

Plastics Legislation in the Great Lakes

National Sea Grant Law Center and Ohio Sea Grant
Webinar

October 28, 2020

A large teal gradient shape that starts from the bottom left and extends diagonally towards the top right, covering the lower half of the slide.

Plastic Pollution: Global Context

Stephanie Otts, Director & Jenna Santacroce, Student Intern

National Sea Grant Law Center



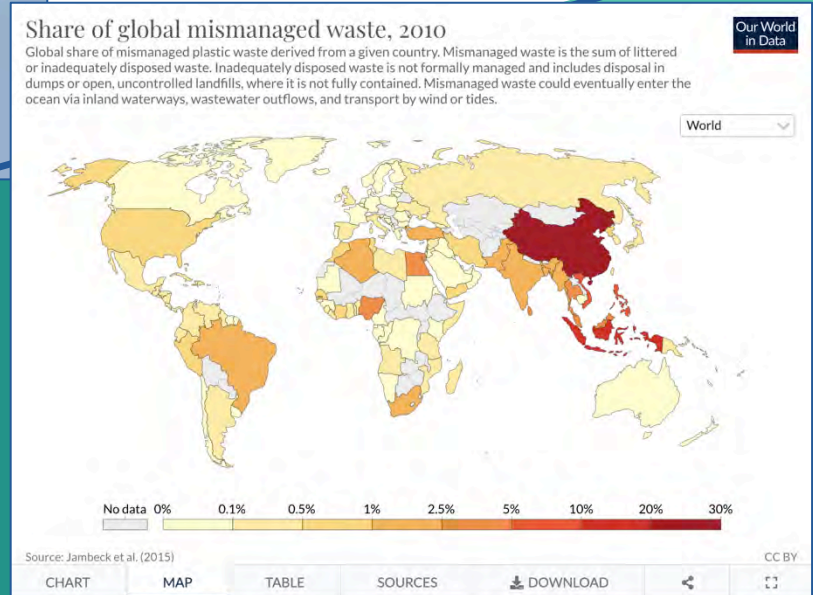
THE UNIVERSITY of
MISSISSIPPI
SCHOOL OF LAW

The Severity of the Problem



The United States generates more plastic waste per person per day than any other nation.

- 91% of all disposed plastics are not recycled, including those that are sent to recycling facilities.
- Approximately 8 million metric tons of plastic enter the oceans every year.
- 22 million pounds of plastic enter the Great Lakes each year.



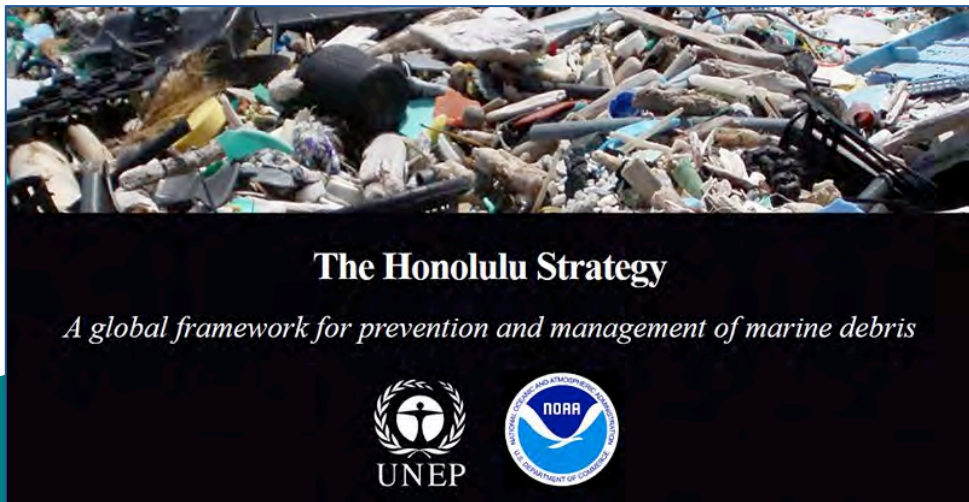


International Engagement

Leaders of Canada, France, Germany, Italy and the United Kingdom pledged to combat ocean pollution; the G7 lacks U.S. and Japanese signatures



There is currently no binding international treaty that addresses plastic pollution.



