

ALASKA LEGISLATURE COMMITTEE FILES 2007-2008 SL&C 12618

And in municipal government, we also have the utmost respect for the citizens that pay the taxes that equip our public safety, public works, and other employees. **And help pay for unfunded mandates.**

For us, this bill is not about appreciation of one class of workers over another. It is about asking struggling municipalities to pay for an unnecessary state mandate.

**What does the bill do?**

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Currently, when any employee files a claim for any of the diseases listed in SB117, as long as a medical opinion links it to work, the claims would be accepted as compensable. These bills propose to turn the current workers' compensation system upside down.

SB117 would place fire fighters with 7 or more years of service in a preferred category where they would not be subject to the same proof requirements for occupational injuries or illnesses as all other workers, both public and private sector. Cardiovascular events, respiratory problems, and cancer will be presumed to be work related. SB117 would require tax-payer funded municipalities to prove a negative: that the firefighter's cancer, for example, was NOT caused by the job.

This bill is bad public policy for many reasons, not the least of which it is not supported by science.

**Who will the provisions of SB117 apply to?**

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[According to the Division of Fire Prevention, there are nearly 6,350 fire fighters in Alaska. Nearly 1,400 are career, paid professionals. Another 875 are paid, or paid on-call responders. The remainder, 4,100, are volunteers, many of whom rarely spend time in the field where the potential for occupational exposure exists.

Of those 6,350, 2,100 of them are also EMS responders. The Division of Emergency Services reports approximately another 1,400 EMTs and Paramedics.

And the Alaska Police Standards Council reports approximately 1500 police officers and troopers.

So] the bill affects some 9,150 first responders. Since municipalities employ the vast majority of Alaska's first responders, you can understand AML's interest in SB117.

Some of you may have heard that the AML is OK with this bill. Or that the AML doesn't oppose this bill. Let me set the record straight. The AML **strongly opposes this piece of legislation.**

**What's the Cost?**

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The costs of this bill are difficult to gauge. The cost of cancer, for example, varies by the type of cancer, how early it is detected, the treatment options, among other factors. The National Commission on Compensation Insurance

(NCCI) promulgates the base rates for workers' compensation rates across the country. NCCI estimates increased costs for the fire fighter class code at 15 to 30 percent for the cancer presumption alone. But, mind you, this bill provides more than just a cancer presumption. In other states with a cancer presumption, the rates would indicate otherwise. Take Nevada, for example.

According to Patricia Young at Legislative Research, Nevada is one of only 10 states in the country that cover some form of each category of disease that is proposed in SB117, not 41 states as the firefighters have previously testified.

NCCI currently recommends a base rate for Alaska of \$4.99 per hundred dollars of payroll. Nevada's rate is \$15.03. That is 3 times as much.

California's rate is \$10.94 per hundred or more than twice as much.

Consider the 4,100 volunteers. Most small communities can't afford to pay firefighters, so they have volunteers. But they still need to buy workers' comp. for the volunteers. Volunteer rates will necessarily have to increase to cover the costs of the presumptions in this bill. Judging by the rates in Nevada and California, probably by hundreds of percentage points. When tax payers in smaller municipalities can't afford to pay firefighters, why would we expect them to afford to pay much, much more for this extraordinary benefit?

Many of the jurisdictions that provide this coverage don't provide the presumption for volunteers.

Proponents of the bill have used California as an example in previous testimony. They have stated that the effect on the actuarial assumptions for the California Public Employee Retirement System as "negligible" or "minimal." As lawmakers, I know you understand that it is difficult to compare one jurisdiction with another. California, for example, provides a 50 percent rebate for unfunded mandates. Data from 2000 to the present shows local agency requests for reimbursement on firefighter cancer costs of approximately \$20 million for their firefighters' presumption. That means the actual cost is twice that amount, or \$40 million. In actual fact, according to the California State Association of Counties, that figure is probably understated. What ever the figure, it is not a "negligible" amount.

To take advantage of the presumptions in this bill, medical screenings are necessary. This is a great idea, except that the costs of medical screenings vary from \$350 for negotiated flat rates to over \$1,000. Assuming 9150 affected employees, you're looking at millions in screening costs alone.

### **The Science**

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Cancer is a terrible disease that touches each of our lives. According to the American Cancer Society's statistics, about half the men in this room will be diagnosed with some sort of cancer in their lifetime. Last week, the Anchorage paper cited the following Cancer Society statistics: Prostate

cancer is the second most diagnosed cancer in men after skin cancer. It is the second leading cause of cancer death.

One third of the women will be diagnosed with cancer. And the causes remain largely unexplained.

The science behind this bill is far from conclusive. The International Fire Fighters Union is basing their data on a "meta-analysis" performed by LeMasters and others. A meta-analysis, I learned, is a study of previous studies.

In the LeMasters' study, none of the cancers rise to the level of medical certainty. Statistically speaking, there are associations, but in none of the listed diseases has the standardized mortality ratio (SMR) exceeded 200.0, the standard epidemiologists use to determine causation. In fact, in the case of bladder and kidney cancers, the study indicates that firefighting is "unlikely" to contribute significantly.

The approach used by LeMasters to identify relevant studies is considered by epidemiologists as a sound one. The comparison of observed and expected numbers of cases by cancer site is an appropriate way to begin asking whether firefighting can predispose someone to the occurrence of one or more forms of cancer. LeMasters went further, however, to form a finding of at least a ten percent increased risk in firefighters that, based on the number of observations across all studies, was not plausibly the result of chance. From these results, they concluded that for only two of the cancers

listed in the bill was the relation between firefighting and incidence more than "unlikely" or "possible." Those cancers are Non-Hodgkins Lymphoma and Prostate cancer. (*Dr. Noel Weiss, MD, UW Dept. of Epidemiology, Feb 22 testimony to Management Labor Advisory Committee, Oregon State Legislature*).

Again, in neither case does the relative risk exceed 2.0 or reach the level of causal. In both cases, the general population of males has a high risk of contracting one of these diseases.

Nearly 3 out of 10 men in the general population will develop one of the cancers listed in SB117. If we accept the LeMasters study, being a fire fighter increases risk by about 28 percent. In other words, for every 4 cancer claims by fire fighters, 3 would have occurred regardless of their occupation.

If it is the desire of the Legislature to compensate fire fighters who develop cancer, then we suggest that a broad-based state funding source be found to finance this extraordinary benefit and unfunded mandate on local government employers and taxpayers that fund them.

[Speaking of studies, last month the New England Journal of Medicine published a Harvard University study that found 45 percent of job-related firefighter deaths were related to a coronary condition. This is especially significant since a low percentage of their time is actually spent fighting fires. The report states that poor diet and lack of exercise are contributing factors in the deaths.

Similarly, in a September 2006 study authored by Dr. Lori Moore-Merrell, Assistant to the General President of the International Fire Fighters Union, the conclusion states, "the most prominent contributing factors to firefighter line of duty death in the United States are health/wellness/fitness/medical status of firefighters, personal protective equipment, and human error."

I mention this because diet and exercise are related to cancer risk much the same way they are related to heart disease. Let's face it, the demographics of America, and Alaska is no exception, are getting older and heavier.]

The LeMasters' study concludes that more study is needed and that we need to develop more innovative, comfortable protective equipment.

Let's be clear, I'm not an epidemiologist or a statistician. But I have reviewed a number of the studies and they seem to contradict each other with the exception of one thing. More study is needed.

### **Bear Man**

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Passage of SB117 would crack the door for other special interest groups that would like a similar presumption. Make no mistake about it, there is chatter in the lobby about others that would like to join this bill. Last session, an amendment was offered to add nurses to the bill. "Why does the exposure to bloodborne pathogens stop at the emergency room door?" That is a reasonable question. I referred to the bill as letting the bear's nose into the cabin. Before you know it, we'll be like Charlie Vandergaw, the former

teacher with the Yetna River Homestead. We'll be inviting the whole bear into the cabin.

The bill is discriminatory. The bill has been challenged in Nevada on constitutional grounds. The bill was overturned in New Hampshire because it also violated the constitution – this time for violating the unfunded mandate clause.

Many people have occupational exposures in their jobs. Workers' compensation already provides the protection for them. Turning the system upside down for one class of employees is bad public policy.

### **Conclusion**

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So in summary, SB117 is a piece of special interest legislation that provides a tremendous benefit to a single group of employees at local taxpayer expense.

Welders, construction demolition, honey bucket haulers are all exposed to the same carcinogenic or contagious agents as firefighters. The difference is unlike most of the firefighters, they are exposed on a daily basis.

The ailments listed in SB117 are already covered by workers' compensation if the employee can demonstrate a connection to work.

