REGULAR CALENDAR

February 9, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Municipal and County Government to which was referred HB 226,

AN ACT enabling municipalities to regulate the distribution and disposal of certain solid waste within landfills. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Laurel Stavis

FOR THE MAJORITY OF THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

MAJORITY
COMMITTEE REPORT

Committee:	**Municipal and County Government**
Bill Number:	**HB 226**
Title:	**enabling municipalities to regulate the distribution and disposal of certain solid waste within landfills.**
Date:	**February 9, 2023**
Consent Calendar:	**REGULAR**
Recommendation:	**INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

This bill allows municipalities to enact ordinances that restrict the use of single use plastics and limit how they can be disposed of in landfills. While many on the committee agree that non-recyclable plastic is an environmental problem, the majority nonetheless moved the bill Inexpedient to Legislate because they felt it did not adequately define what constituted single use plastics, and concerns were raised about how the lack of specificity could cause confusion.

Vote 16-4.

Rep. Laurel Stavis
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Municipal and County Government

HB 226, enabling municipalities to regulate the distribution and disposal of certain solid waste within landfills. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Laurel Stavis for the **Majority** of Municipal and County Government. This bill allows municipalities to enact ordinances that restrict the use of single use plastics and limit how they can be disposed of in landfills. While many on the committee agree that non-recyclable plastic is an environmental problem, the majority nonetheless moved the bill Inexpedient to Legislate because they felt it did not adequately define what constituted single use plastics, and concerns were raised about how the lack of specificity could cause confusion. **Vote 16-4.**

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

February 9, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Municipal and County Government to which was referred HB 226,

AN ACT enabling municipalities to regulate the distribution and disposal of certain solid waste within landfills. Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill OUGHT TO PASS.

Rep. David Preece

FOR THE MINORITY OF THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

MINORITY
COMMITTEE REPORT

Committee:	**Municipal and County Government**
Bill Number:	**HB 226**
Title:	**enabling municipalities to regulate the distribution and disposal of certain solid waste within landfills.**
Date:	**February 9, 2023**
Consent Calendar:	**REGULAR**
Recommendation:	**OUGHT TO PASS**

STATEMENT OF INTENT

This bill aims to enable communities to regulate the point-of-sale distribution of single-use packaging and the disposal of single-use packaging waste with their municipal landfills and transfer stations. At the outset of efforts to combat the plastic pollution crisis impacting our rivers, lakes, oceans, and natural resources, local and state governments across New England and the U.S. are banning single-use plastic bags. As a result, they are seeing reductions in single-use bags of 60% or more. However, numerous studies have shown that plastic production, use, and disposal are harmful to human health and the environment. Since government and retail and production businesses have failed to address this growing crisis, this bill is necessary to enable cities and towns to adopt local laws that protect their communities' health, welfare, and safety.

Rep. David Preece
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Municipal and County Government

HB 226, enabling municipalities to regulate the distribution and disposal of certain solid waste within landfills. **OUGHT TO PASS.**

Rep. David Preece for the **Minority** of Municipal and County Government. This bill aims to enable communities to regulate the point-of-sale distribution of single-use packaging and the disposal of single-use packaging waste with their municipal landfills and transfer stations. At the outset of efforts to combat the plastic pollution crisis impacting our rivers, lakes, oceans, and natural resources, local and state governments across New England and the U.S. are banning single-use plastic bags. As a result, they are seeing reductions in single-use bags of 60% or more. However, numerous studies have shown that plastic production, use, and disposal are harmful to human health and the environment. Since government and retail and production businesses have failed to address this growing crisis, this bill is necessary to enable cities and towns to adopt local laws that protect their communities' health, welfare, and safety.

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 226

BILL TITLE: enabling municipalities to regulate the distribution and disposal of certain solid waste within landfills.

DATE: February 9, 2023

LOB ROOM: 301-303

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Stavis Seconded by Rep. Maggiore Vote: 16-4

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep John MacDonald, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/9/2023 12:06:25 PM
Roll Call Committee Registers Report

2023 SESSION

Municipal and County Government

Bill #: 224 Motion: ITL AM #: _____ Exec Session Date: 2/9/23

Members	YEAS	Nays	NV
Turcotte, Len P. Chairman	16		
Pauer, Diane Vice Chairman	1		
Guthrie, Joseph A.	2		
MacDonald, John T. Clerk	3		
Lascelles, Richard W.	4		
Yokela, Josh S.	5		
Kelley, Diane E.	6		
Aylward, Deborah	7		
~~Brown, Richard R~~ Colcombe	8		
Cahill, Tim P	9		
Stavis, Laurel	10		
Tatro, Bruce L.	11		
Treleaven, Susan GS	12		
Gilman, Julie D.	13		
Maggiore, Jim V.	14		
Mangipudi, Latha D.		1	
Gallager, Eric B.		2	
Hicks, Matthew S		3	
Howland, Allan	15		
Preece, David John		4	
TOTAL VOTE:	16	4	

