

The California Bag Ban Scam

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Stop the Bag Ban
(<http://stopthebagban.com>)
Fight the Plastic Bag Ban
(<http://fighttheplasticbagban.com>)

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HOW MISINFORMATION, COLLABORATION, BRIBES, POLITICAL PRESSURE, LEGAL MANEUVERS, AND MEDIA BIAS WERE USED TO BAN GROCERY BAGS AND FORCE MINIMUM PAPER BAG FEES ONTO CALIFORNIANS

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On September 30, 2014, Governor Jerry Brown signed SB-270 into law, which bans plastic grocery bags from most stores and forces customers to pay a minimum 10 cent fee for paper or reusable bags.

The state wide ban came after more than 100 local bag bans were individually passed that affected over 25% of the state's population.

Yet, not a single Californian voted for it. In fact, none were ever even given the chance to vote

This controversial measure was characterized by deceitful scheming, repeated lies and distortions, backroom deals, a supportive one-sided media, and enough politicians succumbing to a heavy dose of political correctness to force this behavior change on the people of California.

In essence, the bag ban is a scam, pushed onto the people by a vocal minority who worked the system and suppressed public opinion in their path to enacting their control over the citizens.

This paper will examine and expose the methods used by the bag banners in pushing bag bans at the local and state level, and how they were able to push through a law that was not only unpopular, but also sets new dangerous precedents in governmental power and law.

Introduction: The Bag Ban - A Scam from the Very Beginning

From the very beginning, the bag ban was built upon feel good values that were espoused over and over in a rallying cry to justify banning plastic grocery bags. Here are examples of just some of the claims and statements:

- Plastic grocery bags harm marine wildlife.
- Plastic grocery bags are a pervasive form of litter and are everywhere.
- Plastic grocery bags are a form of unsightly litter and ruin community aesthetics.
- Plastic grocery bags are single-use bags and only used for a few minutes.
- People are resistant to change and will not change unless free bags are eliminated.
- People need a nudge, a reminder to be "green" and to think of the environment.
- People should not complain about inconvenience when it is about the environment.
- The bag ban is only the beginning.

The purpose of the bag ban was never to actually solve a real problem, because easier and more effective methods were readily available but never discussed, examined, or proposed. Also, other uses of single-use plastic bags, such as newspaper bags whose use could be easily avoided, were never considered for elimination. The purpose from the beginning was to force people to change their shopping habits and lifestyle, even if there was no positive overall benefit. Since people are not easily convinced, shopping bags would have to be regulated to force people into making the change.

Chapter 1: Creating and Spreading Lies, Half-Truths, and Myths

In a paper titled, "[*The Lies, Myths, Half-Truths, and Exaggerations of Bag Ban Proponents*](#)" the authors identify and expose the myths, lies, and distortions that were used to launch and support the movement to ban plastic grocery or carryout bags. (van Leeuwen & Williams, *The Lies, Myths, Half-Truths, and Exaggerations of Bag Ban Proponents*, 2013). These lies and myths were repeated so often, that people everywhere just accepted them as fact without question. (James) Not only were these lies published, but they were never retracted when shown to be false and continue to permeate the World Wide Web.

In virtually every city council meeting where a plastic bag ban was considered, members of the public and so-called "environmental" groups stood up and stated things they called "facts" that were complete falsehoods or half-truths that could have been easily debunked with only a little bit of thought and research. The internet helped spread these lies, as people created hundreds of websites supporting the bag ban that made all sorts of claims without any fact checking whatsoever. Those falsehoods, half-truths and myths were repeated thousands of times until no one knew who made the original claim or where it actually came from! Aside from a few opponents to bag bans who challenged the truthfulness of these claims, these myths and lies were never questioned, no matter how unreasonable they appear.

The most often repeated lies are summarized here:

a) Falsely Labeling Plastic Grocery Bags as "Single-Use" Bags

Bag Banners have long demonized disposable plastic carryout bags by falsely labeling them as "single-use" bags that are only used a few minutes to carry your groceries home. In fact, state law and local ordinances refer to them as "Single-Use Plastic Bags" in official language. While many members of the public protested that these bags were not single-use plastic bags but multiple use bags, bag banners, including public officials, refused to recognize that fact. These bag banners ignored a very simple fact; that plastic grocery bags are one of the most commonly reused items that enter the home and are reused for a variety of different purposes. The most common use is as a trash bag to dispose of litter.

Bag Banners, while falsely labeling plastic grocery bags as single-use plastic bags, ignored the real single-use plastic bag; the garbage bag. A plastic garbage bag, once filled with garbage, is never emptied and reused for any other purposes: hence, the plastic garbage bag is the REAL Single-Use plastic bag. In comparison, a plastic grocery bag is a multiple use plastic bag!

They further demonized plastic grocery bags, by stating that less than 5% of plastic bags were recycled and then falsely suggested that those bags not recycled ended up as plastic bag litter in the environment. Had these bag banners been a little more open minded, they would have realized (as stated in our article "[*Plastic Bag Recycling Rate – A Non-Issue*](#)") that the low recycling rate is a direct result of the fact that these bags are reused by shoppers for secondary purposes. Once reused for a secondary purpose, such as disposal of trash and litter, the bag is no longer available to be recycled; hence, a low recycling rate. (van Leeuwen, *Plastic Bag Recycling Rate – A Non-Issue*, 2013).

In comparison, paper grocery bags have a rather high recycling rate, because there are fewer secondary uses for paper bags than for plastic bags. They also purposely never compared recycle rates among other products, such as reusable bags, to put their "low recycling rate" into perspective.

Bag Banners purposely and largely ignored the issue that plastic grocery bags were reused by consumers for secondary purposes and that such reuse was an environmental advantage since it avoided the manufacture and purchase of new plastic bags for these secondary purposes. Ironically, secondary reuse of plastic grocery bags is one of the few success stories of the 3R Program of Recycle, Reuse, and Reduce!

b) Lying About Quantity of Plastic Bags Used

No one really knows how many plastic grocery bags are used in California and neither do the bag banners! So to make their case creditable, they had to come up with a number, the bigger the better. So what did they do? An environmental organization devised a method that takes the number of tons of plastic shopping bags estimated to be in California's landfills and divided that weight by the weight of a single plastic grocery bag. They then claimed that Californians used 20 billion plastic bags per year or 531 plastic carryout bags for every man, woman, and child in California.

In the article "[Do Californians Really Use 20 Billion Plastic Bags Per Year?](#)" the author not only shows exactly how that calculation was made but also why the number is **erroneous**. For example, the estimated weight of plastic shopping bags in the landfill included plastic carryout bags of all sizes, shapes, and weights from both department and grocery stores and also included the weight of plastic dry cleaning bags! Therefore, a calculation where this number is divided by the weight of a single grocery store plastic bag will yield overstated and erroneous results. (van Leeuwen, Do Californians Really Use 20 Billion Plastic Bags Per Year?, 2013)

This number was unquestioned and repeated in virtually every city and county where bags bans were debated as well as numerous newspaper articles. Had these bag banners used a little common sense and performed some simple calculations, they would have realized that the number is overstated and unreasonable. For example, a family of four would use $531 \times 4 = 2,124$ bags per year or 41 plastic bags per week, every week of the year! There is no way a family of four would use that many plastic carryout bags every single week! (van Leeuwen, Do Californians Really Use 20 Billion Plastic Bags Per Year?, 2013)

By applying the same methodology to the number of tons of plastic bags purchased by grocery stores and reported to the state under California State Law AB 2449, it is more likely that only about 8.9 billion plastic grocery bags were used per year or 233 per capita. This number is far more reasonable than 531 plastic bags per capita calculated by the environmentalists, although it still appears high based on common sense. (van Leeuwen, Do Californians Really Use 20 Billion Plastic Bags Per Year?, 2013)

c) Exaggerated Claims about Harm to Wildlife

Bag banners lied about harm to marine wildlife caused by plastic bags. They focused exclusively on plastic bags, giving the public the false impression that harm to marine wildlife would be avoided if plastic bags were banned. Had the bag banners been honest with the public, they should have reported that plastic bags are not the only plastic items that make their way to the ocean and problematic to wildlife through ingestion. These items include golf balls, plastic balls, plastic cigarette lighters, tooth brushes, golf tees, plastic bags, ballpoint pens, etc. (van Leeuwen, Why Not To Ban Plastic Carry Out Bags, 2012)

In addition, bag banners made false claims that plastic bags cause entanglement and death of 100,000 marine creatures per year based on a report that actually stated it was derelict fishing line and fishing nets that were responsible. Harm to marine wildlife will not be prevented by focusing exclusively on a bag ban rather than a comprehensive solution to prevent plastic debris from reaching the ocean. (van Leeuwen, Why Not To Ban Plastic Carry Out Bags, 2012)

d) Misleading the Public through Questionable Pictures and Videos

To make their point, bag banners published photos and videos of a turtle, a seal, a seagull, and a cow chewing on a plastic bag. These photos and videos were replicated on hundreds if not thousands of websites. Absent is substantiating information, such as the identity of the photographer, the date the picture/video was taken, the location where the photo or video was shot, and the circumstances in

which the picture or video was taken. Without the ability to locate and inspect the original photo or video, these **photos and videos cannot be authenticated as genuine** and could very well have been staged or photo shopped. (van Leeuwen, Why Not To Ban Plastic Carry Out Bags, 2012) And what are the chances that a photographer with a high quality camera happened to be swimming underwater by a sea turtle at the moment it took a bite out of a plastic bag?

Bag banners, to make their case more creditable, frequently show photos of rivers and beaches covered with plastic debris. Many of these photos are from far-away places in the Third World where storm drain systems and waste collection and disposal facilities are substandard. More should be done to prevent dumping of garbage in the oceans in many third world countries, but banning plastic bags in our country won't solve the problem.

Furthermore, bag banners hid the well-known fact that that plastic bags and plastic film used to wrap food items will attract animals because of the smell and who will then eat the food waste and then sometimes even the plastic bag or plastic film wrapper. Sea gulls are known scavengers. For example, in one video a sea gull is shown to eat food left over in a plastic bag and then proceeds to swallow the plastic bag. This video gives the **false impression** that if we just ban plastic grocery bags, sea gulls and other animals will be spared from eating plastic bags and harming themselves. This is simply not so! Good litter disposal and control are the real solution. (van Leeuwen, Why Not To Ban Plastic Carry Out Bags, 2012)

e) Tall Tales of a Great Pacific Garbage Patch

Bag Banners told a tall tale about the Great Pacific Garbage Patch, a supposed floating island of plastic debris, twice the size of Texas. This claim was often repeated as a reason to ban plastic carryout bags. Had these bag banners simply looked at satellite photos of the Pacific Ocean, they would have found no trace of an island of floating plastic debris and realized it was nothing more than an embellished tall tale!

