

7th Annual Potomac Watershed Trash Summit
November 7, 2012
8:30 a.m. – 4:30 p.m.



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HEALTHY LIVES.**

Policy:
It's Time to Act

Overview:

Focus: Regionally and around the country, policies have successfully created incentives for consumers to (1) not use products that have the potential to become litter, and (2) dispose of products responsibly. In addition to these source reduction and incentive-based policies, other policies also have the potential to solve litter and illegal dumping problems in the Washington Metropolitan area. This session will be an open discussion to examine regional successes, upcoming legislation, and other exciting policies from neighboring regions. Come prepared with questions, ideas, and ways that you can be involved in making these policies a reality.

Moderator: Michael D. Herman, Esq, Principal, Law Offices of Michael D. Herman and President, Alice Ferguson Foundation

Presenters:

- James Kraft, District 1, Baltimore City Council – Lessons learned from Baltimore City trash reduction policies including bag policies and polystyrene bans.

Panelist:

- Julie Lawson, Campaigns and Communication Coordinator, Coordinator Trash Free Maryland and Virginia Alliances, Anacostia Watershed Society.

Key Questions:

- What further research is needed for legislation or policy?
- What tools and partners do we need to create a base of support for policies?
- What commitments or declarations are people willing to make?

Action Items:

Polystyrene

- 1) Work on a ban of District of Columbia and other government procurement of food service polystyrene
- 2) Gather pledges from businesses- possibly use youth to gather the pledges.
- 3) Engage the faith community to address their use of polystyrene for soup kitchens and after church fellowship hours.
- 4) Consider fees in lieu of bans. Fees influence behavior.
- 5) Get data on alternative products and comparative costs.

Bag Fees

- 1) Pursue bag fees in the Maryland and Virginia General Assemblies.
- 2) Establish a weight estimation protocol for trash collected by volunteers.

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- 3) In locales where bag fees exist ensure adequate enforcement (who, how often, how).
- 4) Develop data collection metrics on bag cleanups during Annual Spring Cleanups.
- 5) Disseminate data to county and state officials on reduction based on new laws.
- 6) Share data on trash collections with Anacostia Watershed Society so they can be collected and used to make the case for bag bills.

Bottles and cans

- 1) Study jurisdictions that have had success in passing bills.
- 2) Identify logical coalition people for bottle bill.
- 3) Develop a campaign for VA/MD/DC.
- 4) Raise funds for preparation/development of a campaign.
- 5) Consider hiring Susan Collins, with Container Recycling Institute, to manage the campaign.

Full Session Notes:

Moderator Introduction: There have been several policy initiatives raised over the six years of the Trash Summit and even implemented. Policy is an ongoing and vital piece of litter issues in the region. Mr. Herman listed the main objectives of the Policy Working Group: implementation of fees on bags; sustainability of food service products; litter collection and enforcement; and a container deposit bill. The goals of the policy session were to discuss these issues and plan future actions.

1st Speaker: Maryland State Senator Karen Montgomery

Senator Montgomery thanked the group for their “feet on the ground” on the issue of litter. She gave advice about working with legislatures, namely that just talking to friends “is not where the action is.” She encouraged advocates to talk to people who disagree and seek common ground. She named the issues of toxic runoff from weed killers, fracking, and antibiotics in waterways as big policy issues currently facing Maryland.

2nd Speaker: Baltimore Councilman James Kraft

Councilman recounted his experience addressing trash in Baltimore Harbor. He noted that the business community has realized that they must be part of the solution for trash and have formed the Waterfront Partnership working for swimmable, fishable harbor by 2020. Councilman Kraft also described the efforts of the Council to address trash in neighborhoods near the harbor whose trash contributes to the harbor’s trash pollution. He reported that while the best strategy would have been to provide trash cans with lids to residents, the city did not have the funds for the 5,000 cans that were required. The Council did pass the *Plastic Bag Reduction Act*, which required customers to specifically request plastic bags to receive them, but there were many violations. The city plans to amend the Act to charge 10 cents per bag.