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 226

BILL TITLE: **enabling municipalities to regulate the distribution and disposal of certain solid waste within landfills.**

DATE: **February 1, 2023**

LOB ROOM: **301-303** **Time Public Hearing Called to Order:** **11:55 a.m.**

Time Adjourned: **12:40 p.m.**

Committee Members: Reps. L. Turcotte, Pauer, J. MacDonald, Guthrie, Lascelles, Yokela, Aylward, R. Brown, T. Cahill, Stavis, Tatro, Treleaven, Gilman, Maggiore, Mangipudi, Gallager, Hicks, Howland and Preece

Bill Sponsors:

Rep. Parshall	**Rep. Meuse**	**Rep. McWilliams**
Rep. Chretien	**Rep. Rung**	**Sen. Whitley**

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

- Rep. Parshall - single-use trash flow - reduce
- Yokella - broad language, toilet paper wrapped in plastic.
- Stavis - how would this language adhere that?
- Parshall - no complete ban - look at that in another bill
- Pauer - make by laws - up to the select board of the town?
- Parshall - that's a good question. I will have to get back to you.
- Rep. Aylward - expertise to implement their amendment
- Rep. Parshall - Dillon's Rule/Home rule will allow them.
- Rep. Alyward - cost to implement it was turned back.
- Rep. Spang -
    - worked on this topic
    - 3 hard years on this legislation
    - Leg not keen on doing this statewide
    - Not fair they are not allowed to adhere the problem. What the bureau wants to do. Allow the municipalities take the lead. When the state sees how it works then the state can take the lead.

- Brown - simplify the bill
- Spang - most approachable source
- Henry Veilleux - NH Lodging and Nest. Association
    - Opposes the bill
    - Don't want a patchwork approach - take out - difficult to do

- Natch Greyes - supports expanding the power of town. Leg body could set up bylaws. DES experts in that area. Single use not defined.
- *Kevin Daigle - NH Grocers Association
- Zachary Taylor - ARPBA - against
    - Mass 153 separate ordinances throughout the commonwealth. Increase prices on struggling families. Passed directly to consumers.
    - Bill files in the face of the data.
    - Consumer protection - high prices, uniformity throughout the state.

- Brown - recycling of bags
- Taylor - 10-12% they are reused
- Preece - statewide ban
- Taylor - oppose the ban
- Rep. Stavis- plastic bans ineffective
- Taylor - higher emission - recycle
    - Authority of Quebec. I can share all their studies with you.

- Rep. Gilman - volume use to create the bags.
- Taylor - thin bags are made of propane, cloth bags are made from overseas
- Michael Nork - NHDES - no position
    - They already have the authority. Create bylaws from the use of the facilities. Already have the authority to do.

Respectfully submitted,
John MacDonald, Clerk

House Remote Testify

Municipal and County Government Committee Testify List for Bill HB226 on 2023-02-01

Support: 69 Oppose: 7 Neutral: 0 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	Signed Up
Whitley, Becky	Concord, NH jessica.bourque@leg.state.nh.us	An Elected Official	Senate District 15	Support	No	No	1/25/2023 1:16 PM
Smith, Julie	Nashua, NH cantdog@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/27/2023 10:47 AM
Liebowitz, Susan	Plainfield, NH supawali@hotmail.com	A Member of the Public	Myself	Support	No	No	1/28/2023 9:28 PM
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Support	No	No	1/28/2023 10:21 PM
Baker, Deb	Concord, NH deborahba@yahoo.com	A Member of the Public	Myself	Support	No	No	1/29/2023 10:48 AM
Wikstrom, Kathleen	Exeter, NH kjwikstrom@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/29/2023 11:45 AM
Grossi, Anne	Bedford, NH adgrossi7982@gmail.com	A Member of the Public	Myself	Support	No	No	1/29/2023 12:49 PM
Creem, Jeffrey	Nashua, NH jeff@thecreems.com	A Member of the Public	Myself	Oppose	No	No	1/29/2023 3:10 PM
Creem, Melissa	Nashua, NH melissa@thecreems.com	A Member of the Public	Myself	Oppose	No	No	1/29/2023 3:22 PM
Beffa-Negrini, Patricia	Nelson, NH pbeffa@me.com	A Member of the Public	Myself	Support	No	No	1/29/2023 7:36 PM
Bushueff, Catherine	Sunapee, NH agawamdesigns@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2023 6:21 AM
Termini, Marcella	Manchester, NH marcellatermini@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2023 9:03 AM
Brennan, Arthur	Weare, NH arete201314@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2023 9:25 AM

