

23 Banning Plastic Bags

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Introduction

Most shoppers have become accustomed to receiving plastic bags when purchasing goods from retailers in their communities. These bags are generally designed for single use and are usually disposed of after they have served their purpose, which for most consumers is carrying goods purchased at a store back to their homes. Between 500 billion and 1.5 trillion plastic shopping bags are used worldwide each year (Spokas, 2007).

While they are a staple of most grocery stores and shopping malls, plastic shopping bags are controversial. The bags are generally made from low-density polyethylene plastic (Clapp & Swanston, 2009), and while this makes them a relatively strong, cheap, and hygienic method of transporting goods, the materials used are considered environmentally harmful. It is estimated that less than 5 percent of these bags are recycled, meaning that the vast majority find their way into landfills (Clapp & Swanston, 2009). The bags themselves do break down, but they never biodegrade. Instead, they photodegrade; that is, they break into smaller pieces, and any toxic additives they contain are released into the environment (Rios, Moore, & Jones, 2007). Moreover, when disposed of improperly, windblown plastic shopping bags pollute waterways, clog sewers, and cling to trees and fences. Apart from the unsightliness of this litter, wildlife can become entangled in plastic bags and die from ingesting them.

As a result of the potentially harmful side effects of the widespread use of plastic bags, some governments have opted to ban their use entirely. Bangladesh became

the first country in the world to ban plastic bags in 2002 after it was discovered that discarded bags choked drainage systems during flooding (Onyanga-Omara, 2013; Reazuddin, 2006). Other countries soon adopted similar bans—mainly across Asia and Africa, where the environmental impacts were more pronounced (Hasson, Leiman, & Visser, 2007; McLaughlin, 2004). In the mid-2000s, jurisdictions in North America and Europe began to consider action against plastic bags, mainly taking the form of bag fees designed to curb use and promote the introduction of reusable cloth shopping bags (Convery, McDonnell, & Ferreira, 2007).

This process, whereby governments are influenced by the decisions of other governments, is known as policy diffusion (Shipan & Volden, 2012; Stokes Berry & Berry, 2018). Governments considering taking policy action against plastic bags are emulating other jurisdictions. The global spread of plastic bag bans and fees is of note because it illustrates how policy diffusion can transcend geographical regions and levels of government (Shipan & Volden, 2012).

Despite the evidence of environmental impact and the diffusion of plastic bag policies, there are some health concerns associated with bacterial levels in the reusable bags that are the most commonly used alternative. A University of Arizona study randomly tested reusable bags and found bacteria in almost all bags, with coliform bacteria present in half (Williams, Gerba, Maxwell, & Sinclair, 2011). When meat juices were added to bags and stored in the trunks of cars for two hours or more, the number of bacteria increased tenfold, indicating the potential for bacterial growth in bags that are not washed or discarded (Williams et al., 2011).

Similar evidence was found by a research team from the University of Pennsylvania and George Mason University. This study examined bacteria-related emergency room visits in the wake of San Francisco County's 2007 plastic bag ban (Klick & Wright 2012). They found that emergency room visits "spiked" after the introduction of the ban, mainly stemming from the bacteria contained in reusable grocery bags (Klick & Wright, 2012). Additionally, there is concern that the manufacturing of reusable bags may offset the environmental gains associated with banning plastic bags (Lau, 2018).

Case Study

Like many communities across Canada and around the world, your City Council is poised to consider banning plastic shopping bags. The local Environment and Climate Change Advisory Council (ECCAC), an advisory body containing mostly citizen appointees, recently raised the issue at its monthly meeting. The ECCAC unanimously recommended that staff be instructed to draft a by-law that would ban plastic bags throughout the city. The councillor for Ward 3, who is council's only representative on the ECCAC, supported the recommendation and has expressed his desire in the local media for council to adopt a plastic bag ban. When approached by a local reporter at a community event, the councillor noted that

many municipalities are starting to ban plastic bags, arguing, “It’s time that we get ahead of the issue, become a leader on this file, and show that we care about the environment!”

Because the ECCAC does not have decision-making authority, the issue of the plastic bag ban was forwarded to the Committee of the Whole for consideration. The Committee of the Whole consists of all members of council meeting under relaxed rules of procedure. In your city, the Committee of the Whole is where council first debates the recommendations from its various advisory bodies. Members of council expressed varying levels of opposition and support for the recommendation. Following is a brief summary of the positions raised during the meeting.

