



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

March 6, 2019

The Honorable Edward Butler
Chair, Commerce and Consumer Affairs Committee
Legislative Office Building, Room 302
Concord, NH 03301

RE: HB 560 - An Act relative to single-use carryout bags.

Dear Chair Butler and Members of the Committee:

Thank you for the opportunity to testify on HB 560. This bill would restrict the distribution of single-use carryout bags. Though not taking a position on the bill, the New Hampshire Department of Environmental Services (NHDES) supports the concept of reducing the distribution of single-use items to reduce the quantity of waste disposed of in New Hampshire. We do have concerns about the availability of resources necessary to implement the various regulatory requirements associated with this bill as currently written.

HB 560 seeks to amend RSA 149-M (Solid Waste Management Act) to include a restriction on the distribution of single-use carryout bags by food service and other retail establishments. While the purpose of the bill is laudable, this legislation will require NHDES to undertake new and expanded responsibilities for which it is not currently resourced. The state's existing solid waste management program administered under RSA 149-M largely regulates solid waste management facilities and is not set up to also regulate the distribution, sale and use of specific products in commerce before they become waste. Implementing this bill's new enforcement and rulemaking responsibilities within a program that is not set up to regulate the distribution, sale, and use of products would require hiring additional staff. NHDES also anticipates the need to provide related education and outreach to the business community and consumers prior to and during implementation of the ban, which will also require an expenditure of solid waste program resources. The fiscal note prepared for this bill reflects the potential impact to NHDES and the General Fund for an additional full-time employee at a cost of approximately \$93,000 - \$100,000 annually to implement the rulemaking, education, outreach, and enforcement responsibilities associated with the bill as written.

While the agency does not take a position on the bill, NHDES does support efforts to reduce the quantity of single use plastic bags being generated in New Hampshire, as well as raise public awareness about the adverse impacts of plastic waste in general and the benefits of reducing what we produce for plastic waste. NHDES also believes that assigning the bill to a subcommittee to examine some of the details about implementation would be beneficial to ensuring that any such effort makes best use of limited state resources and meets the needs of the business community that would be impacted by a ban. NHDES would welcome the opportunity to assist a subcommittee in that regard.

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Thank you again for the opportunity to comment on HB 560. Should you have further questions or need additional information, please feel free to contact either: Melissa Zych, Pollution Prevention Program, melissa.zych@des.nh.gov, 271-6398 or Michael Nork michael.nork@des.nh.gov, Waste Management Program, 271-2936.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. Scott", with a large, stylized flourish at the end.

Robert R. Scott
Commissioner

cc: Sponsors of HB 560: Representatives Spang, Balch, Luneau, Myler; Senators Watters, Fuller Clark