Raspiller, Cindy	Mont Vernon, NH raspicl@hotmail.com	A Member of the Public	Myself	Support	No	No	1/30/2023 9:36 AM
Brown, Howard	Mont Vernon, NH Hobro39@hotmail.com	An Elected Official	Myself	Support	No	No	1/30/2023 9:45 AM
Howland, Curtis	Manchester, NH howland@priss.com	A Member of the Public	Myself	Oppose	No	No	1/30/2023 10:06 AM
Brennan, Nancy	Weare, NH burningnan14@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2023 10:10 AM
Jones, Andrew	Pembroke, NH arj11718@yahoo.com	A Member of the Public	Myself	Support	No	No	1/30/2023 10:38 AM
Ford, Sue	Easton, NH sueford06@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2023 10:46 AM
Devore, Gary	Pembroke, NH torin_asheron@yahoo.com	A Member of the Public	Myself	Support	No	No	1/30/2023 10:49 AM
Damon, Claudia	Concord, NH cordsdamon@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2023 11:27 AM
Martin, Patricia	Rindge, NH pmartin2894@yahoo.com	A Member of the Public	Myself	Support	No	No	1/30/2023 11:30 AM
Dutzy, Sherry	Nashua, NH sdutzy207@gmail.com	An Elected Official	Myself	Support	No	No	1/30/2023 12:27 PM
Covert, Susan	Contoocook, NH scovert@comcast.net	A Member of the Public	Myself	Support	No	No	1/30/2023 1:31 PM
berk, bruce	Pittsfield, NH bruce.berk.nh@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2023 4:18 PM
Moore, Susan	Franconia, NH susan.moore.franconia@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2023 4:30 PM
Foss, Carol	Penacook, NH cfoss@nhaudubon.org	A Lobbyist	New Hampshire Audubon	Support	No	No	1/30/2023 4:48 PM
St.Martin, tom	Candia, NH nomad@adaptivetechnology.biz	A Member of the Public	Myself	Support	No	No	1/30/2023 7:27 PM
Corell, Elizabeth	Concord, NH Elizabeth.j.corell@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2023 7:56 PM
Cote, Lois	Manchester, NH, NH lcote06@outlook.com	A Member of the Public	Myself	Support	No	No	1/30/2023 8:09 PM
Holt, David	Somersworth, NH davholt@aol.com	A Member of the Public	Myself	Support	No	No	1/30/2023 8:46 PM

Bishop, Nancy	Plaistow, NH nanbis71@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2023 1:55 AM
Johnson, Judith	Goffstown, NH judygjohnson@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2023 9:09 AM
Davis, Gregory	Salem, NH glospreys@comcast.net	A Member of the Public	Myself	Support	No	No	1/31/2023 12:09 PM
Englund, Alfrieda	Stoddard, NH ditaenglund43@gmail.com	An Elected Official	Myself	Support	No	No	1/31/2023 12:21 PM
Thomas, A	Rindge, NH annekerosie@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2023 1:15 PM
Farnum, Ellen	Tamworth, NH ellenlynnfarnum@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2023 2:43 PM
Bernier, Edna	Concord, NH calrockeeb@comcast.net	A Member of the Public	Myself	Support	No	No	1/31/2023 2:49 PM
Fudge, Kim Marie	NORTH CONWAY, NH kimfudge20@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2023 3:17 PM
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Support	No	No	1/31/2023 3:19 PM
Rettew, Annie	Concord, NH abrettew@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2023 3:56 PM
Keegan, John	BOscawen, NH peorednada@tds.net	A Member of the Public	Myself	Support	No	No	1/31/2023 8:29 PM
Platt, Liz-Anne	CONCORD, NH lizanneplatt09@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2023 9:02 PM
ARMSTRONG, MARY	Harrisville, NH mary.armstrong.mail4you@myfairpoint.net	A Member of the Public	Myself	Support	No	No	1/31/2023 10:00 PM
Istel, Claudia	Acworth, NH cistel79@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2023 12:10 AM
Torpey, Jeanne	Concord, NH jtorp51@comcast.net	A Member of the Public	Myself	Support	No	No	2/1/2023 4:58 AM
Maneval, Andrew	Harrisville, NH AM@amaneval.com	A Member of the Public	Myself	Support	No	No	2/1/2023 6:52 AM
Shepardson, Marge	Marlborough, NH marge.shepardson@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2023 7:09 AM
Racusin, Sharon	Hanover, NH sdracusin@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2023 8:21 AM

