

National Caucus of Environmental Legislators

# Plastic Pollution Briefing Book

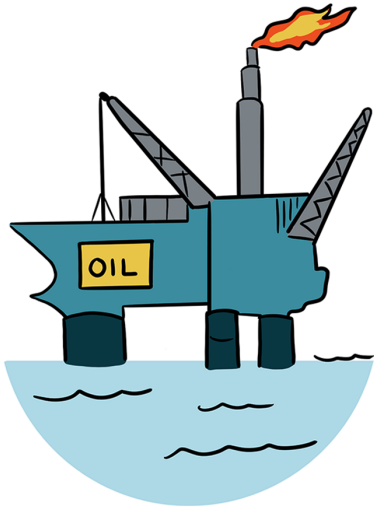


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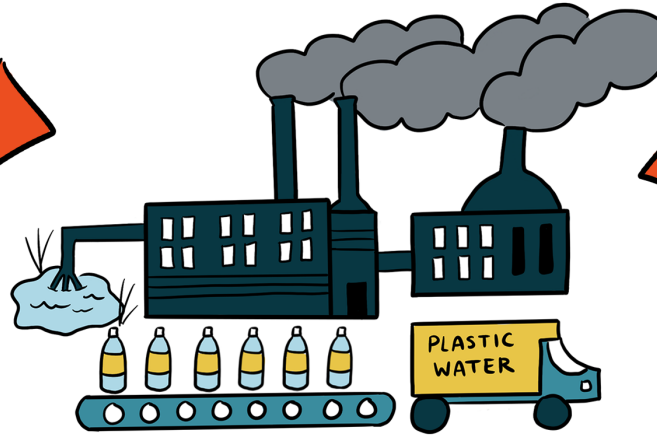
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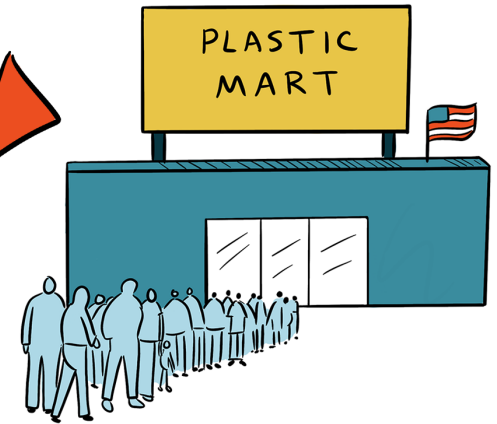
# PLASTIC POLLUTION LIFECYCLE



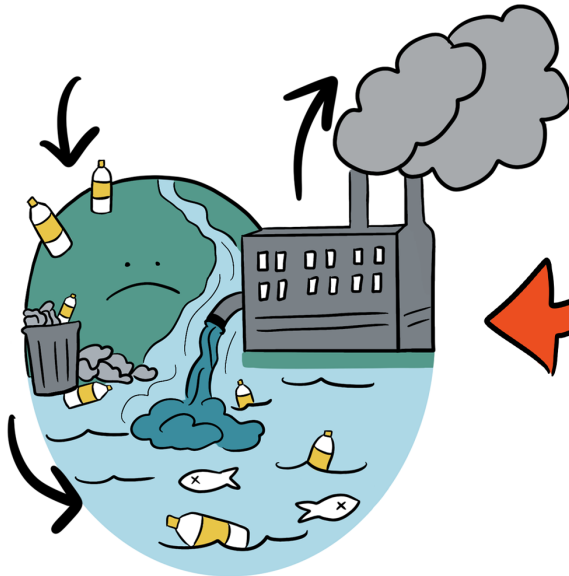
EXTRACTION



PLASTIC PRODUCTION



POINT OF SALE



DUMPING & BURNING



WASTE INDUSTRY



CONSUMERS

## Plastic Pollution Talking Points

*The effects of plastic pollution are extensive, ranging from environmental degradation to adverse health impacts. It's important to eliminate the creation of new plastics while reducing and reusing existing plastic.*

### Legislation

- In 2020, [230 pieces of legislation were under consideration](#) to address plastic pollution in 37 states.
- 17 bills have been enacted in 10 different states to address plastic pollution including bans on single-use plastic bag bills, straw bills, and polystyrene bills.
- [23 bills](#) in 11 different states were introduced in the past year to address recycling and EPR.

