

## **Opposing HB 242: Prohibiting local governments from regulating disposable containers**

May 20, 2020

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

Thank you for the opportunity to submit testimony in opposition to House Bill 242. I'm Stefanie Spear, a born-and-raised Clevelander and long-time environmental advocate. I am a Cuyahoga County resident who's in favor of the plastic bag ban and against the State of Ohio preempting local governments from banning or taxing single-use plastic bags. I'm submitting this testimony today as a concerned citizen as well as representing Lake Erie Waterkeeper, a non-profit organization working to preserve, protect and improve the Lake Erie watershed.

Single-use plastics, like plastic bags, are wreaking havoc on [human health](#) and the [environment](#), and a significant contributor [to climate change](#).

The problem is plastic bags last forever. Every five seconds, 60,000 plastic bags are used in the U.S. In 2019 alone, more than 5 trillion plastic bags will be consumed globally. In Cuyahoga County, residents use 320 million plastic bags every year, a primary contributor to the [22 million pounds of trash](#) that end up in Lake Erie annually.

I'm sure you've read the headlines. Tiny pieces of plastic found in Arctic Snow in National Geographic. By 2050, there will be more plastic than fish by weight in the world's oceans in The Washington Post. Plastic has a big carbon footprint on NPR. Whale is found dead with 48 pounds of plastic in its stomach that was in the New York times. Plastic threatens our health from before production to long after it's thrown away in Environmental Health News. And, the news is local too. Cleveland.com reports, Rochester Institute of Technology estimates 381 tons of plastic in Lake Erie — most of it on the bottom. News 5 Cleveland reports Lake Erie has high concentration of microplastics.

The plastics issue has reached a crisis point and it's up to policy makers to lead the way. Since the Ohio Statehouse isn't addressing this issue, it's up to local governments, like Cuyahoga County, to act and protect its constituents and the environment to help move the needle on this critically important issue.

The plastic bag ban is aligned with the goals of the City of Cleveland's Office of Sustainability and Mayor Jackson's Sustainable Cleveland 2019 initiative. It would only make sense that the City of Cleveland walks the talk and supports the plastic bag ban in its pursuit of a healthy Cleveland.

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. Ohio's lack of progressive environmental legislation, like plastic bag bans, has resulted in many young residents moving out of Ohio.

As proposed, HB 242 would prohibit all local governments, including municipalities, townships, and charter-government counties, from exercising home rule authority to regulate through fees or taxes commonly littered and wasteful single-use items such as carryout bags, bottles, cans, cups, foam takeout containers, and straws. This bill also "authorizes" the use of auxiliary containers by consumers, which seemingly would also prohibit or seek to deter local governments from enacting bans on auxiliary containers.

Prohibiting local governments from enacting ordinances to curb the distribution and use of auxiliary containers ties their hands from being able to meaningfully address the litter of such items, especially considering that the state proposes no such uniform action to further abate litter and waste generated by such containers. It is also in violation of the home rule authority granted to municipalities and charter government counties through the Ohio Constitution.

In the absence of leadership by the state on this issue, local governments in Ohio are exercising their legal authority to take action to address plastic pollution. Cuyahoga County, Ashtabula, Orange Village, and the City of Bexley have all passed ordinances aimed at reducing waste from single-use plastic items that fall under this bill's definition of "auxiliary containers" in the past year. If the state wants regulatory consistency, it will need to lead action, not ignore the needs of its local governments and stomp out their authority to act.

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

Thank you!

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