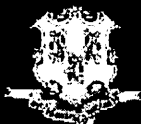


Topic:

ENVIRONMENTAL PROTECTION (GENERAL); MUNICIPAL ORDINANCES; MUNICIPALITIES;
RECYCLING; RETAIL TRADE; SOLID WASTE MANAGEMENT;

Location:

RETAIL TRADE; SOLID WASTE MANAGEMENT-RECYCLING;



OLR RESEARCH REPORT

November 4, 2008

2008-R-0607

PLASTIC BAG BANS

By: Paul Frisman, Principal Analyst

You asked which countries and cities have banned plastic bags, and for the authority under which Westport adopted its plastic bag ban this fall.

SUMMARY

A number of countries and cities have banned, or are considering banning plastic bags. In the United States, San Francisco and Oakland, California, and Maui, Hawaii have banned plastic bags, although a judge has enjoined the Oakland ban. The Representative Town Meeting of Westport, Connecticut voted to ban plastic bags in September 2008, adopting an ordinance under its general regulatory and police and environmental protection powers.

The *Dallas Morning News* reports that the Dallas, Texas city council has heard recommendations for a ban, but appears unlikely to approve one. Other U.S. cities reportedly considering a ban include Annapolis, Maryland; Pasadena and Santa Monica, California; and Ann Arbor, Michigan. Cities that have considered, but rejected or failed to enact a ban include Baltimore, Maryland, the island of Hawaii, and New Haven, Connecticut.

Nations have taken a variety of measures to restrict plastic bag use. These include outright bans and minimum thickness rules. According to a March 2008 editorial in the *African Journal of Environmental Science and Technology*, nations that have banned plastic bags include Bangladesh, China, Eritrea, Nepal, Somaliland, Taiwan, Tanzania, and Thailand. Minimum thickness rules exist in Kenya, South Africa, and Uganda, among others.

Mumbai, India and several Indian states have banned the bags, which have caused severe flooding in those areas. Paris, France has banned non-biodegradable plastic bags, and France expects to ban them in 2010. The Vancouver, British Columbia, city council has

asked the provincial government for permission to impose a ban. The state of South Australia is considering a ban on bags less than 35 microns thick starting in May, 2009.

Because so many jurisdictions are looking into this issue, the above list should not be considered exhaustive. There are several web sites, such as reusablebags.com and [Clean Up the World](http://CleanUptheWorld.org) that track plastic ban restrictions worldwide. Progressive Bag Affiliates, an arm of the American Chemistry Council, provides its views on plastic bag bans and recycling at http://www.americanchemistry.com/s_plastics/doc.asp?CID=1106&DID=6983.

Besides bans and thickness restrictions, a number of countries and cities (e.g., Ireland and Seattle, Washington) are requiring grocery stores to charge customers a fee for the plastic bags they distribute.

In addition, several large retailers, such as Wal-Mart, Ikea, and Whole Foods Markets, are trying to reduce and recycle or eliminate the number of plastic bags they provide.

PROS AND CONS OF BANNING PLASTIC BAGS

Jurisdictions that have banned the bags or are considering a ban do so because the bags are non-biodegradable, contribute to litter, and are made from crude oil and natural gas, which are non-renewable resources. Discarded plastic bags are a particular problem in less developed countries, where they serve as breeding grounds for malaria-carrying mosquitoes, generate toxins when burned, and clog drainage systems, causing floods. Plastic bags that clogged drains in west India have been blamed for causing floods that killed more than 1,000 people. Discarded bags can also pose a hazard to wildlife. Aquatic animals and birds can become entangled in, or choke on, the bags.

Some groups, such as the American Chemistry Council, an industry trade association, prefer increased recycling to an outright ban. They contend that a ban will lead consumers to use paper bags instead. Although paper bags are made from a renewable resource and are biodegradable, their production generates more air and water pollution, and it takes more energy to manufacture and recycle them. According to the U.S. Environmental Protection Agency, only about 7.8% of the plastic bags, sacks, and wrapping in the municipal waste stream were recycled in 2006.

Other groups, such as reuseablebags.com, opt for a plastic bag tax, such as the one Ireland first levied in 2002. Seattle, Washington became the first American city to adopt such a tax earlier this year. For more information about plastic bag taxes, please see OLR Report [2008-R-0421](#) (attached).

U.S. CITIES ADOPTING OR CONSIDERING BANS

San Francisco, California

In 2007, San Francisco became the first U.S. city to ban non-biodegradable plastic carryout bags. Supermarkets with more than \$2 million in gross annual sales and pharmacies with at least five locations in San Francisco must provide their customers at least one of the following three choices: (1) specially marked biodegradable plastic bags, (2) paper carryout bags made of at least 40% post-consumer recycled content and containing no "old growth" fiber, or (3) cloth or plastic reusable bags more than 2.25 mils (.00225 inches) thick. (Old growth fiber refers to uncut, virgin forest with very little human-caused disturbance.)

Failure to comply is an infraction punishable by fines of \$100, \$200, or \$500 for the first, second, and subsequent violations, respectively. Violators also are subject to civil penalties of \$200, \$400, and \$600 for the first, second, and subsequent violations, respectively.

Oakland, California

All stores with annual sales of at least \$1 million, except restaurants, must offer customers at least one of the following: a (1) compostable or biodegradable carryout bag; (2) paper carryout bag containing at least 40% post-consumer recycled content and containing no old-growth fiber; or (3) reusable bag made of cloth or other machine-washable fabric or other durable material suitable for reuse. A warning will be issued to a store on its first failure to comply, and the first, second, and third offenses after a warning are punishable by fines of \$100, \$200, and \$500, respectively.