**The LeMasters study shows an association of between firefighting and some cancers, But DON'T FORGET: non-firefighters can and do get the diseases while most firefighters never do.**

Proving or disproving the exact cause of a disease as complex as cancer is unnecessary. That's because for paid firefighters, municipal taxpayers already provide medical care and disability benefits for injured employees regardless of the cause of their illness. There is no need to change workers' compensation law to protect them.

This is not a vote about how much we appreciate Alaska's first responders. Of course we do. This is a vote about whether it is good public policy to continue to pile unfunded mandates on local governments to benefit one class of employee and requiring local taxpayers to foot the bill.

I urge you to vote "do not pass" on SB117.

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April 13, 2007

The Honorable Johnny Ellis, Chair, and  
The Honorable Gary Stevens, Vice Chair  
Senate Labor and Commerce Committee  
Alaska State Capitol  
Juneau, Alaska 99801

RE: Oppose SB117

Dear Senator Ellis and committee members:

The Alaska Municipal League Joint Insurance Association (AMLJIA) opposes SB117.

The AMLJIA is a joint insurance arrangement organized under AS 21.76. With approximately 152 member municipalities and school districts pooling for workers' compensation coverage, these local government entities bear the single largest exposure to changes in workers' compensation law as it applies to employees such as firefighters, EMTs, and police.

SB117 creates a presumption of workers' compensation coverage for firefighters for cardio/respiratory problems, as well as a variety of cancers for firefighters with seven or more years of service. All of these are chronic diseases that often have genetic and lifestyle choices as their cause.

SB117 further appears to add a presumption of workers' compensation coverage for several contagious diseases for these same employees whether or not their jobs include contact with bodily fluids.

The presumptions are unnecessary and potentially very costly. Present fire fighting technology and procedures call for use of personal protective equipment such as respirators and breathing dams. When following best practices and department procedures, the risk of contracting illnesses such as those listed in the bill is greatly reduced.

Currently, if a firefighter contracts a respiratory or heart disease and claims that it is work-related, it is up to the employer to demonstrate that it is not. These claims are covered by workers' compensation already. By creating a strict presumption, the claim will most often be covered by the workers' comp. system, even when it is not work-related.

PROTECT

A service of the ALASKA MUNICIPAL LEAGUE

The communicable disease provisions are also problematic. When EMTs, firefighters and others properly use personal protective equipment, the incidence rate of bloodborne diseases should be lower than the general population, not higher. In addition, exposures to blood and needlesticks are events that are generally indentifiable. There should be no doubt as to what day a firefighter gave mouth-to-mouth resuscitation to a victim or an EMT is accidentally stuck by a syringe. Therefore, the present system covers the work-related events just fine. Providing a presumption is unnecessary and would provide workers' compensation coverage to people who contract hepatitis, TB, HIV, AIDS or meningitis through more conventional means such as poor hygiene, unprotected sex, or even a dirty needle at a tattoo parlor.

These protections are offered once employees are cleared of pre-existing diseases by a medical screening. This presents a two-fold problem. One, the screenings may not be effective for latent diseases such as cancer. Two, depending upon the patient's age, the cost of such screenings approach \$1,000 a piece, according to the Fairbanks Fire Department. Since the municipality would be required to bear the cost of such an exam, the overall costs of initial screenings statewide are estimated at \$8 million, with annual recurring costs after that.

The National Council on Compensation Insurance (NCCI) promulgates the starting rates for all carriers and pools in Alaska. The NCCI estimates the cost to municipalities for the affected job classes to increase 10 to 20 percent, based on the presumptions in the bill. Worse yet, the bill is retroactive in nature, providing coverage for claims "even if the exposure leading to the occupational disease occurred before the effective date of this Act." These claims were never contemplated in the calculation of rates in the past and would be unfunded

There is no more expensive way to pay for an injury or illness than our current workers' compensation system. Health programs are able to control medical costs through negotiated agreements with health care providers. Workers' compensation cannot. It is interesting to note that both workers' compensation and the health benefits are generally provided by the employer, at least with respect to the career firefighter.

As you likely know, Alaska's workers' compensation rates are the highest in the nation. This continued crisis in workers' compensation costs contributes to some local governments and businesses closing their doors. Now is the time to fix our workers' comp. problem, not make it worse by expanding benefits. Please consider the negative financial impacts this legislation would have on the State's political subdivisions.

Thank you.



Kevin Smith  
Executive Director

**ANALYSIS OF ALASKA HOUSE BILL 200/SENATE BILL 117 (HB 200/SB 117)  
Presumption of Compensability for Certain Occupations and Diseases  
As Submitted on March 14, 2007**

HB 200/SB 117, if enacted, may result in an increase in workers compensation costs for firefighters, peace officers, and emergency medical and rescue personnel in Alaska due to an increase in compensable "occupational disease" claims. Specifically for firefighters (class 7704), NCCI estimates that costs may increase between 15% and 30% as a result of the presumption of compensability for cancer. We are unable to provide an estimated cost impact for the other types of occupations and the other types of diseases specified in HB 200/SB 117 due to lack of available data. The impact on Alaska's overall workers compensation (WC) system costs would be negligible since firefighters, peace officers, and emergency medical and rescue personnel represent a relatively small proportion of Alaska's total system benefits.

Individual self-insureds do not report data to NCCI and are therefore not included in this estimate. As a result, additional costs are expected from individual self-insureds that employ first responders.

Note that the above-mentioned cost increase represents the prospective impact of the bill on total workers compensation system costs. However, the proposed language allows coverage for claims made after the effective date of the proposal, regardless of whether or not the exposure leading to the occupational disease occurred before the effective date. Therefore, it is expected that there may be a significant unfunded liability due to the retroactive nature of this proposal.

**Summary of Bill**

HB 200/SB 117 creates a presumption of workers compensation coverage for firefighters for the following occupational diseases:

- (A) Respiratory disease;
- (B) Cardiovascular events that are experienced within 72 hours after exposure to smoke, fumes, or toxic substances; and
- (C) The following cancers:
  - (i) primary brain cancer,
  - (ii) malignant melanoma;
  - (iii) leukemia;
  - (iv) non-Hodgkin's lymphoma;
  - (v) bladder cancer,
  - (vi) ureter cancer,
  - (vii) kidney cancer; and
  - (viii) prostate cancer.

Currently, the employee has the burden of proof for compensability of a workers compensation disability claim. This proposal would establish a presumption of coverage for disability as a result of certain diseases. This presumption may be rebutted by a preponderance of evidence which may include the use of tobacco products, physical fitness and weight, lifestyle, hereditary factors, and exposure from other employment or non-employment activities. As such, this bill would shift the burden of proof from the employee to the employer (and insurer).

The presumption of coverage for disability applies only to an active or former firefighter where they meet all of the following criteria:

- The covered disease develops or manifests itself after the firefighter has served at least seven years
- They were given a qualifying medical examination during employment as a firefighter that did not show evidence of the disease.
- There was exposure to a known carcinogen that is associated with a disabling cancer while employed as a firefighter.

The presumption extends for a period of three calendar months for each year of requisite service but may not extend more than 60 calendar months following the last date of employment.

HB 200/SB 117 would also create a presumption of workers compensation coverage for firefighters, peace officers, and emergency medical and rescue personnel who file claims for disability as a result of the following contagious diseases:

- (A) human immunodeficiency virus;
- (B) acquired immunodeficiency syndrome;
- (C) all strains of hepatitis;
- (D) meningococcal meningitis;
- (E) mycobacterium tuberculosis; and
- (F) any uncommon infectious disease the contraction of which the U.S. Secretary of Labor determines to be related to the hazards to which an employee in fire protection activities may be subject.

"Emergency medical and rescue personnel" is defined as a trauma technician, emergency medical technician, rescuer, or mobile intensive care paramedic who is a paid employee of a first responder service, a rescue service, an ambulance service, or a fire department that provides emergency medical or rescue services as part of its duties.

### **Actuarial Analysis**

If HB 200/SB 117 is enacted, respiratory diseases, heart problems, cancer cases for firefighters, and contagious diseases specified in HB 200/SB 117 for firefighters, peace officers, and emergency medical and rescue personnel

previously covered under health insurance would more likely be covered under WC as a result of the following:

- 1) The diseases specified in HB 200/SB 117 that are currently not filed or are denied due to the burden of proof on the employee would now be presumed compensable under workers compensation.
- 2) Cases where the employee would not otherwise connect their contraction of cancer or the other diseases specified in HB200/SB 117 with their employment would be motivated to file under workers compensation (due to the presumption of compensability) to receive first dollar medical benefits as well as lost-time benefits. In addition to lost-time and medical benefits for the employee, dependent survivors of an employee who dies due to a disease contracted on the job would likely file to receive fatal benefits.

