risk it developing septicemia, rendering the carcass valueless to the rancher.⁽⁴⁸⁾
- * Plastic bags mistakenly disposed of in curbside recycling bins end up **clogging recycling** machinery, which costs municipal recycling processors money.⁽⁴⁹⁾
- * Cleanup of plastic bags is costly. According to one study, West Coast communities are spending more than \$520,000,000 – over one half billion dollars – each year to **combat litter** and curtail marine debris.⁽⁵⁰⁾
- * Plastic bag litter harms the economic value of **cotton crops**, by sticking to cotton bolls, causing contamination that can be traced back to individual cotton farmers and deducted from their profits.⁽⁵¹⁾

Plastics on Your Plate

- * UC Davis researchers found **plastic and fibrous debris** in 25% of individual fish and in 67% of all species of the fish sold in California markets.⁽⁵²⁾
- * Researchers who analyzed sea salt sold in China found between 550 and 681 microplastic particles per kilogram of **sea salt**.⁽⁵³⁾

Production of Plastic

- * Globally we've produced an estimated **8.3 billion metric tons** of plastic as of mid-2017. ⁽⁵⁴⁾
- * Globally we've generated an estimated **6,300 million metric tons** of plastic waste as of 2015 and it's estimated that only 9% of the plastic waste generated globally has been recycled.⁽⁵⁵⁾
- * In 2015, about **730,000 tons of high density poly-ethylene (HDPE)** plastic “bags, sacks and wraps” of waste were generated in the United States, but only 5.5% of this total was recycled.⁽⁵⁶⁾
- * Traditionally made from petroleum byproducts, plastic in the United States is now most **commonly sourced** from the nation's production of natural gas.⁽⁵⁷⁾

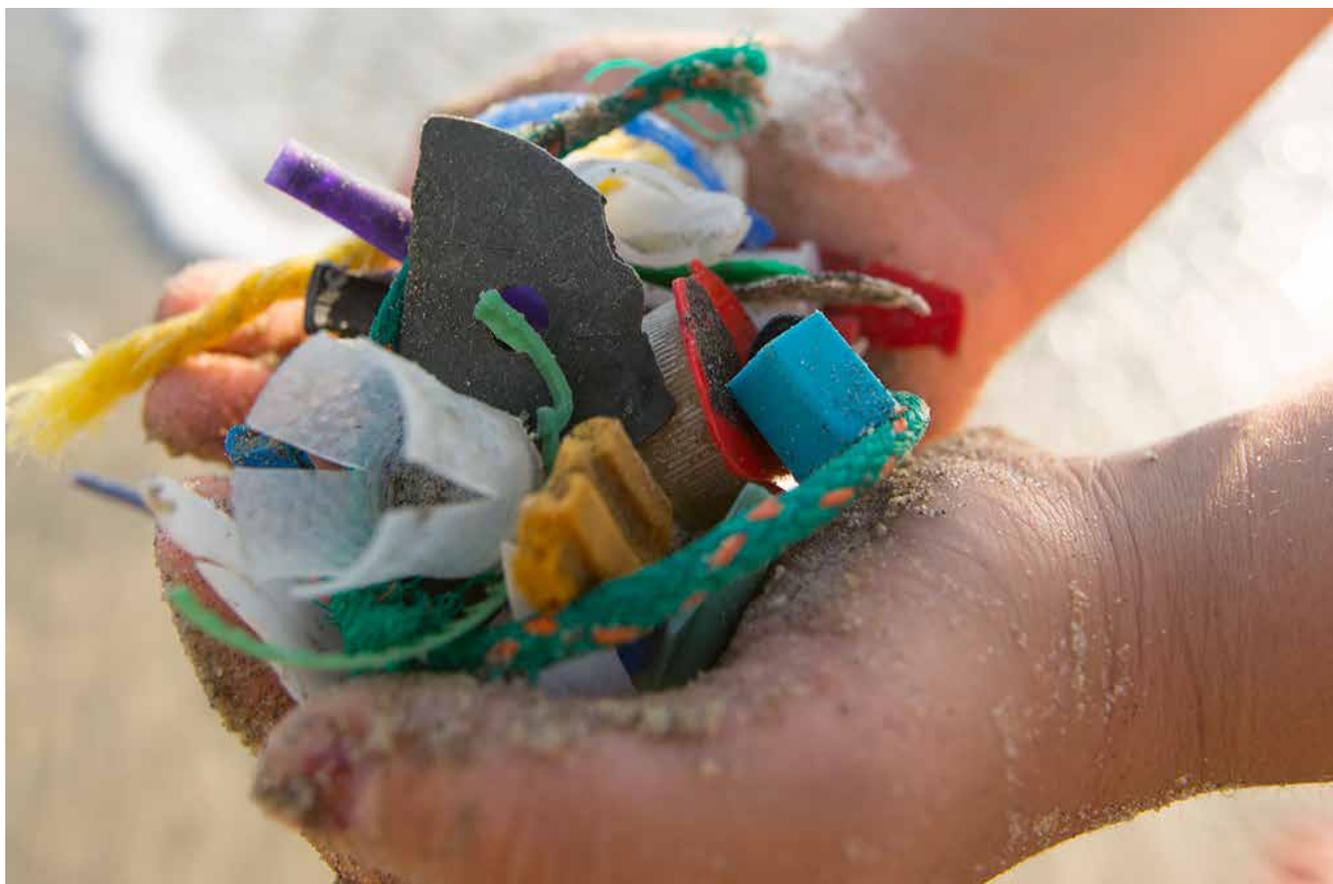


PHOTO: WOODS WHEATCROFT

WARNING: THE FOLLOWING STATISTICS SHOULD NOT BE QUOTED:

These statistics were debunked and have been referenced in [lawsuits by the plastics industry](#) to show that environmentalists were not using well-vetted facts. There are plenty of good statistics supporting plastic bag laws, so debunked statistics like these should never be quoted.⁽⁵⁸⁾

* “100,000 marine animals are killed by plastic bags annually.” Or “According to the National Oceanographic and Atmospheric Administration, plastic debris kills an estimated 100,000 marine mammals annually, as well as millions of birds and fishes.” This is the most commonly cited inaccurate claim.

