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For a thriving New England

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April 30, 2019

Honorable Kevin Cavanaugh, Chairman
Senate Commerce Committee
State House Room 100
107 North Main Street
Concord, NH 03301

Re: HB 558, restricting distribution of plastic straws, and
HB 560, relative to single-use carryout bags

Dear Chairman Cavanaugh and Honorable Committee Members:

Conservation Law Foundation (CLF) strongly supports HB 560, restricting the distribution of single-use plastic bags, and HB 558, requiring that single-use plastic straws only be distributed upon request (except at health care facilities). CLF is a non-profit, member supported regional environmental organization working to conserve natural resources, protect public health, and promote thriving communities in New England. Through CLF's Zero Waste Project and our Plastic Free New England campaign, CLF aims to protect New England communities from the dangers posed by unsustainable plastic use. CLF's New Hampshire members include residents with a deep interest in protecting our natural resources and in reducing the need for new landfill space in the state.

Reducing the use of single-use plastics like bags and straws is important to protect human health and the environment. Unfortunately, because most plastic is never recycled,¹ these products end up in our environment, posing risks to human health and wildlife after they are discarded. Plastic disperses readily throughout marine, freshwater, and terrestrial environments into air, soils, rivers, lakes, and the ocean. Scientists estimate that there will be more plastic in the ocean than fish by 2050,² and it has been found in the deepest parts of the ocean, the 7-mile deep Mariana trench in the Western Pacific.³ Seabirds, sea turtles, seals, and other marine mammals can be killed after ingesting plastic or getting entangled in it. In addition, plastics break down into microplastics, which are now ubiquitous in the environment and pose a serious risk to humans and other organisms.⁴ Humans are exposed to microplastics by ingesting these dangerous particles, which may also be a carrier for other toxic

¹ Laura Parker, We Depend On Plastic. Now We're Drowning in It, National Geographic (June 2018), at <https://www.nationalgeographic.com/magazine/2018/06/plastic-planet-waste-pollution-trash-crisis/> (noting that 6.3 billion tons out of the 6.9 billion tons of plastic waste generated since World War II was not recycled).

² Wearden, G. (January 19, 2016). More plastic than fish in the sea by 2050, says Ellen MacArthur, The Guardian, <https://www.theguardian.com/business/2016/jan/19/more-plastic-than-fish-in-the-sea-by-2050-warns-ellenmacarthur>.

³ National Geographic, Creatures in the deepest trenches of the sea are eating plastic, Feb. 28, 2019, <https://www.nationalgeographic.com/environment/2019/02/deep-sea-creatures-mariana-trench-eat-plastic/>.

⁴ Plastic & Health, 54-59; Perelman, J., Pesky Plastic: The True Harm of Microplastics in the Ocean, National Geographic (Apr. 4, 2016), <https://blog.nationalgeographic.org/2016/04/04/pesky-plastic-the-true-harm-of-microplastics-in-the-oceans/>.



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chemicals and bacteria.⁵ A recent review of potential health risks of microplastic particles listed concerns linking them to cancer, heart disease, rheumatoid arthritis.⁶ There are also many health risks associated with the production of plastics, which are largely produced from fossil fuels.

Reducing Single-use Plastic Carryout Bags

HB 560 is an important step to reduce the landfilling or incineration of plastic bags. According to the U.S. Environmental Protection Agency (EPA), we use over 380 billion plastic bags in the United States every year.⁷ Most bags are discarded to a landfill, an incinerator, or the environment. Despite the bins you might see at the grocery store, most plastic bags and other filmy plastics do not get recycled in the United States. In addition, because many U.S. residents participate in single-stream recycling systems that are contaminated by plastic bags, they represent a leading source of contamination in those single-stream systems.⁸ They tangle in sorting equipment, slowing recycling processes and increasing recycling costs. Consequently, only about 1% of plastic bags are recycled each year.⁹

While landfills may contain waste in the short term, inevitably they release plastic and other contaminants into the environment.¹⁰ Bags burned in incinerators release the dangerous contaminants in plastic that are then dispersed into the air or enter the environment when the ash and filters from the incinerator are buried in a landfill.¹¹

Plastic bags that aren't landfilled or incinerated become litter, contributing to the growing ocean plastic pollution crisis and contaminating our drainage systems and our rivers, lakes, and streams. According to Ocean Conservancy, plastic shopping bags are the 5th most common item collected during beach cleanups,¹² and are also a top item collected in land-based litter cleanups.¹³ These cleanups are costly to taxpayers and businesses, averaging \$11.5 billion each year in the United States.¹⁴ Plastic bags are a

⁵ Plastic & Health, 54, 56.

