

## **MEMORANDUM**

October 8, 2020

TO: Transportation and Environment Committee

FROM: Amanda Mihill, Legislative Attorney

SUBJECT: Bill 32-20, Solid Waste (Trash) – Waste Reduction/Source Reduction and Single-Use Straws - Requirements <sup>1</sup>

PURPOSE: Worksession – Committee to make recommendations on Bill

Bill 32-20, Solid Waste (Trash) – Waste Reduction/Source Reduction and Single-Use Straws - Requirements, sponsored by Lead Sponsor Council President at the request of the County Executive, was introduced on July 21. A public hearing was held on September 15 at which a number of speakers testified on the bill. The Council has received testimony and correspondence in support and opposition to Bill 32-20 (see ©17-46).<sup>2</sup>

Bill 32-20 would:

- establish a program for waste reduction/source reduction in Montgomery County;
- provide criteria for waste reduction/source reduction initiatives and programs;
- set forth the method by which the program is established;
- prohibit the distribution of single-use straws except in certain circumstances; and
- provide for education relating to straws.

### **Issues for Committee Discussion**

There are 2 main categories of changes in Bill 32-20: (1) requiring the County Executive to develop, by Method 1 regulation, an ongoing waste reduction program; and (2) prohibiting the distribution of single-use straws (with exceptions).

#### **Waste Reduction Program**

As noted above, Bill 32-20 would require the County Executive to develop an ongoing waste reduction program. Under the program, the County must continue the goals and objectives established

---

<sup>1</sup>#WasteReductionPlan

Search terms: straws, recycling, environment

<sup>2</sup> The Council has received dozens of letters supportive of Bill 32-20 that are quite similar in substance. An example of this letter is at ©40.

in the County waste reduction hierarchy and policies; organize a program of activities to reduce waste; and search for opportunities to incorporate waste reduction into ongoing and future efforts. Generally, via Method 1 regulation, the Executive may specifically:

- prohibit the use, distribution, or sale of certain products or materials to reduce the amount of waste generated; and
- require the use of environmentally preferable products or materials instead of conventional alternatives.

**1. *Should the Executive be given the authority to prohibit certain actions or materials or require certain product use?*** Several groups object to the portion of Bill 32-20 that would allow the Executive to create additional prohibitions and requirements via Method 1 regulation. These groups – specifically the Chambers of Commerce and the Restaurant Association of Maryland as well as the Maryland Retailers Association – request that the Council remove this portion of Bill 32-20.

**DEP Comments:** This is the identical method stipulated in County Code to establish the County’s recycling program: Chapter 48 Section 48-47 states that the County Executive is responsible for developing the recycling program, and that the program details may be established by Executive Regulation. The law is established in Chapter 48; the implementation details are established in Executive Regulation. This precedent has worked very successfully to mandate the specifics of the County’s recycling requirements, while also providing more opportunity for public input into the process, without having to amend the County Code each time recycling requirements are proposed for change/expansion.

Per County Code Chapter 2A, with any Method 1 regulation, any proposed regulation is not adopted until the County Council approves it. Prior to submitting the proposed regulation to the County Council for their approval, the County Executive must first publish a summary of the proposed regulation in the Register; the place where a copy of the entire proposed regulation can be obtained; the date, time and place of any public hearing; the name and address of a person to whom comments may be directed; the deadline for submitting comments; the Section of the County Code that authorizes the adoption of the regulation; and a reference to the procedural method used to adopt the regulation. The County Executive subsequently attaches to any proposed regulation sent to the County Council a copy of each written comment received after publication in the Register and a transcript or detailed summary of any public hearing. Under Method 1, the County Council may approve or disapprove the proposed regulation. Prior to Council final action on the proposed regulation, the issuer may amend the proposed regulation.

DEP believes that this is a streamlined method of establishing further specifics and details of the County’s waste reduction program, while providing more opportunity – not less – for public comment, without having to amend the County Code each time requirements are revised or expanded.

**Council staff comments:** DEP helpfully summarized the process for adopting a Method 1 regulation. Council staff would only note that once the Council receives the regulation, it is scheduled for Committee worksession (if necessary) and then Council action. For a Method 1 regulation, the regulation could not take effect unless the Council approves it. The Council does not hold public hearings on Executive Regulations.

In Council staff's view, it is unusual to allow so much deference to Executive Regulations. Typically, the law itself provides the parameters for the specific law while the regulations provide additional implementation measures if necessary. Bill 32-20 would allow the Executive to essentially institute new requirements and prohibitions without specific legislative approval. For instance, as Council staff understands the intent, if the waste reduction program regulation was already in effect, the straw ban proposed in Bill 32-20 would not need to be approved by legislation; it could be approved via Method 1 regulation. While DEP staff is correct that the recycling law allows some deference to regulation, there is significant substance and guidance in the law (see relevant County recycling laws on ©47-51). Council staff sees this as a significant departure from most prior uses of the regulatory process. **Council staff recommends** the Committee not support this portion of Bill 32-20. Council staff would support an amendment to require the department to create a waste reduction plan, but that plan should provide the Executive and Council with recommended changes; the changes themselves should be made via legislation. Alternatively, Council staff recommends that additional specificity be identified in the law, similar to the recycling law.

**2. Should Bill 32-20 require an annual report?** The Sierra Club (©19-20), the League of Women Voters (©23-24), and dozens of resident correspondence support Bill 32-20 and recommend an amendment to require an annual report on the County's progress in achieving its waste reduction goals and objectives. Specifically, these groups and individuals urge a requirement for the report to include quantitative source reduction information and be posted on the DEP's website.

**DEP comments:** DEP is not opposed to an annual report requirement. In fact, by June 30 of each year DEP prepares the Maryland Source Reduction Credit Report along with substantiating evidence and submits this to the Maryland Department of the Environment (MDE) for their review. The County, along with all jurisdictions in the state, may earn a source reduction credit for its waste reduction initiatives. DEP will transmit its Source Reduction Credit Report and supporting documentation to the Council after it is submitted to MDE and will post this information on its website.

**Council staff comments:** Council staff recommends the Committee amend Bill 32-20 to require an annual report.

### **Single Use Straws**<sup>3</sup>

**3. Should action on Bill 32-20 be delayed until after the pandemic?** Several groups, including several Chambers of Commerce as well as the Restaurant Association of Maryland urged the Council to wait to enact this ban until after the COVID-19 health emergency is lifted (see ©46). These groups note that the food service industry has been hit quite hard during the pandemic. Council staff notes that the single use straw prohibition does not take effect until one year after the bill becomes law.

**4. Should the ban be extended to all straws?** As introduced, Bill 32-20 would prohibit a food service business from providing a customer with a plastic straw, with exceptions. Bill 32-20

---

<sup>3</sup> In addition to prohibiting the use of single use straws, the Council received testimony/correspondence from the Sierra Club and others urging an amendment to Bill 32-20 to prohibit the use of plastic stirrers, and to require non-plastic stirrers and other single use condiments be provided only "on request". These suggested amendments are not within the scope of 32-20; these recommendations would require the introduction of a new bill.

specifically requires a food service business to provide a customer only with a reusable or compostable straw, which could include paper, polylactic acid, bamboo, silicone, or stainless steel. The Sierra Club (©19-20), League of Women Voters (©23-24), and others urge an amendment to expand the ban to include all plastic straws, whether derived from petroleum- or plant-based polymers. These groups argue that straws made from polylactic acid will break down into compost only in an industrial composting facility, but do not break down into compost when littered in the natural environment.

**DEP comments:** DEP does not take a position on this issue however, the Council may wish to consider the types of straws that are marine degradable, i.e., most readily break down in the ocean.

**Council staff comments:** Council staff suggests that the Committee discuss this issue with DEP at the worksession.

**5. Amendments regarding providing straws to a medical or disability-related need.** The Maryland Retailers Association expressed concerns about the language regarding medical or disability-related need (©43-45). In particular, the organization raised concerns that it would be food service businesses in the position of needing to verify a customer's medical or disability need. Separately, a disability organization also expressed concerns regarding this.

**Council staff comments:** Requiring a food service business to “verify” a customer's medical or disability need before obtaining a necessary straw is not the intent of Bill 32-20. Council staff recommends the bill be amended as follows:

(a) A food service business must post information that plastic straws will no longer be provided to a customer, except [[where]] as necessary to [[accommodate a medical or disability-related need of that customer]] comply with local, state, or federal disability rights laws.

\* \* \*

(c) [[Upon request, a food service business must provide a plastic straw to a customer where it is necessary to accommodate a medical or disability-related need of that customer.]] A food service business must keep a limited supply of plastic straws available to customers, upon request, to comply with local, state, or federal disability rights law.

**6. Should there be additional exceptions where “on request” is not required?** The joint letter submitted by several Chambers of Commerce and the Restaurant Association of Maryland urged an amendment to Bill 32-20 to exempt self-serve straw dispensers and carryout, delivery, or drive-thru sales.

**DEP Comments:** DEP would support this amendment with the following condition: Food service businesses must ask customers whether they need a straw whenever customers are ordering for carryout, delivery and drive thru sales.

**7. Should there be an educational campaign regarding the ban on plastic straws?** In a joint letter submitted by several Chambers of Commerce and the Restaurant Association of Maryland on ©46 and in a letter submitted by the Montgomery County Food Council (©30-31), these groups

argued that there should be an educational campaign to phase out single use straws. These groups point to the DC “Our Last Straw” campaign as a model, which is a nonprofit organization (see ©27-29 for testimony from Ms. Julie Sharkey on behalf of Our Last Straw organization).

**Council staff comments:** Council staff notes that nothing in Bill 32-20 prohibits the formation of a nonprofit company similar to Our Last Straw. Council staff concurs that it would be beneficial for the Department to conduct an educational campaign. Therefore, **Council staff recommends** amending Bill 32-20 require an educational campaign.

This packet contains:

	<u>Circle #</u>
Bill 32-20	1
Legislative Request Report	4
Fiscal impact statement	5
Executive transmittal memorandum	8
Economic Impact statement	10
Testimony	
Support	17
Oppose	41
Recycling law	47

F:\LAW\BILLS\2032 Solid Waste (Trash) Straws\Bill 1-Karen Edits.Docx

**Committee:** T&E  
**Committee Review:** At a future date  
**Staff:** Amanda Mihill, Legislative Attorney  
**Purpose:** To receive testimony – no vote expected  
**Keywords:** #WasteReductionPlan  
Search terms: straws, recycling, environment

AGENDA ITEM #6  
September 15, 2020  
**Public Hearing**

## SUBJECT

Bill 32-20, Solid Waste (Trash) – Waste Reduction/Source Reduction and Single-Use Straws - Requirements

Lead Sponsor: Council President at the request of the County Executive

## EXPECTED ATTENDEES

None

## COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- Public Hearing – no vote expected

## DESCRIPTION/ISSUE

Bill 32-20 would:

- establish a program for waste reduction/source reduction in Montgomery County;
- provide criteria for waste reduction/source reduction initiatives and programs;
- set forth the method by which the program is established;
- prohibit the distribution of single-use straws except in certain circumstances; and
- provide for education relating to straws.

## SUMMARY OF KEY DISCUSSION POINTS

- None

### This report contains:

Staff Report	Page 1
Bill 32-20	©1
Legislative Request Report	©4
Fiscal Impact statement	©5
Executive transmittal memorandum	©8
Economic Impact statement	©10

**Alternative format requests for people with disabilities. If you need assistance accessing this report you may [submit alternative format requests](#) to the ADA Compliance Manager. The ADA Compliance Manager can also be reached at 240-777-6197 (TTY 240-777-6196) or at [adacompliance@montgomerycountymd.gov](mailto:adacompliance@montgomerycountymd.gov)**

Bill No. 32-20  
Concerning: Solid Waste (Trash) – Waste  
Reduction/Source Reduction and  
Single-Use Straws - Requirements  
Revised: \_\_\_\_\_ Draft No. 1  
Introduced: July 21, 2020  
Expires: January 21, 2022  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

---

By: Council President at the Request of the County Executive

---

**AN ACT** to:

- (1) establish a program for waste reduction/source reduction in Montgomery County;
- (2) provide criteria for waste reduction/source reduction initiatives and programs;
- (3) set forth the method by which the program is established;
- (4) prohibit the distribution of single-use straws except in certain circumstances; and
- (5) provide for education relating to straws.

