

To: Council President Stewart and Council Members
From: Stormwater Partners Network
Date: January 10, 2024
RE: Bring Your Own Bag Bill

Dear Council President Stewart, Vice President Jawando, and Honorable Council Members,

We are writing as the Stormwater Partners Network, based in Montgomery County. Our coalition of 35 organizations and hundreds of members would like to lend our support to this bill with some modest language adjustments. Our goal as the Network is to create a present where Montgomery County's waterways are clean, pollution-free, and resilient to the climate crisis, providing healthy, equitable, safe, and thriving green spaces for communities, families, and wildlife. We believe that this bag bill will further our goals to clean our waterways, protect and improve our watersheds in ways that are equitable and ecologically sensitive, and connect communities to their backyard waterways.

Montgomery County has often been an environmental leader and was one of the first in the nation to pass a bag bill. However, we have been outrun by many other Counties, which have stricter ordinances on plastic bag waste.

We applaud President Stewart's office and the Council's legislative team who have written such a strong bill. However, we would be remiss as advocates to not advise on some additional changes to strengthen weaknesses and close loopholes.

1. Remove loopholes in the definition of plastic carryout bag:

- a. **“a plastic bag provided by a pharmacist that contains a prescription drug.” Strike this exemption from the bag ban.**

Prescription drugs are almost always provided in paper bags (which the bill exempts from the new ten-cent tax). None of the other local Maryland jurisdictions that ban plastic carryout bags exempt plastic bags used for prescription drugs.

- b. **“any newspaper bag or bag intended for garbage, pet waste, or yard waste.” Strike this exemption.**

These are sold in packages of multiple bags, are not carryout bags provided at point of sale, and so need not be exempted. Exempting them could create a loophole for stores to

provide individual plastic bags at checkout (which has happened elsewhere to get around this loophole).

- c. **“a bag provided at the point of sale at a seasonal event, such as a farmer’s market, street fair, or yard sale.”** Strike this exemption but add an exemption to the paper bag tax at these events.

This loophole will allow distribution of a lot of plastic bags. The separate exemption for plastic bags for bulk items, including produce, should cover farmers markets without exempting them by name.

- d. **“a bag used to package bulk items, including fruit, vegetables, nuts, grains, candy, ice, or small hardware items.”** Edit this line to read: **“a bag from elsewhere in the store used to package...”**

The intent was to reassure shoppers that produce bags would not be banned, but as written it allows produce bags to be provided as plastic carryout bags. After Prince George's County enacted its bag law, several stores in the county provided produce bags at checkout for shoppers to carry out non-bulk items. The same problem arose in California and the state amended its law to specify that the exemption applies to bulk-item bags "obtained elsewhere in the store."

- e. **“a bag that contains garments or dry-cleaned clothes, including suits, jackets, or dresses.”** Edit: replace this with additional wording: **“a bag that contains laundered garments or dry-cleaned clothes, including suits, jackets, or dresses.”**

The intent was to clarify that bags protecting garments on a hanger are not banned. However, as written, it exempts clothing stores even if their items are not on a hanger nor have been laundered or dry-cleaned.

2. We appreciate the paper bag fee exemption for low-income shoppers in the bill as written, and look forward to what DEP has planned in regards to providing reusable bags to SNAP/WIC community members. We encourage the County to develop a program of education that works towards an inclusive and approachable method of getting reusable bags into the hands of low-income residents so they might be part of our green future.

This might include using the current and future bag tax that is already earmarked for purchase of reusable bags for low-income shoppers, also contributing to education,

intentional and targeted outreach, and engagement on how to find practical solutions while exempting low-income residents.

3. There is one further concern we hope you will figure out how to address. We are told that this bill will no longer apply to incorporated jurisdictions in the County. We urge you to find a way to retain coverage for those jurisdictions, or work with their leaders to ensure they adopt similar BYOB ordinances.

Thank you for your consideration and thoughtfulness in creating this bill. We look forward to working with you further, to give Montgomery County the bag bill that we need.

Sincerely,

Nature Forward

Rock Creek Conservancy

West Montgomery County Citizens Association

Conservation Montgomery

Anne Ambler, Individual

Clean Water Action

Friends of Sligo Creek

Beyond Plastics MoCoMD