

# Bag Bans: Officials Neglect Homework!

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## COUNTY AND CITY OFFICIALS FAIL TO PERFORM DUE DILIGENCE WHEN IMPLEMENTING BAG BANS

*By Anthony van Leeuwen and Don Williams  
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Misguided officials in more and more California communities are adopting plastic carryout bag bans and, in their haste to jump on the latest Eco-Fad bandwagon, fail to perform due diligence in attempting to solve a complex problem. Little to no effort is spent actually analyzing the problem or coming up with possible alternative solutions. (Myers, 2012) Most of the effort is spent on the required Environmental Impact Report (EIR) to justify the ban, jumping over the legal hurdles to avoid lawsuits, and trying to justify bag bans without the necessary objective data.

Officials who fall for trendy environmental fads like bag bans put greater value on appearing “green” than actually helping the environment. (Myers, 2012) Contrary scientific and economic information is disregarded in favor of a totalitarian solution which is then forced upon community residents as the only solution to a supposed dire environmental emergency. In their rush, government officials can’t even wait for the next election to put it to the voters to ask their permission and buy-in before taking away the liberties of businesses and citizens.

Consider key evidence that shows bag bans are a solution looking for a problem:

1) A vast majority of city and county officials cannot even show that they have a plastic bag problem, let alone a problem of such magnitude where a ban is the only possible solution. The source of plastic bag litter and methods by which plastic bags are released to the environment is largely unknown and never investigated. In most jurisdictions litter audits are not performed to determine the quantity of plastic bags and the rate at which these bags are released into the environment. Traditional methods such as increasing the frequency of litter cleanup and removal efforts are never considered. Rather than investigating these issues, officials make emotional decisions to ban plastic bags based on anecdotal evidence consisting of photos of plastic bags littered along the road, caught on fences, stuck in trees, in the mouth of a turtle, or tales of a plastic island floating in the middle of the ocean. Emotion and fantasy win out over objective facts and logic.

2) A bag ban normally involves a ban on plastic carryout bags and a fee of 10 or 25-cents on paper bags. The fee for paper bags is designed to coerce shoppers into using reusable shopping bags rather than just switch from plastic bags to paper bags. Yet the only real argument against paper bags is that they don’t want citizens to use them. Thus, it becomes evident that this issue is not about plastic bags, but about forcing people to give up the convenience of single-use carryout bags altogether. It is about behavior change to force people to adopt a “green” lifestyle.

3) Bag ban proponents assert that one of the primary reasons for a bag ban is that litter in the terrestrial and marine environments results in harm to wildlife. However, a simple review of litter statistics shows that the plastic carryout bag make up only a small fraction of all plastic debris and litter that could harm wildlife. Instead of adopting a comprehensive and broad based strategy to reduce or eliminate all plastic litter, proponents irrationally single out one particular product (plastic carryout bags) and decree it to be public enemy #1, an enemy that must be eliminated at all cost.

4) Proponents claim there will be reductions in cleanup and trash disposal, but since plastic bags comprise less than 0.3% of total waste (Integrated Waste Management Board, 2009) and make up less than 1.0% of roadside litter (Schultz & Stein, 2009), litter control and cleanup budgets are never reduced. No reduction in litter cleanup costs or trash disposal savings have been shown in any city after a bag ban and shouldn't be expected because the other 99% of the trash still needs to be cleaned up! Meanwhile, communities spend thousands of dollars on administrative costs to pass and implement a ban, educate businesses and the public about the ban, sponsor free bag giveaways, and then incur the recurring costs of time and money to manage and investigate complaints and reported bag ban violations. In addition, government officials never consider the millions of dollars that their citizens must spend in time and money to purchase, maintain, wash, and handle reusable bags. This cost has been calculated to be about \$250 per year per family. In the end, millions of dollars are spent just so city workers can clean up a few less plastic bags. The philosophy seems to be "No cost is too high for any benefit too small."