By adding

Montgomery County Code  
Chapter 48, Solid Waste (Trash)  
Article VII, Waste Reduction/Source Reduction  
Sections 48-59, 48-60, 48-61, and 48-62

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<b>[Single boldface brackets]</b>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
<b>[[Double boldface brackets]]</b>	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec. 1. Article VII (Sections 48-59, 48-60, 48-61, and 48-62) of Chapter 48**  
 2 **is added as follows:**

3           **ARTICLE VII. WASTE REDUCTION/SOURCE REDUCTION**

4 **48-59. Definition.**

5           In this Article, food service business means a full-service restaurant, limited-  
 6 service restaurant, fast food restaurant, café, delicatessen, coffee shop, supermarket,  
 7 grocery store, vending truck or cart, food truck, business or institutional cafeteria,  
 8 including those operated by or on behalf of County departments and agencies, and  
 9 other business selling or providing food within the County for consumption on or off  
 10 the premises.

11 **48-60. Waste reduction/source reduction program.**

12           (a) The County Executive must develop an ongoing waste reduction  
 13 program.

14           (b) Under the waste reduction program, the County must:

15                   (1) continue the goals and objectives established in the County waste  
 16 reduction hierarchy and policies;

17                   (2) organize a program of activities to reduce waste; and

18                   (3) search for opportunities to incorporate waste reduction into  
 19 ongoing and future efforts.

20 **48-61. Regulations.**

21           (a) The County Executive may adopt regulations to implement this Article  
 22 under Method (1).

23           (b) The regulations may:

24                   (1) prohibit the use, distribution, or sale of certain products or  
 25 materials to reduce the amount of waste generated; and

26                   (2) require the use of environmentally preferable products or materials  
 27 instead of conventional alternatives. The basis of determining

prohibitions on use, sale, and requirements for environmentally preferable alternatives may include:

- (A) evaluation of the amount of the product or material present in the waste stream;
- (B) analysis of the detrimental impacts on the environment of the product or material; and
- (C) establishment that alternative products or materials exist that cause less environmental impact, are affordable, are comparable in function, and capable of fulfilling the same needs as other conventional products or materials.

**48-62. Source reduction of specific materials - Straws.**

- (a) A food service business must post information that plastic straws will no longer be provided to a customer, except where necessary to accommodate a medical or disability-related need of that customer.
- (b) Except as provided in subsection (c), a food service business must not provide a plastic straw to a customer. Straws provided to customers must be reusable or compostable. Reusable or compostable straws include straws made of paper, polylactic acid (PLA), bamboo, silicone, or stainless steel.
- (c) Upon request, a food service business must provide a plastic straw to a customer where it is necessary to accommodate a medical or disability-related need of that customer.

**Sec. 2. Effective Date.**

Sections 48-59, 48-60, and 48-61 take effect 91 days after this Act becomes law.

Section 48-62 takes effect 12 months after this Act becomes law.

## LEGISLATIVE REQUEST REPORT

Bill 32-20

*Solid Waste (Trash) – Waste Reduction/Source Reduction and Single-Use Straws – Requirements*

<b>DESCRIPTION:</b>	Bill 32-20 would Amend Chapter 48 to enable the County Executive to establish waste reduction/source reduction mandates through establishment of Executive Regulations; and to prohibit the use and distribution of single-use plastic straws.
<b>PROBLEM:</b>	Enabling legislation will allow waste reduction requirements to be established through the adoption of Executive Regulations. Single-use plastic straws are not recyclable in Montgomery County. They are not biodegradable and often end up as litter in local streams and waterways.
<b>GOALS AND OBJECTIVES:</b>	To give the County Executive the authority to implement regulations to reduce the amount of waste generated in the County; and to reduce waste and litter by restricting the use of single-use plastic straws and promoting the use of reusable or compostable straws.
<b>COORDINATION:</b>	Office of the County Attorney, Office of Procurement, Office of Management and Budget, Office of Finance, Department of Health and Human Services
<b>FISCAL IMPACT:</b>	Department of Finance.
<b>ECONOMIC IMPACT:</b>	OLO
<b>EVALUATION:</b>	To be researched.
<b>EXPERIENCE ELSEWHERE:</b>	DC and a number of jurisdictions across the US have adopted restrictions on single-use straws.
<b>SOURCE OF INFORMATION:</b>	Adam Ortiz, Director, Department of Environmental Protection, 240-777-7781
<b>APPLICATION WITHIN MUNICIPALITIES:</b>	N/A
<b>PENALTIES:</b>	Class B

**Fiscal Impact Statement**  
**Bill XX-XX – Solid Waste (Trash) – Reduction/Source Reduction; Single-Use Straws – Requirements**

**1. Legislative Summary:**

This legislation establishes a program for waste reduction/source reduction by requiring the County Executive to develop an ongoing waste reduction program through executive regulation that implements initiatives to meet the goals and objectives established by the County's waste reduction hierarchy and policies. It also allows the County Executive to pursue future waste reduction initiatives through the prohibition on the use or sale of non-sustainable materials or products, or through the required use of environmentally preferable products or materials.

In addition, this legislation bans the distribution of single-use plastic straws by a food service business to customers except upon request. Further, it requires any straws that are distributed by a food service business to be reusable or compostable. There is an exemption to this requirement for situations where a plastic straw is required to accommodate a customer's medical or disability-related needs.

**2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.**

Revenues:

DEP estimates that the bill will generate minimal revenues from issuance of citations against violators. Violation of the bill is a Class B violation, with fines of \$100 for initial offense and \$150 for each repeat offense, which may be levied each day that the repeat offense persists.

Expenditures:

Outreach/Education:

The bill does not delineate required expenditures or mandate an outreach campaign to affected businesses. However, the implementation of a plastic straws ban requires:

- an initial outreach campaign to educate food service businesses about the new requirements,
- official notification letters mailed to all food service businesses,
- development and distribution of education materials and efforts for food service businesses and for general public, and
- design, printing, and distribution of placards for food service businesses to display explaining the new requirements on straws.
- 

DEP estimates initial one-time implementation costs of \$160,000. This figure is based upon a similar effort outreach campaign following implementation of Council Bill 41-14, banning the use of expanded polystyrene (Styrofoam) products in the County.

Continued ongoing education efforts are estimated to cost \$25,000 annually.

The waste reduction program codified by the legislation can be undertaken by existing staff.

Enforcement:

Even on a complaint-driven basis, investigation to determine whether a compliance issue exists, and gather evidence of violation of law requires staff resources.

This legislation is introduced alongside Bill XX-XX Solid Waste (Trash) – Food Service Products Packaging Materials – Requirements, and existing staff resources are inadequate to take on the additional effort of both bills. A new Investigator position will be required (Grade 21 Program Specialist II), further in the FIS for Bill XX-XX.

**3. Revenue and expenditure estimates covering at least the next 6 fiscal years.**

DEP estimates that any revenue generated under Bill XX-XX would be minimal.

The initial straw ban outreach campaign is estimated to cost \$160,000 in FY21 and \$25,000 per year in FY22-26.

	FY21	FY22	FY23	FY24	FY25	FY26
Outreach & Education	\$160,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000

**4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.**

Not applicable.

**5. An estimate of expenditures related to County's information technology (IT) systems, including Enterprise Resource Planning (ERP) systems.**

Not applicable.

**6. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.**

Not applicable.

**7. An estimate of the staff time needed to implement the bill.**

DEP estimates that 500 staff hours could be required for the initial outreach and education effort in the implementation phase and that an additional 100 hours per year could be required for the ongoing outreach and education campaign. These education efforts may be absorbed by existing staff resources.

For enforcement, estimated staff hours based on 150 complaints/year would be 450 hours per fiscal year. A position for enforcement is discussed further in the FIS for Bill XX-XX Solid Waste (Trash) – Food Service Products Packaging Materials – Requirements.

**8. An explanation of how the addition of new staff responsibilities would affect other duties.**

This legislation adds new responsibilities to existing staff and can be absorbed with the addition of the new position discussed in the FIS for Bill XX-XX Solid Waste (Trash) – Food Service Products Packaging Materials – Requirements.

**9. An estimate of costs when an additional appropriation is needed.**

See responses to #3 and #7 above.

**10. A description of any variable that could affect revenue and cost estimates.**

Compliance with this mandate is difficult to project, therefore the range of revenues cannot be reliably estimated; however, any revenues generated by the bill are expected to be minimal.

**11. Ranges of revenue or expenditures that are uncertain or difficult to project.**

Compliance with this mandate is difficult to project, therefore the range of revenues cannot be reliably estimated; however, any revenues generated by the bill are expected to be minimal.

**12. If a bill is likely to have no fiscal impact, why that is the case.**

Not applicable

**13. Other fiscal impacts or comments.**

Not applicable

**14. The following contributed to and concurred with this analysis:**

Adam Ortiz, Department of Environmental Protection  
Patrice Bubar, Department of Environmental Protection  
Willie Wainer, Department of Environmental Protection  
Eileen Kao, Department of Environmental Protection  
Richard H. Harris, Office of Management and Budget



Richard S. Madaleno, Director  
Office of Management and Budget

7/7/20

Date




OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

Marc Elrich  
County Executive

MEMORANDUM

March 27, 2020

TO: Sidney Katz, Council President  
Montgomery County Council

FROM: Marc Elrich, County Executive 

SUBJECT: Montgomery County Code Chapter 48, Solid Waste (Trash)  
Waste Reduction/Source Reduction and Single Use Straws

This memorandum transmits the Department of Environmental Protection's (DEP) proposed legislation which would establish a program for waste reduction/source reduction under Montgomery County Code Chapter 48 and prohibit the use of single-use plastic straws under this program.

This legislation will require the County Executive to develop through executive regulation an ongoing waste reduction program that implements initiatives to meet the goals and objectives established by the County's waste reduction hierarchy and policies. This will allow the County Executive, through DEP, to pursue waste reduction initiatives through the prohibition on the use or sale of certain non-sustainable materials or products, or through the required use of environmentally preferable products or materials.

This legislation also will use this new waste reduction program to ban the distribution of single-use plastic straws by a food service business to customers except upon request. Further, this legislation requires any straws that are distributed by a food service business to be reusable or compostable. There is an exemption to this requirement for situations where a plastic straw is required to accommodate a customer's medical or disability-related needs.

Single-use plastic straws are not recyclable due to their small size and low weight. At recycling centers, they fall through sorting machinery and are very difficult to separate from the other materials. In addition, plastic straws are not biodegradable and persist in the environment for many, many years. Improperly disposed plastic straws can end up as beach litter, blow out of trashcans, or wash down storm drains ending up in our rivers, streams, and oceans. Due to their small size, fish and other aquatic animals can confuse these bits of plastic for food and ingest or choke on them. Further, plastics do not biodegrade but break down into

smaller pieces of microplastic that make its way into ground water; the human food supply; and sea mammals, fish, birds, and other wildlife.

By requiring a food service business to only provide straws upon request, a significant amount of single-use plastic straw waste potentially can be reduced. To replace banned single-use plastic straws when a straw is requested by a customer, we have researched and identified numerous viable reusable, recyclable, and compostable alternative products on the market today. These include durable reusable plastic, metal, bamboo, and silicone straws; different types of plant-based compostable products; and compostable paper straws.

If you have any questions, please contact Adam Ortiz, Director, Department of Environmental Protection, at 240-777-7781. Thank you for your attention to this matter.

Attachments:

Proposed Legislation

Legislative Request Report

cc: Adam Ortiz, Director

Patty Bubar, Deputy Director

# Economic Impact Statement

Office of Legislative Oversight

## Bill 32-20

## Solid Waste (Trash) – Waste Reduction/Source Reduction and Single-Use Straws – Requirements

### SUMMARY

The Office of Legislative Oversight (OLO) expects the enactment of Bill 32-20 to create short-term costs for food service businesses operating in the County. OLO cannot, however, determine whether these costs outweigh the economic benefits of reducing plastic straw pollution.

