Plastics Legislation in the Great Lakes

National Sea Grant Law Center and Ohio Sea Grant Webinar

October 28, 2020
Plastic Pollution: Global Context

Stephanie Otts, Director & Jenna Santacroce, Student Intern

National Sea Grant Law Center
The Severity of the Problem

- 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.

The United States generates more plastic waste per person per day than any other nation.
There is currently no binding international treaty that addresses plastic pollution.

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

Jill Bartolotta
Extension Educator
Ohio Sea Grant College Program

October 28, 2020
DID YOU GRAB YOUR REUSABLE BAGS?
Reasons Why Reusable Bags Are Not Always Used (n=1097)

- Forget to bring them: 50%
- Use plastic bag for something else: 34%
- Other (please specify): 6%
- Likes getting plastic bag from the grocery store: 4%
- They are clean or sanitary: 3%
- Not suitable for the items I need to carry: 2%
- Friends and family do not use one: 1%
- Takes public transportation: 0%

Reasons Why Consumers Do Not Always Use Their Own Bags

Bartolotta and Hardy, 2018
Remember Your Reusable Bags!

Reduce Plastic Waste in Lake Erie

Did You Bring Your Bags?

You Can Help!

1,500
1 billion
96%
1 metric ton
700

Let's try to reduce plastic waste!

1. Bring your own bag from home.
2. Use a reusable bag in your car.
4. Bring your own plastic bag or use reusable bags.
5. If you need a plastic bag, try to use one you already have.

Sea Grant
The Ohio State University
Support for Legislation Limiting Access to Disposable Plastic Bags (n=993)

- Bag Ban: 24%
- Bag Fee: 18%
- Bag Fee and Bag Ban: 37%
- Neither: 21%

Bartolotta and Hardy, 2018; Hardy and Bartolotta, in review
Support for Businesses Charging for Disposable Plastic Bags (n=184)

- Very likely: 69%
- Moderately likely: 17%
- Somewhat likely: 7%
- Not at all likely: 8%

Hardy and Bartolotta, in review
Support for Businesses No Longer Offering Disposable Plastic Bags (n=184)

<table>
<thead>
<tr>
<th>Consumer Support Level</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very likely</td>
<td>68%</td>
</tr>
<tr>
<td>Moderately likely</td>
<td>22%</td>
</tr>
<tr>
<td>Somewhat likely</td>
<td>7%</td>
</tr>
<tr>
<td>Not at all likely</td>
<td>3%</td>
</tr>
</tbody>
</table>

Hardy and Bartolotta, in review
Hardy and Bartolotta, in review

Number of Reusable Bags Owned (n=184)

<table>
<thead>
<tr>
<th>Number of Reusable Bags Owned</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-5</td>
<td>29%</td>
</tr>
<tr>
<td>6-10</td>
<td>35%</td>
</tr>
<tr>
<td>11-15</td>
<td>20%</td>
</tr>
<tr>
<td>16-20</td>
<td>9%</td>
</tr>
<tr>
<td>21 or more</td>
<td>8%</td>
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</tbody>
</table>
Contact and Resources

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Needs Assessment Report:
https://ohioseagrant.osu.edu/p/r6nvv

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
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.”
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.
State Laws Prohibiting Local Bans

Arizona, Colorado, Florida, Idaho, Indiana, Iowa, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio (temporary), Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin.
“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
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.
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

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https://twitter.com/sglawcenter

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