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Testimony of Representative Sophie Warren in Support of
L.D. 1122, An Act to Amend the Law Banning Single-use Carry-out Bags
Before the Joint Standing Committee on Environment and Natural Resources

Good morning, Senator Tepler, Representative Doudera and respected colleagues of the Joint Standing Committee on Environment and Natural Resources. Thank you for the opportunity to present L.D. 1122, **An Act to Amend the Law Banning Single-use Carry-out Bags**.

The bill before you intends to strengthen Maine's Plastic Bag Ban by eliminating the thicker 4 mill plastic bag exemption, and to bring further clarify in definitions within this regulation and extend the application of Maine's existing single-use plastic bag ban. This bill aims to update regulations to prohibit all single-use plastic bags while allowing for genuinely reusable bags.

The bill updates the law banning single-use plastic carry-out bags at retail stores by adding new definitions for "recycled paper carry-out bag," "reusable fabric carry-out bag," and "reusable plastic carry-out bag." It also revises other related definitions and technical details, including expanding the definition of "point of sale" to cover self-checkout kiosks, in-store or curbside pickup, and home delivery. Additionally, the bill raises the fee for recycled paper or reusable plastic bags from 5 cents to 10 cents. All changes included in this bill will take effect on January 1, 2026.

The language mirrors the best practices implemented in states like New York, Colorado, and Vermont. This includes a ban on plastic film bags and a requirement for reusable bags to have stitched handles. These measures have successfully eliminated all single-use plastic bags regardless of thickness in those states.¹

Allowing the exemption of thicker bags worsens climate change

For my community, a priority driving this bill is to protect our coasts and wetlands by contributing to single use plastic reduction, and insofar as the manufacturing and use of plastics quite meaningfully contributes to climate change. Allowing the exemption of thicker bags worsens climate change. Plastic bag production relies on fossil fuels, increasing greenhouse gas emissions. Petrochemical extraction, transport, and manufacturing contribute to climate change through

¹ Source: Frontier Group, Environment America Research & Policy Center, CALPIRG Education Fund 2024, <https://environmentamerica.org/center/media-center/new-report-analysis-finds-bag-bans-effective-at-reducing-plastic-waste-litter/>.

methane emissions, air pollution, and oil spills.² Plastic bag exemptions contribute to resource depletion in very concrete ways. Producing plastic bags requires oil, gas, and water, all finite resources. “If current trends continue, plastic production could account for 20% of global oil consumption by 2050.”³

Maine's Bag Ban Exempts 4-Mil Bags, Undermining Its Efficacy

The important efforts of the plastic bag ban passed in 2019 have unfortunately led to a workaround by some businesses of developing use of a thicker single-use bag for a minor fee to consumers (you might be familiar with the five (5) cent white Shaw's plastic bags), which has already been found to have an effect of increasing plastic bag use and contravening the very purpose of the ban.

When these bans were first introduced, including here in Maine, plastic bags labeled as "reusable" were given exemptions.⁴ However, years later, studies reveal that these bags are rarely reused, and when they are, it's typically only once or twice.⁵ This limited reuse doesn't justify the harm they cause to the environment, wildlife, and human health. For a plastic bag to truly counter its negative effects and be considered more environmentally friendly than its thinner version, it would need to be used at least 17 times.⁶

Plastic Bag Bans that have been passed in other states (I.E., California, enacted in 2016) with an exemption for 4 mill bags have led to an increase⁷ in plastic bag waste by up to 47%.⁸ In New Jersey, 4-mil plastic bags were used at higher rates than previous thinner bags, leading to more waste.⁹ This unintended consequence has undermined the intent of these bans to reduce plastic waste. California has taken the necessary steps to correct this by strengthening their state's ban, this legislation, passed in 2024. Oregon has introduced a similar measure this session. New Jersey is also working on a resolve for the same reason.

² Source: UN Environment Programme, 2023.

³ Source: Center for International Environmental Law, 2022.

⁴ Source: “California inspired a wave of plastic bag bans — with an unfortunate loophole,” Oct 11, 2024, <https://grist.org/regulation/california-plastic-bag-ban-loophole/>.