### BACKGROUND

The goal of Bill 32-20 is two-fold: “[t]o give the County Executive the authority to implement regulations to reduce the amount of waste generated in the County; and to reduce waste and litter by restricting the use of single-use plastic straws,” which are not biodegradable nor recyclable in County recycling facilities and often litter local streams and waterways.<sup>1</sup> If enacted into law, Bill 32-20 would allow the County Executive to establish regulations that “prohibit the use, distribution, or sale of certain products or materials to reduce the amount of waste generated; and require the use of environmentally preferable products or materials.”<sup>2</sup> The County Executive’s new regulatory authority would take into effect 91 days after the enactment of the law.<sup>3</sup>

The enactment of Bill 32-20 would also prohibit restaurants, grocery stores, and other food service businesses from providing single-use plastic straws to customers, except when “necessary to accommodate a medical or disability-related need.”<sup>4</sup> Any straws provided to customers must be made from reusable or compostable materials, such as paper, polylactic acid, or stainless steel.<sup>5</sup> This prohibition would not take into effect until 12 months after the enactment of the law.<sup>6</sup>

### METHODOLOGIES, ASSUMPTIONS and UNCERTAINTIES

OLO recognizes that expanding the regulatory authority for the County Executive could result in establishing more (or less) economically consequential regulations than would have occurred in the absence of enacting Bill 32-20. However, it is impossible to predict the nature and extent of this counterfactual change to the regulatory environment. For this reason, OLO excludes the potential economic impacts of expanded executive regulatory authority from the analysis presented in the subsequent sections. Instead, the analysis is limited to the economic impacts of the plastic straw prohibition on County residents and private organizations, particularly food service businesses.

<sup>1</sup> Montgomery County Council, Bill 32-20, Solid Waste (Trash) – Waste Reduction/Source Reduction and Single-Use Straws – Requirements, Introduced on July 21, 2020, Montgomery County, Maryland, 4.

<sup>2</sup> Ibid, 2.

<sup>3</sup> Ibid, 3.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

# Economic Impact Statement

## Office of Legislative Oversight

Due to uncertainties and data limitations, OLO has made the following assumptions in the analysis of the economic impacts of the plastic straw prohibition.

- Assumption 1: The per unit price of compostable and reusable straws for local food service businesses is higher than the price of plastic straws. Reports on plastic straw bans that have been implemented in other jurisdictions in the U.S. substantiate this assumption.<sup>7</sup>
- Assumption 2: The suppliers of food service ware products to local food service businesses are based primarily outside the County.
- Assumption 3: Local food service businesses are “price-takers.” That is, their demand for food service products does not affect market prices for food service ware products.

To assess the economic impacts of the plastic straw ban, OLO uses the Regional Input-Output Modeling System (RIMS II) “final-demand multipliers” for Montgomery County developed by the U.S. Bureau of Economic Analysis.<sup>8</sup> The RIMS II final-demand multipliers capture how “an initial change in economic activity results in other rounds of spending.”<sup>9</sup> In the case of Bill 32-20, the plastic straw ban would amount to a *negative* change in economic activity in the County, if local food service businesses pay more for compostable and reusable straws to suppliers based outside the County (holding all else equal). This withdrawal from the local economy would reduce other rounds of spending.

As discussed in subsequent sections, this negative multiplier effect could occur through two channels:

1. Operating Cost Channel: Local food service businesses who experience net increases in operating costs, and/or
2. Household Expense Channel: County residents who experience net increases in household expenses due to local food service business owners passing the higher cost of straws onto their customers.

In both cases, the negative change in economic activity would reduce consumption of locally produced goods and services.

Using the final-demand multipliers, OLO estimates the economic impacts of the plastic straw ban in terms of three economic measures:

---

<sup>7</sup> See, for example, Kellie Ell, “Paper Straws Cost ‘Maybe 10 Times’ More Than Plastic Straws, Says Paper Straw Distributor,” *CNBC*, July 9, 2018, <https://www.cnn.com/2018/07/09/paper-straws-are-better-for-the-environment-but-they-will-cost-you.html>; and Ashley Wong, “Boba, or Bubble Tea, Shops Wrestle With Plastic Straw Ban,” *USA Today*, August 3, 2018, <https://www.usatoday.com/story/money/2018/08/03/2-straw-plastic-ban-may-cost-san-francisco-boba-shops/873009002/>.

<sup>8</sup> U.S. Bureau of Economic Analysis, *RIMS II: An Essential Tool for Regional Developers and Planners*, December 2013, [https://apps.bea.gov/regional/rims/rimsii/rimsii\\_user\\_guide.pdf](https://apps.bea.gov/regional/rims/rimsii/rimsii_user_guide.pdf).

<sup>9</sup> Ibid, 1 – 1 and 1 – 2. In the case of positive changes in economic activity, spending diminishes over time due to “leakages” from the County economy, such as paying taxes, increasing savings, and purchasing goods and services produced outside the County.

# Economic Impact Statement

## Office of Legislative Oversight

- Output (sales): total market value of industry output,
- Earnings: employee compensation plus net earnings of sole proprietors and partnerships, and
- Employment: number of full- and part-time employees.<sup>10</sup>

Due to lack of pricing data, OLO cannot project the total annual increase in operating costs for the food service sector. Instead, OLO illustrates the economic impact of a **hypothetical \$1,000,000 net decrease in local economic activity**. As shown below, the impact is sensitive to the channel through which the loss of economic activity occurs. Although the method produces single numbers for each measure, OLO cautions that these estimates are not precise forecasts. Rather, the estimates illustrate how the plastic straw ban may generate a negative multiplier effect and inform the discussion of the potential economic effects of the ban on County businesses and residents in reference to the Council's priority indicators.<sup>11</sup>

Importantly, however, there are several uncertainties that could significantly influence the extent to which the plastic straw ban generates a negative multiplier effect (if at all) and whether these effects outweigh the overall economic benefits to County residents and private organizations. While a more robust analysis of the economic impacts of Bill 32-20 would account for these uncertainties, doing so is beyond the scope of the analysis here. Instead, OLO identifies these uncertainties as potentially significant policymaking considerations.

First, there are several factors that could offset the potential economic costs of the plastic straw prohibition. OLO cannot predict the magnitude of these offsetting factors on food service businesses.

Second, the COVID-19 pandemic is expected to continue adversely affecting business operations, supply chains, distribution systems, consumer demand and other facets of the local economy. Again, OLO is unable to predict the extent or nature of these impacts on food service businesses or how they would interact with the plastic straw ban.

Third, OLO is unable to quantify the economic costs of plastic straw pollution to current (and future) County residents and private organizations. Though difficult to quantify, these costs are real. As forms of "natural capital," freshwater and marine ecosystems within and beyond the County's borders produce a wide range of goods and services that economically benefit County residents and organizations (e.g., food provision, carbon storage, waste detoxification, and recreation).<sup>12</sup> Local plastic straw litter

---

<sup>10</sup> Ibid, 3 – 3 and 3 – 4.

<sup>11</sup> For the Council's priority indicators, see Montgomery County Council, Bill 10-19 Legislative Branch – Economic Impact Statements – Amendments, Enacted on July 30, 2019, Montgomery County, Maryland, 3.

<sup>12</sup> Nicola J. Beaumont, et al, "Global Ecological, Social and Economic Impacts of Marine Plastic," *Marine Pollution Bulletin*, Volume 142, May 2019: 189-195; and Vincent Viool, Abhishek Gupta, Laurens Petten, and Jorg Schalekamp, "The Price Tag of Plastic Pollution: An Economic Assessment of River Plastic," *Deloitte*, 2019,

# Economic Impact Statement

## Office of Legislative Oversight

damages these ecosystems, thereby contributing to the economic costs that global plastic pollution creates.<sup>13</sup> OLO believes that the current distribution of plastic straws in the County does not fully account for the local economic costs of plastic straw pollution due to common market failures (under-provision of public goods, externalized costs, and intertemporal discounting).<sup>14</sup> However, OLO cannot estimate these costs.<sup>15</sup> Neither can OLO estimate the costs of potential increases in non-plastic straw pollution, nor the extent to which the net reduction in straw pollution would benefit current (and future) residents and private organizations in the County.

Finally, the enactment of Bill 32-20 could reduce future funds allocated to restore ecosystems harmed by plastic straw pollution than would otherwise be allocated in the absence of enacting the Bill. OLO cannot estimate the economic impact of these alternative uses of funds.

---

## VARIABLES

Variables that could affect the economic impacts of enacting Bill 32-20 are the following:

- Difference in price between reusable or compostable straws and plastic straws
  - Percentage of the price of straws passed onto customers
  - Business expenditures on straws
  - Percentage of customers of food service businesses who reside in the County
  - Duration of the COVID-19 pandemic and economic recession
  - Consumer demand for food service businesses
  - Net straw pollution
  - Economic costs to private organizations and residents from plastic straw pollution
  - National demand for non-plastic straws
- 

<https://www2.deloitte.com/content/dam/Deloitte/nl/Documents/strategy-analytics-and-ma/deloitte-nl-strategy-analytics-and-ma-the-price-tag-of-plastic-pollution.pdf>.

<sup>13</sup> Ibid.

<sup>14</sup> For a discussion of the impact of market failures on natural capital, see Herman E. Daly and Joshua Farley, *Ecological Economics: Principles and Applications* (Washington D.C.: Island Press, 2003), 168-182.

<sup>15</sup> Several studies have estimated the costs of plastic pollution on a global scale. See Beaumont, et al, "Impacts of Marine Plastic"; and Viool, et al, "Price Tag of Plastic Pollution."

# Economic Impact Statement

## Office of Legislative Oversight

### IMPACTS

#### Businesses, Non-Profits, Other Private Organizations

Workforce, operating costs, property values, capital investment, taxation policy, economic development, competitiveness, etc.

If enacted into law, Bill 32-20 could negatively impact food service businesses in the County. On the assumption that the price of compostable and reusable straws is higher than plastic straws, the ban on plastic straws would increase operating costs for these businesses (holding all else equal).<sup>16</sup> Beyond operating costs, OLO sees no direct connection between enacting Bill 32-20 and property values, capital investment, taxation policy, economic development, or competitiveness.

OLO estimates that for every \$1,000,000 increase in annual operating costs, the local economy could lose between \$795,100 to \$1,542,050 in total output, \$158,700 to \$328,300 in earnings, and 4 to 11 jobs. The upper bound estimates reflect the “operating cost channel,” in which food service businesses incur the entire expense (i.e. 0% of the cost of straws is passed onto customers).<sup>17</sup> The lower bound estimates reflect the “household expense channel,” in which customers incur the entire expense (i.e. 100% of the cost of straws is passed onto customers). These findings show that the negative multiplier effect increases the more local food service businesses bear the cost of the assumed increase in straw prices.<sup>18</sup>

OLO expects the plastic straw ban to create **short-term** costs to the local economy. Indeed, there are several factors that would likely offset the net impact of the plastic straw ban on the operating costs of food service businesses over time. First, food service businesses could reduce their use of disposable straws to cut costs. For example, some businesses may substitute compostable straws for reusable ones or start providing straws to customers only upon request. Second, rising demand for non-plastic straws across the country could lead to economies of scale which reduce the price differential between plastic and compostable straws.<sup>19</sup>

Moreover, OLO expects that the short-term costs of the plastic straw ban would more significantly impact local food service businesses, if Bill 32-20 takes effect during the COVID-19 pandemic and economic recession. These crises have left many small food service businesses financially fragile,<sup>20</sup> which has made them more sensitive to increased business expenses. Local food service businesses may also have difficulty adapting to cut costs while the indoor dining limitations due to the pandemic remain in place. These

---

<sup>16</sup> The net change in economic activity assumed here would be lower if *local* food ware suppliers provide a portion of non-plastic straws to food service businesses—in other words, if assumption 2 is violated.

<sup>17</sup> To calculate the multipliers for the “food service sector,” OLO staff used the average multipliers for the food/beverage stores and food services/drinking places sector.

<sup>18</sup> It is worth noting that the lower bound estimates assume that all customers of these businesses reside in the County. The negative multiplier effect decreases the more the costs are passed onto *non-resident* customers of local food service businesses.

<sup>19</sup> Tonya Garcia, “Meet the Company Expected to Benefit from the War on Plastic Straws,” *MarketWatch*, August 29, 2018, <https://www.marketwatch.com/story/brace-for-a-big-surge-in-demand-for-paper-straws-2018-08-21>.

<sup>20</sup> Stephen Roblin, “COVID-19 Recovery Outlook: Small Businesses,” Office of Legislative Oversight, Montgomery County Council, June 12, 2020, <https://www.montgomerycountymd.gov/OLO/Resources/Files/2020%20Reports/COVID-19Recovery-SmallBusinesses.pdf>.

# Economic Impact Statement

## Office of Legislative Oversight

considerations, however, may not matter if the Bill is enacted, given that the plastic straw ban would not take into effect until a year after becoming law.

