

House passes bills to ban plastic grocery bags, Styrofoam takeout containers

By Mark Miller
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Plastic grocery bags and Styrofoam takeout containers may become a thing of the past in Oregon.

The Oregon House voted 32-28 on April 23 to prohibit retailers and restaurants from serving food to customers in polystyrene containers, and 42-18 on April 25 to ban retailers and restaurants from providing "single-use" bags to customers at checkout.

The first bill includes a ban on polystyrene cups, plates, bowls and takeout containers. The second covers plastic bags, except for thick plastic bags designed to be reusable, as well as paper bags that aren't made from at least 40 percent recycled fiber.

"Everybody here knows that we have a problem in our environment with too much plastic," Rep. Sheri Schouten, D-Beaverton, said on the House floor. "I think the bigger question is, what are we all going to do about it?"

If the Senate also approves House Bill 2883, and Gov. Kate Brown signs it into law, Oregon would become the first state to ban polystyrene food containers. Such bans have become increasingly common at the city level across the country, including in Portland, Milwaukie and Silverton. Eugene is currently considering a ban.

Critics — including several Democratic legislators — note that polystyrene can be recycled, unlike some other forms of plastic.

"I do fear the transition from the polystyrene, which is fully recyclable, to the clamshell, fully hard plastic, hinged to-go containers — which is a lot more harmful to the environment," said Rep. David Brock Smith, R-Port Orford, a coastal legislator who owns a restaurant, the Port & Starboard, in



The Eagle/Richard Hanners

State lawmakers are considering bills to ban single-use plastic bags and Styrofoam takeout containers.

his hometown. "We should be discussing how we can make it easier to get these materials to the recycling facility so that we can make a difference, rather than banning this product."

However, the number of recycling facilities that accept polystyrene foam is limited — there is one in Tigard, Agilyx Corp. — and most curbside services won't pick it up unless it's being disposed of as garbage.

"Most people will simply trash their food containers," Rep. Janeen Sollman, D-Hillsboro, said. "They do not go to the extent that I do, where I rinse and I store my takeout containers to later drive them to Tigard, to Agilyx, for them to recycle. ... When we rely on customers to self-transport the recycle material to a singular facility in Tigard, it means that

a limited amount is recycled, and it ends up in the landfill."

Like Smith, Rep. Margaret Doherty, D-Tigard, said she wants to create a "transfer system" to make recycling foam products more feasible. Doherty, normally a reliable Democratic vote, voted against HB 2883 both times.

"The intent of this bill is honest, and we don't want things that you can't recycle out there," Doherty said. "But these, you can."

To Schouten, it doesn't make economic or environmental sense for far-flung Oregon communities to truck small polystyrene food containers to Tigard when restaurants could simply use more eco-friendly alternatives instead.

"If it's going to go in the landfill, let's make it some-

thing that will biodegrade," Schouten said.

House Bill 2509, the bag ban, would make Oregon the fourth state to ban plastic checkout bags. California has a similar law, which voters approved in 2016. Seventeen Oregon cities have already banned plastic bags at stores, including Portland, Salem, Eugene, Bend and Hillsboro. HB 2509 is based in large part on Hillsboro's ban, which also applies to restaurants, Sollman noted.

Critics of plastic bag bans argue that targeting plastic bags won't move the needle on greenhouse gas emissions, which are the primary driver behind climate change. Several studies suggest that manufacturing plastic bags takes less energy than paper bags, and paper bags have a larger "carbon footprint" than plastic.

However, unlike paper and other wood products, plastic is non-biodegradable. Experts aren't sure how long it would take a typical plastic bag to decompose — they haven't existed for long enough to observe their decomposition — but it's likely to be on the order of centuries. Plastic waste also frequently makes its way into waterways and oceans, where it can pose a choking or suffocation hazard for animals.

"It is ending up in our own food chain," Sollman said. "We are consuming this by consuming the animals that are getting this in their own system."

HB 2509 also includes a five-cent fee for paper bags, to which the paper industry objects.

"The charge will increase costs for working families and discourage consumers from choosing paper bags that are easily recycled and do not create hazards for wildlife," warned Mike Draper, chairman of the Forest Products Industry National Labor-Management Committee.

Doherty and Smith voted for HB 2509, but they said they hope the bag fee provision will be changed before the bill passes the Senate. Legislators who spoke against the bill also cited the fee as a reason to vote against it.

"Enough is enough," said Rep. Jack Zika, R-Redmond, who opposed the bill. "We're nickel-and-diming our citizens."

Retailers will collect the fee. Essentially, it's a surcharge on any purchase for which a customer requests a paper bag — although those paying with WIC or Oregon Trail card benefits are exempt — thereby helping to cover businesses' own costs for replacing cheaper plastic bags with paper.

Beyond that, grocers argue it will prod shoppers to bring their own bags, thus

discouraging waste.

"The five cents is really a trigger to change behavior — to move to reusable," said Shawn Miller, Northwest Grocery Association lobbyist, at a committee meeting.

"We're not, in any way, demonizing the paper bag," Sollman said.

Businesses could be fined up to \$250 for every day they violate the plastic bag ban, if it becomes law.

An earlier version of the polystyrene bill contained a similar provision, but it was stripped from the bill before it went to the House floor.

Sollman said consumer pressure can ensure compliance with the ban if it becomes law.

"It's going to be impacted by people," she said. "They know the ban. They're going to tell restaurants, and continue to tell folks, 'This is something that's a state law. You should adhere to that state law.' And I think that people shop and use their dollars where companies respect the law and they respect the environment."

The plastic bag ban would take effect on Jan. 1, 2020. The polystyrene ban would take effect on Jan. 1, 2021.

The polystyrene bill was originally slated to pass the House on April 22, which was Earth Day. With two representatives absent, the bill suffered a rare failure on the House floor, appearing to pass before Reps. Mike McLane, R-Powell Butte — who had not intended to vote "aye" — and Jeff Barker, D-Aloha, switched their votes to "nay."

HB 2883 was brought up for reconsideration the following morning with all 60 House members present, at which point it passed with the "aye" vote of Rep. Rachel Prusak, D-West Linn, who had been out sick. Rep. Brad Witt, D-Clatskanie, also changed his vote to "aye."

Both bills still require Senate approval.

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