[This] figure is based on a [misinterpretation](#) of a 1987 Canadian study in Newfoundland, which found that, between 1981 and 1984, more than 100,000 marine mammals, including birds, were killed by discarded nets. The Canadian study did not mention plastic bags.⁽⁵⁹⁾

* “The Great Pacific Garbage Patch is a floating island of trash twice the size of Texas.”⁽⁶⁰⁾

This claim was [challenged](#) by a University of Oregon professor and has been raised in lawsuits by plastics industry groups against plastic bag laws. Plastic in the ocean should be more accurately described as smog. Explanation by [5Gyres](#):⁽⁶¹⁾

“No, the plastic island in the North Pacific Gyre doesn’t actually exist. . . . This myth actually perpetuates the plastic pollution problem, positioning it as something that we can sweep up and “away,” while continuing to use plastic without consequence. There are concentrations of plastic in the gyres, but the material is constantly in the process of breaking down into smaller and smaller pieces, which permeate all waters. In the ocean, plastic is less like an island, and more like [smog](#).”⁽⁶²⁾

B. STUDIES SHOW BAG FEE LAWS AND BAN/FEE HYBRID LAWS ARE EFFECTIVE.

The two main results that effectiveness studies track are:

- 1) [Reducing plastic bag consumption, and](#)
- 2) [Reducing litter.](#)

[Below are some examples—be sure to include statistics based on a law similar to the structure of the bill that you’re supporting. Use additional local examples when possible.](#)

Statistics from Ban/Fee Hybrids

* The City of San Jose’s bag ban on thin plastic bags and 10-cent charge for paper bags resulted in the percentage of customers bringing their own reusable bags to the store going from [4% to 62%](#), reduced plastic bag pollution in storm drains by 89%, and reduced downtime in municipal solid waste (MSW) operations related to disruptions from plastic bags by up to 35-50% within a year of implementation.⁽⁶³⁾

* In Alameda County, CA a ban on thin plastic bags and a fee on paper and reusable bags led to an [80% decline](#) in the use of single-use paper and plastic bags, a 200% increase in the number of shoppers bringing reusable bags, or not using a bag at all, and a 44% decrease in plastic bags found in County storm drains.⁽⁶⁴⁾

* A [study examining Aspen’s two grocers](#) covered by the City ordinance banning the use of single-use plastic checkout bags at Aspen supermarkets and mandating a 20-cent fee for single-use paper bags found that 45% didn’t use any type of bag to carry out their purchases, another 40 percent used reusable bags, and 15% paid 20 cents per paper bag.⁽⁶⁵⁾



Statistics from “Fee on All Bags” Laws

* Washington, D.C.’s bag law mandating a 5-cent tax on all single-use plastic and paper carryout bags resulted in an over 60% reduction in single-use carryout bag consumption in the first year. D.C.’s Anacostia River saw a corresponding reduction in plastic bag litter. The bag law proved to be **popular with the public**: 83% of D.C. residents and 90% of D.C. businesses support the law or are neutral about the law.⁽⁶⁶⁾

* A study comparing carryout bag use at large Chicago supermarkets in the months just before and just after implementation of a 7-cent tax on all checkout bags (plastic, paper, reusable) found a **42% reduction** in the number of single-use bags used per trip, a 20% increase in the number of customers bringing reusable bags, and a 12.2% increase in customers using no bags.⁽⁶⁷⁾

Statistics from Straight Plastic Bag Bans (These studies show an increase in paper bag consumption).

* In **Westport, CT**, a retail checkout bag survey of 2,456 shoppers showed that in areas affected by the straight plastic bag ban ordinance, over 50% of customers used “reusable” bags (including thicker plastic bags), roughly 45% of customers used paper bags, and only 2% of customers carried out with no bag. Compared to similar stores in areas unaffected by the ordinance, the straight plastic bag ban ordinance increased paper bag usage drastically (from virtually no usage to a prevalence of about 45%).⁽⁶⁸⁾

* In San Francisco, a straight plastic bag ban ordinance was first implemented in 2007, only applying to large retail stores with over \$2 million in annual sales. [UseLessStuff](#) conducted a survey on 25 covered stores and found that the ordinance was ineffective at changing consumer behavior. Retailers switched to paper bags (or thicker plastic bags labeled “reusable”) and excessive double-bagging of paper bags was observed, with few people bringing bags of their own.⁽⁶⁹⁾

This list of plastic bag law effectiveness data was prepared through a partnership between Scientist Action and Advocacy Network ([ScAAN](#)) and [PlasticBagLaws.org](#). For the current list of effectiveness studies and analysis please visit www.plasticbaglaws.org/effectiveness.

LITIGATION: TYPICAL LEGAL CLAIMS IN PLASTIC BAG LAWSUITS

Lawsuits against plastic bag laws are generally brought by plastic bag manufacturing industry groups, and to a lesser extent retail associations. Most of this litigation occurred in California at the local level in the years leading up to California’s statewide bag law. For a non-exclusive list of litigation documents involving plastic bag laws, please see plasticbaglaws.org/litigation. Here are the standard types of claims that have been brought:

ENVIRONMENTAL CLAIMS

The plastics industry’s main argument against straight plastic bag bans (without a paper bag fee component) has been an environmental one, that if single-use plastic bags are banned then people will just use paper—or whatever is free—and therefore the outcome of bans could be worse for the environment.