The Pacific Garbage Patch does exist, but it is not a huge mass of plastic debris floating in the ocean. Angela White, an assistant professor of oceanography at Oregon State University, states that the patch is about one tenth the size of Texas and consists of small bits of plastic that float beneath the surface. (Westervelt, 2012) Furthermore, the garbage patch consists of small hard plastic pieces, and no plastic bag pieces have been found! In other words, plastic grocery bags have nothing to do with the garbage patch and banning them will have no real effect. (van Leeuwen & Williams, The Lies, Myths, Half-Truths, and Exaggerations of Ban Ban Proponents, 2013)

f) False and Unsubstantiated Claims Put Forward

Claims made by bag banners were never questioned, no matter how unreasonable the claim may have been. For example, for years the website of a key bag ban group "[Save the Bay](#)" prominently claimed that 1,000,000 plastic bags entered the San Francisco Bay every year. City employees and council members in many cities repeated this fact without even spending a minute to think through the claim. (Williams, Evaluating the claim that one million plastic bags enter the San Francisco bay every year, 2013) But it only takes a moment to consider whether this claim could even be remotely true. If 1,000,000 bags entered the bay every year, there would be 20-30 million bags in the bay by this time. Just where are all of these bags? Bags should be piled 2 or 3 feet deep along the shoreline and thousands piled up at the base of the Golden Gate Bridge! And wouldn't you be able to just about walk from San Francisco to Oakland on a virtual land-bridge of plastic bags by now? Yet in a visit to the San Francisco bay, you would be hard pressed to find even a single plastic bag. It makes absolutely no sense, yet the claim was repeated without question.

g) Lying About Reducing Solid Waste

Arguments were made in the legislature and many local jurisdictions under the guise of reducing solid waste and reducing the impact on landfills caused by plastic bags. The thought was that by banning plastic grocery bags that thousands of tons of waste could be kept out of the landfill and further the goal of Zero Waste.

In many cities, city council members were heard to say, after a vote on a plastic bag ban, that they just kept thousands of tons of plastic bags out of the landfill. These city council members either **bought into the lie** propagated by bag banners, or **they knowingly misled** the public. Had these council members just done a little math, or read our article "[Fact Sheet Landfill Impacts](#)" they would have discovered that for every ton of plastic bags kept out of the landfill by a plastic bag ban; more than four tons of other plastic bags, paper bags and reusable bags would be put into the landfill in their place. A good deal for landfill operators, because of the increase in tipping fees paid by waste haulers, but also a bad deal for residents who will pay those tipping fees through higher garbage collection rates. (van Leeuwen, Fact Sheet - Landfill Impacts LASBVTA, 2013)

But the bag banners did not stop there. They said "plastic bags do not decompose and will last a thousand years in a landfill" and "they will be here long after I am gone!" A Google web search will show hundreds of articles with the same theme and in all cases the writers attempt to convey how bad this is and why we should ban plastic carryout bags. In the article "[Plastic Bags in Landfill – Not a Problem](#)" the author points out a very profound fact that most people miss. The raw materials, oil and natural gas, from whose byproducts plastic carryout bags are made, were in the ground for thousands if not millions of years. So all that we are doing is putting back into the ground what we extracted from it in the first place, but we put it back in a different and more stable form. (van Leeuwen, Plastic Bags In Landfill – Not a Problem , 2014) Furthermore, it has been shown that virtually nothing decomposes in landfills; as opposed to a plastic grocery bag left exposed to the elements which begins to break down due to photo-degradation in a matter of months.

h) Lying About Plastic Bags Plugging Up Storm Drains

Bag Banners lied and misled the public about plastic bags plugging up storm drains. The idea is that a littered plastic bag finds its way into a storm drain, and then transported with water runoff where eventually it will get caught and plug up the drain and cause local flooding. While this is theoretically possible, and rubbish traps in storm drains do effectively trap plastic bags (which is a good thing), they neglect to mention that leaves and other natural debris are actually the leading cause of storm drain blockage. (Are they proposing banning trees?). They also forget to mention that storm drain trash traps are cleaned on a regular schedule to prevent blockage and flooding!

Bag banners have even pointed to the catastrophic floods that occurred in Bangladesh in 1989 and 1998, where between two-thirds and three-quarters of the country was inundated. These incidents of flooding were subsequently blamed by environmentalists and urban planners on plastic carryout bags that clogged storm drains and sewers. In an article "[Plastic Bag Bans and Third World Countries](#)" the author carefully examines the issue and an entirely different picture emerges, where other factors were primarily responsible for the catastrophic flooding including the following: (1) Normally 18% of Bangladesh floods bringing with it rich deposits of silt to replenish the overworked soil; (2) that the country is essentially a large flood plain with many rivers; (3) that Bangladesh has a substandard and unmaintained flood control infrastructure; and (4) and has a substandard waste disposal infrastructure where trash is dumped in the gutter and drainage canals. All of these factors are responsible for the flooding, not just the plastic bag, even though the plastic bag and other plastic waste may have contributed to the flooding. (van Leeuwen, Plastic Bag Bans and Third World Countries, 2013)

i) Hiding of Related Projects and Alternative Solutions

Bag Banners claim that 80% of plastic debris including plastic bags in the ocean originates from land based sources and finds its way there via storm drains, creeks and rivers. What they do not tell you is that under the federal Clean Water Act, municipalities via the Total Maximum Daily Loads (TMDL) municipal program have to reduce trash and pollution coming out of storm drains. One way this is done is through the installation of trash capture devices designed to trap debris and trash (including plastic bags) and prevent these materials from being discharged into the river bed and on its way to the ocean. These trash capture devices are regularly cleaned and maintained to prevent trash buildup and flooding. In other words, this project alone will prevent plastic bags from getting to the ocean and becoming a problem for wildlife and make the bag ban totally unnecessary. When bag banners are confronted by this fact they say that plastic bags can still become airborne and carried by the wind into creeks, riverbeds, and the ocean. This stretch of the imagination paints a picture of a sky turned dark with plastic bags blowing everywhere, when in reality plastic grocery bags are just one of the many items of trash that can become “airborne” and cause problems. Yet in their rush to ban plastic bags, they neglect to try to solve the real problem, which is to examining the source of the trash and making improvements to reduce the source of loose plastic bags as well as other litter. Perhaps we need to invite politicians to take a drive behind a garbage truck someday just to see if they may find any potential sources of windblown trash?

Chapter 2: Presenting Only a Single Preconceived Solution

The bag ban was a solution looking for a problem from the very beginning. Only one solution, a “preconceived” one at that, was ever put forward and seriously considered. This solution banned “thin film” plastic bags and then went further to impose a “minimum fee” on paper bags and the thicker (reusable) plastic bags in order to coerce shoppers into bringing and using their own reusable bags. In addition, the “preconceived solution” went further to specify that paper bags must be made to include at least 40% post-consumer recycled material. The requirement to include postconsumer recycled material was extended by SB-270 to the thick plastic “reusable” bags beginning on 1 January 2016. (California State Legislature , 2014)

a) True Objectives Were Hidden

In crafting their preconceived solution, bag banners, used unstated objectives that were hidden from public view. For example, bag banners considered that resources used to manufacture “disposable” paper and plastic bags are wasted when reusable shopping bags are commercially available. In addition, they used waste management strategies such as “*Promote waste prevention and minimization by encouraging production of reusable consumer goods ...*” to minimize waste in crafting their preconceived bag ban solution. (United Nations, 2002) As a result, the preconceived solution banned thin-film disposable plastic bags and put a fee on store-provided bags in order to minimize the use of store-provided “disposable” bags and coerce shoppers into bringing and using their own “reusable” bags.

These same hidden objectives are the primary reason why the simpler solution of distributing disposable paper bags or thicker plastic bags was rejected outright. By cleverly hiding these objectives from public view they were able to avoid a public debate and cheat the public out of two perfectly good solutions.

b) Alternative Bag Solutions Were Purposefully Ignored

Local Jurisdictions prepared environmental impact reports (EIRs) that stacked the deck in favor of the “pre-conceived solution”. By using **hidden criteria** and through a **clever manipulation of objectives** they

were able to dismiss and avoid a full environmental review of feasible alternatives that are more favorable to the public. For example, the alternative of just using paper bags with no fee was dismissed outright on the basis that a paper bag is worse for the environment than a plastic bag. (Which begs the question: Then why are plastic bags banned and paper bags allowed at all?) This was clearly the wrong criteria to use, and a full environmental review would have shown that using paper bags instead of plastic bags will have no significant effect on the environment, let alone a class I or class II environmental impact that would require mitigation such as the use of an alternative product (e.g. a reusable bag). In other words, the public was defrauded out of feasible alternatives and someone else's preconceived solution was forced on everyone else under false pretense that using a paper bag is far worse for the environment than using plastic bag. (Williams & van Leeuwen, Why You Should Oppose Bag Bans, 2014)

In many communities, biodegradable or compostable plastic bags as a solution were also dismissed on the grounds that commercial composting facilities were not available or the compostable plastic bag would contaminate the recycling stream of existing plastic bags. SB-270, however, opens the door to using compostable plastic bags but leaves it up to the local jurisdiction who can assure that appropriate composting facilities are available in the local area. (California State Legislature , 2014)

Another simple solution ignored by the bag banners is to require that the plastic carryout bags distributed at the checkout counter be made from a thicker plastic film, to prevent these bags from becoming airborne and become wind-blown litter when improperly discarded. While most local bans allow a 2.25 mil thick plastic bag to be distributed either free of charge or with a fee of 10-cents this solution was never considered by itself. The thin-film (0.5 mil thick) plastic carryout bag is classified as a "single-use" bag; whereas, the 2.25 mil thick plastic carryout bag is classified as a "reusable" bag even though no evidence exists that shoppers will reuse these bags for shopping to any greater degree than the thinner plastic bags. In fact, an environmental organization [Save Our Shores](#) found that only four (4) out of 740 shoppers returned those thick plastic reusable bags made from 2.25 mil thick plastic film. (Nicholson, 2014) In other words, calling a bag "reusable" does not mean that shoppers will reuse the bag for shopping. One would expect that since consumers like the thicker plastic bag, they will be reused for purposes other than shopping. The thick plastic bag is a reusable bag in name only but a "disposable" bag in actual practice. These thicker plastic bags are just as likely to appear in the litter stream as the banned thin-film plastic bag.

c) Full Investigations of Litter Sources and Potential Solutions Were Purposefully Ignored

Completely absent in the public discourse about implementing a plastic bag ban were key questions, that should have been asked when trying to solve a problem. In particular:

- What are the sources of litter including plastic bag litter?
- Do litter laws need to be strengthened or better enforced?
- What does the local jurisdiction do about garbage from homeless encampments along the creeks and rivers and freeway underpasses?
- Can trash capture devices be better implemented so they stop not only plastic grocery bags, but all other litter?
- Is everything being done to contain litter during garbage collection, transportation, and landfill management?
- Can changes at recycling plants better increase the recycling of plastic grocery bags and all bags?
- Can an increased frequency in street sweeping or park garbage collection reduce litter issues?

