



For a thriving New England

CLF Maine 53 Exchange Street, Suite 200  
Portland, ME 04101  
P: 207.210.6439  
F: 207.221.1240  
www.clf.org

February 22, 2021

Senator Brenner & Representative Tucker  
Joint Standing Committee on Environment and Natural Resources  
Cross Building, Room 216  
100 State House Station  
Augusta, ME 04333

**RE: Testimony in Opposition of LD 39, LD 108, and LD 244 – Legislation to Repeal  
Maine’s Ban on Single-use Plastic Bags**

Dear Chairs Brenner and Tucker, and members of the Joint Standing Committee on Environment and Natural Resources,

Conservation Law Foundation (“CLF”) appreciates the opportunity to submit testimony in opposition to LD 39, LD 108, and LD 244 – legislation to repeal Maine’s ban on single-use plastic bags. CLF is a non-profit environmental advocacy organization working to protect the environment and promote healthy communities in Maine and across New England. CLF’s Zero Waste Project works to address unsustainable and polluting waste management practices and promote proven waste management solutions like source reduction, reuse, recycling, and composting, as set forth in Maine’s solid waste hierarchy.<sup>1</sup>

CLF strongly opposes these bills. Single-use plastic bags are unrecyclable and pollute the environment and threaten public health at every step of their life cycle.<sup>2</sup> The 129<sup>th</sup> Legislature voted to adopt LD 1532 to better protect the environment by banning single-use plastic bags and promoting the use of reusable bags. When enacted, LD 1532 had overwhelming public support and that support remains strong today. Moreover, the reasons behind the Legislature’s overwhelming adoption of LD1532 are as valid today as they were then.

Americans use over 380 billion plastic bags annually.<sup>3</sup> A significant amount of these bags contribute to the growing issue of ocean plastic pollution. According to a 2018 report from the Ocean Conservancy, single-use plastic bags are the 5<sup>th</sup> most common item collected during international beach cleanups<sup>4</sup>, and plastic bags are regularly a top item collected in land-based

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<sup>1</sup> 38 M.R.S.A. § 2101

<sup>2</sup> See, e.g., David Azoulay et al., Plastic & Health: The Hidden Costs of a Plastic Planet (Feb. 2019), available at <https://www.ciel.org/wp-content/uploads/2019/02/Plastic-and-Health-The-Hidden-Costs-of-a-Plastic-PlanetFebruary-2019.pdf>

<sup>3</sup> Anderson, M., Confronting Plastic Pollution One Bag at a Time, The EPA Blog (Nov. 1, 2016), <https://blog.epa.gov/2016/11/01/confronting-plastic-pollution-one-bag-at-a-time/>.

<sup>4</sup> The Ocean Conservancy, Building a Clean Swell, 13 (2018)

litter cleanups.<sup>5</sup> These cleanups are costly to taxpayers, business, and local government, averaging \$11.5 billion each year in the United States.<sup>6</sup> When littered throughout the environment plastic bags are a threat to wildlife. Countless whales, sea turtles, and birds suffer slow, painful injuries and deaths from plastic bag pollution when they mistake the bags for food or get entangled. Moreover, plastic bags break down into microplastics which create long-lasting harm to living organisms (including humans) and are now ubiquitous in every corner of the environment.<sup>7</sup>

The bags that do not make their way into the environment and are collected for disposal are either buried or landfilled since single-use plastic bags are not readily recyclable. Less than 6% of plastic bags are recycled.<sup>8</sup> Therefore it is highly unlikely that even if plastic bags are cleaned, dry, and disposed in the correct recycling stream that they will actually be recycled.<sup>9</sup> Those 6% are not recycled into new bags but “downcycled” into other products because there is no market for the recycled content.<sup>10</sup> Thus, these bags at best take up landfill capacity or are burned. While landfills may contain waste in the short term, inevitably they release plastic and other contaminants into the environment.<sup>11</sup> Incinerating plastic bags releases the dangerous contaminants contained in the plastic into the air or into the soil and water when the ash and filters from the incinerators are buried in a landfill.<sup>12</sup>

Perhaps most importantly, bans on single-use plastic bags are highly effective at reducing litter and saving taxpayer money. In addition to Maine, nine states have banned single-use plastic bags (California, Connecticut, Delaware, Hawaii, New York, New Jersey, Oregon, Vermont, and Washington).<sup>13</sup> Beach cleanup data from California showed that plastic bags fell from 7.42% of

