



January 20, 2019

Stamford Board of Representatives

888 Washington Blvd, 4th Floor, PO Box 10152
Stamford, CT 06904-2152

RE: L&R meeting on January 22nd, 2019, item LR30.048: public discussion of the amendment to expand the exemption of the charge to include Cobra/Medicare/Medicaid recipients; non-public discussion of the mil thickness definition

Dear Board of Representatives Members,

To follow up on prior correspondence, our organizations remain happy about the ongoing progress made with regard to the Stamford carryout bag ordinance which was approved October 1st, 2018. We understand that the L&R meeting on January 22nd 2019 is to discuss the two following items:

Public discussion about the amendment to expand the exemption of the charge to Cobra, Medicare and Medicaid recipients;

Discussion of the mil thickness definition.

Regarding the first topic, we repeat:

As the intent of the ordinance is not to simply switch from plastic bags to paper bags (receipt of which would get charged 10 cents each), but instead to encourage customers to bring their own reusable bags, we believe that limiting the applicability of the charge is misguided. There is no necessity for said customer group (or any customer for that matter) to take the paper bags and pay the 10 cent charge. Instead, said customer group, same as everyone else, can bring their own bags and not be charged any additional charge.

The ordinance already exempts one group from the applicability of the charge: section 6b of the ordinance refers to “items purchased pursuant to the Supplemental Nutritional Assistance Program or a similar governmental assistance program”. This exemption already covers those that are most vulnerable, from an economic perspective. We would not wish to encourage widening this exemption. If the exemption was to be further expanded to Medicare/Medicaid/Cobra recipients, the City may see less of a switch to reusable bags but more of a switch to paper bags. We feel that the customer group that would be exempt under such

language would be quite significant in size and that this could result in the ordinance not being able to fully achieve what it is meant to do. This could result in higher trash and/or recycling costs (not to mention a potentially higher carbon footprint) as well as higher retailer costs (both, storage and bag material costs).

Enforceability of the ordinance would be significantly complicated if expanding the exemption. Retailers' staff would need to be trained to understand who is and who is not exempt. At least, with regard to the exemption language as it currently stands, retailers' staff should have some familiarity identifying these items purchased. It would be difficult and confusing to add another customer group to the exemption. It would simply not be practical.

Lastly, this exemption would not be in line with other CT ordinances which could provide a challenge for retailers: Just a few days ago Norwalk approved an ordinance that also includes a charge and has no exemption for Cobra/Medicare and Medicaid. We are further not aware of any ordinance in the country that provides for such an expanded exemption.

Regarding the 2nd topic, we repeat:

We much favor a tightening of the mil thickness definition from the 2.25 mil as currently drafted. We are aware of some other towns' retailers (including the town of Westport and towns in New York, California and Hawaii) providing 'free' thicker plastic check out bags of 3 mil or similar. Whilst sometimes there is writing on these bags that calls them 'reusable' or 'in compliance with an ordinance' these bags most likely will not be reused hundreds of times. These bags are still generally either single use bags or they may be used a few more times. They may not be perceived to be true reusable bags (i.e. a bag that gets used each week or several times each week for many years to come).

The economics of plastics versus paper these days are actually shifting towards favoring plastic even more. This has to do with the US' increase in oil and gas production, in particular the shale gas revolution and subsequent immense investments in NGL (natural gas liquids) production and ethane crackers, a few of which are expected to come online in 2019/2020. This will result in the US playing an ever larger role as an ethylene (basic feedstock of plastics) producer. Plastic bags prices are thus possibly going to come down in the future. Note that there are also other costs when it comes to bags: transportation and storage costs, all of which are higher for paper versus plastic bags due to the heavier nature of the paper bags. To conclude, to assume that a thicker plastic bag of 3 mil or 4 mil would not be purchased by retailers instead of paper bags due to cost reasons, may be an incorrect assumption. Leaving the 2.25 mil thickness definition as is risks retailers being tempted to switch to just slightly thicker plastic bags in order to comply with the ordinance. This then could undermine the intent of the ordinance which is the intended drastic reduction of locally created plastic waste which may end up in the environment and which may create plastic pollution.

Guessing what an appropriate mil thickness would be (at what point would retailers not be tempted to go thicker?) is difficult. It would appear that following Greenwich and Norwalk's lead, i.e. setting the mil thickness at 12 mil, to drastically limit the potential of any retailer providing thicker plastic bags, would be the most reasonable approach. A 12 mil definition is indeed very thick and would make a switch to a thicker plastic bag hardly possible. It would be a very effective definition. Being in line with Norwalk's ordinance, this clarity would in fact also help retailers active in both towns coordinate their bag purchasing decisions.

To conclude, the undersigned strongly recommend the L&R committee and board members to not expand the exemption of the applicability of the charge. We also encourage the L&R committee to change the mil thickness definition from 2.25 mil to 12 mil which would ensure that retailers would not be tempted to switch to providing thicker 'free' plastic bags.

Both topics, if addressed appropriately, can lead to a stronger, more effective ordinance, one that can ensure a drastic reduction of locally created plastic trash, local plastic pollution and lower trash and/or recycling costs.

Please note that the undersigned 'BYO Connecticut' group includes the following towns' BYO grassroots organizations: Branford, Darien, Fairfield, Greenwich, Guilford, New Canaan, Newtown, Norwalk, Stamford, Washington, Waterford, Weston, Westport, Wilton. Westport, Weston, Norwalk and Greenwich have approved ordinances. Fairfield, New Canaan, Darien, Branford and Guilford are in the process of working on ordinances.

We look forward to the L&R meeting to address these two important issues. Please do not hesitate to reach out to Samira Siskind (samirafink@hotmail.com) with any questions or concerns.

Respectfully Submitted,

BYO Stamford

BYO Connecticut

Women on Watch

SoundWaters

Surfrider Foundation, CT Chapter

Stamford Land Conservation Trust