



City of Bethlehem  
10 E. Church Street  
Bethlehem, PA 18018

February 7, 2023

Dear Honorable Members of Council,

The EAC recommended a ban on single use plastic bags in 2019, after which the State of Pennsylvania placed a ban on bans of single use plastics. In 2021, municipalities were no longer prohibited from implementing such bans. In our letter of September 2021, the EAC provided a sample ordinance based on a model from PennEnvironment for Council's consideration. City Council's review of this proposal has raised some questions and concerns. The EAC's Waste Reduction Committee, composed of EAC members and Bethlehem City residents, researched these questions and the results of their study are below. The draft sample ordinance is attached for your information.

We appreciate that Council is giving this proposal a thorough and thoughtful review. As these bans are being enacted throughout the country, more data on their effectiveness is being collected and assessed. Please let us know how we may continue to be of assistance.

Sincerely,

*Lynn Rothman*

Lynn Rothman, Chair

On behalf of the Bethlehem EAC:

Ben Felzer, Vice Chair

Ben Guthrie, Secretary

Vibhur Kumar

Mandy Tolino

Mike Topping

Katie Trembler

cc: Mayor J. William Reynolds

## **Questions and Concerns Regarding a Single Use Plastic Bag Ban in Bethlehem**

- **What are the environmental ramifications (carbon footprint) of alternative materials that might be used instead of plastic?**

Plastic bags, when compared with paper and reusable bags, are the most detrimental to the environment. Plastic bags cannot be recycled at most recycling facilities in the United States<sup>1</sup>, and some estimates suggest that only 2% are recycled<sup>2</sup>. That means that single-use plastic (SUP) bags are going to a landfill, an incinerator, or directly into our environment. Unlike paper which biodegrades, plastic breaks down into smaller and smaller pieces of plastic, known as microplastics. Microplastics have been found in our air, food, and water. PennEnvironment has done testing on over 100 rivers, lakes, and streams across PA and found microplastics in every waterway sampled, including the Lehigh River, Monocacy Creek, and Saucon Creek<sup>3</sup>. Tap water from Bethlehem, Easton, and Allentown were also sampled, and microplastics were found in each sample<sup>4</sup>.

Traditionally plastic was made from petroleum, but increasingly it is made from natural gas extracted through fracking here in Pennsylvania. Fracking has profound impacts on our water, air, and climate.

Most SUP Bag Bans include mandatory recycled content requirements for paper, so that the paper bags used have less of an environmental impact. This doesn't mean that paper bags have no impact. Paper bags are still often single use. Including a fee on paper bags as part of the ordinance would incentivize customers to bring their own reusable bag from home. The best option is a bag that is reused over and over again.

- **People use SUP bags to line trash cans and pick up after dogs. What are the ramifications of now purchasing plastic bags, which are a thicker plastic and have associated cost?**

Sales of small trash bags increase in places with plastic bag bans since people reuse plastic bags as trash bags. However, even though sales of the small plastic bags go up, the overall weight of plastic used and discarded decreased by 70% with a plastic bag ban<sup>5,6</sup>. The same goes for pet waste. There are also a number of companies that manufacture biodegradable bags created specifically to collect dog waste. In conclusion, the number of people who reuse plastic bags is not high enough to offset the benefits of eliminating SUP bags.

- **Does recycling only occur for thinner bags? Melt easier? Do the recycling programs have a measure of success?**

Recycling generally does not happen for any plastic bags (or any flexible plastic). The guidelines for Bethlehem's new curbside recycling state that recycling will not be collected if there are plastic bags in the container<sup>7</sup>. Plastic bags can clog recycling sorting equipment, requiring time and money to fix<sup>8</sup>. There isn't a market for the recycled content from plastic bags, so it's more efficient and profitable to dispose of the waste. Overall, plastic bags are not recycled at most recycling facilities in the United States (in

fact, only numbers 1 and 2 are reliably recycled), and some estimates suggest only 2% of plastic bags are recycled<sup>1,2</sup>.