NOAA Marine Debris Program Overview

Sarah Lowe

Great Lakes Regional Coordinator

NOAA Marine Debris Program/Freestone Environmental
Services



NOAA Marine Debris Program Overview

Established in **2006** by Congress as the federal lead for marine debris

5 Program Pillars:

Research, Removal, Prevention,
Emergency Response, and Regional
Coordination

Vision: the global ocean and its coasts
free from the impacts of marine debris

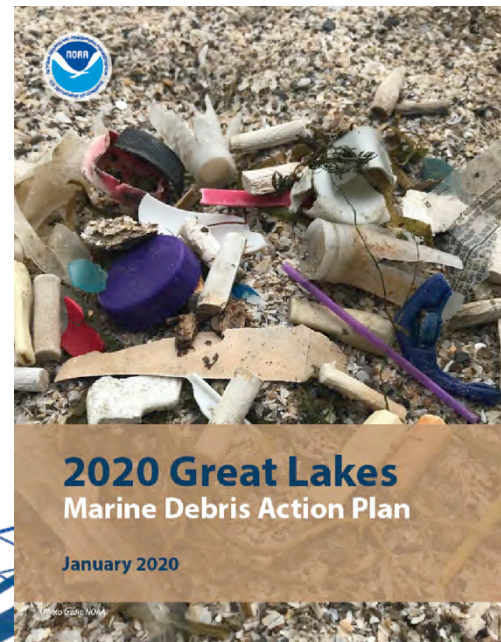
Mission: to investigate and prevent the
adverse impacts of marine debris



Plastics Legislation & Behavior Change in the 2020-2025 Great Lakes Marine Debris Action Plan

1.2.6. By 2025, complete at least five social science studies on marine debris in the Great Lakes.

2.1.1. By 2021, develop a summary paper on the effectiveness of current marine debris related policies and associated behavior changes to inform new policy actions



