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New York State Considers Banning Plastic Single-Use Bags

An interesting piece of legislation we have been following this year has to do with the usage of single-use grocery bags in New York State and a potential ban of them. The “bag bill” as it has been termed, was introduced by Governor Cuomo and seeks to impose a ban on all single-use plastic carryout bags, the ones you receive in stores when purchasing items such as groceries, at any point of sale in New York State. According to the Administration, placing a ban on plastic carryout bags will result in a reduction of waste and the negative impact these single use bags have on the environment. California famously put a ban on single-use plastic grocery bags a few years ago, and while a multitude of cities, towns, and villages in New York State have already enacted their own plastic bag bans, it appears Cuomo wants to align New York State with California and make the ban a statewide initiative. If passed this session, the bill would go into effect on January 1, 2019.

Following his announcement of this initiative, Governor Cuomo launched and appointed members to the New York State Plastic Bag Task Force in March 2017, which was then charged with conducting a study and developing a proposal and solution to the use and disposal of plastic bags and how best to deter their environmental impact. The Task Force was led by State Department of Environmental Conservation Commissioner Basil Seggos along with co-chairs Senator Thomas O’Mara and Assemblyman Steve Englebright.

The Task Force conducted a survey of more than a dozen municipalities in New York State that currently have plastic bag laws to receive the pros and cons of the policy enactment, and if they were seeing environmental benefits and/or fiscal impacts from the policy. The Task Force also

encouraged public comment on the issue and received nearly 600 responses between March and December 2017. The report was released and is available online.

Some of the opposition the Task Force received came from the grocery store industry, with Wegmans making a public statement in opposition to the bag bill. Wegmans maintained that a ban on grocery bags would actually encourage consumers to then use paper bags as an alternative. According to Wegmans, paper bags are much larger, take up more space, and require 90% more energy and resources to recycle than a plastic bag. Wegmans also claimed they have a very popular and comprehensive plastic bag recycling program in place and, as an alternative, encouraged lawmakers to make programs like this more accessible for plastic bags to be recycled more often.

Based on recommendations included in the report (released in early 2018), the Governor would provide the Department of Environmental Conservation with exclusive jurisdiction over all matters related to plastic bags and film plastic recycling. The Task Force report also attempted to clarify what the definition of a plastic bag was that would be banned. The bill exempts garment bags, trash bags, and any bags used to wrap or contain certain foods, such as produce and deli meats. In addition to the legislation, it was recommended the State undertake an educational campaign to increase consumer awareness of single-use bags and their harmful impact on the environment, and promote usage of reusable bags.

The Task Force Report introduced eight specific proposals all of which can be viewed in their report. Many of the alternatives given could be considered as a way to not ban them outright, but to encourage less usage of them, with one significant proposal including charging a small fee for the usage of the bag if needed when purchasing items.

I am interested in hearing the membership’s positions on this active piece of legislation. Please email me at kburns@macny.org with your thoughts.