

POSITION: OPPOSE

Public Hearing on

Bill 24-24, Taxation — Paper Carryout Bags and Prohibition on Plastic Carryout Bags
("Bring Your Own Bag")

before

The Honorable Kate Stewart
Council President
Montgomery County Council

January 14, 2025

Testimony of Aaron Droller
Silver Spring, Maryland

Good afternoon members of the Montgomery County Council (“Council”). My name is Aaron Droller and I am a resident of Silver Spring. Thank you for the opportunity to submit testimony on Bill 24-24, Taxation – Paper Carryout Bags and Prohibition on Plastic Carryout Bags (“Bring Your Own Bag”) (referred to as the “Bill”). I testify in opposition to the Bill.

I want to state at the outset that I am not involved in an industry, business, or advocacy organization that has any financial stake in the Bill. I testify only on behalf of myself as a resident. I believe that the stated purpose of the Bill to “advance environmental and human health” is laudable.¹ However, I oppose the Bill for several reasons.

First, Montgomery County has not thoroughly assessed the impact of the existing carryout bag tax on consumer behavior or environmental impact, as recommended by the Office of the Inspector General (“OIG”). The OIG’s report on the Carry Bag Tax (“Report”) states that “the county has not undertaken a comprehensive effort to regularly assess the tax’s impact on the amount of litter in the county waterways or consumer behavior. This type of analysis is needed to understand whether the tax is having the desired effect, whether improvements should be made to the administration of the carryout bag tax program to help realize its maximum value, and whether the desired goals have been met.”² The OIG referred to a 2018 evaluation where the imposition of a bag tax resulted in an initial decrease in carry out bag use, but thereafter disposable bag use remained essentially unchanged.³ The Report shows that in addition to the administrative and compliance issues implementing the bag tax, the County has no reliable data on the effectiveness of the bag tax on litter or consumer behavior, and that “[w]ithout consistent metrics and

¹ Introduction Staff Report on Bill 24-24, at 1.

² OIG Publication # OIG-23-15, June 13, 2023 at 9. Available at <https://www.montgomerycountymd.gov/OIG/Resources/Files/PDF/IGActivity/FY2023/OIG23-15.pdf>.

³ *Id.*

comprehensive analysis, it is difficult to determine the program’s impact.”⁴ The OIG declared that “the stated Department of Environmental Protection (DEP) belief that the law ‘has both increased consumer awareness and reduced the use of disposable bags’ is **unsupported by the evidence**. . . In fact, the bag tax collection data shows **an increase** in the number of bags purchased from FY18 to FY 22.”⁵ Given the lack of thorough analysis by the county on the existing bag tax, the consideration of the Bill by the Council is premature.

The evidence on the effectiveness of bag taxes and plastic bag bans appears mixed. In one 2019 study, researchers found that banning plastic carryout bags resulted in fewer carryout plastic bag use, but was offset by an increase in trash bag purchases, resulting in a shift of consumers toward fewer, but heavier bags.⁶ Further, cities that banned plastic bags saw a surge in the use of paper bags, which are purportedly worse for the environment.⁷ Indeed, the “the huge increase of paper, together with the uptick in plastic trash bags, means banning plastic shipping bags increases greenhouse gas emissions.”⁸ If the intent of the Bill is to change behavior to induce county residents toward reusable cloth bags, I offer the following:

A 2011 study by the U.K. government found a person would have to reuse a cotton tote bag 131 times before it was better for climate change than using a plastic grocery bag once. The Danish government recently did a study that took into account environmental impacts beyond simply greenhouse gas emissions, including water use, damage to ecosystems and air pollution. These factors make cloth bags even worse.

⁴ *Id.*

⁵ *Id.* at 11 (Emphasis added).

⁶ Rebecca L.C. Taylor, “Bag leakage: The effect of disposable carryout bag regulations on unregulated bags,” *Journal of Environmental Economics and Management*, Volume 93, 2019, Pages 254-271, ISSN 0095-0696, <https://doi.org/10.1016/j.jeem.2019.01.001>.

⁷ Greg Rosalsky, “Are Plastic Bag Bans Garbage?” April 9, 2019, <https://www.npr.org/sections/money/2019/04/09/711181385/are-plastic-bag-bans-garbage> (“[S]tudies find that paper bags are actually worse for the environment. They require cutting down and processing trees, which involves lots of water, toxic chemicals, fuel and heavy machinery.”).

⁸ *Id.*

They estimate you would have to use an organic cotton bag *20,000 times* more than a plastic grocery bag to make using it better for the environment.

That said, the Danish government's estimate doesn't consider the effects of bags littering land and sea, where plastic is clearly the worst offender.⁹

I point out these studies to reinforce the uncertainty around this type of policymaking. The county should heed OIG's recommendation in its Report that this requires further analysis before considering an outright ban on plastic carryout bags as proposed in the Bill.

I also oppose the Bill because of the regressivity of the ten-cent paper bag tax. While the Bill exempts recipients of food assistance programs from the carryout bag tax, the tax creates a regressive burden on working- and middle-class residents in the county who are not on assistance. It is not reasonable to expect residents to carry a reusable bag every time they go shopping. Accordingly, a ten cent per paper bag tax is highly regressive and aggregated over time, has the potential to significantly cost-burden county residents. Montgomery County is already facing a cost-of-living crisis, and this Council should not add additional burdens on residents.

While perhaps picayune to the Council, the Bill creates day-to-day inconvenience for residents that should not be ignored. When a resident goes to the grocery store to buy a cold item like milk, condensation builds up on those hot summer days. Using paper bags to carry these items is simply annoying, as you must double or triple bag to make sure the cold item doesn't break through. Anyone who has been to a grocery store in Delaware has seen this, and it clearly defeats the environmental goals of the Bill. In addition to the abovementioned environmental concerns, paper bags usually do not have handles (because they are pricier for businesses), and residents

⁹ *Id.*

with disabilities or who rely on public transport may have greater difficulty moving groceries around. Simply put, the policy proposed by the Bill is irritating to residents without clear evidence that it would accomplish environmental objectives, while simultaneously adding greater cost burdens on us all.

The Council should pursue policies that are evidence-based and narrowly tailored toward achieving its objectives. This Bill is heavy handed and paternalistic toward residents. Montgomery County is a sprawling, diverse county of over one million residents. We should not all be treated like regular shoppers at the Takoma Park Food Co-Op. The Council should only utilize its power to ban an entire class of products in rare circumstances, and only if supported by the evidence with objectives that are achievable. The Bill does not meet this test. The Council should reject this Bill. Thank you for your time and for your service to Montgomery County.