NCCI's method for estimating the cost impact of a presumption of compensability for cancer requires an estimate of the number of insured firefighters. Total payroll (from NCCI's workers compensation statistical plan (WCSP) data) and average salary (from outside sources) can be used to impute the number of insured firefighters. However, in Alaska, it is difficult to reliably estimate the total number of firefighters since the total firefighter payroll is distorted by the payroll for volunteer firefighters (\$2,000 is the minimum annual payroll submitted to NCCI for volunteer firefighters). If we assume that 50% of firefighters are volunteers, and we incorporate information about Alaska cancer rates and research on the relationship between cancer rates and firefighters<sup>1 2</sup>, NCCI estimates that the cost impact of prospective cancer claims on the firefighter classification could be an increase in costs of 15% to 30%.

Due to lack of available data, we are unable to estimate the cost impact for respiratory disease and cardiovascular events.

NCCI assumes that current practice is not to provide WC coverage for such ailments (respiratory disease, heart ailments, and certain cancers) when there is no obvious connection to employment.

Based on NCCI WCSP data, there are some claims in Alaska that have resulted from exposure to AIDS, respiratory disease, or other contagious diseases in first responder class codes, as well as in other class codes. Thus, with respect to compensability for exposure to infectious diseases for certain employees, it appears that the enactment of HB 200/SB 117 may result in the codification of current practice in some cases. However, we would still expect an increase in system costs as a result of the presumption of compensability and shift in the

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<sup>1</sup> Testimony of Christopher Jankosky, M.D., M.P.H., Occupational Medicine Fellow, on behalf of the Utah State Association of Firefighters: 15 October 2003

<sup>2</sup> "Cancer Risk Among Firefighters: A Review and Meta-analysis of 32 Studies" by Grace K. LaMasters, Ash M. Genaidy, et al: JOEM, Volume 48, Number 11, November 2006

burden of proof. Any additional cost impact will be reflected in the loss experience that is collected and used in future loss cost filings.

However, note that the presumption of compensability was not part of the Alaska statutory benefit provisions and, as a result, it was not contemplated in the original premiums charged to policyholders for those claims. Ratemaking is prospective. Loss costs and premiums for each future policy period are determined based upon benefits that are expected to be in place at that time. The loss costs and premiums covering injuries before the effective date of this proposal cannot be revised. To the extent that benefits for those policy periods increase at a later time, without the ability for loss costs and premiums to also be adjusted, an unfunded liability for insurance carriers as well as self-insured entities is created.

Determining a specific cost impact is difficult due to the lack of available data, particularly on the percentage of payroll attributable to volunteer firefighters in Alaska. This proposal may have a significant impact on WC costs for certain class codes, the impact of which would emerge as experience from this expanded coverage penetrates the ratemaking data.

However, the increase to the overall Alaska workers compensation system costs is expected to be negligible due to the small proportion that claim costs from these class codes contribute to overall WC costs. Based on the premium and losses reported in NCCI's unit statistical plan data, these class codes make up approximately 1% of the insurance company data of the Alaska workers compensation system.

Additional issues related to this bill:

- 1) Additional disputes may result over the rebuttable presumption included in this bill. Specifically, the presumption of compensability may be rebutted by a preponderance of the evidence, including the use of tobacco products, physical fitness and weight, lifestyle, hereditary factors, and exposure from other employment or non-employment activities. This may lead to disputes over whether an injury should be presumed compensable, which in turn may lead to additional litigation costs.
- 2) Much of the impact would be felt by governmental entities who are the employers of firefighters, peace officers, and emergency medical and rescue personnel.
- 3) If this bill becomes law, cancer cases, respiratory diseases, heart conditions, and contagious diseases previously covered under health insurance will be more likely to be covered under WC due to:
  - a. The exclusive remedy feature of WC,
  - b. The lack of medical cost sharing under WC,
  - c. The inclusion of indemnity benefits under WC, and
  - d. The presumption of compensability

**Workforce****News in Brief****News in Brief: DNA Technology May Curb Bogus Disability Claims**

## DNA Technology May Curb Bogus Disability Claims

Two related medical technologies promise to end fraudulent disability and workers' compensation claims. All that's needed from employees is a little DNA.

September 18, 2007

### DNA Technology May Curb Bogus Disability Claims

Two related medical technologies promise to end fraudulent disability and workers' compensation claims. All that's needed from employees is a little DNA.

Developed by the Cytokine Institute, a research and consulting firm affiliated with the University of Illinois College of Medicine at Chicago, the technology uses DNA to determine a link between exposure to a toxin and a serious illness. It does so by identifying a toxin's unique DNA signature on a person's affected cells.

The technology, launched in June, has already been used in two dozen civil lawsuits between workers and insurance companies to verify the connection between exposure to toxins and a serious illness, says CEO Bruce Gillis, a doctor specializing in medical toxicology.

"It will get rid of all the nuisance and frivolous lawsuits once and for all," Gillis says.

Another technology developed by the company can measure the level of cytokines, or small proteins in a person's cells. Cytokine levels are elevated when an injury occurs. Employers can use a blood sample taken at the time of employment as a baseline, Gillis says. If a worker reports an injury, a new blood sample showing an increase in cytokine levels can verify that an injury has occurred.

"We're saying if you have a concern about making an accurate diagnosis on a job-related injury or determining whether someone's pain is real, we have a methodology to track all that and answer those questions," Gillis says.

Collecting DNA, however, poses privacy and discrimination issues, says Alan Model, an attorney in the Newark, New Jersey, office of Littler Mendelson, the nation's largest employment and labor law firm.

"This raises a lot of potential employment issues," says Model, who represents employers. "It's controversial. There are no federal laws, and state laws vary with how DNA testing can be used. And there are privacy concerns."

His firm counsels employers against conducting such pre-employment testing. Though no federal laws prohibit genetic testing, Congress passed a bill in April that bans employers from denying employees health insurance based on such tests. More than 20 states have laws that limit or prohibit employers from collecting genetic information.

Celeste Monforton, an occupational health researcher at the George Washington University School of Public Health & Health Services, worries that collecting an employee's DNA, even for a limited purpose, may expose workers to discrimination.

Employers may be able to retroactively determine that a person, based on their DNA, was predisposed to an illness that may have been acquired through work.

"It's a really slippery slope," she says.

In 2002, the Equal Employment Opportunity Commission won a \$2.2 million settlement in a discrimination suit against Burlington Northern Santa Fe Corp. in what was one of the first cases based on the federal agency's belief that genetic testing discriminates. The railway was charged with violating the Americans With Disabilities Act by having an employee submit to a physical that included a blood test in order to look for predisposed medical conditions.

In a recent civil case, the Cytokine Institute's MSDS1 method was employed to determine whether a firefighter's leukemia was caused by exposure to benzene. When the unique benzene signature was not found in the firefighter's genes, the case against the insurance company, Liberty Mutual, was settled for a much smaller award, Gillis says.

Cytokine's technology, AccuHealth Monitoring, also can uncover risk factors for certain cancers, central nervous system disorders, joint-related disease, asthma, emphysema, diabetes and cerebrovascular disease, Gillis says.

#### **ADA and Injury Toolkit**

A packet of forms and information on ADA, workers' comp and disability management.

—*Jeremy Smeard*



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**SB**

**118**

**SENATE COMMITTEE REPORT**  
**First Committee of Referral**

DATE: 3/14/07

FURTHER: Resources  
 Finance

Date of 5-Day Notice: \_\_\_\_\_  
 (in accordance with Uniform Rule 23)

DATE TURNED  
 IN TO OFFICE: 4/1

Labor and Commerce Committee considered SENATE BILL NO. 118

**SB 118 PLASTIC BAG FEE; ESTABLISH LITTER FUND**

"An Act establishing a fee for disposable plastic bags distributed by retail sellers of goods or services to consumers to carry away or protect goods; and establishing the Alaska litter and marine debris reduction and recycling fund."

and recommends:

- be replaced with  SCS or  CS SB 118 (LHC)
- adopt previous  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

<b>SENATE BILL:</b>	
<input type="checkbox"/>	Same Title
<input checked="" type="checkbox"/>	New Title
<hr/>	
<b>HOUSE BILL:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

**NEW FISCAL NOTE(S):**

REV	3/25/00	✓		
DEC	9/29/08	✓		
ADMIN	12/4/07			✓

**PREVIOUS FISCAL NOTE(S):**


APPROPRIATION - no fiscal note

C. Brumbaugh	Brenda			✓
B. Davis	DAVIS	✓		
	STREET			X
CHAIR:	ELLIS	✓		



SENATOR KIM ELTON

## SB 118

### Sponsor Statement

***"An Act establishing a fee for disposable plastic bags distributed by retail sellers of goods or services to consumers to carry away or protect goods; and establishing the Alaska litter and marine debris reduction and recycling fund."***

Globally we consume almost 1 million plastic bags per minute or 500 billion plastic bags annually. The USA consumes 100 billion plastic shopping bags annually—equal to about 12 million barrels of oil. In the USA, four out of five grocery bags are plastic. US retailers spend an estimated \$4 billion on disposable plastic bags annually, the cost of which is passed on to consumers in the form of higher prices.

