

## Written Testimony on SB 493

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**Home Rule-** SB 493 violates the rights of cities and counties to control plastic bags and related plastic packaging by preempting Kansas' constitutional principles of "home rule". The Kansas Legislative Research Department supports the view that cities have wide discretion to self-govern by quoting Article 12, Section 5 of the Kansas Constitution... "Powers and authority granted cities pursuant to this section shall be liberally construed for the purpose of giving to cities the largest measure of self government.... Cities are hereby empowered to determine their local affairs and government including the levying of taxes, excises, fees, charges, and other exactions . . . Cities shall exercise such determination by ordinance passed by the governing body with referendum only in such cases as prescribed by the legislature, subject only to enactments of the legislature of statewide concern applicable uniformly to all cities, to other enactments applicable uniformly to all cities..." Essentially, state intrusion into local control is justified only when there are compelling needs for statewide uniformity. Controlling plastic bags is not one of those situations. Citizens have intimate knowledge of their local conditions enabling them to determine what is in their best interests, not the State. If we truly believe that government closest to the people is best, State government must not overreach into local government decisions.

**Costs of Operating Government-** Coping with plastic bags significantly increases government operating expenses. Wichita, alone, spends over \$100,000 annually to remove plastic bags from its sewage treatment facilities and yet more to clean the banks of the Arkansas River. Considering that many other Kansas cities face similar situations, this is a huge needless expenditure of taxpayer resources that could go to many other and more positive uses.

**Public Support-** Numerous public surveys, of which you no doubt are aware, show overwhelming support for bag bans. For example, a 2021 KU School of Medicine survey in Wichita showed that 72 percent of people interviewed said they support banning single-use plastic bags. And, lesser majorities support bag fees.

**Agriculture-** Reports ranging from Texas to North Carolina show that some areas are experiencing serious levels of cattle injury and death from ingesting grocery bags. Agricultural publications support this concern. For example, a Jan 09, 2019 article in "Beef Magazine.Com", "Plastic Disease: Another reminder to remove net-wrap" says, "Regarding other materials eaten by cattle, ... problems when producers use forage along roads. When baling, they may bale up litter. I had a case in which a cow had been eating hay that was baled along a road, and I pulled out a 30-pound mass from her rumen — a wad of plastic bags and other garbage. The hay cutter chops up this litter, and then it gets baled. Producers need to be aware of this possible hazard ... Ingestion of various materials (usually plastic) has become a more common killer, because cattle have access to more litter. A pasture or pen next to a road may have litter from passing cars. A nearby dumpster, construction site or subdivision's garbage may blow over the fields." Kansas has numerous such urban and high traffic interfaces with agricultural land that pose such dangers. My veterinarian confirms cows eat about anything, reporting she once got a gunny sack out of a cow. She also advised that accurately estimating cattle deaths from grocery sacks is unlikely because of the low percentage of necropsies conducted on dead cattle.

**Public Health-** This is a health and pro-life issue. Researchers report these bags consist of toxic materials and dyes that never truly decompose into harmless substances. Instead, they physically break down into microscopic particles that can enter the bodies of any human through air, water and food. Although

researchers know that the chemicals in these tiny particles are toxic, they are still working to determine the extent of the threat. What is proven is that almost every human on this planet now contains microplastics. Stunningly, a study of full-term human placentas in 2021 published in the journal "Environment International" revealed, "Microplastics were found in all placental portions: maternal, fetal and amniochorial membranes. Microplastics carry with them substances which acting as endocrine disruptors could cause long-term effects on human health." This is a reckless uncontrolled experiment on humans, including our unborn.

**Extent of Problem-** Here in the U.S. only 1% to 3% of bags are recycled annually, while about 100 billion plastic bags thrown away. Ironic, considering that most are used for less than half an hour but remain essentially intact poisoning our environment for hundreds of years. Even when "properly" landfilled, their toxins leach into our water.

**Summarizing-** There is no constitutionally compelling reason for the State Legislature to overreach into local government authority by overruling their decisions in the matter of controlling a product that is increasingly recognized as hazardous to human health and agriculture. This is especially true given overwhelming citizen support for local government to take action to solve this problem. Decisions related to controlling plastic bags and similar single-use containers is best left to citizens at their local level because they know what is best for themselves. Furthermore, the State has no right to force local government into ineffective, expensive processes for coping with hazardous materials known to be toxic to humans and now found in unborn infants. For the previously stated reasons, SB 493 must be defeated.