hatch, sally	03301, NH sallyhatch@comcast.net	A Member of the Public	Myself	Support	No	No	2/1/2023 8:26 AM
kwasnik, joseph	concord, NH jkwasnik25@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2023 8:31 AM
longley, margaret	sandwich, NH peggylongley@sbcglobal.net	A Member of the Public	Myself	Support	No	No	2/1/2023 8:51 AM
Schmidt, Adam	Concord, NH adam@jgstrategies.com	A Lobbyist	NH Beverage Association	Oppose	No	No	2/1/2023 9:06 AM
Brennan, Peter	Stoughton, MA Peter@necsema.net	A Lobbyist	New England Convenience Store and Energy Marketers Association	Oppose	No	No	2/1/2023 9:40 AM
Hinebauch, Mel	Concord, NH melhinebauch@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2023 9:46 AM
Hurley, Jack	Claremont, NH jrhurjd@aol.com	A Member of the Public	Myself	Support	No	No	2/1/2023 10:14 AM
McConnell, Liz	Brentwood, NH lizmc99@yahoo.com	A Member of the Public	Myself	Support	No	No	2/1/2023 10:30 AM
Swan, Jon	Dalton, NH saveforestlake@yahoo.com	A Member of the Public	Save Forest Lake	Support	No	No	2/1/2023 10:50 AM
Elliott, Jacquelyn	Waterboro, ME j.c.elliott@roadrunner.com	A Member of the Public	Myself	Support	No	No	2/1/2023 11:27 AM
MacKenzie, Rebecca	Claremont, NH reb178@myfairpoint.net	A Member of the Public	Myself	Support	No	No	2/1/2023 11:53 AM
Southard, Barbara	Bradford, NH barbsouthard@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2023 12:18 PM
Koch, Laurie	Concord, NH kochlj@aol.com	A Member of the Public	Myself	Support	No	No	2/1/2023 12:19 PM
Miles, Nancy	Hanover, NH nmiles3342@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2023 2:22 PM
Little, Katherine	Lyme, NH katielittleywca@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2023 2:43 PM
Dubin, Christina	Portsmouth, NH christinadubin@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2023 2:43 PM
Reardon, Donna	Concord, NH bugs42953@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2023 3:39 PM
williamson, perry	Hanover NH, NH perryfw@mac.com	A Member of the Public	Myself	Support	No	No	2/1/2023 3:43 PM

Weingeist, Carol	Hanover, NH carol.weingeist@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2023 4:02 PM
HOUGHTON, BEVERLY	HANOVER, NH branta213@aol.com	A Member of the Public	Myself	Support	No	No	2/1/2023 5:07 PM
Metzger, Deborah	Hanover, NH handdme2@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2023 5:38 PM
Turkevich, Julianna	393, NH jturkevich@tidewater.net	A Member of the Public	Myself	Support	No	No	2/1/2023 5:52 PM
Spencer, Louise	Concord, NH lpskentstreet@gmail.com	State Agency Staff	Myself	Support	No	No	2/1/2023 7:49 PM
Holcombe, Susan	Hanover, NH shholcombe@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2023 7:57 PM
Christie, Bonnie	HOPKINTON, NH Bchristie1953@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2023 10:16 PM
Heath, Cindy	CORNISH FLAT, NH cheath58@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2023 10:36 PM
Tuthill, John	Acworth, NH johng.tuthill@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2023 11:38 PM

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 226 Date 2/1/23

Committee Municipal + County Gov.

** Please Print All Information **

Name	Address	Phone	Representing	(check one) Pro	Con
Tom Prasol	International Bottled Water Association				✓
Sharn Thomas	NH Retail Association				✓
Peter Brennan	New England Convenience Store Assoc.				✓
Bruce Berke	Ski NH				✓
Simon Thomson	National Federation of Independent Business				✓
Paige Wilson	NHDES	603-271-0964	NHDES		
Michael Nork	NHDES	271-2906	NHDES		
JUDITH SPANG	WISWALL RD DURHAM	8286419		✓	

HB226

NH Grocers Association

ADVOCATE ■ COMMUNICATE ■ EDUCATE

110 Stark Street, Manchester, NH 03101-1977
T: 603-669-9333 ■ F: 603-623-1137
e: kevin@grocers.org
w: www.grocers.org

Testimony on **HB 226** Re: *relative enabling municipalities to regulate the distribution of certain solid waste within landfills*

Presented by: Kevin Daigle, President & CEO – New Hampshire Grocers Association

NHGA Overview: The New Hampshire Grocers Association (NHGA) represents grocery stores, convenience stores, wholesalers, and distributors operating in New Hampshire. These include the small independent mom-and-pop operators as well as the large, chain operated groups. Annually, the food industry in New Hampshire sells over $12 billion dollars in consumable food and beverage products to consumers through approximately 1,400 stores. Our industry employs over 100,000 full and part-time employees with annual wages over $1 Billion. NHGA works hard to represent the voice of our collective membership to ensure that they're well-informed and are in compliance with state laws and regulations.