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<sup>5</sup> Coastal Cleanup Data, (2017). California County Plastic Grocery Bag Litter Data Summary: 2008-2017

<sup>6</sup> Keep America Beautiful, Key Findings: The costs of Americans littering, January 2010, [https://www.kab.org/sites/default/files/News%26Info\\_Research\\_LitterinAmerica\\_FactSheet\\_CostsofLittering.pdf](https://www.kab.org/sites/default/files/News%26Info_Research_LitterinAmerica_FactSheet_CostsofLittering.pdf)

<sup>7</sup> Thompson, A. (September 4, 2018). From Fish to Humans, a Microplastic Invasion May Be Taking a Toll, <https://www.scientificamerican.com/article/from-fish-to-humans-a-microplastic-invasion-may-be-taking-a-toll/>.

<sup>8</sup> U.S. Environmental Protection Agency, Municipal Solid Waste in the United States, December 2010, pg. 52. [http://static1.squarespace.com/static/59bd5150e45a7caf6bee56f8/59bd52cc7e2a5fb4e246e309/59bd52ab7e2a5fb4e246dd1c/1505579691617/study\\_EPA-Waste-Char-Study-2009.pdf?format=original](http://static1.squarespace.com/static/59bd5150e45a7caf6bee56f8/59bd52cc7e2a5fb4e246e309/59bd52ab7e2a5fb4e246dd1c/1505579691617/study_EPA-Waste-Char-Study-2009.pdf?format=original)

<sup>9</sup> Andrea Tineo, Trying to Recycle That Plastic Bag? The Odds are Nine to One It’s Not Happening, Ecology Center, (Jan, 27, 2020). <https://ecologycenter.org/blog/trying-to-recycle-that-plastic-bag-the-odds-are-nine-to-one-its-not-happening/>

<sup>10</sup> Romer, J. Plastic Bag Recycling, PlasticBagLaws.org, <https://www.plasticbaglaws.org/get-involved/plastic-bagrecycling>.

<sup>11</sup> Kirstie Pecci. (July 23, 2018). All Landfills Leak, and Our Health and Environment Pay the Toxic Price, Conservation Law Foundation, <https://www.clf.org/blog/all-landfills-leak-and-our-health-and-environment-pay-the-toxic-price/>.

<sup>12</sup> Global Alliance for Incinerator Alternatives, Incinerators: Myths vs. Facts About “Waste to Energy.” (Feb. 2012), [http://www.no-burn.org/wp-content/uploads/Incinerator\\_Myths\\_vs\\_Facts-Feb2012.pdf](http://www.no-burn.org/wp-content/uploads/Incinerator_Myths_vs_Facts-Feb2012.pdf).

<sup>13</sup>

all litter to 1.5% (a reduction from 64,736 to 11,847 bags) between 2010 and 2017, after California implemented their ban on single-use plastic bags in 2016.<sup>14</sup> In addition, estimates from litter cleanup groups show savings of \$34 - \$107 million in taxpayer and municipal money since California passed their bag ban.<sup>15</sup> Europe's recent bag bans are credited for the drastic reduction in plastic bags found in litter cleanups from the English Channel.<sup>16</sup>

Moreover, the claims that reusable grocery bags could carry and transmit COVID-19 are patently false.<sup>17</sup> The misconceptions surrounding the safety of reusable bags during the ongoing pandemic come directly from the Plastic Industry Association. On March 18, 2020, when we all were first adjusting to an uncertain future built around concepts like social distancing, the plastic industry quickly drafted a letter to the U.S. Department of Health and Homeland Security arguing that reusable bags perpetuate the spread of COVID-19.<sup>18</sup> The letter cites three studies to prove their point. All of which have been disproven. Single-use plastic is not inherently safer than reusable bags, as numerous scientific experts from around the world have conclusively stated that there are no known cases of COVID-19 linked to any surface transmission, including reusable bags.<sup>19</sup> More than 125 public health experts, including virologists and food packaging safety specialists have signed a statement that reusable bags are safe.<sup>20</sup> The U.S. Food and Drug Administration has stated that "there is no evidence of food, food containers, or food packaging being associated with the transmission of COVID-19."<sup>21</sup>

However, the intention of the letter sent by the Plastic Industry Association was not to be informative or correct. The goal was simply to be first. To create the narrative early and utilize the uncertainty in an effort to slow the growing support for single-use plastic bag bans. In New Jersey, where I helped draft their single-use plastic products ban legislation, I saw this firsthand.

