

BALLOT
REVIEW

Bozeman plastics initiative: To ban plastic bags, straws

By Chris Cargill
President

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Introduction

This November, voters in the city of Bozeman will decide whether to adopt a ban on plastic bags and straws, as well as foam containers. Supporters of the “Bozeman Plastics Initiative” collected 6,739 signatures this year to place the measure on the ballot¹.

The language of the initiative reads²:

“The Bozeman Plastics Initiative will establish new provisions in the Bozeman Municipal Code to prohibit after May 1, 2025, the sale or distribution of polystyrene foam or the use of single-use plastic bags (with exceptions) and plastic straws or stirrers. This initiative will also require the City of Bozeman to provide notice to affected establishments and provide authority for the City to promulgate rules and regulations to implement this Initiative.”

The measure specifically targets five items: food containers made of polystyrene foam, packing materials made of polystyrene foam, plastic bags, plastic straws and plastic stirrers. Straws and stirrers would only be allowed at businesses in Bozeman by customer request.

If voters approve the ban, it will take effect in May of 2025, with stiff penalties of \$1,000 for a first violation, and \$2,000 for a second.

¹ Ban on single-use plastics follows tumultuous path to Bozeman ballot, by Isabel Hicks, Montana Free Press, August 2024, available at <https://montanafreepress.org/2024/08/22/ban-on-single-use-plastics-follows-tumultuous-path-to-bozeman-ballot/>

² Courtesy of the Montana Secretary of State

KEY INFORMATION COLUMN

Gallatin County Elections officials and the Bozeman city attorney contended organizers did not meet the 25% signature threshold to place a measure on the ballot in a non-general election year.

Researchers found that small trash bag sales simply increased dramatically – by as much as 25% - in communities with a ban, indicating that consumers were not reducing their use, just getting them someplace else.

On again, off again, on again

Just a few months ago, it wasn't clear whether the Bozeman Plastics Initiative would even appear on the ballot. Gallatin County Elections officials and the Bozeman city attorney contended organizers did not meet the 25% signature threshold to place a measure on the ballot in a non-general election year. A lawsuit was filed leading to a settlement in August that allowed the initiative to proceed.³

During the 2021 legislative session, Montana state lawmakers passed House Bill 407, commonly called the “ban on bans” bill.⁴ This legislation established uniformity for the state and prohibited local regulations, fees or bans on containers, plastics and more. In March, however, a Helena judge ruled the legislation unconstitutional, giving initiative supporters the green light to collect signatures.⁵

National bans and the science

Cities, towns and some states across the country have adopted various plastic bag or container bans. California became the first state, in August of 2014, to ban plastic bags and require a charge for paper bags. Cities including Boston, Chicago, Los Angeles, Seattle, San Francisco and Boulder, Colorado, have followed suit.⁶

Nearly 20 other states have preemptions that block local plastic bag bans.

The question is whether banning plastic bags and similar items is an effective way to help the environment?

The University of Georgia's school of Forestry and Natural Resources completed a comprehensive review of California's plastics policy, looking at plastic trash bag sales in counties with bans or fees in place, versus those without.⁷ Researchers found that small trash bag sales simply increased dramatically – by as much as 25% - in communities with a ban, indicating that consumers were not reducing their use, just getting them someplace else.

³ Ban on single-use plastics follows tumultuous path to Bozeman ballot, by Isabel Hicks, Montana Free Press, August 2024, available at <https://montanafreepress.org/2024/08/22/ban-on-single-use-plastics-follows-tumultuous-path-to-bozeman-ballot/>

⁴ Montana House Bill 407, 67th Montana Legislature, available at https://leg.mt.gov/bills/2021/HB0499/HB0407_X.pdf

⁵ 'Local Power': Billings plaintiffs celebrate judge striking down 'ban on bans,' by Kelsey Boggs, Q2 KTVQ News, Billings, March 2024, available at <https://www.ktvq.com/news/montana-news/local-power-billings-plaintiffs-celebrate-judge-striking-down-ban-on-bans>

⁶ State plastic bag legislation, National Conference of State Legislatures, available at <https://www.ncsl.org/environment-and-natural-resources/state-plastic-bag-legislation>

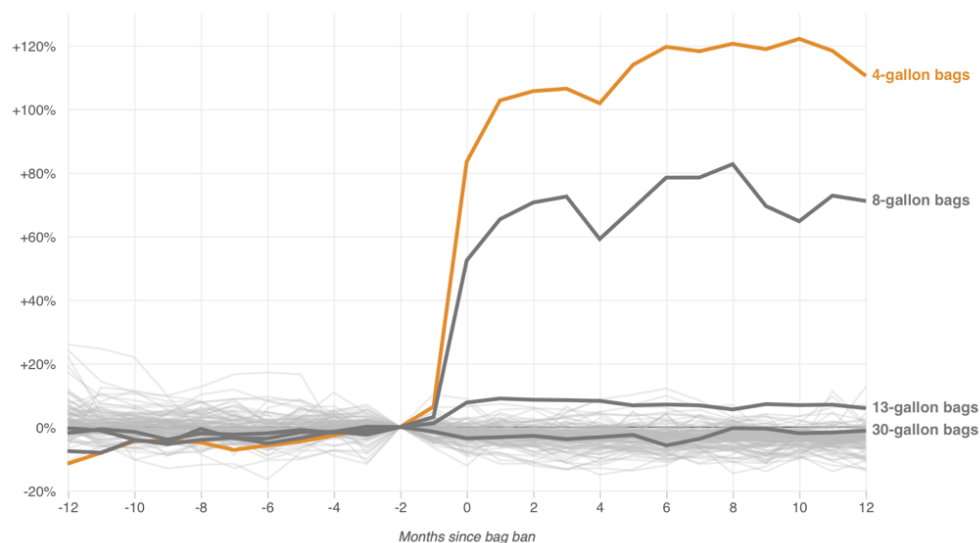
⁷ Spillover effects of grocery bag legislation, by Yu-Kai Huang and Richard T. Woodward, January 27, 2022, available at <https://link.springer.com/article/10.1007/s10640-022-00646-5>

KEY INFORMATION COLUMN

“After the regulations came into effect, consumers’ plastic bag demand switched from regulated plastic bags to unregulated bags,” researcher Yu-Kai Huang wrote.

