



April 11, 2020

Montgomery County Council
Council Office Building
100 Maryland Avenue
Rockville, MD 20850

Dear Members of the Montgomery County Council,

RE: Expedited Bill 17-20, Carryout Bag Tax – Suspension (Opposed)

Public safety is of utmost importance at this moment in the coronavirus epidemic and we appreciate your commitment to reducing the risk of transmission of covid-19 to retail workers and the shopping public. Expedited Bill 17-20 would temporarily suspend the County's 5-cent disposable bag fee until 15 days after Maryland's state of emergency is lifted because of a presumption that reusable shopping bags pose a public health risk and that single-use bags provided by the stores do not.

Although well intentioned, the bill is not grounded in scientific evidence or the recommendations of the Centers for Disease Control and Prevention (CDC). We do not believe that suspending the bag fee will reduce health risks and it may do the opposite. Further, the stores themselves have already undertaken measures on their own to mitigate any risk: the vast majority of grocery stores ask that shoppers bag their own groceries if bringing a reusable bag. *We believe that this bill will erode the County's significant progress in addressing plastic pollution, while producing no public health benefit. For these reasons, the Sierra Club opposes it and requests that it be withdrawn.*

The bill is not grounded in science or supported by evidence. We hope you'll agree at this critical time it is important that the public be provided with accurate information about prevention and mitigation of covid-19, based on credible scientific evidence. In Annex 1, we present CDC recommendations and recent research on covid-19 transmission and prevention.

Neither scientific research nor the CDC points to a significant risk of covid-19 transmission via reusable bags or suggests that single-use shopping bags are safer. There are opportunities for contamination of all types of shopping bags at checkout from surfaces and handling, including handling of single-use plastic bags. Recent research reports that viable covid-19 virus can remain on plastic surfaces for up to 72 hours. *Bill 17-20 would leave the public with a false sense of security in encouraging single-use plastic shopping bags, when in fact plastic bags can be contaminated at checkout, may hold viable virus longer than other bags, and are difficult to clean.* The CDC and research literature emphasize hand washing and frequent disinfection of surfaces – in stores and after shopping – as the most effective interventions to prevent the spread of covid-19 and other respiratory viruses from contaminated surfaces.

Most grocery stores have already addressed concerns about contact with reusable bags by asking shoppers who bring them to bag their own groceries. The bill (lines 9-11) suggests that retailers are addressing concerns about reusable bags by banning them. In fact, this appears to be rare. We reviewed the online policies on reusable bag use of 11 grocery chains with a total of 75 stores operating in Montgomery County (Annex 2).¹ Nine of the 11 chains (with 68 stores) continue to accept reusable bags, of which seven chains (60 stores) require

¹ Aldi, Giant, Harris Teeter, MOMs, Safeway, Shoppers, ShopRite, Trader Joe's, Wegmans, Whole Foods, Weis Markets. When there was no online policy statement or to confirm enforcement of the policy, we called stores.

that shoppers with reusable bags bag their own groceries.² One chain (3 stores) has an online corporate policy to temporarily ban reusable bags, but phone conversations with two stores revealed that they were being accepted if the shopper bags their own groceries. Only one chain (4 stores) requires that shoppers leave their reusable bags outside the store. However, paper bags are provided free of charge; customers are not charged the 5-cent bag fee. Shoppers at this and other stores always have the option of putting their merchandise back in the cart, leaving the store, and putting them in reusable back at their car. In all of these cases, owners of reusable bags and workers with concerns are accommodated without suspending the bag fee or encouraging use of single-use plastic shopping bags.

The online policies of these stores also highlight other proven and highly effective measures underway to reduce the risk of covid-19 transmission via contaminated surfaces at checkout: enhanced and frequent disinfection of surfaces, touch pads, and carts; personal protective equipment (gloves, masks) for checkout workers; requiring shoppers to cover their faces; clear plastic sneeze guards between the workers and shoppers; and emphasis on frequent hand-washing.

Thus, there is no need to suspend the bag fee, which has been effective in reducing use of single-use plastic bags that contribute to plastic pollution. In effect since 2012, the fee is credited with reducing by roughly half the share of shoppers using single-use shopping bags, compared with other Maryland jurisdictions (Annex 1).

