



Committee: Economic Matters
Testimony on: HB 69 “Environment –Single-Use Plastics – Restrictions”
Position: Support with Amendment
Hearing Date: February 17, 2021

The Maryland Sierra Club supports HB 69, a bill to prohibit the provision of plastic straws, beverage stirrers, lids, plugs, stoppers, condiment packets, or utensils by food service businesses and of single-use plastic containers of personal cleansing products by lodging establishments unless requested by customers. The part of the bill on food service establishments exempts drive-through restaurants and would take effect on January 1, 2022; the part affecting lodging establishments would take effect on January 1, 2025.

This bill will reduce single-use plastic food service ware and toiletries. An “on request” policy for single-use plastic prompts customers to take a moment to ask themselves: “Do I really need this item?” We believe that when thinking about their choices, many customers will decide to forego the items altogether. Evidence is building that this is the case. In one California municipality, restaurants that offered straws only on request provided 40 percent fewer straws than restaurants that provided them automatically, because many customers simply did not ask for a straw.¹

It will help address the plastic pollution crisis. In the United States, plastic straws, stirrers, and lids were among the top 10 items collected in coastal cleanups in 2019.² Plastic waste and pollution threaten Maryland’s coastline, fish and wildlife, and human health. Plastic straws, stirrers, beverage plugs, utensils, and many types of lids are not recyclable. Likewise, the small plastic toiletry bottles offered in hotels are often too small to be processed by recycling machinery. These items are used for a few minutes, yet last in the environment forever – in landfills or as litter. When littered, these nuisance plastics pose hazards to wildlife. Exposed to sunlight, they break down into tiny pieces on land and in the water that are impossible to clean up and permeate the environment.³ One study found that 94 percent of U.S. drinking water systems sampled contained microplastics.⁴

It will save businesses and taxpayers money. This bill will ultimately save businesses money because fewer products need to be purchased and restocked. When plastic waste is reduced, local governments and taxpayers, who pay for waste disposal and litter clean-ups, save money. According to the U.S. Environmental Protection Agency, plastic makes up about 12 percent of total municipal solid waste in the United States, yet only a fraction of it is recycled.⁵

¹Wagner, Travis P. and Patti Toews. 2018. “Assessing the Use of Default Choice Modification to Reduce Consumption of Plastic Straws,” *Detritus* 4:113-121.

² Ocean Conservancy. 2020. “Together We Are Team Ocean, 2020 Report,” p. 19.
https://oceanconservancy.org/wp-content/uploads/2020/10/FINAL_2020ICC_Report.pdf.

³Hale, R.C., M.E. Seeley, M. LaGuardia, L. Mai, and E.Y. Zeng. 2020. “A global perspective on microplastics,” *Journal of Geophysical Research: Oceans* 125.

⁴ Tyree, Chris, and Dan Morris. 2018. “Invisibles: The Plastics Inside Us.” An Investigative Report. Orb Media, March 15. https://orbmedia.org/stories/Invisibles_plastics

⁵ U.S. Environmental Protection Agency. “Facts and Figures about Materials, Waste, and Recycling -- Plastics: Material Specific Data,” <https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/plastics-material-specific-data>. Accessed February 11, 2021.

“On request” programs for single-use plastics are already widespread and expanding. Portland, Oregon’s ordinance requires that single-use plastic straws, stirrers, utensils, and condiment packaging be provided at eat-in food establishments only if the customer requests them, and fast food/take-out services may only provide them if the customer responds affirmatively when asked.⁶ In San Mateo County, California, the “on request” law applies to straws, stirrers, cup spill plugs, cup sleeves, condiment packets, utensils, cocktail sticks, toothpicks, and napkins.⁷ These “food service accessories” must be available as separate items, not bundled, and takeout food delivery services must provide an option for customers to request them.

Closer to home, Montgomery County has banned straws that are not marine compostable and other straws can be provided only if the customer requests them. In Howard County, a bill has been introduced that would ban plastic straws and stirrers, while other straws and stirrers, utensils, and condiment packets would only be available on request of the customer.⁸ We are pleased that HB 69 does not affect the ability of local jurisdictions such as these to enact more stringent single-use plastic restrictions.

Hotels are also acting. Marriott International Hotels announced an initiative in 2018 to replace tiny, single-use shampoo, conditioner, and bath gels with large pump-top bottles at its 7,000 properties worldwide, with the goal to prevent 500 million tiny bottles of single-use plastic from going to landfills.⁹ Hyatt, IHG and Hilton Hotels recently followed suit, announcing plans to phase out small bottles of everyday toiletries.¹⁰ Last year, the Walt Disney Company said it would replace small plastic shampoo bottles at its resorts and on its cruise ships.¹¹ In 2019, California enacted a law that prevents lodging establishments with more than 50 rooms from providing single-use personal care products to customers.¹²

We request one amendment. Since this bill is not banning any single-use items, only making them available on request, we recommend that paragraph (C) on page 4, lines 12-16 be deleted, as it appears to require food service businesses to maintain a stock of all of the single-use plastic products covered by the bill, even if they have none at present.

In summary, “on request” policy will reduce demand for single-use plastics, waste, litter, and their environmental impact, while saving money for businesses and local government. It is one of a constellation of strategies that can help protect our oceans and waterways, keeping wildlife and humans safe from plastic pollution. We respectfully request a favorable report on HB 69.

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⁶ <https://www.portland.gov/code/17/103#toc--17-103-300-definitions-for-restrictions-on-single-use-plastic-serviceware->

⁷ https://library.municode.com/ca/san_mateo_county/codes/code_of_ordinances?nodeId=TIT4SAHE_CH4.107REU_SDIFOSEWA_4.107.030DIDIFOSEWAAC

⁸ CB-13-2021, “Plastic Reduction Act,” Howard County Council.

⁹ Marriott International. 2019. “Marriott to Eliminate Single-Use Shower Toiletry Bottles from Properties Worldwide, Expanding Successful 2018 Initiative,” Press release, August 28.

¹⁰ Ryan Barwick. 2019. “Hyatt Joins IHG, Hilton and Marriott in Eliminating Miniature Toiletries,” *AdWeek*, November 12.

¹¹ Dee-Ann Durbin. 2019. “Marriott will Ban Tiny Plastic Shampoo and Conditioner Bottles to Reduce Plastic Waste,” *Business Insider*, August 28.

¹² California Assembly Bill No. 1162, “Lodging establishments: Personal care products: Small plastic bottles.” https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1162