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## Policy Close Up #1

### Plastic Bag Ban

**Summary:** New York State is considering proposals to ban plastic bags in retail establishments. Governor Cuomo included a proposed ban in his SFY2019-20 executive budget, and stand-alone legislation has been introduced by Senator Kaminsky.<sup>1</sup> The strongest legislation will ban all plastic bags and be coupled with a fee on paper bags. Waste, threats to the environment, and taxpayer costs drive the calls for action.

**Background:** According to the Cuomo Administration: “[R]esidents use **23 billion plastic bags annually**. A significant number of these bags make their way into the environment causing litter and damaging wildlife, which can be seen within our waterways, along our streets and in our oceans and lakes. Moreover, these bags do not biodegrade – they persist for years. The New York City Department of Sanitation currently estimates that it collects an average of 1,700 tons of plastic bags per week, costing \$12.5 million per year in disposal expenses.<sup>2</sup> [Emphasis added.]

The problem is not unique to New York; it is a global problem. According to a recent report, experts estimate that over eight million tons of plastic waste ends up in the world’s oceans each year, and that amount is likely to increase dramatically over the next decade unless nations act.<sup>3</sup>

The amount of plastic waste found in the ocean is the equivalent of “*five plastic grocery bags filled with plastic for every foot of coastline in the world.*” Experts estimate that by 2025, the amount of plastic waste entering the oceans would double, or the equivalent of 10 bags per foot of coastline.<sup>4</sup> The plastic that ends up in the ocean isn’t just unsightly and harmful to aquatic life; it ends up in the food chain, including shellfish, fish,<sup>5</sup> and even sea salt.<sup>6</sup> In fact, “[w]ithout significant action, there may be more plastic than fish in the ocean, by weight, by 2050.”<sup>7</sup>

While the United States is not the world’s worst offender – that distinction goes to China – the U.S. generates an estimated 110,000 metric tons of marine debris a year.<sup>8</sup>

The average American throws out 185 pounds of plastic every year.<sup>9</sup> Cutting plastic bag use can dramatically reduce waste. After San Jose, California banned plastic bags in 2012, plastic bag litter found in storm drains dropped by almost 90 percent; it fell by 60 percent in waterways.<sup>10</sup>

And San Jose is not alone: San Francisco passed a ban in 2007. A similar law to San Francisco’s took effect across California in the summer of 2017. In addition to California, a *de facto* statewide ban exists in Hawaii as all of the most populous counties in the state prohibit plastic bags at checkout, as well as paper bags containing less than 40 percent recycled material.<sup>11</sup>

In addition to the benefits to reducing the amount of garbage in the oceans, plastic bags aren't biodegradable, and less than one percent of plastic bags are recycled. Even when they are, it costs more than producing a new one. One staff member from San Francisco's Department of the Environment, commented, "**There's harsh economics behind bag recycling: It costs \$4,000 to process and recycle one ton of plastic bags, which can then be sold on the commodities market for \$32.**"<sup>12</sup> [Emphasis added.]

**Action in New York:** In the Governor's SFY2019-20 executive budget proposal, a proposed ban on single-use plastic bags beginning March 1st, 2020 is included.<sup>13</sup> This proposal is a revised version of a program bill the Governor introduced in April 2018 and comes one year after the New York State Plastic Bags Task Force produced a report with recommended actions to reduce plastic waste.<sup>14</sup>

In 2017, Governor Cuomo approved legislation that *retroactively repealed* New York City's then recently passed local law to address the proliferation of plastic bags as litter, ecological damage and as part of the City's solid waste disposal burden. The state law also prohibited the City from passing a new law until January, 2018 at the earliest.<sup>15</sup> Other local laws around the state that banned plastic bags were not covered by the legislation.

As of December 2018, twenty local bag bans have been adopted in New York, and numerous communities have proposed or pending laws.<sup>16</sup> Counties that have adopted or pending bans include Nassau, Suffolk, Westchester, Ulster, Warren, Dutchess, Orange, and Madison.

These local bag bans are the result of residents mobilizing and the recognition within local governments that plastic bags are a blight that must be dealt with. Communities need clean waterways, parks, and other public spaces to support businesses, attract new residents and tourism, and support a quality standard of life. **Governor Cuomo said in a statement, "The costly and negative impact of plastic bags on New York's natural resources is a statewide issue that demands a statewide solution."**<sup>17</sup>

In addition to the Governor's proposal, Senator Kaminsky carry legislation that would ban plastic bags and, unlike the Governor's proposal, it is coupled with a 10-cent fee on paper bags. This legislation also: (1) ensures 80% of fees collected from paper bags goes to New York's Environmental Protection Fund (EPF) (2) exempts those using SNAP or WIC from fees (3) sets up penalties for repeat store violations and (4) allows local governments to have a higher fee or ban on additional types of bags.

