



January 13, 2025

Dear Council President Stewart, Vice-President Jawando, and Councilmembers,

The Sierra Club (represented by the Montgomery County Group of the Maryland Chapter) strongly supports Bill 24-24, the “Bring Your Own Bag” bill, and urges its prompt adoption.

- We fully endorse the bill’s key provisions: a general prohibition on retailers providing single-use plastic carryout bags at checkout, and maintenance of a small (ten-cent) tax on most paper bags. These measures will reduce the environmental harms and waste from both plastic and paper single-use carryout bags, and incentivize shoppers to bring their own bags or forego using a bag.
- We also recommend that the bill be amended to clarify certain exemptions and omit others.
- Lastly, because the plastic bag ban proposed by the bill would not apply in Rockville and Gaithersburg, we recommend that the County Council consider ways in which to continue to disincentivize their use in these cities, pending action by the cities to adopt their own bans on plastic carryout bags.

Recently, many local jurisdictions in Maryland have enacted plastic carryout bag bans (including Anne Arundel, Baltimore, and Prince George’s Counties, and Baltimore City), accompanied by a fee or charge on most paper carryout bags. These bills have been highly successful in reducing the use of plastic carryout bags, and incentivizing reuse. Montgomery County’s current five-cent tax on plastic carryout bags (adopted about a decade and a half ago, before the movement to enact local bans) has been less successful (about 40 percent of shoppers continue to use single-use plastic carryout bags), though it has reduced plastic bag use.

The Sierra Club is particularly well-positioned to comment on, and provide information relating to, this legislation. The Sierra Club has been advocating for bag bills in local jurisdictions across the state, and has been closely tracking the legislation that localities have enacted.

In addition, for over a decade Maryland Sierra Club volunteers (assisted by volunteers from other organizations) have conducted observational surveys of shoppers as they exited

grocery stores to determine the type of carryout bags being used or if no bags were used.¹ These surveys have yielded important insights into the extent to which plastic carryout bags, and other carryout bags, have been and are being used where these bags are permitted and where they generally are banned. The testimony below includes discussions of relevant survey results.

Single-Use Carryout Bags Are a Significant Environmental Hazard

The world is facing a plastic pollution crisis, and plastic carryout bags are a major culprit. Every year, our oceans take in an estimated 15 million tons of plastics.² Plastic bags are among the top five plastic products collected in beach cleanups in the U.S.³ Littered plastic carryout bags are blown or washed into waterways and the oceans, where they degrade into small pieces and absorb toxic chemicals. Intact, or as microplastic particles, the bags are ingested by marine life, injuring and killing fish, seabirds, and marine mammals.⁴ On land, plastic bag litter blows far and wide until it is snagged by a tree or a fence. It can be lethal if ingested by livestock and wildlife. Microplastics move up the food chain to be ingested by humans. According to scientists, we may be ingesting up to a credit card's worth of plastic every week.⁵

Paper bags are another single-use product with heavy upstream environmental impacts. Their manufacture requires felling millions of trees and the use of toxic chemicals which creates air and water pollution affecting nearby communities.

We cannot recycle our way out of the plastic pollution crisis, especially when it comes to plastic carryout bags. According to the U.S. Environmental Protection Agency, fewer than five percent of plastic carryout bags are recycled. They are not accepted for recycling at the County's materials recycling facility because they foul the machinery and are too contaminated to be marketed. The bags that are not recycled are landfilled, incinerated, or littered.

Efforts in Maryland to Address Plastic Bag Pollution

The policy model represented by the "Bring Your Own Bag" bill – a general prohibition on providing single-use plastic carryout bags at checkout, coupled with a charge or tax on most paper bags – is a national "best practice," and recently has become a consensus policy among

¹ Surveys have been conducted in 15 counties (including Montgomery County), Baltimore city, and other municipalities.

² Forrest, Andrew et al., "Eliminating Plastic Pollution: How a Voluntary Contribution from Industry Will Drive the Circular Plastics Economy," *Frontiers in Marine Science* 6:627, September 25, 2019 (Supplementary Materials).

³ 5 Gyres Institute et al., "Better Alternatives Now: B.A.N. List 2.0," Los Angeles, California (undated).

⁴ "The Problem of Marine Plastic Pollution": <https://www.cleanwater.org/problem-marine-plastic-pollution>.

