



January 27, 2022

Greetings Chair Bennett and Members of House Environment and Natural Resources Committee:

The Surfrider Foundation and our Rhode Island Chapter offer these comments in **support only with amendments** for H.7065, The Plastic Waste Reduction Act.¹

We applaud sponsors for bringing forth this bill for consideration, and fully support the intents presented to protect the environment by banning all thin film single-use plastic shopping bags.

To be able to support H.7065, we request three key amendments to:

1. Mandate a specific program to accommodate accessibility to free reusable bags for financially challenged communities, families and individuals rather than the current framing of urging free giveaways without limitation, which promotes excess; and,
2. Include the mandatory, uniform fee on paper bags that data proves is necessary to properly incentivize reusable bags; and,
3. Include a mandatory, minimum fee for all reusable bags sold, which data proves is necessary to prevent allowable 4 mils plastic bags or other plastic, "reusable" bags from becoming the new "go-to" bag, rather than the intended shift to proper reusable bags.

The point of single-use paper bag fees is to encourage reusable bag use, not to collect fees from shoppers in perpetuity. **To best ensure accessibility to free reusable bags for financially challenged communities, families and individuals, we recommend striking in full section 23-19.18-3 (c), and replacing it with:**

To further promote the use of reusable shopping bags and best ensure accessibility to all people, the Department shall upon passage work inclusively with the environmental justice community, retailers, and other entities identifying as or engaged in advocacy for financially challenged communities to develop an ongoing program for fair sourcing and distribution of free reusable shopping bags to financially challenged Rhode Island communities, families and individuals.

¹ <http://webservice.rilin.state.ri.us/BillText/BillText22/HouseText22/H7065.pdf>

Many stores, schools and nonprofit organizations in other jurisdictions with bag laws that include paper bag fees engage in free, targeted reusable bag giveaways with the purpose of accessibility in mind. A temporal, robust and inclusive accessibility program mandated by the State would best ensure supportive implementation of a bag law with a paper bag fee for all Rhode Island people and businesses, while prohibiting excessive giveaways to non-target populations that are not in need of support to gain equity of access to reusable bags.

The current framing of this section in H.7065 opens a loophole allowing stores to choose to provide allowable bags considered “reusable” for free at all times to keep their customers happy. When stores don’t charge for reusable bags, they are likely to give away the cheapest reusable bags they can manufacture, often made of woven plastic with stitched handles and measured in GSMs and not mils. These bags are then used in a similar manner single-use bags, because customers have no incentive to bring their own bags or skip a bag.²

If H.7065 passes as is, bags made to 4 mils thickness would be distributed for free, which if used at the same rate as single-use bags that have historically distributed for free, would render more plastic in production and in the environment, and not less.

Fees for single-use bags are not a new idea; we can look to studies chartered by authorities in Washington DC and Chicago to assess fee based bag laws to see that **when applied to both paper and plastic**, these laws work to decrease pollution and increase reusable bag use.³ When not in place, single-use paper bags or bags manufactured to meet the allowable specification of 4 mils but still given out for free will be the new go-to bags, rather than the intended machine-washable reusable bags.

This reality is recently further evidenced by Walmart stores in Maine and in Connecticut; where Maine’s law requires a fee on allowable 4 mils plastic bags and Connecticut’s law, does not, Walmart opted to go bag-free in Maine and to provide free 4 mils plastic bags, in Connecticut. Amending H.7065 to require the necessary fees to achieve intended goals is necessary if the goal is to decrease plastic pollution and incentivize proper reusable bag use.

² The results of Chicago plastic bag ban: Shopping bags to be sturdier, Chicago Tribune (2015) <https://www.chicagotribune.com/business/ct-plastic-bag-ban-0622-biz-20150622-story.html>

³ See: [Chicago study](#); [DC study](#)

The Surfrider Foundation is a nonprofit environmental organization dedicated to the protection and enjoyment of the ocean, waves and beaches, for all people, through a powerful activist network.

