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Comments before House E&T Cmte
FAVORABLE WITH AMENDMENTS
**HB 209: Plastics and Packaging
Reduction Act**

Mike Ewall, Esq.
Founder & Director
Energy Justice Network
215-436-9511
mike@energyjustice.net
www.EnergyJustice.net

Good afternoon. My name is Mike Ewall, and I'm the founder and director of a national organization, Energy Justice Network. Energy Justice works at the local level with grassroots community groups in Maryland and the rest of the country to support efforts to promote zero waste, and to stop polluting and unnecessary energy and waste industry facilities, with a focus on ending waste incineration.

We strongly support this bill. Based on our experience of DC's plastic bag tax, however, we would like to see the enforcement provisions strengthened.

The maximum penalty is \$500 per week after a 3-month probation period. For medium and large stores, this is just the cost of doing business. Supermarkets could easily flout this and just pay the fines in the rare cases when a county might enforce this law. After a first violation, we'd recommend that you allow each day to be a new violation, or increase penalty maximums and set minimums.

The law says it "shall" be enforced by counties, but doesn't offer resources to counties or require any level of enforcement staffing. Enough \$500 per week fines might fund enforcement staff after each 3-month period passes, but an outlay of county funding would be needed for initial months before fines can come in. It's hard to see counties choosing to hire sufficient enforcement staff. At least for the first year, the law should require no less than one full-time enforcement person in each county. Even one such position will be quite insufficient to cover a county's worth of stores.

To make this easier on counties, the 3-month probation period should be reduced to one month. The bill should also be amended to clarify that only one probation period is to be granted per store – and per company for those with multiple points of sale under one management. As written, a store can be in violation, "correct" the violation within three months, evading fines, then be in violation again and get another notice with another three months to "correct" things? Supermarket chains in DC have routinely violated their plastic bag tax, with some tellers not charging for bags as required, and this sporadic and ongoing violation evades enforcement.

To aid enforcement, the state should set up a mobile phone app where people can take time-stamped pictures of bags being sold, or durable carryout bags given away without any charge on the receipts. These could be automatically submitted to the appropriate enforcement agent for the county.

Amendments recommended:

- After the first violation, allow each day to be a new violation, and/or increase penalty maximums and set minimum penalties.
- Change 3-month probation period to 1 month.
- Allow only one probation period per store (or per-company for those with multiple points of sale under one management).
- Mandate 1 full-time enforcement staffperson per county in the first year.
- Set up a mobile app to report to law enforcement.