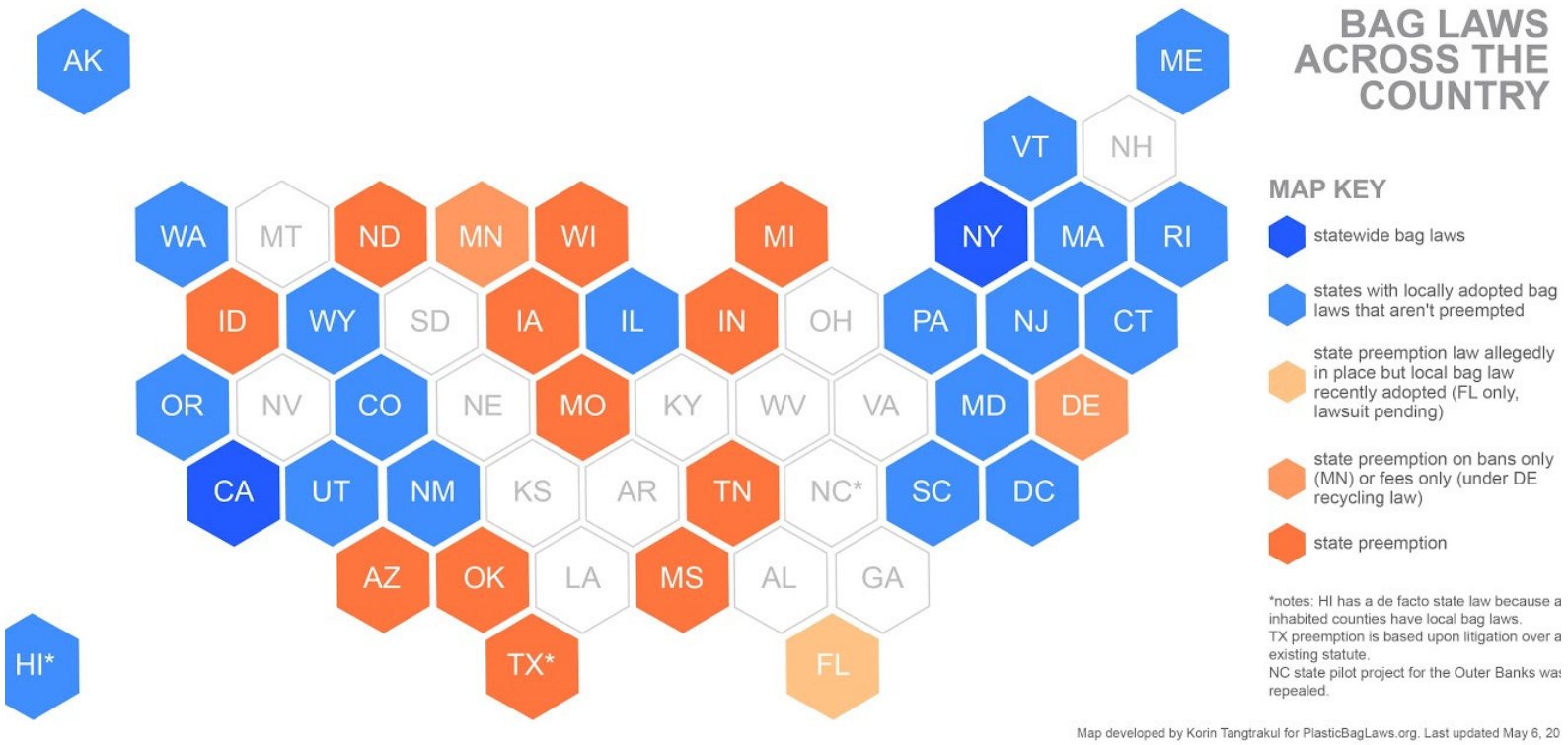
FACT SHEET: PLASTIC BAG LAWS IN THE U.S.



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 414 LOCAL BAG ORDINANCES HAVE BEEN ADOPTED IN 27 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?

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

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



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 are more valuable than others & dirty **plastic bags don't have a viable market.**

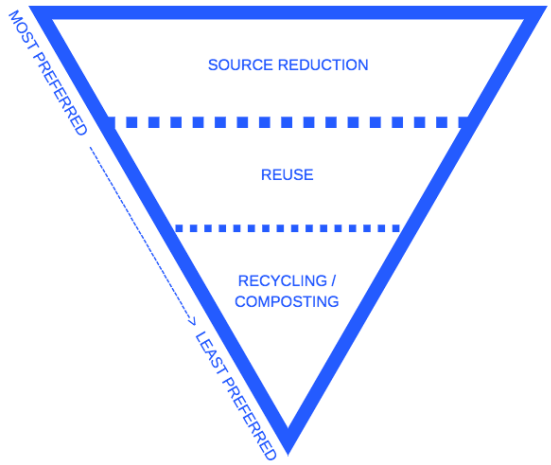
Plastic bag recycling rates are difficult to measure, estimated at **~5%.**

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



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