- **Should we consider a plastic bag fee first, giving incentive to change to reusable?**

The website <https://www.plasticbaglaws.org/effectiveness> has a collection of studies on the impacts of different types of plastic bag policies. For example, a study done in Santa Monica (which is roughly comparable in size to Bethlehem) where there is a plastic bag ban and a 10 cent fee for paper bags showed that before the ordinance, 69% of customers used plastic, which dropped to 0 once the ban was implemented.

Meanwhile, Chicago started with a plastic bag ban with no extra fee on paper bags, and found that it led to an increase in use of paper bags and purchases of plastic trash bags<sup>10</sup>. Many larger stores, like Wal-Mart, simply started using slightly thicker plastic bags (2.25 mils thick plastic bags are considered “reusable” under most laws) to skirt around the single-use bag ban<sup>11</sup>. Chicago then switched to a plastic bag fee and over the course of the first year of implementation, Chicagoans reduced their disposable bag usage 28%.

In conclusion, studies show that the most effective way to reduce plastic bag usage is to have a fee component to the law - whether it be a ban/fee hybrid or a fee on all bags.

#### **Questions/Concerns from City Council:**

- **Environmental Justice – equity for lower-income households, purchasing bags, or paying a fee is a strain we must consider. How are customers who cannot afford to purchase reusable bags or pay the additional costs to be assisted?**

Many people already have reusable bags. Budget-friendly stores, like Aldi’s and PriceRite, do not provide customers with SUP bags and have a fee on paper bags.

PennEnvironment worked with Pittsburgh on ensuring that the law, and specifically the bag fee, would not inconvenience those of low-income backgrounds. They included a pilot leave-a-bag/take-a-bag program as part of the law. People can leave extra reusable bags that they have at a designated drop-off location, the city will collect and clean the bags, and then they are to be redistributed to those who need them but can’t afford to buy them. Pittsburgh also wrote an exemption from the fee for people on food assistance programs like SNAP and WIC at retail locations that accept those benefits.

Some businesses have also provided free reusable bags to customers before a bag fee was implemented. In Philadelphia, Wawa handed out free reusable bags to customers for the first 30 days of the ordinance.

- **What is the financial impact on or support of small businesses who will need to invest significantly more in their “bag budget”? Does the money they get per bag offset costs?**

Under a ban-fee hybrid model of ordinance with a fee of around \$0.15 per bag, retailers get to keep the fee. That helps bridge the cost between plastic and paper bags.

However, the main purpose of the bag fee is to encourage people to bring their own bag from home. That reduces overall demand for bags, meaning retailers don't need to purchase as many, saving them money.

In a letter from the Greater Lehigh Valley Chamber of Commerce regarding a SUP Bag ordinance, they recognized "the need for fundamental changes to residential and commercial waste streams that continue to pose challenges to our environment and communities". The Chamber believes that the following principles must be followed in any decision-making process for SUP bans/fees in PA:

1. Fees collected should remain with retailers to encourage the use of and supplement the costs for an alternative to single-use plastics. A municipality shall not retain imposed fees.
2. Collected fines shall remain with the local municipality and on a best-effort basis, be earmarked for expenses directly associated with enforcement of ordinances.
3. Legislative action should not allow for replication of laws or ordinances at multiple municipal levels and should eliminate the potential for duplicate or redundant fees.
4. Consider the impacts of consumers moving their purchases to municipalities without such bans/fees.
5. Legislative action should not allow for criminal prosecution and/or jail time for retailers or their employees.
6. Legislative action should analyze the financial impact to all economic demographics prior to consideration, evaluate ways to minimize impacts to communities – especially those low-income areas and evaluate ways to incentivize communities to adopt alternative bags and improve recycling.
7. Legislative action should allow retailers to absorb any costs, including regulatory fees, and NOT be passed along to consumers if the retailer so chooses. Retailers would still be required to show adherence to regulations via point-of-sale systems.