UNCONSTITUTIONAL TAXATION CLAIMS

Most cities don’t have the authority to collect taxes under their state constitutions except as expressly permitted. To avoid lawsuits, most U.S. bag laws mandate that the entire amount of a bag fee charge stay with the retailer. Cities in states where this constitutional issue doesn’t exist may collect all or part of the bag fee as a tax or a regulatory fee and place the money into an environmental fund. See the *Where Should the Money from the Fee Go?* section on page 6 for more information.

STATE PREEMPTION CLAIMS

Preemption is currently considered to be the biggest challenge to fighting plastic pollution locally, because any progress made at the local level on plastic bags bans and fees are at risk of being trumped by a state law passed by the state legislature.

HEALTH & SAFETY CODE CLAIMS Claims were brought in California claiming that plastic bag laws concerning bags from restaurants were preempted under the California Health & Safety Code. Those lawsuits were unsuccessful.

V. START A BAG CAMPAIGN IN YOUR COMMUNITY

A. BUILD A CAMPAIGN IN YOUR COMMUNITY

Please refer to Surfrider's [Rise Above Plastics Activist Toolkit](#) starting at page 6 for detailed information about how to build a campaign in your community or join a [Surfrider chapter near you](#) to learn more information about how to start a campaign.

B. TYPICAL BAG LAW ALLIES AND OPPONENTS

Every city and town is different, but in the last decade of bag law campaigns, some themes have emerged in the U.S. as far as where bag law allies and opponents are typically found.

I. TYPICAL BAG LAW ALLIES

The environmental groups most interested in plastic bag reduction tend to be groups concerned specifically with waste reduction, water and ocean issues, and conservation. A list of key partner organizations working on the issue is included in Appendix I. Other interested parties often include neighborhood associations, business improvement districts, retail associations, political parties, recycling companies, social justice organizations, faith-based organizations, and local student groups. It's also a good practice to look for unexpected allies that care about the issue for a unique and interesting reason, which can help broaden the base of support for a bag law. You might also consider finding [Ocean Friendly Restaurants](#) in your community that would be strong allies for an ordinance that includes a ban on plastic bags for restaurants.

II. TYPICAL BAG LAW OPPONENTS

* The American Chemistry Council (ACC) is a trade association for American chemical companies, including plastics and petrochemical companies. The ACC was a major opponent during the initial push for plastic bag laws, creating a division called the Progressive Bag Alliance (PBA) to promote increased reuse and recycling of plastic bags in 2005. The ACC currently focuses on promoting plastic bag recycling.⁽⁷⁰⁾

* Society of the Plastic Industry replaced the ACC as the parent organization for PBA and changed the name to the American Progressive Bag Alliance (APBA), focusing on representing bag manufacturers. The APBA currently appears to be the biggest spender in efforts to defeat plastic bag laws. The APBA spent [\\$6 million to defeat California's](#) statewide bag law⁽⁷¹⁾ and for several years has spent as much as \$191,952 per year [lobbying](#) against bag laws in New York State.⁽⁷²⁾

* Novolex, the parent company of Hilex Poly, the biggest plastic bag manufacturer in the U.S., is a major contributor to the APBA. Hilex Poly has also directly filed lawsuits against bag laws.

* Save the Plastic Bag Coalition was an association funded by California plastic bag manufacturers that sued several cities in California over adoption of bag laws there circa 2008-2013.

III. POTENTIAL BAG LAW OPPONENTS THAT CAN AND SHOULD BE YOUR ALLIES

Grocers industry groups are also common opponents to bag laws, because paper bags cost significantly more than plastic. Thin plastic bags cost 1-3 cents and paper bags with handles and 40% post-consumer recycled content cost around 8-10 cents. Laws that ban plastic and don't mandate a fee on paper bags in practice often result in stores providing paper for free, since stores want to make sure consumers purchase as much as possible and most grocery stores don't want to run the risk of offending customers by charging for paper bags. The cost of supplying the more expensive paper bags for free cuts into the grocers' profit. As a result, grocery store associations often oppose straight plastic bag bans and sometimes file [lawsuits](#)⁽⁷³⁾ using many of the same arguments as the plastics industry.

The California Grocers Association (CGA) and the Food Industry Alliance (FIA) in New York are state grocer's associations that oppose plastic bag bans. The CGA opposed San Francisco's original straight plastic bag ban, but supported plastic bag laws that included a fee component, including [local Ban/Fee Hybrids](#)⁽⁷⁴⁾ and later supported the California bag bill, [S.B. 270](#) (a Ban/Fee Hybrid).⁽⁷⁵⁾ In New York, the FIA filed one lawsuit against a town regarding a [straight plastic bag ban](#).⁽⁷⁶⁾ Currently, the FIA opposes both straight plastic bag bans and [Ban/Fee Hybrid](#) laws, but supports laws mandating fees on all bags.⁽⁷⁷⁾

In Oregon and Washington, the Northwest Grocers Association has been a strong supporter over many years at both the local and statewide scale. Their support relies on well crafted, comprehensive policies that put a minimum charge on paper bags, recognizing the increased cost that stores face with just a ban on plastic bags. Additionally, they have been in support of statewide legislation - given the differences in local ordinances - as they prefer a consistent standard across the board for consumers.



VI. IMPLEMENTING A BAG LAW

AFTER A BAG LAW IS ADOPTED, THE NEXT STEPS ARE IMPLEMENTATION, ENFORCEMENT, AND MEASURING EFFECTIVENESS.