---

### Residents

Workforce, property values, income, taxation policy, economic development, etc.

Enacting Bill 32-20 would likely have mixed results for County residents. On the one hand, customers of local food service businesses could pay higher prices for their goods and services. Paying higher prices would increase household expenses relative to incomes, assuming customers do not reduce their consumption from food service businesses. However, because the short-term increase cost of straws would be spread across thousands of customers, OLO expects the higher prices to have a marginal impact on *individual* households and, therefore, have little impact on consumer demand, even during the current recession. For instance, OLO does not expect a \$0.25 increase for a carry-out order to deter customers from patronizing food service businesses. Indeed, it is possible that customers who are environmentally conscious would gladly incur the cost to reduce plastic straw pollution.

On the other hand, County residents could benefit economically from the ban on plastic straws. As previously discussed, through damaging natural capital, plastic straw pollution creates economic costs to County residents. Although these costs are indirect and unquantifiable, a net decrease in straw pollution would reduce these costs for current and future County residents.

OLO sees no direct connection between Bill 32-20 and the Council's other priority indicators, namely workforce, property values, taxation policy, etc.

---

### WORKS CITED

Beaumont, Nicola J., et al. "Global Ecological, Social and Economic Impacts of Marine Plastic." *Marine Pollution Bulletin*. Volume 142. May 2019: 189-195.

Daly, Herman E. and Joshua Farley. *Ecological Economics: Principles and Applications* (Washington D.C.: Island Press, 2003).

Ell, Kellie. "Paper Straws Cost 'Maybe 10 Times' More Than Plastic Straws, Says Paper Straw Distributor." *CNBC*. July 9, 2018, <https://www.cnbc.com/2018/07/09/paper-straws-are-better-for-the-environment-but-they-will-cost-you.html>.

Garcia, Tonya. "Meet the Company Expected to Benefit from the War on Plastic Straws." *MarketWatch*. August 29, 2018, <https://www.marketwatch.com/story/brace-for-a-big-surge-in-demand-for-paper-straws-2018-08-21>.

Montgomery County Council. Bill 32-20, Solid Waste (Trash) – Waste Reduction/Source Reduction and Single-Use Straws – Requirements. Introduced on July 21, 2020. Montgomery County, Maryland.

Montgomery County Council. Bill 10-19 Legislative Branch – Economic Impact Statements – Amendments. Enacted on July 30, 2019. Montgomery County, Maryland.

Roblin, Stephen. "COVID-19 Recovery Outlook: Small Businesses." Office of Legislative Oversight, Montgomery County Council. June 12, 2020, <https://www.montgomerycountymd.gov/OLO/Resources/Files/2020%20Reports/COVID-19Recovery-SmallBusinesses.pdf>.

# Economic Impact Statement

## Office of Legislative Oversight

U.S. Bureau of Economic Analysis. *RIMS II: An Essential Tool for Regional Developers and Planners*. December 2013,

[https://apps.bea.gov/regional/rims/rimsii/rimsii\\_user\\_guide.pdf](https://apps.bea.gov/regional/rims/rimsii/rimsii_user_guide.pdf).

Viool, Vincent, Abhishek Gupta, Laurens Petten, and Jorg Schalekamp. "The Price Tag of Plastic Pollution: An Economic Assessment of River Plastic." *Deloitte*. 2019,

<https://www2.deloitte.com/content/dam/Deloitte/nl/Documents/strategy-analytics-and-ma/deloitte-nl-strategy-analytics-and-ma-the-price-tag-of-plastic-pollution.pdf>.

Wong, Ashley. "Boba, or Bubble Tea, Shops Wrestle With Plastic Straw Ban." *USA Today*. August 3, 2018, <https://www.usatoday.com/story/money/2018/08/03/2-straw-plastic-ban-may-cost-san-francisco-boba-shops/873009002/>.

---

### CAVEATS

Two caveats to the economic analysis performed here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. Second, the analysis performed here is intended to *inform* the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent the OLO's endorsement of, or objection to, the bill under consideration.

---

### CONTRIBUTIONS

Stephen Roblin (OLO) drafted this economic impact statement.

**Testimony on behalf of the County Executive Marc Elrich on Bill 32-20 - Solid Waste (Trash) - Waste Reduction/Source Reduction and Single-Use Straws - Requirements**

**September 15, 2020**

Good afternoon. My name is Adam Ortiz, Director of the Montgomery County Department of Environmental Protection.

Bill 32-20 is legislation that addresses two issues. The first issue is waste reduction, which is the top priority among our efforts to reach zero waste. First and foremost, we want to reduce the amount of waste created in Montgomery County.

Bill 32-20 sets the foundation of the County's ongoing waste reduction program, and also provides a more streamlined and efficient way to continue to expand our waste reduction initiatives and activities. This bill provides us the ability to adopt regulations to implement waste reduction requirements to reduce the amount of waste generated, prohibit the use and/or sale of specific items and materials that harm the environment, and to require the use and/or sale of environmentally preferable items instead.

Bill 32-20 also provides requirements to reduce the use of straws to prevent waste generation, and to require use of straws made from environmentally preferable materials when requested or needed.

Pertaining to straws, the intent of Bill 32-20 is:

- Food service businesses will provide straws only upon request by a customer.
- If a customer requests a straw, the straw provided cannot be plastic, and must instead be reusable, or made of a material that is compostable.
- We realize that there are valid reasons that some customers may need to use a straw made of plastic, including to accommodate medical or disability-related needs. Therefore, food service businesses should keep a supply of plastic straws available to meet these needs.

- Food service businesses must post information informing customers that straws are provided only upon request.

Plastic straws are not recyclable. They are too small and light to recycle because they fall through sorting machinery at recycling facilities, including our own Montgomery County Recycling Center. Furthermore, plastic straws are not biodegradable and persist in the environment for many, many years. Plastics do not biodegrade but break down into smaller pieces of microplastic that make its way into our ground water; our food supply; and sea mammals, fish, birds, and other wildlife. Improperly disposed plastic straws can end up as litter, blow out of trashcans, or wash down storm drains ending up in our rivers, streams, and oceans. Because of their small size, fish and other aquatic animals can confuse these bits of plastic for food and ingest or choke on them.

There are a number of viable reusable and compostable alternatives to plastic straws on the market today. These include durable reusable plastic, metal, glass, bamboo, and silicone straws; different types of plant-based compostable products; and compostable/degradable paper straws. Some options are comparably priced and cost competitive to plastic straws. Presumably, if straws are provided only upon request by customers, ultimately there will be cost savings to food service businesses due to reduced usage of straws. We research and provide resource information about these alternatives on our website and can further assist any food service businesses having difficulties in looking for these alternative options.

For all of these reasons, the Montgomery County Department of Environmental Protection proposes Bill 32-20 and request your support of this bill.



September 15, 2020

Montgomery County Council  
100 Maryland Avenue, 6<sup>th</sup> Floor  
Rockville, MD 20850

Re: Bill 32-20, Solid Waste – Waste Reduction/Source Reduction and Single-Use Straws:  
Support with amendment

Dear Councilmembers:

The Sierra Club Montgomery County Group believes strongly that aggressive and continuous actions are needed to reduce the volume of plastic waste and pollution in our county. More than 16 percent of non-recycled waste in Montgomery County is plastic waste and a major portion of that waste is single-use food service-ware and film.<sup>1</sup> The county has been a leader in reducing sources of plastic waste by placing a fee on plastic bags and banning foam food containers.

We are pleased to provide our comments on legislation that will help the County to make even greater strides in tackling the persistent problem of single-use food service plastic waste.

**Bill 32-20**, would require the County Executive (CE) to develop an ongoing waste reduction program which would continue the goals and objectives set out in the county's waste reduction hierarchy and policies. It calls on the CE to search for opportunities to incorporate waste reduction into ongoing and future efforts.

**We strongly support this provision, but request that the CE be required to report annually to the County Council on progress in achieving its waste reduction goals and objectives.** This report should include quantitative source reduction information and be posted on the Department of Environmental Protection (DEP) website so that citizens have a better understanding of the progress being made and the types of waste that remain persistent problems. We believe these are important tools to spur behavior change to reduce waste.

Bill 32-20 would also prohibit food service businesses from providing plastic straws to customers, except when necessary to accommodate a medical or disability-related need of that customer. Businesses would be required to post a notice on this policy. The bill lists examples of reusable or compostable straws that could be provided.

**We support the intent of this bill to ban plastic straws, which are not recyclable and are a major component of litter.** Plastic straws and stirrers are the 5<sup>th</sup> most commonly littered material after food wrappers, bottle caps, beverage bottles, and plastic bags<sup>2</sup>. They do not decompose in the natural environment, but eventually break into ever smaller pieces, polluting our waterways and oceans.

---

<sup>1</sup>2017 Waste Characterization Study Summary of Results, Montgomery County Department of Environmental Protection, Division of Solid Waste Services, January 29, 2018.

<sup>2</sup> Based on analysis of the top 20 items by count from Ocean Conservancy's International Coastal Cleanup Day, the National Oceanic and Atmospheric Administration's Marine Debris Tracker, Clean Ocean Action, Project Aware, and Heal the Bay. Source: 5 Gyres, Algalita, Californians Against Waste, Clean Production Action, Plastic Pollution Coalition, Responsible Purchasing Network, Story of Stuff, Surfrider Foundation and UPSTREAM, *Better Alternatives Now, B.A.N. List 2.0, An Analysis and Call-to-Action to Phase Out the Most Polluting Plastic Products Use in the United States*, November 2017, p. 5.

**The ban, however, should be extended to *all* plastic straws, whether derived from petroleum- or plant-based polymers.** This is because straws made from polylactic acid, or PLA, a plant-based polymer, often marketed as biodegradable or compostable, will break down into compost only in an industrial composting facility;<sup>3</sup> they do not break down into compost when littered in the natural environment. Replacing non-compostable plastic straws with these plant-based plastic straws would have virtually no impact on reducing land- or marine-based plastic pollution<sup>4</sup> because they do not break down on land or in the ocean, even after 24 months.<sup>5</sup> In the natural environment, they behave in much the same way as other littered plastic straws.

**To make even greater waste reduction strides, we also recommend that:**

- (1) *plastic stirrers be added to the ban*
- (2) *non-plastic straws and non-plastic stirrers be made available to customers only if the customer requests them – not automatically provided to all customers. Research has shown that this simple change could reduce the number of straws customers use by more than 40 percent, ultimately saving businesses money.*<sup>6</sup>
- (3) *the same principle of “on request” be applied to single-use condiment packets and plastic utensils, providing them only to customers who request them.*

We support giving food service businesses a year to prepare for implementing these important waste reduction measures. It would be helpful for DEP to provide a resource page on its website that includes easily downloadable and printable signs for businesses, frequently-asked-questions, and a list of vendors that carry the appropriate straws.

We appreciate the opportunity to provide this testimony and look forward to working with you to strengthen it.

Shruti Bhatnagar, Chair  
Sierra Club Montgomery County Group  
Shruti.bhatnagar@mdsierra.org

Amy Maron, Zero Waste Lead  
Sierra Club Montgomery County Group  
Amy.maron@mdsierra.org

---

<sup>3</sup> This is the ASTM D6400 standard. Industrial composting facilities require very specific conditions and high temperatures to break down these plant-based polymers into usable compost.

<sup>4</sup> Source: 5 Gyres, Algalita, Californians Against Waste, Clean Production Action, Plastic Pollution Coalition, Responsible Purchasing Network, Story of Stuff, Surfrider Foundation and UPSTREAM, *Better Alternatives Now, B.A.N. List 2.0, An Analysis and Call-to-Action to Phase Out the Most Polluting Plastic Products Use in the United States*, November 2017, p. 21.

<sup>5</sup> *Better Alternatives Now, B.A.N. List 2.0*, p 34.

<sup>6</sup> Wagner, Travis P. and Patti Toews, *Assessing the Use of Default Choice Modification to Reduce Consumption of Plastic Straws*, *Detritus Journal* (Vol 4, Dec. 2018), pp. 113-121, <https://digital.detritusjournal.com/articles/assessing-the-use-of-default-choice-modification-to-reduce-consumption-of-plastic-straws/167>

October 5, 2020

Dear Montgomery County Council,

On behalf of Clean Water Action's over 10,000 members within Montgomery County, we urge you to support and pass Council Bills 32-20 and 33-20. Together, these pieces of legislation will help Montgomery County fulfill its existing mandate to eliminate unrecyclable plastics; following this step so that actually recyclable or reusable materials can be used is a common-sense solution that will reduce plastic waste and save the county money.