### General/Health Impact

- [45% of the world's plastics](#) collected for recycling have been exported to China since 1992. As of 2018, China has stopped accepting plastic waste so this waste now ends up in landfills, gets incinerated, or is sent to other countries lacking the infrastructure to manage it.
- While plastic is often seen as a coastal problem, 80% of all marine plastic pollution derives from inland sources. ([Ocean Conservancy](#))
  - [Each year](#) nearly nine million tonnes of plastic waste ends up in the world's oceans.
- In 2015, less than 10% of discarded plastics were recycled ([National Geographic](#)).
- Microplastics are found in 90% of bottled water ([World Health Organization](#)).
- Many plastic food wrappers contain [harmful chemicals](#), such as phthalates, BPAs, and other carcinogens, that are bad for human health. There is no evidence that food wrapped in plastics helps to reduce food waste.

### Plastic Bags

- Even though plastic bags are technically deemed recyclable, fewer than 1% of plastic bags are recycled ([Clean Air Council](#)).
- [Alameda County](#) in California passed a bag ban and paper bag fee ordinance in 2013 and have found an 80% reduction in single-use plastic and paper bags in its waste stream.

### Straws

- A [2020 study](#) estimated as many as 8.3 billion plastic straws pollute the world's beaches.
- While plastic straw bans aren't going to solve the plastic pollution problem, they [start an important conversation](#) about the level of plastics in the ocean and encourage people to forgo other single-use plastics like bags and bottles in addition.

### Bottles

- Despite being recyclable, [80%](#) of purchased plastic water bottles end up in landfills.
- Oregon recycled 90% of beverage bottles covered under its bottle deposit system in 2019, a dramatic increase from 2017 where the recycling rate was just at 64%. ([NPR](#)).
- A [study](#) found that Massachusetts' bottle deposit bill contributed at least \$85 million to the state's economy, including through the creation of over 2000 new jobs.



## Overview

Plastic pollution is infiltrating waterways worldwide, accumulating as toxic debris in marine life, and ultimately harming the humans who consume seafood. Single-use plastics, such as bottles, straws, and utensils, are the most pervasive plastic pollutants and slowly break down into smaller particles that stay in the environment. Recycling alone is not enough to meet these threats as plastic is predominantly made from fossil fuels and production is expected to increase by [more than 30%](#) over the next decade.

## Legislation

Numerous states have introduced strong bills to curb single-use plastics through actions like banning products altogether, establishing study commissions, and improving recycling and end of life management.



### Bans

One of the most direct and tangible legislative actions to reduce plastic pollution is by introducing bans on single-use plastic.

- **Plastic Bag Bans or Fees:** Six states have banned plastic bags. Strong bills include Oregon [HB 2509](#) and [Maine LD 1532](#) which ban single-use plastic bags and place a fee on single-use recycled paper bags and plastic reusable bags.
- **Polystyrene:** Maryland ([SB285/HB109](#)) and Maine ([LD289](#)) passed bills prohibiting polystyrene, with Maine including a ban on single-use stirrers as well. .
- **Comprehensive Single-Use Plastic Bans:** Some states are considering bans on all single-use, non-recyclable products. Vermont signed [S113](#) into law, prohibiting the distribution of single-use plastic carryout bags, polystyrene products, and plastic straws to customers.
- **Straws:** New Hampshire ([HB559](#)) and Illinois ([HB3379](#)) would require straws to only be provided upon request.



### Extended Producer Responsibility and Waste Management

Extended producer responsibility legislation aims to hold producers responsible for the waste they create through establishing stewardship programs, and requiring all single-use products be made recyclable or compostable. Landmark examples include California's [AB1080](#), and Washington's [SB5397](#).



### Commissions and Councils

Through convening councils and study commissions, states can gauge the severity of pollution and its effects, develop recommendations, and ultimately enact solutions. New Jersey's ([A4715](#)) establishes "Plastic Pollution Task Force" to study ways to reduce and address plastic pollution and make recommendations.



### Bottles

States are working to regulate single-use plastic bottles through a number of creative measures. New York's "Right to Refill Act" ([A 8722](#)) clarifies state health code to allow customers to bring in their own reusable drink and food containers into food establishments. California [AB 792](#) would require 50% post-consumer recycled content in beverage containers. States are creating beverage container deposit systems, such as [Illinois HB 2651](#), or expanding upon existing deposit laws.



*This spectrum of policies offers legislation ranging from approachable to paradigm shifting actions.*

## Approachable Legislation

- **Resolution:** Designating a day, week, or month of awareness. [Example: Georgia SR 695](#)
- **Study Commission or Task Force:** Can gauge the severity of pollution and its effects, develop recommendations, and ultimately enact solutions. [Example: New Jersey A 4715](#)
- **Procurement:** Updating state government purchasing policies to avoid single-use plastics. [Example: New York S 1108](#)
- **Labeling:** Requiring plastic packaging to be accurately labeled as compostable or degradable. [Example: Washington HB 1569](#)
- **Upon Request:** Requiring straws (or other utensils) upon request. [Example: Oregon SB 90](#)