A. IMPLEMENTATION

Before a bag law goes into effect, the city or state agency charged with implementation is responsible for sharing information about the law with residents and retailers. Implementation materials generally include notices to retailers informing them about the law's requirements and signs for retailers to post near the register. The materials are often made available in several languages, depending on the jurisdiction. Some laws require that the retailer post signage, but most laws make the signage optional. Two jurisdictions with [robust implementation and enforcement programs](#) are District of Columbia Department of Energy & Environment and StopWaste, Alameda County, CA.⁽⁷⁸⁾ Los Angeles County also has compiled information regarding sourcing and testing of compliant reusable bags on their [About The Bag](#) website.⁽⁷⁹⁾

B. ENFORCEMENT

Most bag laws allow for an adjustment period between implementation of a law and when monetary enforcement fines are levied. This allows retailers a chance to adjust to the new law. Under many ordinances the first violation is a warning and the second violation is where fines start to be issued. Enforcement penalties are generally gradual. Having the amount of the bag fee on the receipt is the main way to verify enforcement of the law that includes a fee component, because it allows for the enforcement officer to easily see that customers are being charged for bags. Most bag laws require a warning for the first violation then are subject to a fine for the second violation. Fines for the second violation vary from \$50 to \$500 and increase as violations accrue. As a best practice, bag laws should not be used as a punitive measure against the consumer or a way for a municipality to generate large sums of general revenue.

C. HOW TO GATHER EFFECTIVENESS DATA

Two ways to measure the effectiveness of plastic bag laws are to look for reductions in the amount of single-use carryout bags being used at stores and the amount of plastic bag litter found in the environment.

I. OBSERVATIONAL SURVEYS OF SHOPPERS

Conducting observational surveys regarding which bags shoppers use at a grocery store before and after a plastic bag law goes into effect is a good way to measure the effectiveness of a bag law. Several protocols for these observational studies have been developed by university researchers, consultants, and community groups. These surveys carefully record each type of carryout bag used by shoppers (plastic, paper, reusable, no bag) so that the impacts of the law can be measured and analyzed. As an example of such protocols, the following materials have been developed based on those used by the team of researchers at ideas42, New York University, and the University of Chicago that evaluated the impact of Chicago's disposable bag tax: Data Collection and Entry Instructions, Bag Observation Data Entry Form, Log of Data Collection Sites. These materials are available at plasticbaglaws.org/effectiveness.

II. BAG PURCHASE DATA COLLECTED FROM STORES

Another way to collect data on the amount of single-use carryout bags being used at stores is to contact them directly to ask for the number of bags (usually measured in cases) purchased before versus after the bag law went into effect. As a general rule, larger stores are less likely to share operational information. The best tip for how to approach stores is to ask the manager and be persistent.

III. LITTER CLEAN-UP DATA SPECIFIC TO PLASTIC BAGS

In planning your campaign, you may want to reference data collected from litter and beach cleanups. It's important to gather baseline data before a bag law has been implemented as well as after. There are many organizations that conduct cleanups, so try to connect with local groups to see if any cleanups are already happening. If you conduct your own cleanup, be sure to use a standard data card, for example Surfrider's data card is available [here](#).⁽⁸⁰⁾ Record your data in a Google Sheet or other tracking system (if you are part of a Surfrider chapter, enter your data into Surfrider's Beach Cleanup database.). Track this data over time to see how many plastic bags were collected at a particular beach or within a city during a given amount of time. This is the data you will use in your campaign.

The results of local litter and beach clean-ups should be incorporated into messaging in support of a local bag ordinance campaign, for example:

- * If you are involved in the drafting stage, consider adding a line into the ordinance (i.e. "Beach cleanup data shows plastic bags are the fourth most common item found on local beaches")
- * Compile a report detailing beach cleanup data collected over the course of some period of time and submit your report to your city council or decision-making body
- * In public testimony, cite cleanup data ("Over the course of the past year, our volunteers have picked up over 8,000 plastic bags off beaches and tangled in fences and trees")

If you want to take your litter and beach cleanups to the next level, [BreakFreeFromPlastic's Brand Audit Toolkit](#) offers step-by-step guidance on how to plan a litter cleanup that includes a brand audit.⁽⁸¹⁾ The goal of brand audits is to identify the brands most responsible for plastic pollution found on our beaches and beyond. This information may help in the advocacy process. There are also several options available for apps that allow you to digitally capture the piece-by-piece data from your litter cleanup. One example is [Litterati](#), which geotags the location of the litter and provides keywords to help the user quickly identify the most commonly found brands and products.⁽⁸²⁾

IV. REVIEW INFORMATION FROM OFFICIAL REPORTS REGARDING IMPLEMENTATION

As mentioned above, a best practice is to mandate in the text of the law that a report regarding implementation be prepared by the implementation/enforcement agency or whichever agency is best suited for the task. If such a clause has been included in the bag law, it will likely provide a great resource for effectiveness information.

VII. CONCLUSION

After reading this Toolkit, you should be empowered with a deeper understanding of the intricacies of plastic bag laws. Here is a very basic take-home punch list on what to make sure to include in any plastic bag law:

- * Include a fee component (Ban/Fee Hybrid or Fee on All Bags).
- * Cover as many businesses as possible.
- * Make the fee a minimum fee.
- * Paper bags should be recyclable and contain at least 40% post-consumer recycled content (most important for Straight Plastic Bag Bans).
- * Mandate that a report regarding implementation be prepared by the implementation/enforcement agency.