<https://greatlakes-mdc.diver.orr.noaa.gov/action-plans>



OHIO SEA GRANT AND STONE LABORATORY

Consumer Support for Plastic Reduction Policies

Jill Bartolotta

Extension Educator

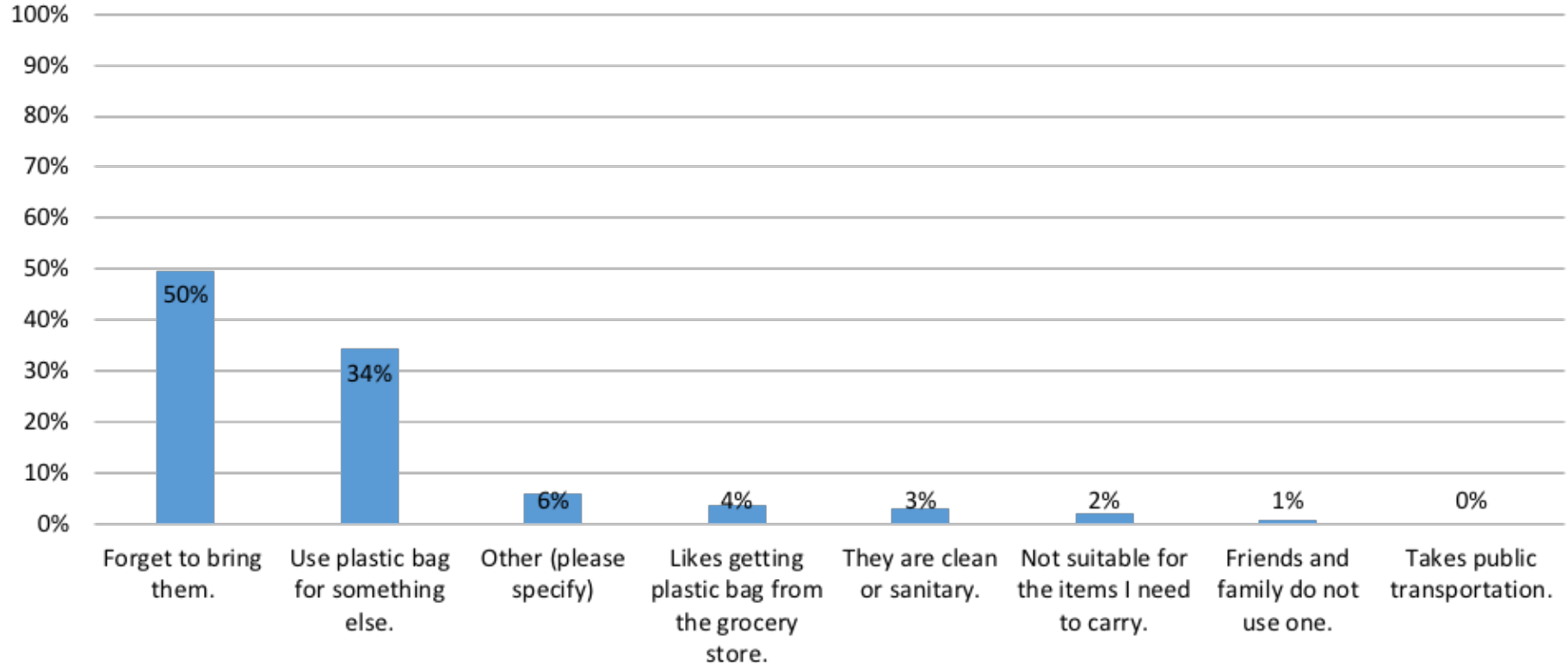
Ohio Sea Grant College Program

October 28, 2020





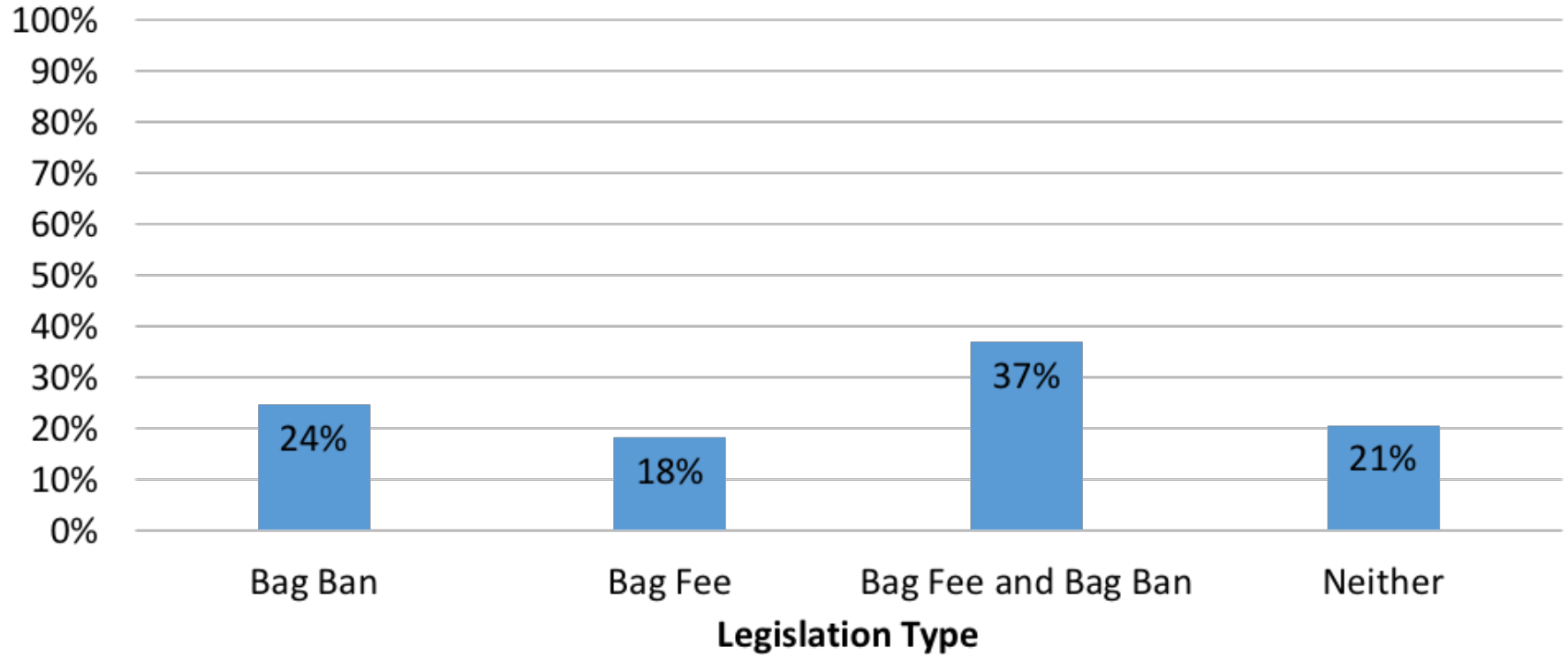
Reasons Why Reusable Bags Are Not Always Used (n=1097)