- Would a public campaign better educate the public to address plastic bag litter and all litter?
- Can the local jurisdiction impose a much more cost effective (to the citizen) alternative of a tax that would be used to hire a dedicated team of litter collectors?

In an article "[Plastic Bag Bans – A Community Could Do So Much Better & For So Much Less!](#)" the author describes a number of traditional approaches that should have been considered before the extreme measure of banning thin-film plastic bags. (van Leeuwen, Bag Bans: A Community Could Do So Much Better & For So Much Less, 2014)

Chapter 3: Brainwashing and Pressuring City Councils to Pass Bag Bans

The key strength and momentum to the bag ban movement came from pressuring local city councils to pass bag bans. They then leveraged one city against another in the "greener than thou" mentality of asking why their city hasn't jumped on the bag ban bandwagon yet. By picking on liberal city councils first, they were able to convince them that this was a "green" law and should be part of their politically correct "green movement", which basically means throw all logic and objections out the window and pass a new law that feels good. The issue never was to solve a real environmental problem but to validate politicians and demonstrate to the world that they care about the environment.

a) Passing Bag Bans with No Documented Plastic Bag Problem!

In the vast majority of the cities, no studies were ever conducted to show that they actually had a plastic bag problem. When asked "where is your plastic bag problem?" most city council members just responded with a blank look on their face. They could not show that they actually had a problem that needed to be solved. Of course, a bag ban proponent would show several photos of a few plastic bags littered around town (or, more typically, in other towns or near dumpsites), but certainly not a problem that requires a sledge hammer approach by banning the distribution of plastic grocery bags and not allowing citizens to make their own choice as to what type of bag to use. City councils set out to solve a problem that did not exist, yet in the process inconvenienced, financially penalized, and even endangered the health of their own citizens with a burdensome solution.

b) No Real Attempts Were Made to Address the Alleged Plastic Bag Problem

Politicians failed to even ask where the plastic bag litter was coming from, and bag banners continuously inferred that every single person who got a plastic bag at the store was somehow responsible for someone else's litter! Sources such as homeless encampments, uncovered and overflowing trash containers in public parks, garbage and recycle trucks, uncovered truck loads, improved street sweeping, etc. were never considered.

Ways to combat the source of litter were never discussed, such as increased litter enforcement, removal of homeless encampments particularly in the riverbed and adjacent areas, additional trash bins in public areas, more frequent cleaning and sweeping, or organized volunteer or even city employee creek cleanups.

The term **Best Management Practices** or **BMP** was used in many a city staff and city council discussion regarding trash collection and litter reduction activities. The term was used to mean that "we are doing the best we can" and no further consideration of improvements to trash collection or litter reduction efforts are warranted. In other words, BMP means we are not going to look at alternative ways to reduce roadside litter including plastic bag litter.

In an article "[Plastic Bag Bans – A Community Could Do So Much Better & For So Much Less](#)" the authors identify a number of alternative solutions for cleaning up litter. For example, currently trash haulers

require that paper from paper shredders be securely bagged to prevent the shredded paper from becoming airborne litter when the curbside trash bin is dumped into the trash truck. By educating residents, this solution could be easily extended to include all paper and cellophane or plastic wrappers, plastic bags and other trash that could become airborne litter. By securely bagging this trash, a lot of roadside litter could be avoided! (van Leeuwen, Bag Bans: A Community Could Do So Much Better& For So Much Less, 2014)

In addition, a better effort to educate residents that plastic bags do not belong in the curbside recycle bin but should be recycled at the local grocery store or securely bagged with their kitchen trash would have reduced the number of bags in the environment as litter as well as help to solve a problem with bags flying away at the landfill that environmentalists like to complain about. A simple solution but never tried! (van Leeuwen, Bag Bans: A Community Could Do So Much Better& For So Much Less, 2014)

c) No Consideration of Cost and Impact to Citizens and Businesses

In the paper, "*Plastic Bag Alternatives Much More Costly to Consumers*" the authors showed that using reusable bags costs the average family about \$300 per year in lost time and effort in purchasing and replacing bags including the cost of washing and sanitizing bags. (van Leeuwen & Williams, Plastic Bag Alternatives Much More Costly to Consumers, 2013) Yet no city council ever considered the time and cost that using reusable bags has on the average family. At best, they only considered the cost of implementing the ordinance on the city budget! They worried about \$10,000 for reports, legal costs, or "public education" but ignored the millions of dollars of additional costs their citizens would have to absorb each year the bag ban is in effect! Even state legislators never considered what a statewide bag ban would cost state residents. In an associated article "*Statewide Bag Ban Would Cost Residents More Than \$1 Billion!*" the author shows that a statewide bag ban will cost Californians conservatively more than \$1 Billion. (van Leeuwen, Statewide Bag Ban Would Cost Residents More Than \$1 Billion!, 2013)

Bag ban proponents helped squash any consideration of personal costs by making fun of anyone who complained about this added inconvenience. They called them whiners and claimed "it isn't so hard" without even considering anyone outside their own bubble. In an article "*Using Reusable Bags: It's Not That Easy*" the authors show that the responsible use of reusable bags is difficult. For example, no consideration was given to the mother juggling 3 children at the store, or the elderly woman who rides public transportation or walks to the store. (Williams & van Leeuwen, Using Reusable Bags: It's Not That Easy, 2014)

Furthermore, no study was ever conducted that fully investigated ALL of the business costs and impacts of a bag ban including increased shoplifting, increased loss of hand baskets and shopping carts, longer checkout time, retraining of employees, tracking and retaining of paper bag sales (if required), etc.

d) Projected Cost Savings Mysteriously Never Materialized

The bag ban pushers speculated that "millions of dollars" would be saved from reduced litter cleanup costs, fewer equipment jams at recycling companies, and from stores not having to supply plastic bags. Yet, not surprisingly, NONE of these supposed savings ever materialized. No jurisdictions laid off employees because there was less litter to cleanup. Nor did any jurisdiction report a reduction in litter cleanup budgets or costs. Garbage and recycling collection costs were never lowered. And food costs have certainly not gone down. The promises made by bag banners never materialized, except for the promise of an additional annual burden.

e) Liberal Progressive Officials Targeted to Pass a Bag Ban First

This is a typical marketing ploy: Target the “low hanging fruit” then project those successes as universal. Bag banners (and the all too willing media) did this well. First, they went after liberal progressive cities, mostly along the coast and bay area. These cities are stacked with city council members who can’t wait to jump on the “green” bandwagon and have no qualms about passing laws that restrict the freedoms enjoyed by their own citizens. They see themselves as having been elected by the citizens to make these “tough choices” for the good of the people. Even though polls and evidence show that a majority of citizens in those cities opposed bag bans, they would often be unanimous in their city council decisions to impose bag bans on their own citizens!

Then, once they got some liberal cities, they would put pressure on the other cities through “green guilt.” In city council after city council, the council members lamented that they were the “last ones on the block” to get on board, when they wanted to be the leaders. The band wagon was underway and they didn’t want to get left behind.

The media would happily announce city after city (when it was actually city council after city council) that was passing and implementing the bag bans. They would seldom or never mention the cities where bag bans were NOT considered, or where they were considered and rejected. They only kept a running count of successes. “70 cities with bag bans” or “100 cities with bag bans” was the common cry. But how many cities rejected bag bans? They failed to put these in perspective by clarifying that there are 478 cities and towns in California. Thus, over 350 cities do not have bag bans. At best, they only got bags banned in 1 out of every 5 cities!

Chapter 4: Creating the “Bag Ban Bandwagon”

A large key to success was bringing multiple environmental and industry trade groups together for the single goal of stopping people from the option of receiving plastic grocery bags. Even though the law also assigns a minimum fee to paper/reusable bags, 99% of the organized efforts had to do with framing the plastic grocery bag as not only harmful but immoral and banning it from society. It was played out with emotional and staged photos, exaggerated and unsubstantiated claims, but mostly the claim that the people must do something to combat the horribly evil product known as the “single-use plastic bag.”

a) Multiple Well-Organized Groups Sung the Same Chorus

Environmental groups adopted the bag ban movement as one of their many causes and projects, and quickly crowned it as their poster child. While some of these groups are involved in great beach and waterway cleanup efforts and do good work for the community and the environment, they also championed restricting the rights of everyone for the bad behavior of a few. Environmental groups with their many volunteers showed up at council meetings and easily outnumbered local citizens who spoke against banning plastic bags. Often, the same cadre of “volunteers” showed up at council meetings all over California to promote bag bans. They would show pictures of a few plastic bags on the streets of their city demonstrating that a problem exists and that plastic bags should be banned. At the same time they ignored the fact that littered plastic bags are a negligible amount of the total bags used in that city and, because they are clearly visible, they are one of the most easily recovered pieces of litter.

In addition to environmental groups, businesses that stand to make an increased profit, such as ChicoBag, were also involved in the battle to eliminate single-use plastic bags. ChicoBag is a manufacturer of reusable bags, and ChicoBag inventor, Andy Keller, invented the plastic bag monster that entertained many a city council in the effort to persuade them to ban plastic bags. (ChicoBag)

The California Grocers Association (which consists mainly of large grocery stores) supported the statewide and local bag bans and sent representatives to public meetings to speak in support of the bag ban and wrote letters. In addition they lobbied for a uniform ban rather than a patchwork quilt of local bans, supposed to minimize “confusion” but actually to maximize the profits for their members.