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<sup>14</sup> California Coastal Cleanup Day – Litter Data Summary 2010-2017, <https://static1.squarespace.com/static/54d3a62be4b068e9347ca880/t/5a0237d7652deae895d2df1c/1510094808473/California+Coastal+Cleanup+Data+2010.2016.2017.pdf>.

<sup>15</sup> Californian's Against Waste. California's Statewide Plastic Bag Ban, <https://www.cawrecycles.org/the-problemof-plastic-bags>.

<sup>16</sup> Chow, L. Plastic Bag Bans Actually Work, Study of European Waters Show, EcoWatch (Apr. 5, 2018), <https://www.ecowatch.com/plastic-bag-bans-uk-2556456601.html>.

<sup>17</sup> R.C. Hale and B. Song, Single-Use Plastics and COVID-19: Scientific Evidence and Environmental Regulations, *Environ. Sci. Technol.*, 2020. <https://pubs.acs.org/doi/10.1021/acs.est.0c02269>

<sup>18</sup> Tony Radoszewski, Letter to U.S. Department of Health and Human Services, Plastic Industry Association. (March 18, 2020). <https://www.politico.com/states/f/?id=00000171-0d87-d270-a773-6fdfcc4d0000>

<sup>19</sup> Goldman, Exaggerated risk of transmission of COVID-19 by fomites, *E. Lancet Infect. Dis.* 20, 892–893 (2020). [https://www.thelancet.com/journals/laninf/article/PIIS1473-3099\(20\)30561-2/fulltext](https://www.thelancet.com/journals/laninf/article/PIIS1473-3099(20)30561-2/fulltext)

<sup>20</sup> Greenpeace. (June 22, 2020). Health Experts Statement Addressing Safety of Reusables and COVID-19, [https://www.greenpeace.org/usa/wp-content/uploads/2020/06/Health-Expert-Statement\\_Updated.pdf](https://www.greenpeace.org/usa/wp-content/uploads/2020/06/Health-Expert-Statement_Updated.pdf)

<sup>21</sup> U.S. Food and Drug Administration, COVID-19 Frequently Asked Questions, (2020). <https://www.fda.gov/emergency-preparedness-and-response/coronavirus-disease-2019-covid-19/covid-19-frequently-asked-questions#food>



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Prior to the pandemic, New Jersey was on the verge of passing the strongest single-use plastics ban in the nation. However, this effort was delayed by the Plastic Industry. Early in the pandemic, the plastic industry sent letters to the state leadership urging them to abandon the legislation. Additionally, individual letters were sent to each of the 54 municipalities with single-use plastic ordinances urging them to revoke or suspend them.<sup>22</sup> Thankfully, while this effort did delay the progress it was ultimately unsuccessful. On November 4, 2020, New Jersey passed the legislation with overwhelming support, and with an understanding that single-use plastics are harmful and reusable bags do not pose a risk to public health.<sup>23</sup>

CLF urges the committee to oppose these bills. The legislature has enacted a sound statewide policy banning single-use plastic bags. While CLF supported the postponement of the effective date of the plastic bag ban, there is no reason to effectively repeal the good work of you and your colleagues last year in enacting the ban in the first place. Thank you for your time and consideration of this testimony.

Respectfully submitted,

Peter Blair  
Zero Waste Staff Attorney  
Conservation Law Foundation.

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<sup>22</sup> Michael Sol Warren, Should Towns that Banned Plastic Bags Allow Them During Coronavirus? Officials debate. NJ Advance, (Apr. 10, 2020) <https://www.nj.com/coronavirus/2020/04/should-towns-that-banned-plastic-bags-allow-them-during-coronavirus-officials-debate.html>.

<sup>23</sup> State of New Jersey, Governor Murphy Signs Legislation Banning Single-Use Paper and Plastic Bags in New Jersey. (Nov. 4, 2020). <https://www.nj.gov/governor/news/news/562020/20201104a.shtml>