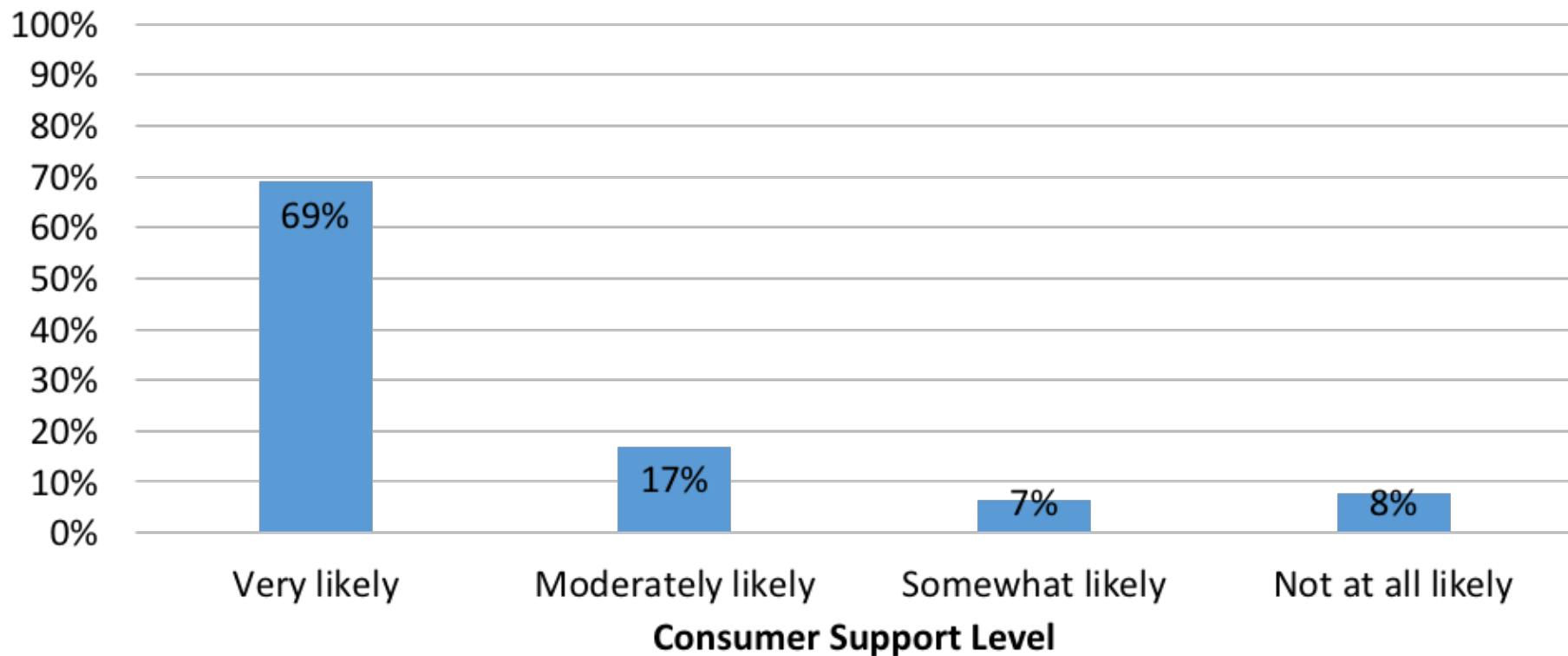
Reasons Why Consumers Do Not Always Use Their Own Bags