⁶ Id. at 40.

⁷ Anderson, M., Confronting Plastic Pollution One Bag at a Time, The EPA Blog (Nov. 1, 2016), <https://blog.epa.gov/2016/11/01/confronting-plastic-pollution-one-bag-at-a-time/>.

⁸ Casella Waste Systems, EPA Sustainable Materials Management Webinar: Residential Recycling Top Contaminants, December 17th, 2015. Pp. 8, available at <https://www.epa.gov/sites/production/files/201512/documents/cappadona.pdf>.

⁹ US EPA, Advancing Sustainable Materials Management: Containers and packaging generated, recycled, combusted with energy recovery and landfilled in municipal solid waste, at pp. 59, available at

https://www.epa.gov/sites/production/files/201807/documents/smm_2015_tables_and_figures_07252018_fnl_508_0.pdf.

¹⁰ Kirstie Pecci. (July 23, 2018). All Landfills Leak, and Our Health and Environment Pay the Toxic Price, CLF, <https://www.clf.org/blog/all-landfills-leak-and-our-health-and-environment-pay-the-toxic-price/>.

¹¹ Global Alliance for Incinerator Alternatives, Incinerators: Myths vs. Facts About “Waste to Energy.” (Feb. 2012), http://www.no-burn.org/wp-content/uploads/Incinerator_Myths_vs_Facts-Feb2012.pdf.

¹² The Ocean Conservancy, Building a Clean Swell, 13 (2018).

¹³ Coastal Cleanup Data, (2017). California County Plastic Grocery Bag Litter Data Summary: 2008-2017.

¹⁴ Keep America Beautiful, Key Findings: The costs of Americans littering, January 2010, https://www.kab.org/sites/default/files/News%26Info_Research_LitterinAmerica_FactSheet_CostsofLittering.pdf.

threat to wildlife and eventually end up in our waterways. In the ocean, plastic bags break down into microplastics which can do long-lasting harm to living organisms (including humans) and are now ubiquitous in the environment.¹⁵ Countless whales, sea turtles, and birds suffer slow, painful injuries and deaths from plastic bag pollution when they mistake the bags for food or get entangled.

Bans on single-use plastic shopping bags are effective, successfully reducing litter and saving taxpayer money for costly clean ups. Beach cleanup data from California showed that plastic bags fell from 7.42% of all litter to 1.5% (a reduction from 65,736 to 11,847 bags) between 2010 and 2017,¹⁶ after California implemented a comprehensive bag ban in 2016. In addition, estimates from litter cleanup groups show savings of \$34-\$107 million dollars in taxpayer money since California passed their bag ban.¹⁷ Europe's recent bag bans are credited for the drastic reduction in plastic bags found in litter cleanups from the English Channel.¹⁸ Levies on single-use plastic bags in Ireland cut the bag's share of litter from 5% to 0.13%,¹⁹ and the United Kingdom's 2015 levy on plastic bags has cut consumption by 85%, and sharply declined the percentage of plastic bags found on the seafloor around the U.K in fishing trawlers.²⁰ These laws help decrease litter and waste costs, improve the recycling system, and protect marine and human health.

Bag Bans Are Being Passed Across New England

As of last Fall, approximately nearly 350 cities had banned or taxed plastic bag use.²¹ California banned the use of single-use plastic bags in 2016, and every county in Hawaii has banned single-use plastic bags. A plastic bag ban was also recently passed in New York, with an opt-in allowing cities and counties to charge a fee.²²

¹⁵ Thompson, A. (September 4, 2018). From Fish to Humans, a Microplastic Invasion May Be Taking a Toll, <https://www.scientificamerican.com/article/from-fish-to-humans-a-microplastic-invasion-may-be-taking-a-toll/>.