An estimated 8 billion pounds of plastic bags, wraps and sacks end up as waste every year in the USA alone—most in landfills. Once made, single use high-density polyethylene plastic bags will exist in some form or another for up to 1,000 years. As litter, they break down into small particles and contaminate land and water.

Plastic bags don't biodegrade, they photo-degrade. They're broken down into smaller and smaller toxic bits which contaminate soil and waterways and enter the food chain where animals accidentally ingest them. Each year, more than 100,000 marine mammal deaths can be attributed to ingesting plastic bags mistaken for food. The plastic bags choke the animals or block their intestines. On land, other animals accidentally ingest plastic bags when foraging for food. A 2001 paper by Japanese researchers reported that plastic particles act like a sponge for toxic chemicals, soaking up substances like DDE (a breakdown product of DDT) in greater concentrations than the surrounding seawater and poisoning marine mammals when accidentally ingested.

Based on the population of our state in 2006 (670,053), one less plastic bag used per person per year would reduce waste in Alaska by approximately 10,050 pounds and save in disposal costs. Over its lifetime, one reusable (canvas, etc.) grocery bag can eliminate approximately 1,000 plastic grocery bags.

In 2001, Ireland was the first country to institute a plastic bag tax (PlasTax). It reduced consumption by 90 percent, and generated \$9.6 million in the first year. It is anticipated the Alaska experience will be similar to the Irish experience. If so the proposed state collection of \$0.15 per bag could provide up to \$18.25 million per year for the purpose of marine and litter debris cleanup.

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ALASKA SENATE

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SENATOR\_KIM\_ELTON@LEGIS.STATE.AK.US

25-LB0474M

Bullard

2/26/08

**CS FOR SENATE BILL NO. 118(L&C)****IN THE LEGISLATURE OF THE STATE OF ALASKA****TWENTY-FIFTH LEGISLATURE - SECOND SESSION****BY THE SENATE LABOR AND COMMERCE COMMITTEE****Offered:****Referred:****Sponsor(s): SENATOR ELTON****A BILL****FOR AN ACT ENTITLED**

1 "An Act establishing a fee for disposable plastic bags distributed by retail sellers of  
2 goods or services to consumers to carry away or protect goods; establishing the Alaska  
3 litter and marine debris reduction and recycling fund; and providing for an effective  
4 date."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 \* Section 1. AS 43.98 is amended by adding a new section to read:

7       **Sec. 43.98.035. Disposable plastic bag fees.** (a) Except as provided in (b) of  
8 this section, a fee of \$0.15 is imposed for each disposable plastic bag, including a  
9 grocery sack, dry-cleaning bag, take-out food bag, retail bag, membership or  
10 wholesaler bag, and service station bag, given by a retail seller of goods or services to  
11 a consumer to carry away or protect goods purchased from, or serviced by, the retail  
12 seller.

13       (b) The fee established in (a) of this section does not apply to a disposable  
14 plastic bag that

1 (1) is used solely to contain a product with no other packaging,  
2 including bulk grains, fruit, nuts, vegetables, or other food products;

3 (2) is used only to contain ice;

4 (3) is specifically designed for at least 1,000 reuses; or

5 (4) is for resale, if the purchaser provides the seller with a certificate of  
6 use on a form prescribed by the department.

7 (c) A retail seller shall add the amount of the fees imposed by this section to  
8 the total price of the goods or services subject to the fees, and the fees shall be stated  
9 separately on any sales receipt, invoice, or other record of the sale or other transfer of  
10 the disposable bags subject to this section.

11 (d) A retail seller shall collect the fees imposed by this section from the  
12 purchaser. A retail seller subject to this section shall file a return on a form prescribed  
13 by the department to the department not later than 30 days after the last day of the  
14 calendar quarter of the sale.

15 (e) A retail seller subject to this section shall keep a record of the number of  
16 disposable bags and exempt bags the retail seller has purchased, been provided with,  
17 or otherwise acquired, and a record of the amount paid on disposable bags subject to  
18 this section that are provided to, or sold to, retail consumers on a quarterly basis. The  
19 retail seller shall keep these records in the manner as prescribed under AS 43.99.010.

20 (f) The provisions of AS 43.05 and AS 43.10 apply to this section.

21 (g) Money collected by the department under this section shall be deposited  
22 into the general fund and separately accounted for under AS 37.05.142. The annual  
23 estimated balance in the account may be appropriated by the legislature to the Alaska  
24 litter and marine debris reduction and recycling fund established under AS 46.06.035.

25 (h) In this section, "retail seller" means a person who, in a retail transaction,  
26 sells goods, offers to sell goods, or provides services that affect goods.

27 \* Sec. 2. AS 46.06 is amended by adding a new section to read:

28 **Sec. 46.06.035. Alaska litter and marine debris reduction and recycling**  
29 **fund.** (a) There is established as a separate fund in the general fund the Alaska litter  
30 and marine debris reduction and recycling fund, which consists of money appropriated  
31 to the fund by the legislature.

1 (b) Money appropriated to the fund may be spent as specified in this section  
2 without further appropriation. The department shall use the money in the fund as  
3 follows:

4 (1) 50 percent of the annual estimated balance for grants under  
5 AS 46.06.120 to establish and maintain local programs that provide for the reduction,  
6 diversion, cleanup, disposal, and recycling of litter and marine debris, including  
7 devices to prevent litter and marine debris from entering storm drain systems; grants  
8 made under this paragraph may be made to municipalities, and in unincorporated  
9 areas, to qualified nonprofit organizations;

10 (2) 10 percent of the annual estimated balance for grants under  
11 AS 46.06.120 to nonprofit organizations for collection, coordination, and disposal of  
12 litter and marine debris along state highway segments adjoining streams, rivers,  
13 beaches, the ocean, and other environmentally sensitive areas;

14 (3) 10 percent of the annual estimated balance for grants under  
15 AS 46.06.120 to public entities and nonprofit organizations for programs that promote  
16 public awareness of, involvement in, and implementation of the abatement, cleanup,  
17 disposal, and recycling of litter and marine debris in coastal land and water areas, and  
18 in the ocean;

19 (4) 10 percent of the annual estimated balance for grants under  
20 AS 46.06.120 for litter and marine debris cleanup programs in and around state parks,  
21 historical sites, and other land maintained by the Department of Natural Resources;  
22 grants under this paragraph may be provided to

23 (A) adopt-a-park programs of political subdivisions of the state;

24 (B) public entities and nonprofit organizations for programs  
25 that promote public involvement in and the implementation of the abatement,  
26 cleanup, disposal, and recycling of litter and marine debris in and around state  
27 parks, historical sites, and other land maintained by the Department of Natural  
28 Resources;

29 (5) 15 percent of the annual estimated balance to establish and conduct  
30 an ongoing statewide information campaign by the department under AS 46.06.010(3)  
31 to educate the public on the hazards and composition of litter and marine debris and on

1 the need to increase the recycling of disposable bags; and

2 (6) five percent of the annual estimated balance for the department to  
3 pay for the administrative costs of implementing this section.

4 (c) An entity that receives money from the fund established by this section  
5 shall provide information to the department that quantifies

6 (1) the amount and type of litter and marine debris removed;

7 (2) the methods of collecting, disposal, and recycling used;

8 (3) the amount of labor used, including both volunteer and paid; and

9 (4) the locations or geographic area from which litter or marine debris  
10 is recovered.

11 (d) In this section, "fund" means the Alaska litter and marine debris reduction  
12 and recycling fund established under (a) of this section.

13 \* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to  
14 read:

15 **TRANSITION: DISPOSABLE PLASTIC BAG FEE.** Notwithstanding AS 43.98.035,  
16 enacted by sec. 1 of this Act, the fee imposed for certain disposable plastic bags is

17 (1) \$0.05 on and after January 1, 2009, and before January 1, 2010;

18 (2) \$0.10 on and after January 1, 2010, and before January 1, 2011; and

19 (3) \$0.15 on and after January 1, 2011.

20 \* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to  
21 read:

22 **TRANSITION: REGULATIONS.** The Department of Revenue and the Department of  
23 Environmental Conservation may proceed to adopt regulations to implement this Act. The  
24 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the  
25 effective date of the statutes being implemented by the regulations.

26 \* **Sec. 5.** Section 4 of this Act takes effect immediately under AS 01.10.070(c).

27 \* **Sec. 6.** Except as provided in sec. 5 of this Act, this Act takes effect January 1, 2009.

