

# **HB242**

## **Sierra Club Talking Points**

**What is the goal of these talking points?**

**Our goal is to encourage members of the Ohio legislature to vote against Ohio House Bill 242.**

**What is Ohio House Bill 242?**

**Ohio House Bill 242 prevents municipalities from implementing a fine or a ban on plastic bags, Styrofoam cups, and other “auxiliary containers.”**

**What is the purpose of these talking points?**

**The purpose of these talking points to provide a convenient and personalized way for Sierra Club members to convince members of the Ohio legislature to vote against Ohio House Bill 242. The Ohio House Bill 242 is currently in progress in the Ohio House of Representatives. The Sierra Club Legislative Action Committee wants to be proactive in communicating our concerns in a constructive and meaningful manner.**

**Why is Ohio House Bill 242 important?**

**The restrictions imposed by Ohio House Bill 242 place an unnecessary and impractical constraint on Ohio communities to provide oversight and manage their own decision-making. This is contrary to the principle of a democracy. There is evidence that plastic pollution is causing damage and disrupting our environment and that plastics are known to cause several medical conditions.**

**This script is organized in conservative and progressive talking points.**

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## Conservative talking points:

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2. HB 242 constitutes government interference in the marketplace. Consumers, industry, and local governments are already heading towards reducing or eliminating single use plastics.
3. HB 242 takes away the freedom and liberty of citizens to decide how to manage resources such as plastics within their communities by ensuring a persistent stream of pollution flowing into Ohioans' neighborhoods.
4. Ohio's anti-littering laws are ineffective in addressing the pollution problem caused by single use "auxiliary containers."
5. Municipal management of "auxiliary containers" is not costly or harmful to consumers.
6. HB 242 would eliminate or severely undermine DORAs in Ohio. An ever-increasing number of Ohio municipalities have enacted Designated Outdoor Refreshment Areas ("DORAs") where residents can enjoy adult beverages in a designated outdoor public setting. (ORC Sec. 4301.82)
7. Public opinion strongly supports a reduction in plastic waste, not a protectionist pro-pollution measure like HB 242.
8. Communities that are managing plastic waste are enjoying record economic growth. Municipally driven fees and bans on auxiliary containers do not lead to "a patchwork of local mandates" or "a less friendly climate for economic growth," as the special interests behind HB 242 have claimed.
9. HB 242 is exceptionally overbroad in its protection of pollution. HB242 prevents municipalities from limiting or banning plastic bags, paper bags, straws, plastic utensils, aluminum cans, glass bottles, styrofoam cups and carry-out food containers.

## Progressive talking points:

1. HB 242 is exceptionally overbroad in its protection of pollution. HB242 prevents municipalities from limiting or banning plastic bags, paper bags, straws, plastic utensils, aluminum cans, glass bottles, styrofoam cups and carry-out food containers.
2. The environmental harm caused by plastic pollution is well documented and indisputable. Plastic waste is found in our waterways, parks, and even our food supply.
3. HB 242 limits the ability of citizens to decide how to manage waste within their communities by ensuring a persistent stream of pollution flowing into Ohioans' neighborhoods.
4. Nearly 10% of Ohio's cities (22 of 247) are under financial stress and in need of additional sources of revenue and ways to cut costs.
5. HB 242 is an assault on the long standing doctrine of Home Rule. Section 3, Article XVIII of the Ohio Constitution states that, "Municipalities shall have the authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary, and other similar regulations, as are not in conflict with general laws."
6. Ohio's anti-littering laws are ineffective in addressing the pollution problem caused by single use "auxiliary containers."
7. Municipal management of "auxiliary containers" is not costly or harmful to consumers.
8. Communities that are managing plastic waste are enjoying record economic growth.
9. HB 242 would eliminate or severely undermine DORAs in Ohio. An ever-increasing number of Ohio municipalities have enacted Designated Outdoor Refreshment Areas ("DORAs") where residents can enjoy adult beverages in a designated outdoor public setting. (ORC Sec. 4301.82)
10. Consumers, industry, and local governments are already heading towards reducing or eliminating single use plastics.
11. "Plastic, one of the most preferred materials in today's industrial world is posing serious threat to the environment and consumer's health in many direct and indirect ways."