**Recommendations: New York must implement a statewide ban on plastic bags coupled with a fee on paper bags.** Key components to an effective plastic bag ban include:

- A minimum 10-cent fee on paper bags – this component is essential to ensure people change habits and bring reusable bags;
- Exemptions for SNAP and WIC from the fee;
- Penalties for repeat store violations;
- 100% proceeds from fees going to the EPF; and,
- A ban on all plastic bags, regardless of thickness.

**The California Experience:** There is ample evidence of programs that work.<sup>18</sup> In addition to other successes, California's experience is most instructive for New York. 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. As described by the *Los Angeles Times*, "Californians took in stride the sudden absence of some 13 billion bags that in previous years were handed out at grocery checkout counters and by other retailers of all sorts." Not only were consumers able to handle the change in their shopping experience, but there was a significant reduction in the amount of plastic bags found on California beaches. Again according to the *Los Angeles Times*, "Plastic bags

(both the banned and the legal variety) accounted for 3.1% of the litter collected from the state’s beaches during the 2017 Coastal Cleanup Day, down from 7.4% in 2010.”<sup>19</sup>

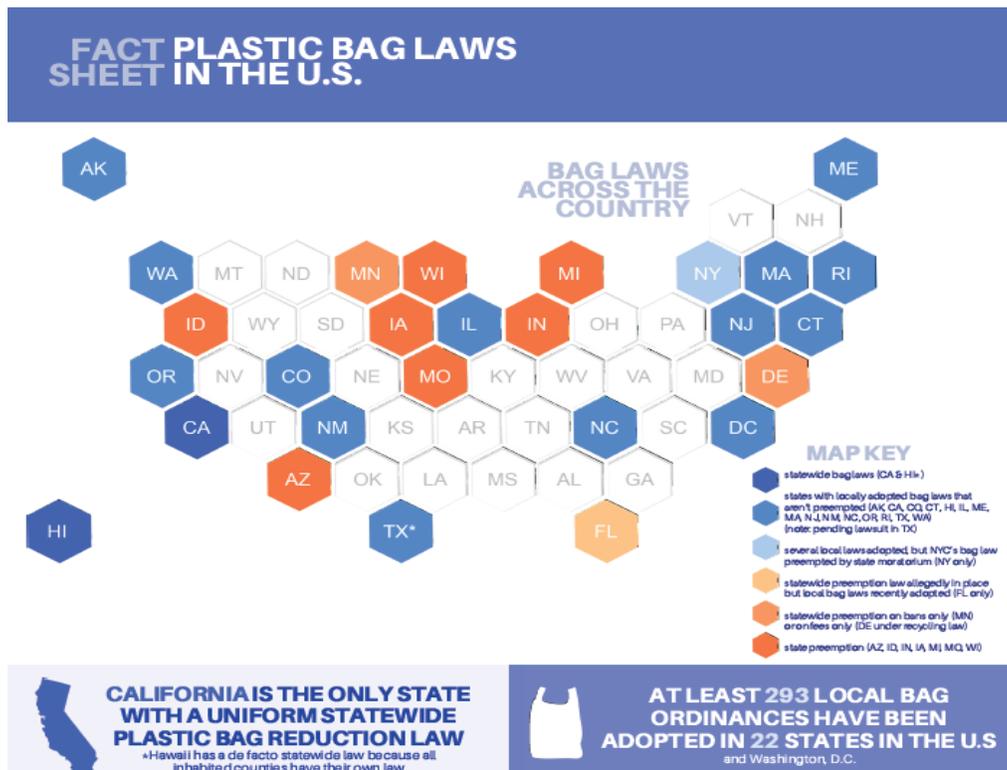
The California law has two major components: (1) a statewide ban on thin plastic bags (under 2.25 mils) that are the ones most often distributed by supermarkets (those with handles, not the ones used to wrap foodstuffs); and (2) a minimum 10-cent fee for paper & reusable bags (including thicker plastic bags).<sup>20</sup>

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 are expected to 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.<sup>21</sup>

California’s experience shows that its law is a model – consumers adapt and plastic bag refuse is slashed.

**Other experiences.** California and Hawaii are not the only governments to act to restrict plastic bag use. Over 100 localities have enacted some version of a restriction on plastic bag use.<sup>22</sup> The industry has fought back, both in the courts and at state capitals. According to the National Conference of State Legislatures, four states—Arizona, Idaho, Mississippi, and Missouri—enacted legislation preempting local governments from regulating the sale or use of plastic bags,<sup>23</sup> including the imposition of any fees or taxes. As noted, New York State followed a similar path in overturning the New York City local law. Below shows the state of the states when it comes to enacted laws in this area.<sup>24</sup>



The growing effort by the industry and its supporters in state legislatures to roll back these initiatives has drawn national attention. That effort will only mean more plastic bags and trash in the environment.

## **The California experience is the preferred route in attacking this serious global problem.**

### **Endnotes**

<sup>1</sup> New York State Senate bill, S.95, 2019

<sup>2</sup> Governor Cuomo, News Release, “Governor Cuomo Announces Launch of Statewide Plastic Bag Task Force,” March 12, 2017, <https://www.governor.ny.gov/news/governor-cuomo-announces-launch-statewide-plastic-bag-task-force>.