IF YOU HAVE QUESTIONS ABOUT THIS TOOLKIT OR WOULD LIKE INFORMATION AND/OR HELP WITH A PLASTIC BAG LAW INITIATIVE IN YOUR AREA, PLEASE CONTACT:

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APPENDIX I: RECOMMENDED ONLINE RESOURCES

SURFRIDER FOUNDATION

The Surfrider Foundation is dedicated to the protection and enjoyment of the world's ocean, waves and beaches through a powerful activist network. Surfrider has been dedicated to addressing the plague of plastic pollution for over ten years, and we do so through education and advocacy on source-reduction solutions. Plastic bags are one of the most ubiquitous consumer items that can be easily replaced with reusable bags, and so a great place to start on advocating for solutions. In addition to this guide, we have several other resources to help address plastic pollution:

- * [Plastic Pollution Blog](#)
- * [Rise Above Plastics Activist Toolkit](#)
- * [Plastic Pollution Facts and Figures – Beachapedia](#)
- * [Plastic Straws Toolkit](#)
- * [Rise Above Plastics Program Resources](#)
- * [Surfrider Europe's Good Practices Guide: Banning Single-Use Plastic Bags](#)
- * [Ocean Friendly Restaurants Toolkit](#)

PLASTICBAGLAWS.ORG

The best place to start on PlasticBagLaws.org is the Primer page. There you'll find the most up-to-date fact sheet, videos by Jennie Romer, and links to the most relevant articles and webinars. Sign up for PBL's newsletter for periodic updates with the latest bag news.

PARTNER ORGANIZATIONS:

[5 Gyres](#)
[BreakFreeFromPlastic](#)
[Californians Against Waste](#)
[Citizens Campaign for the Environment](#)
[Clean Water Action](#)
[Global Alliance for Incinerator Alternatives – GAIA](#)
[Greenpeace](#)
[Heal the Bay](#)
[Plastic Pollution Coalition](#)
[Sierra Club](#)
[Story of Stuff](#)
[Texas Campaign for the Environment](#)
[Upstream](#)

ACKNOWLEDGEMENTS:

The Toolkit features analysis of plastic bag law effectiveness data prepared through a partnership between Scientist Action and Advocacy Network ([ScAAN](#)) and PlasticBagLaws.org. The maps of plastic bag laws in this Toolkit were created by freelance cartographer [Korin Tangtrakul](#) in partnership with PlasticBagLaws.org and the other original graphics were created by freelance graphic designer Marianne Schwab in partnership with PlasticBagLaws.org.

APPENDIX II: SAMPLE LOCAL BAG ORDINANCES

SAMPLE LOCAL BAG LAWS

ALAMEDA COUNTY, CA (2016 EXPANDED ORDINANCE)

(Ban/Fee Hybrid that includes all retailers and restaurants)

Reasons highlighted:

PRO: includes all retailers and restaurants/ “public eating establishments”

PRO: results from previous ordinance in Findings, including decrease in plastic bags in storm drains

FYI: ordinance adopted for county pursuant to Joint Exercise of Powers Agreement for Waste Management

TOWN OF NEW CASTLE, NY (2016)

(Ban/Fee Hybrid with cost differential for reusable vs. paper bags)

Reason highlighted:

PRO: higher minimum charge for reusable bags vs. paper bags (25 cents vs. 10 cents)

SAN MATEO COUNTY, CA (2013)

(Ban/Fee Hybrid)

Reason highlighted:

PRO: reusable bag charge increases from 10 cents to 25 cents after certain period of time

ASPEN, CO (2011)

(Ban/Fee Hybrid with money going to an Environmental Fund)

Reason highlighted:

PRO: adopted as a Waste Reduction Fee, most of which goes to Waste Reduction and Recycling Account

CITY OF LONG BEACH, NY (2016)

(Fee on All Bags)

Reason highlighted:

PRO: very simple 5-cent fee on all carryout bags

NEW YORK CITY, NY (2016 - MORATORIUM PREVENTED IMPLEMENTATION)

(Fee on All Bags)

Reasons highlighted:

PRO: reporting requirements for information on the progress of single-use carryout bag reduction

PRO: reporting requirements study on the effect of the law on residents

PRO: outreach and education prioritizing households with income below 200% of the federal poverty line

APPENDIX III: SAMPLE BAG LAWS

SAMPLE STATE BAG LAWS

CALIFORNIA STATEWIDE BAG LAW (2014)

(Ban/Fee Hybrid)

Reasons highlighted:

PRO: retailer not specifically required to comply may choose to opt-in to coverage under statewide law

PRO: only allows compostable plastic bags in limited circumstances, good example of what to consider

PRO: requires percentage of post-consumer recycled content for plastic film bags by a certain date

CON: overly complicated reusable bag definition

CON: only covers retailers that sell food, excludes restaurants

PROPOSED NEW YORK STATEWIDE BAG BILL (2018 - NOT ADOPTED)

(Ban/Fee Hybrid with cost differential for reusable vs. paper bags)

Reasons highlighted:

PRO: most of the money collected is directed to a solid waste account



PHOTO: WOODS WHEATCROFT



PHOTO: WOODS WHEATCROFT

- ¹ Rise Above Plastic Activist Toolkit, Surfrider Foundation (Apr. 11, 2018), available at http://public.surfrider.org/RAP/RAP_Toolkit.pdf
- ² All mentions of plastic bags refer to single-use plastic carryout bags unless otherwise noted.
- ³ Fee is often used as a general term in this Toolkit. The differences between fees, charges, and taxes on bags is discussed in Section II(d)(i).
- ⁴ There are many websites that track plastic bag laws in the U.S. Two resources are Californians Against Waste, National List of Local Plastic Bag Ordinances, <http://www.cawrecycles.org/list-of-national-bans> and Wikipedia Phase-out of lightweight plastic bags, https://en.wikipedia.org/wiki/Phase-out_of_lightweight_plastic_bags
- ⁵ Jennie Romer, Why Carryout Bag Fees Are More Effective Than Plastic Bag Bans, Huffington Post Blog (Jan.20,2017), https://www.huffingtonpost.com/entry/why-carryout-bag-fees-are-better-than-plastic-bag-bans_us_588187ace4b08f5134b61f79
- ⁶ New York State, New York State Plastic Bag Task Force Report: An Analysis of the Impact of Single-Use Plastic Bags, Options for New York State Plastic Bag Legislation (Jan. 13, 2018), available at https://www.dec.ny.gov/docs/materials_minerals_pdf/dplasticbagreport2017.pdf
- ⁷ Bill Hickman, Voluntary Plastic Bag Reductions Don't Work, Surfrider Foundation Blog, (Mar. 1, 2012), <https://www.surfrider.org/coastal-blog/entry/voluntary-plastic-bag-reductions-dont-work>
- ⁸ US EPA, Advancing Sustainable Materials Management 2015 Tables and Figures: Assessing Trends in Material Generation, Recycling, Composting, Combustion with Energy Recovery and Landfilling in the United States, at pp. 9,13, available at https://www.epa.gov/sites/production/files/2018-07/documents/smm_2015_tables_and_figures_07252018_fnl_508_0.pdf
- ⁹ Del. Code Ann. tit.7, § 6099A(f)(1)(b) (2017) ("At-store recycling program"), available at <http://delcode.delaware.gov/title7/c060/sc09/index.shtml>
- ¹⁰ Government of the District of Col060/sc09/index.shtml 10 Government of the District of Columbia Department of Energy and the Environment, Anacostia River Clean Up and Protection Fund Fiscal Year 2016 Summary Report (May 11, 2017), available at <https://doee.dc.gov/sites/default/files/dc/sites/ddoe/publication/attachments/0%20FY16%20Bag%20Law%20Expenditure%20Report.pdf>
- ¹¹ Judgment Affirmed, Colorado Union of Taxpayers Foundation v. City of Aspen, Colo., 2018 CO 36. No. 16SC377 (May 21, 2018), available at https://www.courts.state.co.us/userfiles/file/Court_Probation/Supreme_Court/Opinions/2016/16SC377.pdf
- ¹² Opinion, Schmeer, et al. v. Los Angeles County, et al., Cal. Ct.App., No. BC-470705 (Feb. 21, 2013), available at http://static1.squarespace.com/static/59bd5150e45a7caf6bee56f8/59bd52da7e2a5fb4e246e4ad/59bd52ad7e2a5fb4e246df44/1505579693760/lit_CA_LA-County_26_Court-of-Appeal-Decision.pdf?format=original
- ¹³ Special Notice, State Board of Equalization, Sales Tax Does Not Apply to City and County Paper Bag Surcharges (June 2011), <http://www.boe.ca.gov/news/pdf/l282.pdf>
- ¹⁴ Reusable Bag Law, San Mateo County (CA), 2013, available at <https://static1.squarespace.com/static/54d3a62be4b068e9347ca880/t/5581f948e4b0ab81730fd07c/1434581320184/SanMateoCity.pdf>
- ¹⁵ Carryout Bag Law, Town of New Castle (NY), 2016, available at https://static1.squarespace.com/static/54d3a62be4b068e9347ca880/t/57aa2cfa5016e182108016bc/1470770426321/DOCS-%23569653-v1-Adopted_version_of_RBI_Bag_LL.pdf
- ¹⁶ Beacon's Closet, charities & programs, shopping bag program, <https://beaconscloset.com/pages/charities>
- ¹⁷ Opinion, Save the Plastic Bag Coalition v. City and County of San Francisco, et al., Cal. Ct. App., Case No. A137056 (Dec. 10, 2103), <http://static1.squarespace.com/static/59bd5150e45a7caf6bee56f8/59bd52e77e2a5fb4e246e641/59bd52ad7e2a5fb4e246df6c/1505579693776/Save-the-Plastic-Bag-Coalition-v-SF-appeal-decision-unpublished.pdf?format=original>
- ¹⁸ Mills means one thousandth of an inch and is the standard measure for film plastic.
- ¹⁹ Austin Resource Recovery & The Zero Waste Advisory Commission, Environmental Effects of the Single Use Bag Ordinance in Austin, Texas (Jun. 10, 2015), available at <https://www.austintexas.gov/edims/document.cfm?id=232679>
- ²⁰ Reusable Checkout Bag Ordinance, Greenwich (CT), 2018, available at https://library.municode.com/ct/greenwich/codes/code_of_ordinances?nodeId=CH9.WALL_ART4RECHBAOR
- ²¹ Staley Prom, Closing Thicker Plastic Reusable Bag Loopholes, Surfrider Foundation Blog (Dec. 17, 2015), available at <https://www.surfrider.org/coastal-blog/entry/closing-plastic-reusable-bag-loopholes>
- ²² S.B. 270, 2013-2014 Reg. Sess. (Cal. 2013) ("California statewide carryout bag law"), § 42281(c)(3), available at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB270
- ²³ Toxics in Packaging Clearinghouse, Model Toxics in Packaging Legislation (Jul. 2012), available at <https://toxicsinpackaging.org/model-legislation/>
- ²⁴ Roger Renstrom, More companies in compliance with California's bag law (Aug. 30, 2018), <http://www.plasticsnews.com/article/20180830/NEWS/180839993/more-companies-in-compliance-with-californias-bag-law>
- ²⁵ Federal Trade Commission, The Language of Recycling, Products Made with Recycled Content (Jan. 2015), <https://www.consumer.ftc.gov/articles/0203-language-recycling>
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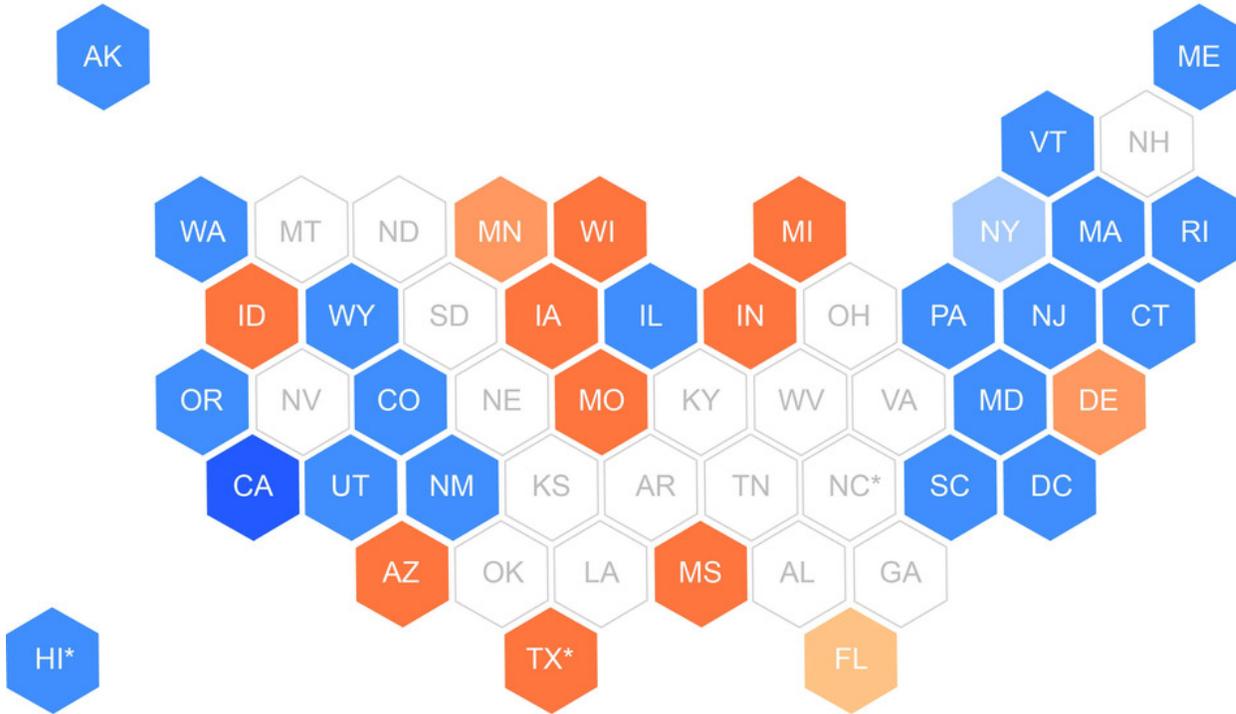