⁵ Dalberg Advisors and University of Newcastle, "No Plastic in Nature: Assessing Plastic Ingestion from Nature," Gland, Switzerland: World Wildlife Fund (2019), https://wwfint.awsassets.panda.org/downloads/plastic_ingestion_web_spreads_1.pdf.

local jurisdictions in Maryland.⁶ The jurisdictions taking this action include the following, encompassing roughly half the state’s population (implementation years in parentheses):

- Counties – Anne Arundel (2024), Baltimore (2023), and Prince George’s (2024) have generally banned single-use plastic carryout bags; Anne Arundel and Prince George’s require a minimum ten-cent charge for most carryout bags, and Baltimore County requires a minimum five-cent charge.⁷
- Municipalities: Annapolis (2025), Baltimore (2021), Centreville (2024), College Park (2023), Easton (2023), Greenbelt (2024), Laurel (2022; amended law in 2024), and Salisbury (2023) have generally banned single-use plastic carryout bags. Annapolis, Centreville, College Park, Easton, Greenbelt, Laurel, and Salisbury require that retailers charge at least ten cents for paper bags; Baltimore imposes a five-cent surcharge on carryout bags not prohibited.⁸

The positive impact of these bills has been documented by the Sierra Club’s observational surveys before and after the implementation, and by other data.

For example, the use of plastic carryout bags in Anne Arundel and Prince George’s Counties has been nearly eliminated, and the percentage of shoppers taking a reusable bag or no bag has risen from less than 20 percent (pre-ban) to 70 percent, with other shoppers taking a paper bag (see Exhibit 1).⁹ Within two years following adoption of Baltimore city’s bill, the number of littered plastic bags collected by the “Mr. Trash Wheel” trash interceptor in Baltimore Harbor has declined by nearly 70 percent.¹⁰

The City of Laurel’s experience with plastic bags is the same, and also demonstrates the importance of including a charge or tax on single-use paper bags to incentivize reuse or not taking a bag. In 2019, our survey found that 87 percent of shoppers were using plastic carryout bags and fewer than one percent were using paper bags. After the city generally banned plastic bags in 2022 without requiring a charge for paper bags, a follow-up survey found that plastic carryout bags essentially had disappeared but more than two-thirds of shoppers now were taking a paper bag. The city then enacted a ten-cent mandatory charge for paper bags, and a second

⁶ In 2020 and 2021, the General Assembly came close to enacting a statewide ban on single-use plastic carryout bags. Both years, the proposed ban passed the State House but died in the State Senate.

⁷ Howard County implemented a five-cent tax on single-use plastic carryout bags in 2020.

⁸ Frederick (2024) and Westminster (2024) also recently adopted general bans on single-use plastic carryout bags, though without a fee or charge for paper carryout bags. Earlier, Chestertown (2012) and Takoma Park (2016) adopted that policy approach.

⁹ For a more complete write-up of the impact of the Prince George’s County bill, see <https://www.sierraclub.org/maryland/prince-georges/prince-george-s-county-s-better-bag-bill-works>.

¹⁰ Data provided to the Sierra Club by the Waterfront Partnership of Baltimore.

follow-up survey found that paper bag use has dropped by more than half with about two-thirds of shoppers either using a reusable bag or not taking a bag (see Exhibit 2).

Montgomery County’s tax-only approach (a five-cent tax on most plastic and paper carryout bags) has been much less effective, although it has contributed to a partial reduction in single-use plastic carryout bags (and was pathbreaking at the time it was adopted back in 2011).

- The available data from Sierra Club shopper surveys indicate that a substantial percentage of the County’s grocery store shoppers (at stores that offer plastic carryout bags) continue to use them – about a third to two-fifths.¹¹
- On the other hand, the Montgomery County plastic-bag usage rates have been lower than what likely would be the case if the tax had not been adopted.¹²

The “Bring Your Own Bag” Bill

1. The Bill’s Key Features

The bill’s two most important and beneficial features are its comprehensive definition of what single-use bags generally would be prohibited, and its maintenance of a small tax on paper carryout bags along with a modest increase in that tax.

a. Single-use carryout bags covered by the bill.

The bill follows what has become best practice by defining the prohibited bags as plastic carryout bags that are not a “reusable bag,” and then defining what constitutes a “reusable bag.”

