

Before the Senate Federal and State Affairs Committee
Presented by Zack Pistora, Kansas Sierra Club
Opponent to HB 2446
1-30-24



Chairman Thompson and Honorable Members of the Committee,

On behalf of the Kansas Chapter of Sierra Club and its nearly 5000 members across Kansas, thank you for the opportunity to submit testimony in strong opposition of HB 2446, which prohibits cities and counties from prohibiting or regulating auxiliary containers such as plastic carryout bags and other single-use plastic items.

The Kansas Sierra Club opposes HB 2446 for many reasons, but generally **because the bill offers no positive solution for addressing our state's problems with plastic pollution** and erodes Constitutional and Statutory home rule powers for cities and counties respectively for implementing eco-friendly solutions.

Background on Kansas Proposals to Preempt Local Rules on Plastics: Over the past four years, HB 2446 and similar preemptive policy proposals (SB 493 in 2022, HB 2525 in 2020) on plastics have drawn opposition and concern from several Kansas cities, local government associations (like the League of Municipalities, the Kansas Association of Counties, the Kansas County Commissioners Association), the Kansas Organization of Recyclers, the Kansas Department of Health & Environment, faith-based nonprofits, environmental groups, additional Kansas groups against preemption policies, and dozens of individual Kansans across the state. To date, there have been no unaffiliated, private citizens testifying in support of this legislation.

Single-use plastics are harming our public health.

Plastics don't biodegrade like paper. In fact, plastics break into smaller and smaller bits that eventually show up in our own food chain and our bodies. New scientific studies, including a recent study published this year in the National Academy of Scientists, have concluded that plastic particles are more prevalent and toxic in our bodies than previously suspected. More and more evidence point to the leached chemicals within plastics pose threats to public health, particularly as endocrine disruptors.

Plastics are ruining our environment.

The Sierra Club recognizes the many problems associated with plastics in the environment worldwide. Our current use of "disposable" plastics is bad from start to finish -- from fossil fuel extraction to the responsibility for disposal placed on end-users and our waste handling entities. Our practice of extracting natural resources and turning them into disposable products which are discarded after a single, often short-term, use is simply not sustainable.

The use of fossil fuels to make and transport plastics contributes to the growing problems associated with climate change, including heat, droughts, floods, wildfires, and sea level rise. Pipelines, trains, and tanker trucks which transport oil/gas feedstocks and products, spill toxic materials that impact public health and the environment. Chemical manufacturing facilities which create the many plastic building blocks, poison the air and water, often impacting greatest those local communities already overburdened and underserved. Finally, plastics and microplastics are causing huge disturbances in our oceans and aquatic ecosystems.

Sierra Club calls for the minimization of single-use plastics such as cutlery, plates, cups, lids, straws, bags, beverage bottles, cigarette butts, and expanded polystyrene packaging. We support measures that create incentives for waste reduction, for product reuse, for closed-loop recycling, and for composting of yard and food wastes.

Plastic wastes are overwhelming our ability to dispose of them properly, impacting the operations of recycling centers, landfills, and wastewater treatment plant operations. They litter our roadways, forests, prairies, parks, waterways, and oceans. They do not decompose as do natural organics but break down into tiny pieces.

Investigative studies by ABC News and affiliates, including that by KAKE in Wichita, KS demonstrate that plastic bag recycling is not working. According to ABC News, Of the 46 trackers ABC News and nine ABC-owned stations and affiliates secured to bundles of "recyclable" plastic bags and dropped off at Walmart and Target stores across the country, the vast majority – after months of tracking – had not ended up at locations associated with plastic bag recycling. Half the trackers launched last pinged at landfills or trash incinerators, while seven stopped pinging at transfer stations that do not recycle, sort, or transfer plastic bags to recycling facilities, and six last pinged at the store where they were dropped off and hadn't been heard from in months. Furthermore, when the plastic films do attempt to get recycled, the material often poses a problem for machinery and equipment.

Local solutions aimed at reducing plastic often come about due to popular local support. Local policies, before implemented, usually consult with local businesses before going into effect.

Cities that explore ways to reduce single-use containers are usually citizen-led and backed by popular support. This is the case in Wichita where dedicated residents encouraged city leaders to develop a community task force to study the opportunity to reduce plastic bags

citywide. **A KU School of Medicine - Wichita study released last year showed that more than two-thirds of the 2064 Wichita residents surveyed would support a ban or tax on plastic bags locally.** That same survey revealed that 82% of the respondents strongly/agreed there were too many plastic bags littering the community. A nationwide survey released recently by Oceana demonstrated similar results, that 8 in 10 Americans are concerned about single-use plastics and support local and state policies that aim to address single-use plastics. HB 2446 obstructs this positive, democratic effort to reduce the problem or associated costs of plastic litter.

Plastic pollution is a real problem for Kansas and the world. HB 2446 moves Kansas in the opposite policy direction.

The free hand-outs of single-use plastics and other take-out containers by food establishments and grocery stores have led to the reality of too many single-use containers – plastic bags, beverage cups and lids, snack wrappings, water bottles, foam clamshells, and more – find their way on our streets and sidewalks, into drainage ditches, sewage systems, crop fields, animal stomachs, clogged machinery, and much more. Studies show that plastic is accumulating quickly in every corner of the natural environment, and that most of the litter a community faces today comes from the food and beverage industry. **A 2021 Wichita State University study concluded that roughly half of the city's litter larger than 4 inches is composed of plastic or foam, with 75% of that plastic litter coming from the food and beverage industry.** Of all the litter collected in the study, 49% of the litter overall were products of the food and beverage industry. Litter coming from the food and beverage industry increases costs associated with city cleanup, precious landfill space, and maintenance or repair with cleaning out clogged sewers, recycling equipment, and more. Several cities that have implemented local ordinances to regulate or tax single-use items have experienced a reduction in this litter and realize taxpayer savings. Cities face costs associated with plastic pollution, including extra landfill costs, community clean-up, and jamming of equipment or infrastructure. HB 2446 disempowers communities from addressing these problems and costs by not allowing them to reduce auxiliary containers at the source.

Other states and cities have seen progress with plastic bag bans; businesses in other states and cities have adapted.