SURFRIDER
FOUNDATION

SURFRIDER.ORG

FACT PLASTIC BAG LAWS SHEET IN THE U.S.

BAG LAWS ACROSS THE COUNTRY



MAP KEY

- statewide bag laws
- states with locally adopted bag laws that aren't preempted
- several local laws adopted, but NYC's bag law preempted by state moratorium
- state preemption law allegedly in place but local bag law recently adopted (FL only, lawsuit pending)
- state preemption on bans only (MN) or fees only (under DE recycling law)
- state preemption

*notes: HI has a de facto state law because all inhabited counties have local bag laws.
 TX preemption is based upon litigation over an existing statute.
 NC state pilot project for the Outer Banks was repealed.

Map developed by Korin Tangtrakul for PlasticBagLaws.org
 Last updated March 7, 2019.



CALIFORNIA IS THE ONLY STATE WITH A UNIFORM STATEWIDE PLASTIC BAG REDUCTION LAW

*Hawaii has a de facto statewide law because all inhabited counties have their own law



AT LEAST 376 LOCAL BAG ORDINANCES HAVE BEEN ADOPTED IN 26 STATES IN THE U.S

and Washington, D.C.

TYPES OF BAG LAWS

**Best practice: include fee component so all bag types are addressed & increase in the use of any bag is discouraged

- ** **Bag Fee:** fee mandated for all carryout bags
- ** **"Second Generation" Ban or "Ban/Fee Hybrid":** ban on thin plastic bags, fee for all other carryout bags (paper, reusable, compostable)
- "First Generation" or "Straight" Ban:** ban on thin plastic bags only

TYPES OF PREEMPTION

Preemption: the action of forestalling, especially of making a preemptive attack

- American Legislative Exchange Council (ALEC) boilerplate** language preempting local laws on plastic bags or "auxiliary containers"
- Statewide plastic bag recycling law** that includes a clause preempting local ban and/or fee
- State law intended to block a bag law** in a specific city



In most states the entire amount of the fee must stay with retailer to avoid claims of "unconstitutional taxation" because generally the state must give permission for cities to collect a tax. (Depends on the state constitution, "enabling legislation" can allow cities to adopt taxes.)

DO PLASTIC BAG LAWS WORK?

WASHINGTON, D.C.

60%+ reduction in single-use carryout bag consumption in first year

Corresponding reduction in plastic bag litter in D.C.'s Anacostia River

83% of D.C. residents and 90% of D.C. businesses support the law or are neutral



CALIFORNIA



Statewide ban on thin plastic bags (under 2.25 mils) & min 10-cent fee for paper & reusable

Law was adopted by the legislature and later approved by statewide voter referendum

151 local jurisdictions had adopted bag laws prior to upholding statewide law

A similar local law in San Jose, CA: reusable bag use increased from 4% to 62%, plastic bag litter decreased 59% on streets and 89% in storm drains

CHICAGO



Initially adopted a straight ban on all thin plastic bags (under 2.25 mils) but large chains, including Walmart, simply switched to giving away thicker plastic bags that qualify as reusable bags

In reaction, environmental groups and some retailers united to push for a 7-cent tax on all carryout bags

In the first month after the tax, the number of plastic and paper bags Chicagoans consumed at grocery stores dropped 42%

WHY REGULATE PLASTIC BAGS?

WINDBLOWN LITTER



Even if disposed of properly, plastic bags get caught in the wind

Visible in environment as litter (often caught in trees)

Litter clean-up costs taxpayers

MARINE IMPACTS

Plastic bags can entangle or choke marine life

Break down into small pieces

Sea turtles mistake for jellyfish



WASTE MANAGEMENT



There is no viable market for dirty plastic bags

Clog recycling machinery

Contaminate other recyclables

RECYCLING PLASTIC BAGS IS NOT THE ANSWER



Recycling is a commodities market: some materials more valuable than others & dirty plastic bags don't have a viable market.

