



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

Sarah Nichols, NRCM Sustainable Maine Director

February 22, 2021

Senator Brenner, Representative Tucker, and members of the Joint Standing Committee on Environment and Natural Resources, my name is Sarah Nichols, and I am the Sustainable Maine Director for the Natural Resources Council of Maine (NRCM). I appreciate this opportunity to speak to you in strong opposition to LD 39, LD 108, and LD 244.

The 129th Legislature voted to adopt LD 1532, which made Maine the fourth state¹ in the nation to promote the use of reusable shopping bags by curbing the unlimited distribution of single-use plastic shopping bags. LD 1532 received overwhelming public support, including from the Maine Grocers and Food Producers Association and the Retail Association of Maine. NRCM worked closely with each of these organizations to develop the legislative language that was signed into law. We recently sent the committee a letter in opposition to any and all legislation that seeks to overturn this important law that will help reduce plastic pollution in Maine. I have attached that letter to my testimony.

We firmly believe that the reasons why the Legislature enacted LD 1532 in 2019 remain as valid today as they did then. Claims that the pandemic creates a reason to overturn Maine law are simply not based in science and should be dismissed.

Here is the truth about plastic bags:

- Plastic carry-out bags are the fourth² most common type of plastic found in clean-ups across the nation.
- It’s estimated that the average American household collects about 1,500 single-use plastic bags per year at checkout—which is far more than could feasibly be reused at home.³
- Less than 6% of plastic bags are recycled,⁴ and education programs aimed at trying to reduce the use or increase the recycling of plastic bags are not particularly effective.⁵
- Plastic bags are a primary source of contamination in Maine’s recycling programs and often tangle in recycling equipment, costing time, money, and other resources.⁶

¹ Eight states—California, Connecticut, Delaware, Hawaii, Maine, New York, Oregon, and Vermont—have banned single-use plastic bags.

² Better Alternatives Now 2.0 Report;

<https://static1.squarespace.com/static/5522e85be4b0b65a7c78ac96/t/5aa0618a8165f553aa68b8b8/1520631281665/5+Gyres+BAN+List2.pdf>

³ Under this proposal, plastic bags may still be purchased by people who wish to use them for lining garbage pails, collecting kitty litter, or other uses.

⁴ According to the EPA’s [2009 Municipal Waste Characterization Study](#), the recycling rate for plastic [HDPE](#) films (plastic bags, sacks, & wraps) was 6.1%. Plastic bags are only a small portion of that.

⁵ In 2009, under legislative directive, there was 14-member working group to explore creating a voluntary program, as opposed to a statewide ban or fee on disposable bags, which resulted in the *Got Your Bags, Maine?* Campaign, which was proven ineffective. When Portland was considering their ordinance in 2014, an NRCM volunteer visited 43 stores and found not a single one featured the *Got your Bags* campaign message.

⁶ <https://www.ecomaine.org/recycling-right-plastic-bags-films/>

- Using plastic bags has not been shown to protect individuals from COVID-19. Infections occur mainly through exposure to respiratory droplets when a person is in close contact with someone who has the virus.⁷
- Even though there is no evidence of surface transmission,⁸ plastic harbors the COVID-19 virus much longer than paper or cloth.⁹

If any of these bills were enacted, Maine would no longer have a statewide policy, which means that retail establishments throughout the state would revert back to administering a patchwork of existing local laws.¹⁰ This inconsistency would worsen over time as more Maine people demand action on plastic pollution.

For all of these reasons, Maine’s plastic bag policy was, and still is, strongly supported by the Retail Association of Maine, Maine Grocers and Food Producers Association, Maine’s Environmental Priorities Coalition, municipal leaders, and people across Maine.

No state has reversed a bag ban, and Maine should not do so, either. Vermont passed its law on the same day as Maine, but did not postpone implementation because, according to the [Vermont Department of Health](#), “reusable bags are safe to use, even during the COVID-19 pandemic.”

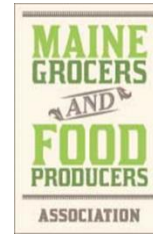
We urge the committee to join us in opposing these bills. We have a good law on the books that has broad support. Let’s keep it. I would be happy to answer any questions that you have.

⁷ <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html>

⁸ <https://www.fda.gov/food/food-safety-during-emergencies/best-practices-retail-food-stores-restaurants-and-food-pick-up-delivery-services-during-covid-19#operations>

⁹ <https://www.nejm.org/doi/full/10.1056/NEJMc2004973>

¹⁰ Maine towns and cities with plastic bag policies include (* indicates fee instead of ban): Portland*, South Portland*, Brunswick, Topsham, Camden, Rockport, Rockland, Bar Harbor, York, Falmouth*, Freeport, Kennebunk, Saco, Cape Elizabeth, Belfast, Bath, Manchester, Blue Hill, Damariscotta, Newcastle, Southwest Harbor, Waterville*, Biddeford, Tremont, and Mount Desert.



To: Senator Brenner, Representative Tucker, and Members of the Joint Standing Committee on Environment and Natural Resources

From: Retail Association of Maine, Natural Resources Council of Maine, and Maine Grocers and Food Producers Association.

Subject: Preserving Maine's Existing Law Regarding Single-use Plastic Bags

Date: February 3, 2021

This session the Environment and Natural Resources (ENR) Committee will consider four bills to repeal Maine's plastic bag reduction law, 38 MRSA §1611. So far, LD 39, LD 108, and LD 244 have been printed.

This law was enacted when the 129th Legislature adopted LD 1532, with leadership from the ENR Committee. Our organizations worked closely together in 2018 and 2019 to develop compromise language for LD 1532, and we strongly supported passage of the bill. We remain unified in our support of this policy and urge the Committee to reject these proposals and preserve our existing law.

Maine's plastic bag reduction policy was due to take effect on Earth Day, April 22, 2020, but the effective date was postponed until January 15, 2021, in LD 2167 due to the COVID-19 pandemic. The law was subsequently delayed until July 1, 2021, to provide additional time for Maine's businesses to comply due to the ongoing pandemic.

Despite these challenges, we do not feel that Maine should change course on this policy. We believe the merits for passage of the law in the first place remain as strong as they did then, and we believe full implementation of the law should occur on the current modified schedule.

Thank you for your time and your support of this important law that addresses plastic pollution, saves taxpayer money, and creates a uniform statewide bag policy that provides consistency to Maine's businesses.

Sincerely,

A handwritten signature in black ink that reads "Curtis F. Picard".

Curtis Picard, CAE
President and CEO, Retail
Association of Maine

A handwritten signature in black ink that reads "Sarah K. Nichols".

Sarah K. Nichols,
Sustainable Maine Director,
Natural Resources Council of
Maine

A handwritten signature in black ink that reads "Christine Cummings".

Christine Cummings,
Executive Director, Maine
Grocers and Food Producers
Association