⁵ Source: California Statewide Single-Use Bag Study, 2023.

⁶ Source: Frontier Group, Environment America Research & Policy Center, CALPIRG Education Fund 2024, <https://environmentamerica.org/center/media-center/new-report-analysis-finds-bag-bans-effective-at-reducing-plastic-waste-litter/>.

⁷ Based on reports published by CalRecycle, California's recycling agency, covering 2004, 2008, 2014, 2018 and 2021. There is a similar report for 1999, but it does not contain data specific to plastic bags and was not included in this analysis. 2004: Cascadia Consulting Group, Statewide Waste Characterization Study: Significant Tables and Figures, December 2004, accessed November 30, 2023, available at <https://www2.calrecycle.ca.gov/WasteCharacterization/PubExtracts/34004005/Tables.pdf>, p. 4; 2008: Cascadia Consulting Group, California 2008 Statewide Waste Characterization Study: Significant Tables and Figures, August 2009, accessed November 30, 2023, available at <https://www2.calrecycle.ca.gov/WasteCharacterization/PubExtracts/2009023/Tables.pdf>, p. 4; 2014: Cascadia Consulting Group, 2014 Disposal-Facility-Based Characterization of Solid Waste in California: Significant Tables and Figures, October 6, 2015, accessed November 30, 2023, available at <https://www2.calrecycle.ca.gov/WasteCharacterization/PubExtracts/2014/SigTableFig.pdf>, p. 7; 2018: Cascadia Consulting Group, 2018 Facility-Based Characterization of Solid Waste in California, May 15, 2020, accessed November 30, 2023, available for download at <https://www2.calrecycle.ca.gov/Publications/Details/1666>, p. 155; 2021: CalRecycle, 2021 Disposal Facility-Based Waste Characterization Data Tables, accessed November 30, 2023, available at <https://www2.calrecycle.ca.gov/Docs/Web/122544>, p. 2.

⁸ Source: CalRecycle, 2022.

⁹ NJ Department of Environmental Protection, 2023.

Wildlife, Wastewater, and Human Health Impacts

4-mil plastic bags are clogging waste facilities and being incinerated. Eco Maine has shared that they are seeing a regular flow of the thicker 4 mill bags in their waste stream. Not only are these bags *not* recyclable but they have considerable negative impacts, and they routinely clog the conveyor system, shutting down processes, requiring manpower to decontaminate before they are able to resume.¹⁰ This is also reflected in other states who have gone on to close this loophole, like in New Jersey: In 2023, the New Jersey Department of Environmental Protection reported that the use of 4-mil plastic bags, often used as alternatives to thinner bags after a ban, led to increased waste as consumers frequently discarded them after single use, rather than reusing them as intended.¹¹

The exemption of thicker plastic bags contributes not only to waste facility impacts, but to environmental and human health risks as well. Studies show plastic kill over 100,000 marine animals and over one million seabirds annually through ingestion and entanglement.¹² At the same time, failure to act to close this loophole fails to recognize not only this environmental impact, but that from microplastics¹³ from plastic has been found in the lungs, bloodstream, heart, and even brain tissue.¹⁴

In summary, I hope you will vote to pass this bill recognizing that to uphold the purpose of the plastic bag ban, to reduce plastic waste and the impacts of plastic overall, we need to amend this statute.¹⁵ I appreciate your time and consideration of this legislation.

¹⁰ Source: EcoMaine, 2023.

¹¹ Source: NJ Department of Environmental Protection, 2023.

¹² Source: NOAA, 2023, World Wildlife Foundation and Ocean Blue.

¹³ Source:

<https://www.sciencedirect.com/science/article/abs/pii/S0269749122003281#:~:text=The%20present%20results%20show%20that,risks%20to%20the%20aquatic%20environment>.

¹⁴ Sources: Journal of Environmental Science, 2023; New England Journal of Medicine, 2022.

¹⁵ Source: <https://publicinterestnetwork.org/wp-content/uploads/2024/01/Plastic-Bag-Bans-Work-January-2024.pdf>.