25-LB0474B  
Bullard  
2/25/08

**CS FOR SENATE BILL NO. 118(L&C)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-FIFTH LEGISLATURE - SECOND SESSION**

**BY THE SENATE LABOR AND COMMERCE COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): SENATOR ELTON**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act establishing a fee for disposable plastic bags distributed by retail sellers of  
2 goods or services to consumers to carry away or protect goods; and establishing the  
3 Alaska litter and marine debris reduction and recycling fund."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 \* Section 1. AS 43.98 is amended by adding a new section to read:

6 **Sec. 43.98.035. Disposable plastic bag fees.** (a) Except as provided in (b) of  
7 this section, a fee of \$0.15 is imposed for each disposable plastic bag, including a  
8 grocery sack, dry-cleaning bag, take-out food bag, retail bag, membership or  
9 wholesaler bag, and service station bag, given by a retail seller of goods or services to  
10 a consumer to carry away or protect goods purchased from, or serviced by, the retail  
11 seller.

12 (b) The fee established in (a) of this section does not apply to a disposable  
13 plastic bag that

14 (1) is used solely to contain a product with no other packaging.

1 including bulk grains, fruit, nuts, vegetables, or other food products;

2 (2) is used only to contain ice;

3 (3) is specifically designed for at least 1,000 reuses; or

4 (4) is for resale, if the purchaser provides the seller with a certificate of  
5 use on a form prescribed by the department.

6 (c) A retail seller shall add the amount of the fees imposed by this section to  
7 the total price of the goods or services subject to the fees, and the fees shall be stated  
8 separately on any sales receipt, invoice, or other record of the sale or other transfer of  
9 the disposable bags subject to this section.

10 (d) A retail seller shall collect the fees imposed by this section from the  
11 purchaser. A retail seller subject to this section shall file a return on a form prescribed  
12 by the department to the department not later than 30 days after the last day of the  
13 calendar quarter of the sale.

14 (e) A retail seller subject to this section shall keep a record of the number of  
15 disposable bags and exempt bags the retail seller has purchased, been provided with,  
16 or otherwise acquired, and a record of the amount paid on disposable bags subject to  
17 this section that are provided to, or sold to, retail consumers on a quarterly basis. The  
18 retail seller shall keep these records in the manner as prescribed under AS 43.99.010.

19 (f) The provisions of AS 43.05 and AS 43.10 apply to this section.

20 (g) Money collected by the department under this section shall be deposited  
21 into the general fund and separately accounted for under AS 37.05.142. The annual  
22 estimated balance in the account may be appropriated by the legislature to the Alaska  
23 litter and marine debris reduction and recycling fund established under AS 46.06.035.

24 (h) In this section, "retail seller" means a person who, in a retail transaction,  
25 sells goods, offers to sell goods, or provides services that affect goods.

26 \* Sec. 2. AS 46.06 is amended by adding a new section to read:

27 **Sec. 46.06.035. Alaska litter and marine debris reduction and recycling**  
28 **fund.** (a) There is established as a separate fund in the general fund the Alaska litter  
29 and marine debris reduction and recycling fund, which consists of money appropriated  
30 to the fund by the legislature.

31 (b) Money appropriated to the fund may be spent as specified in this section

1 without further appropriation. The department shall use the money in the fund as  
2 follows:

3 (1) 50 percent of the annual estimated balance for grants under  
4 AS 46.06.120 to establish and maintain local programs that provide for the reduction,  
5 diversion, cleanup, disposal, and recycling of litter and marine debris, including  
6 devices to prevent litter and marine debris from entering storm drain systems; grants  
7 made under this paragraph may be made to municipalities, and in unincorporated  
8 areas, to qualified nonprofit organizations;

9 (2) 10 percent of the annual estimated balance for grants under  
10 AS 46.06.120 to nonprofit organizations for collection, coordination, and disposal of  
11 litter and marine debris along state highway segments adjoining streams, rivers,  
12 beaches, the ocean, and other environmentally sensitive areas;

13 (3) 10 percent of the annual estimated balance for grants under  
14 AS 46.06.120 to public entities and nonprofit organizations for programs that promote  
15 public awareness of, involvement in, and implementation of the abatement, cleanup,  
16 disposal, and recycling of litter and marine debris in coastal land and water areas, and  
17 in the ocean;

18 (4) 10 percent of the annual estimated balance for grants under  
19 AS 46.06.120 for litter and marine debris cleanup programs in and around state parks,  
20 historical sites, and other land maintained by the Department of Natural Resources;  
21 grants under this paragraph may be provided to

22 (A) adopt-a-park programs of political subdivisions of the state;

23 (B) public entities and nonprofit organizations for programs  
24 that promote public involvement in and the implementation of the abatement,  
25 cleanup, disposal, and recycling of litter and marine debris in and around state  
26 parks, historical sites, and other land maintained by the Department of Natural  
27 Resources;

28 (5) 15 percent of the annual estimated balance to establish and conduct  
29 an ongoing statewide information campaign by the department under AS 46.06.010(3)  
30 to educate the public on the hazards and composition of litter and marine debris and on  
31 the need to increase the recycling of disposable bags; and

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(6) five percent of the annual estimated balance for the department to pay for the administrative costs of implementing this section.

(c) An entity that receives money from the fund established by this section shall provide information to the department that quantifies

- (1) the amount and type of litter and marine debris removed;
- (2) the methods of collecting, disposal, and recycling used;
- (3) the amount of labor used, including both volunteer and paid; and
- (4) the locations or geographic area from which litter or marine debris

is recovered.

(d) In this section, "fund" means the Alaska litter and marine debris reduction and recycling fund established under (a) of this section.

\* Sec. 3. The uncodified law of the State of Alaska is amended by adding a new section to read:

**TRANSITION: DISPOSABLE PLASTIC BAG FEE.** Notwithstanding AS 43.98.035, enacted by sec. 1 of this Act, the fee imposed for certain disposable plastic bags is

- (1) \$0.05 on and after the effective date of this Act and before January 1, 2009;
- (2) \$0.10 on and after January 1, 2009, and before January 1, 2010; and
- (3) \$0.15 on and after January 1, 2010.

**SENATOR KIM ELTON**

## **Sectional Summary**

### **SB 118**

*"An Act establishing a fee for disposable plastic bags distributed by retail sellers of goods or services to consumers to carry away or protect goods; and establishing the Alaska litter and marine debris reduction and recycling fund."*

**Section 1.** Adds a new section imposing a fee to the customer of \$0.15 for each disposable plastic bag received as a means to carry away goods . Certain types of plastic bags are exempted. The fee is added to the price of goods or services and must be noted on the receipt. The retailer shall collect the fees, file a return with the Department of Revenue, and keep records. Fees collected under this section are deposited in the general fund and accounted for separately. The legislature may appropriate these funds to the fund established under section 2.

**Sec. 2.** Establishes the litter and marine debris reduction and recycling fund and directs where the appropriated dollars may be used.

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ALASKA SENATE

STATE CAPITOL • JUNEAU, ALASKA 99801-1182 • (907) 465-4947 • FAX (907) 465-2108

SENATOR\_KIM\_ELTON@LEGIS.STATE.AK.US



**MEMORANDUM – March 21, 2008**

**To:** The Honorable Johnny Ellis, Chair  
Members, Senate Labor and Commerce Committee

**From:** Sherri Boone  
Manager, State Affairs & Grassroots  
American Chemistry Council

**Re:** SB 118 – OPPOSE

The Progressive Bag Affiliates of the American Chemistry Council (ACC) must respectfully oppose SB 118, legislation that would impose a fee on recyclable plastic bags. While we applaud the intent of this legislation, a fee on plastic bags amounts to a de-facto ban on these products. In our view a more environmentally responsible solution – as adopted recently by the state of California and the city of New York – is a comprehensive program aimed at recycling these bags so that they may be used as feedstock in the production of other products, such as new bags, pallets, containers, crates, and pipe. In many cases, DEMAND for this material EXCEEDS the available supply.

Successful recycling programs undertaken by large retailers around the nation illustrate a willingness on the part of consumers to participate in at-store recycling programs for plastic bags. These programs also exploit an active and growing market for recycled plastic that didn't exist 15 years ago. Since it's more cost-effective to use recycled product than new raw material, bag manufacturers and private recyclers are seeking recycled plastic in greater numbers. This creates opportunity for retailers who can sell recycled plastic and create a second revenue stream that will defray their bag expense.

ACC would welcome the opportunity to partner with the state of Alaska, the grocery and retail industry, recyclers, and other interested stakeholders to develop a system that effectively and efficiently helps to recycle these products.

