

Title:

N-120: Encourage influential entities to lobby for legislation to overturn current legislation restricting bans on plastic bags to protect marine habitats and wildlife.

Background:

- This recommended management action is being put forth to reduce the amount of plastic in the water and on the reefs. Plastic bags in waterways, wetlands and the ocean are often mistaken as a source of food by animals, such as sea turtles.
- This recommended management action relates to a proposed statewide ban on plastic bags.
- Please reference House Bill # 143 Disposable Plastic Bags. https://www.flsenate.gov/Session/Bill/2016/0143/BillText/_/PDF. This bill proposes to allow coastal municipalities with populations of 100,000 or less to create pilot programs to regulate or ban disposable plastic bags.

Objective:

- The intended outcome of this action is to phase out non-recyclable items, with the end result being a ban on single-use plastic bags in Florida to protect the marine environment and its inhabitants (e.g., turtles, whales, dolphins, etc.). Although current Florida legislation prohibits local municipalities from implementing such regulations, the House bill and this recommended management action would change that.
 - This recommended management action has defined:
 - Effects of plastics on the environment as: hard to see, animals eat them, suffocate the reefs when they cover them, block intakes to marine engines and cause damage to them,
 - One-time plastic use as: sandwich bags, grocery bags, bait bags, ice bags (Ziplocs are reusable and would not be included),
 - One-time use Styrofoam as: food containers,
 - Alternative actions as: use recyclable bags (bring your own bags), paper bags, wrap in newspaper,
 - This recommended management action has included the following: (1) added the language to restrict usage, (2) keep option open to charge for single-use plastic bags instead of banning them, (3) apply bans in small areas (e.g., state parks), (4) broadened definition of single-use plastic bags to not apply to garbage bags but be applicable to plastic doggie bags at restaurants, (5) the action has further defined environmental effects.
 - There is an existing education campaign about how single-use plastics can affect the marine environment. Surfrider has an educational campaign on plastics and could represent a potential partner or piggyback opportunity.
- The duration of this management activity is discrete for the pilot program but once passed into law would become a recurring activity.

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Intended Benefits and/or Potential Adverse Effects:

- Some potential benefits of implementation of this recommended management action include: a long-lasting reduction in plastic bags that litter the beaches and the ocean, cause harm to sea turtles (who eat them thinking they are jellyfish) and entangle other animals; less plastics in use equates to a healthier environment, and increased awareness of harmful effects of pollution.
- There are no anticipated negative environmental impacts.
- The duration of the benefits of this recommended management action are long lasting.
- Some possible issues that may arise with implementation of this recommended management action include: (1) the existing restriction on banning plastic bags in Florida, (2) (legal) costs may be required to pay someone to create the new law, (3) requires legislative buy-in, (4) requires a lifestyle change for individuals who frequent retail and consumer outlets, and (5) may be difficult to convince people and legislators of the need for this legislation.
- If this recommended management action is not implemented plastics will continue to enter our oceans and create additional negative impacts on the environment and animals that live there.

Agencies/ Organizations:

- The lead agency for implementation of this recommended management action is the Florida Department of Environmental Protection (FDEP) and Florida state legislature.
- Other potential agencies or organizations who could get involved include: large non-profit organizations, such as The Sierra Club, Surfrider, Ocean Conservancy and The Nature Conservancy, SEFCRI, and organizations such as wildlife rescue centers that deal with birds and sea turtles.
- The key stakeholders for this recommended management action include retail (e.g., liquor and clothing stores, etc.) and consumer outlets/industries (e.g., Target, Walmart, Home Depot, Winn Dixie, Publix, etc.).
- The political will to support this recommended management action exists. Currently, 132 U.S. cities and counties ban plastic bags in retail stores. State Senator Dwight Bullard wants to add Florida to that list, but Florida's legislature restricted the ability of towns and cities to ban plastic bags in 2008. The FDEP recommended guidelines for better regulating plastic, but the state has not acted on these. Senator Bullard has unsuccessfully challenged the state restriction on two occasions. Read more at: <http://higherperspective.com/2014/10/bag-ban-ban.html#ICxmtvxg57psEJDC.99>
- Until the legislature adopts the recommendations of the Community Working Group, no local government or agency, or state government agency may enact any rule, regulation, or ordinance regarding use, disposition, sale, prohibition, restriction, or tax of such auxiliary containers, wrappings or disposable plastic bags.

Permitting/ Enforcement Requirements of RMA:

- There are no permitting requirements with this recommended management action.
- Success of this recommended management action will occur when a ban on single-use plastic bags is enacted.

Cost:

- The estimated direct cost of implementing this recommended management action is a onetime

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cost of \$250,000. However, legal fees may be required to overturn the existing legislation prohibiting municipalities from passing bans.

- No potential funding sources have been identified at this time.

Time Frame & Extent:

- The anticipated timeframe for implementation of this recommended management action is between 5 - 10+ years since it will require legislative action.

Miscellaneous Info:

- This recommended management action is not linked to any other recommended management actions.
- There were no uncertainties or gaps identified with this recommended management action.
- Supporting and relevant data includes the following: Over 100 million marine animals are killed each year due to plastic debris in the ocean. Currently, it is estimated that there are 100 million tons of plastic in the world's oceans. It is expected that another 60 billion pounds will be produced this year alone. In some areas, the buildup of plastics is estimated to span 5 million square miles. http://www.conserveturtles.org/seaturtleinformation.php?page=marine_debris.
- More than 1 billion single-use plastic bags are given out free of charge every day. In 2009 the United States International Trade Commission reported that 102 billion plastic bags were used. Plastic bags never biodegrade, but they do breakdown and, in the process, release toxic additives, including flame retardants, antimicrobials and plasticizers, into the environment. Many of these chemicals may disrupt the endocrine system—the delicately balanced set of hormones and glands that affect virtually every organ and cell in the bodies of humans and animals. <http://ecowatch.com/2013/08/06/the-danger-of-plastic-bags-to-marine-life/>.
- Currently, there is an online petition <http://petitions.moveon.org/sign/ban-plastic-bags-in-florida> that directly relates to this recommended management action. Florida is one of the few states that limits 'home rule' in regards to plastic bag ordinances. Since local municipalities cannot pass a plastic bag ban, Flagler College students are working with the St. Augustine City Commission and local businesses to voluntarily eliminate plastic checkout bags citywide. The resolution was approved in March 2013.
 - A ban on many single-use items is in effect in Rainbow River Park in Dunnellon, FL. This recommended management action could reference the language used for that ban, which includes items such as Tupperware, Rubbermaid, paper sacks, boxes, plastic water bottles, aluminum cans, breakable plastic utensils and paper napkins and towels. Visitors to the park comply with the ban since there are very few access points to the river and people do not want to be on the river all day without water.
 - Miami Beach has implemented a flashing sign that states plastic bags and Styrofoam are not allowed on the beach.

Goals/ Objectives to be achieved:

Refer to the [SEFCRI Coral Reef Management Goals and Objectives Reference Guide](#)

- FL Priorities Goal C4 Obj. 5.
- FDEP CRCP Coral Reef Ecosystem Conservation Obj. 3.

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