There are 12 states - California, Connecticut, Colorado, Delaware, Hawaii, Maine, New Jersey, New York, Oregon, Rhode Island, Vermont and Washington – along with around 500 cities spanning 28 states, that have enacted some proactive policy in reducing plastic bags. According to a new report by Environment America and U.S. PIRG, these policies generally work well to reduce plastic.

We strongly urge you to vote NO on this bill.

This bill takes away the rights of communities to enact their own decisions in reducing their plastic and single-use materials, etc. This is a violation of the principles of the Kansas Constitution and our democratic freedoms. The city of Lawrence has deemed it in its community interest to protect terrestrial and marine/aquatic life from entanglement in plastic bags and preserving the beauty of their farms, pastures, parks, rivers and streams, and city streets from plastic bag debris and other litter. Our local communities should have the freedom to enact ordinances unique to their concerns without the state meddling unnecessarily in their affairs.

This bill does nothing positive as a substitute for local ordinances and until a state program is established to reduce plastic and other single-use waste, we ought to allow our cities the opportunity to try proactive solutions in their community.

Members of the Legislature, please oppose HB 2446 to respect home rule and democracy, and we can work toward an alternative, uniform state approach aimed at helping industry and Kansans tackle the plastic problem. Such an idea would be to provide for a statewide education and cleanup program aimed at single-use materials, and/or providing for a modest tax incentive to businesses that voluntarily eliminate single-use containers at their establishments. Without such amendments, HB 2446 will not be helpful to the broad interests of Kansans.

Sincerely,

Zack Pistora | Legislative Director and State Lobbyist, Kansas Chapter of Sierra Club

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The Sierra Club is the largest grassroots environmental organization dedicated to enjoying, exploring, and protecting our great outdoors. The Kansas Chapter has been our state's strongest grassroots voice on environmental matters for fifty years.

Policy Substitutes to Address Plastic Container Pollution without Infringing on Home Rule.

Zack Pistora, Kansas Sierra Club Lobbyist, 785-865-6503

1) **A statewide education and cleanup program focused on auxiliary containers**, administered by KDHE with earmark funds from SGF to disperse money via grants to counties. Such funds should be used to supplement the KDHE Solid Waste Reduction grant program or separately dispersed to counties based on population.

Amendment: HB 2446 instead would provide for a \$2 million annual transfer from the State General Fund to the Bureau of Waste Management within the Kansas Department of Health and Environment for an education, litter reduction, and cleanup campaign for auxiliary containers, along with adding necessary FTE staff for capacity.

2) **An incentive for businesses to reduce/eliminate auxiliary containers.** If businesses prove a reduction in single-use plastic or foamed plastic inventory via business receipts, perhaps businesses could receive a small break on owed income taxes. Ultimately, the associated costs of auxiliary containers get passed to consumers and taxpayers, so an incentive like this could pay for itself over time and be a win-win for businesses and the environment.

Amendment: 'Food service establishments' and 'retail establishments' would be eligible for a deduction on Kansas income tax if the establishment is able to prove a reduction in plastic, foamed plastic, or expanded plastic in annual inventory. This tax incentive would be available for 5 years (tax years 2024-2028). Establishments may be able to deduct 5% from their owed tax for every 20% of reduction of plastic-based inventory for a maximum total of a 25% tax deduction for the 5-year period. For food service establishments or retail establishments that have already implemented a reduced plastic or foam commitment, these businesses would also be eligible for the deduction if the establishment can demonstrate this commitment in writing to the state.

3A) If the Kansas Legislature would prefer a statewide approach to reducing the problems posed by auxiliary containers to our local communities, then we ought to have interested parties figure out a successful strategy that reconciles the concern of non-uniform regulation with a waste reduction strategy.

Amendment: HB 2446 could establish a **state task force** of industry, environmental interests, and local leaders to discuss/design a litter reduction strategy to be applied uniformly statewide.

14-person Task Force to meet 4 times during July 1st – Jan 10th of 2025:

Goal: To discuss a state level strategy to reduce litter waste associated with auxiliary containers

Task Force reports recommendations to the Senate Commerce Committee and House Commerce, Labor, and Economic Development Committee in the 2025 Session.

The 14-person task force will be made up of:

- Member appointed by the National Federation of Independent Businesses
- Member appointed by the Fuel True Independent Energy and Convenience
- Member appointed by Kansas Chamber
- Member appointed by Kansas Restaurant and Hospitality Association
- Republican Member of the House (appointed by House Speaker) - Chair
- Democrat Member of the House (appointed by House Minority Leader)
- Republican Member of the Senate (appointed by the Senate President)
- Democrat Member of the Senate (appointed by Senate Minority Leader) – Vice Chair
- Member of the Public appointed by the Governor
- Member appointed by the League of Municipalities
- Member appointed by the Kansas Association of Counties
- Member appointed by the Kansas Chapter of Sierra Club
- Member appointed by Kansas Organization of Recyclers
- Member of the Kansas Department of Health and Environment

3B) **Amendment:** Alternatively, or complementary to a Statewide Task Force, the Legislature could direct KDHE to survey its local Solid Waste Planning committees for recommendations for implementing a state-level reduction strategy for single-use plastics and other auxiliary containers.



Plastic Bag Bans Work

Well-designed single-use plastic bag bans
reduce waste and litter



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Plastic Bag Bans Work

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reduce waste and litter**



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Executive summary

Single-use plastic bags are common sights at the supermarkets, convenience stores and shopping centers where they're distributed ... and along the roadsides, rivers and coastal areas where many end up after being discarded. Single-use plastic bags aren't just unsightly; they can also be deadly to sea life and harmful to our health. Littered plastic bags and films are frequently ingested by marine animals and cause more sea turtle and cetacean (whales, dolphins and porpoises) deaths than any other type of plastic.¹ The production, use and disposal of single-use plastic bags also releases water and air pollution that harms our health.² Plastic bags are not biodegradable, so they can continue to pollute the environment with harmful microplastics for hundreds of years after use.³

The good news is that states and cities with well-designed single-use plastic bag bans have successfully reduced plastic bag use and associated litter and pollution. Bans in five states and cities that cover more than 12 million people combined have cut single-use plastic bag consumption by about **6 billion bags** per year – enough bags to circle the earth 42 times. Other, similar bans have reduced the number of bags found in the environment in particular cities or states by **one-third or more**.

Plastic bag bans have reduced plastic waste across the country.

