



By Linda K. Breggin

Plastic Bag Laws Proliferate

What does Bethesda, Maryland, have in common with Fort Stockton, Texas, or for that matter Delhi, India? They all impose bans or fees on plastic bags.

San Francisco enacted the first ban in 2007, and since then localities have been at the forefront of efforts to reduce plastic bag use. According to the Metropolitan Washington Council of Governments staff, plastic bag legislation has “increased exponentially” from 10 localities in 2009 to over 70 in 2012. States are also in the act. The National Conference of State Legislators (NCSL) reports that eight states (including the District of Columbia) have enacted plastic bag legislation of some type. Around the world, numerous cities impose bans and fees.

Laws vary, but the stated objectives are similar. Litter, which is not only unattractive but costly to address, is a driving factor. In addition, injury to marine life and other animals, including cattle, from stray plastic bags is a key concern. The amount of oil and gas used to manufacture plastic bags — and associated greenhouse gas emissions — also are cited in support of legislative action. Low rates of plastic bag recycling and lack of biodegradability are additional factors.

Westport, Connecticut’s ordinance explains: “Non-biodegradable plastic bags often are discarded into the environment and end up pollut-

ing our waterways, clogging sewers, endangering marine life, and causing unsightly litter. These bags last hundreds of years in landfills and are a potential source of harmful chemicals when they do break down.”

It is not surprising that there is considerable opposition to bans and fees. Estimates vary but a common approximation is that Americans use 100 billion plastic bags every year. The American Chemistry Council’s Progressive Bag Affiliates, which represents plastic bag manufacturers, is a chief defender of the plastic bag. It emphasizes that “recycling is the solution” and that plastic bags are “an environmentally responsible choice,” in part because as compared to paper bags they require less energy to recycle and manufacture — and produce less greenhouse gas emissions. It cites studies indicating that paper bag use increases when plastic bags are banned.

Some opponents also say bans limit consumer choice and impose economic hardship, including manufacturing sector job loss and, in some cases, reduced retail employment and sales. In addition, plastic bag proponents point to controversial high-profile studies that conclude reusable bags can carry harmful bacteria.

State and local approaches are diverse. Some localities simply ban plastic bags at point of sale, such as Honolulu, Hawaii, and Rye, New York. Others impose fees. The District and Montgomery County, Maryland, for example, impose a five cent fee on plastic and paper bags — one cent of which is allocated to the merchant and the remainder to water quality improvements. Still others combine a ban with a fee. Seattle, Washington, couples its plastic bag ban with a five cent fee on paper bags. Brownsville, Texas, bans businesses from providing plastic checkout bags and requires they charge

customers who request a non-reusable bag a one dollar fee.

In addition, many states and localities require recycling efforts. A Tucson, Arizona, ordinance requires retailers to conduct recycling awareness campaigns, and Delaware requires large retailers to establish on-site recycling programs.

These efforts and others may be making inroads. EPA reports that in 2010 plastics recycling (bags, sacks, and wraps) increased to almost 12 percent and more recently an American Chemistry Council study found that recycling of plastic bags, wraps, and commercial shrink film increased over 50 percent from 2005 to 2011.

The “plastic bag wars,” as they are dubbed by *Rolling Stone*, appear likely to continue. The NCSL counts at least eight states, including Arkansas and Florida, considering bans. The stakes are high. The magazine notes that ACC spent \$2 million on lobbying and media to defeat a proposed state-wide ban in California. Further-

more, not all legislation seeks to reduce plastic bag use. A bill pending in Texas would prevent localities from enacting and enforcing bans.

The battles are also being fought in court. The Save the Plastic Bag Coalition, for example, has challenged bans under the California Environmental Quality Act and the Texas Retailers Association under the Texas Health and Safety Code.

Despite the tremendous investments spent by both sides, the *New York Times* recently observed that “solid academic research is surprisingly hard to find” on the effects of bans. Data are sorely needed. In the meantime, the specter of fees and bans may be resulting in increased recycling — and that is a welcome development.

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Many localities ban plastic bags, but other laws promote their reuse and recycling