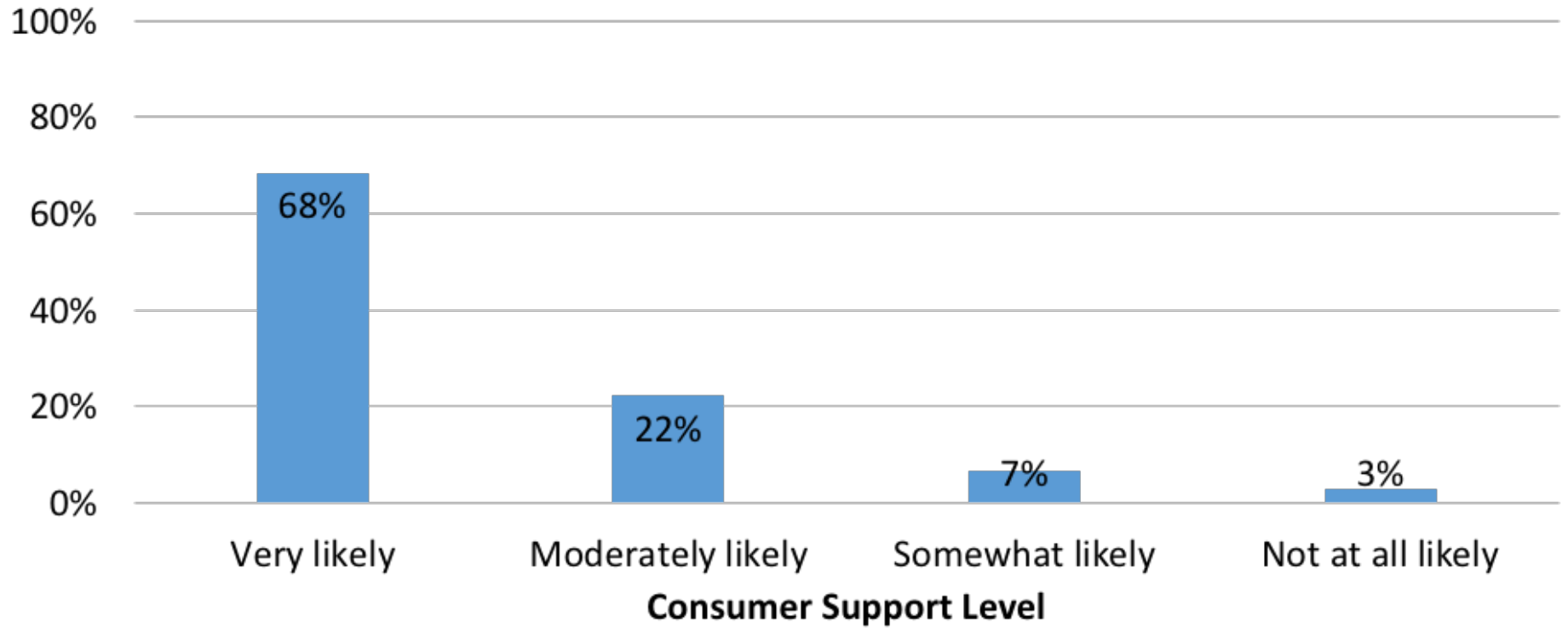
Support for Legislation Limiting Access to Disposable Plastic Bags (n=993)