The definition of a “reusable bag” is practical and effective: a carryout bag with “stitched handles, specifically designed and manufactured for multiple reuses,” made of “(1) cloth or other washable fabric, or (2) a durable material suitable for multiple re-use that is not made of plastic film.”

¹¹ The Sierra Club has conducted two shopper surveys in Montgomery County since 2011. Our 2014 survey found that 36% of shoppers at the surveyed grocery stores took plastic bags. Five years later, our 2019 survey indicated that this use was not decreasing and, instead, single-use plastic carryout bags seemed to be slightly increasing, with 42% of shoppers at the surveyed stores using them.

There probably is a mix of reasons why shoppers continue to take plastic carryout bags to such an extent. Some shoppers may not be aware of the five-cent tax, some may be aware of the tax but do not view it as a meaningful disincentive, and, as set forth in a June 2023 report by the County’s Inspector General “[s]ome county retailers are not complying with the carryout bag tax requirements,” (Report at i), and “poor administration and implementation of the carryout bag tax law has diminished its potential impact.” (Report at 4.)
<https://www.montgomerycountymd.gov/OIG/Resources/Files/PDF/IGActivity/FY2023/OIG23-15.pdf>.

¹² Whereas the Sierra Club’s 2019 survey in Montgomery County indicated that 42% of shoppers took a single-use plastic bag our 2019 Prince George’s County survey found that 88% used plastic carryout bags.

This is the definition adopted in the recently enacted bag bills in Anne Arundel, Baltimore, and Prince George’s Counties, and the cities of Centreville, College Park, Frederick, Greenbelt, and Laurel. As indicated, this definition has been effective in enabling the bag bills to effectuate their purpose of generally eliminating the distribution of single-use plastic carryout bags. In addition, having a uniform definition across many Maryland jurisdictions simplifies compliance for the affected businesses.¹³

b. Tax on paper carryout bags.

As discussed above, it is essential to combine a general prohibition on single-use plastic carryout bags with a disincentive for shoppers to ask for a paper carryout bag. The bill would do this by increasing to ten cents the current tax on most paper carryout bags.

Of the 13 Maryland jurisdictions that have implemented plastic bag bans since 2020, nine have required a minimum ten-cent charge on most paper carryout bags, and two (Baltimore County and Baltimore city) have imposed a five-cent charge or tax. Two (Frederick and Westminster) are not requiring a charge for paper carryout bags.

2. The Proposed Exemptions

The bill includes a few exemptions from the ban on single-use plastic carryout bags and the tax on paper carryout bags. The Sierra Club does not oppose some, but believes others are inadvisable or unnecessary.

a. Exemptions from the plastic bag ban.

Do not oppose:

- The proposed exemptions for newspaper bags; bags for perishable items or unwrapped prepared foods and bakery goods; and bags for certain live organisms.

Exemptions that should be clarified:

- Bulk items – As worded in the bill, there is a risk that this exemption could become a loophole for stores to provide bulk-item bags at checkout for shoppers to carry out non-bulk items (this has occurred to some extent in Anne Arundel and Prince George's Counties). We recommend that that this exemption be clarified so that it applies to bulk-item bags “obtained elsewhere in the store.”
- Garments and dry cleaning – We recommend adopting language from 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 exemption – without the

¹³ Early legislation banned the distribution of plastic carryout bags according to their thickness, measured in mils (one mil is a thousandth of an inch). However, retailers often responded by providing thicker single-use plastic film bags just above the threshold. Baltimore City is the only Maryland jurisdiction that uses this approach.

clarification – has been misinterpreted to exempt clothing stores entirely, which no other Maryland local law does.

Exemptions that should be removed:

- Prescription drugs – They almost always are provided in paper bags (which the bill appropriately exempts from the ten-cent tax). None of the other local Maryland jurisdictions that have banned plastic carryout bags exempt plastic bags used for prescription drugs.
- Plastic bags intended for garbage, pet waste, or yard waste – These are sold in packages of multiple bags, are not carryout bags provided at point of sale, and so need not be addressed by the bill. Exempting them could create a loophole for stores to provide individual plastic bags at checkout.
- Plastic carryout bags at seasonal events, farmers markets, yard sales, or street fairs – This broad exemption will result in the distribution of an excessive number of single-use plastic bags, and the separate exemption for plastic bags for bulk items, including produce, should cover farmers markets without exempting them by name.

b. Exemptions from the tax on paper carryout bags.

