

Written Testimony on SB 47  
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Dear Madam Chair Erickson:

Please accept my testimony in opposition to SB 47. My opposition to SB 47 arises from concerns about violation of “home rule”, costs of operating government, overturning public preference and public health.

**Home Rule-** SB 47 violates the rights of cities and counties to control plastic bags and related plastic packaging by preempting Kansas’ constitutional principles of “home rule”. The Kansas Legislative Research Department supports the view that cities have wide discretion to self-govern by quoting Article 12, Section 5 of the Kansas Constitution... “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....Cities are hereby empowered to determine their local affairs and government including the levying of taxes, excises, fees, charges, and other exactions . . . Cities shall exercise such determination by ordinance passed by the governing body with referendum only in such cases as prescribed by the legislature, subject only to enactments of the legislature of statewide concern applicable uniformly to all cities, to other enactments applicable uniformly to all cities...” Essentially, state intrusion into local control is justified only when there are compelling needs for statewide uniformity. Controlling plastic bags is not one of those situations. Citizens have intimate knowledge of their local conditions enabling them to determine what is in their best interests, not the State. If we truly believe that government closest to the people is best, State government must not overreach into local government decisions.

**Costs of Operating Government-** Coping with plastic bags significantly increases government operating expenses. It is my understanding that Wichita spends over \$100,000 annually to remove plastic bags from its sewage treatment facilities and yet more to clean the banks of the Arkansas River. Considering that many other Kansas cities face similar situations, this is a huge needless expenditure of taxpayer resources that could go to many other and more positive uses.

**Public Support-** Numerous public surveys, of which you no doubt are aware, show overwhelming support for bag bans. For example, a 2021 KU School of Medicine survey in Wichita showed that 72 percent of people interviewed said they support banning single-use plastic bags. And, lesser majorities support bag fees.

**Public Health-** This is a health and pro-life issue. Research shows that human pathogens concentrate on plastic bags littering our environment; we need to keep this filth out of our environment to prevent human infection. Furthermore, researchers report these bags consist

of toxic materials and dyes that never truly decompose into harmless substances. Instead, they physically break down into microscopic particles that can enter the bodies of people through air, water and food. Although researchers know that the chemicals in these tiny particles are toxic, they are still working to determine the extent of the threat. What is proven is that almost every human on this planet now contains microplastics. Stuningly, a study of full-term human placentas in 2021 published in the journal "Environment International" revealed, "Microplastics were found in all placental portions: maternal, fetal and amniochorial membranes. Microplastics carry with them substances which acting as endocrine disruptors could cause long term effects on human health." This is a reckless uncontrolled experiment on humans, including our unborn, where they should be safest, in their mother's body. Our babies have the right to start life healthy!

**Extent of Problem-** Here in the U.S. only 1% to 3% of bags are recycled annually, while about 100 billion plastic bags thrown away. Ironic, considering that most are used for less than half an hour but remain essentially intact poisoning our environment for hundreds of years. Even when "properly" landfilled, their toxins leach into our water.

**Summarizing-** There is no constitutionally compelling reason for the State Legislature to subvert local government authority by precluding their decisions in the matter of controlling a product that is increasingly recognized as hazardous to human health, especially for our youngest and even the unborn. This is especially true given overwhelming citizen support for local government to take action to solve this problem. Decisions related to controlling plastic bags and similar single-use containers are best left to citizens at their local level because they know what is best for themselves. Furthermore, the State has no right to force local government into ineffective, expensive processes for coping with hazardous substances known to be toxic to humans and now found in unborn infants. Considering the low recycling rate and the lack of state level interest in effectively addressing this serious issue, the Kansas state government should just step aside and let local government fix this problem as it determines best. For these reasons, I oppose SB 47.