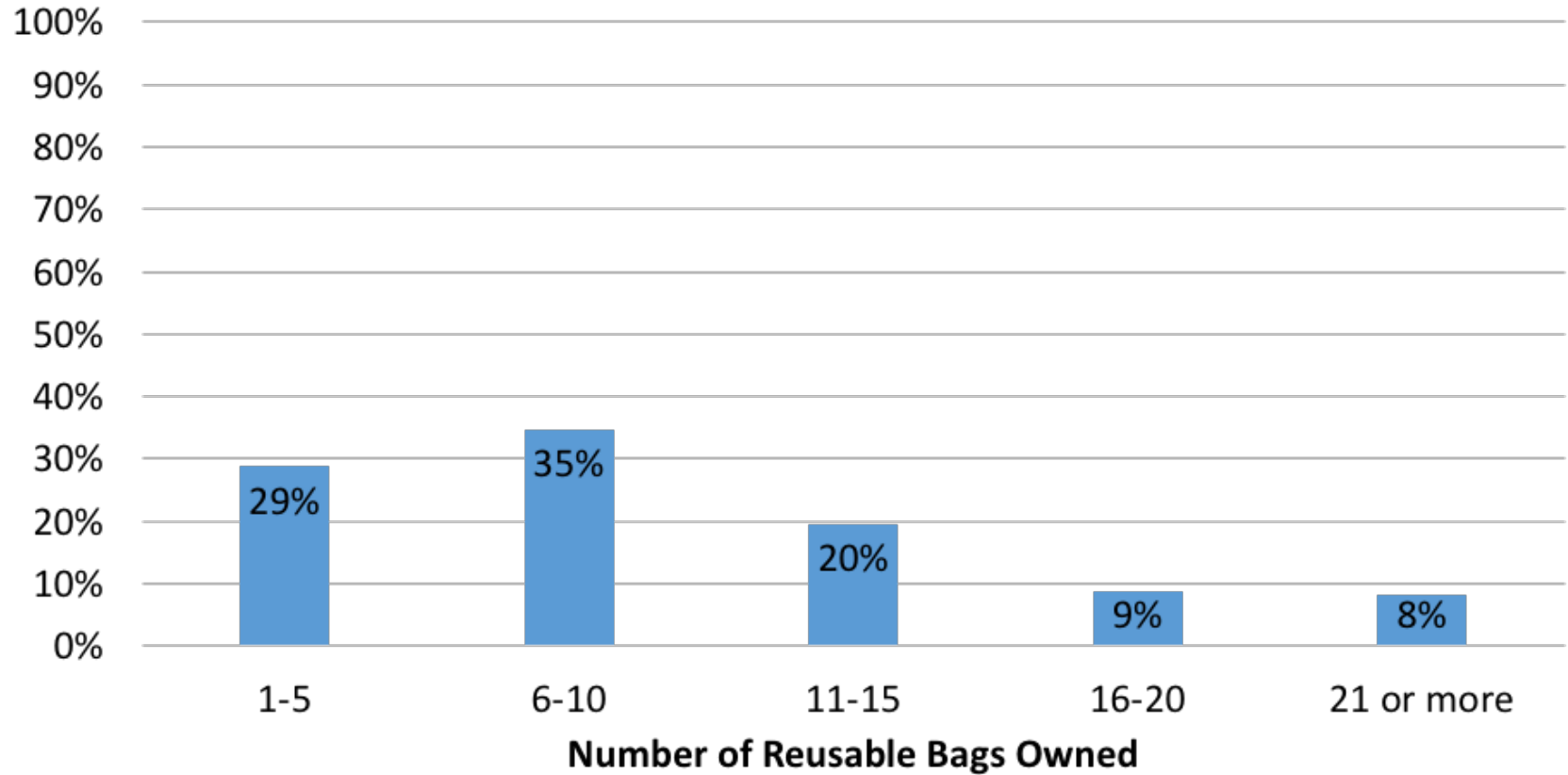
Support for Businesses Charging for Disposable Plastic Bags (n=184)



Support for Businesses No Longer Offering Disposable Plastic Bags (n=184)



Number of Reusable Bags Owned (n=184)



Contact and Resources



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Needs Assessment Report:
<https://ohioseagrant.osu.edu/p/r6nvj>

**Marine Pollution Bulletin
Article:**

<https://www.sciencedirect.com/science/article/pii/S0025326X17310706>

**Plastic Bag Research Summary
Report**

<https://ohioseagrant.osu.edu/p/6gs4a>

**COVID Bag Use Summary
Report**

<https://ohioseagrant.osu.edu/p/rnw10>



Plastics Legislation in the Great Lakes

Terra Bowling
National Sea Grant Law Center

October 28, 2020



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State Divide

Plastic Bans

Enacted by states and local governments that ban businesses from supplying plastic bags.



Preemptive Bans

Enacted by states to prohibit local governments from passing a plastic ban, aka, "ban bans."

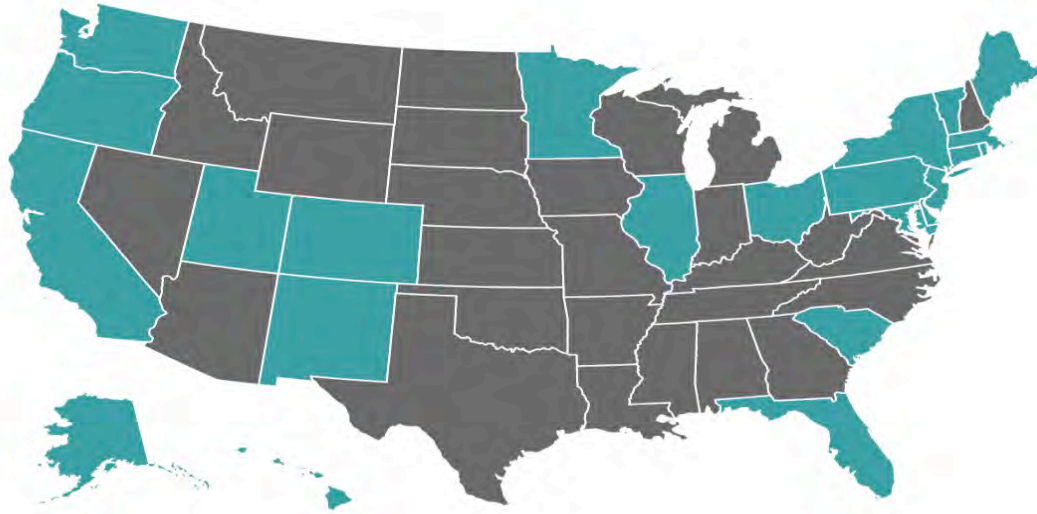
A red stamp with the word "BANNED" in bold, sans-serif capital letters. The text is slanted upwards to the right and has a distressed, ink-like texture. It is set against a white background with faint, light-colored floral patterns.