Other groups and individuals also played a large role in dissemination of false and misleading information about the impact of plastic bags on the environment and marine life. Most of this was due to bad information published on the internet and propagated by young naive volunteers who failed to do due diligence and fact check the information.

b) Regurgitation of the Same Message by Enthusiastic citizens and groups

A simple search on the internet yields hundreds and thousands of eager citizens jumping on the bandwagon, repeating and regurgitating the exact same lies, distortions, and myths that can be dispelled through quick and easy investigation or even common sense. In their rush to cry “The sky is falling! The sky is falling!” they have little time to check their facts. It is very fashionable to look “green” and be the ones crying out to everyone else that they don’t understand how evil we are as a society and how people are just ignorant of their actions. It is extremely fashionable to be on the “green” side of the fence, that people seek to validate themselves and gain acceptance and recognition by their peers.

Young people in particular are susceptible to jumping onto the bag ban bandwagon without thinking through the details. At many city council meetings, teachers brought their children to meetings who, after being brainwashed with one side of the story, created presentations, cited poems, and dressed up in plastic bags to make cute presentations to the city council. While it is great to see children involved and interested in politics, it is sad that their first efforts are at taking away the rights of others, particularly when that effort is built on clear and obvious misinformation and lies.

A Girl Scout troop showed up at another meeting, quoting an old disproven “fact” that 100,000 animals die every year from plastic bags (when it was actually from discarded fishing nets) asking the city council to ban plastic grocery bags from everyone. Meanwhile, they never questioned the enormous negative environmental footprint of Girl Scout cookies (due to a horribly inefficient distribution and delivery mechanism which consists of thousands of gas-guzzling SUVs and mini-vans...), or that their own Girl Scout cookies include plastic containers and wrappings!

Most often used and reprinted is a photo of a turtle with a piece of plastic wrap in its mouth. Even though this photo has been repeated thousands of times, there is no verification of who took the photo, the circumstances, or even if the picture is photo-shopped. Even California Assembly members blew up the photo to a huge 3 foot by 5 foot poster in their press conferences pushing for a bag ban. Yet they had no idea where the photo came from or what it means!

On website after website, and city council meeting after city council meeting, incorrect facts, unverified photos, and emotional pleas were used repeatedly to convince the masses and try to persuade politicians to pass bag bans by people eager to be on the bandwagon and receive the praise of their peers.

c) Strong-Arm Tactics by Regional Government Entities

Regional Water Quality Boards first established a tracking system to account for actions aimed at trash reduction by jurisdictions within their region, and then mandated trash reduction to cities that include stiff penalties for non-compliance. They then used this mandate to strong-arm cities into particular behavior control. One of these methods was to offer of a “credit” towards trash load reduction if the city enacts a plastic bag ban, even though no evidence of a positive effect is required. As cities evaluate

their options at meeting the required trash load reductions, it turns out that everything costs money except a plastic bag ban, which costs the city almost nothing! Thus, these credits are nothing more than a bribe by unelected officials of a regional government organization to coerce city and county officials into enacting specific and arbitrary measures to reduce trash load, while ignoring other measures that would contribute more significantly to trash load reduction and water quality issues. The city passes the high compliance cost of a bag ban to its citizens, while avoiding the lower cost of more effective methods to reduce trash loads, such as installing trash capture devices. (Christman, 2012)

d) City Employees Played Along

To be fair, most city employees have never previously been required to put together a plastic carryout bag ban. Normally, they are directed to do so by the city council and City Manager and thus complied. They did not fully understand the issues, and spin from reality. Minimal work was done and documents from another jurisdiction were copied and used as a starting point. All bag bans used the exact same prescription, ban plastic grocery bags, put a fee on paper bags, and force people via an economic incentive to use reusable bags. For the jurisdictions that prepared Environmental Impact Reports, page after page reads exactly the same with the exact same spelling and technical errors. In other words, no creative thought was put into it, and only a very minimal amount of work was done to prepare a bag ban program and ordinance for the City Council or County Board of Supervisors to vote on and pass.

For example, in Santa Barbara County, in a presentation to County Supervisors, employees showed a photo of a woman holding a large plastic bag containing 403 single-use plastic bags collected from 23 Santa Barbara beach areas on Coastal Cleanup Day in September of 2013. The intent was to demonstrate the magnitude of the problem with single-use plastic bags. As pointed out in our paper, *“Santa Barbara County Supervisors Not Well Served”*, even if 403 single-use plastic bags were found each and every day of the year for a total of 147,095 bags per year it would only represent 0.065% of 228 Million single-use plastic bags allegedly used in Santa Barbara County every year! In other words, a dire problem with plastic bags turned out to be negligible and certainly did not rise to the level that would require a ban. (van Leeuwen, S.B. County Supervisors Not Well Served, 2013)

Chapter 5: Bribing and Paying Off Big Corporate Grocery Stores

Another key to passing the bag ban was to eliminate significant opposition, and even turn them to support the ban. Obviously, big corporate grocery stores would be opposed to being regulated and having to move from easy, compact, cheap plastic bags to more expensive paper bags. So some form of incentive was needed to get the big corporate grocery stores on board.

a) Enter the Paper Bag Minimum Fee

A plastic bag costs about 1.5 cents each. A paper bag costs close to 5 cents each. The cost of these bags is included in the price of groceries and merchandize and offered to shoppers at no additional charge. If a plastic bag ban was implemented that eliminated the plastic grocery bag then shoppers would just switch to using paper bags thereby incurring a much higher cost to grocers.

Since bag banners wanted shoppers to bring their own reusable bags and discourage store-provided paper or reusable bags, they implemented a minimum fee for each store-provided paper or reusable bag and required the amount charged to be noted on the store receipt. The purpose of the minimum fee was to enable stores to pass on the additional increased costs directly to the consumer. But it also provided the stores the excuse they needed to charge for the paper bags. (After all, a store can charge anything it wants for a paper grocery bag, even without the bag ban.) Also, without mandated minimum fees, some stores would absorb the cost and pass out paper bags for free, thus pressuring all

stores to provide free paper bags. This is the power of the free market, which needed to be thwarted in order to optimize profits.

Since voter approval is required to pass a new tax, the minimum fee for store-provided paper or reusable bags is kept by the store to pay for paper and reusable bags and other costs directly related to the bag ban. In city after city councilmembers lamented at not being able to get their hands on this money for city causes.

The creation of a “minimum fee” for store provided paper or reusable bags not only covers the cost of bags, but pads it to 10 cents to provide the stores with an incentive (also known as a “bribe”) to support the bag ban. The stores are basically mandated to sell paper grocery bags at a 100% minimum profit.

b) Turning an Overhead Cost into a Profit for Big Grocers

Previously, big grocers spent millions dollars on plastic bags provided free of charge to their customers. Thin-film plastic bags are the easiest, quickest, and most convenient method of bagging groceries and customers like them. However now, they win on multiple fronts. They eliminate the cost of plastic bags, and distribute paper or reusable bags that have a 100% profit margin built-in. What previously cost stores millions has now turned into millions of dollars of profit each and every year! It can't get any better than this. Bag banners and politicians even claimed success because grocers associations supported the ban. But of course they did!

c) The Hypocrisy of the Grocery Stores

It should be noted that there was never a law that stated grocery stores must offer plastic bags. They can offer any bags they choose and charge any price they choose! Or they can offer no bags at all. Nothing stopped Big Grocers from announcing “Today, we are going to encourage our customers to be good environmental citizens by no longer offering plastic grocery bags and only offering paper bags at 10 cents each.” So doesn't it seem odd that they actively write letters to city councils supporting the bag bans that basically just tell them how to do something that they could do on their own?

Also interesting to note is that, while many big grocers sent letters to local city councils casting their vote of support for the local bag ban, they also sent notes voicing their opposition to bag bans when the paper bag fee was not also included. (For example, the South Lake Tahoe bag ban only banned plastic bags but instituted no paper bag fee.) In South Lake Tahoe stores implemented the fees on paper and reusable bags anyway. (van Leeuwen, Lake Tahoe Passes Bag Ban With A Twist, 2014) So it appears that the grocery stores are not really for the plastic bag ban, only the institution of a fee on whatever bags they are allowed to offer.

d) Creating a “Patchwork of Bag Bans” Problem

Local bag bans are not all the same and not all cities in a particular area passed bag bans. Thus, a problematic patchwork of various bag ban laws was created. They then turned this problem that they created into an excuse to pass a statewide law! One of the key aspects of a state-wide bag ban that bag ban proponents often cite is the “**level playing field**” that would be established. Retailers know too well that a “patchwork quilt” of local bag bans is not good for business. After a plastic bag ban was implemented in Los Angeles County, retail stores lost about 10% of their business to stores in areas where a plastic bag ban had not been passed. The same is true for the amount charged for paper bags. If one store charges a nickel for a paper bag and another store charges a dime, customers will more than likely shop in the store that charges only a nickel. Hence, a “**level playing field**” concept was developed to **eliminate competition** which appeals to the grocers association and their members. This means that the local ordinance or state law requires all stores in the jurisdiction to not only ban thin-film plastic

carryout bags but also to charge the same minimum fee for each paper and thick plastic carryout bags (i.e. defined as a reusable bag) distributed.

If the stores had gotten together amongst themselves and conspired to set the minimum fee, they would violate federal and state anti-trust laws and be prosecuted. So, instead they supported local or state efforts to pass a bag ban and chose to let the government do the “dirty work” by including a minimum fee on paper bags. While these actions appear to be legal and above board; remember, environmental groups get what they want (i.e. thin film plastic bags banned), stores get what they want (i.e. a 10-cent bag fee and a level playing field shielded from competition), the government gets what they want (free bags for low income residents on public assistance, and warm fuzzy feelings for the politicians) and residents get shafted by paying fees for paper or thick reusable plastic bags far in excess of actual cost. It might not fit the legal definition of price fixing, but it’s a crooked scheme nonetheless.