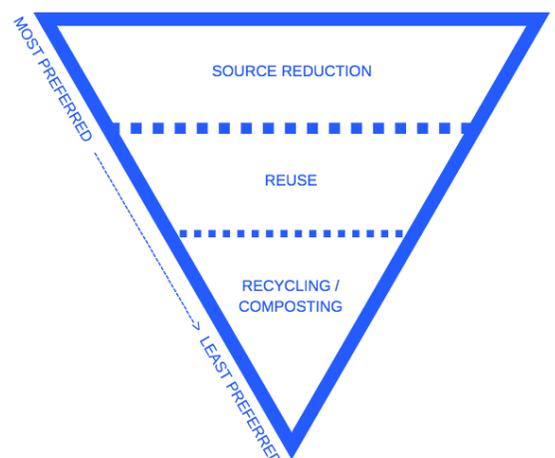
Plastic bag recycling rates are difficult to measure, estimated at ~5%.

Plastic bags often clog municipal recycling machinery when recycled curbside.

Instead of take-back recycling programs at retailers, focus should be on customers bringing their own bags (BYOBag).

Bag reduction laws (bans & fees) encourage BYOBag behavior.

WASTE MANAGEMENT HIERARCHY





April 16, 2019

Shien-ru Tsao
Founder/ CEO
Commit to Green Inc.

Public Testimony for Committee on Sanitation and Solid Waste Management – T2019-4185: A local law to amend the administrative code of the city of New York, in relation to a paper carryout bag reduction fee, and to repeal chapter 4-F of title 16 of such code, relating to carryout bag reduction.

Dear Chair Reynoso and members of the committee on Sanitation and Solid Waste,

My name is Shien-ru Tsao, I am the Founder and CEO of Commit to Green Inc, a privately-owned American social enterprise that designs and manufactures compostable packaging. Our products are plastic free and made from a resin derived from plant and cornstarch. When placed in the right compost environment they turn into H₂O, CO₂ and Humus providing nutrients to the soil in 180 days.

Our collaborative goal is to use compostable packaging as a Marketing tool to help achieve zero waste across public and private sectors. The company was founded on the belief that smart designs that are effectively applied to the right medium can raise environmental awareness in our communities.

Commit to Green supports a proposed fee on paper carryout bags as a proven tool to help reduce a municipalities bag consumption.

Although not in the scope of the current Intro, we would also propose a certified compostable (*ASTM D6400 certification standard and TUV OK*

Home compost certificate) plastic bag should also be permitted as an alternative to the recently banned traditional plastic bags. We suggest that allowing retailers to offer a certified compostable carry out bag with the same fee as a paper bag, would be a game changer in the city's organics program. Shoppers would then be able to re-purpose their compostable bags to hold and transport their food waste, thus aiming to increase more participation in the city's organics program.

From our experience these past three years selling to both B2B and B2C channels, we absolutely see compostable packaging as a marketing tool that tackles plastic pollution but also helps incentive the participation in food waste and recovery issues. True sustainable development is above all a grassroots effort driven by personal commitment, education, and the right tools.

I hope you will consider this submission and I am available if you would like to setup a meeting to discuss further at your convenience.

Thank you in advance for your consideration.

Sincerely yours,

Shien-ru Tsao

Shien-ru Tsao

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Melissa Iuchan

Address: 151 W 30th St, 11th Fl

I represent: NYLPI

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/16/19

(PLEASE PRINT)

Name: JACQUELYN Dthman

Address: 315 E 69th St, NY 10021

I represent: Manhattan SWAB

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Tousif Ahsan

Address: 979 Seneca Ave, Kidge wood

I represent: NYPIC

Address: 9 Murray St

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: ERIC GOLDSTEIN

Address: _____

I represent: NATURAL RESOURCES DEFENSE COUNCIL

Address: 40 WEST 20 ST NY NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: SHIEN-RUE TSAO

Address: 335 MADISON AVE NYC 10017

I represent: Commit To Great

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: PAUL DARBZ

Address: NOVAMONT NNA, CONNECTICUT

I represent: NOVAMONT NNA

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: MATT GOVE

Address: mgove@surfrider.org

I represent: SURFRIDER FOUNDATION

Address: 725. Palmd Ave 11217

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Jordan Christensen

Address: 400 S 2nd St Brooklyn

I represent: Citizens Campaign for the Environment

Address: 2259 main St Farmingdale

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. n/a Res. No. _____

in favor in opposition

Date: 4/16/19

(PLEASE PRINT)

Name: Jennce Bowen

Address: 7 Stanhope Street, Brooklyn

I represent: individual, policy expert

Address: n/a

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/16/19

(PLEASE PRINT)

Name: Adriana Espinoza

Address: _____

I represent: NYLCU

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: GREGORY ANDERSON

Address: ASSISTANT COMM'R

I represent: FOR POLICY &

Address: EXTERNAL AFFAIRS

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: BRIDGET ANDERSON

Address: DEPUTY COMMISSIONER

I represent: RECYCLING &

Address: SUSTAINABILITY



Please complete this card and return to the Sergeant-at-Arms



**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/16/19

(PLEASE PRINT)

Name: DEBBY LEE COHEN

Address: 310 E. 12th St., NYC 10002

I represent: Cateteria Culture

Address: 9/0 LEC 402 E. 8th St., NYC 10009

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Danna DeBlasio

Address: _____

I represent: National Supermarket Association

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. BAGS Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: MIRIAM GORDON

Address: 105 Butler St Brooklyn

I represent: UPSTREAM policy

Address: _____

Please complete this card and return to the Sergeant-at-Arms