## Groundbreaking Legislation

- **Hotel Bottles:** Banning hotel mini, travel-sized bottles (i.e., personal care products like shampoo). [Example: California AB 1162](#)
- **Bring Your Own Container:** Changing state food safety code to allow and encourage customers to “bring their own container” and/or for reusables to be used at events. [Example: New York A 8722](#)
- **Recycled Content:** Requiring minimum recycled content in items. [Example: Washington HB 2722](#)
- **Polystyrene Ban:** Banning single-use polystyrene cups and containers at food and retail establishments. [Example: Maine LD 285](#)
- **Bag Ban:** Ban on single-use plastic grocery bags and levying fees on single-use paper bags. [Example: Oregon HB 2509](#)

## Landmark Legislation

- **Comprehensive Ban:** Comprehensively banning most littered single-use plastic items including bags, polystyrene, and straws. [Example: Vermont S 69](#)
- **Container Deposits:** Establishing/updating container deposit laws that include a fee on all disposable beverage containers and create the needed infrastructure for returns. [Example: Maryland HB 824](#)
- **Mandated Recycling:** Requiring increased recycling rates over time for all packaging, outlawing any non-recyclable, non-compostable, non-reusable materials in the long term. [Example: California SB 54](#)
- **Comprehensive EPR:** Requiring producers to pay the full cost of the end of life of packaging. [Example: Maine LD 2104 and Washington 1204 \(as introduced\)](#)





## Overview

Only 9% of all plastic waste ever made has been recycled. So where does the rest of the plastic go? A vast majority of plastic pollution accumulates in [landfills](#), where it then makes its way into the environment and, eventually, into the oceans. Plastics can withstand extreme and harsh conditions and can take hundreds of years to decompose in landfills and the environment. It is in the [water we drink](#) – even the [air we breathe](#) – and has major implications for [human health](#). However, plastic pollution doesn't just affect the environment and human health, it is also a huge economic burden.

## Economic Costs of Plastic Pollution

- Single-use plastic bags [costs retailers 4 billion dollars](#) annually.
- The cost of plastics clean up is significant for taxpayers:
  - California tax payers contribute [\\$428 billion](#) per year to clean up plastic through storm drain management, street sweeping, and marine clean ups.
  - In 2015, the North Carolina Department of Transportation spent over [15 million dollars](#) to remove almost 7.5 million pounds of litter.
- [Eight million metric tons](#) of plastic end up in the oceans each year, leading to [13 billion dollars](#) in damage to marine ecosystems.
- Single-use plastic waste [costs the U.S.](#) more than 2.2 trillion USD per year.

## Economic Benefits of Reusables

- According to the [World Economic Forum](#), the economic benefit of transitioning to a circular economy that aims to use resources for as long as possible is estimated to be worth more than one trillion dollars in material savings.
- The Recycling Partnerships "[State of Curbside Recycling in 2020](#)" report estimates that 370,000 full time equivalent jobs would be produced from picking up recyclable materials produced from homes via curbside recycling (approximately 37.4 million tons of recyclable material).
- This [same report](#) estimates that implementing curbside recycling to its full potential would conserve annual energy and achieve the equivalent of removing 20 million cars from U.S. highways.

## Solutions

Every plastic grocery bag costs about one penny to produce and each paper bag costs four or five cents to produce. Many states are implementing bag fees to combat these costs. [Washington DC's bag fee program](#) resulted in 75% people reducing plastic bag use, 85% stores reporting a neutral or positive impact from the fee, and less litter surrounding the stores. Los Angeles' 10 cent fee on plastic bags led to a [90% drop](#) in bag usage.

Eliminating grocery store's needs for single-use bags could mean [thousands of dollars in annual savings](#) for grocery stores.



## Overview

Millions of tons of post-consumer packaging enter our municipal solid waste management systems each year. While some is recycled, most is incinerated or buried in landfills. This volume of waste results in environmental harm and injustice, excess costs to taxpayers and potentially valuable recycling materials wasted. Extended Producer Responsibility (EPR) (also referred to as product stewardship) ensures packaging producers assume responsibility for the cost of collecting and sorting recyclables at end of life. Producers internalize these costs by incorporating them into the price of new products. This creates an incentive to design better and identify opportunities for efficiency in the recycling system to reduce costs, leading to an increase in recycling.

EPR is a strategy to add all of the environmental costs associated with a product throughout the product life cycle to the market price of that product.

