



June 25, 2019

The Honorable Scott Wiggam
Chair, State & Local Government Committee
77 S. High Street
13th Floor
Columbus, OH 43215

RE: HB 242, auxiliary containers

Dear Chair Wiggam,

Please accept the following comments from the Surfrider Foundation's Florida Chapters on HB 242, "Authorize use of auxiliary containers." The Surfrider Foundation is deeply concerned about the long-term environmental, economic, and aesthetic impacts of single-use plastic preemption.

Surfrider maintains a large network of more than 250,000 supporters, 84 chapters and 50 academic clubs nationwide, including 12 chapters in Florida. Our members come from all walks of life – surfers, paddlers, beach-goers, young families and retirees – that are united in their desire to ensure clean water, protect public access and to preserve healthy beaches and coastal ecosystems.

In 2008, Florida became the first state to ban bag bans. That is to say, Florida was the first state to preempt all local regulations of single-use plastic bags- including bans, taxes, or fees. As written, the preemption didn't appear to be permanent, but more than ten years later- it still stands. The statute reads, in pertinent part:

The Legislature finds that prudent regulation of recyclable materials is crucial to the ongoing welfare of Florida's ecology and economy. As such, the Department of Environmental Protection shall undertake an analysis of the need for new or different regulation of auxiliary containers, wrappings, or disposable plastic bags used by consumers to carry products from retail establishments. . . . Until such time that the Legislature adopts the recommendations of the department, no local government, local governmental agency, or state government agency may enact any rule, regulation, or ordinance regarding use, disposition, sale, prohibition,

restriction, or tax of such auxiliary containers, wrappings, or disposable plastic bags

On February 1, 2010, the Florida Department of Environmental Protection submitted said report to the Legislature, which promptly declined to take it up for adoption. As a result, Florida cities and counties have been stripped of their ability to regulate the plastic pollution that is impacting their streets, storm drains, waterways, and quality of life.

To that end, more than thirty cities in Florida have passed resolutions of support asking for local control of single-use plastic bags. For local communities, it doesn't matter how you feel about plastic bags— it's about home rule and the fundamental principle that the government closest to the people serves them best. Worse still, the single-use plastic preemption issue has led to litigation, which began in 2016 and is still unresolved.

Undeterred by the history of preemption failure in Florida, just a few months ago the Florida Legislature moved to preempt local plastic straw ordinances. Governor Ron DeSantis responded with a veto, writing, "A number of Florida municipalities . . . have enacted ordinances prohibiting single-use plastic straws. These measures have not, as far as I can tell, frustrated any state policy or harmed the state's interest. . . . Under these circumstances, the State should simply allow local communities to address this issues through the political process. Citizens who oppose plastic straw ordinances can seek recourse by electing people who share their views."

It is our hope that Ohio will learn from Florida's failure to address plastic pollution in a meaningful and inclusive way. Preemptions without a regulatory solution serve only to weaken home rule authority, thwart the will of the public, and leave our environment in jeopardy.

Thank you for considering the public interests represented by the Surfrider Foundation. Please feel free to contact me at hparker@surfrider.org or 850-567-3393 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Holly Parker Curry". The signature is written in a cursive, flowing style.

Holly Parker Curry
Florida Regional Manager