## Conservative talking points:

1. HB 242 undermines the long standing doctrine of Home Rule by concentrating government power in Columbus.

Section 3, Article XVIII of the Ohio Constitution states that, “Municipalities shall have the authority to exercise **all powers of local self-government** and to adopt and enforce within their limits such local police, sanitary, and other similar regulations, as are not in conflict with general laws.”

When the state legislature passes bills preempting municipal local control authority, the “will” of a majority of a handful of legislators and special interests essentially drowns out the “will” of the millions of Ohioans who call an Ohio city or village home. Ohio cities and villages are autonomous, unique and have their own history, culture, and character, all of which creates differing concerns and challenges. HB 242 ignores the intricacies of Ohio’s communities and further subverts the tradition of home-rule local control and authority.

2. HB 242 constitutes government interference in the marketplace. Consumers, industry, and local governments are already heading towards reducing or eliminating single use plastics.

Cincinnati-based national grocery giant Kroger is in the process of phasing out plastic bags while Aldi has already demonstrated a successful business model of providing a consumer experience without single use plastic bags. The market is trending strongly towards eliminating single use plastics, and HB242 is simply propping up a dying industry through inappropriate big-government intervention.

3. HB 242 takes away the freedom and liberty of citizens to decide how to manage resources such as plastics within their communities by ensuring a persistent stream of pollution flowing into Ohioans' neighborhoods.

Pollution from single use "auxiliary containers" places financial stress on local governments and taxpayers as they struggle to find and fund solutions to manage ever expanding waste streams. Municipalities are capable and well within their right to manage the use of auxiliary containers so as to control the cost of municipal waste management and pollution cleanup. Chicago's small fee on single use bags led to a 28% reduction in the use of disposable bags ([link](#)), and Los Angeles' ordinance led to a 94% reduction in single-use bag usage. These ordinances decrease costs of picking up trash and dealing with single-use bags in the trash or recycling wastestreams, which alleviate pressure on municipalities' budgets and the taxpayers they serve. By enshrining the permanent proliferation of single use plastic waste in the Ohio Revised Code, HB 242 would effectively result in higher taxes and fees as Ohio's municipalities cope with a persistent stream of codified-protected garbage.

4. Ohio's anti-littering laws are ineffective in addressing the pollution problem caused by single use "auxiliary containers."

In the last ten years ODOT has spent \$40 million cleaning up litter from roads and highways. If cities don't want to deal with tons of litter, they should have the authority to incentivize people to create less waste. ([link](#)) HB 242 would ensure that Ohioans waste even more money cleaning up litter for years to come.

## 5. Municipal management of “auxiliary containers” is not costly or harmful to consumers.

Nor does local management of plastic waste lead to an exodus of consumers shopping in other jurisdictions. Los Angeles has a considerably higher cost of living than any in Ohio, and their ordinance was projected to cost households \$0.48/month. It actually only cost \$0.33/month. People aren't going to flee Ohio's municipalities in order to save \$0.33 per month ([link](#)).

## 6. HB 242 would eliminate or severely undermine DORAs in Ohio. An ever-increasing number of Ohio municipalities have enacted Designated Outdoor Refreshment Areas (“DORAs”) where residents can enjoy adult beverages in a designated outdoor public setting. ([ORC Sec. 4301.82](#))

A key component of the DORAs is that beverages are sold in special single use cups or containers by participating businesses with some of the revenue from such sales returning to the municipality to fund extra policing, signage, etc. for the DORAs. HB 242 makes no exception for DORAs in its sweeping prohibition on all taxes, fees, and regulations of single use plastics, thus essentially eliminating this new source of recreation and relaxation in Ohio's communities.

## 7. Public opinion strongly supports a reduction in plastic waste, not a protectionist pro-pollution measure like HB 242.

