

SENATE BILL REPORT

SB 5780

As of January 12, 2012

Title: An act relating to retail store carryout bags.

Brief Description: Regarding retail store carryout bags.

Sponsors: Senators Chase and Kline.

Brief History:

Committee Activity: Environment: 1/11/12.

SENATE COMMITTEE ON ENVIRONMENT

Staff: Jan Odano (786-7486)

Background: In the state of Washington, the cities of Seattle, Bellingham, Edmonds, and Mukilteo have passed ordinances that prohibit retail establishments from providing single-use plastic carryout bags to customers. The ordinances provide exemptions for plastic bags used within the store for produce, bulk food, or meat. Retailers may only provide recycled or recyclable paper bags, or reusable bags to customers. The prohibition on plastic carryout bags becomes effective July 2012 for Seattle and Bellingham, and January 1, 2013, for Mukilteo. Retail establishments in Edmonds were required to comply with the ban as of August 2010.

The retail establishments within Seattle, Mukilteo, and Bellingham must charge customers at least \$0.05 for each recyclable bag provided. The fee will begin in Seattle in 2016.

Throughout the United States, there are several local governments that have adopted ordinances banning the use of plastic carryout bags. Additionally, some countries have banned or imposed a fee on the use of such bags, or have implemented strategies to discourage their use and to encourage the recycling of plastic bags.

Summary of Bill: A person operating a retail store may only provide to consumers carryout bags that are made of compostable plastic, recyclable paper, or other reusable material.

The state of Washington occupies and preempts retail store carryout bag regulations. Local laws and ordinances that are inconsistent, more restrictive, or exceed the state law may not be enacted, are preempted and must be repealed.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Department of Ecology (DOE) may adopt rules as necessary for implementing, administering, and enforcing the chapter. DOE must develop guidelines for carryout bag specifications.

A retail store in violation of the carryout bag requirements is subject to a class 1 civil infraction.

Terms are defined and include the definition of a carryout bag as a bag provided by a retail store to a customer at the point of sale. A carryout bag is not a bag that is used for fresh meat, produce, bulk items, dairy products, ice, or cooked foods.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Paper bags are not a reasonable alternative to plastic bags. We need to switch to reusable bags. Plastic bags use more fossil fuels and raw materials. Recycling paper or plastic bags takes energy resources. Degradation of plastic and paper bags produces toxic chemicals. It is better to use reusable bags. We need to leave our children with a sustainable future that is not harmed by toxic chemicals.

CON: There needs to be a recycling and education program. Littering is the problem. Plastic bags are not single use. They are recyclable, which is the solution. Banning plastic bags will cost jobs and harm the environment. Plastic bags can be recycled into other useable products and provide jobs. Many stores already encourage recycling and the use of reusable bags. This would create a hardship on stores as plastic bags cost \$0.02 and paper bags cost \$0.07. This bill would devastate many families that rely on jobs making these bags. The bags are 100 percent recyclable and are reusable. It is time to make the move and we need to be able to collect the pass-through fee to offset costs. There is a need for state-wise provisions for consistency.

OTHER: There are problems with some of the alternatives. A ban is not recommended until other products are readily available. Plastic bags do make up a significant portion of the litter along the roadsides. Wildlife is negatively affected by plastic bags and the toxic chemicals produced when they are degraded. We need a comprehensive state-wide solution. Seattle and Bellingham's ordinances are sound and should not be pre-empted.

Persons Testifying: PRO: Senator Chase, prime sponsor.

CON: Katie Moore, Aurora Plastics; Keith Lee, American Retail Supply, Mark Daniels, Hilex Poly Co, Michael J. Johnson, Poly Bag, LLC, Ken Holmes, American Plastic Manufacturer; Carolyn Logue, WA Food Industry Assn.; Holly Chisa, NW Grocery Assn.; Mark Johnson, WA Retail Assn.; Charlie Brown, Fred Meyer Stores.

OTHER: Laurie Davies, DOE; Robb Krehbiel, Environment WA; Suellen Mele, Zero Waste WA.