Polystyrene (#6) plastics cannot be recycled in Montgomery County's facility, and plastic straws' small size means that they slip through the cracks at the facility and don't carry labels to say what kind of plastic they're made of. Well-meaning residents and businesses use and recycle #6 plastics and straws, but once in the recycling stream either county employees have to spend time separating it out again, or it remains and contaminates the recycling stream, reducing or even negating its value. If properly disposed of in the trash or separated at the recycling facility, these plastics are then burned at the trash incinerator in Dickerson, essentially acting as a fossil fuel since they are oil-based. Eliminating plastic straws, as Bill 32-20 does, and #6 plastics, as Bill #33-20 does, are meaningful steps forward.

At the September 15 public hearing on Bills 32-20 and 33-20, several groups raised concerns and suggested alternatives to the straw and #6 plastics ban. We would like to respond to several of these suggestions with additional information and context for the Council.

In regards to Bill 33-20, banning #6 plastics, the American Chemistry Council testified in opposition and suggested that it might work with the County to set up a recycling facility via its Foam Recycling Coalition Grant. While the grant could theoretically provide the necessary funds to set up a recycling facility, one of the requirements to be eligible for the grant is that the community in question cannot currently have a foam ban.<sup>1</sup> In 2016, the county council passed Bill 41-14, banning EPS foam containers and making

---

<sup>1</sup> <https://www.recyclefoam.org/grants>. See Eligible Entities: "If there is a foam ban currently in existence in your community, you are not eligible to apply."

Montgomery County ineligible for the grant. Even were the county eligible, it would be a waste for the county to invest in the additional costs necessary to implement this theoretical recycling program, simply in order to keep using a product that harms the environment. Much better to move away from these unrecyclable materials entirely toward reusable, compostable, or actually recyclable materials instead.

In regards to Bill 32-20, eliminating plastic straws, the Montgomery County Chamber of Commerce urged the Council to not move forward with this bill but to create an education campaign first: more outreach to inform county residents like you that #6 plastics can't be recycled. The Last Straw Campaign was cited at the hearing as a successful model for educational campaigns about the problems with plastics, with the implication that with programs like this in place, legislation would not be necessary. However, the Our Last Straw Campaign Manager, Julie Sharkey, stated in her own testimony in support of this bill that effectively limiting the amount of single-use plastic straws used "cannot be completed without the legislation to support it." <sup>2</sup> As currently written, 32-20 requires a outreach campaign and creation of educational materials to inform restaurants and consumers of the plastic straw ban. This precedes the implementation of the straw ban and allows businesses to make the necessary adjustments. Education measures alone cannot solve the core problem of these unrecyclable plastics. If enough County residents know to carefully inspect their plastic waste and put #6 plastics in the trash, it will save money and time taking them out at the recycling facility, but it will just mean that those plastics go to the Dickerson trash incinerator: being burned as a fossil fuel, adding to local air and water pollution and climate change.

Finally, restaurants and their advocates raised concerns about HIPAA and ADA laws when eliminating the use of plastic straws. We want to bring your attention to San Francisco's existing legislation banning plastic straws, which explicitly states:

*(c) Nothing in this Chapter 16 shall conflict, or be construed to conflict, with the Americans with Disabilities Act, the Unruh Act, the Disabled Persons Act, or other applicable laws concerning the rights of individuals with disabilities. In particular, nothing in this Chapter shall restrict, or be construed to restrict, the availability of single use plastic straws to individuals who may require and request the use of single-use plastic straws.*

---

2. <https://www.montgomerycountymd.gov/COUNCIL/Resources/Files/agenda/col/2020/20200915/testimony/item6-JulieSharkey.pdf>

*(i) It shall not be a violation of this Chapter for any place of public accommodation to provide single-use plastic straws to individuals who request such plastic straws.*

*(ii) Nothing in this Chapter shall restrict, or be construed to restrict, the ability of places of public accommodation to purchase or otherwise acquire single-use plastic straws in sufficient numbers to meet the needs of individuals who request such plastic straws.*

*(d) In addition, nothing in this Chapter shall restrict, or be construed to restrict, the availability of single-use plastic straws to individuals who may require use of plastic straws in relation to medical circumstances.*<sup>3</sup>

Likewise, Bill 32-20 requires no proof of need and does not violate HIPAA or ADA.

We hope that this additional information is of use to you in considering Bills 32-20 and 33-20, and we urge you to support these measures to make Montgomery County a more sustainable and healthy place.

Sincerely,

Jennifer Kunze  
Maryland Program Manager  
Clean Water Action

Gustavo Ballesteros  
Wheaton High School Class of 2021  
Clean Water Action Maryland Intern

---

<sup>3</sup> <https://sfbos.org/sites/default/files/o0294-18.pdf>, see pages 9 and 10.

**Testimony  
Plastics  
September 15, 2020**

The League of Women Voters of Montgomery County urges the County Council to adopt two bills proposed to significantly reduce plastic pollution in Montgomery County – Bills 32-20 and 33-20.

For many years, the League has had a policy that can be summarized as “Reduce, Reuse, Recycle”. Now all over this country – and the world – we are learning that plastic pollution is a major issue. The production of single-use plastics is growing enormously, and many of these – and other plastics – are not recyclable.

Furthermore, many plastics supposedly sent for recycling are dumped in poor countries, and other plastics degrade into microplastics that are found in waterways, fish tissue, and people. If plastics are sent to incinerators, they contribute to greenhouse gases and toxic air pollution called dioxins.

**Bill 32-20: Solid Waste - Waste Reduction/Source Reduction and Single-Use Straws**

This bill will require that the county executive develop an ongoing waste reduction program that will reinforce the county's waste reduction hierarchy and policies. Ongoing waste reduction planning is important - recycling markets change regularly, and we learn more and more each year about how many problems our plastic waste causes.

- We support an amendment to require an annual report on progress on waste reduction goals and objectives.
- This bill will also ban petroleum-based plastic straws. Here is a reason that plant-based plastic straws are not really a good substitute: they only break down into compost if they are in an industrial composting facility, not in a natural environment or landfill.
- Thus, replacing petroleum-based plastic straws with plant-based plastic straws will have virtually no impact on reducing land or marine plastic pollution because they do not break down on land or in the ocean and behave very similarly to petroleum-based plastic straws.

**Bill 33-20: Solid Waste - Food Service Products Packaging Materials – Requirements**

This bill will expand Montgomery County's expanded polystyrene (foam) food container ban to include all #6 polystyrene food-ware. Even though Number 6 polystyrene products are stamped with

a recycling symbol, they are not recyclable at the county's Materials Recycling Facility (nor at most other recycling facilities in this country).

- Residents mistakenly believe that they are recyclable and toss them into blue bins, contaminating that recycling load. County staff has to manually remove these materials, and they are then sent to the incinerator in Dickerson.

**Passing these two bills would help fulfill existing Montgomery County policy** about moving beyond unrecyclable plastic.

Diane Hibino and Kathy McGuire, Co-Presidents  
Linda Silversmith, Environmental Committee Chair

Rock Creek Conservancy expresses strong support for the passage of bills 33-20 and 32-20 to improve solid waste management in Montgomery County.

Rock Creek Conservancy engages up to 5,000 volunteers each year. They spend tens of thousands of hours each year restoring the Rock Creek watershed in both the District and Montgomery County, including removing tons of litter. During the 2019 Extreme Cleanup, volunteers removed more than 20,000 pounds of litter, including 847 full bags of trash, 422 bags of recycling, 7,200 pounds of bulk junk, 15 car tires, and a car battery from Rock Creek's parks.

These dedicated volunteers report the challenges involved in picking up small pieces of plastic, including foam neddles. This bill will reduce the litter observed in Rock Creek by eliminating its source. During the 2018 Extreme Cleanup, Rock Creek Conservancy volunteers at 76 events collected and removed 653 straws in and around Rock Creek. Plastic straws are lightweight and blow or roll quickly into waterways, so this relatively low number belies a larger challenge for our Creek.

Rock Creek Conservancy saw a significant decrease in the number of plastic bags collected during the Extreme Cleanup after the bag bill was passed in the District and expects to see a similar decrease in straw counts once bill 32-30 is implemented in full effect.

We appreciate the leadership of the Montgomery County Council in protecting our waterways and recommit our efforts to working throughout the watershed to further these efforts.

Regards,  
Jeanne

--

**Jeanne Braha**  
**Executive Director**  
**Rock Creek Conservancy**  
7200 Wisconsin Avenue, Suite 500, Bethesda, MD 20814  
[jbaha@rockcreekconservancy.org](mailto:jbaha@rockcreekconservancy.org)  
301-579-3105



Friend us on [Facebook](#)  
Follow us on [Twitter](#)  
Follow us on [Instagram](#)

Public Testimony for the Montgomery County Public Hearing on  
**Bill 32-20, Solid Waste (Trash) - Waste Reduction/Source Reduction  
and Single-Use Straws - Requirements**  
September 15, 2020

**Julie Sharkey**  
**Campaign Manager, Our Last Straw**

Good morning. I am Julie Sharkey. I am here as the Campaign Manager for Our Last Straw, a non-profit working to build a coalition of restaurants, bars, and others in the hospitality industry. Our goal is to eliminate plastic straws and other single-use plastics in Montgomery County, across Maryland and beyond.

I want to thank the County Council for hearing my testimony today. I support both amendments in front of the committee today and will speak more specifically to **Bill 32-20, Solid Waste (Trash) - Waste Reduction/Source Reduction and Single-Use Straws - Requirements**

We launched Our Last Straw in June of 2018 because we feel that the hospitality industry, being one of the largest purveyors of single-use straws, holds the responsibility to lead the way for a less-wasteful, more sustainable community. We have the power to make this global issue more tangible and can really make change happen.

Our goal is to stop the distribution of plastic straws. To reduce the number of straws making their way into our trash streams in the first place. To address the problem where it starts.

In the Annual Potomac River Watershed Cleanup led by the Alice E. Ferguson Foundation, nearly 10,000 straws were collected – in just one clean up, in just a few hours. These straws add up. Nearly 7.5 million plastic straws were found on U.S. shorelines during a five-year cleanup research project led by the Ocean Conservancy. Extrapolated globally, that is 437 million to 8.3 billion plastic straws on the world's coastlines.

And these are just the straws we see and collect. If this many are found on our shorelines, it's mind boggling to imagine how many are in our oceans.

Plastics can be found in every marine habitat on Earth, from polar ice to the deepest trenches of the ocean. According to a report from the Ellen MacArthur Foundation, by 2050, plastic trash will outweigh fish.

The chemicals in plastics can be found in our ground water, our food supply, and ..... yikes .... our bodies.

It is clear we need to #StopSucking on plastic straws, stop using plastic stirrers and stoppers.

Some may say, straws are so small, how can they really matter? Actually, they are one of the top ten contributors to ocean debris.

More importantly, just as we have learned with charging for plastic grocery bags, these regulations help us and create critical behavior change. Plastic straws, just like plastic bags, are the gateway to increased awareness about the environmental and health hazards of plastics, and a critical stepping stone on the path to reducing our reliance on single-use plastics.

Yesterday plastic bags, today plastic straws, stirrers, stoppers, and other food service packaging -- all of it leading to a future with more awareness about single-use plastics everywhere.

**Single. Use.** Yet they endure anywhere from 450 years to forever. Even the creators of early plastics, designed specifically to be amazingly durable and long lasting, didn't imagine we would be creating things for single use and then tossing them away.

Our Last Straw will continue to build our coalition of restaurants, bars, cafes and others.

We will continue to urge individuals to take the pledge to skip the straw.  
#StopSucking.

We will continue to work with amazing NGOs. We are grateful for their partnership of the Sierra Club, Ocean Conservancy, Alice Ferguson Foundation, Trash Free Maryland, Annapolis Green, and others.

This is big important, far-reaching community work.

But it cannot be completed without the legislation to support it. These amendments are a critical step. We are swimming in the right direction.

We support these environmentally protective strokes. But at Our Last Straw, we also want to put before the Council that, while important, this is still not enough. PLA compostable plastics are rarely composted because they require very specific industrial composting machines to break them down. Otherwise..... guess what.... they act like regular plastics, lasting for centuries.