NHGA Position: We appear today in opposition to HB226

By allowing municipalities to regulate the use and disposal of single use plastic bags, this bill, if passed, would have many unattended consequences. As may you be aware, New Hampshire is a *"Dillon Rule"* state, meaning that the state retains all powers which are not specifically granted to municipalities. It has been wise to maintain *"Dillon's Rule"* as opposed to *"Home Rule",* and for good reason. New Hampshire is a state of 234 cities and towns located in a very compact geographic area. Today, with modern transportation, one can easily travel great distances, and get from one community to another. Unlike the old days, you are not bound to shop local, thus this creates very competitive situations for shoppers between communities. Grocers do their best to attract customers from not only their own community, but from surrounding communities as well. Now, imagine if this Bill was passed. If suddenly a particular community instituted a ban, or mandated a fee, these communities, and grocers within those communities, could see a migration of consumers to other towns. Now, through no fault of their own, other than being in the wrong community, businesses would lose commerce to businesses in other communities

By allowing towns to impose their own regulations on single use bags, it will create obstacles for both consumers, retailers, and small businesses that will be faced with differing regulations from town to town. Grocers, like many other businesses, oppose a patchwork quilt of local ordinances. The immense complexity of operating in an environment of varying local laws increases customer confusion, and through high costs of compliance, unnecessarily increases costs for all parties.

In addition to the confusion and complexities this bill would create for businesses, this bill sets a bad precedent. It provides an opportunity, if passed, for other issues to come forward seeking "home rule" for their cause, thus creating an even greater web of regulations that businesses, and citizens, would need to navigate. Our neighboring states operate in Home Rule environments, and it makes it difficult for businesses having to deal with the inconsistency in ordinances from town to town.

In the past, we've heard from proponents that plastic bags are not recycled so we need to regulate or ban them. We take issue with that on two counts. First, just because a town bans bags, it doesn't stop people from shopping in a neighboring town, and bringing their single-use bags back to their home, and then trying to dispose of them. Second, members of the food industry take pride in the recycling and sustainability efforts made internally. We have spent millions of dollars on equipment that will bale cardboard and package shrink wrap for recycling. We

promote energy efficiency through our heating and cooling system upgrades. And, for years, grocers have provided special recycling bins at their stores to assist in recycling single use bags which in turn are recycled into clothing, composite decking, and even into other plastic bags.

For these reasons, we ask you to find HB 226 *Inexpedient to Legislate*.

Testimony on HB 226 - Enabling municipalities to regulate the distribution and disposal of certain solid waste within landfills.

Presented to Municipal and County Government, February 1, 2023

Representative Lucius Parshall, Cheshire 8. Prime sponsor.

This bill will regulate the point of sale distribution of single use packaging and the disposal of single use packaging waste. It returns the authority to regulate these wastes to their respective municipalities, as they are best positioned to manage their landfills and transfer stations.

The salient point is that if we can keep allegedly recyclable bags out of our trash flow then we will reduce our transfer station costs. The transfer station in my town is facing a steep increase in haulage fees that will increase the transfer station budget by half again. It is this expense that will need to be passed on to all the residents of my community, and this is the same problem facing many communities.

I have been told that RSA 149-M has provisions for allowing municipalities to regulate waste flow, but I believe that this bill indisputably spells it the chain of authority.

I have included a fact sheet on single use plastic bags, though this bill does not single bags out. I would prefer to leave the definition of single use broadly in the belief that it is for communities to decide what-if any, single use plastic is unreasonably contributing to their waste flow.

In anticipation of what arguments are made on behalf of retailers, I must ask if we serving as a chamber of commerce, or are we serving our constituents? Most of the American people have made up their minds and are close to a 4 to 1 margin in favor of eliminating these allegedly recyclable plastic bags from the streets and trees where they often end up.

We have alternatives. I am an avid user of canvas bags. There are times that I am making a purchase and find myself without a bag, and I am glad that just about all of the stores I frequent have paper bags as an option.

Statewide bans exist in New York and most of New England. The American Recyclable Plastic Bag Alliance (ARPBA), are lobbyists for the a plastic industry, and interestingly enough they changes their name from the American Progressive Bag Alliance in 2020, despite the widely known fact that about 1% of plastic bags are actually recycled. We know the stories of how the contents of the recycling containers that our stores provide are typically tossed in the common dumpster. True or not, the pervasiveness of these stories must contribute to the fact that these collection centers are so frequently un-used, aside from the greenwashing propaganda of the plastic industry.