ACC has been instrumental in developing public education materials to help consumers identify convenient plastic bag and film recycling opportunities. For example, ACC has developed the most comprehensive on-line database of local plastic bag recycling

opportunities that is available free of charge to the general public. This information can be accessed at [www.PlasticBagRecycling.org](http://www.PlasticBagRecycling.org).

In our view, policies that promote recycling make the most sense from both an environmental and economic standpoint. Focusing only on one material or package type does not take into account the full "life cycle" analysis necessary for adequately assessing the environmental impact of any package or material.

Factual environmental information about plastic grocery bags that often is overlooked includes the following:

- Plastic bags are a more energy efficient choice throughout their life cycle than alternative products, according to European studies producing between 60 and 79 percent less greenhouse gas emissions than uncomposted or composted paper bags, respectively.<sup>1</sup>
- Compared to paper bags, plastic bags consume 40% less energy to produce according to the US EPA.<sup>2</sup>
- Because they are thin and lightweight, only one truck is required to transport the same number of plastic bags as seven trucks of paper bags.
- Production of plastic bags uses less than four percent of the water required to produce paper bags.<sup>3</sup>
- Over 700 million pounds of plastic bags and film are recycled every year in the United States, predominately through the nationwide grocery and retail system, where they are consolidated with stores' stretch film (pallet wrap) and recycled via a well-established recycling infrastructure.<sup>4</sup>

ACC urges this committee to consider the overall environmental impacts that could result should this legislation be enacted. A recent review of life cycle data relating to disposable, biodegradable, and reusable grocery bags conducted in June 2007 by Robert Lilienfeld of "Use Less Stuff" ([www.use-less-stuff.com](http://www.use-less-stuff.com)) concluded, among other things:

- Even though traditional disposable plastic bags are produced from fossil fuels, the total non-renewable energy consumed during their lifecycle is no greater than the non-renewable energy consumed during the lifecycle of paper and biodegradable plastic bags.<sup>5</sup>

<sup>1</sup> U.S. Environmental Protection Agency (EPA) website, Questions About Your Community: Shopping Bags: Paper or Plastic or...? Environmental Series 2507 and Eco-Profiles of the European Plastics Industry, developed by I. Boustead for PlasticsEurope, March, 2005 downloaded from Internet, May 2007

<sup>2</sup> U.S. Environmental Protection Agency (EPA) website, Questions About Your Community: Shopping Bags: Paper or Plastic or...? downloaded from the Internet, May 2007

<sup>3</sup> U.S. Environmental Protection Agency (EPA) website, Questions About Your Community: Shopping Bags: Paper or Plastic or...? downloaded from the Internet, May 2007

<sup>4</sup> Moore Recycling Associates, Sonoma, CA, 2006

<sup>5</sup> Évaluation des impacts environnementaux des sacs de caisse Carrefour (Evaluation of the Environmental Impact of Carrefour Merchandise Bags), prepared by Price-Waterhouse-Coopers/Écobilan (EcoBalance).

- Paper sacks generate 70 percent more air, and 50 times more water pollutants, than plastic bags.<sup>6</sup>
- It takes 91 percent less energy to recycle a pound of plastic than it takes to recycle a pound of paper.<sup>7</sup>
- While the data appear to indicate that paper and compostable plastic bags may account for less litter, data also indicates that this finding is offset by the increased environmental impacts these bags produce versus traditional plastic bags.<sup>8</sup>
- Compared to disposable plastic bags, biodegradable plastic bags generate higher levels of greenhouse gas emissions, atmospheric acidification and eutrophication (a process whereby bodies of water receive excess nutrients that stimulate excessive plant growth, such as algae blooms).<sup>9</sup>

The ULS review concluded:

**“Legislation designed to reduce environmental impacts and litter by outlawing grocery bags based on the material from which they are produced *will not deliver the intended results.* While some litter reduction might take place, *it would be outweighed by the disadvantages that would subsequently occur* (increased solid waste and greenhouse gas emissions). Ironically, *reducing the use of traditional plastic bags would not even reduce the reliance on fossil fuels, as paper and biodegradable plastic bags consume just as much non-renewable energy during their full lifecycle.*”**

Reducing litter, increasing recycling, and improving the overall environmental landscape is a complex undertaking that requires the active participation of industry, government, non-profit groups, and consumers. To that end, identifying one particular “silver bullet” to reducing the environmental impacts of carryout bags is not possible. All carry out bags (plastic, paper, reusable) have some form of environmental impact and that no product or material is manufactured or used “in a vacuum.” Each material type has its own unique environmental footprint. Therefore, we do not believe that taxing the use of a particular carryout bag, especially recyclable plastic bags, is the appropriate policy for the state of Alaska.

Thank you in advance for the opportunity to provide these comments. Should you have any questions or comments, please contact me at 916-448-2581 or via email at [sherri\\_boone@americanchemistry.com](mailto:sherri_boone@americanchemistry.com).

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February 2004. #300940BEB.([www.ademe.fr/htdocs/actualite/rapport\\_carrefour\\_post\\_revue\\_critique\\_v4.pdf](http://www.ademe.fr/htdocs/actualite/rapport_carrefour_post_revue_critique_v4.pdf))

<sup>6</sup> U.S. Environmental Protection Agency (EPA) website. Questions About Your Community: Shopping Bags downloaded from the Internet. May 2007.

<sup>7</sup> Ibid

<sup>8</sup> REVIEW OF LIFE CYCLE DATA RELATING TO DISPOSABLE, COMPOSTABLE, BIODEGRADABLE, AND REUSABLE GROCERY BAGS. The ULS Report, June 2007 <http://www.use-less-stuff.com>

<sup>9</sup> Évaluation des impacts environnementaux des sacs de caisse Carrefour 2004

**Paula Cadiente**

---

**From:** Dana Owen  
**Sent:** Tuesday, January 15, 2008 2:07 PM  
**To:** Paula Cadiente  
**Subject:** FW: SB 118 - Plastic Bag Fee

FYI.

---

**From:** Shestek, Tim [mailto:Tim\_Shestek@americanchemistry.com]  
**Sent:** Tuesday, January 15, 2008 1:52 PM  
**To:** Sen. Johnny Ellis; Sen. Gary Stevens; Sen. Bettye Davis; Sen. Lyman Hoffman; Sen. Con Bunde  
**Cc:** Dana Owen  
**Subject:** SB 118 - Plastic Bag Fee

Dear Chairman Ellis and members of the Labor and Commerce Committee:

I am writing on behalf of the Progressive Bag Affiliates of the American Chemistry Council regarding SB 118, legislation that proposes to impose a fee on plastic grocery bags. Should your committee decide to consider this – or similar – legislation again this session, I would welcome the opportunity to discuss my organization's concerns with the bill as drafted, as well as explore alternative policies that could be adopted that aim to reduce litter and increase the recycling of these plastic bags. In our view, a more reasonable solution is a comprehensive program aimed at recycling these bags so that they may be used as feedstock in the production of other products, such as new bags, pellets, containers, crates, and pipe. In many cases, demand for this material exceeds the available supply. The State of California and the city of New York have recently enacted legislation that focuses on the recycling of plastic grocery bags.

Successful recycling programs undertaken by large retailers around the nation illustrate a willingness on the part of consumers to participate in at-store recycling programs for plastic bags. These programs also exploit an active and growing market for recycled plastic that did not exist 15 years ago. Since it is more cost-effective to use recycled product than new raw material, bag manufacturers and private recyclers are seeking recycled plastic in greater numbers. This creates opportunity for retailers who can sell recycled plastic and create a second revenue stream that could help defray their bag expense. ACC has also been working to develop public education materials to help consumers identify convenient plastic bag and film recycling opportunities. For example, we developed the most comprehensive on-line database of local plastic bag recycling opportunities that is available free of charge to the general public. This information can be accessed at [www.PlasticBagRecycling.org](http://www.PlasticBagRecycling.org).

ACC shares the desire to increase recycling and reduce litter and marine debris and feels a comprehensive program that focuses on recycling plastic bags is a more economically sustainable and environmentally responsible policy than an individual fee on bags. I am available to travel to Juneau to meet with you or other members of the committee to discuss this issue or perhaps arrange a teleconference if that is more convenient. I thank you in advance for considering our views and look forward to working with you on this important public policy issue.

Sincerely,

Tim Shestek  
Director, State Affairs & Grassroots  
American Chemistry Council  
1121 L Street, Suite 910  
Sacramento, CA 95814  
916-448-2581 (phone)  
916-442-2449 (fax)  
[www.americanchemistry.com](http://www.americanchemistry.com)

1/15/2008

**Paula Cadiente**

---

**From:** Sen. Johnny Ellis  
**Sent:** Wednesday, April 04, 2007 8:39 AM  
**To:** Russ Lindsay  
**Subject:** RE: sb 118

Thx for sharing your insights. Russ

---

**From:** Russ Lindsay [mailto:russlindsay26@hotmail.com]  
**Sent:** Monday, April 02, 2007 9:24 AM  
**To:** Sen. Johnny Ellis  
**Subject:** sb 118

Dear Senator Ellis,

This is in response to SB 118 (disposable plastic bag fee) that was introduced by Senator Elton of Juneau.

