

HB 1310: To Ban Plastic Grocery Bags

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February 2013

With the decision by a few Washington state cities to ban single-use plastic grocery bags, the state legislature is considering several bills to ban plastic bags or to impose a charge on consumers for their use. The primary justification for such a ban is to reduce the environmental impact of plastic bags. Some critics argue plastic bags increase the amount of plastic trash in the ocean and have a negative impact on marine wildlife.

In order to address the desire of some communities to ban the bags, the legislature is considering a model ordinance and requiring all cities to create similar restrictions on plastic bags. The bill, HB 1310, is being promoted by Washington state grocers as a way to harmonize the rules in each community that chooses to adopt a ban. It would not ban plastic bags, but would create a consistent ordinance for cities that choose to ban such bags.

Before enacting HB 1310, or any other limit on the use of plastic bags, legislators should understand that such restrictions not only create a legally mandated profit center for grocery stores (at the expense of consumers and other industries), they may actually end up increasing harm to the environment and to aquatic life.

Bootleggers and Baptists

The legislation is a prime example of the “bootleggers and Baptists” theory of imposing regulations. The term comes from the prohibition era, where an uneasy coalition emerged to make alcohol illegal. Baptists opposed alcohol due to its negative social effects. Bootleggers supported prohibition because it allowed them to sell liquor at higher prices and reap huge profits.

The coalition of environmental activists and grocers has much the same relationship when it comes to banning plastic bags. Environmental activists want to ban plastic bags because they think it will help the environment, and grocery store owners see a way to earn a profit. Currently, grocery stores provide the bags for free, incorporating the cost into their overall price structure. Consumers pay for the bags through higher prices on other goods, but the ability of grocers to raise prices is constricted by normal competition in the market.

Legislation requiring grocers to ban plastic bags and charge for their replacement, however, creates a profit center for them. Currently HB 1310 requires a five-cent fee for each paper bag, which is more than the stores pay for them.

Additionally, stores can sell reusable bags for about a dollar, which is much more than the wholesale price of the bags.

The best part for grocery stores is the ability to blame city council members or the legislature for the higher cost imposed on consumers. The law actually prohibits grocers from giving the bags

away for free, deflecting potential consumer complaints. Essentially, requiring consumers to pay for bags allows grocers to raise their prices on bags without taking any of the blame from consumers.

As a result, grocers have been some of the most vocal advocates of plastic bag bans.

While grocers benefit, the economic costs are borne by consumers and the manufacturers of plastic and paper bags. The economic cost to consumers is more difficult to assess because, to some extent, those costs are already included in the price of food. The cost to bag manufacturers, however, is quite real. The bill simply shifts the economic benefit from bag manufacturers to grocers.

Switching to Paper or Reusable Bags Increases Environmental Damage

Some bag ban supporters argue it will reduce bags' environmental impact, especially on marine animals. They cite data indicating significant impacts from plastic bags that find their way into the water. Scientists, however, have debunked these claims. For example:

- Some activists claim that 100,000 marine mammals die every year from plastics in the ocean. NOAA looked into the claim and found “there are no published studies specifically researching how many marine mammals die each year directly due to marine debris.”¹ NOAA went on to say the study “does not state that marine mammals are dying from plastic pieces, but rather that mortality is caused by entanglement from lost fishing gear and other unknown causes.”
- The claim that a plastic garbage patch twice the size of Texas exists in the Pacific Ocean is incorrect and Oregon State University professor of oceanography Angel White says “this kind of exaggeration undermines the credibility of scientists.”² Professor White noted, “Using the highest concentrations ever reported by scientists produces a patch that is a small fraction of the state of Texas, not twice the size.”
- The impact of plastic, like anything else, is not zero. To ensure, however, the policies we adopt don't end up doing more harm than good, we need to be honest about the level of impact from plastic bags.

In fact, research demonstrates that environmental damage from other types of bags is greater than that from plastic bags. A number of organizations have completed life-cycle analyses of various types of grocery bags, including paper, plastic and reusable bags. The life-cycle analysis examines not only the end-of-life impacts, but manufacturing and resource use. The results of such analyses demonstrate that plastic bags use fewer resources in many areas.

The U.K. Environment Agency completed a comprehensive analysis of these impacts, examining energy use, resource use and impact on water quality. They found plastic bags were a good choice in many environmental areas.³ For example:

- The study concluded “The conventional HDPE bag had the lowest environmental impacts of the lightweight bags in eight of the nine impact categories” including energy use and impact on water quality. Reusable bags and paper bags, made primarily from tree plantations in the

¹ NOAA, “Marine Debris Program – Marine Debris Info,” accessed February 18, 2013, at marinedebris.noaa.gov/info/faqs.html#2.

² White, Angel, “Oceanic ‘garbage patch’ not nearly as big as portrayed in media,” January 4, 2011, at oregonstate.edu/ua/ncs/archives/2011/jan/oceanic-%E2%80%9Cgarbage-patch%E2%80%9D-not-nearly-big-portrayed-media.

³ U.K. Environment Agency, “Life cycle assessment of supermarket carrier bags: a review of the bags available in 2006,” February 2011, at a0768b4a8a31e106d8b0-50dc802554eb38a24458b98ff72d550b.r19.cf3.rackcdn.com/scho0711buan-e-e.pdf.

southeastern United States, increase the use of fertilizer that runs off into rivers, contributing to “dead zones” in rivers, lakes and at the mouth of rivers in the ocean.

- Reusing lightweight carrier bags as bin liners produces greater benefits than recycling bags because it avoids the production of the bin liners they replace.
- Reusable, cotton bags must be used about 173 times before they break even with plastic bags in “global warming potential” and energy use.

Common sense backs up these results. Energy, fertilizer and other resources used to make bags all increase the cost of those bags. Grocery stores shifted from paper bags to plastic carrier bags to save energy and cut costs. Plastic bags, because they use fewer resources, cost less, thus making them more attractive to grocery stores.

This does not mean plastic bags have no environmental impact. It does mean, however, that substituting reusable bags or paper bags can actually increase environmental damage in a number of areas.

Conclusion

The notion of creating model legislation for cities to harmonize regulations among jurisdictions is a clever approach that gives cities the choice of adopting regulation while ensuring consistency. The problem, however, is that if such a model is flawed, it prevents communities from adopting regulations based on the best and most recent science. In the case of the plastic bag ban, the model codifies an incorrect understanding of the environmental impact of plastic bags and their potential replacements.

Ironically, banning plastic bags and requiring grocery stores to switch to paper or reusable bags is likely to increase overall environmental damage and even damage water quality.

The ban on plastic bags is a classic bootleggers-and-Baptists coalition, with grocers seeking to shift the economic benefits to themselves. Picking such winners and losers is bad for the economy — both for job creation and efficient use of resources. It is also bad for the environment, banning an option that uses the fewest resources in favor of options that use more natural resources and imposes more environmental impact.

Todd Myers is director of the Center for the Environment at Washington Policy Center, a non-partisan independent policy research organization in Washington state. Nothing here should be construed as an attempt to aid or hinder the passage of any legislation before any legislative body.