Never the less, ARPBA were successful in defeating a statewide ban in Massachusetts, and now what plastic bag bans exist occur only on a municipal level.

This bill modestly does the same. I would prefer to model a statewide agreement such as exists in Vermont and Maine, and I am grateful to those states in that single use plastic bags are not part of the waste that they send to New Hampshire landfills. This bill will let communities decide on how best to manage their trash flow, rather than impose half-solutions on the State level. If we can get a sense of the will of the people, then perhaps further action may be warranted.

In conclusion, I ask that you grant an OTP to this bill. Get the State out of the way of regulating municipal waste problems, and I have faith that the communities will act in their best interests.

I thank the committee for their consideration of this bill.

10 Facts About Single-Use Plastic Bags

1. Americans use 100 billion plastic bags a year, which require 12 million barrels of oil to manufacture.
2. Americans use an average of 365 plastic bags per person per year. People in Denmark use an average of four plastic bags per year.
3. It only takes about 14 plastic bags for the equivalent of the gas required to drive one mile.
4. In 2015 about 730,000 tons of plastic bags, sacks and wraps were generated (including PS, PP, HDPE, PVC & LDPE) in the United States, but more than 87% of those items are never recycled, winding up in landfills and the ocean.
5. About 34% of dead leatherback sea turtle have ingested plastics.
6. The plastic typically used in bottles, bags and food containers contains chemical additives such as endocrine disruptors, which are associated with negative health effects including cancers, birth defects and immune system suppression in humans and wildlife.
7. It takes 1,000 years for a plastic bag to degrade in a landfill. Unfortunately, the bags don't break down completely but instead photo-degrade, becoming micro-plastics that absorb toxins and continue to pollute the environment.
8. Chemical leaches from plastic bags impair the growth of the world's most important microorganisms, Prochlorococcus, a marine bacterium that provides one tenth of the world's oxygen.
9. There were 1.9 million grocery bags and other plastic bags collected in the 2018 International Coastal Cleanup.
10. In 2014 California became the first state to ban plastic bags. As of March 2018, 311 local bag ordinances have been adopted in 24 states, including Hawaii. As of July 2018, 127 countries have adopted some form of legislation to regulate plastic bags.

https://www.biologicaldiversity.org/programs/population_and_sustainability/sustainability/references.html#twelve

2023 SESSION

-0355
/04

)USE BILL ***226***

J ACT enabling municipalities to regulate the distribution and disposal of certain solid waste within landfills.

'ONSORS: Rep. Parshall, Ches. 8; Rep. Meuse, Rock. 37; Rep. McWilliams, Merr. 30; Rep. Chretien, Hills. 41; Rep. Run Hills. 12; Sen. Whitley, Dist 15

)MMITTEE: Municipal and County Government

ANALYSIS

is bill allows towns and municipalities to regulate the distribution and disposal of certain solid waste within landfills.

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-0355
/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

J ACT enabling municipalities to regulate the distribution and disposal of certain solid waste within landfills.

Be it Enacted by the Senate and House of Representatives in General Court convened:

Powers and Duties of Towns; Power to Make Bylaws. Amend RSA 31:39, I(m)-(p) to read as follows:
) Issuing permits for tattooing facilities and charging a fee for the permit; [~~and~~]
· Regulating noise[~~.~~]***;***
Requiring the reporting of contributions to, and expenditures by, any candidate or political committee made for the purpo: influencing the election of any candidate for local elective office, or any person or committee for the purpose of influencing tl te on any local ballot or referendum question[~~.~~]***;***
Regulating the retail display and accessibility of martial arts weapons including throwing stars, throwing darts, nunchak ›w guns, or any other objects designed for use in the martial arts that are capable of being used as lethal or dangero apons[~~.~~]***; and***
) ***Regulating the point of sale distribution of single use packaging and the disposal of single use packaging was thin their municipal landfills and transfer stations.***
Effective Date. This act shall take effect 60 days after its passage.

NH Retail Association

48 Grandview Road, Suite #2
Bow, NH 03304
603 225 9748
www.retailnh.com
shop@retailnh.com

February 1, 2023

NH House of Representatives
Municipal and County Government Committee
Legislative Office Building
33 North State Street
Concord, NH 03301

RE: Testimony in OPPOSITION to HB226, Enabling Municipalities to Regulate the Distribution and Disposal of Certain Solid Waste Within Landfills

Dear Chairman Turcotte, Vice Chairwoman Pauer, and Members of the Municipal and County Government Committee:

My name is Curtis Picard, President and CEO of the NH Retail Association. We have more than 350 members statewide representing retailers of all sizes. I am pleased to offer comments to the committee in opposition to HB226, which would allow towns and municipalities to regulate the distribution and disposal of certain solid waste within landfills.