¹⁶ California Coastal Cleanup Day – Litter Data Summary 2010-2017. Retrieved from: <https://static1.squarespace.com/static/54d3a62be4b068e9347ca880/t/5a0237d7652deae895d2df1c/1510094808473/California+Coastal+Cleanup+Data+2010.2016.2017.pdf>

¹⁷ Californian's Against Waste. *California's Statewide Plastic Bag Ban*. Retrieved from: <https://www.cawrecycles.org/the-problem-of-plastic-bags>.

¹⁸ Chow, L. (April 5, 2018). *Plastic Bag Bans Actually Work, Study of European Waters Show*. EcoWatch. Retrieved from: <https://www.ecowatch.com/plastic-bag-bans-uk-2556456601.html>.

¹⁹ Institute for European Environmental Policy, *Plastic Bag Levy in Ireland*, December 2016, <https://ieep.eu/uploads/articles/attachments/0817a609-f2ed-4db0-8ae005f1d75fbaa4/IE%20Plastic%20Bag%20Levy%20final.pdf?v=63680923242>.

²⁰ Gabbatiss, J. (April 5, 2018). Decline in plastic bags on seabed suggests measures to tackle waste are working, <https://www.independent.co.uk/environment/plastic-bag-uk-seas-seabed-waste-pollution-ocean-reduceenvironment-a8288526.html>.

²¹ Trevor Nace, Here's A List of Every City in the U.S. to Ban Plastic Bags, Will Your City Be Next?, Forbes (Sep. 20, 2018), <https://www.forbes.com/sites/trevornace/2018/09/20/heres-a-list-of-every-city-in-the-us-to-ban-plasticbags-will-your-city-be-next/#4633cb183243> (last visited Apr. 25, 2019).

²² McKinley, J. (March 28, 2019). Plastic Bags to be Banned in New York; Second State, After California. The New York Times, <https://www.nytimes.com/2019/03/28/nyregion/plastic-bag-ban-.html>.



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There are statewide bag bans under consideration in all five of the other New England states this session. In addition, as of last month, 96 cities and towns in Massachusetts (including Boston), covering about 40% of the state's population have plastic bag bans.²³ By the end of the year, it is estimated that about 150 cities and towns will have passed bag bans in Massachusetts.²⁴ In Vermont, Brattleboro banned single-use plastic bags in 2017, and Montpelier, Burlington, Middlebury, and Manchester are all moving forward with local bag bans. Seven communities in Connecticut have banned single-use plastic bags. In Maine, twenty communities restrict single-use plastic bags. In Rhode Island, nearly one quarter of communities have passed single-use bag bans. Businesses in these communities are able to implement these bans and those in New Hampshire can do so as well.

Impact of HB 560 on communities

CLF supports the language in this bill to exempt customers enrolled in programs like SNAP/EBT or the Special Supplemental Nutrition Program for Women, Infants and Children from a fee on reusable or recyclable bags. Cities like Boston and Cambridge have taken the additional step of holding “bag drives,” to collect donations of reusable bags, as well as purchasing reusable bags, to distribute free of charge to vulnerable populations such as the elderly and those with lower incomes, which the State or municipalities could consider.

Finally, we want to point out that this legislation will not go into effect for six months after passage, providing ample time for stores and food service businesses to prepare for this change. We also note the language allowing businesses to utilize their remaining inventory for up to four months.

Reducing Plastic Straws

HB 558 would make plastic straws available only upon the request of customers, except at health care facilities where they would be available to those who need them. Individuals who need or want a straw will still be able to get one, but the use and disposal of most single-use straws would be avoided.

Single-use straws are a significant source of plastic pollution. Between 170 million and 390 million plastic straws are used in this country each day, totaling between 63 billion and 142 billion straws per year.²⁵ Plastic straws are too small to be recycled, so every single straw ends up in a landfill, incinerator, or loose in the environment.