So, while it is a great move to eliminate plastic straws, we also know we need to do better, and we hope the council will keep working on the next amendment that includes compostable straws too.

For the health of our county and our citizens, our surrounding areas, our country.  
For our planet, and all of its beautiful creatures. Please. Everyone. #StopSucking

Thank you for hearing my testimony.



September 14, 2020

**BILL 32-20, Solid Waste (Trash) - Waste Reduction/Source Reduction and Single-Use Straws**

Dear Council President Katz and members of the Montgomery County Council,

The Montgomery County Food Council is an independent council formed and led by individual community members and representatives of local businesses, government, non-profit organizations, and educational institutions that broadly represent the food system both substantively and geographically. Our mission is to bring together a diverse representation of stakeholders to cultivate a vibrant food system in Montgomery County that consciously produces, distributes, and recycles food, making it accessible to all residents while promoting the health of the local food economy, its consumers, and the environment.

The Food Council recognizes the important role that waste reduction plays in reducing the environmental impact of our local food system. Bill 32-20 will encourage local food businesses to explore greener food serviceware options, effectively seeking to reduce the amount of plastic entering our waste streams and increase the use of compostable, reusable, and recyclable materials, to move us closer to our Zero-Waste goals. This bill will build upon the State's ongoing efforts to enhance sustainability in the food service industry, as evidenced by the passing of HB0109/SB0285, Expanded Polystyrene Food Service Products Prohibition, in 2019. Multiple jurisdictions have already had success with implementing legislation to ban single-use plastic straws; Washington D.C. began enforcing a ban on single-use plastic straws and stirrers in January of 2019, and Prince George's County introduced a plastic straw ban in November of 2019. In both cases, exemptions have been made to allow single-use plastic straws to be provided to individuals with disabilities; we applaud the inclusion of a similar provision in lines 39-41 of this bill.

However, we also recognize the immense financial pressures and supply chain challenges that local food businesses are facing in the wake of the COVID-19 pandemic. We urge the Council to consider the potential implications on the food and beverage businesses that may already be struggling to stock materials, adjust operations in order to comply with COVID-19 safety guidelines, and meet their bottom line. We strongly recommend the introduction of a restaurant-led campaign to phase out single-use plastic straws prior to the passage of this bill, as was successfully modeled by Washington, D.C. through the "Our Last Straw Campaign." We support the intent of Bill 32-20, and also recognize that adherence to the legislation in the foreseeable future may prove to be a challenge for struggling businesses in the wake of COVID-19.

The Food Council worked with representatives of the Montgomery County Sierra Club and Montgomery County Chamber of Commerce to develop a brief survey that was shared with restaurant owners and managers throughout the County. The survey was shared with stakeholders on Thursday, September 3rd, 2020, and was closed for responses on Friday, September 11th, 2020. In that time, 15 responses were collected, which is not a large sample size of all restaurants in the County. 12/15 respondents currently provide plastic straws only to customers, 1/15 respondents provide plastic straws only with the option of no straws, 1/15 respondents provide no straws, 1/15



respondents provide biodegradable straws. Respondents were asked to indicate the anticipated impact that a potential plastic straw ban would have on their business, with 1 being “no impact” and 10 being “significant impact.” 11/15 respondents indicated a 6 or higher on this scale, 2/15 respondents indicated a neutral response, and 2/15 respondents indicated a 3 or lower on this scale.

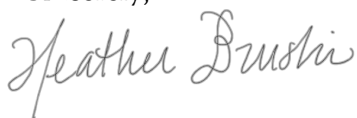
Additional feedback provided by survey respondents includes anticipated sourcing challenges due to supply chain issues caused by COVID-19, potentially higher costs to supply alternative straws, and needing straws for specific menu items. One restaurant also inquired about the privacy concerns related to providing straws to customers with disabilities.

The survey asked if respondents would be interested in participating in a campaign to phase out single-use plastic straws in the local food service industry; 3 responded “Yes,” 4 responded “Maybe,” 7 responded “no,” and 1 requested more information.

The Food Council has appreciated the opportunity to collaborate with food system partners to collect information from local food and beverage businesses regarding this bill. For more information regarding the survey, please contact: Catherine Nardi, Programs Manager, at [cnardi@mocofoodcouncil.org](mailto:cnardi@mocofoodcouncil.org).

Thank you for your continued leadership and support of our local food system during these challenging times. Please do not hesitate to contact us at the email address and phone number listed below should you have any questions.

Sincerely,



Heather Bruskin

Executive Director



As a brand built on the banks of the Chesapeake Bay, we're keenly aware of the urgent need to maintain healthy waterways. Working with "Our Last Straw," we committed to switching from plastic to paper straws in November, 2018 and have since saved 1,280,000 plastic straws from watersheds and landfills. That's 1100+ pounds of waste we've eliminated from our ecosystem through making a switch that has had a nominal cost and no operational impact. The cost increase has been \$.02 per paper straw compared to plastic's cost at \$.00364 a piece. Overall, the impact from switching has been about \$50.00 per restaurant per month.

Food businesses act as agents for effective and nimble change because we have direct touchpoints with many stakeholders across our communities. CAVA firmly believes doing the right thing for our communities and the environment while ensuring it does not come at a cost to the experience of our guests or Team Members. That's why we at CAVA stand in support of Bill 32-20 so that all food businesses in Montgomery County have the requisite and support, by way of consumer-facing educational materials, to commit to bettering our shared environment and reducing waste.

September 14, 2020

To Whom it may concern:

I am providing this written testimony in regards to the supply availability of paper straws to Montgomery County businesses. As a local restaurant supply distributor, we want the council to feel confident that there is no shortage of supply and product is available in this marketplace. While my company Acme Paper has supply of paper straws, we also have several competitors in the market with supply as well to assure there is naturally competitive marketplace so businesses can feel comfortable knowing they have options. Additionally, I want to highlight the cost impact. Understanding every penny is important to restaurant operators, there is a cost impact to paper straws. Paper straws do cost a couple pennies more per unit. However, we have seen restaurants in the district as well as other areas around the country move to a "straw by request" program. This has helped reduce the amount of single use disposables hitting the waste stream as well as neutralize the cost difference. If I can be of any further assistance, please let me know.

Most Respectfully,

Scott Attman  
Vice President  
Acme Paper & Supply

Public Testimony for the Montgomery County Public Hearing on  
**Bill 32-20**, Solid Waste (Trash) - Waste Reduction/Source Reduction  
and Single-Use Straws - Requirements  
September 15, 2020

Finn Simons, on behalf of Eddy the Turtle  
Montgomery County resident, 11 years old

This is Eddy, the Turtle.  
He is from Our Last Straw.  
He has asked me to read a statement for him.

....

I have asked my friend Finn to read this to you, because I am a turtle and I don't speak.

Plastic pollution is a serious problem. It is killing my friends, and ruining our habitats.

Straws might seem like one small thing, but they can ruin a turtle's life.

Turtles and other sea animals are really nice. We deserve a nice safe place to live. We wouldn't throw our trash in your house, so please don't throw your trash in ours.

I wanted to thank Montgomery County for this new law and for your efforts to Stop Sucking. Thank you for protecting our waterways, our Bay, and our oceans... My home and the home to so many animals and fish.



September 14, 2020

Dear Members of the Montgomery County Council,

I am part of a local citizens group in Takoma Park who have studied the causes of global warming, and *ways to reverse it*, ever since our group participated in a Drawdown Workshop last fall. Though I am concerned about all kinds of waste, from food to every form of plastic, I will address my comments to the subjects of the two Bills—32-20 and 33-20—about which you are seeking public comment.

In short, I support the purposes of the two bills: to ban plastic straws, ban Styrofoam of any kind, and ban #6 plastic, or polystyrene from all food packaging and products, and to replace those plastic materials with environmentally sustainable alternatives. I endorse the County's focus on Waste Reduction and Source Reduction of Single-Use Straws, Styrofoam and other #6 Polystyrene Food Service Packaging and Products. Indeed, in light of current climate and environmental crises, I would like to see you go further, which I address below.

Many years ago, the town of Takoma Park had a living mascot, Roscoe the Rooster. Roscoe used to strut around the streets of downtown and greet the dawn with his distinctive rooster call to "Wake up!" Though Roscoe the Rooster is no longer with us physically, his spirit lives on to inspire us. Our group has adopted a set of actions, which we call *Roscoe's Rules*, to mobilize and encourage our community to take the necessary steps to achieve Zero Waste. Of particular concern is the menace that doesn't die, plastic pollution.

*Roscoe's Rules* include: 1) first and foremost, REFUSE to buy any new plastic products (or anything we don't really need). If we refused to buy, say, any new plastic bags, the effect would be to make the plastic bags we already have more valuable. We would be forced to wash, dry, and store them so we could reuse them over and over. Then we might seek out alternative materials that work just as well. Soon we might learn that we don't really need plastic bags in the first place.

Toward this end, **I recommend that the Council study ways in which the producers and manufacturers of petroleum-based plastic products can be held accountable to assume the**

**cost of and responsibility for their effective recycling and safe disposal.** If recycling is not possible or feasible for these products, the industry should not produce them in the first place.

Such a move would require that virgin plastic be priced to reflect its true costs to the consumer due to the everlasting harm it causes the environment. This would allow the consumer to see the real cost of buying new plastic and make better more informed decisions about what they buy. Such actions would support Roscoe's other Rules: 2) REUSE (again and again) what we already have, 3) REPURPOSE existing plastic products, and 4) continue to innovate and improve ways to RECYCLE the plastic once it is no longer useful.

I believe plastic producers should own up to the burden their products create for society. Perhaps we should bundle up and deliver all our truckloads of plastic waste to the headquarters of oil and gas companies and their Washington lobbyists and ask them to dispose of it! They would then have to confront, and take responsibility for, the waste problem they created and are maintaining.

As consumer demand for petroleum declines—and electric vehicles and green technology begin to be more sustainable—the oil industry continues to flood the market with petroleum-based plastics. Oil industry's current "pivot to plastics" is an attempt to prop up the demand for oil and gas in the face of individual and community efforts to reduce it. But plastics—bags, food containers, lids, bottles, toys, you name it—have nowhere to go. They simply keep piling up in our landfills.

Meanwhile, we—individuals, towns, counties, states, and nations—seek to take actions and promote policies to resolve the climate crisis, reduce plastic pollution, reduce the size of landfills, and improve the quality of our recycled material. According to an article in the WP, below, it is estimated that "almost 80% of the plastic ever produced is entombed in landfills." What can we do? We can **Refuse** to buy it; we can **Reuse** or **Repurpose** what we already have; and we can **Recycle** it. If markets for recycled plastic are diminishing, it is in no small part because the petroleum industry continues to produce "virgin plastic" at lower prices.

It is time we insist that plastic producers and manufacturers bear the cost and the responsibility of environmentally responsible disposal of these products. Plastic does not go away. Even if it degrades into microscopically smaller pieces, those pieces remain a threat to the health of our wildlife. And when they are ingested by land and sea animals, they also become a threat to the health of the humans who consume those animals. As we learn to use less plastic and to recycle it more effectively, we can undercut this pernicious strategy.

Sincerely,

A handwritten signature in cursive script that reads "Janet Baldwin Anderson".

Janet Baldwin

Sources:

1. **How Big Oil Misled The Public Into Believing Plastic Would Be Recycled**

An NPR and PBS Frontline investigation reveals how the oil and gas industry used the promise of recycling to sell more plastic, even when they knew it would never work on a large scale.

Read in NPR: <https://apple.news/A46YAci01SJivBn-YCaBgUg>

2. **The Climate Crisis**, *The New Yorker* Newsletter of September 10, 2020. Bill McKibben.

3. **All My Takeout Has Delivered a Mountain of Trash**. Tom Sietsma, *Washington Post*, September 14, 2020. [https://www.washingtonpost.com/news/voraciously/wp/2020/09/14/all-my-takeout-has-delivered-a-mountain-of-trash-so-i-asked-experts-how-to-minimize-it/?tid=pm\\_food\\_pop](https://www.washingtonpost.com/news/voraciously/wp/2020/09/14/all-my-takeout-has-delivered-a-mountain-of-trash-so-i-asked-experts-how-to-minimize-it/?tid=pm_food_pop)

# Email Viewer

Message	Details	Attachments	Headers
Source			

[HTML](#)

Dear Montgomery County Council,

I am writing to urge you to support Bill 32-20, Solid Waste - Waste Reduction / Source Reduction and Single Use Straws, and Bill 33-20, Solid Waste - Food Service Products Packaging Materials - Requirements. These two measures will help Montgomery County become a more sustainable community, ease the burden on our waste stream, and help us fight climate change.