In conclusion, both public health and environmental objectives can be achieved without this bill. Steering the public toward single-use plastic shopping bags, even temporarily, will undermine efforts to reduce plastic pollution without any public health benefit. In the worst case, it may adversely affect public health. Stores have already adopted policies that reduce the interaction between shoppers, workers, and reusable bags, without suspending the bag fee or promoting plastic bags. **For these reasons, the Sierra Club opposes Bill 17-20 and any amendments that attempt to restrict the safe use of reusable bags. We respectfully ask that it be withdrawn.**

Finally, we support additional evidence-based measures and public information that will more directly and effectively reduce the risk of covid-19 transmission from contaminated surfaces while shopping.³ We urge grocery stores and the County in these difficult times to provide free reusable bags to residents who need them. Food banks and other relief organizations can quickly get them out to those in need.

Sincerely,

Shruti Bhatnagar, Chair
Montgomery County
Sierra Club Group

Amy Maron, Zero Waste Lead
Montgomery County
Sierra Club Group

Martha Ainsworth, PhD, Chair
Maryland Sierra Club
Zero Waste Committee

Annex 1: CDC recommendations, covid-19 transmission research, and evidence of bag fee effectiveness
Annex 2: Reusable bag policy at major grocery chains in Montgomery County

cc: M. Elrich, A. Ortiz, T. Gayles

² From the shopper's perspective, self-bagging prevents contamination of a personal carryout bag by hands or gloves that have touched the merchandise of previous shoppers.

³ Additional measures that might be considered include: providing for safe disposal of used gloves; encouraging shoppers to use the self-checkout lane and, if able, to bag their own groceries; posting information at checkout on how to launder reusable bags and a reminder to wash their hands after shopping. See the American Cleaning Institute (ACI): <https://www.cleaninginstitute.org/cleaning-tips/clothes/fabric-care/cleaning-reusable-bags>.

Annex 1: CDC recommendations, covid-19 transmission research, and evidence of bag fee effectiveness

1. CDC recommendations on avoiding infection on shopping trips do not implicate carryout bags or reusable bags in covid-19 transmission

The CDC website has both general prevention guidelines and specific recommendations for food shopping. Covid-19 is believed to be spread mainly from person to person by respiratory droplets produced when an infected person coughs, sneezes, or talks. The general prevention guidelines⁴ include: cleaning the hands often; avoiding close contact with others; covering the mouth and nose with a cloth face cover when around others; covering coughs and sneezes; and cleaning and disinfecting frequently-touched surfaces.

The specific guidelines for food shopping⁵ emphasize social distancing, wearing a face cloth to protect others, keeping one's hands away from the eyes, nose, and mouth, and washing one's hands with soap and water or a sanitizer after shopping. The CDC also states that *"There is no evidence that food or food packaging has been linked to getting sick from COVID-19."* Notably, the CDC has no recommendation or evidence on any role of shopping bags in spreading the virus.

2. Recent research suggests that covid-19 transmission from contaminated surfaces is plausible, however, because viable virus can remain on surfaces for hours or days, especially plastic surfaces. Better hand-washing and disinfection of surfaces are key for mitigating the risk.

Contaminated surfaces play a "key role" in the spread of viral respiratory infections, including coronaviruses.⁶ If viable virus on a surface comes in contact with a person, it can gain entry through contact with the mouth, nasopharynx,⁷ and eyes, and this is often via touching the face with hands that have touched a contaminated surface. Better hand washing and disinfection of surfaces are the two main interventions found effective in preventing transmission from contaminated surfaces.⁸

Van Doremalen, *et al.* (2020) in the *New England Journal of Medicine* conclude that transmission of covid-19 from contaminated surfaces is plausible because viable virus can remain on a surface for some time, at least under experimental conditions.⁹ The authors reported that among the four surfaces on which the virus was deposited, viable covid-19 virus lingered longer on plastic surfaces (72 hours), than on stainless steel (48 hours), cardboard (24 hours), and copper (4 hours).¹⁰ The half-life of the virus on plastic surfaces (6.8 hours), is also longer than on stainless steel (5.6 hours), cardboard (3.5 hours), and copper (<1 hour). The authors did not evaluate the survivability of the virus on paper or on any type of shopping bag, nor did they evaluate survival of the virus under non-experimental conditions.

Commenting on these results, the CDC website remarks that:

⁴ <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>

⁵ <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/essential-goods-services.html>

⁶ SA Boone and CP Gerba, 2007, "Significance of Fomites in the Spread of Respiratory and Enteric Viral Disease," *Applied and Environmental Microbiology*, pp. 1687-1696.

⁷ The upper part of the pharynx, connecting with the nasal cavity above the soft palate.

