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Testimony by Rabbi Moti Rieber, Executive Director in opposition to HB2446 — Prohibiting cities and counties from regulating plastic containers

House Committee on Federal and State Affairs, Rep. Will Carpenter, chair - March 15, 2023

Mr. Chair, members of the committee:

My name is Rabbi Moti Rieber; I am Executive Director of Kansas Interfaith Action, a statewide, multifaith issue advocacy organization that represents mostly Mainline Christian, Jewish and Muslim communities on a variety of important issues. As the State Public Policy office of the Central States Synod of the ELCA Lutheran Church, I am also testifying on behalf of the Kansas chapter of Lutherans Restoring Creation, in opposition to HB2446.

The denominations and faith communities that make up Kansas Interfaith Action take, as the very core of our mission, care of God's Creation. Our opposition to this bill is based on three points:

First, single use plastic is a significant solid waste problem for cities and counties, and regulating it is a completely sensible policy. Cities face an increasing crisis of plastic pollution, much of which comes from the food and beverage and retail industries. Municipalities and counties face increasing costs associated with plastic pollution, including extra landfill costs, community clean-up, and jamming of equipment or infrastructure.

Single-use plastic is bad for the environment. It's extremely energy intensive to produce, contributing to our ongoing climate crisis. The recycling rates are extremely low even for the kinds of plastic that can be recycled (not all can). Despite what previous conferees have said, plastic bags that are returned to the store are not recycled, and they don't biodegrade. Replacements are easily available.

Over 200 counties and municipalities throughout the country have enacted ordinances either imposing a fee on single use plastic or banning it outright. Several countries, including France and India, have done the same. They are responding a real issue, and our Kansas municipalities should not be prevented from responding to that same need.

The second reason we oppose this bill is based on the principle of local control. The Kansas Constitution states, "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." Communities should be allowed to decide what's right for them, rather than the state imposing a mandate. It's unfortunately both easy and common for the legislature to preempt home rule, but the convenience of the plastics, retail and restaurant industries is not a compelling enough reason to overrule this core constitutional principle.

And third: It is nearly impossible in the Kansas legislature to develop, or even to have a conversation about, environmental policy. There are no committees dedicated to addressing these issues; the only germane committees, so to speak, are commodity committees like agriculture or utilities – or in this case, Fed and State. So when Kansas citizens, in their local communities, do the difficult work of organizing to convince their local governments to address a pressing need like single use plastic, industry groups run to the legislature to preempt it. It's anti-democratic as well as anti-environmental.

We must also note that there is a companion piece of legislation to this one, HB2447, that would prohibit municipalities from regulating any kind of consumer merchandise. The inclusion of this sweeping provision in the Senate bill was largely responsible for it being voted down in committee. We believe that if this bill makes it through committee, that bill will be reinserted into it at a later stage. So while I oppose HB2446 on its merits, another reason to vote it down is to keep it from becoming a vehicle for even worse policy.

Members of the committee, we need policy on single use plastics, but not this one. Please vote down HB2446. Thank you.