Not only is the argument to ban bags invalid, but it wastes millions of dollars that could be better used for the environment. Had officials spent a fraction of the cost to implement and sustain a plastic carryout bag ban for increased litter cleanup and prevention efforts, most litter problems could have been solved! The best way for cities to save money and not needlessly burden their citizens with senseless work and costs is NOT to pass a bag ban! Cities could hire dozens of additional people to clean up litter with the money saved by not passing a bag ban.

Most people are not aware that communities are already spending hundreds of thousands of dollars installing full or partial capture devices in storm drain catch basins, inlets, and outfalls. These devices prevent all trash, including plastic bags and plastic debris, harmful to marine wildlife from flowing into creeks and rivers and making its way to the ocean. (Approaching Zero Trash, 2012) Since 80% of plastic bags and debris in the ocean comes from storm drains and flood control channels, the largest part of the problem is already well on its way to being solved. (Algalita Marine Research Foundation, 2013)

Community volunteers and local environmental groups have been instrumental in keeping waterways and beaches clean from litter. This is vital to preventing plastic bags and other litter from harming the environment as it provides an essential safety net to litter control and prevention measures.

5) In a rush to impose a bag ban on the entire population, bag ban proponents ignore major sources of litter. Homeless encampments in the river bottom and creek areas are a primary source of litter including plastic bags and other plastic debris harmful to wildlife. Winter storms wash some of this trash

downstream and out to the ocean. Efforts to remove homeless encampments have had mixed results, but homeless encampments are rarely ever mentioned as a source of trash. In fact, the removal of 20 homeless encampments in the Ventura River bottom resulted in the removal of 100 tons of trash! (Cohn, 2012)

Garbage and Recycling trucks are a major source of litter in the street and gutter, as anyone who has driven behind a garbage or recycling truck can attest. (Litter Abatement Task Force, 2007) (Schultz & Stein, 2009) Who hasn't seen these trucks spewing plastic wrap, Styrofoam, paper, and other trash? Yet this issue is not addressed by bag ban proponents.

And everyone knows that there are always a few bad apples in the barrel. No one likes litterbugs. Yet many cities that pass bag bans don't even have litter penalties or enforce existing litter laws if they have them. Using bag ban proponents own exaggerated statistics, less than one in 2 million plastic bags reaches the bay or ocean. You cannot punish everyone for the irresponsibility of a few!

6) Officials overlook significant and potentially dangerous side effects when passing bag bans. The effort to manage bags and the resulting frustration of shoppers and the workload on stores are significantly impacted. Shoplifting increases, including a dramatic rate of theft of plastic shopping baskets from stores. (McNerthey, 2013) (Monkey, 2013) Residents who reuse plastic bags for multiple purposes will now be required to purchase replacement plastic bags. Since most reusable bags hold more than the plastic bags they replace, they weigh more and represent an ergonomic risk not only to the store employees but to the customers. (van Leeuwen, 2013) In addition, many residents, particularly the homeless, do not have facilities to wash reusable bags. In fact a vast majority of reusable bag users do not wash their bags resulting in filthy bags laden with disease causing bacteria creating a potential health hazard. (van Leeuwen, Bacterial and Viral Health Hazards of Reusable Shopping Bags, 2013) These aggravations, frustrations, wastes of time and energy, increases in theft, and significant public health hazards are all swept under the rug by bag ban proponents and government officials blindly following the lead of other cities in the bag ban frenzy.

7) Officials should consider logical and proven methods to reduce litter first. Reducing litter and keeping the environment clean should be accomplished through traditional and comprehensive methods. Sources of litter should be identified and practical steps to prevent litter taken including educating the public about litter prevention and enforcement.

Thus, instead of rushing into controversial bag bans, community leaders should perform due diligence and consider the following strategies and actions before considering an all-out bag ban:

#### 1. EVALUATE THE PROBLEM

- Establish a Litter Task Force to survey the local community and identify the sources of all litter, including homeless encampments, illegal dumping, freeways, uncovered trash receptacles, and uncovered garbage trucks.

