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Environment and Transportation Committee

Maryland House of Delegates

Testimony on HB 209

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Mr. Chairman and Members of the Committee.

Maryland Hunger Solutions is a statewide, non-partisan, nonprofit organization working to end hunger, improve nutrition, and promote the well-being of Marylanders in need by spreading best practices through education, advocacy, outreach, and collaboration. That is why I am appearing before this committee today on House Bill 209, the Plastics and Packaging Reduction Act.

It is my hope that it can be amended so that its enactment will not have a disparate impact on low-income Marylanders; in particular, those who are participating in the federal Supplemental Nutrition Assistance Program (SNAP) or the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

I want to be clear: environmental issues affect low-income consumers. These consumers also have a stake in addressing the challenges that impact their neighborhoods and communities. But I also want to acknowledge that policy changes such as those included in HB 209 can also have a disparate impact on low-income consumers.

I want to make three critical points.

First, as currently proposed, this legislation would definitely have a disparate impact on low-income consumers.

Second, there are potential solutions that the legislature should adopt in order to avoid these impacts.

Third, Maryland is not alone in addressing the issue of single-use plastic bags; but Maryland should not move in a direction that leaves low-income Marylanders shouldering the cost.

By way of background, there are more than 600,000 Marylanders who are currently utilizing the SNAP program. They reside in every jurisdiction in the state, from the Eastern Shore to Western Maryland, from the D.C. suburbs to the Pennsylvania line. Maryland's WIC participants share the same geographical diversity, and there are, according to official records, 197,000 of them.

Our neighbors who use these programs are of every age, from pregnant moms to newborns to seniors. They are of every race and nationality. Many of them work, some of them are homeless, and some are disabled. But the one thing that they have in common is that they have been certified by the Maryland Department of Human Services or the Maryland Department of Health that they are eligible for federal nutrition benefits.

Becoming enrolled for these benefits is not easy; in fact, it has been compared to filing your taxes. Participants must document their household income, household expenses, and household size. They must recertify on a regular basis, and notify the state if there are changes in their status. The benefits cover only some of their nutritional needs.

The average SNAP benefit works out to about \$1.40 per person, per meal. You can figure out what that means for a mom with two kids or two seniors living together. And while every benefit is decided based on the household size, income, and expenses, you should also know that the minimum SNAP benefit is \$15 a month. And there are tens of thousands of Marylanders who do in fact receive the minimum benefit.

I offer this background because these programs aren't normally heard before this committee. And if I could, I would rather not be before this committee today. But because of the way the bill is structured, I felt compelled to communicate my concern and my conviction that the legislation should be amended.

You cannot use federal nutrition benefits to purchase non-food items. You can't purchase tampons, although you might need them. You can't purchase diapers, although they may be needed. You also can't buy aspirin – no matter how much that might be needed.

There are also food items that you cannot purchase. You may buy a frozen chicken, but you cannot buy a "hot" rotisserie chicken. You can buy frozen pizza, but not hot pizza. Federal rules are very strict about what you can and cannot purchase.

You can also not purchase bags. In talking with some policymakers, there is some doubt about the scenario I often use, which goes like this: a mom and a daughter go to the store, purchase eggs, milk, tuna fish, and apples using WIC benefits. If they didn't bring a bag to the store with them, and they don't have cash, they will carry their groceries home in their arms. Paying a bag fee may be small change to many of the people in this room, but it is more than small change to those experiencing poverty.

I have done a canvas of other jurisdiction who have enacted bag ban and bag fee policies, while mitigating the impact on low-income consumers. I offer these successful models which have already been implemented (with the exception of New York state which goes into effect next month).

Christine Wong, Director of Public Policy and Advocacy at Northwest Harvest wrote to me about the city of Seattle's adoption of a plastic bag ban that includes an exemption for SNAP and WIC.

"Both the city of Seattle and the State of Washington acknowledge that without some sort of exemption, low-income SNAP and WIC users were going to face disparate challenges with mandatory bag fees: without an exemption, fees would be deducted from the limited resources that could otherwise be spent on

food. Sponsors of the city's ordinance offered a solution that worked within the existing SNAP retailer EBT and WIC voucher systems which have been replicated in bill language for statewide legislation. As our communities continue to work for a cleaner environment, we aren't doing so in a way that ignores the reality that low-income residents aren't disproportionately impacted."

In fact, New York State is about to begin a plastic bag ban in March of 2020, and their 2.7 million SNAP recipients will be exempt from bag fees.

In 2014, California enacted a plastic bag ban, also with exemptions for SNAP (known as CalFresh in that state) and WIC.