⁸ Boone and Gerba 2007, *OpCit.*

⁹ van Doremalen, *et al.* 2020. "Aerosol and surface stability of HCoV-19 (SARS-CoV-2) compared to SARS-CoV-1," *New England Journal of Medicine*, published on line March 17, 2020. Article:

<https://www.nejm.org/doi/full/10.1056/NEJMc2004973> Supplemental appendix:
https://www.nejm.org/doi/suppl/10.1056/NEJMc2004973/suppl_file/nejmc2004973_appendix.pdf

¹⁰ These results are consistent with findings from a review of fomite transmission of viruses in general: "the majority of viruses remain viable longer on nonporous surfaces." (Boone and Gerba 2007)

“It may be possible that a person can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose, or possibly their eyes. This is not thought to be the main way the virus spreads, but we are still learning more about this virus. CDC recommends people practice frequent “hand hygiene,” which is either [washing hands with soap](#) or water or using an alcohol-based hand rub. CDC also [recommends routine cleaning of frequently touched surfaces](#).”¹¹

“In general, because of poor survivability of these coronaviruses on surfaces, there is likely very low risk of spread from food products or packaging.”¹²

3. Carryout bags – whether single-use or reusable -- cannot be presumed uncontaminated, given the multiple opportunities for contamination during the checkout process.¹³

Merchandise on the conveyor belt has already been handled twice by each shopper, from the shelf to the cart and the cart to the belt. The cashier touches and scans every item. The bagger touches the merchandise and the carryout bags. The conveyor belt is also a potential source of contamination from previous shoppers. In this process, the cumulative contamination on the merchandise of all previous shoppers is transferred to the hands of the cashier and bagger, and to the shopping bags. Gloves will protect the cashier and the bagger, but the shopper is likely to head home with a shopping bag and groceries contaminated by the shoppers in line before them. *Although the viability of virus on shopping bags has not been studied, the research reviewed above found that covid-19 remains viable on plastic surfaces longer than on cardboard, stainless steel, or copper.*

4. Suspending the disposable bag fee will set back efforts to curb plastic pollution, while not reducing and possibly increasing the risk of covid-19 transmission from contaminated surfaces.

The world is facing a plastic pollution crisis, and carryout bags are a major culprit. Every year, our oceans take in an estimated 5 million-13 million tons of plastic from land-based sources.¹⁴ Plastic bags are among the top five plastic products collected in beach cleanups in the U.S.¹⁵ Littered plastic carryout bags are blown or washed into waterways and the oceans, where they degrade into small pieces, absorbing toxic chemicals. They are ingested by marine life, injuring and killing fish, seabirds, and marine mammals.¹⁶ Microplastic particles work their way up the food chain. On land, plastic bags can be lethal if ingested by livestock or wildlife. They cause costly repairs of recycling machinery. They last for centuries or more in the environment.

The Montgomery County disposable bag fee has been a very effective tool for changing the carryout bag behavior of grocery shoppers. Although the fee has generated revenue for environmental programs, it was adopted primarily as an incentive to shoppers to bring a reusable bag or take no bag at all, reducing litter, waste, and water pollution. In fall 2019, Sierra Club volunteers observed over 10,000 shoppers at

¹¹ <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html>

¹² CDC Frequently Asked Questions on Covid-19: https://www.cdc.gov/coronavirus/2019-ncov/faq.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fprepare%2Fchildren-faq.html

¹³ The proximity of shoppers and checkout workers presents a much greater transmission risk via aerosol droplets to both parties. Many stores have erected clear plastic “sneeze guards” at checkout to prevent aerosol transmission of infection between shoppers and checkout workers. The recent CDC advice to all shoppers to wear a cloth covering over the face will also reduce exposure of checkout workers from aerosol transmission.

¹⁴ Jambeck, Jenna *et al.* 2015. “Plastic waste inputs from land into the ocean,” *Science* 347, no. 6223: 768-771.

¹⁵ 5 Gyres Institute *et al.* Undated. “Better Alternatives Now: B.A.N. List 2.0”. Los Angeles, California.

¹⁶ “The Problem of Marine Plastic Pollution”: <https://www.cleanwater.org/problem-marine-plastic-pollution>

57 stores from major food chains in Montgomery County. Only 42% of weekend grocery shoppers were using single-use bags, almost all of them plastic,¹⁷ compared with twice that share in counties with no bag fee.¹⁸ In the eight years of operation of the bag fee program, we are not aware of any report of transmission of infectious disease or food poisoning associated with the use of reusable bags.

In sum, all carryout bags are exposed to some contamination at checkout. Suspending the bag fee will set back the County's gains in reducing plastic pollution while not reducing the risk of covid-19 transmission. It may well increase the risk, as most checkout bags provided by stores are plastic, and research has found that plastic retains viable virus for a longer period.