Plastics are major polluters and are difficult to recycle when they are not labeled. To the extent that we can keep plastics out of the recycling and trash streams, we should do so. Please vote in favor of the two referenced bills.

Sincerely,  
Irene Eckstrand  
13717 Valley Drive Glen Mill Road

Close

**From:** Katz's Office, Councilmember [Councilmember.Katz@montgomerycountymd.gov]  
**Sent:** Monday, September 14, 2020 11:00:27 AM  
**To:** Council President  
**Subject:** Fw: No artificial turf and support for plastic-related bills (6-20, 33-20, and 32-20 with amendments)

---

**From:** Paula <pposas@gmail.com>  
**Sent:** Monday, September 14, 2020 1:35 AM  
**To:** Hucker's Office, Councilmember <Councilmember.Hucker@montgomerycountymd.gov>; Katz's Office, Councilmember <Councilmember.Katz@montgomerycountymd.gov>; Albornoz's Office, Councilmember <Councilmember.Albornoz@montgomerycountymd.gov>; Friedson's Office, Councilmember <Councilmember.Friedson@montgomerycountymd.gov>; Glass's Office, Councilmember <Councilmember.Glass@montgomerycountymd.gov>; Jawando's Office, Councilmember <Councilmember.Jawando@montgomerycountymd.gov>; Navarro's Office, Councilmember <Councilmember.Navarro@montgomerycountymd.gov>; Rice's Office, Councilmember <Councilmember.Rice@montgomerycountymd.gov>; Riemer's Office, Councilmember <Councilmember.Riemer@montgomerycountymd.gov>  
**Subject:** No artificial turf and support for plastic-related bills (6-20, 33-20, and 32-20 with amendments)

**[EXTERNAL EMAIL]**

Dear County Council Members,

I urge you **NOT to approve abandonment of Ellsworth Ave UNLESS there is a condition that synthetic turf NOT be allowed there.** Artificial turf is a source of physical and chemical pollution to air, water, and soil; a threat to public health, and a major waste issue, both in terms of large amounts of continuously shedding, non-recoverable microdebris and in terms of end of life waste disposal. There are no good waste disposal solutions for artificial turf, and turf disposal sites take up a massive amount of space. I have read extensively on this issue, including the supposedly improved type of turf proposed to be used on Ellsworth. Whether backed with crumb rubber or no, that artificial turf still has nearly all the same adverse effects of other turfs and presents serious risks to public health and safety. As a mother, I am especially concerned about the idea of toddlers and children on and around artificial turf.

I also want to take this opportunity to add my support or support with amendments for the following bills being discussed this week.

**I SUPPORT Bill 6-20** (Ban on Intentional Balloon Releases) which will be discussed Monday at the Transportation & Environment Committee Work Session.

**I SUPPORT Bill 32-20** (Solid Waste (Trash) - Food Service Products Packaging Materials) on banning sale of or provision or sale of food in expanded polystyrene (EPS) foam food containers and to include all forms of polystyrene food containers (labeled #6 plastic).

**I SUPPORT WITH AMENDMENTS Bill 32-20** (Waste Reduction/Source Reduction and Single-Use Straws - Requirements) which will be discussed in hearings on Tuesday.

**The Sierra Club has developed the following amendments to 32-20 which I support.** With respect to the straw component, plastic straws and stirrers are the 5<sup>th</sup> most commonly littered material after food wrappers, bottle caps, beverage bottles, and plastic bags. They do not decompose in the natural environment, but eventually break into ever smaller pieces, polluting our waterways and oceans. Therefore, the suggested amendments are:

- **the straw ban should be extended to all plastic straws, whether derived from petroleum- or plant-based polymers.** This is because straws made from polylactic acid, or PLA, a plant-based polymer, often marketed as biodegradable or compostable, will break down into compost *only in an industrial composting facility*. Replacing non-compostable plastic straws with these plant-based plastic straws would have virtually no impact on reducing land- or marine-based plastic pollution because they do not break down on land or in the ocean, even after 24 months. In the natural environment, they behave in much the same way as other littered plastic straws.
- **the ban should be extended to include plastic stirrers**
- **all non-plastic straws and stirrers should be provided to customers only if they request them** (reducing the costs to businesses by substantially reducing the number of straws and stirrers dispensed).
- **the bill should be expanded to require that food service businesses also supply single-use cutlery and condiment packages to customers only if requested** -- additional waste reduction that saves money for businesses.

Thank you for taking the views of constituents into account.

With appreciation for all you do,

Paula

Paula Posas, PhD  
 Silver Spring, MD 20902

**Take 10 minutes to be counted now** ♦ visit: <https://2020census.gov/>

Dear Montgomery County Council,

I am writing to urge you to support Bill 32-20, Solid Waste - Waste Reduction / Source Reduction and Single Use Straws, and Bill 33-20, Solid Waste - Food Service Products Packaging Materials - Requirements. These two measures will help Montgomery County become a more sustainable community, ease the burden on our waste stream, and help us fight climate change.

Bill 32-20 creates a needed framework for reducing waste in Montgomery County by empowering the County Executive to implement the County's waste reduction hierarchy in real policies. As the waste and recycling markets change in the years ahead, continually adjusting to these conditions will be necessary to reducing our waste stream. It would be valuable to require annual public reports on progress toward these goals, as well.

Bill 33-20 is the logical next step to what Montgomery County has already accomplished by passing the ban on expanded polystyrene foam containers in 2017. The county took this step in part because expanded polystyrene foam is unfeasible to recycle; now, all polystyrene cannot be recycled in the county's recycling facility. It only makes sense to eliminate products that we cannot recycle in favor of those that we can. Banning #6 plastic, as this bill does, is a common-sense solution to the current challenges in the recycling market; amendments to the bill to eliminate exceptions and strengthen this bill are also valuable.

Eliminating these unrecyclable plastics, a step that simply clarifies and implements existing Montgomery County policy, is the right step. While education campaigns are worthy endeavors, they keep the burden of dealing with the plastic industry's unrecyclable products on the County and its residents - and even properly disposed of in the trash, unrecyclable plastics become fossil fuels when burned at the Dickerson trash incinerator, contributing to air and water pollution and climate change. A much more sensible step is to move forward with eliminating these burdensome products from the County's waste stream entirely.

Please support these two bills with amendments to strengthen their impact so Montgomery County can continue to lead on plastic reduction.

Sincerely,  
Jo Ann Jablon  
7814 Conwell Rd  
Glenside, PA 19038



910 Clopper Road, Suite 205N, Gaithersburg, Maryland 20878 (301) 840-1400, Fax (301) 963-3918

**BILL 32-20, WASTE REDUCTION / SOURCE REDUCTION AND SINGLE USE STRAWS**

**SEPTEMBER 15, 2020**

**PUBLIC HEARING**

The Gaithersburg-Germantown Chamber of Commerce supports the underlying goal of this Bill to ultimately eliminate the distribution of single-use plastic straws. However, now is not the time.

In talking with our restaurant members, we know that prior to the covid19 pandemic, restaurants were voluntarily reducing the use of straws in their establishments. Many had begun asking customers if they wanted a straw versus automatically bringing one to the table. As a society people were becoming more conscious of not asking for a straw. The market-place also stepped in and there was an increase of the sale and use of reusable straws. The pandemic hit and things changed overnight. Our restaurants report that many more people have reverted back to using straws to avoid contact with drinking glasses. The pandemic is a terrible time to impose a new requirement on restaurants and customers.

In addition to the imposed cultural shift, we all know that most restaurants are struggling. While straws are certainly not the most expensive item that restaurants need to purchase, it is a cost. The Bill will increase that cost. Quality biodegradable straws are significantly more expensive than plastic straws. They also fall apart, so instead of one plastic straw, 2 or 3 biodegradable straws may be necessary. That doesn't mean we shouldn't ultimately eliminate plastic straws, it just means that now is not the time.

I would also like to recommend that if this Bill does move forward, there be a comprehensive consumer education campaign to first ask customers to "skip the straw" and second to let them know that biodegradable straws are now required by law. Some customers do not like the biodegradable straws. They often fall apart depending on the size of the drink and the time it takes to drink it. It's unfair for restaurant staff to take the brunt of complaints. Similar to the County's MaskOn Montgomery, an educational campaign could go a long way to convincing consumers to forgo the straw altogether.

I encourage you to postpone this legislation until we are somewhat back to a normal existence. It will be much easier to implement when the consumers are on board with the change.



*To Lead, Advocate, and Connect as the Voice of Business*

Bill 32-20 - Solid Waste (Trash) - Waste Reduction/Source Reduction and Single-Use Straws - Requirements

**OPPOSE**

Bill 32-20 bans the distribution of single-use plastic straws by a food service business to customers except upon request. Further, it requires any straws that are distributed by a food service business to be reusable or compostable. The bill also allows the County Executive to pursue future waste reduction initiatives through the prohibition on the use or sale of non-sustainable materials or products, or through the required use of environmentally preferable products or materials.

The Chamber has appreciated the ability to work with the Department of Environmental Protection and many of the stakeholders involved in this legislation to work toward a compromise. Many of the local chambers and stakeholders have had productive conversations about cost, implementation strategies, etc. The Chamber's takeaway from these conversations have been the need for an education campaign, *not a ban*. For example, the Our Last Straw campaign had great success proactively working with businesses in Washington, DC; the Chamber would love to work on this initiative here in the County.

It should be noted that the County Council specifically carved out monies in the Public Health Emergency Grant for restaurants – understanding that they were one of the hardest hit industries in the COVID19 global pandemic. It does not matter when the bill takes effect as it sends the wrong message to pass a plastic straw ban bill while some restaurants have permanently closed, and other owners are scared they will lose their business.

The Chamber looks forward to working with the County and stakeholders on a proactive and positive education campaign. The Chamber agrees with the intent of the bill but now is not the time to pass a bill that targets an industry that is trying to navigate and survive this global pandemic.

The Chamber also has concerns with the portion of the bill that gives the County Executive the authority to adopt regulations that would prohibit the use of certain products or materials and require the use of environmentally preferable products. The County Executive should not be permitted to create regulations without input from the County Council.

For the aforementioned reasons, the Montgomery County Chamber of Commerce must oppose Bill 32-20 at this time.

*The Montgomery County Chamber of Commerce (MCCC) accelerates the success of our members by advocating for increased business opportunities, strategic investment in infrastructure, and balanced tax reform to advance Metro Maryland as a regional, national, and global location for business success. Established in 1959, MCCC is an independent non-profit membership organization and is proud to be a Montgomery County Green Certified Business.*

# MARYLAND RETAILERS ASSOCIATION

*The Voice of Retailing in Maryland*



September 14, 2020

## **Bills 32-20 and 33-20 OPPOSE**

Council President Katz and Honorable Members of the Montgomery County Delegation,

MRA would like to share our concerns with Bill 32-20 pertaining to a straw ban and granting authority of the County Executive to prohibit the use, distribution or sale of any product as well as Bill 33-20 banning all polystyrene products for sale and use.

### **Bill 32-20**

#### STRAWS:

“48-62. Source reduction of specific materials - Straws.

39 (a) A food service business must post information that plastic straws will no

40 longer be provided to a customer, except where necessary to  
41 accommodate a medical or disability-related need of that  
customer.

42 (b) Except as provided in subsection (c), a food service business must not

43 provide a plastic straw to a customer. Straws provided to customers must

44 be reusable or compostable. Reusable or compostable straws include

45 straws made of paper, polylactic acid (PLA), bamboo, silicone, or  
46 stainless steel.

47 (c) Upon request, a food service business must provide a plastic straw to a

48 customer where it is necessary to accommodate a medical or disability

49 related need of that customer.”

MRA’s members cannot be put in a position to verify the accommodation of a need as it would be a violation of the Americans with Disabilities Act and sets our members up for legal issues. The bill, should merely say upon request as the majority of the country and localities have



171 CONDUIT STREET, ANNAPOLIS, MD 21401 | 410-269-1440

**WWW.MDRA.ORG**



enacted. Consumers would also still be able to easily purchase straws online creating a competitive disadvantage with brick and mortar.

