

May 18, 2021

Sen. Julie Gonzales, Chair
Sen. James Coleman, Vice Chair
Senate Committee on State, Veterans, & Military Affairs
Colorado General Assembly
200 E Colfax Avenue
Denver, CO 80203

RE: Opposition to HB21-1162

Chair Gonzales, Vice Chair Coleman, and members of the committee:

On behalf of the American Recyclable Plastic Bag Alliance (ARPBA), which represents America's plastic bag manufacturers and recyclers, I write to highlight concerns regarding HB21-1162 – legislation that would ban certain kinds of plastic bags statewide, create costly burdens for small businesses and consumers, and move American manufacturing jobs overseas—primarily due to its definition of a “reusable bag.”

While this bill is framed as a “plastic bag ban,” it does not ban plastic bags. Most reusable bags with stitched handles, like the ones available for \$1-2 at most checkout counters, are made from plastic like woven and nonwoven polypropylene, nylon, or polyester.

This bill's mandate that reusable bags have “stitched handles” limits flexibility for small businesses and forces consumers to use bags almost entirely made in Southeast Asia by companies based in some of the world's worst-polluting countries. Bags with “stitched handles” – such as cotton/canvas bags or the \$1-2 totes you can buy at the grocery store checkout – are almost always made overseas due to the decades-long offshoring of the U.S. textile industry.

Further, reusable plastic bags with stitched handles are not recyclable in the United States, both due to the plastic they are made from and the stitching mandated by this bill. As a result, consumers often dispose of these “preferred” reusable bags when they become soiled or otherwise contaminated, often well before they have been reused enough times to offset their environmental impact.

Lifecycle assessments have found that compared to a traditional, thin-gauge plastic retail bag, reusable bags with stitched handles require more reuses to offset the increased environmental effects associated with their production and transport. For example, [Recyc-Québec](#) (the recycling authority of Quebec) released a study in December 2017, which found that the overall lifecycle of the traditional, thin-gauge plastic retail bag—from its production to the end of its life—has far less environmental impact compared with other bags.

Unlike bags with stitched handles, plastic film bags of any thickness are 100% recyclable through the store takeback programs that ARPBA members pioneered. In Colorado, these bags can be recycled at many King Soopers, Safeway, Walmart, and Target stores. However, HB 1162, as drafted, would prohibit these U.S. manufacturers from providing their 100% recyclable, certified-reusable bags to retailers and small businesses.

Given the [well-documented nationwide shortage of both paper bags and reusable bags](#), there is a risk that a plastic bag ban in Colorado would exacerbate rising operating costs for restaurants, retail stores, and grocery stores at a time when many businesses – both large and small – are struggling to stay afloat. Further, implementing this costly mandate on small businesses and consumers could represent a hurdle to a strong economic recovery as we emerge from the pandemic, given that the bag shortage is anticipated to [last for several years](#).

For many consumers who rely on public transit, work multiple jobs, or otherwise face challenges when it comes to bringing bags with them, HB 1162 would create significant new costs at checkout. Whether it's a \$10 cotton or

canvas bag or a \$1-2 reusable plastic tote bag, like the kind commonly available at most large grocery and retail stores, these costs can add up quickly in the absence of affordable options for businesses and consumers.

Together, these nationwide bag shortages and the unintended consequences they can create for small businesses and consumers have led several other jurisdictions, including Maine, Washington, Oregon, and the cities of Baltimore and Philadelphia, to delay or suspend enforcement of their respective bans.

Importantly, ARPBA shares a commitment to improve sustainability in Colorado. For our members, sustainability is at the forefront of everything we do, which is a key reason our members are pioneers in the plastic film recycling field and committed to meeting standards for recycled content in their products.

Mandating stitched handles does not necessarily make a bag more durable. California established the first statewide definition for a reusable plastic bag based on scientific testing: 2.25 mils in thickness and capable of 125 or more uses carrying 22 or more pounds over a distance of at least 175 feet. Reusable plastic film bags are allowed under statewide bag bans all over the country, including in California, Washington, Oregon, Maine, Delaware, and Connecticut.

Even as plastic bag bans have become more common in recent years, there is a lot of data out there that says it's not the right way to go. While many suggest that plastic retail bags are filling up landfills and the environment, this simply isn't true. [U.S. Environmental Protection Agency data](#) shows that all plastic "bags and sacks" combined make up 0.3% of the nation's municipal solid waste—plastic retail bags account for a tiny fraction of that amount. Additionally, two recent statewide litter studies, done in [New Jersey](#) and [Pennsylvania](#), found that branded plastic retail bags make up very small percentages of litter in each state: 0.8% and 0.7%, respectively.

Make no mistake: plastic bags do not belong in the environment and should always be disposed of properly, either through reuse or recycling at supermarket drop-off bins. However, blanket bans like HB 1162 miss the mark on sustainability by forcing consumers to use products that cannot be recycled and have greater environmental impacts. We respectfully urge this committee to reject the bill.

ARPBA and its members stand ready to work with you on solutions that protect the state's unique environment, increase recycling, and decrease litter and waste without placing burdens on residents and small businesses that undermine U.S. manufacturing. Thank you for your time and consideration.

