

Erika Kalkofen, MSc in Environmental Science, Policy, and Management

Position: Oppose

Key Highlights: Oppose due to **1)** the possible unintended consequences of bag bans, **2)** the lack of transparency and lack of further assessment (recommended by OIG) on why the County bag tax has not had the intended level of reduction in single use plastic bags, and **3)** how that can damage community trust in green initiatives.

Dear Montgomery County Council President and Council Members,

Apologies I could not deliver testimony in-person, but wanted to respect the time limits given while still getting all points across.

I am testifying as a long time Montgomery County resident, invested in the health and prosperity of my community and excited about the environmental actions MoCo has and plans to take in fighting climate change. While I support the climate motivations behind this bill due to my educational background, I oppose the bill for a few reasons.

First and foremost, there is a large knowledge gap in the unintended effects of single-use plastic bag bans and taxes. Bag bans and taxes are newer (most within the past decade or less) and not yet widespread, which limits the data available and makes it difficult to ascertain all the factors which may have led (or not) to reducing plastic bag use. Most bag ban research also lacks assessment or mention of the unintended consequences on plastic bag consumption and usage: Fairfax County¹ mentioned – when deliberating the number of bills proposed to them in 2020 to ban or tax plastic bags – **“bans tend to have unintended consequences that are not as prevalent in jurisdictions with taxes.”** They further pointed to expert recommendations for policies that impose taxes (instead of bans) on both paper and plastic bags and the proven effectiveness of the bag tax implemented in 2010 for Washington, D.C. – this raises the question of why the bag tax law hasn't been effective in Montgomery County.

In a first step towards that answer, the [Office of the Inspector General \(OIG\) review](#) of the County carryout bag tax very clearly laid out the shortcomings of administration, implementation, and enforcement of the County bag tax and stated “the county should do more to assess the impact of the carryout bag tax.” I am curious if the County has attempted to assess the impact of the bag tax (as I could not easily find evidence of this) and if so, where I could find the assessment? OIG made many recommendations as next steps in answering that question and to address those shortcomings yet did not discuss nor recommend a bag ban in their review – I am curious why the County pivoted in this way (as again I could not easily find information on the thought process leading to this point) and **what a ban would achieve over a tax if poor administration, implementation, and enforcement of the existing law were not assessed and addressed first?** A knowledge gap remains that I hope the Council will focus on addressing: this would not only ensure we are using the best policy tools for our environmental goals, but it would also continue community trust in the Council's actions. **Trust is built through transparent and evidence-based policies**, by taking all steps possible to thoroughly assess and mitigate unintended and spillover consequences from the start, as opposed to retroactive attempts to address said consequences which a recent study found could linger even after a bag ban repeal².

¹ Fairfax County General Assembly Disposable Bags Legislation 2020 Overview and Research

<https://www.fairfaxcounty.gov/boardofsupervisors/sites/boardofsupervisors/files/assets/meeting-materials/2020/jan24-disposable-bags-legislation-in-the-2020-general-assembly.pdf>

² Plastic bag bans have lingering impacts, even after repeals <https://news.ucr.edu/articles/2024/11/15/plastic-bag-bans-have-lingering-impacts-even-after-repeals>

Secondly, **unintended consequences of bag bans** have arisen in recent studies and **should be considered to ensure we are best meeting all our environmental goals** (not just addressing environmental litter and microplastics). Some were well summarized in a 2019 NPR³ article, two of which I thought might be most pertinent to our situation:

- An up to 120% **increase in the sales of thicker garbage bags** (of various sizes) by consumers who normally reuse their shopping bags for other purposes (trash liners, dog poop bags, etc.), resulting in “30 percent of the plastic that was eliminated by the ban com[ing] back”⁴.
 - As someone who grew up in MoCo surrounded by friends and family reusing plastic bags in many such ways (often as trash liners, but even carrying wet clothing or dirty shoes, wrapping potentially leaky containers, etc.), this is perhaps the most obvious point to me and supported by at least two studies.
- An **increase in the use of paper bags**, resulting in about 80 million pounds of extra paper trash per year⁵.
 - While you mentioned a tax on paper bags in this proposed bill, if the tax for plastic wasn't being enforced, what is to say the paper bag tax will be and prevent such an increase in paper bag consumption?
 - In addition, from my interactions with coworkers and my condominium community, it is becoming increasingly apparent MoCo residents struggle with sorting recycling and recycling contamination, raising questions on if this paper bag increase would simply be adding to our solid waste?
 - Lastly, **paper bags have more environmental impacts and GHG emissions throughout their life cycle than plastic bags**⁶ and would have to be reused many more times than plastic bags to offset such.

While there is more literature and details on the above (as well as even the impacts of cloth or reusable bags), I simply wanted to make the Council aware of these unintended consequences and overall life cycle impacts to reinforce that more learning and assessments should be done before moving forward with a bag ban. I do understand the increasing waste, litter, and threat of microplastics caused by plastic bags, but feel there are currently more questions than answers and that more research is needed to find the best way of addressing these concerns while balancing the realities of our diverse community and ensuring we are not affecting our environment in other ways or suffering future spillover effects.

Thank you for your time and service and I am proud of Montgomery County being at the forefront of environmentalism nationally!

[A parting thought: why is the burden of solving environmental issues often placed on consumers instead of on manufacturers and providers? For example, what about exploring the pros and cons of a requirement for providers to use checkout bags made of biodegradable materials such as cornstarch, which initial research has found could be better for the environment while still meeting the use needs of plastic bags?

Just a thought to spark further exploration of options available for this topic.]

³ Are Plastic Bag Bans Garbage? <https://www.npr.org/sections/money/2019/04/09/711181385/are-plastic-bag-bans-garbage>

⁴ Bag 'Leakage': The Effect of Disposable Carryout Bag Regulations on Unregulated Bags
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2964036

⁵ Id.

⁶ Northern Ireland Assembly - Comparison of Environmental Impact of Plastic, Paper and Cloth Bags
<https://www.niassembly.gov.uk/globalassets/documents/raise/publications/2011/environment/3611.pdf>