Chapter 6: Creating New Laws, Precedents, Favoritism and Slippery Legal Maneuvers

In order to implement the bag ban, multiple rules and laws had to be circumvented, bent, or twisted. And new precedents had to be set. There seemed to be no bridge that was too far in the zeal to implement a bag ban. Regardless of a person’s position on the bag ban itself, the bending of rules, favoritism, and the creation of new precedents should be alarming.

a) Circumventing CEQA rules

The California Environmental Quality Act (CEQA) requires an Environmental Impact Report (EIR) to be prepared for a project and to include consideration of feasible alternatives. Unfortunately, government agencies and their contractors who prepared EIRs purposefully manipulated the outcome in several ways:

- The EIRs failed to analyze legitimate alternatives. The alternatives analyzed in all EIRs were only variations of the proposed solution dealing with distribution and use of shopping bags at stores and not genuine alternatives of solving or dealing with the plastic bag litter problem which should have been the primary focus.
- The EIRs failed to analyze the most commonly used reusable bags made from non-woven Polypropylene and Cotton or Hemp and only analyzed thick plastic reusable bags made from Low Density Polyethylene (LDPE). They never considered the alternative of distributing the thick plastic reusable bags in place of the thin-film plastic bags, as simply changing the thickness of plastic bags used will prevent improperly discarded bags from becoming windblown litter. Thereby depriving the public from a valid solution.
- The EIRs used hidden criteria and, through clever manipulation of stated objectives, were able to dismiss and avoid a full environmental review of alternative solutions more favorable to the public. For example, the alternative of just using paper bags with NO fee was dismissed outright because a paper bag is worse for the environment than a plastic bag. This is clearly the wrong criteria to use in an EIR. A full environmental review of using paper bags should have been analyzed to determine if there is a significant overall impact to the environment, such as a Class I or Class II environmental impact that requires mitigation by using a different product, e.g. a reusable bag. In fact, a full environmental review would show that using paper bags with no fee will not incur a significant environmental impact. Hence, the public was again defrauded out of a legitimate solution.

b) Making the paper bag tax a “minimum fee”

Californians approved multiple propositions over the years that limited the government from imposing new taxes or fees without voter approval. [Refer to propositions 13 (1978), 62 (1986), 218 (1996) and 26 (2010).] Thus, the bag ban pushers faced a problem in instituting a tax for paper bags, because they wanted to avoid a public vote on a new tax (which would surely fail) at any cost.

So bag banners came up with a new concept: A “minimum fee” that a citizen would be forced to pay a business for a product (and one that was previously provided at no charge). The fee is to be kept by the store. This was entirely new, and had never previously been implemented on any other product. This avoided the tax laws by stating that it was not a tax since the government was not collecting any of the money. In addition, the State Board of Equalization ruled that the fee was not subject to sales tax in order to circumvent lawsuits challenging the fee as requiring voter approval.

Note three key things about the “Minimum Fee”:

- It created a new precedent, in that anything that is considered “undesirable” by the government can be penalized by mandating a “Minimum Fee” on that product to discourage its use.
- The government would actually have been better off with a tax, so they could collect the revenue and use it for items such as riverbed and creek cleanups. If the city was willing to submit the bag ban to a vote of the people, they could have turned the “minimum fee” into a real tax, and collected hundreds of thousands of dollars for good city projects. Yet, no city was willing to allow a public vote, so they sacrificed these potential funds.
- In other states without a voter approval requirement for a new tax, they enacted the paper bag fee as a tax. At least other states could be honest about what they were doing.

This “minimum fee” also acted as a bribe to the big grocers, forcefully funneling millions of dollars per year from citizens to the big grocers. Paper bags cost about 5 cents each. So city governments have now created a law that mandates at least a 100% profit (at 10 cents) or 400% profit (at 25 cents) on a product.

Is it a tax? If it looks like a tax, smells like a tax, and costs like a tax, then it is a tax. And for the consumer going through the checkout line, it sure feels like a tax.

c) Minimum Bag Fee: Tax or Fee?

SB-270 and local ordinances establish a minimum fee of 10-cents for each paper bag or reusable bag distributed to customers at the point of sale.

For example, the paper bag fee is mandated by the local ordinance and states: “*Any store that provides a recyclable paper carryout bag to customer must charge the customer ten cents (\$0.10) for each [bag] provided*”. (BEACON, 2013, p. 549) Many jurisdictions have modified this provision to state a minimum of 10-cents so that the fee can be increased later without having to amend the Environmental Impact Report (EIR) at a later date.

The paper bag fee is then to be **retained** by the retail store, to circumvent voter approval requirements of Proposition 26, and used as specified by the ordinance:

All charges collected by a store under this Chapter may be retained by the store and used for one or more of the following purposes: 1. the costs associated with complying with the requirements of this Chapter; 2. the actual costs of providing recyclable paper carryout bags; 3. the costs of providing low or no cost reusable bags to customers of the store who are exempted by section 9.150.060; or 4. the costs associated with a store's educational materials or education campaign encouraging the use of reusable bags, if any. (BEACON, 2013, p. 549)

From the above quotations, we see that the local jurisdiction through the ordinance mandates that the retail store collect a charge of 10 cents for each paper bag issued. We also see that the paper bag fee is to be retained by the retail store and used for mandated purposes specified by the ordinance. The same is true for the statewide ban in SB-270.

The question is does the paper bag fee constitute a new tax subject to voter approval under California's Proposition 26? Hilex Poly Co., a manufacturer of plastic carryout bags, argued in a 2011 lawsuit (*Schmeer v. County of Los Angeles*) that the paper bag fee mandated by the local jurisdiction was indeed a "special tax" that required approval by two-thirds of voters. The lawsuit was dismissed by the lower court and then upheld by the Second District Court of Appeal. In the ruling Justice H. Walter Croskey stated that taxes are ordinarily imposed to raise revenue for the government but since the fee was retained by the retail store it is not a tax. (Egelko, 2013)

A good case can be made that the appeals court has it wrong. The paper bag fee is a special tax for three reasons: First, the minimum fee is legislated and set by the government. Second, the intent of the minimum fee was to pay costs associated with the mandated bag ban. Third, the minimum fee collected is used to accomplish an inherent governmental purpose: to provide paper or reusable bags at no charge to low income customers who participate in public assistance programs like food stamps. (BEACON, 2013, p. 550) Therefore, since the governmental purpose is paid for by the paper bag fee, it is a special tax or fee and subject to voter approval under proposition 26.

d) Ensuring the paper bag "minimum fee" was not taxable

The bag banners were not yet done in their crafty job of closing every loophole. They also realized that they must make the paper bag "minimum fee" not subject to sales tax, or they could face a lawsuit that they had, indirectly, imposed a new tax on people. A 10 cent minimum fee would create a new 1 cent minimum tax, and thus someone may sue that they had paid no taxes previously on free paper bags and now had to pay a minimum of 1 penny tax on a product. In order to circumvent the voter approval requirements of Proposition 26 (that new fees and taxes require voter approval), the California State Board of Equalization ruled in a Special Notice titled "*Sales Tax Does Not Apply to City and County Paper Bag Surcharges*" and stated:

"Some cities and counties have enacted ordinances that prohibit certain retailers from providing plastic bags to customers. In addition to the ban on providing plastic bags, under certain ordinances, the customer is generally required to pay the retailer a specific amount for each paper bag the customer is provided. These ordinances typically impose the charge upon the customer. Some of these ordinances specifically require that the retailer indicate on the customer's receipt the number of paper bags provided and the total amount charged for the paper bags." Under these circumstances, this charge is imposed by the local jurisdiction upon the customer, not the retailer. As such, this charge is not included in the retailer's gross receipts and is not subject to sales or use tax." (California State Board Of Equalization, 2011)

Now this is a curious twist of logic, because the State Board is basically saying that the fee is not taxable because it is basically a local tax. They clearly state that "*the paper bag charge is imposed by the local jurisdiction upon the customer*" even though the ordinance clearly mandates that the retailer charge the customer the specified fee for each paper bag issued and annotate that on the customer's receipt. Furthermore, the local jurisdiction directly regulates the retail stores within its jurisdiction and not the customers (in conflict with what the State Board claims). So if it is really a "minimum fee" imposed on the stores to charge for an item, then why is it not taxable?

Consider this: If a user enters a store to and purchases a package of paper lunch bags, they will pay a sales tax on those paper bags, but if they purchase a paper bag to carry those paper bags, they will not pay a sales tax. Does that make sense?

Had the California State Board of Equalization not ruled that Sales Tax does not apply to the paper bag fee, opponents would have been able to claim that sales taxes paid on paper bags constitute a new tax, and take the fee to court on the grounds it was not approved by voters as required by Proposition 26. Hence the California State Board of Equalization is complicit in the circumventing Proposition 26 and denying the right of voters to approve a new fee or tax.

e) Favoritism for Certain Non-Profits

Another oddity of the bag ban is that many local bans offered exemptions to the plastic bag ban to certain non-profits, such as thrift stores operated by the Salvation Army or Goodwill. Why would they be exempt? The only explanation ever attempted is that they are already doing some sort of good (by reusing objects, such as clothes) and therefore get some special exemption. Why? In fact, wouldn't the average shopper at a place like Goodwill be more of a typical litterer? Just look at the litter problems in lower income neighborhoods compared to higher income neighborhoods. And don't the Goodwill plastic bags pollute the environment just as bad as a Safeway or Lucky plastic bag? It makes no sense.

f) Complete Exemption for Their "Friends" in the Newspaper Business

A glaring example of favoritism is the fact that the bag banners never considered banning single-use plastic newspaper bags. These single-use newspaper bags used only for a few minutes could easily be eliminated by delivering newspapers to our doorstep out of the rain. Occasionally, the issue would come up in a city council meeting concerning plastic bag ban discussions but these bags were included because they are "less likely" to be littered.

But isn't it hypocritical that the very same newspapers, who write articles about how all of us should be denied plastic grocery bags at the store, wrap their newspapers in single-use plastic bags and throw them down in our driveways because they are too lazy to deliver them to our doorstep out of the rain?

Of course, if public officials were to include single-use plastic newspaper bags as part of the bag ban, they would risk alienating the newspapers and eliminate their favorable one-sided coverage.

g) Special Exemptions for Low-Income Shoppers

One of the more controversial parts of local ordinances and the statewide plastic bag ban in SB-270 is the exemption granted to families that participate in the California Special Supplemental Food Program for Women, Infants, and Children (WIC) or in the Supplemental Nutrition Assistance Program (SNAP) also known as the Food Stamp program. Participants in these programs are allowed to receive free paper or reusable bags when they shop; whereas, all others must purchase paper bags or purchase and use reusable bags. Due to economic conditions in the United States, the rolls of people who are on public assistance programs have swelled. In California, there are 3.97 million Food Stamp participants and 1.45 million WIC participants. All of these are eligible to receive free paper bags and free reusable bags when they shop. The question is who pays for these free paper and reusable bags?

