

May 20, 2020

Hon. Nathan H. Manning, Chair
Senate Committee on Local Government, Public Safety and Veterans Affairs
1 Capitol Square
Columbus, OH 43215

RE: Support for HB 242

Chair Manning and members of the committee:

My name is Matt Seaholm, and on behalf of the American Recyclable Plastic Bag Alliance (ARPBA), which represents American plastic bag manufacturers and recyclers, I would like to submit this statement for the record.

The ARPBA commends the Ohio General Assembly for considering House Bill 242, which would ensure regulatory uniformity for auxiliary containers in Ohio. For certain industries and issues, such as auxiliary containers, it makes sense for there to be state-level regulatory uniformity. Numerous states, including Indiana, Florida, Michigan, Minnesota, Missouri, Iowa, Idaho, North Carolina, Tennessee, and Wisconsin, have led the way on this issue and already established legislation that clarifies the need for these types of policies to fall under the purview of states.

Unfortunately, we are seeing regulatory patchworks pop up in states where there are no uniformity laws – including in Ohio. This shortsighted approach leads to regulatory chaos and confusion not just for the industry, but also for the hardworking business owners and consumers who live and work where local ordinances are enacted. When auxiliary containers are regulated, banned, or taxed at the local level, it is common to see rules that vary from city to city and from county to county. These local ordinances may not only include a ban or fee on certain items, but they also commonly establish varying manufacturing standards for products.

These inconsistent laws and regulations have serious drawbacks. Without statewide uniformity, ARPBA member companies could be faced with having to develop city-specific product lines, threatening their ability to achieve economies of scale in production. The grocery stores, shops, and restaurants that purchase their products – many of which have locations throughout a state – could be forced to change out the entire stock of products at some locations and not others, charge fees at some locations and not others, and simultaneously master and keep up with a different set of compliance requirements for each city ordinance. Inevitably, these costs get passed down to consumers, effectively raising the cost of groceries and other items.

Our organization represents plastic bag manufacturers and recyclers, but HB 242 is about so much more than plastic bags. Localities around the country are starting to pass ordinances driven by environmental activists to ban anything and everything using the term “food service ware” that “includes, but is not limited to: all containers, clamshells, bowls, plates, trays, cartons, cups, straws, stirrers, napkins, cutlery and other items.” Even foam coolers, packing peanuts, and bean bags are banned in certain localities. Unfortunately, we are seeing this movement across the country.

During the current pandemic, auxiliary containers have become crucial to the operations of many businesses. Grocery stores are doing an increased volume of business, and many restaurants have switched over to takeout and delivery models. Auxiliary containers, such as grocery bags, to-go containers, and food packaging, are crucial to keeping these businesses afloat so that they can focus on providing food for Ohioans. Regulations

banning or taxing these products would only serve to make business operations more difficult in a global pandemic. They could also put the public health at risk.

In recent weeks, states, localities, and grocery and retail stores all over the country have banned the use of reusable shopping bags. In addition, many localities have suspended their plastic bag bans either due to concerns about reusable bags spreading the virus, or in order to give grocery stores and restaurants more flexibility in serving their customers during these trying times. In Ohio, Giant Eagle, Heinen's, Meijer, and Trader Joe's are prohibiting the use of reusable bags in their stores for the duration of the pandemic. Bexley's plastic bag ban took effect on Jan. 1, 2020, only to be temporarily lifted by the mayor in March due to the coronavirus. After several delays in implementation, Cuyahoga County's plastic bag ban will likely be further delayed to 2021 due to the current pandemic. Policies like this aren't just limited to just grocery bags. For example, chains such as Starbucks and Dunkin' Donuts are prohibiting the use of reusable cups and mugs due to the coronavirus. Seven San Francisco Bay Area counties have prohibited the use of all reusable food service items, such as bags, containers, and coffee mugs.

Peer-reviewed scientific research has found that reusable bags are rarely washed, can harbor bacteria and viruses, and spread pathogens around a grocery store. While the industry would never advocate for the banning of reusable products, there is no doubt that auxiliary containers, such as grocery bags and takeout containers, provide immense value to society – particularly during a pandemic when many businesses are struggling to stay afloat. And if regulations such as Cuyahoga County's plastic bag ban are allowed to take full effect, it will result in grocery stores and restaurants having to choose between violating the law and the safety of their workers during an ongoing pandemic.

Local control is about protecting the individual, not the power of local government. This bill protects taxpayers and Ohio businesses, and it has a wide support from numerous Ohio manufacturing and business groups. We believe that regulations on auxiliary containers are best determined at the state level, and we respectfully request a do pass recommendation on HB 242. Thank you for your consideration of this legislation, and please don't hesitate to reach out with any questions.



Matt Seaholm
Executive Director, American Recyclable Plastic Bag Alliance

CC: Hon. Andrew O. Brenner, Vice Chair
Hon. Tina Maharath, Ranking Minority Member
Hon. Hearcel F. Craig
Hon. Bob D. Hackett
Hon. Frank Hoagland
Hon. Michael A. Rulli
Hon. Cecil Thomas
Hon. Steve Wilson