Ten states – California, Connecticut, Delaware, Hawaii, Maine, New Jersey, New York, Oregon, Vermont and Washington – had some form of statewide ban on single-use plastic bags as of 2023 and bans in Colorado and Rhode Island went into effect on the first day of 2024.⁴

As of 2021, more than 500 cities and towns across 28 states had a plastic bag ordinance in effect.⁵

Based on five studied plastic bag bans – in New Jersey; Vermont; Philadelphia; Portland, Ore.; and Santa Barbara, Calif. – a similar policy can be expected to eliminate almost 300 single-use plastic bags per person per year, on average. That means a ban covering all of Allegheny County (the heart of the Pittsburgh metropolitan area) could save 365 million plastic bags per year compared with a scenario in which no ban is in effect.⁶ A statewide ban covering all of Massachusetts could save over 2 billion bags annually.⁷

Plastic bag bans reduce litter and pollution.

Nonprofits, government agencies and others have found that plastic bag bans successfully reduced plastic bag litter by at least **one-third**, with far greater litter reductions in some jurisdictions.⁸ Such reductions, particularly in coastal areas, likely reduce the risk plastic bags pose to marine animals.

Well-designed bag bans encourage consumers to adopt sustainable bag options.

Four studies of single-use plastic bag bans – from San Mateo County, Calif.; Mountain View, Calif.; Philadelphia; and Santa Monica, Calif. – show significant increases in reusable bag use and increases in the number of customers not using bags at all after a single-use bag ban was implemented. For example, in San Mateo County, the proportion of customers with at least one reusable bag at 13 surveyed retailers increased 162% after the county's ban was implemented, and in Mountain View, the proportion of customers using no bag nearly tripled once a ban was imposed.⁹

Loopholes reduce the environmental benefits of some bag bans.

Single-use plastic bag bans have significantly reduced the number of plastic bags used – proving that customers can get by with far fewer plastic shopping bags and likely reducing litter. But loopholes in some bans have encouraged the distribution of other types of bags with significant environmental impacts.

- **Loopholes can encourage a switch to thicker plastic bags:** Jurisdictions that allow stores to offer thicker “reusable” plastic bags for a token fee at checkout allow thicker bags – often used only once – to substitute for thinner ones.

California banned single-use plastic bags beginning in 2016 but allowed thicker “reusable” plastic bags to be sold for a 10-cent fee.¹⁰ The amount of plastic bag waste discarded per person (by weight) actually increased in the years following the law’s implementation to the highest level on record – proving the ban ineffective at reducing the total amount of plastic waste.¹¹

A similar policy in Alameda County, Calif., led to the sale of an estimated 13 million thicker bags at sampled stores in 2021, consuming an amount of plastic that,

when measured by weight, may have surpassed the 37 million single-use plastic bags purchased in those same stores across the county in the year before the ban was implemented.¹²

- **Lack of a fee can encourage paper bag use:** Single-use plastic bag bans that lack a fee on paper bags cause a similar substitution of paper bags for plastic bags. Paper bags are widely recyclable, but using new ones for every grocery trip is more wasteful than bringing the same set of reusable bags.

For example, a 2021 study in Philadelphia, which has no paper bag fee as part of its plastic bag ban, observed a 157% increase in the proportion of supermarket customers with at least one paper bag after its single-use plastic bag ban went into effect.¹³ A study in Mountain View, Calif., whose ordinance included a minimum 10-cent fee on paper bags at the time of the cited report, observed a 67% decline in the proportion of customers using a paper bag after the ban was implemented.¹⁴

To reduce the plastic pollution that threatens our health and our environment, policymakers should adopt strong bans on single-use plastic bags to minimize plastic waste and should close loopholes that weaken or counteract the effectiveness of existing bans.

Introduction

Plastic shopping bags are so prevalent in our world that it's hard to imagine a time when they didn't exist. But for generations, until not that long ago, people conducted their daily or weekly shopping without familiar "t-shirt"-style plastic bags.

Single-use plastic bags were patented in Europe in 1965. Advertised as "stronger than paper" and "moisture proof," they rapidly replaced paper bags.¹⁵ They spread to the United States by the end of the 1970s, and Kroger and Safeway, two of the largest supermarket chains in the country at the time, started bagging groceries in plastic in 1982. Other grocery chains soon followed suit.¹⁶

By the time sailor and researcher Charles Moore found the Great Pacific Garbage Patch – a huge swath of the Pacific Ocean containing vast amounts of tiny plastic particles known as microplastics – in 1997, plastic bags had become the norm at supermarket checkout counters across the country and around the world.¹⁷

Beyond polluting the ocean, plastic bags contributed to local litter and increased demand for the fossil fuels from which they were made.¹⁸ When San Francisco passed the nation's first plastic bag ban in 2007, Supervisor Ross Mirkarimi, the author of the ordinance, cited as a reason the "obvious problem that global warming is not going away soon."¹⁹

Once San Francisco got the ball rolling, San Jose passed its own ordinance in 2011, Los Angeles did so in 2013, and more than 100 other California cities implemented bag laws by 2014, paving the way for California's first-in-the-nation statewide ban in that same year.²⁰

The momentum behind banning single-use plastic bags wasn't limited to the Golden State. Seattle and Portland,

Ore., passed ordinances in 2011, Austin, Texas, did so in 2012, Santa Fe, N.M., followed suit in 2013 and many other cities (and several counties) gradually hopped on board the plastic bag "ban-wagon" over the next several years.²¹

In 2018, Forbes counted 349 jurisdictions across the country with some form of plastic bag policy in place, but California and Hawaii remained the only two states with statewide bans.²²

However, the plastic bag ban movement has reached new heights in the last few years, with eight new statewide bag laws and an updated count of over 500 municipal plastic bag ordinances spread across 28 states.²³ Outside the U.S., plastic bag laws had been proposed or enacted in 188 countries as of July 2021.²⁴

As U.S. cities, counties and states consider new actions to reduce pollution from plastic bags, it's important to take a step back and evaluate whether bans on single-use plastic bags have actually worked. Doing so presents an opportunity to highlight the most effective policies and identify reasons why others came up short so that policymakers can avoid and repair past mistakes.

Studies across the country show that well-designed bans on single-use plastic bags have led to dramatic reductions in their consumption and in the number of bags found littering communities and coastal areas. Those studies also show that cities, counties and states have taken different approaches to reducing single-use plastic bags – and that those differences have led to some bag bans being more effective than others.

