

Date: December 2, 2019

To: Sen. Nathan Manning, Sen. Tina Maharath, Members of Local Government, Public Safety and Veterans Affairs Committee.

From: Richard Jordan, Miami Township - Clermont County

Re: Senate Bill 222, Authorizes the Use of Auxiliary Containers

Chairman Manning, ranking member Maharath and esteemed committee members, thank you for providing me the opportunity to offer testimony concerning Senate Bill 222. I'm submitting these comments on my own behalf. My hope is that members of this body will take a few moments to read my statement and give me consideration equal to the witnesses appearing before you.

I'm submitting testimony opposing passage of SB 222. I'm compelled speak out against this bill because of two concerns that I believe many Ohioans share with me.

First, SB 222 severely undercuts Ohio's local government Home Rule authority. This bill would continue a disturbing trend our General Assemblies have demonstrated in recent years; the preemption of community-based decision making as provided for in Article XVIII of the Ohio Constitution. Starting in 2006, with legislation that overturned public employee residency laws, Ohioans have become increasingly subject to big government intrusion into their local affairs. Other examples include laws preempting local control of guns, fracking and the minimum wage. SB 222 prohibits county and municipal governments from placing a tax or fee upon virtually any type of container. This restriction would further dilute Home Rule authority and limit the options available to local officials for controlling and disposing of solid waste.

In Ohio, Home Rule has been a basic principle of governance for over a century. For county and municipal governments, it established and defined the authority to pass laws within their jurisdictions. Over the decades the principle of Home Rule has worked well for communities of all sizes. Decision making by municipal government is more focused and faster to respond, particularly in the areas of policing, transportation, sanitation and community development. Clearly, the citizens of Ohio decided their interests would be best served through local governance. However, with SB 222, it seems the sponsors have prioritized the interests of retailers and packaging manufacturers over the interests of their own constituents. The bill's exceptionally broad definition of auxiliary containers protects, and to some degree, encourages greater distribution of single use packaging. Senate Bill 222 would further diminish Home Rule because it would restrict Ohio cities and counties from making decisions concerning litter and solid waste disposal. The bill's language specifically precludes local governments from passing ordinances that would establish fees or taxes to control the distribution of plastic cups, bags and other single use containers. This is a direct attack on the principle of Home Rule which authorizes community governments the power to manage local matters independent of state law. Municipalities are capable and well within their rights to establish fees on auxiliary containers as means for controlling the cost of waste management and pollution cleanup.

Secondly, I must address facts recognized by all, that the manufacture, recycling and final disposal of plastic containers of all types must be regulated to protect public health and safety.

While most legislators have not earned a degree in chemistry, I'm confident all are aware that toxic chemicals are used to produce plastic and polystyrene (Styrofoam). Typically, the production of plastic results in the release of benzene, toluene and formaldehyde into the atmosphere. Also, emissions from chemical plants that produce the polymers used to create plastic, could expose workers and nearby populations to volatile organic compounds (VOCs) like ethylene and propylene. When combined with sunlight these VOCs rapidly form ground-

level ozone. While emission of air pollutants is regulated, many Ohioans are very concerned that passage of SB 222 would lead to increased plastic production and ultimately to more air pollution. According to the Ohio Manufacturers Association our state is already home to 28 plastic bottle manufacturers and an additional 28 plastic packaging film wholesalers. This business sector's future would not be threatened by the placement of minimal fees on a few types of containers.

Plastic whether on land or buried, will be around for at least 1,000 years. Plastic waste is found in our waterways, parks, and even our food supply. In the span of just 60 years, 8 billion tons of plastic has been produced worldwide. The amount of plastic waste entering the oceans has reached 9 million tons every year. Closer to home, about 22 million pounds of plastic flows into the Great Lakes every year. Plastic waste has proven long-term negative effects on the environment and wildlife. It does not breakdown chemically, it photodegrades into smaller pieces. To fish, the smaller pieces of plastic look like food, so consequently over time the degraded plastic enters the food chain posing a greater risk to human health. Scientists have found that these bits of plastic attract and absorb other chemicals that have been dumped into rivers and oceans. These pollutants, which include pesticides, industrial solvents, DDT and PCBs are considered highly toxic to humans and wildlife. They are proven to cause health problems a minor as allergic reactions or as serious as reproductive and hormone problems, immune system disorders and cancer.

Although the United States accounts for just 4% of the global population, it's responsible for 12% of the municipal solid waste that is created. Research presented this year by data analytics firm Verisk Maplecroft concluded the average American produces 1,704 pounds of garbage per year, roughly three times the global average. In 2017, the most recent year for which national data are available, Americans generated 267.8 million tons of solid waste. That amounts to roughly 4.5 five pounds per person a day and we only manage to recycle 25% of the trash we generate. The Ohio EPA Solid Waste Management Council has determined that Ohio has just 40 years of available land fill capacity. Additionally, the time frame for reaching our capacity limit will likely be accelerated because China and other Asian nations have dramatically reduced importation of recyclables from the United States. China's new policy restricts imports of many grades of paper and most types of plastic. Their new policy demands a 99.5 percent purity standard for all materials to be recycled. Because our capacity is limited, Ohio must focus its attention on reducing solid waste. Imposing fees on auxiliary containers is one of several waste reduction measures that are available to local governments, however if SB 222 becomes law Ohio will have eliminated one possibility to learn from experimenting on a smaller scale.

Finally, I do hope committee members have fully considered how our shrinking land fill capacity and Asia's higher standards for accepting America's waste will impact recycling in Ohio. These factors will likely increase the cost of plastic recycling dramatically. At the same time, the low price of the plastic's main ingredient, natural gas, has made virgin plastic even cheaper. Regardless of how deeply a community may be committed to sustainable living and recycling, higher costs will ultimately affect decision making. When it becomes the less expensive alternative, communities may resort to incinerating trash. Denying county and municipal leaders the ability to use fees as an incentive to conserve is short sighted. Additionally, scientific research and common experience have informed us that growing the production of virgin plastic and resorting to incineration to eliminate plastic waste is dangerous. Eventually it will harm the environment and increase risks to human health. SB 222 is bad public policy. I urge the committee to oppose this legislation.

Respectfully,

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