However, Alameda County Superior Court Judge Frank Roesch issued an injunction against the Oakland ban in April, 2008, and ordered the city to study the matter further. The judge found evidence that (1) the ban, coupled with a shortage of compostable plastic bags, would increase the use of paper bags, and (2) it is uncertain whether paper bags are more or less environmentally friendly than plastic bags.

Dallas, Texas

The Dallas City Council heard recommendations for a plastic bag ban on October 14, 2008, but appears unlikely to approve such a move, according to the *Dallas Morning News*. The newspaper reported that staff recommended initially imposing a 5-cent fee on each plastic bag, with a ban taking place in between three and five years if the fee did not substantially reduce the number of bags.

Westport, Connecticut

The Westport Representative Town Meeting voted in September 2008 to ban plastic bags starting in March, 2009. Retailers must provide only recyclable paper bags, reusable durable plastic bags that meet certain requirements, or reusable cloth or fabric bags. Retailers who continue to provide plastic bags will be ordered to stop or face a \$150 fine. Starting four days after the initial fine, an additional \$150 fine will be imposed for each day a retailer continues to violate the ban. The ordinance (attached) defines retail sales as sales occurring in retail stores, sidewalk sales, farmers' markets, flea markets, and restaurants. It excludes yard and tag sales, and sales by non-profit organizations. According to assistant town attorney Gail Kelly, Westport adopted the ordinance under its general regulatory and police and environmental protection powers (CGS § 7-148 (7) and § 7-148 (8), respectively).

Other U.S. Cities

Maui, Hawaii, has banned plastic bags effective in 2011. An Ann Arbor, Michigan city council member proposed banning plastic shopping bags in that city in July, 2008. Baltimore, Maryland, rejected a ban that would have affected stores with at least \$500,000 in gross revenue in July, 2008. According to the *Baltimore Sun*, Annapolis, Maryland, is also studying the issue. Pasadena and Santa Monica, California are considering bans. The Hawaii County Council on October 10, 2008 failed to override the mayor's veto of a ban on plastic carryout bags. According to *The New York Times* ("Westport First in State to Ban Plastic Bags," September 28, 2008 at

<http://www.nytimes.com/2008/09/28/nyregion/connecticut/28bagsct.html?partner=rssnyt&emc=rss>, New Haven rejected a ban last year, but the measure's sponsor, alderman Roland Lemar, plans to reintroduce a revised version this November.

CORPORATE ACTIONS

Ikea

Home-furnishing chain Ikea began charging 5 cents each for plastic shopping bags in 2007. The company intended to reduce its plastic bag use by 50%, from 70 million a year, to 35 million a year. According to this Ikea website,

<http://www.ikea.com/webapp/wcs/stores/servlet/IkeaNearYouView?storeId=12&StoreNumber=411&langId=-1&catalogId=11001&ddkey=IkeaNearYou>, the company actually reduced its plastic bag usage in the U.S. by 92%. Ikea stopped offering plastic bags entirely on October 1, 2008.

Whole Foods Markets

Whole Foods announced in January 2008 it would stop offering plastic grocery bags, and instead allow customers to choose between paper or reusable bags. Officials estimate the nationwide chain, which has more than 270 stores in the U.S. and U.K., distributes about 150 million plastic bags a year.

Wal-Mart

Wal-Mart announced in September 2008 it would reduce its plastic shopping bag waste in its 7,390 worldwide stores by one-third by 2013. The one-third reduction will entail a 25% reduction in U.S. stores and 50% reduction in stores elsewhere. It will do this by reducing the number of plastic bags its stores distribute, encouraging the use of reusable bags, and allowing customers to recycle plastic shopping bags.

The company estimated this could reduce energy consumption by about 678,000 barrels of oil a year and reduce annual carbon dioxide emissions by 290,000 metric tons. More information is available on line at

<http://walmartstores.com/FactsNews/NewsRoom/8628.aspx>.

MORE INFORMATION

There are a number of websites that provide information on issues concerning plastic bags. Besides those to which we linked above, there is a comprehensive study of the history, use, and problems of carryout bags conducted for the Los Angeles County Board of Supervisors available on-line at (<http://www.bragaboutyourbag.com/>).

A March 2008 editorial on the need for reducing plastic bag use and disposal in Africa in the *African Journal of Environmental Science and Technology* also gives a global overview of the nations that have banned or otherwise restricted plastic shopping bag use. It is available on-line at <http://www.academicjournals.org/Ajest>.

A National Geographic article on the issue is available at <http://news.nationalgeographic.com/news/2008/04/080404-plastic-bags.html>. A National Geographic slide show can be found on a number of sites, including <http://www.poconorecord.com/flash/soundslides/20080505plasticbags/soundslider.swf>.

A 2007 world-wide report on plastic bag restrictions is available from Clean Up Australia at <http://www.cleanup.com.au/PDF/au/cua-world-update-on-plastic-bags-as-at-120207.pdf>.

The American Chemistry Council's position on plastic bags can be found on the web at http://www.americanchemistry.com/s_plastics/doc.asp?CID=1106&DID=6983. Plastic bag manufacturer Hilex presents its point of view and seeks to challenge many of the claims made about plastic bags use at <http://www.thetruthaboutplasticbags.com/facts.html>.

PF:dw