



February 22, 2021

Good morning Chair Brenner, Chair Tucker, and Members of the Environment and Natural Resources Committee:

The Surfrider Foundation has been working to protect America's coasts for over 36 years; we have more than 170 chapters and youth clubs across the coastal US and Great Lakes that are supported by a staff of about 60 experts. Our members here in Maine are beachgoers, surfers, kayakers, sun tanners and the like –we are beach users. Our common point of interest is a vision for healthy ocean and coastal ecosystems, and a motivation to volunteer to protect our state's ocean waters, waves and beaches through focus on beach access, clean water, climate change, coastal preservation, ocean protection and plastic pollution mitigation. We have been working to mitigate single-use plastic and packaging pollution in Maine for over a decade, including by supporting the reusable bag ban bill, LD1532, that was signed into law in 2019.<sup>1</sup> We **submit this testimony in strong opposition to LDs [39](#), [108](#), and [244](#)** that attempt to repeal the reusable bag law.

Protecting public health and frontline workers in the continuing COVID-19 public health crisis is paramount. We appreciate the good work and intentions of State officials and

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<sup>1</sup> See Exhibit A or follow this link <http://www.mainelegislature.org/legis/bills/getTestimonyDoc.asp?id=120205> for our testimony on LD1532



electeds who have contributed to the process of economic reopening in Maine, and who continue to speak directly with businesses and citizens in an effort to identify ways to help Mainers and Maine businesses stay healthy and survive in this unprecedented time. By serving our state in your elected capacity, each of you has risen to the occasion and exerted strong leadership and dedication to our State. The Surfrider Foundation Maine Chapter greatly appreciates you and your service and contributions.

We acknowledge that delays in the implementation of our reusable bag law, which was initially slated to take effect on April 22, 2020, stemmed from a place of good intention to decrease externalities that grocers needed to focus upon while protecting frontline workers and delivering uninterrupted service to Mainers in the COVID-19 public health crisis, as well as an abundance of caution early on in pandemic response when the science was not clear about virus transmission.

Fortunately, by 2020, reusable bags had already gained critical usage ground in Maine through widespread municipal bag mitigation laws enacted in earlier years and via retailers in municipalities without local bag laws preparing to come into compliance with the new state law.

While COVID-19 is still a present headache and threat, and caution is still needed, Maine grocers and retailers have proven their ability to operate with flexibility and speed to



help develop and adopt best practices based upon the best available science that seats our government recommendations. This has resulted in protocols such as no-touch payment, installment of plexiglass at checkouts, face-covering requirements, physical distancing, capacity limitations, heightened cleaning, and directional arrows to help people remain at least 6 feet of distance. These protocols are working to help protect Maine’s frontline workers and the public to the best extent possible. And fortunately, the science of COVID-19 transmission is now much more clear.

According to the CDC, “the virus is thought to spread mainly from person-to-person...between people who are in close contact with one another...through respiratory droplets produced when an infected person coughs, sneezes, or talks.”<sup>2</sup> The CDC also states that transmission of COVID-19 from contaminated surfaces “has not been documented.”<sup>3</sup>

We also know now that the virus has longer viability on plastic than other materials, such as cloth and paper.<sup>4</sup>

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<sup>2</sup> <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html>, accessed on June 11, 2020

<sup>3</sup> <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cleaning-disinfection.html>, accessed on June 11, 2020

<sup>4</sup> [https://www.thelancet.com/journals/lanmic/article/PIIS2666-5247\(20\)30003-3/fulltext](https://www.thelancet.com/journals/lanmic/article/PIIS2666-5247(20)30003-3/fulltext);  
<https://www.nejm.org/doi/full/10.1056/NEJMc2004973>; <https://science.sciencemag.org/content/368/6491/eabb6936.full>



While single-use plastic film and paper bags cannot be disinfected and also carry additionally significant threats to our wastestream,<sup>5</sup> public health,<sup>6</sup> and environment,<sup>7</sup> we are fortunate that the CDC has confirmed that using hot, soapy water to wash cloth, such as our clothing and quality reusable shopping bags, is effective at killing this virus.<sup>8</sup>

While fomite transmission has not been ruled out as a theoretical possibility, and washing our hands and **everything** we touch that others may also touch remains a key protective measure to prevent virus spread, there are to-date no confirmed cases of COVID-19 from surface transmission. The reality is that reusable bags are just as safe, if not safer, than single-use bags. In fact, over 115 scientists, academics, and doctors from 18 countries signed onto a statement noting that reusables are as COVID-safe or more safe than single-use items, like plastic and paper bags.<sup>9</sup>