As drafted, HB226 would allow municipalities in New Hampshire to regulate "the point-of-sale distribution of single use packaging and the disposal of single use packaging waste within their municipal landfills and transfer stations." While the bill does not define single use packaging waste, we presume the intent of the legislation is to add a fee or ban products like paper and plastic bags. If HB226 were to pass, it would likely create a patchwork of regulations across New Hampshire. It would be confusing for consumers to know which communities have fees or bans, and it would be difficult for retailers, especially retailers with locations in multiple communities, to comply with conflicting regulations from community to community.

Consumers and retailers have made great strides in the use of reusable bags, and reducing the amount of material being distributed.

I want to again thank the committee for accepting my written comments in opposition to HB226, and ask the committee to recommend the bill Inexpedient to Legislate. If you have any questions or comments, please feel free to reach out to me directly, or contact Tom Prasol, Managing Director at Demers & Prasol, Inc.

Sincerely,

Curtis F. Picard

Curtis Picard, CAE
President and CEO, NH Retail Association

Testimony on HB 226
before the
House Municipal and County Government Committee
of the
New Hampshire General Court

February 1, 2023

International Bottled Water Association
and
Northeast Bottled Water Association

Chairman Turcotte, Vice Chair Pauer, and members of the House Municipal and County Government Committee, the International Bottled Water Association (IBWA)[1] and the Northeast Bottled Water Association (NEBWA)[2] appreciate this opportunity to provide comments in opposition to House Bill 226, which would enable municipalities to adopt bylaws to regulate and ban the sale and distribution of single-serve plastic containers and products.

We agree that it is important to increase public awareness about the proper disposal of single-serve plastic items. However, giving municipalities the authority to control this important issue will result in an unmanageable and burdensome patchwork of regulations and guidelines that will greatly restrict business operations and consumer choice. This mixture of different local requirements would not only greatly impede interstate commerce but also lead to other negative consequences, including unnecessary consumer confusion on what can—and cannot—be recycled.

IBWA and NEBWA support the General Court's goal to reduce plastic pollution throughout the state. However, as you deliberate these bills and others that address single-serve plastics, we ask that you

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[1] The International Bottled Water Association is the trade association representing all segments of the bottled water industry, including spring, artesian, mineral, sparkling, well, groundwater and purified bottled waters. IBWA's mission is to serve the members and the public, by championing bottled water as an important choice for healthy hydration and lifestyle, and promoting an environmentally responsible and sustainable industry. IBWA represents bottled water bottlers, distributors and suppliers throughout the United States, including several small, medium and large size companies doing business in New Hampshire.

[2] The Northeast Bottled Water Association is a non-profit trade association whose members are connected with the bottled water industry in some way. Member companies include those engaged in the bottling, packaging, delivery or distribution of bottled water as well as those engaged in equipment, supplies and services for the industry. Geographically, NEBWA members are from throughout the Northeast - New England, New York and New Jersey. NEBWA members are kept updated on the state legislatures, learn industry details through seminars taught by trained educators in the field, meet with others who may be able to offer solutions to business problems and stay in contact with present and potential customers.

consider conducting a study to look at the recycling, waste, and litter streams in New Hampshire, as well as how these proposed policies would impact businesses and consumers. Because there are currently no state laws in New Hampshire that regulate single-serve plastics, enacting bills that grant localities the authority to deal with this issue could have negative unintended consequences already previously discussed. A more effective approach would be for the General Court to consider a comprehensive plan to deal with this important matter.

Allowing individual municipalities to ban, restrict access to, or impose unreasonable measures upon our industry will have a negative impact on New Hampshire's economy. Companies in New Hampshire that manufacture, distribute, and sell bottled water employ as many as 915 people in the state and generate an additional 1,739 jobs in supplier and ancillary industries. These include jobs in companies supplying goods and services to manufacturers, distributors, and retailers, as well as those that depend on sales to workers in the bottled water industry. The jobs currently generated by the bottled water industry in New Hampshire are good jobs, paying an average of $55,000 in wages and benefits.

Not only does the manufacture and sale of bottled water create good jobs in New Hampshire, but the industry also contributes to the economy as a whole. In fact, the bottled water industry is responsible for over $532 million in total economic activity in the state. The bottled water industry also generates sizable tax revenues. In New Hampshire, the industry and its employees pay nearly $17.5 million in taxes including property, income, and sales-based levies. This bill would put these many economic benefits at risk.