The councillor for Ward 5 argued that bag bans are ineffective, drawing upon three main arguments. First, he argued that no neighbouring municipalities have plastic bag bans, meaning that residents of your community could cross the municipal boundary to shop, bringing bags back with them. “They will still end up in our landfills,” the councillor argued. “Let’s not pretend our policies have any impact beyond our boundary lines.”

Second, the councillor argued that many consumers are now shopping online, meaning that goods are being received in boxes with heavy packaging material—all of which may be disposed of in the trash. The councillor noted that the city does not have accurate figures on the diversion rate for this packaging, and thus it might be an even larger environmental threat than plastic bags.

Finally, the councillor mentioned that reusable bags posed a health hazard, as bacteria can seep into the lining of the bags and cause ill health effects if not regularly washed. “At the very least,” the councillor said, “we’ve got to get some advice from the health board on this.”

The councillor for Ward 4 agreed, arguing that council did not have firm figures on the cost of such a ban. “Surely we’ll have to enforce this thing,” she argued. “What’s that going to cost, and who will be responsible for doing it? The police? This doesn’t make sense right now.” She also pointed out that many of her constituents were seniors living on fixed incomes, and purchasing more expensive reusable bags would be a financial burden for them.

Taking the middle road, the councillor for Ward 1 proposed that the city ought to take steps to promote the use of reusable bags as an alternative to plastic bags. She suggested a five- or ten-cent fee for using plastic bags, collected by store operators. “Similar plans like this are already in effect in other communities,” she stated. She did, however, also mention the potentially prohibitive cost, arguing that, like the councillor for Ward 4, she too has constituents with lower incomes. She accepted that the fees could be an incentive for shoppers to try reusable bags, but she did not want them to be punitive. “Maybe we should be giving away reusable bags at first, or we could create a program where those who cannot afford them can request them from the city,” she suggested.

Also present at the meeting was the president of the local Chamber of Commerce, who requested to address the committee. She argued that her members believed that a bag ban or mandatory fees for bags would endanger their businesses, especially during holiday seasons. She pointed to recent property tax increases and a provincial increase in the minimum wage as factors already making business much tougher for local merchants.

“There is already a ton of regulation on business in this municipality,” she argued. “Operating costs are always going up, property taxes just increased, and we just got hit with a minimum wage increase that many of my members are struggling to absorb.” She estimated that the cumulative effect of all these regulations, as well as the new bag fee or ban, would mean at least 25 percent of her members would need to let some employees go or forgo hiring in the near future. She concluded her address to the committee with the following argument: “You’re potentially looking at a local recession unless you can convey clearly to my members that you’re a council that supports small businesses and works to allow them to flourish and create good local jobs. You need to do the right thing and leave this decision until later.”

These comments were echoed by a member of the local downtown business improvement area (BIA), who wanted to know how far any potential action from the city would go in regard to packaging. “What about restaurants that give out take away containers? Or packaging for prepared foods that is similar to bags?” She argued that there should be some definition of what constitutes a plastic bag. Additionally, she mentioned that something ought to be done to clarify to whom the ban would apply. “For instance,” she asked, “would a non-profit be able to use plastic bags? If so, why?”

The BIA member also remarked that environmental awareness was already high within the community and that many residents were already using reusable bags. “Does the municipality even know how many plastic bags are winding up in the landfill?” she asked. “Without that number, you don’t even know if you have a problem or not.”

The councillor for Ward 3 spoke up at this point, calling the comments from the Chamber of Commerce and the BIA “alarmist.” He reiterated his support for a plastic bag ban, “The time is right to do this! Ignore the scaremongering!” He argued that the citizen-led ECCAC had thoroughly researched the subject and made an informed recommendation to council. He worried that if council rejected its advice, interest in local committees would wane, and the municipality would be left without a vital line of information to the community.

The municipality currently has twelve citizen committees, which provide recommendations to council on a variety of local policy matters. The councillor concluded, “Why do we even have a community-led committee on this if we’re just going to ignore them or privilege other voices from the business community over

them? It makes no sense!” The chief administrative officer, however, reminded everyone that the ECCAC was in fact an advisory body, and council was not bound to implement any of its recommendations.

At the end of the committee meeting, the mayor proposed a staff report be completed, carefully weighing the policy options available to council and recommending a course of action. The mayor was clear that she wanted to see evidence that any action on plastic bags would have a positive environmental effect. She also asked for some indication that this would outweigh any potential negative impacts to local business. The majority of the committee supported the mayor’s proposal, which was formally passed at the next council meeting.