¹⁷ More than 95% of shoppers with single-use bags had plastic bags. For results of the Sierra Club's Montgomery County Shopper Survey, see https://www.sierraclub.org/sites/www.sierraclub.org/files/sce/montgomery-county/2020_testimony/Shopper%20Survey%202019%20for%20DEP_Final.pdf

¹⁸ Use of single-use bags was roughly twice as high in Baltimore City and other counties: City of Baltimore (77%), Frederick (81%), Howard (77%), Prince George's (88%), Queen Anne's (85%), Washington (89%).

Annex 2: Reusable bag policy at major grocery chains in Montgomery County (4/11/2020)

Chain	# stores	Policy
	8	NO RESTRICTIONS ON REUSABLE BAGS
Aldi	6	Note: Aldi does not provide checkout bags for free; customers can bring their own bag or purchase a bag at checkout. The checkout worker normally puts merchandise directly into a cart and the shopper bags them after checking out. Discontinuing cart-to-cart transfers: Effective immediately, we're suspending the practice of placing customers' scanned items into a different shopping cart at checkout. Our customers will now keep the cart they started with throughout their entire visit to ensure the best possible hygiene and safety for all. https://corporate.aldi.us/en/newsroom/aldi-covid-19-updates/aldi-store-update-april-2-2020/
MOM's	2	Phone call to two stores – No restrictions. Reusable bags are acceptable and baggers will help if needed
	60	REUSABLE BAGS ALLOWED BUT SHOPPER MUST BAG THEIR OWN GROCERIES
Giant	27	Please try to bring your reusable bags to shop. The increased shopping has put a strain on shopping bag supplies. Though we continue to have bags available and will continue to replenish our bag supply, it would be helpful for us, and our environment, to bring reusable bags when shopping. https://giantfood.com/news-and-media/article-3-14-20/ What is Giant's policy on reusable bags in the current environment? Giant Food's priority is the health and safety of our customers and employees alike. At this time, store associates will not bag customers' orders in reusable bags that are brought into the store, unless the customer buys the reusable bag(s) at the time of checkout. Otherwise, if reusable bags are brought by customers, our associates will present the customer with the choice of either allowing the customer to bag their own items in the reusable bags, or the associate can bag the groceries using store provided plastic bags (and if desired, the customer can then put the bagged groceries in their reusable bags at that time). https://giantfood.com/covid19/faq/
Harris Teeter	6	Reusable Bags: Shoppers who choose to bring their own reusable bags will be asked to bag their purchases. The Centers for Disease Control (CDC) recommends washing reusable grocery bags often. Cloth bags should be washed in a washing machine, and plastic-lined bags should be scrubbed using hot water and soap. https://www.harristeeter.com/harris-teeter-response-to-covid-19
Safeway	18	Not on website. Phone call to two stores – Reusable bags are allowed, but shopper must self-bag.
Shoppers	3	Phone call – Reusable bags are allowed, but you have to self-bag.
Shop Rite	1	Phone call – Reusable bags are allowed, but you have to self-bag.
Wegmans	1	Reusable Bags – We recommend you clean your reusable bags to protect yourself and others. After each use, wipe your reusable bag down with warm, soapy water and let it air dry or use a disinfecting wipe. If you have a canvas bag, please wash it between uses. For food safety and sanitation reasons, we may not be able to load a bag that poses a risk to you, our cashiers or other customers. https://www.wegmans.com/covid-19-response/?cid=COVID_Page:Homepage:CampaignPage:clickhere:HomepagePlacement:1::
Whole Foods	5	Phone call to Rockville store – Reusable bags are fine, but you have to self-bag. This is not a corporate policy yet (not on the website), but what most stores are doing, according to the person who answered the phone.

	3	TEMPORARILY BANNED, BUT STORES ALLOWING THEM
Weis Markets	3	<p>“Temporarily banning the use of personal reusable bags and the return of used plastic bags.”</p> <p>https://www.weismarkets.com/statement-weis-markets-chairman-and-chief-executive-officer However, two of the three stores were reached by phone. One reported that reusable bags are welcome and checkout would help with bagging. The other said that it’s OK to bring a reusable bag, but the shopper must bag groceries themselves.¹⁹</p>
	4	BANNED, BUT STORES GIVING OUT FREE PAPER BAGS (NOT CHARGING TAX)
Trader Joe’s	4	<p>On the website: “Suspending the use of reusable bags.”</p> <p>https://www.traderjoes.com/announcement/coronavirus-update-how-trader-joes-is-caring-for-crew-members-and-customers Calls to two of the stores confirmed that shoppers are asked to leave their reusable bags outside. <i>However, in both stores, paper bags are being provided for free. The 5-cent bag tax is not being charged.</i></p>

¹⁹ There was no answer at the third store.