In the last 20 years, 12 states covering more than one-quarter of the U.S. population have prioritized reducing plastic waste by banning plastic bags.²⁵ How many states will join them in the next 20 years?

Discarded plastic bags pollute land and water in areas without bans

The average American uses 365 plastic bags per year – or an average of one per day.²⁶ Most of those bags are used briefly and discarded, with an average life span of 12 minutes.²⁷ But because they're not biodegradable, they pollute the environment for hundreds of years.²⁸

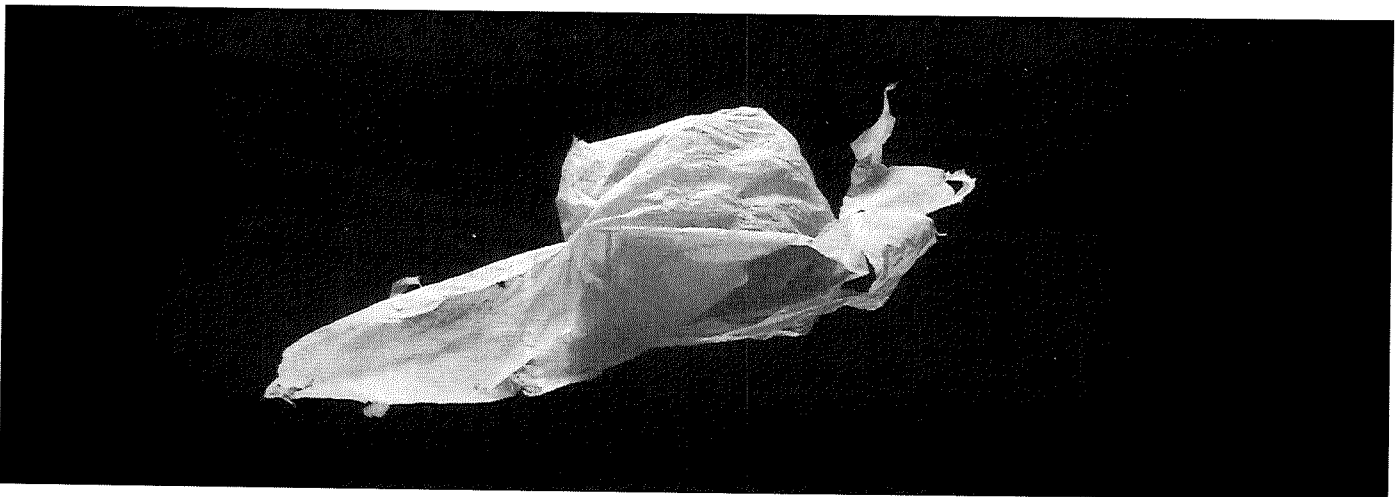
Plastic grocery bags represented 7% of all littered items gathered in shoreline cleanups of Virginia's "rivers, lakes, bays, and beaches" from 2015 to 2020.²⁹

Plastic bag litter has an outsized impact on marine life. Littered plastic bags and films are frequently ingested by marine animals and cause more sea turtle and cetacean (whales, dolphins and porpoises) deaths than any other type of plastic.³⁰

There is no good option for the disposal of plastic bags. Plastic bags are typically not accepted for curbside

recycling and can cause costly delays at recycling centers.³¹ For example, they're responsible for most of the \$1 million in annual losses due to "improper recycling" estimated by City of Phoenix officials.³² Some grocery stores and other retailers offer "take back" programs to send plastic bags to specific facilities that claim to recycle them.³³ However, studies by The Last Beach Cleanup and ABC News tracking plastic bags supposedly headed to recycling facilities found that very few even got there – many were last tracked at landfills or incinerators.³⁴

Specific data for single-use plastic bags are unavailable, but based on U.S. Environmental Protection Agency (EPA) solid waste data, almost three-quarters of the plastic bags and wraps disposed of by Americans are landfilled.³⁵



A plastic bag floating in the water. (Source: Unsplash User Oleksandr Sushko)

Cities and states are tackling the plastic bag problem

Ten states – California, Connecticut, Delaware, Hawaii, Maine, New Jersey, New York, Oregon, Vermont and Washington – had some form of statewide ban on single-use plastic bags as of 2023 and bans in Colorado and Rhode Island went into effect on the first day of 2024.³⁶

Similar bills have been introduced in Georgia and Massachusetts.³⁷ Large cities with ordinances banning single-use plastic bags include Boston and Philadelphia.³⁸

In this section, we review studies of five state and local single-use plastic bag bans to estimate the impact of the bans on plastic bag waste.

- **New Jersey’s plastic bag law**, which went into effect in May 2022, bans the use of plastic bags at grocery stores, restaurants and retail shops and prohibits grocery stores larger than 2,500 square feet from distributing paper bags as well.³⁹ It does not allow thicker plastic film bags to be distributed.⁴⁰ Based on

data from the New Jersey Plastics Advisory Council and the U.S. Census Bureau, the ban eliminates an estimated 5.51 billion single-use plastic bags per year.⁴¹ (See methodology.)

- **Vermont’s ban on plastic bags and other single-use products** (including expanded polystyrene containers and plastic straws) took effect in 2020.⁴² It covers restaurants and retail stores and includes a minimum 10-cent fee for paper bags at checkout.⁴³ It does not allow thicker plastic film bags to be distributed.⁴⁴ Based on data from a survey comparing self-reported plastic bag use before and after the ban’s implementation, the bag ban saves an estimated 191 million bags per year.⁴⁵ (See methodology.)
- **Santa Barbara, Calif.’s ban on plastic bags in supermarkets, drug stores and convenience stores**, which took effect in 2014, established a minimum 10-cent fee on paper bags.⁴⁶ The ban is estimated to save nearly 45 million bags per year.⁴⁷

Table 1. Estimates of plastic bags saved based on five studies of single-use plastic bag bans.⁵³

Jurisdiction	Bags saved	Population in year of estimate	Year of estimate	Bags saved per person
New Jersey	5,505,990,000	9,261,699	2022	594
Vermont	191,484,355	647,064	2022	296
Philadelphia	200,000,000	1,576,251	2021	127
Portland, Ore.	100,000,000	603,106	2012	166
Santa Barbara, Calif.	44,937,415	91,635	2015	490
Total	6,042,411,770	12,179,755		(Median) 296