Conversely, we know that there are many touch points involved in the lifespan of single-use bags, from their point of manufacture to packaging, shipping, receiving and eventually to cashier stands. This is another reason why our reusable bag law is so important, as it properly incentivizes shoppers to bring their own reusable bags by

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<sup>5</sup> <https://www.ecomaine.org/recycling-right-plastic-bags-films/>; <https://blogs.scientificamerican.com/observations/more-recycling-wont-solve-plastic-pollution/>

<sup>6</sup> <https://www.plasticpollutioncoalition.org/blog/2019/2/20/report-plastic-threatens-human-health-at-a-global-scale>

<sup>7</sup> [http://www.beachapedia.org/Plastic\\_Pollution\\_Facts\\_and\\_Figures](http://www.beachapedia.org/Plastic_Pollution_Facts_and_Figures); [http://www.beachapedia.org/Single\\_Use\\_Plastics](http://www.beachapedia.org/Single_Use_Plastics)

<sup>8</sup> <https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html>, accessed on June 11, 2020

<sup>9</sup> <https://storage.googleapis.com/planet4-international-stateless/2020/06/26618dd6-health-expert-statement-reusables-safety.pdf>



banning certain plastic film bags and requiring a fee for single-use paper and thicker plastic bags. With a reusable bag, shoppers are responsible for washing and disinfecting their own bags in the same way that they are responsible for washing their own clothes; they therefore can have more reassurance that their reusable shopping bags are safe to handle and bring into their homes, whereas it is impossible to adequately quantify the number of touch points and the time elapsed from the single-use bag being placed at the cashier stand to the point of sale.

The science affirming the exceptionally low risk of surface transmission and the standing knowledge about how to clean and disinfect to kill this virus align to help support our reusable bag law remaining intact as the best way to protect human health.

In terms of accessibility to reusable bags, our Maine Chapter secured funding and is currently developing a program to help get high-quality, machine-washable reusable cloth bags into the hands of Mainers who most need them. We are working on the bag design now and negotiating manufacturing costs, and will soon be in talks with state agency representatives, hunger relief organizations and stores to configure an equitable distribution protocol that will improve accessibility to reusable bags for Maine individuals and families facing economic crisis. While we cannot alone meet the needs of all Mainers who would benefit from access to a free reusable bag, this is just one example of a program already in motion in our State to help improve equitable access



to a healthy environment free from single-use bag pollution. The case study we generate based upon lessons learned in our program will be publicly available to assist other entities wishing to engage in similar efforts.

We also know that the petrochemical plants needed to produce the toxic chemicals that make single-use plastic bags disproportionately impact black communities and communities of color. In fact, **race and not economic status or site-specific suitability is the number one indicator for the siting of these plants**, rendering marginalized communities in the United States as ground zero for bearing the brunt of the most toxic pollution from single-use plastic production while white communities can opt to maintain the status quo rather than shifting away from single-use items and toward more sustainable options that are readily available.<sup>10</sup> Let's not allow Maine to continue to partake in this environmental injustice; let's reject these legislative proposals to repeal our reusable bag law.

Thank you for your consideration of protecting our reusable bag law by voting Ought Not to Pass on LDs 39, 108, and 244.

Sincerely,

A handwritten signature in black ink, appearing to read "Melinda". Below the signature is a horizontal line.

<sup>10</sup> <https://www.nrc.gov/docs/ML1310/ML13109A339.pdf>



Melissa E Gates  
Northeast Regional Manager  
Surfrider Foundation  
Resident of Cushing, Maine  
Pronouns: she/her/hers

**EXHIBIT A. Testimony Submitted to ENR Committee in the 129<sup>th</sup> Legislature in Support of LD1532, An Act To Eliminate Single-use Plastic Carry-out Bags**

Single-use plastic carry-out bags are a particularly egregious example of unnecessary plastic consumption because sustainable, functional, and economical alternatives in the way of reusable bags are readily available and already widely in use. The fossil fuel used to produce disposable plastic items in the US each year and the millions of tons of CO<sub>2</sub> emitted, along with the significant detriment to our marine and terrestrial environments are costs too heavy to pay for the momentary convenience of disposable plastic goods.<sup>11</sup>

Plastic bags are lightweight and thus prone to being transported by winds and storm runoff from land into our waterways. This occurrence is supported by observations from the local beach cleanups that our Maine chapter regularly organizes, as well as worldwide data from the 2018 International Coastal Cleanup showing that the roughly

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<sup>11</sup> Revised Final Report: Cradle-to-Grave Life Cycle Inventory of Nine Plastic Resins and Four Polyurethane Precursors. Franklin Associates, 2011: Prairie Village, KS. ; Gleick, P.H. and Cooley, H.S. "Energy implications of bottled water." Environ. Res. Lett., 2009, 4, 014009.

