



**OFFICE OF THE COUNTY EXECUTIVE**

**Marc Elrich**  
*County Executive*

February 11, 2020

The Honorable Kumar P. Barve  
Chair, Environment and Transportation Committee  
House Office Building, Room 2511  
Annapolis, Maryland 21401

Re: House Bill 209 – Plastics and Packaging Reduction Act

Dear Chairman Barve:

I am writing to express my support for House 209 with a proposed amendment. This bill prohibits a store from providing a customer with a “plastic carryout bag” (defined as any plastic bag less than 4 mils or 0.004 inches thick) and requires a store to charge, collect, and retain at least \$0.10 for each “durable carryout bag” provided to a customer. The bill requires county governments to enforce the plastic carryout bag ban and ensure stores charge and retain the \$0.10 cent fee on durable carryout bags. It also establishes a civil penalty of up to \$500 for each violation and establishes a Single-Use products workgroup.

In 2012, Montgomery County enacted a \$0.05 excise tax on both paper and plastic disposable carryout bags. Under County ordinance, the retailer retains \$0.01 and the County receives \$0.04. The County’s tax is intended to act as an incentive to help consumers rethink their need for disposable bags.

The revenue from the bag tax goes directly into the Department of Environmental Protection’s Water Quality Protection Fund – a dedicated fund for water quality improvement activities. The total revenue generated from the bag tax since its inception is approximately \$20 million. This has had a tremendous impact on the County’s initiatives to improve the water quality of streams and reduce the impacts of stormwater. Water quality programs include: inspection and maintenance of stormwater management facilities; restoration of polluted and eroded streams; watershed restoration to add stormwater controls and improve local water quality; stream monitoring; and storm drain cleaning and maintenance.

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While I *fully support* the ban on plastic carryout bags proposed by House Bill 209, the County would like to preserve its very successful carryout bag tax program for durable carryout bags as defined in the bill. In order to do so, the County respectfully requests an amendment to exclude any county or municipality that enacted a local law to collect a tax or fee for durable carryout bags by January 1, 2020. Suggested language for the amendment is as follows.

On page 3, after line 12, insert:

**“(C) SUBSECTIONS D-H OF THIS SECTION DOES NOT APPLY TO A STORE LOCATED IN A COUNTY OR MUNICIPALITY THAT ENACTED A LOCAL LAW BEFORE JULY 1, 2020, THAT REQUIRES A STORE IN THE COUNTY OR MUNICIPALITY TO CHARGE AND COLLECT A CHARGE FOR EACH DURABLE CARRYOUT BAG PROVIDED TO A CUSTOMER BY THE STORE.”**

On page 3, in lines 13, 26, and 28 strike “(C)”, “(D)” and “(E)” respectively, and substitute “(D)”, “(E)” and “(F)” respectively.

On page 4, in lines 9 and 17 strike “(F)” and “(G)” respectively and substitute “(G)” and “(H)” respectively.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc Elrich". The signature is fluid and cursive, with a large, stylized "E" and "R".

Marc Elrich