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## Legislation

- Maine ([LD 1541](#)) and Oregon ([SB 582](#)) enacted bills in 2021 to establish statewide EPR programs for various packaging materials.
- New York's [S7718](#) seeks to establish an extended producer responsibility program for paper and packaging (circular economy for recycling).
- Washington's [Plastic Packaging Evaluation and Assessment](#) law passed in 2019 directs a study of the impacts of plastic packaging in Washington and to develop recommendations

## KEY POINTS

- Around the world, EPR for Packaging programs already exist in 47 jurisdictions, including the entire European Union and five Canadian provinces. ([NRCM](#))
- [Multiple U.S. states](#) have passed EPR laws for multiple product categories, such as pharmaceuticals, solar panels, electronics, carpet, mattresses and many more. In 2021, Maine and Oregon became the first states to enact EPR legislation for packaging materials.
- Multi-national companies are already participating in EPR for packaging programs in other countries and are working together to suggest best practices for implementation as part of the circular economy. One example is the [Consumer Goods Forum](#).

## Other Resources

- [Product Stewardship Institute's \(PSI\) website](#) highlights all of the U.S. EPR laws (covering multiple product areas including carpet, paint and batteries) with a helpful map of state's actions.
- [Recommendations for Managing Plastic Packaging Waste](#) in Washington.
- Oregon Recycling Steering Committee [proposal from local governments](#).
- [EPR for Packaging and Paper Products](#): A Collaboration Factsheet from the Northeast Waste Management Officials' Association (NEWMOA) and the Northeast Recycling Council (NERC).



## Analysis of Single-Use Bag Bans

State	Year	Content	Thickness Requirement?	SNAP-EBT/WIC Exemption?	Fee Requirement?	Restaurants?
<a href="#">California SB 270</a>	2014	Bans single-use plastic bags at large retail stores	Defines reusable plastic bags as at least 2.25 mils thick	SNAP-EBT and WIC voucher <b>exempts</b> from fee on reusable bags and recyclable bags	10-cent minimum fee on recycled paper bags, reusable plastic bags, and compostable bags at certain locations – fee retained by the store	No mention
<a href="#">Connecticut – passed as an amendment to the budget bill</a>	2019	Begins with a 10 cent fee on single-use bags, then will ultimately ban single-use plastic bags beginning July 1, 2021	Defines single-use plastic bag as less than 4mils	<b>No exemption</b> for SNAP-EBT or WIC voucher	10-cent fee only on plastic bags until 2021 - leaves it up to municipalities to charge a fee for single-use paper bags	Restaurants must require fee for takeout bags
<a href="#">Delaware HB 130</a>	2019	Prohibits stores from providing single-use plastic carryout bag beginning Jan 1, 2021	Defines reusable bag as at least 2.25 mils thick	No mention	No fee on paper bags	Excludes restaurants from ban
<a href="#">Maine LD 1532</a>	2019	Prohibits retail establishments from providing single-use carryout bags – single-use includes plastic, paper or other material provided by a retail establishment at the point of sale for transporting merchandise unless it is a recycled paper bag or a reusable bag	Defines reusable plastic bag is at least 4 mils thick	No mention	Requires a fee of at least 5-cents on recycled paper and reusable bags	Restaurants included as a retail establishment, however exempted from the recycled paper and reusable bag fees.
<a href="#">New York SB 1508C</a>	2019	Prohibits any person "who is required to collect tax" to distribute single-use plastic carryout bags beginning March 1, 2020	No thickness requirement; defines reusable bags as "made of cloth or other machine washable fabric that has handles"	SNAP-EBT/WIC <b>are exempt</b> from a fee implemented by cities/counties on single-use paper bags	No fee on paper bags required – allows counties and cities the option of placing a 5-cent fee on paper bags (2 cents would go to local government and 3 cents to state Environmental Protection Fund)	Restaurants are exempt from ban
<a href="#">Oregon HB 2509</a>	2019	Prohibits a retail establishment from providing single-use checkout bags to customers, including single-use plastic, paper, or any other material that is not recycled paper or reusable fabric bag	Defines reusable plastic checkout bag as at least 4 mils thick	SNAP-EBT and WIC voucher <b>exempts</b> from fee on reusable bags and recyclable bags	At least 5-cent fee on recycled paper and reusable bags	Restaurants are prohibited from providing single-use bag and reusable bags without a 5-cent fee. However, restaurants <i>can</i> provide recycled paper bags without a fee and reusable plastic checkout bags without a fee if using SNAP-EBT
<a href="#">Vermont S 113</a>	2019	Prohibits a food service establishment or store from providing single-use carryout bags, straws unless requested, single-use stirrers and polystyrene containers. Also creates a task force on EPR.	No thickness requirement; defines reusable bags as "made of cloth or other machine-washable fabric that has stitched handles; or a polypropylene bag that has stitched handles."	No mention	Requires a fee of at least 10-cents on recyclable paper carryout bag- fee retained by store	No mention – restaurants are included under the definition of "food service establishment"