



## OFFICE OF THE COUNTY EXECUTIVE

**Marc Elrich**  
*County Executive*

February 20, 2020

The Honorable Delores G. Kelley  
Chair, Finance Committee  
3 East – Miller Senate Building  
Annapolis, Maryland 21401

Re: Senate Bill 313 – Plastics and Packaging Reduction Act

Dear Chairman Kelley:

I am writing to express my support for Senate Bill 313 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.

While I *fully support* the ban on plastic carryout bags proposed by Senate Bill 313, the County would like to preserve its very successful carryout bag tax program for durable carryout bags as defined in the bill. If preserving existing local programs is not feasible, I believe a portion of the \$.10 fee on durable carryout bags should be remitted to the county governments tasked with enforcing the ban. Currently, eight states have bans on plastic carryout bags. These include:

- **New York:** Will ban plastic bags beginning on March 1, 2020. No fee for paper bags, but state law enables local governments to enact a \$.05 fee on paper bags, with \$.02 going to local governments for enforcement and \$.03 going to the state's Environmental Protection Fund.
- **Delaware:** Will ban plastic bags at large retail stores beginning on January 1, 2021. Retailers may provide paper bags at no cost or charge for the bags at their discretion. Cities with more than 50,000 residents may require smaller stores to comply with the state law.
- **California:** Currently bans plastic bags and requires a minimum \$.10 fee on paper and reusable plastic bags. The fee is remitted to and retained by the retailer. California's state law preserved existing local programs around the state.

The goal of Senate Bill 313 is laudable, but it should not be done to the detriment of the counties. To date, the revenue generated by the County's bag tax program has been used to remove over 18,000 pounds of litter from streams, provide 200,000 reusable bags to residents, launch multiple anti-litter campaigns, and provide \$2.1 million in grants to the community for various clean-up programs. Reallocating this revenue to the retailers would be a tremendous environmental loss to our community. I strongly urge you to consider preserving existing programs or remitting a portion of the fee to the counties.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc Elrich". The signature is fluid and cursive, with the first name "Marc" written in a larger, more prominent script than the last name "Elrich".

Marc Elrich