Those shoppers who pay for store provided bags end up subsidizing the free paper or reusable bags given to shoppers who receive public assistance. In other words, it is a transfer of wealth from one class of shoppers to another. (van Leeuwen, Plastic Bag Ban Creates New Welfare Benefit, 2013) In SB-270 the law is very clear that shoppers who bring their own reusable bags should not subsidize shoppers who need paper or reusable bags. This means that shoppers who pay for paper or reusable bags

subsidize shoppers eligible to receive those bags at no charge. (van Leeuwen, California Legislature Fails Its Citizens with Draconian Bag Ban, 2014)

Low income residents who are “self-sufficient” and who while eligible choose not to participate in public assistance programs are not able to receive paper or reusable bags at no charge. So much for fairness! (van Leeuwen, Plastic Bag Ban Creates New Welfare Benefit, 2013)

Chapter 7: Leveraging the Media to Promote a One-Sided Message

The bag banners worked with their friends in the media to promote bag bans. Most of the media rolled over and fully supported the bag ban, wrote superficial opinion pieces that presented the talking points, and basically presented a one-sided view of the issue.

a) Newspapers Repeated the Lies, the Spin, and Censored the Opposition

Many newspapers throughout California pushed a single-sided view of the bag ban. They would accept, without question, false claims and supposed “evidence” of bag ban success and repeat them *ad nauseum*. In article after article, generalities and claims were printed but never supported or investigated. In fact, many of the statements made by newspapers can be easily and quickly investigated and refuted through simple internet searches, or even a moment of thought and some common sense. While the media from newspapers to television generally supported the plastic bag bans, they never critically examined the issue and fairly presented both sides. Most coverage was interviewing shoppers and asking them what they thought, but avoided the real issue of whether a bag ban really helps the environment or whether it is worse for the environment. They failed to answer the most basic questions such as “Does a bag ban really produce the results claimed?” or “Should the government be deciding what kind of bag you use and how much you should pay for it?”

Particularly absent in media reporting were any sort of independent public polls prior to the bag ban. They would repeat the emotional claims of the bag banners, point to the plastic bag industry as the evil culprit, and then occasionally quote a grumpy disgruntled citizen or two who had the audacity (and time) to visit the city council meeting to complain about their inconvenience. They would then quote the “wise” City Council members for their decision and explanation as they imposed their wills on the people. The media never discussed a real poll of the people. The media runs polls on virtually everything that is controversial, so why the absence of polls on this divisive topic? Why would they also ignore their own online bulletin boards, where it appears 80% or more of the comments are against bag bans?

Many people, including the authors of this paper, wrote articles and repeatedly reached out to newspapers and radio stations. However, these efforts largely fell on deaf ears, and any citizen opposition to the bag ban was just ignored. When the topic of the bag ban came up, the media only went to the lawyers for the bag manufacturers for their statements. They effectively censored citizen opposition.

b) The Media Portrays the Battle as the Environment vs. Evil Plastic Bag Companies

The media spins the battle as an epic struggle between the good guys, the so-called “environmentalists” who only want to protect the environment and save helpless turtles, and the bad guys, the evil plastic bag companies who put profit ahead of the environment, care nothing about hurting animals or our habitat, and spent millions lobbying the California State Legislature to prevent passage of a statewide bag ban. The truth is that the environmentalists were not the good guys based on the simple fact that they lied and told tall tales in order to advance their cause and mislead the public. The plastic bag

companies reacted to counter the lies and myths spread by bag banners and to protect their legitimate business interests.

Furthermore, the media jumped on the bag ban bandwagon with the liars, and never critically examined the impacts of bag bans on the environment or its impact on shoppers and businesses. The media, which is normally savage when a politician is caught in a lie, gave a free pass to the environmental movement and to public officials who supported the bag ban. By abrogating its responsibility to critically examine the bag ban issue, it became a willing participant in the plastic bag ban scam perpetrated upon Californians

Completely ignored by the media are the citizens and citizen groups who oppose the bag ban. It is the citizens that ultimately pay the price, and have to deal with the complexities and frustration of the bag ban on a daily basis. At best, the media would go grab a few people to make an uneducated comment like “I think it is good for the government to force me to change my habit, because I always forget my reusable bag” and the only opposition they would quote was people who are frustrated because they are inconvenienced by the bag ban, but will have to “get used to it.”

A simple observation at any store shows that the bag ban is not working for the common person, as a vast majority of people do not bring reusable bags and many refuse to pay the fee for store provided bags. Yet the media does not bring up these issues at the citizen level.

And, as mentioned previously, the media also never brought up the potential of the citizens actually voting on the bag ban to have their voices heard. And a vote of the people through a referendum put on the ballot by paid signature gatherers; it was characterized as a ploy of the evil, greedy plastic bag companies, rather than the opportunity for the people to finally get the opportunity to vote on the bag ban. In the eyes of the media, “we the people” are merely pawns of the two competing sides in this argument, and have no voice.

Chapter 8: Avoidance of any Public Votes or Polls

Bag banners knew that a bag ban was unpopular and contrary to the will of the people, so they made every effort to **avoid** a vote of the people or do any public polls. This was a key element and vital to their success.

a) What is a Bag Ban?

In understanding public opinion and potential voting habits, the nature of the proposed change must be understood and we do that by asking the question: “What is a bag ban?”

No store has ever been required to offer plastic bags, and no citizen has ever been required to take plastic bags. In addition, stores have always had the right to offer whatever bag they decide on and charge whatever price they see as right, including offering customers paper or plastic carryout bags at no charge. Customers have always been able to bring their own bags including reusable bags if they so choose.

Thus, in effect, the bag ban removes the rights of the stores to offer a certain product free of charge to customers and mandates a minimum charge for certain other newly regulated products (paper and reusable bags). In essence, this means removing consumer choices, and forcing them into options that they always had; to go without a bag, to use a reusable bag, or to pay for a bag that was previously free.

Store audits show that virtually all businesses will offer free bags (of various types) and a large percentage of customers will take advantage of that safety and convenience. At grocery stores, about 80% of the shoppers freely chose plastic grocery bags.

Bag banners do not like the people's free choice, so they want to take it away. Is that popular? No. Thus, bag banners must avoid a public vote at all costs.

b) Bag Banners Never Proposed a Public Vote

The bag banners never put forward the idea of a public vote, even when they failed in a city to get their bag ban implemented by the city council. For example, in Milpitas the bag ban narrowly failed the city council by 3 to 2. Why didn't the bag banners immediately just go out and gather signatures to get it on the ballot?

The efforts at the state level also failed for many years. So why didn't bag ban proponents just gather the signatures to get it on the ballot instead? They have both the resources and the people to gather signatures to make it happen, but they never did. In fact, they kept saying that the people supported bag bans. So why not put it to a public vote?

In all the city council meetings that the authors attended or viewed online, we never heard a single bag ban proponent ask the city council to put it on the ballot for a vote of the people. However, many people objecting to the bag ban asked for it. Why? Because in the several cities (all of them outside California) where a bag ban or bag tax was put to the people for a vote, the vast majority of them were voted down.

City	State	Date	Issue	Support	Oppose	Result
Seattle	WA	8/2009	Bag tax	42%	58%	Overtured
Durango	CO	4/2012	Bag tax	44%	56%	Overtured
Carbondale	CO	4/2012	Bag ban	51%	49%	Passed
Newport	OR	5/2013	Bag ban	43%	57%	Overtured
Homer	AL	10/2013	Bag ban	43%	57%	Overtured
Basalt	CO	11/2013	Bag ban	47.5%	52.5%	Overtured
Issaquah	WA	2/2014	Bag ban	52%	48%	Passed

Table 1. Communities That Have Voted For or Against Bag Bans

Note that all of these votes were forced by people rising up and doing all of the work of gathering signatures and qualifying either a referendum or a repeal, except in the case of Newport Oregon, where the City Council was divided enough (and had enough respect for their citizens) that they willingly put it to a vote of the people. Newport Oregon is the only known city to ever willingly ask their citizens if they wanted a bag ban, and their citizens said no.

In addition, a public vote goes against the very tenets of the bag banners. They believe that they are the elitists, the intellectuals who are smarter than the people. They hate the notion that their ideas would have to be subjected to a vote of the people. This is not a grass-roots movement from the bottom up, but an elitist movement from the top down. Therefore, a public vote must be avoided at all costs.

b) Bag Banners Targeted City and State Politicians, Not the People

While bag ban proponents and the media proudly declare that over 100 cities in California have instituted bag bans, what they fail to clarify is that it is the city councils that instituted those bag bans. Not a single vote was cast by a citizen in any of those cities. It came down to what group could turn out the most people, or shout the loudest, or produce the most emotional pleas to the city councils who had basically already decided to implement the bag ban anyway. Even in Los Gatos, where 2/3 of the people showing up at their "public information" meetings about the bag ban and 80% of the people writing emails and calling the city opposed the bag ban, the city council still voted to impose the bag ban. One

city council member stated that he “*spoke for the city rather than just the few who voiced their opinion*” as he voted against those opposing the bag ban. With city councils like that, what is the point of voicing your opinion as a citizen?

Using this strategy, the bag banners had only to find city councils where they could get a majority of city council members. They had only to concentrate on getting 3 of the 5 city council members to implement a bag ban, and not a majority of the citizens of the city. And by targeting liberal progressive city council members, many of whom could not wait to implement a bag ban regardless of what their citizens said, they were able to succeed in getting over 100 cities to jump on the bandwagon.

c) Public Polls Were Suppressed, unless they Supported Bag Bans

The media loves to run polls, particularly on controversial issues. Yet, there was a complete lack of polls on the bag ban. (Or at least, no poll numbers were ever published.) If a city was willing to spend tens of thousands to roll out bag bans, why not spend a fraction of that in advance to do an independent poll of their citizens to see if it is what they want? The answer of course, is obvious. If they could have gotten good poll results they would have used them, and publicized them widely; but if not, they wouldn't bother to disclose them.

Finally, after years of bag bans, they found a single poll in late 2014 that showed a slight majority favored the statewide ban (largely in cities that already had a bag ban and would not be affected by the statewide ban). That poll has been widely publicized and repeated by the media.