- **What do enforcements and penalties look like for such an ordinance?**

This varies with every municipality who passes an ordinance. PennEnvironment recommended that Bethlehem enforce the plastic bag ban the same as any other ordinance. Bethlehem has multiple code enforcement officers, including a commercial building inspector. Enforcement of the plastic bag ban can be rolled into the inspections and enforcement of other code violations. Additionally, citizen enforcement is an effective way to supplement and ease the burden on code enforcement. Having a citizen reporting system where people can report violations (possibly through the My Bethlehem PA app) allows the city to issue fines and warnings without needing to constantly inspect every single business. Penalties are standard for any code enforcement. A suggested model ordinance has the penalties starting at \$50 for a first offense, rising to \$100, and then \$200. However, the City will determine this.

- **A few years ago, the Governor had asked municipalities to pause any proposals on plastic ban ordinances. What was the reasoning then, and is the Governor's position still the same?**

A standalone preemption law, a ban on local plastic bans or restrictions, was proposed a few years ago, but then-Governor Wolf vetoed it. It was later rolled into the state's budget process where it passed as part of the budget. Thus, the ban on SUP bag bans was instituted by the state legislature. It was then extended in 2020 at the height of the pandemic as part of an emergency budget session. In response, PennEnvironment organized a lawsuit with Philadelphia<sup>9</sup>, Pittsburgh, West Chester, Lower Merion, and Narberth against the state legislature. In the face of the legal challenge, the legislature allowed the preemption law to expire at the end of 2021. Since its expiration, 11 cities, boroughs, and townships have passed legislation to tackle plastic pollution. With the changes in the state house for the 2023-24 session, it is unlikely for a standalone preemption to pass (and Governor Shapiro will likely veto one if it did). It is also unlikely for it to be included in the budget, but the best way to ensure it does not is to pass more local actions on plastic pollution.

## Resources

1. [https://www.greenpeace.org/usa/wp-content/uploads/2022/10/GPUS\\_FinalReport\\_2022.pdf](https://www.greenpeace.org/usa/wp-content/uploads/2022/10/GPUS_FinalReport_2022.pdf)
2. <https://why.org/articles/this-company-wants-to-recycle-your-plastic-bags-theres-a-lot-riding-on-whether-it-succeeds/>
3. <https://publicinterestnetwork.org/wp-content/uploads/2021/03/PAE-Microplastics-Mar21-1.1.pdf>
4. [https://www.wfmz.com/news/area/lehighvalley/scientists-starting-to-research-the-impact-of-microplastics-on-our-health/article\\_5db5b690-e10d-11ec-b89c-0bfe2313ca3b.html](https://www.wfmz.com/news/area/lehighvalley/scientists-starting-to-research-the-impact-of-microplastics-on-our-health/article_5db5b690-e10d-11ec-b89c-0bfe2313ca3b.html)
5. <https://www.sciencedaily.com/releases/2022/03/220329142327.htm#:~:text=The%20study%20found%20California%20communities,of%20smaller%20plastic%20trash%20bags>
6. <https://reason.com/2019/04/11/california-plastic-bag-bans-spur-120-per/>
7. <https://www.bethlehem-pa.gov/CityOfBethlehem/media/DCED-Media-Library/Recycling/What-is-included-in-single.pdf>
8. <https://www.recyclingtoday.com/article/the-heavy-toll-of-contamination/>
9. <https://environmentamerica.org/pennsylvania/media-center/statement-pa-cities-lawsuit-to-undo-general-assemblys-preemption-crucial-to-addressing-plastic-pollution/>
10. <https://www.politico.com/news/magazine/2019/11/21/plastic-bag-environment-policy-067879>
11. [http://publicfiles.surfrider.org/Plastics/Plastic\\_Bag\\_Law\\_Activist\\_Toolkit\\_2019.pdf](http://publicfiles.surfrider.org/Plastics/Plastic_Bag_Law_Activist_Toolkit_2019.pdf)