

A Study in Response to Act 2019-20: Non-Economic Impacts of Single-Use Container Bans/Fees

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Act 2019-20 preempted municipalities from enacting bans on single-use plastics through July 1, 2020, and required the Legislative Budget and Finance Committee to evaluate the “environmental impact and any impact upon residents of this Commonwealth from any regulation impacting single-use plastics, reusable plastics, auxiliary containers, wrappings, or polystyrene containers.” The Independent Fiscal Office, a legislative service agency, was similarly charged under the Act to evaluate the “economic impacts” of the aforementioned products.

A JOINT COMMITTEE OF THE PENNSYLVANIA GENERAL ASSEMBLY

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- ❖ **Objectives and Scope Limitation.** Due to the broad mandate and expansive subject matter, we focused our study’s objectives on single-use plastic regulation, municipalities’ consideration of plastic regulation, and identifying the possible unintended consequences of regulating single-use plastics. We also limited the scope of our review to single-use plastic bags. About 102 billion of these bags are used annually in the U.S., with about 3.0 billion used annually in Pennsylvania.
- ❖ **Single-Use Plastic Bag Criticism.** The “disposability” of single-use plastic bags is frequently cited as a concern, because if not properly disposed or recycled, the bags may contribute to litter, or other environmental threats to wildlife, and possibly humans. While all types of plastic are a significant source of litter in marine and land environments, a litter survey found that cigarette butts are the most prevalent type of litter with single-use plastic bags accounting for 0.7% of all collected litter in PA in 2019. According to recent research, most plastic pollution originates from ten river systems, which are located in Asia and Africa, not North America.
- ❖ **Regulatory Structures Vary.** More than 120 countries have single-use plastic bag regulations. In general, there are three types of regulations: an outright ban on plastic bags which require other bags of varying composition; restrictions on the use of bags based on the thickness of plastic bags; and allowing plastic bags but requiring a fee or tax for using the bag. Hybrid regulatory structures are becoming more common and both ban plastic bags and charge a fee or tax for using alternative types of bags, e.g., paper. Most regulatory approaches rely on these three methods. In the United States, most regulations on single-use plastic bags are a hybrid approach of bans and fees, e.g., California bans single-use plastic bags and charges a 10 cent fee for paper bags.
- ❖ **Pennsylvania Limitations.** Only one municipality, Narberth Borough (Montgomery County), regulates single-use plastic bags. Other municipalities including the City of Philadelphia, and West Chester Borough, had enacted proposed ordinances, but those ordinances have either been suspended or continue to be on hold as a result of the continuation of the “state preemption,” which prohibits municipalities from enacting ordinances on single-use plastics. Act 2020-23 extends the preemption to July 1, 2021, or six months after the Governor’s disaster proclamation related to the COVID-19 pandemic expires, whichever is later.
- ❖ **Survey Results.** We surveyed all 2,560 Pennsylvania municipalities and asked about single-use plastics regulation. Respondents were evenly split—39.1 percent replied “yes” and 39.6 percent said “no” on whether plastic bag bans and fees were an effective way of minimizing harmful environmental impacts. Additionally, respondents overwhelmingly (69 percent) believed that that (if enacted) a ban/fee on single-use plastic should be implemented at the state level, indicating a desire for more uniformity in how the issue should be addressed. We also asked respondents to rate on a scale from 1 (not important) to 5 (very important) how important implementing a plastic bag ban, fee, or some hybrid approach was in their municipality. For all three categories of regulation, the fewest respondents rated implementing a ban as “very important.” In fact, most respondents rated each regulatory mechanism (e.g., ban, fee, ban and fee) as not very important. Our survey was conducted prior to the COVID-19 pandemic; therefore, it is likely that the issue is even less concerning now than it was then to most municipalities in Pennsylvania.
- ❖ **Unintended Consequences.** An unintended consequence is a social science term used to describe an unexpected result from policy action. Our report outlines three possible unintended consequences: (1) sanitary concerns with reusable grocery bags (this fact is especially troublesome in the current COVID-19 pandemic); (2) alternatives such as paper bags have greater environmental impacts than single-use plastic bags; (3) reducing litter is important, but research indicates that single-use plastic bags are not a major source of litter, and moreover, the bags actually have many useful secondary uses, e.g., pet waste disposal
- ❖ **Final Thoughts.** Whether bans and fees on single-use plastic are effective depends upon perspective and desired outcome. If the goal is to change human behavior and use, then bans and fees can be effective, and have resulted in reduced single-use plastic bag litter. However, in Pennsylvania and elsewhere, these actions are not without cost and possible unintended consequences. To this point, Pennsylvania continues to emerge from the effects of the COVID-19 pandemic, and as such, the pause of any further restriction on single-use plastic until the state is on more steady footing should result in more informed decision-making that may avoid unintended consequences as have occurred in other jurisdictions.

For a full copy of the report, email us at lbfcinfo@palbfc.us or download a copy at <http://lbfc.legis.state.pa.us/>.