- **Philadelphia's** ban on plastic bags in restaurants and retail stores went into effect in 2021, and the city estimates it saved over 200 million bags from city grocery stores alone in its first year.⁴⁸ It does not include a paper bag fee.⁴⁹
- **Portland, Ore.'s** ban on plastic bags at some large retailers, which did not include a fee on paper bags, went into effect in 2011.⁵⁰ Based on the ban's performance over its first six months, the policy likely saves at least 100 million plastic bags per year.⁵¹ It was superseded by Oregon's statewide ban, which does include a paper bag fee, when that policy went into effect in 2020.⁵²

All told, these bans cover over 12 million people and save about 6 billion single-use plastic bags per year. That means a new ban comparable to those analyzed could save about 300 bags per person per year, with variation depending on the specific details of the policy. (See Table 1, p. 8.)

For example, a ban covering all of Allegheny County, the heart of the Pittsburgh metropolitan area, could save 365 million plastic bags per year, including those already saved by local bans within the county.⁵⁴ A statewide ban in Massachusetts could save over 2 billion bags annually, including those saved by existing bag policies across the state.⁵⁵

Bag bans reduce plastic bag litter and pollution

It's bad enough when plastic bags end up in a landfill after being used for just one trip home from the grocery store, but those that are littered can do even more harm.

Plastic pollution kills at least 100,000 marine mammals and 1 million seabirds every year and entanglement in plastic and other types of litter kills roughly 1,000 turtles per year.⁵⁶ Plastic bags are an important part of the problem. Littered plastic bags and films are frequently ingested by marine animals and cause more sea turtle and cetacean (whales, dolphins and porpoises) deaths than any other type of plastic.⁵⁷

The production, use and disposal of single-use plastic bags also releases water and air pollution that harms our health.⁵⁸ Plastic bags are not biodegradable, so they can continue to pollute the environment with harmful microplastics for hundreds of years after use.⁵⁹

Several studies of plastic bag bans by nonprofits, government agencies and others have found reductions in plastic bag litter of at least **one-third**, and frequently more, after bag bans are put into effect.

For example, after New Jersey's ban went into effect in May 2022, Clean Ocean Action's fall 2022 beach sweeps along the New Jersey coast gathered 46% fewer single-use plastic bags than the April 2022 cleanups collected.⁶⁰

San Francisco experienced a 33% reduction in single-use plastic bag litter on beaches after its ordinance went into effect in 2012.⁶¹ Elsewhere in California, San Jose recorded a 78% decrease in single-use plastic

bags as a proportion of litter gathered in creek and river cleanups, 89% fewer plastic bags in storm drains (which flow to the ocean) and 59% fewer plastic bags in residential areas after its ban took effect in 2012.⁶² Alameda County, which stretches south along the San Francisco Bay from Berkeley to Fremont and east to Altamont, passed its ordinance in 2013 and achieved a 44% decrease in the number of littered single-use plastic bags found in storm drains between 2011 and 2014.⁶³ Even though sales of thicker "reusable" plastic bags skyrocketed from 2015 to 2021, the significant drop in overall sales of plastic bags across the county since the ban went into effect suggests that at least some reduction in plastic bag litter has likely endured.⁶⁴

Local bans on single-use plastic bags in California, which covered more than 40% of the state's population in 2016, had a noticeable effect on litter across the state.⁶⁵ Plastic bag litter gathered in statewide coastal cleanups declined by more than half from 2010 to 2016.⁶⁶

The plastic bag ban in Austin, Texas, had a remarkable impact, with 90% less plastic bag litter in the six months after it went into effect in 2013.⁶⁷ Enforcement ceased in 2018 after the Texas Supreme Court struck down a similar ordinance in Laredo.⁶⁸

Plastic bag bans also keep plastics out of landfills. Seattle, where an ordinance went into effect in 2011, had 48% fewer plastic bags in residential waste in 2014 than in 2010.⁶⁹

Well-designed bag bans encourage the adoption of reusable bags

Single-use plastic bag bans are an effective tool to reduce the consumption of plastic bags and limit plastic bag pollution in our environment. However, the design of single-use plastic bag bans shapes how consumers respond to the change – by switching to a different type of disposable bag, bringing reusable bags or skipping bags altogether. Well-designed plastic bag bans encourage a shift toward truly sustainable options such as reusable bags.

Some jurisdictions allow stores to offer thicker “reusable” plastic bags for a fee at checkout in much the same way that they offered single-use plastic bags before ban implementation. While theoretically “reusable,” it appears that many shoppers are disposing of these bags in the same ways as single-use bags. Thus, in this section, “reusable bags” refers only to durable bags brought to a store by a customer.

Several studies have sought to learn how consumers behave after a single-use plastic bag ban goes into effect. In this section, we review studies of four state and local single-use plastic bag bans to estimate their impact on consumers’ bag choices.

- **San Mateo County, Calif.**, bordered by San Francisco to the north and the Pacific Ocean and San Francisco Bay to the east and west, banned single-use plastic bags in retail stores (but not restaurants) and imposed a minimum 10-cent fee on paper bags beginning in 2013.⁷⁰

- **Mountain View, Calif.**, located just northwest of San Jose, also banned single-use plastic bags in retail stores (but not restaurants) and imposed a minimum 10-cent fee on paper bags beginning in 2013.⁷¹
- **Philadelphia’s** ban on plastic bags in restaurants and retail stores went into effect in 2021, eliminating an estimated 200 million plastic bags annually from city grocery stores alone.⁷² There is no fee required for distributing paper bags.⁷³
- **Santa Monica, Calif.**, a coastal suburb of Los Angeles, banned single-use plastic bags in retail stores (but not restaurants) and imposed a minimum 10-cent fee on paper bags beginning in 2011.⁷⁴

Studies have taken different approaches to measuring consumers’ bag choices, but the overarching results are similar. In San Mateo County, Calif., the proportion of customers with at least one reusable bag at 13 surveyed retailers increased 162% after the ban was implemented.⁷⁵

In Santa Monica, Calif., high school students performed observational surveys at both “regular” grocery stores (which “used primarily plastic bags prior to the ban”) and “eco-friendly” stores Trader Joe’s and Whole Foods (which “used few if any plastic bags prior to the ban”).⁷⁶ The proportion of customers using reusable bags at “regular” grocery stores in the city nearly quadrupled, while the proportion of customers

using reusable bags at Trader Joe’s and Whole Foods doubled, after the ban was implemented.⁷⁷ In Mountain View, Calif., the proportion of customers at surveyed grocery stores with a reusable bag roughly doubled after the ban was implemented.⁷⁸

While increased adoption of reusable bags is an important measure of bag ban effectiveness, transactions in which customers do not use any bags also represent a win for the environment. In Mountain View, the proportion of customers using no bag nearly tripled once the ban was implemented.⁷⁹ In Santa Monica, the proportion of customers using no bags at “regular” grocery stores (which had primarily offered single-use plastic bags before the ban) more than doubled once the ban was in effect.⁸⁰ (See Table 2.)

