

February 16, 2022

The Honorable Renee Erickson  
Chair, Senate Commerce Committee  
Kansas State Capitol  
Room 546-S  
300 SW 10th St.  
Topeka, Kansas 66612

Dear Chair Erickson, Ranking Member Holland, and members of the committee:

On behalf of the American Recyclable Plastic Bag Alliance (ARPBA), which represents the U.S. manufacturers and recyclers of plastic bags, I write in support of SB 493. We respectfully urge the committee to move this legislation forward to the full Senate and establish and preserve statewide uniformity for auxiliary container regulation in Kansas.

Auxiliary containers are a class of products made from a variety of materials that consumers and businesses depend on every day ranging from bottles to cups, lids, straws, carryout containers, and grocery bags, among other products. Should SB 493 become law, Kansas would join 23 other states with uniformity provisions that protect consumers and businesses from the unintended consequences that the patchwork of local ordinances can unleash.

Across America, plastic bags are one of the most common targets of local governments. The experience of states without statewide uniformity demonstrates what could happen to Kansas if SB 493 fails to move forward.

Consider Massachusetts. Today, 149 separate local jurisdictions have carryout bag regulations, with similar numbers covering other products ranging from beverage bottles to takeout containers to straws and lids. Of Massachusetts' 14 counties, only Nantucket has a single standard for allowed carryout bags. In Middlesex County, the Commonwealth's largest, there are 39 separate local ordinances with nine regulatory standards for businesses to track. In some areas, product regulation can change from intersection to intersection.

In some ways, efforts to fracture the marketplace are by design. For years, environmental activists pushed competing local ordinances in California as part of a plan to force the state to act and bring retailers in line. Before California passed its statewide ban on plastic bags, activists had managed to pass some 151 different local ordinances.

Beyond opening the door to a patchwork of confusing local rules, bag regulations and similar anti-plastic policies unleash unintended consequences for consumers and businesses. Worse, these often fail to address or exacerbate the environmental and sustainability concerns driving efforts to pass them.

Despite claims that plastic bags are filling up landfills, data from the U.S. Environmental Protection Agency shows that combined, all plastic bags and sacks account for three-tenths of one percent (0.3%) of municipal solid waste. Plastic carryout bags account for an even smaller fraction of this category. Although even one bag in the environment is one too many, litter surveys consistently find that plastic bags account for less than one percent (1%) of litter clean-up items.

While bag bans and taxes have never been shown to meaningfully address litter and waste, they consistently unleash unintended consequences that harm consumers and businesses already struggling with supply chain disruptions and inflation.

These challenges are hitting the carryout bag marketplace, exacerbating a nationwide shortage of paper carryout bags may take years to resolve. At the same time, in states like Washington, retailers subject to these policies are having difficulty acquiring compliant bags.

Unlike their larger competitors, smaller businesses cannot take advantage of economies of scale, both due to the increased initial costs of large volume orders and their limited capacity to store large inventories of alternative carryout bags. When stores can access the limited supplies, they face higher costs and inevitably pass them on to consumers.

The same story inevitably plays out for business after business when localities go after other types of auxiliary containers, which played a critical role for many in continuing to operate during the pandemic. Even as America begins to turn the corner, the economic disruption and hardship stemming from COVID-19 continues to roil the marketplace. Preserving flexibility and certainty for businesses and consumers remains as essential as ever.

Discussions around plastic bags are returning to the forefront and could reemerge in places like Salina, Topeka, and Wichita, which have previously considered them. Instead of waiting until these short-sighted and counterproductive policies can harm Kansas families and businesses by limiting consumer freedoms and unleashing expensive regulatory burdens, the legislature should pass SB 493 and eliminate this risk.

With that said, ARPBA and its members share a deep commitment to sustainability. We're among the first to say, "If you don't need a bag, don't take one." Instead of leaving the door open to a patchwork of competing local policies, Kansas would be better served by a statewide approach to sustainability.

We stand ready to work with the legislature on additional proposals that would improve recycling infrastructure in the state, increase the use of recycled content in products like carryout bags, and help better educate consumers on recycling practices. As an industry, ARPBA members have established voluntary thresholds for recycled content in their products and are exceeding the timelines for meeting these goals.

In order to avoid local policies undermining statewide efforts around business competitiveness, regulatory clarity, consumer freedoms, and waste management and recycling strategies, we respectfully urge the committee to support SB 493. Thank you for your time and consideration.

Sincerely,



Zachary Taylor  
Director  
American Recyclable Plastic Bag Alliance

CC: Senator Brenda Dietrich  
Senator John Doll  
Senator Kristen O'Shea  
Senator Virgil Peck  
Senator Mark Steffen  
Senator Caryn Tyson  
Senator Mary Ware