



Legislation Text

File #: HCC-179-FY23, **Version:** 1

Submitted by: Councilmember Ben Simasek
Submitting Department: Legislative
Agenda Section: Discussion

Item Title:

Bring Your Own Bags

Suggested Action:

I move that the Mayor and Council authorize the City Attorney to draft an ordinance regulating carryout bags from retail and food service establishments in the City of Hyattsville. The ordinance shall prohibit the provision of plastic bags at the point of sale for customers. Businesses shall be required to charge customers a minimum 10 cent fee for paper or other reusable carryout bags in order to incentivize customers to bring their own bags.

Summary Background:

Pollution from plastics contributes to an array of environmental problems, from the harmful effects and greenhouse gas emissions from the extraction of fossil fuels and the production process to the downstream impacts of litter on animal and ecosystem health and the presence of microplastics in our waterways and even in our bodies.

Given Hyattsville is bordered by the two major tributaries of the Anacostia River and is part of the broader Chesapeake Bay watershed, our city has a duty to be a responsible steward of these local waterways. Plastic carryout bags are one type of litter likely to be found in our local parks and rivers since they are both ubiquitous and easily carried by the wind and street runoff. They are not accepted by the County's recycling facility. When they are improperly disposed of in the recycling bin, plastic bags can clog machinery and create a safety hazard.

Single-use paper carryout bags also pose human health and environmental hazards. The manufacture of paper carryout bags requires the felling of massive numbers of trees, large amounts of water and energy, and toxic chemicals. It is a major source of air pollution, acid rain, and water pollution, with associated health and environmental impacts.

The dual objective of this ordinance is to reduce plastic pollution and incentivize reusable bag use. By both banning plastic carryout bags and requiring retailers to charge a minimal fee for paper bags, Hyattsville can incentivize reusable bag use, allow retailers to offset the cost of providing paper bags, which are generally more expensive than plastic, and ensure that these costs aren't indirectly borne by shoppers who do not use disposable bags. The City of Hyattsville could sell branded reusable bags at cost for use at local grocery stores as well as provide them to free to residents at city events or for pick-up at the municipal building.

Several jurisdictions in Maryland have already adopted legislation banning single-use plastic carryout bags (Chestertown, Laurel, Takoma Park, Westminster), taxing single-use carryout bags (Howard County, Montgomery County), or the "best practice" policy we advocate for Hyattsville that combines a plastic bag ban with a charge for paper and other carryout bags (Easton, Baltimore, and Salisbury).

In 2019, the Prince George's County's Sierra Club conducted a survey of 7,964 shoppers at 48 grocery stores countywide, including three stores and 487 shoppers in the city of Hyattsville. While shoppers in Hyattsville were found to be more

likely to use reusable bags than across the whole county, still 76% of those surveyed used disposable bags, virtually all of them plastic. The Sierra Club study found that among the 13 grocery stores in the county that don't offer single-use plastic carryout bags and charge for paper and reusable bags, only 5.9% of 1,550 shoppers surveyed opted for disposable bags.

In neighboring Montgomery County, where a 5-cent tax on plastic and paper carryout bags is mandatory county-wide, the Sierra Club's survey found that 41% of shoppers used disposable bags, compared to 88% across Prince George's County. Evidently, charging a fee for disposable bags influences shoppers' behavior, even if the cost is nominal.

Evidence from the City of Laurel, which banned plastic carryout bags as of January 2022 but placed no charge on paper carryout bags, underscores the need to create additional incentives for shoppers to shift to reusable bags. While plastic carryout bags disappeared at grocery stores, reusable bag use rose from 5% to only 14%. Use of single-use paper bags offered for no charge rose from less than 1% to 68%.

At the state level, the Plastic and Packaging Reduction Act (HB209), introduced by Delegate Lierman and Senator Augustine in the 2020 General Assembly, would have banned plastic carryout bags and required stores to charge (and keep) at least 10 cents for paper and other bags. In 2021, the bill was reintroduced as the Plastic Bag Reduction Act, a ban on plastic bags without a charge for paper. That bill also failed to pass. Both years, the bills passed the House but not the Senate, and their effectiveness was severely compromised by amendments in 2020 removing a charge for paper and reusable bags, which would have incentivized reusable bag use.

No statewide carryout bag bill was introduced in the 2022 General Assembly. Across the country, statewide plastic carryout bag legislation hasn't gained traction until many local jurisdictions have taken action first. The proposed Hyattsville ordinance will not only effectively reduce the environmental impact of single-use carryout bags locally, but passage of a municipal bill will contribute to the critical mass of local bills needed to catalyze state-wide legislation that incorporates a "best practice" policy.

ANTICIPATED STAFF RESOURCES REQUIRED TO IMPLEMENT:

Counsel's time spent reviewing, drafting ordinance. Communications team's time to inform residents, Economic Development team to orient businesses.

SUPPORTING DOCUMENTATION:

[The negative environmental effects of plastic shopping bags | International Bar Association \(ibanet.org\)](https://www.ibanet.org/article/76F8D2A9-1A1D-4A2F-8A6F-0A70149FD4D5)

[<https://www.ibanet.org/article/76F8D2A9-1A1D-4A2F-8A6F-0A70149FD4D5>](https://www.ibanet.org/article/76F8D2A9-1A1D-4A2F-8A6F-0A70149FD4D5)

[Prince George's Sierra Club briefing to HEC](#)

[Maryland Plastic Bag and Packaging Reduction Act \(HB 209-2020\)](#)

[<https://mgaleg.maryland.gov/2020RS/bills/hb/hb0209T.pdf>](https://mgaleg.maryland.gov/2020RS/bills/hb/hb0209T.pdf)

[Assistant Attorney General's letter to Delegate Lehman](#)

[Sierra Club - Chesapeake Legal Alliance Brief <https://www.sierraclub.org/sites/www.sierraclub.org/files/sce/maryland-chapter/Campaigns/ZeroWaste/CLA%20-%20Plastic%20Bag%20Ban%20%28Municipalities%29_Final.pdf>](https://www.sierraclub.org/sites/www.sierraclub.org/files/sce/maryland-chapter/Campaigns/ZeroWaste/CLA%20-%20Plastic%20Bag%20Ban%20%28Municipalities%29_Final.pdf)

Next Steps:

The City Attorney will draft an ordinance with the input and support of council to be introduced in a future meeting. We have model language for an ordinance, based on lessons learned from legislation adopted elsewhere.

Fiscal Impact:

Cost of City of Hyattsville providing additional city-branded reusable shopping bags to residents.

City Administrator Comments:

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Community Engagement:

Communications team's time to inform residents, Economic Development team to orient businesses.

Strategic Goals:

Goal 3 - Promote a Safe and Vibrant Community

Legal Review Required?

Pending