The much less dramatic increase in the proportion of customers not using bags at Whole Foods and Trader Joe’s (“eco-friendly” stores) is likely a result of far fewer bag transactions needing to be replaced, as just 2% of customers used single-use plastic bags at those stores before the ban.⁸¹

In San Mateo County, the proportion of customers at 13 surveyed retailers using no bag for at least one item more than doubled, to 53%, once the ban was in effect.⁸² In Philadelphia, the proportion of customers at sampled grocery stores hand-carrying at least one item almost doubled after the ban was imposed.⁸³

In summary, plastic bag bans have consistently caused a significant increase in customers choosing each of the two most sustainable checkout options – using reusable bags brought from home and carrying items by hand.

Table 2. Change in proportion of customers using no bag based on two studied bans.

Jurisdiction	Before	After	Percent increase
Mountain View, Calif.	14%	39%	179%
Santa Monica, Calif. (“regular”)	15%	36%	133%
Santa Monica, Calif. (“eco-friendly”)	19%	21%	8%

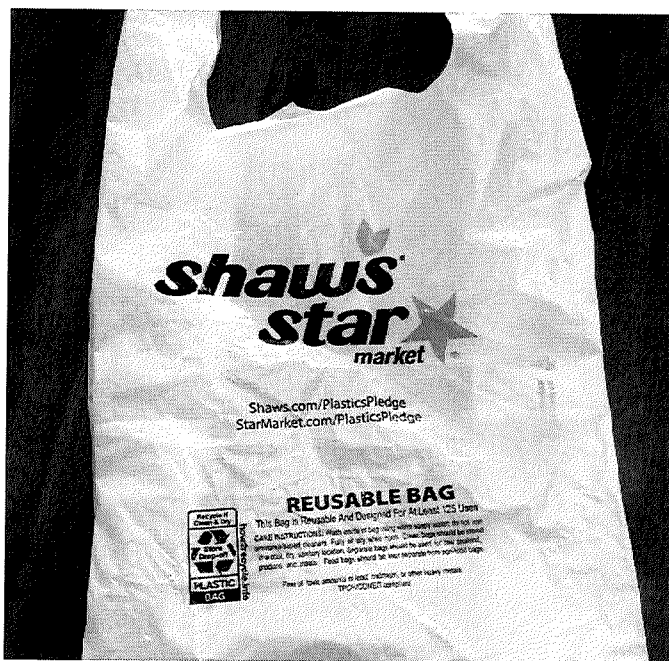
Loopholes reduce the environmental benefits of some bag bans

Not all plastic bag bans are created equal. The policies often vary based on the kinds of stores that are required to comply, the types of bags that are allowed to be used, the fees assessed on substitute bags, and other factors. Some cities and states have adopted policies that deliver reductions in overall plastic bag use but also contain loopholes that allow for the continued use of plastic bags, or that fail to discourage consumers from shifting to single-use paper bags.

Even bans with loopholes have driven significant reductions in the number of plastic bags used overall, and in the amount of plastic bag litter found in coastal areas.

Alameda County, Calif., for example, implemented a single-use plastic bag ban in 2013 that permitted stores to sell thicker “reusable” plastic bags at checkout for a 10-cent fee.⁸⁴ The combined number of single-use and thicker plastic bags per shopping trip at sampled stores dropped more than 90%, proving that consumers could get by with far fewer plastic shopping bags of any kind.⁸⁵ Even though sales of thicker plastic bags at sampled stores increased from about 2 million in 2015 to roughly 13 million in 2021, they didn’t come close to the roughly 37 million single-use plastic bags distributed at those stores before the ban went into effect, so the ban very likely drove a significant decrease in the total number of plastic bags discarded and littered across the county.⁸⁶

Similarly, California’s ban on thin single-use plastic bags, which went into effect in November 2016, also allowed thicker “reusable” plastic bags to be sold for a 10-cent fee.⁸⁷ Despite this loophole, the ban reduced plastic bag



Thicker “reusable” plastic bags like these are being distributed in California and many other jurisdictions with single-use plastic bag bans. (Source: Tony Dutzik)

consumption significantly – from nearly 435 million single-use plastic bags provided at sampled stores in the first half of 2016 to 66 million thicker plastic bags provided at sampled stores in the first half of 2017 – and led to a decline in the share of plastic bags in litter gathered in coastal cleanups across the state.⁸⁸

Loopholes in some plastic bag bans, however, can reduce their effectiveness in limiting the overall environmental impact of shopping.

Table 3. Plastic bag disposal rate in California over time.

	2004	2008	2014	2018	2021
Tons of plastic bags discarded	147,038	123,405	157,395	139,810	231,072
California population	35,570,000	36,600,000	38,590,000	39,440,000	39,240,000
Tons of plastic bags discarded per 1,000 people	4.13	3.37	4.08	3.54	5.89

Shoppers often treat thicker “reusable” plastic bags as single-use

In jurisdictions that allow stores to offer thicker so-called “reusable” plastic bags for a fee at checkout, customers who previously relied on single-use plastic bags at grocery stores and other shops can easily switch to thicker plastic bags for a small fee. While theoretically “reusable,” it appears that many shoppers are disposing of those bags in the same ways as single-use bags, potentially undermining the effectiveness of plastic bag bans at reducing plastic waste overall.

Because of the loophole in California’s single-use plastic bag ban allowing the use of thicker plastic bags, the amount of plastic bags discarded per person (by weight) actually increased in the years after the implementation of the ban – to the highest level on record.⁸⁹ (See Table 3.)