<sup>3</sup> Schwartz, J., “Study Finds Rising Levels of Plastics in the Oceans,” *The New York Times*, February 12, 2015, <https://www.nytimes.com/2015/02/13/science/earth/plastic-ocean-waste-levels-going-up-study-says.html? r=0>.

<sup>4</sup> Ibid.

<sup>5</sup> Parkers, L., “Ocean Life Eats Tons of Plastic – Here’s Why That Matters,” *National Geographic*, August 16, 2017, <https://news.nationalgeographic.com/2017/08/ocean-life-eats-plastic-larvaceans-anchovy-environment/>.

<sup>6</sup> Glenza, J., “Sea salt around the world is contaminated by plastic, studies show,” *The Guardian*, September 8, 2017, <https://www.theguardian.com/environment/2017/sep/08/sea-salt-around-world-contaminated-by-plastic-studies>.

<sup>7</sup> World Economic Forum, “The New Plastics Economy Rethinking the future of plastics,” January 2016, [http://www3.weforum.org/docs/WEF\\_The\\_New\\_Plastics\\_Economy.pdf](http://www3.weforum.org/docs/WEF_The_New_Plastics_Economy.pdf).

<sup>8</sup> Schwartz, J., “Study Finds Rising Levels of Plastics in the Oceans,” *The New York Times*, February 12, 2015, <https://www.nytimes.com/2015/02/13/science/earth/plastic-ocean-waste-levels-going-up-study-says.html? r=0>.

<sup>9</sup> CBS-TV This Morning, “Plastic trash from Americas and Europe fill the Arctic ecosystem,” October 23, 2017, <https://www.cbsnews.com/videos/plastic-trash-from-americas-and-europe-fill-the-arctic-ecosystem/>.

<sup>10</sup> Gabrielson, P., “Do Plastic Bag Bans Really Reduce Litter?” *Mercury News*, July 16, 2013, <http://www.mercurynews.com/2013/07/16/do-plastic-bag-bans-really-reduce-litter/>.

<sup>11</sup> National Conference of State Legislatures, “States With Enacted Plastic Bag Legislation,” 2017, <http://www.ncsl.org/research/environment-and-natural-resources/plastic-bag-legislation.aspx#enacted>.

<sup>12</sup> Heigl, A., “Hawaii Is the First State in the U.S. to Ban Plastic Bags,” *People Magazine*, July 8, 2015, <http://people.com/celebrity/hawaii-bans-plastic-bags/>.

<sup>13</sup> New York State Executive Budget, Article VII Transportation, Economic Development and Environmental Conservation Budget bill, S.1508, 2019

<sup>14</sup> Governor Cuomo, News Release, “Governor Cuomo Introduces Program Bill Banning Single-Use Plastic Bags in New York State,” April 23, 2018, <https://www.governor.ny.gov/news/governor-cuomo-introduces-program-bill-banning-single-use-plastic-bags-new-york-state>

<sup>15</sup> Chapter 7 of the laws of New York, S.4158/A.4883.

<sup>16</sup> Map developed by Korin Tangtrakul for PlasticBagLaws.org

<sup>17</sup> Governor Cuomo, News Release, “Governor Cuomo Announces Launch of Statewide Plastic Bag Task Force,” March 12, 2017, <https://www.governor.ny.gov/news/governor-cuomo-announces-launch-statewide-plastic-bag-task-force>.

<sup>18</sup> For a list of state and local laws regulating plastic bags, Californians Against Waste, <https://www.cawrecycles.org/list-of-national-bans/>. Another organization with expertise in laws and litigation is PlasticBagLaw.org.

<sup>19</sup> Los Angeles Times Editorial, “It’s been a year since California banned single-use plastic bags. The world didn’t end,” *Los Angeles Times*, November 18, 2017, <http://www.latimes.com/opinion/editorials/la-ed-plastic-bag-ban-anniversary-20171118-story.html>.

<sup>20</sup> California legislation, [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140SB270](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB270).

<sup>21</sup> Scientist Action and Advocacy Network, “Scientific support for a plastic bag reduction law,” December 4, 2017, [http://scaan.net/docs/ScAAN\\_Bags\\_report.pdf](http://scaan.net/docs/ScAAN_Bags_report.pdf).

<sup>22</sup> Californians Against Waste, <https://www.cawrecycles.org/list-of-national-bans/>.

<sup>23</sup> National Conference of State Legislatures, “States With Enacted Plastic Bag Legislation,” 2019, <http://www.ncsl.org/research/environment-and-natural-resources/plastic-bag-legislation.aspx#enacted>.

<sup>24</sup> PlasticBagLaws.Org, Fact Sheet, “Plastic Bag Laws in the U.S.,” <https://www.plasticbaglaws.org/s/factsheet>.