December 4, 2015

To the Barrington Council:

The Surfrider Foundation is a nonprofit environmental organization dedicated to the enjoyment and protection of the world’s ocean, waves and beaches through a powerful activist network. Our Rhode Island Chapter is active across several coastal issue areas, including protecting public beach access, advancing coastal preservation, and mitigating plastic marine debris.

We offer this letter of support for proposed amendments to strengthen the Barrington Bag Ban ordinance.

Many municipal ordinances have passed across the United States with the intent to ban or assess a fee for single-use plastic bags, allowing and often encouraging stores to provide reusable bags to their customers. In order to ensure that reusable bags are in fact durable enough to be reused multiple times (e.g. 125 or more times), many ordinances require that reusable bags be at least 2.25-mils thick (by defining “reusable bags” as being at least 2.25 mils thick), which is thicker than the typical single-use plastic shopping bag.

However, as seen in Barrington and across the nation, some packaging manufacturers and stores are taking advantage of this definition by providing plastic “reusable” bags that are **thicker than 2.25-mil but are still used in a single-use manner**. This action contravenes the intent of the ordinances.

To illustrate the problem, as an example, Hawaii has an ordinance that defines reusable bags as those that are at least 2.25 mil thick, and allows stores to give away reusable bags with or without charge.¹ In this scenario there is no incentive for customers to bring back their reusable bags, since they can theoretically get a new reusable bag for free every time they shop. This has led to **thicker plastic bags being given away for free, and used in a single-use manner**, which obviously was not the intent of the ordinance.

A similar result has occurred in Chicago.² As an example, Walmart has reportedly started giving away thicker plastic reusable bags in Chicago.³ The Chicago Sun Times reports that a chain store in Chicago sells reusable plastic bags for 10-cents, as well as more durable reusable bags for a higher cost.⁴ The article quotes a city Alderman as follows: "Really, providing the consumer the option of just another plastic bag is not what we intended to do," [Alderman George] Cardenas said. "Folks are just going around the intent of the law, keeping plastic bags in the waste stream." However, part of the problem is that, as in Hawaii, Chicago’s ordinance doesn’t require stores to charge for reusable bags.⁵ Alderman Moreno reportedly may introduce an amendment to close the loophole.⁶

Given what is happening in Hawaii and Chicago, and unfortunately elsewhere around the country, the Surfrider Foundation recommends that the Barrington ordinance be amended to stipulate that reusable bags may only be provided at point of sale for a mandatory, minimum fee. A mandatory minimum fee for reusable bags would prevent the unintended consequence of stores and consumers treating thicker “reusable” bags as single-use bags. Requiring the assessment of a minimum fee for all reusable bags would serve to disincentivize the single-use practice, and instead encourage shoppers to bring their own reusable bags.

It should be further noted that in the Austin, Texas ordinance, reusable plastic bags are defined as being at least 4-mils thick; however, simply increasing the thickness from 2.25-mil to 4-mil is proving not to be adequate as a standalone measure for preventing reusable bags from being used in a single-use capacity. As in Hawaii and Chicago, Austin’s ordinance allows businesses to give reusable bags for free, which is promoting this single-use practice, circumventing the intents of the ordinance.⁷ Further, a city-

⁵ See http://www.cityofchicago.org/content/dam/city/depts/bacp/environmentdocs/articlexxiii_retailbaguse.pdf
⁶ See http://www.timeout.com/chicago/blog/chicagos-plastic-bag-ban-is-so-far-a-bust-090115
commissioned study has found that many of the reusable bags – up to 4 million – have been found in the recycling stream, indicating that they are not in fact being reused.\(^8\)

The assessment is available at http://www.austintexas.gov/edims/document.cfm?id=232679 and some relevant portions include:

- “Indeed, the amount of single use plastic bags has been reduced, both in count and by weight. However, in their place, the larger 4 mil bags have replaced them as the go to standard when the reusable bag is left at home. This reusable plastic bag, along with the paper bag, has a very high carbon footprint compared to the single use bag.”
- “The use of 4 mil reusable plastic bags also increases the overall plastic bag presence as a component of the recycling stream. Table 5 shows that while Austin had a much lower instance of bags per pound in relation to the comparative municipality, figures 3 and 4 show that the reusable bags make up 93% of the composition at Balcones and 90% at TDS.”
- “[…] removing these bags from the recycling stream could potentially eliminate an additional 23 tons of plastic film from entering the MRF’s [materials recovery facility] of Austin72. Based on the bag audits conducted at both TDS and Balcones for the City of Austin recycling stream, the removal of reusable plastic bags would be nearly equivalent to the amount of all of the single use bags removed from the recycling stream as a result of the ordinance implemented in 2013.”

As evidenced by outcomes in Austin, Hawaii, and Chicago, it is imperative that reusable plastic bags only be allowed for a required minimum charge. We recommend that a fee structure be assessed in tandem with setting the definition of reusable bag thickness to 4-mil, and that neither the fee nor the upping of thickness be used as a standalone measure for the reasons mentioned heretofore.

Lastly, the Surfrider Foundation Rhode Island Chapter fully supports the ordinance as written in that it would ban plastic bags from point of sale altogether, however, we would recommend that the language calling for a mandatory, minimum fee of 10-cents

per paper bag be amended to instead establish a mandatory, uniform fee of 10-cents for all recycled paper bags distributed at point of sale. A mandatory, minimum fee would place small businesses at a disadvantage, as they may need to charge more than the mandatory minimum fee to meet their needs, whereas your bigger stores are sure to charge the lowest fee required. Instituting a mandatory, uniform fee levels the playing field so that all businesses that need to comply with the ordinance are required to assess the same fee for recycled content paper bags.

The Surfrider Foundation Rhode Island Chapter applauds the Barrington Council for its attentions to amending the bag ban ordinance to better ensure that intents and positive environmental impacts may manifest.

Thank you for your diligent work on this matter.

Sincerely,

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