757,523 plastic grocery bags collected were the 5th most common type of litter recovered from beaches.<sup>12</sup>

Once in the ocean, plastic pollution does not biodegrade; it photodegrades, breaking down into microplastics and directly harming wildlife, absorbing and concentrating toxins, and disrupting critical ecosystems.<sup>13</sup> Plastic litter is also an eyesore that hurts key industries like recreation and tourism,<sup>14</sup> and risks contaminating our food supply.<sup>15</sup> In fact several studies on nanoplastics have indicated that these particles are able to be ingested by marine animals and bioaccumulate up the food chain, carrying with them adhered chemicals and toxins and posing negative health impacts to both wildlife and human consumers of sea life.<sup>16</sup>

Thin film plastic bags are additionally problematic and costly because they can clog storm drains and recycling machinery.<sup>17</sup> On the national scale, the US EPA data shows that HDPE bag, sack, and wrap recycling rates are hovering at an abysmal 9%. While

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<sup>12</sup> <https://oceanconservancy.org/wp-content/uploads/2018/07/Building-A-Clean-Swell.pdf>

<sup>13</sup> "Plastics." NOAA Marine Debris Program, <https://marinedebris.noaa.gov/info/plastic.html>.

<sup>14</sup> Plastic Bag Reduction Bylaw. Town of Wayland, 2015.

<sup>15</sup> Seltenrich, N. "New Link in the Food Chain? Marine Plastic Pollution and Seafood Safety." *Environ. Health Perspect.*, 2015, 123(2), A34. <https://ehp.niehs.nih.gov/123-a34/>

<sup>16</sup> Samarth Bhargava, Serina Siew Chen Lee, Lynette Shu Min Ying, Mei Lin Neo, Serena Lay-Ming Teo, Suresh Valiyaveetil. *Fate of Nanoplastics in Marine Larvae: A Case Study Using Barnacles, Amphibalanus amphitrite*. *ACS Sustainable Chemistry & Engineering*, 2018; 6 (5): 6932; Ruilong Li, Huadong Tan, Linlin Zhang, Shaopeng Wang, Yinghui Wang, Kefu Yu, *The implications of water extractable organic matter (WEOM) on the sorption of typical parent, alkyl and N/O/S-containing polycyclic aromatic hydrocarbons (PAHs) by microplastics*, *Ecotoxicology and Environmental Safety*, Volume 156, 30 July 2018, Pages 176-182, ISSN 0147-6513; Matthew B. Khan, Robert S. Prezant. *Microplastic abundances in a mussel bed and ingestion by the ribbed marsh mussel Geukensia demissa*, *Marine Pollution Bulletin*, Volume 130, May 2018, Pages 67-75.

<sup>17</sup> Elejalde-Ruiz, A. "Plastic bags a headache for recyclers." *Chicago Tribune*, July 30 2015.

<http://www.chicagotribune.com/business/ct-plastic-bag-ban-recycling-0731-biz-20150730-story.html>; van der Kleut, J. "Stormwater Management Agencies: Plastic Bags Clog Drains, Pollute Water." *Redwood City Patch*, 15 Feb 2013.

<https://patch.com/california/redwoodcity-woodside/stormwater-management-agency-plastic-bags-clog-drains5f8e82d2f6>





Maine does have a law in place that requires stores that provide thin film plastic carry-out bags at point of sale to provide a receptacle either within the store or within 20 feet of its main entrance for customers to return those bags for recycling,<sup>18</sup> we know that regardless of consumer buy-in to that recycling opportunity– and even if we could ramp up participation – the solution to our plastic bag pollution problem is not in recycling. This is evident because we know we need to stop the production of low grade virgin plastics used to create single-use items, all together – not pick up after them once the waste is created for one-time convenience. We cannot recycle our way out of our plastic pollution problem.

In addition to the need to stop making single-use plastics in the first place, recycling does nothing to shift consumer behavior away from single-use and toward more sustainable reuse. Recycling is one part of the wastestream hierarchy and intended to be leveraged after refusal, reducing and reusing. Additionally, recycling does not come without its own toxic emissions, and while better than trashing items without recovery, recycling of low grade single-use plastics does nothing to help attain our global goal of source reduction. Combined with the fact that there are no economical or proven methods to recover significant quantities of plastic debris from the ocean, the only real

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<sup>18</sup> <http://legislature.maine.gov/statutes/38/title38sec1605.html>



solution is to stop plastic pollution at the source by discontinuing the production of low grade plastics that make single-use items.

