

BEFORE THE COMMITTEE ON HOUSE FEDERAL AND STATE AFFAIRS

**TESTIMONY IN OPPOSITION TO HB 2446
Wednesday, March 15 2023 at 9:00 am**

Dear Chair Carpenter and members of the House Federal and State Affairs Committee:

I stand opposed to HB 2446, a bill intended to strip cities of their ability to control plastic litter within their boundaries. The choice to regulate the use of “auxiliary containers” should be left with the city.

Pursuant to Article 12, Section 5 of the Kansas Constitution, cities have the power of home rule. The theory of Home Rule is that municipal governments are closest to the people and should have the power to enact local ordinances that the people want and need. Home Rule is a vision of local community governed by those who live there and not governed by interference from a larger more powerful government or the lobbyists and businesses and legislators who can push a state government to interfere with home rule. Under home rule, a city government may do anything consistent with its charter and ordinances. A KU School of Medicine study released in 2021 showed that more than two-thirds of the 2064 Wichita residents surveyed would support a ban or tax on plastic bags locally.

The enactment of local laws regulating municipal waste includes the power to restrict the use of plastic bags and single use plastic or Styrofoam containers and utensils, including straws. Cities should be free to decide whether to enact restrictions depending upon the wishes of their citizens. The reduction of the use of plastics will:

- Reduce municipal solid waste
- Reduce litter
- Protect wildlife, and
- Reduce pollution

A 2021 Wichita State University study concluded that roughly half of the city’s litter larger than 4 inches is composed of plastic or foam, with 75% of that plastic litter coming from the food and beverage industry. Of all the litter collected in the study, 49% of the litter overall were products of the food and beverage industry. Litter coming from the food and beverage industry increases costs associated with city cleanup, takes precious landfill space, and requires maintenance or repair with cleaning out clogged sewers, recycling equipment, and more. Several cities that have implemented local ordinances to regulate or tax single-use items have experienced a reduction in this litter and realize taxpayer savings.

As stated in Section 5, “Powers and authority granted cities pursuant to this section shall be liberally construed for the purpose of giving to cities the largest measure of self-

government.” The powers of the cities are limited to matters of local affairs and government including recycling and regulation of the municipal waste streams.

Currently pending before the Senate Commerce Committee is SB47, a bill that treats Wichitans and the residents of other cities who consider bans on single use plastic bags as too ignorant and thoughtless to make well considered, well reasoned decisions about the governance of their community. The statute is insulting to local communities and community leaders and reeks of a turf war instigated by the plastics and fossil fuel industry, not by retail industries and consumers who can easily adapt to the loss of single use plastic. Many retailers have already taken the step of eliminating single use plastic bags in recognition of environmental concerns and public concern. Will those retailers be forced to offer single-use plastic bags for the sake of consistency?

So is a ban on plastic bags consistent with the charter and ordinances of Wichita, Kansas? Absolutely. Does such a ban contribute to the well being and overall quality of life of that city? Absolutely. Should Wichitans have the right to decide whether to ban the plastic bag or other “auxiliary containers” Absolutely. After all, Wichita is our city. Should Wichitans consult with local businesses who may be affected by a ban on single use plastic? Absolutely. Will Wichitans take the concerns of businesses into consideration as they make a decision about these bags? Absolutely. We have no guarantee that our city will ban the bag or other single use containers even if the decision remains in our hands, but we would have a guarantee that ban or no ban, it is our decision.

We are to be good stewards of our communities and of our environment. Local communities should not be hamstrung by interference with the workings of orderly home rule. Local communities should be fostered in their pursuit of the best quality of life for their citizens.

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