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Mandating a uniform paper bag fee is an absolute necessity for good bag law as it:⁴

- Requires and allows businesses to recuperate the higher cost of paper bags in a transparent and measurable way, which is even more critical at this juncture as many local laws that fail to address paper with a fee have increased demand for single-use paper bags, making inventory supply and high costs an issue for stores;
- Levels the playing field for businesses of all sizes; without a mandated paper bag fee some larger stores may be able to absorb the higher cost of paper bags while some smaller stores may need to look at imposing a bag charge on their own (which can be seen as bad PR when competitors are not charging a fee) -- or increasing the cost of goods to cover the higher cost (which harms financially challenged entities);
- Incentivizes the intended consumer behavior shift toward machine-washable reusable bag use, **rather than the result we see when there is a ban on plastic bags and no fee on paper bags, which is a stark increase in single-use paper bag use;**⁵ and,
- Protects the environment from needless pollution from single-use bags of any making, getting us away from the throw-away culture.

Where plastic bag bans are implemented ***without addressing paper bags with fees***, we categorically see a spike in paper bag usage; this unintended consequence presents significant detriments to the environment and businesses.

Many U.S. cities, including Chicago, have adopted the 2.25 mils thickness requirement for film plastic in their definition of a reusable bag. With only a ban on single use plastics, but no fee in place for reusable bags, Walmart and other retailers in Chicago just switched to the 2.25 mils thick plastic bags, which they gave away for free as reusable bags, at similar rates they had been using the thinner, single-use plastic bags.⁶ Initially, 2.25 mils plastic bags were more expensive for stores to buy than paper, but as the demand for such bags increased, in many instances, they became less expensive than paper. Chicago's

⁴ See Addendum A: Ocean State Job Lot, 2018, Support for Bag Fees

⁵ See: [Chicago study](#); [Westport, CT study](#)

⁶ The result of Chicago plastic bag ban: Shopping bags to be sturdier, Chicago Tribune (2015) <https://www.chicagotribune.com/business/ct-plastic-bag-ban-0622-biz-20150622-story.html>

law was eventually updated (due to advocacy from a coalition of environmental groups and retailers) to a simple 7-cent fee on all carryout bags.⁷ This has resulted in an effective law: one year later the proportion of consumers using a disposable bag decreased dramatically and roughly half of consumers opted for reusable bags or no bags at all.⁸

California's statewide law likewise mandates a 2.25 mils thickness requirement for reusable bags, but California has a minimum 10-cent fee.⁹ Like the Chicago law, the allowance for these thicker film plastic bags under California's statewide law is seen by many as a glaring loophole. **However, the agency charged with implementation of the law released a report showing that since a mandatory fee is in place for all available carryout bags, the overall number of carryout bags decreased dramatically.**¹⁰ The total mass of plastic decreased significantly as well. It was also recommended that the minimum fee for paper and reusable bags increase to 25-cents, which further incentivizes the use of reusable grocery bags. As the report points out, several local jurisdictions in California have already moved to a 25-cent minimum fee for all bags.

Some jurisdictions, including Austin, TX and the State of Oregon, set a higher thickness requirement of 4 mils, often with the hope that these thicker and more expensive bags will be price-prohibitive for retailers, and that retailers would be less likely to give those bags out for free. An Austin study reported that a thicker gauge 4 mils bag needed to be used 4 to 12 times in order to offset the overall environmental impact of a thicker plastic reusable bag versus a single-use plastic bag, and that when given out for free, these thicker bags were used in a single-use manner, contravening the intent of the legislation.¹¹

The Surfrider Foundation appreciates that H.7065 sponsors included a definition requiring 40% post-consumer paper content for paper bags, which would help

⁷ Skipping The Bag Assessing the impact of Chicago's tax on disposable bags, NYU Wagner, ideas42, University of Chicago (2018) https://www.ideas42.org/wp-content/uploads/2018/09/Bag_Tax_Paper_final.pdf