State and Local Laws Limiting or Banning Plastic Bags



Statewide Plastic Bag Bans

California, Connecticut, Delaware, Hawaii, Maine,
New York, Oregon, Vermont, Washington



Local Governments Bag Bans

Alaska, California, Colorado, Connecticut, Florida, Hawai'i, Illinois, Maine, Maryland, Massachusetts, Minnesota, New Mexico, New York, New Jersey, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Utah, Vermont, Washington

Bag Bans in Canada

- Canada's Great Lakes municipalities with bag bans.
 - Ontario: Fort Frances and Mono
 - Quebec: Rimouski, Farnham, and Saint-Jean-sur-Richelieu
- Canada considering a countrywide plastics ban in 2021 that would include plastic bags, straws, and other single-use items.

“Act to Establish Statewide Uniformity for Auxiliary Container Regulations”

Key provisions of the model legislation:

- A definition of “auxiliary container” to mean any receptacle of any fabrication designed to transport purchases from or at a food service or retail facility;
- A prohibition on local units of government from regulating or restricting the use, disposition, or sale of auxiliary containers, including taxing the items;
- A statement that the prohibition does not restrict creating curbside recycling or a commercial recycling program; and
- A statement that the ban does not apply to the use of auxiliary containers on the property of local governments.

Local Ordinances in the Face of Preemption

- Florida
- Minnesota
- Colorado
- Texas
- Ohio



Other Plastic Bans in the Great Lakes

Straws, Cutlery, and Food Service Containers

Balloon releases

Bottles

Smoking Bans



Straws, Cutlery, and Food Service Containers (GL states)

New York prohibits:

- food service providers from selling, offering for sale, or distributing disposable food service containers that contain Styrofoam
- manufacturers from selling, offering for sale, or distributing Styrofoam loose fill

Effective January 1, 2022

Straws, Cutlery, and Food Service Containers (GL local governments)

- Minnesota
 - Minneapolis (Styrofoam and rigid polystyrene)
 - St. Louis Park (containers, utensils, and straws)
- New York
 - Suffolk County (Styrofoam, straws)
- Pennsylvania
 - Narberth (straws)
- Ontario
 - Fort Frances (Styrofoam, straws, stir sticks)



Balloon Bans

East Hampton, New York



Bottles

- Michigan establishes a 10-cent deposit fee on all beer, wine, wine coolers, canned cocktails, soft drinks, and carbonated and mineral water.
- New York establishes a 5-cent deposit and refund value for all beer, malt, and wine products; carbonated soft drinks; soda water; and sugar-free water beverages.



Smoking Bans

- No state-wide law banning smoking at beaches in any Great Lakes states
- Local governments in Illinois, Indiana, Michigan, Minnesota, New York, and Pennsylvania have enacted legislation prohibiting smoking in public parks and beaches
 - E.g., Chicago bans smoking at beaches, playgrounds, and buildings owned or operated by the park district.
 - Pennsylvania “Smoke Free Beaches” program

COVID-19 & Plastic Bans



Bans on Reusable Bags

- New Hampshire
 - Restriction lifted in June
- Massachusetts
 - Restriction lifted in June
- San Francisco
 - Restriction lifted in June



Impact on Plastic Laws

- Temporary discontinuation of plastic ban
 - California-60 day suspension
 - Oregon-temporarily relaxed ban on plastic bags
- Delay of plastic ban
 - Maine-delayed statewide ban on plastic bags until Jan. 15, 2021
 - Connecticut-delayed statewide fee on plastic bags until June 30, 2020

Thank you!

[http://nsglc.olemiss.edu/
Advisory/pdfs/plastic-
legislation.pdf](http://nsglc.olemiss.edu/Advisory/pdfs/plastic-legislation.pdf)

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