A plastic bag ban that allows the weight of plastic bags discarded to increase, let alone establish a new peak level of plastic bag waste, cannot be considered a complete success. Policymakers pursuing plastic bag bans should heed the lessons from California’s ban and prohibit the sale of both thin and thick plastic film bags.

The thicker “reusable” plastic bag loophole in Alameda County’s single-use plastic bag ban similarly allowed a wasteful substitution of thicker “reusable” plastic bags for typical single-use ones.⁹⁰ It appears that many customers did not treat the thicker plastic bags as reusable, because their consumption rose significantly after the ban was implemented instead of leveling off quickly once shoppers had enough bags for a grocery store trip.⁹¹ Since these “reusable” plastic bags are at least four times thicker than typical single-use plastic bags, the estimated 13 million of them sold in Alameda County in 2021

likely surpassed the 37 million single-use plastic bags sold annually pre-ban on a plastic weight basis.⁹²

Customers’ use of their own reusable bags more than doubled right after Alameda County’s ban went into effect, peaking in 2015, but it has declined since with the rise of thicker plastic bags.⁹³ This provides further evidence of backsliding since the ban went into effect in 2013.⁹⁴ As noted below, allowing plastic film bags of any thickness at checkout can reduce the benefits of banning single-use plastic bags.

Consumers shift to paper bags without a paper bag fee

Single-use plastic bag bans that lack a fee on paper bags cause many customers to substitute paper bags for plastic bags. Paper bags are widely recyclable, but using new ones for every grocery trip is more wasteful than bringing the same set of reusable bags each time.

For example, in Portland, Ore., where the city’s bag ban lacked a paper bag fee, paper bag use increased nearly 500% post-ban.⁹⁵ This increase came before the ordinance was superseded by Oregon’s statewide ban, which does include a paper bag fee, in 2020.⁹⁶ Philadelphia, another city with no paper bag fee as part of its single-use plastic bag ordinance, had a 157% increase in the proportion of customers using at least one paper bag once it went into effect.⁹⁷

In contrast, Vermont’s plastic bag ban, which includes a minimum 10-cent fee on paper bags, resulted in an estimated 3.6% increase in paper bag use.⁹⁸ The plastic bag ordinance in Mountain View, Calif., which included a minimum 10-cent fee on paper bags at the time of the cited report, resulted in a 67% decline in the proportion of customers using a paper bag.⁹⁹

Percent increases alone can sometimes fail to tell the whole story due to different baselines. Before-and-after data from Philadelphia and Mountain View allow a closer comparison of changes in paper bag use for those two cities.

In Philadelphia, the proportion of grocery store customers using at least one paper bag rose from 18% to 46%, while in Mountain View, the proportion of grocery shoppers using a paper bag declined from 30% to 10%.¹⁰⁰ These data confirm opposite outcomes in these two cities. Without a paper bag fee in Philadelphia, many customers switched from single-use plastic bags to single-use paper ones, but the paper bag fee in Mountain View discouraged shoppers from making that switch enough for them to largely ditch paper bags even as they adjusted to single-use plastic bags being unavailable.

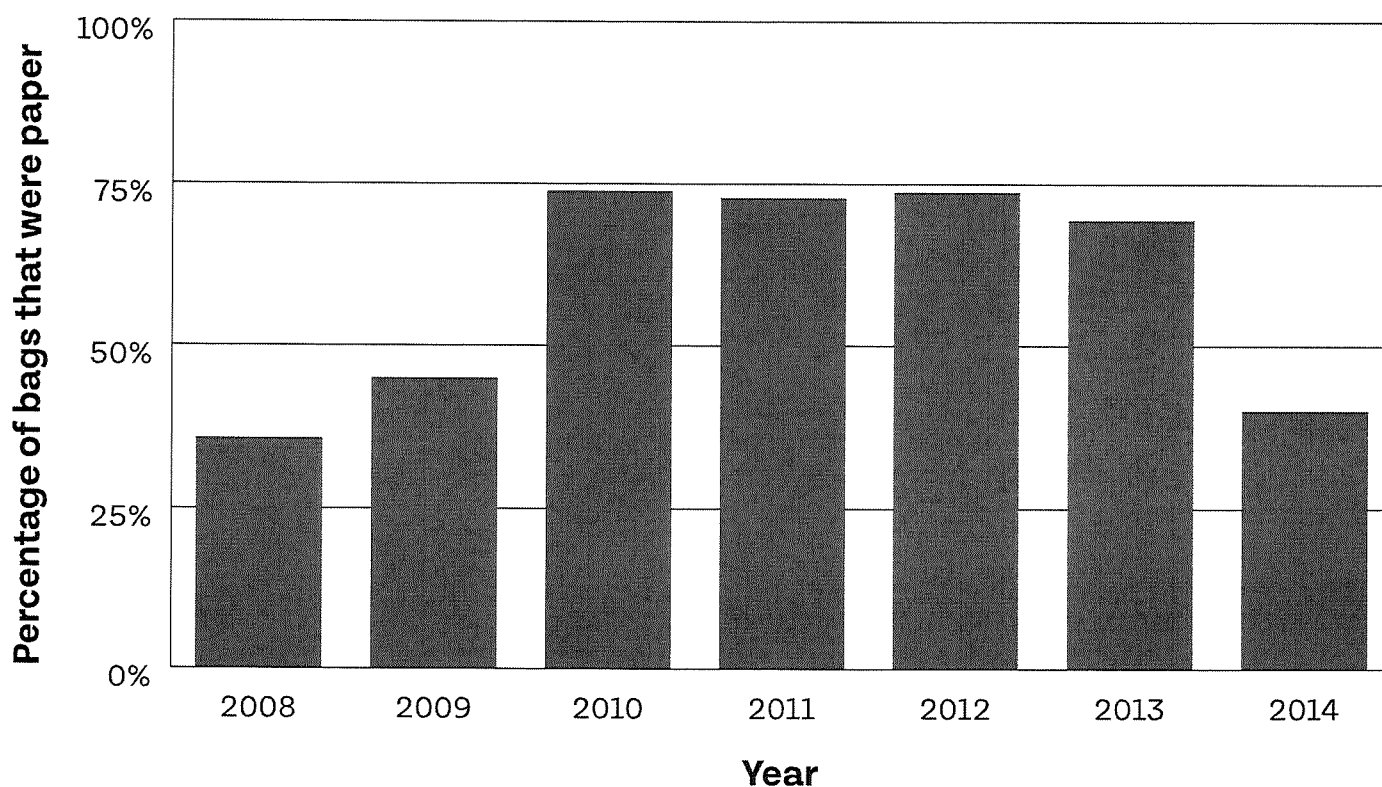
The experience of Palo Alto, Calif. further demonstrates the impact of paper bag fees because of its unique policy trajectory: the city implemented its

original plastic bag ban in September 2009 but did not have a paper bag fee until the updated law took effect in June 2013.¹⁰¹ (See Figure 1.)