CASE IN POINT

Victoria Bans Plastic Bags and Heads to Court

A number of Canadian municipalities have taken measures to reduce or eliminate plastic shopping bags in their communities. Toronto, for instance, introduced a five-cent levy on plastic bags and then sought an outright ban in 2012. The ban, however, was rescinded by City Council in 2013 (Charlebois, 2018). More recently, Montreal has introduced a plastic bag ban, which bans lightweight plastic shopping bags (specifically those less than 50 microns thick) (Turnbull, 2017). The ban also applies to all types of oxo-degradable, oxo-fragmentable, oxo-biodegradable, and biodegradable bags (Turnbull, 2017). Retailers who do not adhere to the by-law face fines from \$200 to \$1,000 for a first infraction and \$300 to \$2,000 for any subsequent violations (Turnbull, 2017).

Victoria, British Columbia’s City Council passed a plastic bag ban by-law in January 2018. The by-law prohibits grocery stores from offering or selling plastic bags to shoppers, although stores can still offer paper bags or reusable bags for a cost if customers ask. Under the by-law, retailers must charge a minimum of 15 cents for paper bags, while reusable bags are available for a minimum of \$1 (Zussman, 2018). On July 1, 2019, the minimum cost for paper bags rose to 25 cents, while the cost of reusable bags increased to \$2 (Zussman, 2018). Fines for contravening the by-law range from \$50 to \$500 for individuals and from \$100 to \$10,000 for corporations (Zussman, 2018).

The by-law was immediately challenged in British Columbia’s Superior Court by the Canadian Plastic

Bag Association (CPBA) (Zussman, 2018). In its court filing, the CPBA stated that

the City of Victoria does not have the jurisdiction under its business licensing powers or otherwise to only permit paper and reusable bags or to compel businesses to charge a fee to its customers for the purpose of promoting “sustainable business and consumer habits.” (Zussman, 2018, n.p.)

Essentially, the CPBA was arguing that the municipality did not have the jurisdiction to regulate the environment; only the provincial government had the adequate authority to act. The BC Superior Court eventually sided with the City of Victoria in June 2018. In this judgment, Justice Nathan Smith stated:

I find no evidence of bad faith in this case. Although some members of council may have been motivated by broad environment concerns, council’s attention was properly drawn to ways in which discarded plastic bags impact municipal facilities and services. Council decided that those issues could be addressed by prohibiting a specific form of consumer transaction. (Zussman, 2018, n.p.)

Victoria’s mayor Lisa Helps greeted the verdict with optimism, saying it “isn’t just a victory for the City of Victoria, it’s a victory for cities because cities do have very limited powers” (CBC News, 2018, n.p.).

Case Activities

You are a municipal administrator charged with researching and writing the report requested by council. Before the report can be prepared, however, there are two main methods for gathering information that are needed: a jurisdictional scan and public consultation.

Jurisdictional Scan

- Compile a list of relevant jurisdictions that have acted on the issue of plastic bags.
- What have been the most common approaches taken? Why?
- Have the various policy interventions reduced the use of plastic bags? Is there a policy intervention that seems to work better than others?
- How are plastic bag bans enforced in jurisdictions that have implemented them?

Public Consultation

- Compile a list of relevant stakeholders on this issue.
- Which interests are likely to be most vocal in their opposition to a plastic bag ban? Could they be appeased by other policy instruments (e.g., a plastic bag fee)?
- Are there unorganized interests that need to be considered?
- Given the dynamics of this issue, what would an appropriate public consultation strategy look like?
- How much weight should be given to the recommendation of the ECCAC in all of this, given that most of its members are citizen appointees?

DISCUSSION QUESTIONS

1. Is an outright plastic bag ban the best approach, or would other policy instruments be more effective? Find evidence from jurisdictions that have plastic bag policies in place to support your answer.
2. Are municipalities the most appropriate level of government to be dealing with this issue?
3. Can you think of any positive or negative consequences that might arise because of a plastic bag ban?
4. Do you think that the concerns expressed by the business groups are legitimate? Do you worry that because they are organized and vocal in their opposition to a plastic bag ban, other interests will be ignored?
5. What does this case tell us about the role of advisory bodies? If they have no decision-making authority, what is their purpose? Would you volunteer to serve on one?

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