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⁹ S.B. 270, 2013-2014 Reg. Sess. (Cal. 2013) ("California statewide carryout bag law") at § 42281(c)(3), https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB270

¹⁰ SB 270 Report to the Legislature Implementation Update and Policy Considerations for Management of Reusable Grocery Bags in California, California Department of Resources Recycling and Recovery (2019) <https://static1.squarespace.com/static/59bd5150e45a7caf6bee56f8/t/5cdb80e6c8302598e35154ef/1557889257020/SB+270+Report.pdf>

¹¹ Environmental Effects of the Single Use Bag Ordinance in Austin, Texas, Austin Recovery Resource (2015) <https://www.austintexas.gov/edims/document.cfm?id=232679>

defray some of the concerns with impacts to forests. However, paper bags take a significant amount of energy to produce and to recycle; they are also heavy and space consuming, requiring larger transportation vessels and higher quantities of fuel to reach their final point of sale destinations. While much better for the marine and freshwater environments than plastic, paper bags are not a good replacement for plastic bags. The heart of single-use bag reduction laws is to incentivize reusable bags. **Fees on paper bags are the policy mechanism that works to achieve this result.**

Without paper bag fees intact, bag laws can cause confusion among retailers and lawmakers, who sometimes mistakenly believe that the bag ban itself is to blame for the resulting harm caused to businesses. ***This is because the unintended results of not mandating a fee on paper bags are a verifiable increase in customers choosing free paper bags***¹² at a much higher cost to stores, and presumably, ***a rise in the cost of goods, which could harm financially challenged communities to enable stores to absorb the higher cost paper bags***. This negative impact to business is then often successfully leveraged against single-use plastic reduction efforts in other jurisdictions.

A study comparing carryout bag use at large Chicago supermarkets during an initial tax on plastic bags without a fee on paper bags compared to usage just after implementation of a 7-cent tax on all checkout bags (plastic, paper, reusable) found a 42% reduction in the number of all types 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.¹³

There are multiple statewide single-use bag reduction laws currently on the books, plus Hawaii's de facto ban.¹⁴ Importantly, there are many more state bag laws still under consideration. A law advanced here in Rhode Island at this time would therefore have potentially precedent-setting impacts, making it even more critical to pass a good law with the proven policy mechanisms we know work to close known loopholes and achieve goals for accessibility and incentivizing reusable bag use.

¹² [Westport, CT study](#)

¹³ See: [Chicago study](#)

¹⁴ See: <https://www.plasticbaglaws.org/legislation>

The significant environmental detriments of single-use plastics are well known. From the fact that they disproportionately impact communities of color, where fracking, petrochemical plants, and incinerators needed for processing plastics are predominantly cited, to the fact that they contain toxic chemicals and do not degrade like natural materials, to the fact that they are a relatively new commodities in our society manufactured for short-lived convenience and yet persistently pollute and clog our drainage systems, beaches, parks and waterways—at grave detriment to the ecosystem and wildlife, while costing taxpayers money to cleanup. We know that action is needed to reduce single-use plastics.

The solutions are clear from nation to nation, state to state, and hundreds of localities peppered around Rhode Island and the U.S. – consumers are demanding action to get rid of needless single-use plastics and packaging. **Several good laws are in effect right now that are manifesting excellent results that are verifiable by hard data to both reduce pollution and change consumer habits while supporting financially challenged families without causing harm to business.** I hope this Committee will consider and adopt the recommended amendments herein to apply these proven policy mechanisms here in Rhode Island. There is no need to reinvent the wheel, and the bill as presented without the requested amendments would produce several unintended, yet negative, outcomes.

Thank you for your consideration, and again for the incredible amount of time and energy many of you have exerted in advancing discussions on the topic of single-use plastic reduction over multiple sessions, and now with the added stress of working remotely through the COVID-19 public health crisis. Your service is greatly appreciated!