Chapter 9: Steamrolling the Movement

To get a plastic bag ban in place, bag banners moved as fast as possible. They were well organized and wanted to leave little room for resistance or even questions to arise. To do this, they made continuing claims and put out false notions to maintain momentum.

a) Expediency over Evidence

Bag Banners moved fast from one city to the next to pass bag bans. For the most part, no bag usage surveys were done before the ban or after the ban. Bag usage survey data exists for only two cities in the entirety of California; the city of San Jose and the City of Santa Monica. In both cases, the results are similar. Approximately, 29% use paper bags, 35% use reusable bags, and 36% use No bag whatsoever. The Environmental Impact Reports estimate 30% paper bag use and 65% reusable bag use. However, results show that two out of three customers reject using reusable bags and choose to use either paper bags or no bag at all. Yet the failure to live up to expectations is never considered. A shopper who leaves a grocery store with no bag and carrying an armload of groceries is not a picture of success but a picture of failure, the failure to implement a workable solution. (van Leeuwen & Williams, Bag Bans: A Failure - Not Success As Claimed, 2013)

b) Complete Lack of Objective Impact Review

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, that is required and expected of public agencies and officials. Elected government officials wrong the very residents that elected them by failing to perform their duties impartially and with due diligence, particularly when the issue at hand results in a loss of liberty for both businesses and individuals. (van Leeuwen & Williams, Bag Bans Officials Neglect Homework, 2013)

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. (van Leeuwen & Williams, Bag Bans Officials Neglect Homework, 2013)

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. (van Leeuwen & Williams, Bag Bans Officials Neglect Homework, 2013)

c) False Claims of Success

Very few cities, even conducted litter surveys. The city of San Jose, to their credit, did conduct litter surveys both before and after the city implemented a bag ban. However, the surveys were done in an uncontrolled and unscientific manner. Not only were different locations surveyed before and after the ban but in the case of storm drain litter the sample size was so small that it led to questionable results.

Nevertheless, the Environmental Department of San Jose selectively picked through the data in a memo released to the public that is biased and neglected to fully investigate and explain the statistics upon which it was based. The memo declared the bag ban a success and was thus used by bag banners all over the state to demonstrate how successful a bag ban would be. No one questioned the report or methodology, or even the factors of “success” that were claimed. The San Jose Mercury News even claimed the report as “undeniable evidence of success” when our analysis of the report and the underlying data, demonstrated that the surveys were done in an uncontrolled and unscientific manner and had much less than satisfactory results. For more information, see our paper titled: “[Rebuttal of the San Jose Bag Ban Results](#)”. (Williams & van Leeuwen, Rebuttal of the San Jose Bag Ban Results, 2013)

In a blog article titled “[San Jose Painfully Learns Litter Problems Were Not Solved by Plastic Bag Ban!](#)” the author states:

The City of San Jose is painfully discovering that the much touted bag ban that cost residents millions of dollars in out of pocket costs and personal time did nothing to solve litter problems. An environmental group, San Francisco Baykeeper, has notified the city that intends to file a lawsuit because of the city’s failure to prevent trash and sewage from flowing into the Guadalupe River and Coyote Creek through its storm drain system and into San Francisco Bay. The lawsuit is being filed because of violations of the Federal Clean Water Act. (Rogers, 2014)

“San Jose is a hot spot for trash pollution and bacterial pollution into the bay,” said attorney Sejal Choksi, program director for Baykeeper. “Its leaders have not taken care of the problem or prioritized the issue. We’ve seen the trash; we’ve measured the bacterial pollution. What they are doing is not sufficient.” (Rogers, 2014)

Hopefully, the City of San Jose and other municipalities will realize that a plastic bag ban does nothing to clean up litter and that comprehensive methods are needed to clean up litter. A bag ban is not a magic bullet towards a litter free environment. Comprehensive solutions such as installing trash capture devices in storm drains, repairing sewer lines, and removing homeless encampments from the river

bottom are essential to cleaning up the watershed. (van Leeuwen, San Jose Painfully Learns Litter Problems Were Not Solved By Plastic Bag Ban!, 2014)

Chapter 10: Twisting Arms, Backroom Deals, and Payoffs

The effort to eliminate plastic grocery bags began in 2006 with the passage of AB 2449 (Levine) which required that retail stores that issued plastic bags have a recycling container in or outside each store allowing consumers to recycle plastic carry out bags, produce bags, and other plastic film and wraps. In addition, the store was required to offer reusable bags for sale to customers and educate shoppers to encourage the use of reusable bags on a voluntary basis. (California State Assembly, 2006) In 2010, bag usage surveys in Santa Monica by Team Marine, an environmental high school group, showed only about 10% of shoppers used reusable bags. (Team Marine, 2013) In other words, shoppers did not accept the solution offered by legislators.

Almost immediately, San Francisco became the first city and county in California to pass an ordinance that banned plastic carryout bags and which was then followed by other local jurisdictions that jumped on the bandwagon.

a) Multiple Years of Bag Ban Failure

Almost immediately after the legislature passed AB 2449 (Levine) in 2006, efforts were made to introduce bills in each of the two year legislative sessions to ban or place a fee on plastic bags. These bills failed to gain passage and embodied various schemes to ban plastic grocery bags, tax paper and plastic grocery bags, require post-consumer recycled content, etc.

For example, AB 68 required grocers to collect at least \$0.25 each for a plastic or paper bag. The store was allowed to keep 5-cents for each plastic bag issued and 10-cents for each paper bag issued, with the balance going to the Bag Pollution Fund administered by the State Board of Equalization. The funds were to be used for bag giveaways and other plastic bag pollution prevention activities. The bill did not pass.

Another example is AB 2058 (Levine) that would require stores to collect \$0.25 cents for each plastic grocery bag issued unless the store can demonstrate that 70% of plastic bags issued are returned in the store's recycle bin. Again, this bill shows how out of touch Assembly members are since the recycling rate for plastic carryout bags was at most 5% because of the high reuse of these bags to dispose of trash and for other secondary purposes.

b) Secret Deal between Safeway and the Unions

On 25 August, 2014 SB-270 failed to pass the California State Assembly by three votes short of the 41 needed, after the United Food & Commercial Workers Union (UFCW), which had earlier backed the bill, dropped its support. (Abraham, 2014) The union indicated that it would support the bill if the 10-cent charge were removed. (Larkin, 2014) The union pulled its endorsement because of concerns that the 10-cent fee would go straight into grocers' pockets and that the bill has no enforcement mechanism to ensure the 10-cent fee stays at the local store and helps the community. (Matier & Ross, 2014) The union indicated that they would support the bill if the fee stayed within the stores and went to helping the community. (Fleishchman, 2014)

The union returned its support on Wednesday after securing an agreement with Safeway supermarkets, prompting seven Democrats who had initially withheld their votes to vote "aye" on the bill. (Planet Editor, 2014)

Representatives from Safeway and the UFCW acknowledged that they had reached an agreement, but details of the agreement, which had resulted in democrats changing their votes ensuring passage of the bill, were not disclosed. The media of course speculated about the nature of the agreement as can be seen from the following quotations:

- *“The deal between Safeway and UFCW has not been disclosed to the public or the Assembly members expected to vote on this legislation in the waning days of this legislative session. These recent developments create an appearance of a **backroom deal** between the bill’s author, Senator Alex Padilla, and the special interests that stand to benefit financially from SB 270 if it passes.”* (Larkin, 2014)
- *“Unions had [been] resistant to the bill because the 10 cent fee for paper bags went to the grocery companies to do with as **they choose** (and presumably, not to the union members).”* (Shackford, 2014)
- *“This new bag bill will allow supermarkets and grocers to charge a minimum of 10 cents each for paper and thicker plastic bags, and **pocket the money**.”* (Grimes, 2014)
- *“The ban was also backed by United Food and Commercial Workers, a grocery workers union, which said it wants the money currently spent on plastic bags to be used for **worker training and food-safety initiatives**.”* (Lazo & Elisonson, 2014)
- *“Information circulating through the Capitol indicates that an agreement was reached between the stores and their unions to **share the new revenue** coming from the new fee.”* (Grove, 2014)
- *“In a letter to lawmakers, the union wrote it was worried the bill lacked a “serious enforcement mechanism” to make sure stores were spending the money properly. But on Wednesday, the union was back to supporting the measure. Sam Rodriguez, who’s representing UFCW at the Capitol, said the union had reached an understanding with executives at Safeway, one of California’s largest grocery chains — not on any amendments to the bill’s current language, but to make sure the fee revenue was being spent where it was supposed to: **on the costs of complying with the new regulations; buying paper bags; and educational campaigns for consumers**.”* (Detrow, 2014)

Some in the media demanded that details of the deal be made public: *“In the middle of all of this was Safeway, apparently **negotiating to give a big chunk of their new-found bag tax windfall to the union**. However, if an agreement was struck between Safeway and the UFCW union, shouldn’t lawmakers know the terms of the deal — especially since the people of California are paying this fee?”* (Fleishchman, 2014)

Others in the media stated: *“There should be no doubt who really runs things up here at the State Capitol,”* said Shannon Grove. *“A union changes its mind because of some backroom deal, and majority party politicians fall in line and change their votes. What other special interest group in California can wield such power? Certainly not the taxpayers, or in this case, grocery shoppers.”* (Grove, 2014)

Chapter 11: Difficulties in Resisting the Bag Ban Movement

Environmental groups were able to mobilize their members and volunteers to attend city council and other public meetings and usually outnumbered the few residents who took the time and effort to speak in opposition to the bag ban. Environmental groups who are active in beach and waterway cleanups in the local community, had a sympathetic ear with councilmen and supervisors who were only too willing to curry favor and do the groups bidding when it came to passing and implementing a bag

ban, often working with these groups on the language and schedule for the bag ban. In addition, the same cadre of individuals attended public meetings to speak in favor of bag bans not only in their own communities but in other communities as well.

Although bag bans are opposed by a majority, resistance to such an organized effort is difficult.

Citizen groups such as [Stop The Bag Ban](#) and [Fight The Plastic Bag Ban](#), neither of which are associated with plastic bag companies in any manner and only represent citizens opposed to the bag ban, simply do not have the resources to marshal public support in opposition to the bag ban, especially when the news media is pro-bag ban and fails to present the facts pro and con to the public. After all, most people don't concern themselves with plastic bag bans until they have to start using reusable bags or pay for store provided bags.