Trash bag sales jumped after grocery bans

University of Georgia – School of Forestry and Natural Resources study



Alternatives to plastic bags or other banned items may be even more harmful.

The United Kingdom’s Environment Agency released a report in 2011 that highlighted the carbon impact of paper, reusable plastic, and cotton bags is higher than single-use plastic bags.

The United Kingdom’s Environment Agency released a report in 2011 that highlighted the carbon impact of paper, reusable plastic, and cotton bags is *higher* than single-use plastic bags. In fact, scientists said you’d need to reuse a cotton bag more than 130 times to have an impact on the environment.⁸

Similarly, researchers in Denmark in 2018 concluded cotton bags are far more environmentally harmful than plastic bags.⁹

For example, both studies found that rather than reducing water and ocean pollution, increased use of paper and cotton bags has increased the risk of deoxygenated “dead zones” in waterways. These dead zones are killing marine life. They are partially created when fertilizer, used to grow cotton and trees for paper, ends up in the water, it creates algae blooms that remove oxygen from the water.

⁸ Life cycle assessment of supermarket carrier bags, Environmental Agency of the United Kingdom, February 2011, available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/291023/scho0711buan-e-e.pdf

⁹ Life cycle assessment of grocery carrier bags, Ministry of Environment and Food of Denmark, February 2018, available at <https://www2.mst.dk/Udgiv/publications/2018/02/978-87-93614-73-4.pdf>

**KEY INFORMATION
COLUMN**

Perfluoroalkylated and polyfluoroalkylated substances can lead to major health problems including liver damage, thyroid disease, obesity, fertility complications and even cancer.

Just last year, researchers at the University of Antwerp in Belgium discovered that paper straws – the most common alternative to plastic straws – may be toxic, as they contain more perfluoroalkylated and polyfluoroalkylated substances, or PFAS.¹⁰ They are substances considered harmful to humans, animals, and the environment.

The team of scientists looked at 39 different brands of straws, including plastic, paper, glass, stainless steel and bamboo. Incredibly, 27 of the 39 tested straw brands had PFASs. But when researchers specifically studied just paper straws, they discovered higher chemicals in 90% (18/20). Perfluoroalkylated and polyfluoroalkylated substances can lead to major health problems including liver damage, thyroid disease, obesity, fertility complications and even cancer.

Banning plastic bags also raise sanitation concerns. Most people who carry around reusable, cloth bags do not necessarily take care to make sure the bag is clean. Some may keep the bag in their backseat or the trunk of their vehicle. Others might only wash the bag once a month. The concern about sanitation was especially high during the COVID-19 pandemic, when a number of states that had adopted plastic bag bans suspended implementation due to hygiene concerns.¹¹

Conclusion

Americans use plastic bags for a variety of reasons, and few use them only once, often using a grocery store bag to reline a house trash can, carry lunch to work, or pick up after a favorite pet.

Bringing down plastic consumption in the United States may be a noble goal, but government bans on plastic bags and other items are a simply an ineffective fad that can actually do more harm than good.

¹⁰ Assessment of poly- and perfluoroalkyl substances (PFAS) in commercially available drinking straws using targeted and suspect screening approaches, by Pauline Boisacq, Maarten De Keuster, Els Prinsen, Yunsun Jeong, Lieven Bervoets, Marcel Eens, Adrian Covaci, Tim Willems, Thimo Groffen, August 2023, available at <https://www.tandfonline.com/doi/full/10.1080/19440049.2023.2240908>

¹¹ Pandemic-paused plastic bag bans ripped anew by critics, Stateline, by Elaine Popvich, March 30, 2021, available at <https://stateline.org/2021/03/30/pandemic-paused-plastic-bag-bans-ripped-anew-by-critics/>

Nothing in this publication shall be construed as an attempt to aid or hinder the passage of any legislation.

ABOUT THE AUTHOR

For more than 24 years, Chris Cargill has worked in communications and public policy. Chris has deep roots in our region and is a graduate of Gonzaga University with a degree in broadcast communications and political science. His experience includes a decade in television news as well as 13 years for another state based think tank.



Chris' work has been published in the Idaho Statesman, The Coeur d'Alene Press, The Helena Independent Record, the Spokesman-Review, The Seattle Times, the Tri-City Herald and Real Clear Policy, as well as many other regional newspapers. He is also a familiar voice on radio stations throughout the region.

Chris is a member of the Heritage Foundation's Project 2025 Advisory Board, which is focused preparing comprehensive policy recommendations for the next conservative presidential administration. He is also an active participant in the American Enterprise Institute's Leadership Network.

Chris & his wife Lisa are the proud parents of two boys, including one who has special needs - one of the many reasons why he is so passionate about education choice options for families.

In his spare time, Chris spends time with family, serves on his local city council, and enjoys whatever down time he can in the great outdoors on his family property in North Idaho.