The Councilman reported that Styrofoam is another trash issue that has been repeatedly raised to the Council. The recent vote has instituted a user fee (and not a ban, as the Councilman would have

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preferred). He does hope it will lead to behavior change. Proceeds from the fee will help with education efforts. He reported that attempts at bottle bills have been defeated by lobbyists.

Discussion:

Polystyrene

Some work has been done with schools to eliminate foam cafeteria trays, but there is no ban in effect. Youth Activist Club in Takoma Park has been working on getting funding for a ban on foam cafeteria trays, but it is unlikely that there is potential for a ban right now, but a fee might be possible, especially if the business community could get involved.

Montgomery County Council has been discussing food service polystyrene in its own procurement procedures in order to set the example for businesses and citizens. In Baltimore, at one time there was a scheduled phase-out, which some opposed because of the loss of jobs from the foam plant. The plant has closed anyway, so perhaps another attempt could be made with less opposition.

Jim Collier pointed out that better recycling, while a good goal, will not necessarily reduce litter on the street. In other words, based on survey data, recycling is not the solution to litter. Another audience member pointed out that having alternatives to Styrofoam ready to present will increase the likelihood that businesses will support a fee. It was noted that even if foam recycling was encouraged, recycling collection and transportation or access to centers was an important and related issue.

It was also noted that beyond the trash implications of Styrofoam, there are public health implications. Styrene has been identified as a neurotoxin and carcinogen and should not be used for food service. Even if the alternative to foam is a material that is not easily recycled or composted, there are gains in public health from switching away from foam. In other words, banning foam from food service is a first step.

One suggestion was to have businesses pledge to go polystyrene-free. With momentum from these pledges, policy change might be easier. It will also be important to engage faith institutions to get their buy in at the beginning and help resolve any issues. Senator Montgomery noted that while scientific background is key for passing legislation, lawmakers also respond to emotional arguments and the popular “hook.” Businesses also respond to public pressure.

Mr. Herman concluded that developing language and research around this issue, addressing government procurement of foam, and presenting alternatives seemed to be the consensus of the way forward.

Plastic bags

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The DC bag fee has raised \$5 million, which is half of the projections. There was a 60% reduction in fees collected in the first two weeks, indicating that the fee has been successful. Further, 78% of businesses like the fee or are neutral to it.

The question now is whether to pursue a ban or continue with the fees. There was discussion on this question. Many participants felt that introducing a ban was less politically feasible than a fee because of the plastics and fossil fuel lobbies. Even though the revenue is not the goal of the fee, the money raised is appreciated by the city and can be used for further education about trash reduction. Further, bans are not 100% effective, and DC has already achieved a 60% reduction.

Prince George's County will try again for a bag fee, which has to go through the Maryland State Legislature with enabling legislation. Julie Lawson felt more confident about the chance to pass the bill this year. Virginia will also put forward bag legislation in the 2013 session. Advocates and elected officials in counties in Maryland and Virginia were encouraged to look at Montgomery County's bill as an example, which is expanded even beyond the DC bill to include all retail stores.

Should future bag bills in the region be directed at all retail stores, or just food-related stores? There was general agreement that it would be better to pursue a fee in all stores. First, this might help customers associate reusable bags with stores besides food. Second, as Senator Montgomery noted, the fee on other bags would address dry cleaning bags, for example, and drive businesses and customers to find solutions other than plastic.

The group noted that having enforcement as part of bag bills is important. The tip line in DC might be a good model. The Policy Working Group will be working on enforcement issues.

Targeting the way revenue from bag fees is used was flagged as an action item.

Bottles and cans

Data has been collected from trash traps in DC and Prince George's County to see the types of litter that ends up in the river. Bottles and cans make up more than 50% of the total litter.

Mr. Phil Lee recounted his experience trying to pass a "bottle bill" in Baltimore that would charge a user fee for bottles and cans. Neither of his attempts made it out of committee. Opponents to the bill are highly funded and well organized. Industries that sell products in bottles and cans are opposed, and some interpret bottle bills as taxes on low-income people. The group suggested that a next step should be to find supportive constituencies and facilitate multi-sector engagement.