Plastic straws placed 7th on the Ocean Conservancy's list of collected waste from worldwide beach cleanups in 2018.²⁶ As ocean and land-based pollution, single-use plastic straws pose a danger to

²³ Mass Green Network (April 3, 2019). Plastic Bag Legislation, <http://www.massgreen.org/plastic-baglegislation.html>.

²⁴ Brad Verter, testimony to the Environment, Massachusetts Natural Resources and Agriculture Committee, April 2, 2019. <https://www.nytimes.com/2018/07/19/business/plastic-straws-ban-fact-check-nyt.html>.

²⁶ The Ocean Conservancy, Building a Clean Swell (2018), <https://oceanconservancy.org/wp-content/uploads/2018/07/Building-A-Clean-Swell.pdf>.



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wildlife – many animals mistake them for food, causing injury, starvation or suffocation. Straws played a significant role in elevating plastic as a global issue after a viral video of a sea turtle with a straw stuck in its nose circulated on the internet in 2015.²⁷ As with all ocean plastic pollution, straws break down into microplastics which can do long-lasting harm to humans and other living organisms and are now ubiquitous in the environment.

HB 558 will reduce the use and disposal of single-use plastic straws. Requiring customers to request straws helps them make small but impactful changes in their consumption and disposal patterns, cutting down on the millions of straws entering New England’s environment each year. Legislation on single-use plastic straws compliments expanding voluntary efforts from New Hampshire restaurants and bars to reduce plastic pollution. California passed a bill requiring straws only be provided on request in September of 2018, and similar bills have been filed in all six New England states.

Good Alternatives for Plastic Straws Exist for Most Needs

Many alternatives to single-use plastic straws are available for most needs, and some are even compostable. Many people are investing in reusable straws, made from metal, bamboo, or other sturdy materials, allowing them to avoid single-use plastic straws at eating and drinking establishments.²⁸ Reducing the use of straws also results in cost savings for food service businesses. For those who need to use a plastic straw, this legislation allows them to request one.

Why Straws on Request is Important

An important feature of this bill is that customers of food service businesses may receive a straw upon request. This is important for people who require a straw due to medical needs, and CLF supports this language. We also note that this legislation will not go into effect for a year after passage, providing ample time for food service businesses to prepare to phase out most plastic straws.

In sum, we cannot recycle our way out of the plastic pollution problem. Increasing recycling is critical, but it is not enough. Many plastics cannot be recycled due to their chemical make-up, are not economical to recycle, and contaminate other valuable recyclables.²⁹ In addition, China recently stopped accepting most recyclables, including mixed plastic, which has helped exposed the true costs of plastic waste management.³⁰ Finally, the lifecycle costs of plastic are also not eliminated even where a

²⁷ Cuda, H. S., Glazner, E. (November 11, 2015). The turtle that became the anti-plastic straw poster child. Plastic Pollution Coalition. Retrieved from: <https://www.plasticpollutioncoalition.org/pft/2015/10/27/the-turtle-thatbecame-the-anti-plastic-straw-poster-child>.

²⁸ <https://www.plasticpollutioncoalition.org/pft/2017/1/3/the-problem-of-plastic-straws-and-how-each-of-us-can-make-a-difference?rq=jackie%20nunez>.

²⁹ See, e.g., Plastic & Health.

³⁰ Sara Watson, China Has Refused to Accept the West’s Plastics. What Now?, National Public Radio (June 28, 2018), <https://www.npr.org/sections/goatsandsoda/2018/06/28/623972937/china-has-refused-to-recycle-the-westsplastics-what-now> (last visited Apr. 25, 2019).



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plastic is recycled. Therefore, the only way to solve this problem is to eliminate the use of single-use plastic products; single-use bags and straws are ideal to tackle first.

With the passage of HB 560 and HB 558, New Hampshire will take an important step forward in protecting public health and the environment from toxic plastic pollution. We urge you to vote these bills *Ought to Pass*.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'M Hatfield', is written above the printed name.

Meredith Hatfield
Senior Attorney

A handwritten signature in blue ink, appearing to read 'Kirstie Pecci', is written above the printed name.

Kirstie Pecci
Director, Zero Waste Project