

May 20, 2020

Opposing HB 242: Prohibiting local governments from regulating disposable containers

Dear Chair Manning, Vice Chair Brenner, Ranking Minority Member Maharath and Members of the Senate Local Government, Public Safety and Veterans Affairs Committee:

We, the undersigned individuals and organizations, wish to submit this testimony in opposition to House Bill 242.

Unfortunately, House Bill 242 would prohibit municipalities, townships, and charter-government counties from using their home rule authority, if they so choose, to resolve solid waste problems associated with disposable containers. HB 242 would specifically preclude local governments from enacting legislation that would establish fees or bans to control the distribution of and ensuing waste from single-use “auxiliary containers” used to transport food and beverages, such as plastic carryout shopping bags, beverage bottles, and takeout containers. This is a direct attack on the principle of home rule - the Ohio Constitution generally authorizes local governments to govern themselves in local matters independent of state law.

At least 125 jurisdictions in 22 states have already adopted some form of control over the distribution of single-use carryout bags, and these regulations have been remarkably effective in reducing pollution and waste. Fees on disposable single use items are “low-hanging fruit” for Ohio communities working to meet the goals of the state solid waste management plan, while saving money and even generating revenue.

Studies have found that consumers, businesses, and municipalities benefit from reducing disposable containers through fees or bans. Consumers currently pay the hidden cost of disposable containers. One [study](#) found consumers pay an extra \$15 a year just for plastic bags. When governments enact fee ordinances, fees generate funds that often go to support both retailers and efforts to reduce litter. Fees also act as an economic disincentive to take unneeded bags and encourage consumers to bring reusable containers, which reduce costs for businesses. Regulating disposable containers reduces waste at the source, saving money on solid waste disposal fees, MRF processing, wastewater treatment, storm drain cleaning and street sweeping. For example, one year after San Jose, California adopted an ordinance regulating single-use disposable bags, the city reported that storm drains were nearly 90 percent cleaner.

If local governments identify container bans or fees as a preferred way to proactively address solid waste and litter concerns in their communities, they should retain their ability to implement such policies. Preventing them from doing so hampers their ability to meet solid waste goals, manage a growing waste problem, and keep communities clean.

Because of the inherent problems associated with this bill, I ask this committee to oppose HB 242.

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