## GRANTING UNILATERAL AUTHORITY TO THE COUNTY EXECUTIVE:

MRA believes the democratic process by which the Council and then the County Executive vote on, sign into law, or veto legislation is a necessary process to vet issues impacting businesses and residents. Removing the Council and public hearing process is highly concerning and we are outright in opposition to such overreaching authority. Checks and balances as well as public discussion and hearings should be in place on such important topics.

### **Bill 33-20**

No locality or state in the country has banned polystyrene beyond EPS. In addition to the bill not addressing the ability of residents to still go online to purchase these products, there is a demand for these items like Solo Cups and many polystyrene products are used in the country from products with medical uses to building construction. Although Montgomery County has not invested in polystyrene recycling infrastructure, other localities in the country have and are recycling polystyrene. It continues to have one of the highest yields in the market and unfortunately, consumers will move to another product that may not be recycled as well. All packaging leaves an environmental footprint regardless of the material type, however some leave more than others. For example, polystyrene foodservice packaging uses less energy and resources to manufacture than comparable paper-based products, leaving a lighter footprint.<sup>[1]</sup> A polystyrene foam cup requires about 50% less energy to produce – and creates significantly fewer greenhouse gas emissions – than a similar coated paper-based cup with a corrugated sleeve.<sup>[2]</sup>

It is also important to note that most compostable foodservice containers only “degrade” in a controlled composting environment – essentially a large industrial facility where temperatures can exceed 140 degrees.<sup>[3]</sup> In fact, the Oregon Department of Environmental Quality has found that compostable foodservice ware often has a larger (life time) environmental footprint than non-compostable items.<sup>[4]</sup> For example, compostable materials may require more fossil energy to make and release more greenhouse gases than their non-compostable counterparts.<sup>[5]</sup>

Instead, we suggest the county should work with the State to look into advanced recycling technologies. Advanced recycling offers a promising solution for recycled content use in food-grade and other applications. Advanced recycling complements existing mechanical recycling





and both types of processes are needed to meet ambitious recycling and waste reduction targets.

The benefits of advanced recycling include:

- Value to otherwise unused plastic waste. Today only limited types and suitably sorted plastics may be mechanically recycled. This means that a large quantity of plastic waste, the kind that is contaminated or mixed, is still being landfilled or exported. Advanced recycling enables recycling of contaminated and/or mixed plastic waste that cannot be recycled through mechanical recycling.
- Produces plastic with equivalent quality to that of virgin feedstock. With advanced recycling, post-use plastics are recycled back into the production of feedstocks, new chemicals and plastics with an equivalent quality to those produced from virgin feedstock. This recycled plastic can therefore be used in high-quality applications such as food contact and food packaging.
- Reduces the use of fossil feedstock to produce plastics, since chemically recycled plastics can be re-used as feedstock for new plastics.
- Reduction of carbon emissions. Advanced recycling can eliminate certain emissions associated with combustion and energy recovery<sup>[6]</sup>.

There are several examples of localities and companies utilizing advanced recycling. For one, companies like Oregon-based Agilyx<sup>[7]</sup> are turning polystyrene – both rigid and foam packaging - back into its original styrene molecules that can then be used to make new packaging. Utah-based Renewlogy<sup>[8]</sup> was recently awarded a new contract with the City of Phoenix<sup>[9]</sup> to divert Number 3 – 7 plastics that previously would be exported to China. Phoenix Mayor Kate Gallego noted "During a time when cities are giving up on recycling, Phoenix is again leading the way in setting the gold standard for innovation and creativity."

Unfortunately, we were waitlisted for today's hearing, but welcome the opportunity to continue conversations with you all. Thank you for your time and consideration.





## **Bill 32-20, Solid Waste (Trash) Waste Reduction/Source Reduction and Single-Use Straws - Requirements**

October 5, 2020

On behalf of the Restaurant Association of Maryland, the Montgomery County Chamber of Commerce, the Greater Bethesda Chamber of Commerce, the Gaithersburg-Germantown Chamber of Commerce, the Greater Silver Spring Chamber of Commerce, and the thousands of employers and employees our organizations represent, we jointly **oppose Bill 32-20, Solid Waste (Trash) Waste Reduction/Source Reduction and Single-Use Straws – Requirements at this time.**

Bill 32-20 has the following main components: establishes a program, criteria, and methods for waste reduction/source reduction in Montgomery County; prohibits the distribution of single-use straws except in certain circumstances; and provides for education relating to straws.

Our organizations have appreciated the conversations with the Department of Environmental Protection and the stakeholders involved in this legislation to work toward a compromise. Our takeaway from these conversations has been the need for an education campaign. For example, the Our Last Straw campaign had great success proactively working with businesses in Washington, DC; we welcome the opportunity to support a similar campaign in Montgomery County. It should be noted that the County Council specifically carved out monies in the Public Health Emergency Grant for restaurants – understanding that they were one of the hardest hit industries in the COVID19 global pandemic. The Council should not act on this legislation because of the bad timing, notwithstanding the bill's delayed effective date.

While it is our hope that the legislation does not move forward at this time, if the Transportation and Environment Committee does wish to act on the bill, we respectfully request two amendments:

- **Regulations versus Legislation** – under Section 48-61, Bill 32-20 permits the County Executive to adopt regulations for waste reduction in the County and completely bypass the need for any legislation. We request this section be removed entirely.
- **Specified Exemptions** – we accept the intent to amend the bill to restrict restaurants to providing straws ONLY upon customer request; however, amendments are needed to ensure that such a restriction does not apply to self-serve straw dispensers, carryout, delivery or drive-thru sales.

For the aforementioned reasons, our organizations respectfully oppose Bill 32-20, specifically at this time.

## **Article V. Recycling.**

---

### **Sec. 48-45. Findings and policies.**

(a) The County Council finds that undertaking a long term commitment to remove and recycle certain materials from the solid waste stream is a necessary part of the County's integrated solid waste management system of recycling, resource recovery and landfilling. Extensive recycling will:

- (1) decrease the flow of solid waste to overburdened County disposal facilities;
- (2) aid in the conservation and recovery of valuable resources;
- (3) conserve energy;
- (4) increase the supply of reusable raw materials;
- (5) reduce the cost of planning, constructing, and operating solid waste disposal facilities; and
- (6) reduce the environmental impact of waste management.

(b) The County Council also finds that the objectives of the Comprehensive Solid Waste Management Plan adopted under State law will be promoted by establishing a recycling program. The program should include:

- (1) a mandatory recycling program for homes, industries and businesses wherein residents will recycle their recyclable solid waste in conformance with Executive regulation. Materials subject to mandatory recycling can be set out for County operated collection, taken to drop-off centers or recycled by private or charitable organizations;
- (2) recycling drop-off centers where collection is not practical;
- (3) purchase by the County of products made at least in part from recyclable solid waste;
- (4) encouraging any entity not subject to this Chapter to adopt a recycling program;

## MONTGOMERY COUNTY CODE

(5) development of special pilot recycling programs to address recycling of plastics, yard wastes and other potentially recyclable materials;

(6) construction of a recyclable materials recovery center adjacent to the Shady Grove transfer station;

(7) coordination of a network of volunteers to promote recycling;

(8) development and dissemination of educational material to inform the public about recycling and promote recycling programs; and

(9) other innovative actions and programs designed to develop recycling in the County.

(c) The County Council found in Resolution 11-733 that to recycle 27% of the solid waste stream by 1992 and 30% before the resource recovery plant is expanded is in the public interest. The County Council reaffirms that it is in the public interest to recycle as much solid waste as practical and that the goals adopted in Resolution 11-733 are the goals of this program. (1990 L.M.C., ch. 4, § 1.)

### **Sec. 48-46. Recyclable solid waste; definition.**

(a) In this article, recyclable solid waste means those materials in the solid waste stream which may be separated and reused.

(b) Recyclable solid waste includes:

(1) containers and other products made from metals;

(2) tree cuttings, bush trimmings, plants, leaves, grass, garden trimmings and similar yard waste;

(3) glass products;

(4) newspapers;

(5) corrugated cardboard;

(6) office paper;

(7) motor oil;

(8) lead acid batteries;

## MONTGOMERY COUNTY CODE

- (9) motor vehicle tires; and
  - (10) medium and large high-density polyethylene and polyethylene terephthalate containers, and any other plastic materials suitable for recycling.
- (c) The list of materials in subsection (b) may be changed or expanded by Executive regulation. (1990 L.M.C., ch. 4, § 1.)

### **Sec. 48-47. Recyclable solid waste program.**

- (a) The County Executive must develop a recyclable solid waste program. The program may be established by executive regulation.
- (b) Under the recyclable solid waste program, the County must collect, separate, and recycle, to the maximum extent practical, each material listed in subsection 48-46(b) unless:
- (1) recycling of that material is not technically feasible on the scale proposed;
- or
- (2) collection and separation of the material (generally or from a particular geographic area or source of waste) and recycling the material will substantially increase the cost to the County solid waste management system of disposing of that material after subtracting all avoided net costs of burning or burying the material.
- (c) The regulations may provide for:
- (1) creation of recycling service areas for the collection, processing and marketing of recyclable solid waste. The recycling program may vary from recycling service area to recycling service area. The Executive must make every reasonable effort to implement curbside collection of recyclable solid waste in those areas in which solid waste is generally collected at curbside. The basis for determining recycling activities in a recycling service area may include:
    - (A) population densities;
    - (B) housing patterns;
    - (C) land use patterns;
    - (D) the types and amounts of recyclable solid waste generated in any area; and
    - (E) other factors affecting cost-effectiveness.

## MONTGOMERY COUNTY CODE

(2) creation of financial and other incentives, including technical assistance, awards and publicity, for recycling initiatives undertaken by any person. The financial incentives may include special rates or fees for the collection and processing of recyclable solid waste, to be established when the County Council sets rates and fees for solid waste management and disposal.

(3) purchase of items by the County which are manufactured at least in part from recyclable solid waste.

(d) The regulations must specify the standards and methods by which, and the base from which, the goals of the program and the level of recycling that the program achieves in any year are measured.

(e) The County Executive must adopt an ongoing program to study recycling program and technology. This program must include pilot projects to test the effectiveness of new recycling efforts and to provide the basis for expanding the recycling program.

(f) The County Executive must report to the Council at least every 2 years on the expansion of recycling service areas, and particularly on the extent that new housing subdivisions are included in the service areas.

(g) The County Executive must encourage municipalities and other entities which are not included in a recycling service area to adopt an effective recycling program. The County Executive may enter into agreements with a municipality or other entity to further the objectives of this Article.

(h) The County Executive must report to the County Council twice each year on the progress of the recyclable solid waste program toward meeting the quantitative goals and any problems that hinder the achievement of those goals. (1990 L.M.C., ch. 4, § 1.)

### **Sec. 48-48. Compliance.**

(a) A person must not dispose of recyclable solid waste in a manner that violates this Article or regulations issued under it.

(b) A person must not collect or remove recyclable solid waste which has been set out for collection in a recycling service area in accordance with the Executive regulations governing that area unless;

(1) the person is licensed by the County or has a contract with the County to collect recyclable solid waste; or

## MONTGOMERY COUNTY CODE

(2) the property owner or occupant has expressly authorized a charitable organization to remove a recyclable item, and the organization collects the item on a different day from the County recyclable waste collection.

This section adds to the requirements in Sections 48-5 and 48-6. (1990 L.M.C., ch. 4, § 1.)

### **Sec. 48-49. Enforcement.**

(a) Any violation of this Article or regulations issued under it is a class B violation. Each container holding recyclable solid waste which is disposed of or collected in violation of this Article or regulations issued under it is a separate violation.

(b) The proceeds of any citation issued for a violation of this Article must be paid into the solid waste collection and disposal fund established under section 48-43.

(c) The County Executive may suspend the collection of solid waste from any person who disposes of recyclable solid waste in violation of this Article or regulations issued under it. (1990 L.M.C., ch. 4, § 1.)

### **Sec. 48-50. Marketing of recyclable solid waste; contracts.**

The County Executive may contract for the collection, purchase, processing and marketing of recycled or recyclable solid waste, subject to County procurement laws and regulations. The Executive may enter into contracts, subject to appropriation, with public agencies or private parties to aid or operate recycling programs and to create incentives for recycling. (1990 L.M.C., ch. 4, § 1.)

### **Sec. 48-51. Regulations.**

The County Executive may adopt regulations to implement this article under method (1). (1990 L.M.C., ch. 4, § 1.)