IBWA and NEBWA share the state's concern over ensuring proper recycling, waste management, and waste reduction and welcome the opportunity to work with state officials to better understand the hurdles, goals, and desired achievements that must be comprehensively researched before any action is taken. We ask that the Committee members consider supporting legislation that aims to better understand the overall state of recycling in New Hampshire and oppose HB 226 and other attempts to defer the decision-making process to localities, which could cause a patchwork of regulations that would create confusion among the state's citizens and ultimately dissuade them from participating in recycling.

Sincerely,

James P. Toner, Jr.
Director of Government Relations
International Bottled Water Association

Joe Cimino
President
Northeast Bottled Water Association

We have alternatives. I am an avid user of canvas bags. There are times that I am making a purchase and find myself without a bag, and I am glad that just about all of the stores I frequent have paper bags as an option.

Statewide bans exist in New York and most of New England. The American Recyclable Plastic Bag Alliance (ARPBA), are lobbyists for the a plastic industry, and interestingly enough they changes their name from the American Progressive Bag Alliance in 2020, despite the widely known fact that about 1% of plastic bags are actually recycled. We know the stories of how the contents of the recycling containers that our stores provide are typically tossed in the common dumpster. True or not, the pervasiveness of these stories must contribute to the fact that these collection centers are so frequently un-used, aside from the greenwashing propaganda of the plastic industry.

Never the less, ARPBA were successful in defeating a statewide ban in Massachusetts, and now what plastic bag bans exist occur only on a municipal level.

This bill modestly does the same. I would prefer to model a statewide agreement such as exists in Vermont and Maine, and I am grateful to those states in that single use plastic bags are not part of the waste that they send to New Hampshire landfills. This bill will let communities decide on how best to manage their trash flow, rather than impose half-solutions on the State level. If we can get a sense of the will of the people, then perhaps further action may be warranted.

In conclusion, I ask that you grant an OTP to this bill. Get the State out of the way of regulating municipal waste problems, and I have faith that the communities will act in their best interests.

I thank the committee for their consideration of this bill.

Testimony on HB 226 - Enabling municipalities to regulate the distribution and disposal of certain solid waste within landfills.

Presented to Municipal and County Government, February 1, 2023

Representative Lucius Parshall, Cheshire 8. Prime sponsor.

This bill will regulate the point of sale distribution of single use packaging and the disposal of single use packaging waste. It returns the authority to regulate these wastes to their respective municipalities, as they are best positioned to manage their landfills and transfer stations.

The salient point is that if we can keep allegedly recyclable bags out of our trash flow then we will reduce our transfer station costs. The transfer station in my town is facing a steep increase in haulage fees that will increase the transfer station budget by half again. It is this expense that will need to be passed on to all the residents of my community, and this is the same problem facing many communities.

I have been told that RSA 149-M has provisions for allowing municipalities to regulate waste flow, but I believe that this bill indisputably spells it the chain of authority.

I have included a fact sheet on single use plastic bags, though this bill does not single bags out. I would prefer to leave the definition of single use broadly in the belief that it is for communities to decide what-if any, single use plastic is unreasonably contributing to their waste flow.

In anticipation of what arguments are made on behalf of retailers, I must ask if we serving as a chamber of commerce, or are we serving our constituents? Most of the American people have made up their minds and are close to a 4 to 1 margin in favor of eliminating these allegedly recyclable plastic bags from the streets and trees where they often end up.

HB 226 - AS INTRODUCED

2023 SESSION

23-0355
08/04

HOUSE BILL ***226***

AN ACT enabling municipalities to regulate the distribution and disposal of certain solid waste within landfills.

SPONSORS: Rep. Parshall, Ches. 8; Rep. Meuse, Rock. 37; Rep. McWilliams, Merr. 30; Rep. Chretien, Hills. 41; Rep. Rung, Hills. 12; Sen. Whitley, Dist 15

COMMITTEE: Municipal and County Government

ANALYSIS

This bill allows towns and municipalities to regulate the distribution and disposal of certain solid waste within landfills.

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HB 226 - AS INTRODUCED

23-0355
08/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

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(o) Requiring the reporting of contributions to, and expenditures by, any candidate or political committee made for the purpose of influencing the election of any candidate for local elective office, or any person or committee for the purpose of influencing the vote on any local ballot or referendum question[~~.~~]***;***

(p) Regulating the retail display and accessibility of martial arts weapons including throwing stars, throwing darts, nunchaku, blow guns, or any other objects designed for use in the martial arts that are capable of being used as lethal or dangerous weapons[~~.~~]***; and***

(q) Regulating the point of sale distribution of single use packaging and the disposal of single use packaging waste within their municipal landfills and transfer stations.

2 Effective Date. This act shall take effect 60 days after its passage.