We do not oppose the proposed exemptions from the paper bag tax for certain types of merchandise, including, in particular, paper bags provided for prescription drugs and paper bags provided by restaurants and food trucks for left-overs and take-out.

Thus, with regard to prescription drugs, we believe that an appropriate balance is to ban plastic carryout bags but not tax the paper bags in which prescriptions typically are provided. With regard to restaurants, we believe that an appropriate balance is to ban plastic carryout bags – which is what the bill would do – but not tax the paper bags in which left-overs and take-out are provided.

Proposed exemption for SNAP/WIC users: We believe this exemption is problematic, although we agree with the concern and motivation behind this proposal. For these shoppers, it removes the incentive to bring a bag or not use one, and so runs counter to the objectives of the bill. The exemption also may be confusing to both shoppers and stores since it only would apply where food is sold but not to other retailers (since SNAP/WIC benefits are limited to food purchases). In addition, the need for food stores to be selective in applying the tax could result in these stores not applying the tax to shoppers who are not exempted.

The better approach, we believe, is to rely on helping SNAP/WIC shoppers to obtain reusable bags, building on what the County has done using revenue from the current bag tax.¹⁴

¹⁴ It is our understanding, from speaking with DEP, that the County has been purchasing and distributing about 28,500 reusable bags annually to low-income shoppers, including at SNAP and WIC offices, using revenues from the current bag tax.

This is what all other Maryland jurisdictions with a paper bag charge or tax have done without exempting SNAP/WIC users.

3. Single-Use Plastic Carryout Bags in Rockville and Gaithersburg

It is our understanding that the bill, if enacted, would not prohibit the distribution of plastic carryout bags in Rockville and Gaithersburg unless and until those cities enact a ban. However, the bill's repeal of the current five-cent tax on single-use plastic carryout bags would apply countywide. The unintended result would be, at least initially, that there would not be any restriction or disincentive relative to plastic carryout bags in these cities, while paper carryout bags would have a ten-cent tax.

We would strongly urge both cities to adopt a ban. In the interim, we recommend that the Council examine how it may continue to disincentivize plastic carryout bags in these cities after they are banned elsewhere in the County, which might involve amending the bill to retain a tax on single-use plastic carryout bags pending action by these cities.

Conclusion

For these many reasons, the Sierra Club urges the Montgomery County Council to promptly enact the "Bring Your Own Bag" bill, along with the Sierra Club's recommended amendments as to the exemptions now included in the bill.

Darian Unger
Chair, Montgomery County Sierra Club Executive Committee

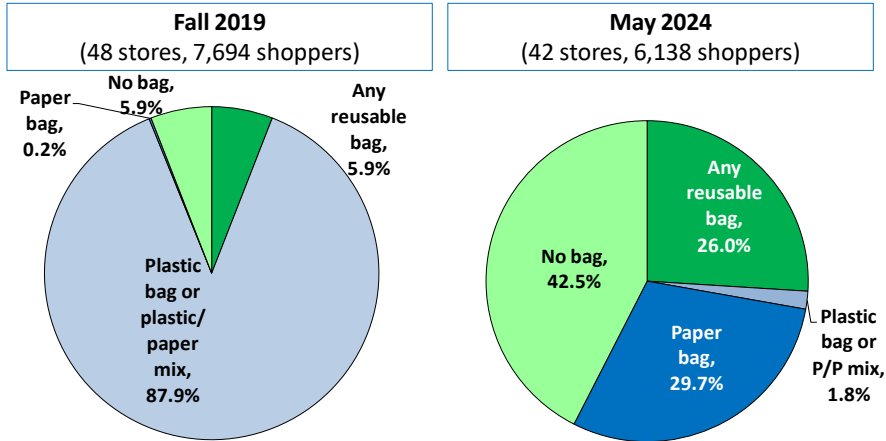
Mark Posner, Campaign Lead

Exhibit 1

The impact of “Bring Your Own Bag” Bills in Prince George’s and Anne Arundel Counties

The impact of a “Bring Your Own Bag Bill” in Prince George’s County

Distribution of shoppers according to their carryout bag use, seven major grocery chains*

