



Mayor Kessler Testimony

Senate Bill 222

December 3, 2019

Chairman Manning, Vice Chair Brenner, Ranking Member Maharath, and honorable members of the Local Government, Public Safety, and Veterans Affairs Committee:

Thank you for allowing me the time to testify regarding the important bill that is before you.

I understand the concept of creating streamlined regulation for industry in Ohio, and I applaud you for continuing to find ways to responsibly simplify operational hurdles in our state. I appreciate that local regulations can complicate compliance for corporations, and I think that, in general, we should be intentional in seeking to avoid unnecessary complexities in our regulatory environment while also respecting the home rule rights of local governments.

I am not here today to convince you that regulating the use of single-use plastics is an environmentally meaningful concept that deserves our collective attention. The reality is, there is a preponderance of data that shows the negative effect of plastics and micro-plastics in our environment, and many other countries and states have taken moves that are similar to Bexley's initiatives and the initiatives of some other local governments in Ohio. Bexley has determined that we would like to reduce the

extent of non-degradable waste permeating our sewer systems and waterways, tangled in our treetops, and tying up the machinery at our local recycling processing center.

Instead, I am here today to talk about the constitutional right of local governments to maintain home rule – to self-govern. I am here to talk about the fact that Bexley, and other local governments, have the constitutional right to regulate single use plastics, just as we have the right to establish zoning ordinances, to craft water utility rates, to establish local laws and to set penalties for their violation, and any other myriad ways in which local governments reflect the values and priorities of their community.

There are many, many, ways in which businesses must navigate local environments. This is not only true in Ohio, it is a nearly universal truth in any democratic society in which local communities are provided with the necessary freedom to determine local priorities. Businesses in any community navigate local regulations, determine conformity with zoning codes and architectural review standards, ensure compliance with business regulations and tax environments, craft budgets based on local utility rates. This is done on a day-to-day basis in Ohio. To single out the single use plastic bag as a bright line regulation that is unacceptable in light of all other forms of local regulation is disingenuous. This bill, and others much like it introduced in other states, is crafted to help an industry maintain a foothold in a market that is shifting around it. It is right and appropriate to allow that market to shift, and it is right and appropriate for governments – whether local, state, or national – to protect and preserve natural environments and public health.

As an alternative to SB 222, I urge this body to join thousands of governments around the world in helping to curb an environmental crisis. If not, then lead by celebrating local governments who are taking innovative steps to solve the problem.

Take Bexley. In our City, we worked closely with the largest distributors of single use plastic bags, and came up with a joint solution that was agreeable to our business partners, and will meaningfully improve the urban tumbleweed of plastic bags and the resultant negative impact to our waterways, wildlife, food stream, and human health. Moreover, Bexley's solution incentivizes consumers to bring their own reusable bags, and ultimately leads to a lowering of costs for our grocery and other retailers. This is one of those rare regulatory changes that costs very little, if properly crafted, for consumers and businesses, yet carries with it a significant benefit to virtually every sector of our human population and natural resources.

Local ordinances like ours provide a valuable testing ground for innovative approaches to critical environmental issues such as those facing communities throughout the world.

In the scope of the global environment, Ohio is small, and Bexley is even smaller - we know this. But small steps, taken with a long view, can make a dramatic difference. I urge the State of Ohio to join your local, national, and international peers who are active in abating this crisis. Join us, and let us all benefit by taking the long view together.

You may genuinely believe that single use plastics are better for the environment than recycled paper alternatives, or that the negatives associated with non-degradable

litter and contamination in our environment are outweighed by business interests or some other consideration. But the problem with this perspective is that the Ohio Constitution has imbued local governments with the right of home rule, and this is a cut and dry home rule issue. I exhort you to validate home rule, and to reinforce the precept that I know many of you hold – that government at its best is local, self-determinative, and representative of the will of its people.

Senate Bill 222 is the wrong approach to take at a time when Ohio's residents and its natural environment desperately need your leadership on this important issue. Please support the rights of your local governments by rejecting this bill, and in doing so, upholding the Ohio Constitution and its emphasis on local determination.

Thank you, Chairman Manning and Honored Senators, for your time, your consideration, and your passion for a thriving and sustainable Ohio.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'Ben Kessler', with a long horizontal flourish extending to the right.

Ben Kessler

Mayor, City of Bexley