Recent polling found high public awareness of the widespread problem caused by plastic pollution and its effects on the environment and food systems, along with high public support for bans and fees to curb the proliferation of single use plastics in stores and restaurants. ([link](#)) Voters in Ohio would be more likely to support representatives and leaders who are working to solve the problems they care about instead of working to make things worse as HB 242 would.

8. Communities that are managing plastic waste are enjoying record economic growth. Municipally driven fees and bans on auxiliary containers do not lead to “a patchwork of local mandates” or “a less friendly climate for economic growth,” as the special interests behind HB 242 have claimed.

Instead, quite the opposite is true. Municipalities in other states that have adopted fees or bans on single use plastic bags have enjoyed significant economic success. For example, Boulder, Colorado adopted a modest fee on plastic bags and has seen record low unemployment, median wages well above the national average, and record low retail vacancy rates with national retailers such as Kroger, Safeway, and Trader Joe’s opening new stores and remodeling existing ones within the city. ([link](#))

9. HB 242 is exceptionally overbroad in its protection of pollution. HB242 prevents municipalities from limiting or banning plastic bags, paper bags, straws, plastic utensils, aluminum cans, glass bottles, styrofoam cups and carry-out food containers.

This legislation would tie the hands of cities, towns, villages, and counties when trying to deal with plastic, styrofoam, and other types of pollution. Plastic bags are the scourge of recycling facilities, chronically clogging up machinery and adding extensively to human labor costs and frustrating efforts towards recycling. Moreover, most plastics are NOT recyclable and end up in landfills or as plastic pollution in Ohioan’s communities.

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Pollution from single use “auxiliary containers” places financial stress on local governments and taxpayers as they struggle to find and fund solutions to manage ever expanding waste streams. Municipalities are capable and well within their right to manage the use of auxiliary containers so as to control the cost of municipal waste management and pollution cleanup. Chicago’s small fee on single use bags led to a 28% reduction in the use of disposable bags ([link](#)), and Los Angeles’ ordinance led to a 94% reduction in single-use bag usage. These ordinances decrease costs of picking up trash and dealing with single-use bags in the trash or recycling wastestreams, which alleviate pressure on municipalities’ budgets and the taxpayers they serve. By enshrining the permanent proliferation of single use plastic waste in the Ohio Revised Code, HB 242 would effectively result in higher taxes and fees as Ohio’s municipalities cope with a persistent stream of codified-protected garbage.

**4. Nearly 10% of Ohio’s cities (22 of 247) are under financial stress and in need of additional sources of revenue and ways to cut costs.**

House Bill 242 not only preempts and prevents local governments from having the authority to apply a tax to plastic and paper bags (i.e., an auxiliary containers), but also any tax on straws, plastic utensils, aluminum cans, glass bottles, styrofoam cups and carry-out food containers.

5. HB 242 is an assault on the long standing doctrine of Home Rule. Section 3, Article XVIII of the Ohio Constitution states that, “Municipalities shall have the authority to exercise **all powers of local self-government** and to adopt and enforce within their limits such local police, sanitary, and other similar regulations, as are not in conflict with general laws.”

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## 10. Consumers, industry, and local governments are already heading towards reducing or eliminating single use plastics.

Cincinnati-based national grocery giant Kroger is in the process of phasing out plastic bags while Aldi has already demonstrated a successful business model of providing a consumer experience without single use plastic bags. The market is trending strongly towards eliminating single use plastics, and HB242 is simply propping up a dying industry and the pollution it creates.

11. “Plastic, one of the most preferred materials in today's industrial world is posing serious threat to the environment and consumer's health in many direct and indirect ways.”

“Exposure to harmful chemicals during manufacturing, leaching in the stored food items while using plastic packages or chewing of plastic teethingers and toys by children are linked with severe adverse health outcomes such as cancers, birth defects, impaired immunity, endocrine disruption, developmental and reproductive effects etc. Promotion of plastics substitutes and safe disposal of plastic waste requires urgent and definitive action to take care of this potential health hazard in future.”

Reference:

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3299092/#idm140536408863616title>