



CLIMATE COALITION Montgomery County, MD

To: Council President Stewart and Council Members

From: Karen Metchis, Climate Coalition Montgomery County

Public Hearing Date: January 14, 2024

**RE: "Bring Your Own Bag" Bill
Bill 24-24, Taxation – Paper Carryout Bags and Prohibition on Plastic Carryout Bags**

Dear Council President Stewart and Council Members,

I am writing on behalf of the Climate Coalition Montgomery County. Our Coalition of 20 organizations and hundreds of members support this bill. It's a good bill and we are encouraged that you are undertaking this next step in reducing solid waste in the County. Besides reducing contamination of our environment with single use plastics, it also reduces greenhouse gases by reducing demand for petroleum products.

Montgomery County was one of the first in the nation to pass a bag bill. We were leaders. But we have fallen behind many others including almost every County in our region that have stricter ordinances and that are being successfully implemented.

While this bill, as introduced, is good, there are several loopholes and weaknesses that have been gleaned from the experience of neighborhood Counties. These loopholes are easily corrected to make this an excellent bill. We detail those here.

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 is 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 protects hanging suits, dresses, formal wear, or dry cleaning.”**
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. We recommend using language in the Prince George's County law that limits this exemption to "a bag that protects hanging suits, dresses, formal wear, or dry cleaning." In Salisbury, this type of exemption has been misinterpreted to exempt clothing stores entirely, which no other Maryland local law does.
2. We appreciate the consideration for low-income shoppers in the bill as written, a sentiment we broadly support but we believe there are alternative ways to support low-income shoppers while also including them in helping to achieve the goals of this bill. The bill's approach is to exempt customers using food assistance from the paper bag tax. In our view, this:
- Removes the incentive to bring a bag or not take one, resulting in excessive paper bag use, also bad for the environment.
 - Is difficult to enforce and puts the onus on cashiers to decide and may result in food stores not applying the tax for other shoppers who take paper bags.
 - Would only apply for paper bags at food stores, not other retailers where SNAP/WIC benefits do not apply, creating confusion among shoppers and retailers
 - “Free” paper bags raise overhead and prices for everyone who shops, including those on food assistance

An alternative, inclusive approach, is to provide all shoppers with the information and means (reusable bags) to participate in the behavior change.

- *This is the approach adopted by all other jurisdictions in Maryland; and*
 - *The current and future bag tax is already earmarked for purchase of reusable bags for low-income shoppers (28,500 reuseable bags are already distributed annually)*
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.**

We thank you for moving forward on this important bill and we trust you will seriously consider these amendments that will help reduce waste and protect the environment in Montgomery County.

Sincerely,

Karen Metchis on behalf of the Climate Coalition Montgomery County

Climate Coalition MoCo Member Organizations

- 350 Montgomery County
- ACQ Climate (Ask the Climate Question)
- Bethesda Green
- Biodiversity for a Livable Climate
- Chesapeake Climate Action Network
- Ecosystems Study Group
- Elders Climate Action
- Environmental Justice Ministry Cedar Lane Unitarian Universalist Church
- Friends of Sligo Creek
- Glen Echo Heights Mobilization
- Green Sanctuary Committee of the Unitarian-Universalist Church of Silver Spring
- Montgomery Countryside Alliance
- Montgomery County Faith Alliance for Climate Solutions
- One Montgomery Green
- Poolesville Green
- Safe Healthy Playing Fields
- Sugarloaf Citizens' Association
- Transit Alternatives to Mid-County Highway Extended/M-83 (TAME)
- The Climate Mobilization Montgomery County
- Takoma Park Mobilization Environment Committee
- Zero Waste Montgomery County