Sincerely



Zachary Taylor
Director
American Recyclable Plastic Bag Alliance

CC: Sen. Sonya Jaquez Lewis
Sen. Cleave Simpson
Sen. Jerry Sonnenberg



May 17, 2021

Senate Committee of Reference:
State, Veterans, & Military Affairs
200 East Colfax
Old Supreme Court
Denver, CO 80203

Senator Julie Gonzales, Chair
Senator James Coleman, Vice Chair
Senator Sonya Jaquez Lewis
Senator Cleave Simpson
Senator Jerry Sonnenberg

**Support for HB21-1162
Management of Plastic Products**

Dear Senators and Committee Members:

Hello, and we are wishing you the best. We are back at the plate. We remain steadfast in our endeavor to ensure the legislative fix needed in this bill is made. It is imperative to reintroduce the initial intention. Currently, Section 7 of Colorado Revised Statutes §25-17-104 includes an obscure 30-year-old local government preemption. As HB21-1162 is presented on Tuesday, we urge you to reintroduce Section 1 of the bill which removes the antiquated statutory language. Restore the preemption repeal.

As a home rule municipality, the onus is on us. Management. Enforcement. Supporting **local control** allows us to regulate and work with our community within our city limits. We have testified, represented, and worked side by side with our citizens and businesses. We have the local buy-in and are best equipped to write the ordinances for our community. We are elected to make decisions on behalf of our constituents. It is time to allow us to reduce waste and provide our citizens with what they are asking for.

We have a plastic bag reduction plan that commenced in 2012. We want to do more. Removing the local preemption with HB21-1162 will be most effective. Colorado can do this. Thank you for your continued political will and belief in local control.

Sincerely,

Torre, MAYOR, CITY OF ASPEN

cc: Leroy M. Garcia, Jr., President of the Senate

May 25, 2021

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Sen. James Coleman, Vice Chair
Senate Committee on State, Veterans, & Military Affairs
Colorado General Assembly
200 E Colfax Avenue
Denver, CO 80203

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Sincerely



Zachary Taylor
Director
American Recyclable Plastic Bag Alliance

CC: Sen. Sonya Jaquez Lewis
Sen. Cleave Simpson
Sen. Jerry Sonnenberg



Hb 21-1162, Management of Plastics

NFIB Position: OPPOSED

The National Federation of Independent Business (NFIB), the nation's largest and leading small-business association, conducted a poll of its members asking "Do you support statewide bans on certain single-use plastics like straws, shopping bags, trays, food containers, utensils and other legal products in Colorado?" The results were:

No, 85%

Yes, 10%

Und. 2%

House Bill 1162 wouldn't institute a ban, but it would lift the prohibition on local governments from having their own bans on certain plastic products, and polystyrene which is worse because restaurants and other food vendors would be left with a crazy-quilt of unmanageable rules and regulations to comply with.

At a time when every, single aspect of running an enterprise needs to be unfettered if we are ever to economically recover, a plastics ban is a needless idea coming at the worst possible moment."

NFIB's poll came on the heels of one by Myers Research showing 59 percent of Coloradans opposing the banning of plastic products. "The arguments of the proponents were not enough to sway NFIB members. People and businesses are doing as much as possible regarding recycling and engaging in other environmentally conscious initiatives.

Colorado House 21-1162 is a needless idea coming at the worst possible time.

PLEASE VOTE NO

Contact: Tony Gagliardi, 303-831-6099

Senate State, Veterans, & Military Affairs

HB21-1162 Management Of Plastic Products

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Inga Johansson For Self	<p data-bbox="565 373 1476 411">Esteemed Representatives of our beautiful state of Colorado,</p> <p data-bbox="565 449 1476 634">My name is Inga Johansson, and I am a teacher and volunteer member of the Mountain Village Green Team, the environmental advisory council for the Town of Mountain Village, Colorado. I am writing this letter in support of House Bill 21-1162 and reinstatement Section 1, repealing the preemption language.</p> <p data-bbox="565 672 1476 1121">Our small tourist town is heavily impacted by a waste stream that is far beyond our capacity to manage. With the influx of constant tourists, who are in a use and dispose mentality, we find an immense amount of trash being generated and overwhelming our waste stream. We simply do not have the capacity or adequate recycling market to deal with this influx of waste. Our advisory council has started an initiative to reduce waste and attack this disposable culture, but even though our local community supports this shift, it has been extremely difficult to achieve in our tourist-centered environment on a voluntary basis. Our town council and community want to assume control of how we decide to deal with this problem. Section 1 would give the control back to local municipalities to deal with the issues that directly impact them.</p> <p data-bbox="565 1159 1476 1239">We should have the freedom and legal ability to pass legislation within our community to protect the place we call home,</p> <p data-bbox="565 1276 1476 1314">Thanks for your support,</p> <p data-bbox="565 1352 1476 1461">Inga Johansson 150 Edgewater Dr. Telluride, CO</p>
Kris Holstrom For Self	<p data-bbox="565 1465 1476 1692">Thank you for hearing this important matter today! I am a Commissioner in San Miguel County. Our citizens and at least two of our local municipalities are strongly in favor of this bill as am I personally. We have not discussed this at the full Board of Commissioner level. However, each commissioner in the past has supported our local plastic bag bans.</p> <p data-bbox="565 1730 1476 1835">We know that we can't legislate our way out of everything. However this bill does three very important things that we support including reducing the load of plastics in our 'trash' stream, especially polystyrene.</p> <p data-bbox="565 1873 1476 1940">Single use plastic bags are easy to transition away from - and that act can make a huge difference in our landscape.</p>