Over the past 15 years, measures to limit plastic bag pollution have been adopted in countries worldwide and across the US, including in the entire state of California, each of Hawaii’s five counties, and now New York State. To date in our region, Maine has twenty-two towns with bag ordinances, and to our south, there are ninety-seven Massachusetts municipalities with enacted plastic bag restrictions, covering more than 43% of residents in the Commonwealth. Thirteen Connecticut towns have enacted bag laws while sixteen more have pending ordinances. Ten Rhode Island towns have enacted bag regulations, with several more town ordinances proposed, and each of our six New England states have a state bag bill before their legislature right now, with Vermont and New Hampshire – both states with no home rule, meaning their towns are not at automatic liberty to enact local laws – having strong bills in the final stages of passage. **Results from our region and across the globe demonstrate that where we have bag laws enacted there are clear decreases in both single-use carryout bag consumption and plastic litter, without any significant burdens on residents or businesses in these communities.**<sup>19</sup>

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<sup>19</sup> “Plastic Bag Impact.” Mass Green Network, <http://www.massgreen.org/plastic-bag-impact.html>.; “Plastic Bag Bans: Analysis of Economic and Environmental Impacts.” Equinox Center, 2013.



Data demonstrates that to generate good policy in a plastic bag ban and produce the most significant and lasting reductions in plastic pollution, a mandatory pass-thru charge on recycled paper bags and plastic film “reusable” bags must be assessed at point of sale. While paper bags do not carry the same risk for persistent environmental harm when lost into the marine environment as plastic bags do, their use nevertheless incurs appreciable ecological costs and encourages the wasteful single-use consumer paradigm. Paper production, transport, and recycling are all energy and water intensive activities that result in non-negligible greenhouse gas and other harmful chemical emissions. Consumers are swayed with higher fees; the rate at which consumers choose reusable bags is higher where the fee on single-use bags is higher. **The Surfrider Foundation appreciates the inclusion of a five-cent fee on paper bags in LD1532, and we urge the Committee to amend to increase the fee to 25-cents in order to properly incentivize consumer behavior to choose reusable bags over paper bags.**

Having paper or plastic bags available for free leads shoppers to treat them as single-use.<sup>20</sup> Research has shown that a modest charge per bag is critical to change this consumer habit,<sup>21</sup> incentivizing more sustainable reusable bags instead of shifting the pollution problem from single-use plastic to paper bags or thicker plastic bags. A

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<sup>20</sup> Vire, Kris. “Chicago’s plastic bag “ban” is so far a bust.” TimeOut Chicago, 2015.

<https://www.timeout.com/chicago/blog/chicagos-plastic-bag-ban-is-so-far-a-bust-090115>.

<sup>21</sup> Shampanier, K., Mazar, N., and Ariely, D. “Zero as a special price: The true value of free products.” Marketing Science, 2007, 26, 742.



minimum charge for bags also helps businesses offset the costs of transitioning away from single-use bags to reusable bags.

***We do not support including thicker film plastic bags to be defined as reusable and given out for free.*** In practice, allowing thicker plastic film bags for free can dramatically reduce the net environmental benefit of an ordinance or even make it counterproductive.

When the City of Austin, Texas allowed 4 mil film plastic bags to be considered reusable and given out for free, they saw a 5-fold increase in the discarding of thick plastic bags, reducing an impressive 94% reduction in single-use plastic bags into a mere 24% net decrease in plastic bag weight. This was with only one major grocery chain in the city electing to distribute thick plastic bags rather than recycled paper.<sup>22</sup>

LD1532 currently allows for the provision of 4 mil plastic film bags to be given out for free at point of sale. Should stores opt for this option rather than selling paper bags, this would increase the amount of low grade plastic used to generate plastic carry-out bags, getting us further way from our goals of source reduction, while not properly incentivizing customers to use reusable bags, thereby contravening the intents of the legislation. **The Surfrider Foundation strongly recommends that LD1532 be amended to disallow thin film plastic bags of any thickness specification from being considered**

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<sup>22</sup> Waters, Aaron. Environmental Effects of the Single Use Bag Ordinance in Austin, Texas. Austin Resource Recovery, A City of Austin Service, 10 June 2015. <http://www.austintexas.gov/edims/document.cfm?id=232679>.



**reusable and given out for free, or only to allow the specified 4 mil bags for a mandatory, uniform fee of 25-cents each.** Without disallowing 4 mil bags for free, Surfrider does not support preemption clause in the bill.

Finally, we additionally support redefining reusable bags in terms of design for multiple reuse, being machine-washable, and **having stitched or woven handles**. Please find below in Exhibit A version of LD1532 as requested for amendment herein.

The Surfrider Foundation and our Maine Chapter members extend thanks to the Committee for considering support with amendments to ban single-use plastic bags in Maine.

Melissa Gates  
Surfrider Foundation Maine Chapter

Please find my written testimony attached. I look forward to speaking with the Committee in hearing on 2/22 and have previously registered. Thank you!