Jess Bartholow of the Western Center on Law and Policy, wrote to me that:

"In 2014, California passed a plastic bag ban statewide. Western Center on Law and Poverty supported that legislation with an amendment we drafted to prevent the replacement bag fee from being charged to people paying with an Electronic Benefit Transfer Card or with a Women, Infant & Children (WIC) Program voucher. This bill replaced a confusing patchwork of rules in more than 120 municipalities throughout the state that passed local ordinances to ban single-use plastic bags and require a fee for a replacement bags. Some of the local ordinances prevented fees to be charged to recipients, some did not. SB 270 uniformly exempted EBT and voucher users from the fees, while also encouraging reduced use of single-use bags which contribute to pollution and waste that harm all Californians, but low-income communities the most due to their close vicinity to consumer and transit hubs. Since the implementation of this rule, all municipalities with a plastic bag ban in practice have exempted EBT and voucher users from the fee and we have had no complaints from low-income Californians or their advocates about the ban and how it works. We recognize that the fee exemption policy in SB 270 is not complete, because approximately 25 percent of low-income, California families eligible for SNAP do not receive it. Still, this policy has struck a balance between

preventing harm to new costs to low-income community members and supporting necessary changes in our food economy to reduce waste and support sustainable practices that, in the end, will benefit low-income communities the most.”

Chicago also included an exemption when enacting their ban. Kimberly Drew, Legislative Advocacy Director at the Heartland Alliance in Chicago wrote to me that

“Chicago knows that in low-income communities – where people rely on WIC and SNAP to help feed themselves and their families - bag fees were problematic. The City Council addressed this with a narrowly crafted exemption for people who receive food assistance. When we combine environmental justice with economic justice, we take important steps to advance equity and strengthen our communities.”

Joel McClurg of End Hunger Colorado communicated with me that

“We absolutely empathize with the good intention of local ordinances and legislation for plastic bag fees. As with all policy, however, it is important to be mindful of the unintended consequences, especially as they relate to marginalized populations. In this particular instance, the city of Denver wanted to be cognizant of barriers to self-sufficiency and well-being that such an ordinance could have on people with low incomes.

It is not infrequent that a family on WIC or SNAP finds itself in a position where the balance on its EBT card is literally the only available money it has to purchase food when costs for things like housing and other essentials are considered. Even a meager plastic bag fee on these households will undeniably result in the occasional scenario where a family finds itself in an embarrassing situation at a checkout where it is unable to afford plastic bags for a few groceries. Anti-hunger advocates and federal program administrators have worked hard to decrease stigma around the programs to maintain dignity for people with low incomes who

make use of these benefit programs, and these bag fees can create an unintended financial barrier to food access by creating uncomfortable circumstances for families who simply want to buy groceries.

Research has also shown that the impact of plastic bags on the environment is greatly decreased if the bags are reused, such as in the form of wastebasket liners. Consumers with low-incomes are incredibly savvy when it comes to stretching their dollars, and it is safe to presume that the majority of them will reuse their plastic bags, thereby attenuating their environmental effect. Therefore, by waiving plastic bag fees for households participating in federal nutrition assistance programs, it is fairly safe to assume that the negative impact on our environment will be negligible.

This is important as we acknowledge that Americans with low incomes are possibly the most affected by the environment since they find themselves more commonly exposed to pollution and are less likely to have access to health care. Therefore, in Denver, we felt that bag fees were a good solution for reducing consumer waste, but that the negative environmental impact of waiving the bag fee for Coloradans with low incomes was minimal when considering the unintentional barrier to food access, as well as the likelihood that the bags would be reused. This is why the City of Denver opted to waive the fee for all participants of federal nutrition programs who use their EBT card at local stores.”

The challenges that low-income Marylanders will face because of this proposal – if unamended – will be real. When Providence, Rhode Island enacted a plastic bag ban with a fee for paper bags, the Racial Environment and Justice Committee wrote to the city and said, “plastic bags are bad, but introducing legislation that negatively impacts poor people is not a solution.” They also pointed out that:

- “This policy assumes that everyone has equal access to reusable bags. That is not the case for low-income families who do not drive a car. Many community

members will struggle to pay the fee (e.g., public transit riders, especially those shopping for larger families and generally needing more bags).

- This is an imposition of yet another financial burden by the government, but not one that helps to meet basic needs.
- Corporations have a role to play in improving our city. This policy places the burden of resolving this issue solely on the shoulders of consumers.”

I am aware Mr. Chairman, that Maryland is a sovereign state, and need not follow what other jurisdictions have done. However, I offer these as concrete examples of other jurisdictions that have acknowledged the challenges faced by low-income residents and have sought to address them. I am hoping that Maryland will thoughtfully consider other options before imposing fees on our state’s poorest residents

Mr. Chairman, it is my contention that a simple exemption for those using public benefits would be best. However, I have spoken to several Members of the legislature – including the sponsors – to let them know that I am open to other options as well. Instituting a “Maryland Bag Fund” which would receive part of the bag fee for refunding to stores that have high bag costs is one such an idea. There may be others, and I am open to discussing them.

I thank the committee for the opportunity to testify, and I look forward to responding to any questions.

THE END