	<p>Lastly, we are highly supportive of repealing the ban on local governments regulating plastic products. Industry claims they are improving and that piecemeal legislation will only hurt them. Our citizens do not want us to wait until the industry has 'figured it out'. We know we do not want many of these plastic products in our communities. We should be able to regulate them as local governments. Taking that right away from us is contrary to the 'local control' that many of us count on to be responsive to our constituents.</p> <p>Please support this bill including the removal of the local government pre-emption. Thank you for your time and your efforts on behalf of us all.</p>
<p>SaraRose Tannenbaum None Conservation Colorado</p>	<p>Dear Members of the Committee,</p> <p>My name is Sara Rose Tannenbaum, I am the Climate Advocate at Conservation Colorado, the largest, state-based member conservation organization in the state. On behalf of our almost 40,000 members, I write in support of HB1162, Management of Plastic Products.</p> <p>Voters overwhelmingly agree that “with the recent wildfires and droughts, climate change is already having a serious impact on Colorado.” And nearly two-thirds of voters want to see their state legislator “support strong action this year to combat climate change.” We must be doing everything we can to meet our climate goals, and support communities who are bearing the brunt of the climate crisis.</p> <p>Plastic pollution is a threat to our health and our climate. Nothing we use for 5 minutes should pollute our planet for hundreds of years. As a climate leader, Colorado should join the other states who have already led on this issue.</p> <p>We urge you to vote yes on HB21-1162.</p> <p>Sincerely, Sara Rose Tannenbaum Climate Advocate, Conservation Colorado</p>
<p>Nick Hoover Amend Colorado Restaurant Association</p>	<p>Chair and Members of the Senate State, Veterans, and Military Affairs Committee -</p> <p>The Colorado Restaurant Association is neutral on the current version of House Bill 21-1162. We worked in good faith with the House sponsors on several concerns we had with the introduced version of the bill. After the House sponsors agreed to those amendments and they were added to the bill the CRA moved to a neutral position on House Bill 21-1162.</p>

	<p>Amendment L.042, if adopted, would move the Colorado Restaurant Association to an oppose position on House Bill 21-1162.</p> <p>The COVID-19 pandemic has shown that local control of important restaurant regulations reduces compliance and creates a regulatory nightmare for the industry. With 64 counties having the ability to set their own rules on restaurant regulations there was, up until just recently, mass confusion by restaurant operators who didn't know what rules applied to them and when. Amendment L.042 would allow all cities and counties in the state to regulate plastics as they see fit. This will put restaurants, who may be separated by nothing more than a street, on different playing fields when it comes to the types of products they will be able to use. Additionally, this will create a logistic nightmare for any restaurant that operates in two cities or more.</p> <p>We ask that you please reject amendment L.042 and keep the bill as it is today. Thank you for your time.</p>
<p>Robert Bogatin For Resilient Restaurants of Colorado / Good Business Colorado</p>	<p>Good afternoon Madam Chair and Senate Committee, I'm Robert Bogatin, a former small business and restaurant owner and currently the Director of Resilient Restaurants of Colorado, a non-profit coalition of independent values-driven dining establishments; we are a program of Good Business Colorado, an organization of over 375 businesses across the state working to build a more prosperous, equitable and sustainable Colorado.</p> <p>We are in support of HB21-1162 and dozens of our restaurant members are already plastic-free in their customer service. More specifically addressing the amendments, Good Business Colorado encourages the amendment/ language to repeal the pre-emption clause for localities because we recognize the most effective solution in managing plastic pollution is to provide a strong guiding structure from which our municipalities can adapt the program to their own needs.</p> <p>We strongly encourage the Committee to not delay the implementation start dates due to the significant increases in disposable plastics consumption during the pandemic, and it's not slowing down. Right now, Resilient Restaurants provides financial and programmatic support for any independent business owner to transition away from polystyrene and even recyclable plastic food containers because we know recycling is not the long term solution for Colorado's food service industry.</p> <p>I want to thank the Bill sponsors and the advocacy campaign for our continued success and support them and HB1162 passing in whatever form that results from this legislative process.</p>

Senate State, Veterans, & Military Affairs

HB21-1162 Management Of Plastic Products

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Joanne Steinback For Self	I'm a resident of Telluride, CO where our recycle bin is huge and full each week of plastic waste. I'm tired of the waste and want to see the state pass the plastics pollution bill HB21-1162. We need to change packaging now and Colorado has a chance to be the leader in this arena. For the sake of our generation and our children's and grandchildren, let's begin NOW on eliminating plastic in our lives. Joanne Steinback