The proportion of bags that were paper in Palo Alto grocery store surveys increased from 45% in 2009 to 74% in 2010, the first full year that the ban was in effect.¹⁰³ Just like in Philadelphia and Portland, many customers switched from single-use plastic bags to single-use paper bags in the absence of a paper bag fee.

The proportion of bags that were paper remained steady over the next few years and then declined slightly to 69% in 2013.¹⁰⁴ However, in 2014, the first full year of the paper bag fee, the proportion of bags that were paper dropped to 40% – below pre-ban levels.¹⁰⁵ Thus the paper bag fee was successful at preventing the substitution of paper bags for single-use plastic bags in Palo Alto. It's never too late for a jurisdiction with a plastic bag ban to shore up the ban's effectiveness by adding a paper bag fee.

Figure 1. Observed percentage of bags that were paper in surveys of customers exiting Palo Alto grocery stores.¹⁰²



Policymakers should adopt strong bans on single-use plastic bags to minimize plastic waste

Well-designed single-use plastic bag bans across the country have successfully reduced single-use plastic bag consumption, cut down on plastic bag litter and driven consumers to make more sustainable bag choices. Policymakers should pursue these policies at the state and local levels.

Despite the effectiveness of local single-use plastic bag bans, 18 states had laws preempting local governments from adopting bag bans as of February 2021.¹⁰⁶ Given the effectiveness of single-use plastic bag bans, state policymakers should repeal preemption laws to restore this policy tool to local leaders.

Poorly designed or loophole-ridden bans on single-use bags are less effective than well-designed bans. In some cases, they may actually make some problems associated with plastic bag use worse. Policymakers should eliminate harmful loopholes in single-use bag bans in existing laws and refuse to include them in future bag bans:

- Grocery stores, restaurants and retail shops should not be permitted to distribute plastic film bags of any thickness at checkout.

- Stores should be required to charge a fee of at least 10 cents for single-use paper bags. A 10-cent paper bag fee will limit the expected increase in paper bag use after a bag ban is imposed and may even reduce paper bag consumption altogether.
- Local and state governments should conduct regular enforcement to ensure compliance.

State and local governments should provide education and assistance to smooth the transition away from single-use plastic bags, including by giving away durable, genuinely reusable bags. Such actions also provide opportunities to answer questions about new policies and explain why they're important.

Many grocery stores offer durable, genuinely reusable bags at checkout. As with other bag types, charging a fee per bag discourages customers from treating them as single-use. Cities and states should set minimum charges for these bags to prevent them from being treated as single-use bags.

Methodology

Bags saved

Estimates of the number of plastic bags reduced by bag bans are based on data from a variety of reports, articles, fact sheets and other sources. In most cases, these data were reported in terms of “total bags saved per year” in the given area. Census Bureau data for the appropriate area and year facilitated a calculation of total bags saved per person per year.¹⁰⁷

Vermont

The cited analysis of Vermont’s plastic bag ban included self-reported single-use plastic bag consumption per person per week before and after the ban’s implementation.¹⁰⁸ Finding the difference between those plastic bag consumption figures and multiplying by 52 weeks per year resulted in a plastic bags saved per person per year figure comparable to those derived from other studies.

New Jersey

A state government analysis of New Jersey’s plastic bag ban presented a special case that demanded more in-depth calculations.¹⁰⁹

Grocery stores

A sample of 160 New Jersey grocery stores reported plastic bag consumption data to the New Jersey Food Council (NJFC), a grocery store industry group, before and after the ban was in place, suggesting sampled grocery stores saved 55 million bags per month in total, which translates to 343,750 plastic bags saved per store per month and ~11,500 plastic bags saved per store per day.¹¹⁰

The state government analysis refers to roughly 2,000 grocery store members of the NJFC and an estimated 6,000 total grocery stores throughout the state (excluding convenience stores) and scales up the estimated impact of the ban accordingly:¹¹¹

- 343,750 plastic bags saved per store per month multiplied by 2,000 stores yields 687.5 million bags saved by the ~2,000 NJFC grocery store members in total per month.¹¹²
- 343,750 plastic bags saved per store per month multiplied by 6,000 stores yields 2.06 billion bags saved by all grocery stores in the state per month.¹¹³

However, these estimates assume that each store is large enough to have provided ~11,500 plastic bags per day before the ban was in effect. While supermarkets and large grocery stores may maintain a volume of >10,000 plastic bags provided per day, it seems unlikely that smaller grocery stores assumedly included in the 6,000 figure often do so. Based on U.S. Census Bureau data, there were 830 grocery stores with at least 10 employees in the state in 2021, providing a more conservative figure from which to scale up the bags saved per store per month figure of 343,750.¹¹⁴

343,750 plastic bags saved per store per month multiplied by 830 grocery stores yields **285,312,500 plastic bags saved across the state per month.**

Convenience Stores

A similar calculation was carried out based on the sampled convenience store data. The 275 sampled convenience stores saved 33 million plastic bags per month in total. That's 120,000 plastic bags saved per convenience store per month.

According to U.S. Census Bureau data, there were 1,446 convenience stores in New Jersey in 2021.¹¹⁵ 120,000 plastic bags saved per convenience store per month multiplied by 1,446 convenience stores across the state yields **173,520,000 plastic bags saved per month at New Jersey convenience stores.**

Total

Adding the per-month figures for supermarkets and convenience stores yields 458,832,500 plastic bags saved in total across the state per month. Multiplying by 12 months derives an annual estimate of **5.51 billion plastic bags saved per year by New Jersey's plastic bag ban.**

Notes

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