I am one of the employee owners of Swansons in Bethel. We also have N&N Market in Dillingham, Togiak Trading in Togiak, Yukon Traders in St. Mary's, and Park's Place in Glennallen. And I speak for the other employee owners in voicing our opposition to this proposed fee.

We believe this bill would place an unnecessary burden on retailers in terms of record keeping and collecting; as well as added expense to residents in bush communities.

As a group (Omni Enterprises, Inc) we have taken a different approach in solving this environmental dilemma. The plastic carry bags that our stores use are oxo-biodegradable in that they break down in a landfill in only two years (Safeway bags break down in 100 years). We found a company in Spokane, Wa. that supplies us with these eco-friendly bags. I have attached some info on these bags.

Two decades ago plastic bags started replacing paper bags to save our forests and some freight costs. Now communities are discovering the downside to these bags. We believe the bags that Omni stores are using (oxo-biodegradable) offers the perfect compromise. If this bill was to pass (we still oppose it) could you amend it to exempt these environmental friendly bags?

One last question about this bill: How will food stamp clients be treated? Will the fee be foodstamp-able or would these customers have to come up with the money to buy the bags? Food stamp clients make up a large portion of our customer base and we are curious of the effect on them.

Thanks for reading our opinions, and for your service.

Sincerely,  
Russell Lindsay VP  
Omi Enterprises, Inc.  
907-344-4882

4/5/2007



## **SB 118 – ESTABLISHING A FEE FOR DISPOSABLE PLASTIC BAGS**

### **BACKGROUND**

ALPAR is a privately funded, non-profit organization dedicated to eliminating litter and increasing economically-viable recycling in Alaska. ALPAR programs and services are made possible by the generous support of our member companies and other dedicated businesses and organizations throughout Alaska.

ALPAR and our business supporters and members have been working to eliminate litter and increase recycling in Alaska since 1983. ALPAR's supporters have contributed funds and in-kind services valued at tens of millions of dollars over the years to recycling programs, litter control and clean up efforts across Alaska. These programs have been highly successful, well-received and implemented with little or no government support.

### **What's at Issue**

ALPAR recognizes that plastic bag litter as well as litter of all kinds is a problem in communities and in marine environments. ALPAR supports initiatives to increase and improve the conservation, reuse and recycling of plastic bags. Major retailers have already adopted programs to lessen the impact of plastic bags and more can be done. ALPAR does not believe, however, that creating a new taxing mechanism on a single item is the best way to address the overall problem. This tax is unfair, regressive, has significant environmental downsides that must be considered and will have only a very small impact on the problem of litter in general or plastic released into marine environments. We are prepared to partner with the state on new initiatives to reduce the impact of litter caused by disposable plastic bags.

### **Why It's Important**

- ALPAR and Alaskan businesses are concerned and proactive about litter prevention
- Changing behavior that causes litter must be addressed in a variety of ways
- A tax is punitive to all consumers, residents and businesses, not to just those who litter
- Enforcement of litter and dumping laws should be part of the solution
- Reduction in use of plastic bags saves retailers money and they can benefit from selling reusable bags
- Reduction of litter improves the economic climate and beautifies a community

### **Major Provisions**

- Alternatives to plastic bags such as paper or compostables have significant downsides that must be considered. Example: Compostable bags when mixed with plastic recyclables is a contaminant.

### **Solutions**

- ALPAR encourages retailers to follow the lead of large grocery stores to adopt "Best Practices" plastic bag management policies and initiatives. Programs underway include: In-store plastic bag recycling bins; store rebates for reusing bags or using canvas bags; reusable bags for sale at low price points; training store clerks to reduce the number of bags used and offered; internal plastic film recycling.
- ALPAR supports enhancing litter clean up, recycling and public awareness activities including: Volunteer and Community Service clean up efforts such as Spring clean ups, Adopt-a-Highway, Pathway, Park, Trail, Beach programs statewide; ALPAR Youth Litter Patrol Grants to Communities; Marine debris clean up

... through ... new public awareness initiatives that 1) educate consumers on the importance of reducing plastic bag litter and 2) support better enforcement of litter laws.

# Alaska State Public Opinion Message System:

Sen Kim Elton's office

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There is 1 message about this subject

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Sort messages by: <District> or Date or Last Name or Subject

## Messages

Constituent/Non-Constituent

Saved/ Not Saved

Mona Christian of Petersburg (02) wrote the following message On 4/27/2007 at 14:02 in opposition of *SB 118 PLASTIC BAG FEE; ESTABLISH LITTER FUND*

### Message:

Please reconsider this bill. The fee is exorbitant! How will records be kept of bags used? How much bureaucracy will be needed? Will you heavily tax bag manufactures for producing dangerous materials! Use your civic positions to encourage biodegradable industry and products. Use encouragement, not punishment in your legislation.

Message was delivered by Pom

[View Case](#)   [Delete case](#)

### Contact Info:

Mona Christian

Po Box 1289

Petersburg AK, 99833-1289

Email: [redline@aptalaka.net](mailto:redline@aptalaka.net)

[Go to Main Menu](#)

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# Alaska State Public Opinion Message System:

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## Messages

Constituent/Non-Constituent

Saved/ Not Saved

Austin Mahalkey of Glennallen (12) wrote the following message On 4/10/2007 at 11:35 In  
opposition of *SB 118 PLASTIC BAG FEE; ESTABLISH LITTER FUND*

### Message:

This is a lot of "bull"; another fee? I am opposed to SB118!

Message was delivered by Pom

[View Case](#)

[Delete case](#)

### Contact Info:

Austin Mahalkey

Po Box 455

Glennallen AK, 99588-0455

Email: [awm@cvinternet.net](mailto:awm@cvinternet.net)

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# Alaska State Public Opinion Message System:

Sen Kim Elton's office

Filter applied is: All

## Messages About

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## Messages

Constituent/Non-Constituent

Saved/ Not Saved

Bonnie Mcleod of Glennallen (12) wrote the following message On 4/26/2007 at 15:02  
about *SB 118 PLASTIC BAG FEE; ESTABLISH LITTER FUND*

### Message:

I am opposed to SB118. Other efforts should be made such as recycling centers that accept plastic bags, or a return to paper bags mandated for retail stores. Also have public education on littering, especially marine mammal deaths due to ingestion. Ban plastic bags!

Message was delivered by Pom

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### Contact Info:

Bonnie Mcleod

Po Box 203

Glennallen AK, 99588-0203

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# Alaska State Public Opinion Message System:

Sen Kim Elton's office

Filter applied is:

## Messages About

There is 1 message about this subject

Save all messages about  
Delete all messages about  
Sort messages by: <District> or Date or Last\_Name or Subject

## Messages

Constituent/Non-Constituent	Saved/ Not Saved
Richard Pyle Jr of Glennallen (12) wrote the following message On 3/27/2007 at 15:23 In opposition of <b>SB 118 PLASTIC BAG FEE; ESTABLISH LITTER FUND</b>	

### Message:

This bill places undo expense and hardship on all retailers who have already been experiencing rising costs in fuel, shipping, utilities, insurance, etc. It is also an additional tax on consumers. Please vote no on SB 118! Thanks.

Message was delivered by Pom

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### Contact Info:

Richard Pyle Jr  
Po Box 358  
Glennallen AK, 99588-0358  
Work: 822-3334  
Email: [parksplace@cvinternet.net](mailto:parksplace@cvinternet.net)

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202 Hermit Street  
Juneau, AK 99801  
March 30, 2007

Dear Legislators,

I am writing in support of Senate Bill 118, which would assess consumers a \$0.15 fee for each disposable plastic bag they take home from a grocery store. The beauty of this bill is that it doesn't ban plastic bags outright; it doesn't mandate a change in people's shopping habits. Instead it provides them with a disincentive for using plastic bags. During our transition from plastic bags to reusable bags, considerable funds will be generated that may be used to clean up litter and marine debris and promote recycling. The irony of this bill is that it will put itself out of business. As people learn to use less plastic bags, revenues will decrease, as will the need to educate people about recycling and litter clean up.

We already have a record of success in reducing the use of disposable plastic bags in Alaska. Many interior villages have banned plastic bags or reduced their use by switching to cloth bags. Villagers acted because their dumps were full of plastic bags and the landscape was littered with what they term "snow birds". The Native Villages of Tanana, Koyuk, Newtok, Ft. Yukon and the Loudon Tribal Council have all banned plastic bags. They have engaged their communities in anti-litter campaigns, have gotten grants from state and federal agencies to purchase cloth bags, and have involved school kids in decorating the cloth bags. We would be wise to follow the lead of our villages.