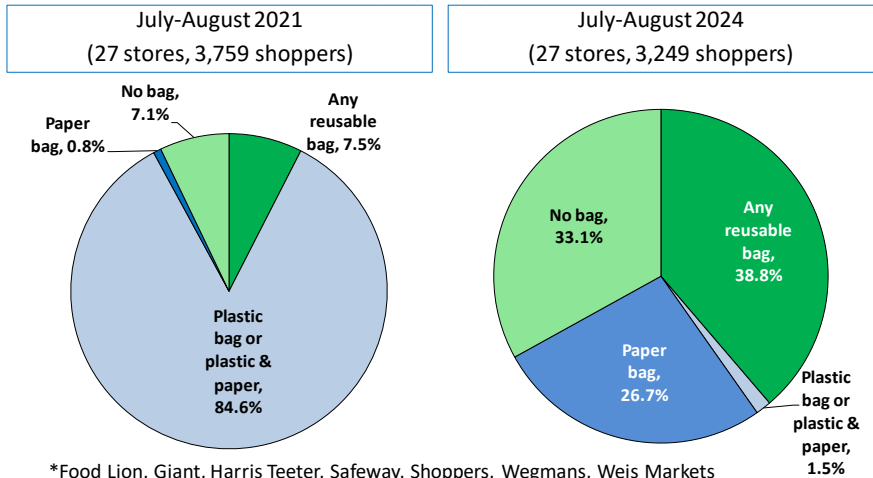


*Food Lion, Giant, Harris Teeter, Safeway, Shoppers, Wegmans, Weis Markets

Source: Prince George’s Sierra Club Shopper Surveys, 2019 & 2024

The impact of a “Bring Your Own Bag Bill” in Anne Arundel County

Distribution of shoppers according to their carryout bag use,
seven major grocery chains (%)*



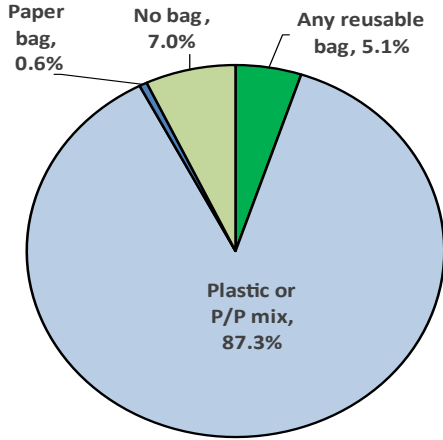
*Food Lion, Giant, Harris Teeter, Safeway, Shoppers, Wegmans, Weis Markets

Source: Anne Arundel Sierra Club Shopper Surveys, 2021 & 2024 (excluding Annapolis)

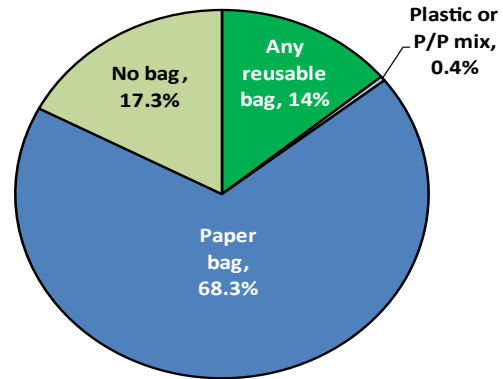
Exhibit 2.

Results in Laurel underscore the importance of the minimum charge for paper bags

2019 - Before the plastic bag ban
(4 stores, 487 shoppers)

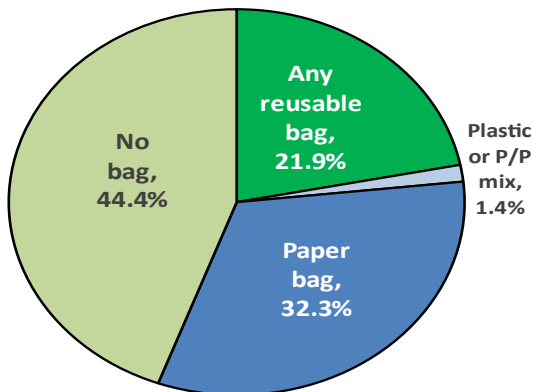


2022 – Plastic bags banned, no charge for paper
(4 stores, 457 shoppers)



2024: With a 10-cent charge for paper bags, half of paper bag users switch to reusables or no bag

2024 – Ten cent minimum charge for paper & reusable bags
(4 stores, 588 shoppers)



Percent of shoppers taking reusable bags or no bag in Laurel, 2019-2024

