



May 14, 2018

Honorable Dave Burke, Chairman
Senate Committee on Health, Human Services and Medicaid
1 Capitol Square
Columbus, OH 43215
Columbus, OH 43215
Transmitted via electronic mail

RE: Oppose SB 210

Dear Chairman Burke, Vice Chairman Beagle, Ranking Member Tavares and Members of the Senate Health, Human Services and Medicaid Committee:

Thank you for the opportunity to comment on Senate Bill 210. Please accept these comments on behalf of the Surfrider Foundation ("Surfrider"), an environmental nonprofit dedicated to the protection and enjoyment of our coasts. Founded in 1984, the Surfrider Foundation now maintains over 500,000 supporters and members, with more than 80 volunteer-led chapters and 70 clubs in the U.S., including the Surfrider Foundation Northern Ohio Chapter based in greater Cleveland. Our Northern Ohio Chapter is concerned about beaches and nearshore waters in Lake Erie and the beneficial uses they support.

As proposed, this bill would in-part prohibit municipal corporations 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. Prohibiting local governments from enacting fee ordinances to curb the distribution and use of these 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.

“Auxiliary containers” as defined by the bill constitute 7 of the top 10 categories of items collected during the 2016 International Coastal Cleanup Day, including plastic beverage bottles (#2 most prolific at 1,578,834 collected); plastic bottle caps (#3 most prolific at 822,227); food wrappers (#4 most prolific at 762,353 collected); plastic grocery bags (#5 at 520,900 collected); plastic straws/stirrers (#7 at 409,087 collected); glass beverage bottles (#8 at 390,468 collected); and foam takeout containers (#10 at 365,584 collected).¹ These staggering figures demonstrate a clear problem: auxiliary containers are among the most commonly found items littered on our coasts. Current litter and recycling laws have not been successful at preventing this waste from ending up in our environment and communities. This litter has a cost in terms of dollars and also quality of life for the communities that are impacted. Further action is required.

A number of governments at all levels – national, state, county, and municipal – have taken action to reduce litter by enacting bans, fees, or a combination of bans and fees, on various “auxiliary containers.” Entire countries like China, India, and Ireland have carryout bag regulations. States, counties and cities in the United States have taken action as well, from bans on plastic bags and foam takeout containers in Mount Pleasant, South Carolina on the east coast to a statewide plastic bag ban effective for all islands in the state of Hawai’i in the far west. Even in Texas, 7 local governments from the liberal Austin to the decidedly conservative Kermit have a ban, fee, or combination regulation on

¹ <https://oceanconservancy.org/blog/2017/06/08/ocean-trash-numbers/>

carryout bags.² For fee-based regulations, some governments have opted to allow for a portion of the fee to remain with the retailer, to allow for cost recovery for any increases in cost associated with increases in paper bag distribution.

Surfrider concurs with Novolex's testimony to this committee dated January 31, 2018 that it makes sense for there to be state-level regulatory consistency, and to that end Surfrider would encourage the state to consider a state-level fee or ban on some of the most notoriously-littered auxiliary containers. However, in the absence of such a proposal at the state level, Surfrider supports the liberty and authority of local governments to determine the best way to reduce and prevent problem litter in their communities.

For these reasons, Surfrider opposes the language in Senate Bill 210 that would preempt local government regulation of "auxiliary containers," and furthermore opposes efforts by the state to overreach and prevent litter abatement efforts by local government, and respectfully asks that committee members vote no on the bill.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sarah Damron".

Sarah Damron

Chapter Manager

Surfrider Foundation

² <http://www.baglaws.com/legislation.php?state=Texas>