[Save the Plastic Bag Coalition](#) which represented a number of plastic bag companies, filed lawsuits to force local jurisdictions to develop Environmental Impact Reports (EIRs) in accordance with the California Environmental Quality Act (CEQA). The coalition did enjoy success in forcing jurisdictions to prepare EIRs even though they were unsuccessful in obtaining an honest evaluation of bag alternatives.

a) Citizens

The average citizen is against the bag ban. However, the average citizen also has a lot of other things to worry about than trying to defend their rights to choose their own bag. Most citizens were unaware that their city was actually going down the path of a bag ban, and were even caught by surprise when the bag bans began. They do not have the time to follow the city schedule (often released just days before city council meetings) and take the time and effort to go down to the city council to let their voice be heard. Furthermore, they then have to face the number one personal fear: speaking in public! They are typically allotted only 2-3 minutes to speak into a microphone in front of the city council and the public.

And even when citizens spoke up about against the bag bans, city councilmembers politely listened, ignored their constituents, and voted against them anyway. For example, in Los Gatos California, 2/3 of the people who attended the "city information meetings", wrote emails, and called the city council *opposed* the bag ban. Yet the council voted 4 to 1 in favor of a bag ban. One city council member even stated that he voted "*not only for the few people who opposed the bag ban, but for ALL the people of the town*" even though he had no evidence that the people of his town supported a bag ban! So why speak out if it is a done deal already?

Local citizen groups, such as [Stop the Bag Ban](#) and [Fight the Plastic Bag Ban](#) and groups in Huntington Beach and Walnut Creek formed to fight back against the bag ban. Several of them began petition drives to get the bag ban on the ballot (Campbell, Walnut Creek, and Huntington Beach). But without huge organizations and financial support, they were unable to accomplish the massive effort of gathering the required number of signatures to either force the law to a referendum or get it on the ballot for repeal. The irony was that at the same time as they struggled with funding, they were labeled (in yet another lie by the bag banners) as "working for the bag manufacturers."

b) The Plastic Bag Manufacturers

As with most businesses, the plastic bag manufacturers are basically only interested in continuing their business, and these bag bans directly threaten their bottom line. So they invested money in legal battles to try to challenge bag bans and stop them from spreading. They primarily used their money for lawyers and lobbyists to try to stop the onslaught that the bag banners launched against them. This is typically of any business that battles for survival and the bag manufacturers were no different.

However, they could not fight at every city council meeting. As the bag banners went around to city after city, they eventually built up a momentum. Even when legal challenges to bag bans and bag fees were tried, they were overturned by judges who sided with the bag banners at virtually every turn. The only success in the legal arena was forcing cities to prepare Environmental Impact Reports (EIRs). And even that was later reduced by willing local judges to a mere “statement” by the city.

Finally, after California passed a statewide bag ban, the bag manufacturers had no other option except to turn to the people, and funded a signature collection drive to force the statewide bag ban to a referendum.

c) Organizations

Many organizations are against bag bans, such as local taxpayer organizations (who mainly oppose the “minimum fee” concept as an obvious distortion of tax law); political organizations (such as libertarians, who value personal freedoms); public policy firms (such as Reason Foundation, who are for free markets, individual liberty, and the rule of law); and grassroots political organizations (such as the TEA Party who are generally opposed to expansion of government regulations). However, these organizations have other more important battles to fight, and did not get involved in battling the bag ban to any significant degree.

d) Businesses

While the large grocery stores (Safeway, Vons, etc.) openly support the bag bans (as noted above, for monetary reasons), most small businesses oppose bag bans. For many small businesses, they had to order thousands of bags with their logos on them at one time, and often have many left over that they cannot use when the bag ban hits. However, small businesses are nervous about opposing the bag bans because they are afraid they will look “anti-environmental.”

The Chamber of Commerce in many cities openly opposed bag bans. In some cities, they gave a neutral position because they had members on both sides of the debate. However, the Chamber of Commerce did little more than just tell the city council their position.

Chapter 12: The True Motivations of the Bag Ban

If the bag ban can be shown to be both unjustified and virtually meaningless in its positive impact, then why would proponents push so hard, bend the rules, avoid public votes, and put through legislation that disrupts people’s lives against their will? There are many reasons, but their own comments and consideration of all the facts leads to a few clear conclusions about their motivations:

a) To force people into changing their behavior

Bag bans are about forcing people to change their behavior, no matter how costly the change and no matter how meaningless the results, in the name of being “green.” Their reasoning, as stated publicly, is that people need to be forced into examining their lifestyle and the impact on the environment. And they need to be willing to pay the price, no matter how high that may be, to comply with the lifestyle that the “green” bag banners feel society must comply. In fact, the *more* painful the cost, the *better* it serves their purpose! Because if they can establish that the people will go through all of the inconvenience of the bag ban, even though they themselves do not litter and manage their bags properly, then they believe they can make people look at other areas of their life as well.

This movement is often called “green guilt.” It reflects a mindset that the average person must feel guilty for their environmental impact, and must do everything they can to minimize that footprint. It is a

sense of guilt that we all must live under, simply for existing as a person. This is why the bag banners get so frustrated at someone who merely questions a bag ban. How dare anyone question this! The mere use of anything plastic or activity that is deemed anti-environmental must be examined for any alternative, and the alternative adopted no matter the cost! Thus, the bag ban is about principle. Their principle is that since a reusable bag is available, so how dare anyone choose to use a plastic bag instead.

b) To establish power

If groups pushing bag bans can be successful in this endeavor, then it establishes both the process and the power to pursue a further agenda. They have already openly stated that they want to ban (or restrict in some other way, such as minimum fees) bottled water and smoking in public places. Also bag bans have often been combined with banning Styrofoam containers in restaurants, and they have made references to a list of other objects they want to control or ban.

Thus, the success of the bag ban establishes them in the role of the dictators of what is acceptable or not for our society, and hence us as individuals, to use and how it can be used. Plastic bags are banned for carrying groceries, yet are perfectly fine for delivery of newspapers. Bottled water is unacceptable, but bottled ice tea is. Styrofoam for storage containers are not allowed, but billions of Styrofoam “peanuts” in packaging material, a real potential litter problem, are not restricted.

Once they establish power, and the path to societal restrictions, virtually nothing is off limits. Because the exact same arguments used for the bag ban can be used for virtually everything we use in our daily lives. Think about it. Replace the plastic grocery bag with something else, like plastic milk jugs. The solution is simple? Bring your own glass milk bottles to the store, or go back to the 1940’s milk delivery. Kleenex Tissues; bring your own handkerchief, like everyone used to. Disposable coffee cups; bring your own coffee cup. Soda cups; bring your own. Even plastic garbage bags have alternatives.

The “minimum fee” for the paper bag also establishes a new precedent, that the government can force a private business to charge their customers a high minimum required charge on certain items deemed to be undesirable (as determined by them).

The plastic bag ban, and the required “minimum fee” for paper bags, creates a new precedent where the government establishes the minimum price that a private business must charge to sell a product to their customers. In essence, the plastic bag ban puts the government in the role of setting or fixing prices. These new precedents and new-found powers will continue far into the future, until they are forcibly stopped by the people.

c) Opportunities for Fundraising

It is obvious that the bag ban was used extensively as the fund raising poster child for multiple groups that claim concern for the environment. Virtually every email and website posting requested people to send in money to continue the fight against the “big, evil, filthy-rich plastic corporations.” By framing the debate in this manner, they were able to get those sympathetic to reach into their pockets and send in money. They claimed to be the disadvantaged underdog, when in fact they were the Goliath steamrolling their unpopular laws onto the people against their will. They then went on to claim success in their great efforts, and began to ask for more money to continue on in their next quest to ban smoking in public places for more behavior control of the people, all in the name of the environment.

Chapter 13: The Future

As of the writing of this article, the bag manufacturer's Referendum Campaign has collected enough signatures to force the California statewide bag ban to a referendum. This means that the law will be put on hold until November 2016 when the people of California will have a chance to vote on it before it is implemented.

This will essentially be the first time the people will be allowed to vote. But will it be too late? Will people have already thrown in the towel?

The bag banners have already stated that their objective is to double down on their efforts at implementing local bag bans. They do this for two reasons:

1. Because the local bag bans will remain in place, even if the statewide bag ban is voted down.
2. Because they know if people already have local bag bans, they will not be as opposed to a statewide ban, because it won't help them to vote it down. It is the old "misery loves company" approach, where people in bag ban cities will more willingly vote to make everyone share their pain.

And, as stated, the media is in the tank for the bag ban. So watch for article after article stating that it is the environment of California against filthy rich evil out-of-state bag manufacturers, and that the people of California surely will vote for a bag ban anyway (you would be anti-environmental not to do it!), so this is just a stalling technique.

The challenge will be to get out the true message. That this is not just about a controversial bag ban with questionable results, but it is about fundamental freedoms. Does California want elected officials to decide every factor of our lives, depending on who is in power at any given moment? Do we need moral laws and rules that tell us how we can use a plastic bag (groceries bad, newspapers OK), or how much we must pay for a certain type of paper bag or other undesirable object?

Conclusion: The People of California Have Been Scammed

In conclusion, it is clear that the people of California were scammed. The local and statewide bag bans were perpetrated on the public against their will in order to propel a hidden agenda forward. And it is the people, who were never allowed to vote, who will pay the price. Bag Bans will cost California residents an extra billion dollars per year, year after year, and as long as the bag ban is in effect. All residents of the entire state will struggle with forgotten bags, dirty reusable bags, lack of used grocery bags for various other purposes, and general frustration while grocers make millions of dollars off bag fees, the "environmentalists" celebrate their new power, and feel-good politicians pat themselves on the back. The businesses and people have lost more of their freedoms, billions of dollars are wasted, and yet there is no significant positive impact to the environment (and even a potential negative effect on the environment). The only positive outcome is that a few people feel validated or warm and fuzzy about enacting a bag ban that is purely symbolic.

The system has been manipulated by a vocal minority group in such a way that the silent majority suffer under a meaningless act that causes additional hardships yet produces virtually no positive results. This scam has been carefully orchestrated and executed upon the people of California. And with a willing media, the average person is unaware of the scam that is being put on them by these groups and the politicians they cozy up to.

The people of California will have their one and only chance to oppose the bag ban by voting down the bag ban law when it is finally presented to them in November 2016. Let's hope that they are able to see through this for what it is: a scam from the beginning to the end.

About The Authors

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The authors welcome any feedback or corrections to this article.

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