- Quantify the actual percentage of plastic grocery bags used in the community that enter the environment as litter in comparison with other products.

## 2. EVALUATE POSSIBLE SOLUTIONS

- Evaluate street sweeping schedules and litter removal efforts in high litter areas.
- Evaluate location and maintenance schedules for public trash receptacles.
- Review city laws and enforcement against littering.
- Consider Trash Total Maximum Daily Loads (TMDL) projects that install trash capture devices in storm drain catch basins that prevent plastic bags and other litter from entering creeks, rivers and the ocean.
- Review laws regulating garbage trucks for containment of trash during collection and transport.

## 3. EDUCATE, DON'T REGULATE

- Perform education campaigns to stress the importance of reducing, reusing, and recycling.
- Educate the public on the proper methods to dispose of plastic grocery bags, and all similar bags.
- Educate residents to bag loose trash to prevent it from becoming airborne when trash is dumped.

## 4. SERIOUSLY EVALUATE THE SIDE EFFECTS

- Study the wash rate of typical reusable bags.
- Interview and study the problems and issues associated with dirty bags at grocery stores.
- Review disease statistics and rates.
- Evaluate the cost impact to families in time, money, and frustration.
- Evaluate the other bags and materials that will be required to replace the previously reused plastic grocery bags.
- Compare the negative environmental burden of increased paper bag manufacture and usage.
- Evaluate the economic impact to communities through loss of business, tax revenue, and citizen impact.
- Evaluate the rise in theft.
- Evaluate the additional time consumption at stores at checkout stands, collecting of carts and baskets, and dealing with customer frustration or customers running out to their cars to gather their forgotten bags.
- Consider the need for government guidelines on the use, reuse, inspection, cleaning, handling, and disposal of reusable bags.
- Consider clear government policies for the rights of a business to refuse to handle or accept dirty, wet, or filthy reusable bags brought in by customers to the store.
- Evaluate the impact of reusable bag requirements on people who take public transportation, walk, or ride bicycles.

## 5. EVALUATE THE ROLE OF GOVERNMENT

- Consider if it is the government's role to determine the acceptable use of a bag.
- Consider the height of the bar that must be set before the government removes personal freedoms from people. After all, citizens could stop using plastic bags on their own WITHOUT the government mandate.
- Evaluate the lawfulness and position of the government to impose price controls and set "minimum prices" for a product (paper bags).
- Evaluate if the government should be limiting businesses from providing a free product to customers that the customers freely choose.
- Perform a neutral poll of citizens to determine if there is a vast majority that favor bag bans.
- Put the bag ban to a vote at the next election, rather than dictate bag choice on the people.
- Prioritize the resources of government, and evaluate if implementation and enforcement of a bag ban is high on the list of priorities.

## SUMMARY

The symbolism and emotional push to be "green" and "politically correct" are driving one government official after another to adopt bag bans even without supporting facts and objective data, consideration of alternatives, and without fully evaluating the ramifications of such bag bans. While government officials focus on the efforts to pass a bag ban they neglect to do the homework and due diligence, as described above, that is required and expected of public agencies and officials. Elected government officials wrong the very residents that elected them by failing to perform the due diligence, particularly when the issue at hand is a destruction of citizen rights.

The lack of a reasonable and objective examination into the real causes of and potential solutions to the litter problem indicates that bag bans are not about solving a problem, but rather about controlling people and forcing them to live a "green" lifestyle. Many Bag Ban proponents openly state that this is their intent and bag bans are merely the first step. They are not concerned with real results that provide any significant improvement to the environment, just taking this step at restricting people's behavior and forcing them to conform to the lifestyle they have defined.

Bag bans have come at the expense of civil liberties and the rights of businesses and people to make their own choices to determine how to carry products home from the store. Personal rights should not be so easily tossed aside in the name of expedience for an unjustified, illogical, emotional, feel-good eco-fad like bag bans. This makes bag bans not only an annoying inconvenience, but a dangerous precedent that should not be allowed or even encouraged as a solution to a problem that is truly insignificant.

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