Sincerely,



Melissa Gates
Northeast Regional Manager
Surfrider Foundation
Pronouns: She/her/hers



A handwritten signature in blue ink that reads "Stan C. Brajer". The signature is written in a cursive style and is positioned above a thin yellow horizontal line.

Stan Brajer
Volunteer Chair
Surfrider Foundation Rhode Island Chapter
Resident of Bristol, RI

Addendum A, Ocean State Job Lot, 2018, Support for Bag Fees:

OCEAN STATE JOBBERS, INC.
d/b/a Ocean State Job Lot
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401-295-2672 (Tel) 401-294-8750 (Fax)

EM.

February 15, 2018

Plymouth Town Hall
Attn: Plymouth Town Manager – Melissa Arrighi
26 Court Street
Plymouth, MA 02360

RECEIVED
FEB 26 2018
SELECTMEN'S OFFICE
PLYMOUTH, MA

Dear Ms. Arrighi,

Ocean State Job Lot ("OSJL") presently has 129 retail stores located from Maine to New Jersey. Fifteen (15) of these OSJL locations, including our store located in Plymouth, have issued legislation to ban single use, plastic bags. Additionally, OSJL is actively tracking several other recently proposed bag bans throughout New England that appear likely to pass within the coming year. Understanding that the purpose of these laws is to reduce plastic bag consumption in our landfills, OSJL respectfully requests that you consider the foregoing valuable source of data.

OSJL currently charges a five cent (\$.05) fee for the use of single use, carry out bags in four (4) of our store locations, pursuant to those localities' plastic bag bans. More specifically, these store locations consist of three (3) stores located in Suffolk County, New York and one (1) store in Falmouth, Maine. At these locations, we have seen a significant increase in people bringing in their own reusable bag instead of remitting the fee for the single use, carry out bag. So to put simply, when customers are asked during checkout if they would like to purchase a bag or bags to transport the items they are buying (as required by local law), they opt not to pay the extra cost and consequently, the use of plastic drops significantly.

It's important to note that where local laws have prohibited single use, plastic bags, but do not require the retailer to charge a fee in connection with the more expensive compliant bag, the retailer becomes beholden to provide an alternative "compliant" bag to its customers, who expect to have a bag provided free of charge to transport their purchased items home. OSJL is complying with local bag bans by offering its customers a thicker, legally compliant plastic bag that costs OSJL from \$.065 to \$.09 per bag. This is approximately five (5) times the cost of the single use bags that has been banned.

In those locations where single use, plastic bags have been banned, but are not requiring OSJL to charge the customer a fee per bag, we are finding no positive effect on consumption and likely a continued negative environmental impact due to the fact that the bags now consist of a thicker plastic.

The purpose of writing this letter to you is to let you know that the bag ban passed by Plymouth which does not require the retailer to charge the consumer any fee per bag used at checkout is ineffective when compared to communities who require the retailer to charge a bag fee.

We reviewed over 2000 transactions and found, in summary, the following:

	customer used store-provided bags	vs	customer used a reusable or left with items unbagged*
with \$.05 fee	37%		63%
with no fee	70%		30%
* we excluded transactions where a customer did not need a bag			

Based on these findings, when a single use, plastic bag ban requires a fee per bag, more customers change their behavior and respond by either bringing their own bag or choosing to use no bag at all during the checkout process. This translates to the town accomplishing its goal of reducing bag waste, the consumer being more apt to change their behavior by using reusable bags, and the retailer being able to manage its costs more effectively by defraying the increased cost of this regulation.

OSJL appreciates and supports Plymouth's efforts in trying to reduce plastic waste. I sincerely hope that this information is helpful in assisting and improving these continued efforts. If you or the Plymouth Board of Selectmen would like to discuss this matter further in depth, I am happy to engage in the same.

Regards,


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cc: Kenneth A. Tavares- Chairman
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Anthony F. Provenzano, Jr. – Vice Chair
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