One of the major problems with disposable plastic bags and plastic in general is that it doesn't biodegrade into harmless substances. Instead, it breaks down into smaller and smaller particles and eventually into plastic dust, which contaminates the terrestrial and marine environments. These particles and dust are magnets for toxic chemicals like DDT and PCBs and are introduced into the food chain when they are ingested by filter feeders and other marine life. The intact plastic bags are also swallowed by marine mammals who then weaken or die. This proliferation of plastic waste will eventually harm Alaska's fisheries if it is not already doing so.

The amount of plastic in the ocean is disturbing. When the California based Algalita Marine Research Foundation trawled in the North Pacific

**Ocean to measure zooplankton and plastic debris, they found that the plastic particles weighed six times as much as the zooplankton.**

**There are many other reasons for reducing our use of plastic bags. They are filling up our landfills; they are a waste of our diminishing oil resources; they can't be recycled into harmless byproducts; and it is not a prudent use of energy to produce disposable products.**

**Ireland instituted a 19-cent fee on plastic bags in 2002 and they reduced their consumption of bags by 90% and generated \$9.6 million dollars in revenue the first year. Last week San Francisco banned plastic grocery bags because of harm to the environment, the clogging of storm drains, the jamming of recycling machines, and the considerable expense of litter cleanup and processing in landfills.**

**People often feel powerless in the face of news on global warming and our dwindling resources. This bill encourages them, gives them an easy way to contribute to the resolution of environmental problems. We have managed without plastic bags in the past and we can do it in the future. Please pass this bill.**

**Sincerely,**

**Carol Anderson  
(907) 586-2410**

April 26, 2007

The Honorable Kim Elton  
Alaska State Senator  
AK State Capitol  
Room # 506  
Juneau, AK 99801


Dear Senator Elton:

We deeply appreciate your dedication to healthy oceans and the reduction of marine pollution and we strongly support Senate Bill 118 to establish a fee for disposable plastic bags distributed by retail sellers of goods or services to consumers to carry away or protect goods and establish the Alaska litter and marine debris reduction and recycling fund.

Our oceans are littered with plastic debris, much of which will not decompose for hundreds or even thousands of years. Single-use, high-density polyethylene plastic bags are a major contributor to the plastic currently choking our marine ecosystems. These bags "break up" rather than "break down," eventually separating into tiny plastic pieces. Thousands of birds, sea turtles and marine mammals are killed each year because they mistake these tiny plastic pieces for plankton, fish eggs or other food sources. We support your actions to curb the usage of these plastic bags in Alaska, and also encourage you to add an exemption for biodegradable plastic bags, which can be an important interim step in reducing plastic waste.

Thank you for your commitment to protecting our incredible marine wildlife and vibrant ocean ecosystems by reducing harmful plastic waste in Alaska waters. We would be honored to meet with you or your staff to discuss this or other important ocean issues, and look forward to working with you for the future of our oceans.

Sincerely,

  
Jim Ayers  
Vice President

**Paula Cadiente**

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**From:** Gwen Baluss [gwenbaluss@yahoo.com]  
**Sent:** Friday, April 13, 2007 8:51 PM  
**To:** Rep. Andrea Doll  
**Cc:** Sen. Kim Elton  
**Subject:** \*\*\*\*\*SPAM\*\* \*\* Support for HB 320/SB 118

Dear Senator Elton and Representative Doll,

Thank you for introducing bills to tax plastic grocery bags.

Today I attended a lecture on the accumulation of plastics in our marine environment. I was shocked to learn that over 20% of our discarded plastic packaging ends up in the ocean, despite our efforts to properly dispose of them.

In the ocean plastics provide many hazards to the life there. They are ingested by animals, causing intestinal blockages and other abnormalities. They break down slowly and contaminate sediments when they do. They float the currents carrying invasive species to new areas. Plastic pollution is now on a scale that it is affecting the entire structure and composition of the ocean. We need to stop adding to this problem. Reducing the number of plastic bags is a small step that will not cause hardship for Alaskans.

I personally use a canvas bag most of the time. It is not difficult. Its actually easier to carry my groceries because it does not break open with heavy articles like the plastic ones do. Millions of people around the world already have done the same.

Unfortunately most Americans are not going to do this voluntarily because many are not aware of the problem, or consider their convenience more important than the environment. If it means saving money, however, I believe they will change their behavior. I know that I occasionally forget to bring my bag. I bet that if it cost me to do so, my memory would improve.

I am curious how the revenues from the tax would be used. It would be nice if they were ear-marked for more solutions to our mounting plastic problem.

Thanks again for taking a pro-active approach to this problem.

Sincerely,

Gwen Baluss  
2960 Glacierwood Drive  
Juneau, Alaska

4/16/2007

March 19, 2007

Senator Kim Elton  
State Capitol, Room 506  
Juneau, AK 99801-1182

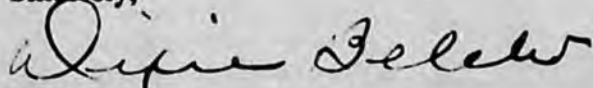
Dear Senator Elton:

Thank you for introducing SB 118 to the Alaska Legislature. The hundreds of billions of plastic bags now in the environment are breaking down into tiny carcinogenic bits, less than 1/5 the diameter of a human hair. They are now in our food, air and water and are one major reason that cancer rates have shot from 1 in 10 in 1975 to 1 in 2 today, and continue to climb.

The cost of plastic bags to ourselves, our children and our grandchildren - not to mention the health care system - is horrendous.

Thank you again for introducing this extremely important bill.

Sincerely,



Dixie Belcher  
1991 Hughes Way  
Juneau, AK 99801

Dear Senator Kim Elton,

I am writing in support of SB 118 and HB 320 to tax plastic bags.

The hundreds of billions of plastic bags now in the environment are breaking down into tiny carcinogenic bits, less than 1/5 the diameter of a human hair. These are sickening fish and marine animals and killing seabirds, and are now in our food, air and water.

The cost of plastic bags to ourselves, our children and our grandchildren - and the ocean which sustains us - is horrendous.

Please support this extremely important bill.

Sincerely,

*Justine Bishop*

Justine Bishop

**KRISTEN BOMENGEN**  
**PO BOX 20613 JUNEAU, AK 99802**  
**907-523-2058**  
**Fax 907-523-2958**

April 2, 2007

Senator Johnny Ellis  
State Capitol  
Juneau, Alaska 99801

Dear Senator Ellis:

I am writing to you as Chair of the Senate Labor & Commerce Committee to urge you to please schedule SB 118 for a hearing in your committee. The provisions of this bill have the potential to reverse much of the environmental damage that is being caused by the excessive reliance on disposable plastic bags today.

As we now know, plastic bags do not bio-degrade. They break down into smaller pieces that contaminate our environment and pose a serious biological hazard for our wildlife, both on land and in the ocean. Only by taking action now to reduce the human "consumption" of plastic bags, we can hope to reduce the actual consumption of plastic by our state's wildlife.

During the two years I lived in Barrow, Alaska, I often headed out with friends to locate snowy owls on the tundra. It soon became apparent that even the remote tundra of the arctic is becoming polluted with plastic. When we spotted a speck of white in the distance, we curbed our excitement as more and more "sightings" turned out to be white plastic bags caught in tufts of grass.

I urge you to schedule this bill for a hearing at the earliest time possible. We cannot afford to postpone the action necessary to reverse the disastrous adverse effects of the plastic bags that pollute our environment.

Best regards,

  
Kristen Bomengen

cc: Senator Kim Elton

*have wa  
replied*

**Sen. Kim Elton**

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**From:** Brian [gottago32@yahoo.com]  
**Sent:** Saturday, April 21, 2007 9:23 AM  
**To:** Sen. Kim Elton; Rep. Andrea Doll  
**Subject:** \*\*\*\*\*SPAM\*\*\*\*\* Proposed Tax on Plastic Bags

Greetings,

Introduction of a fifteen cent tax on plastic bags is a nice gesture in an effort to protect the environment, particularly marine life. However, I think it falls well short of the intended result, and is perceived by many to be yet another effort by CBJ to reach into the pockets of the citizens. Unless the tax influences all Juneau residents to stop using plastic bags, plastic bags will continue to find their way into the environment. I suggest an outright ban on plastic bags as a tax may reduce the threat, but a ban will absolutely eliminate the threat.

Why stop there?

Let's consider a ban on plastic utensils, plastic and styrofoam food containers, and the plastic baggies CBJ has positioned at city parks and trail heads for dog owners to collect dog excrement. This type of trash may not readily make it into the marine environment, but it certainly can be found on the streets and sidewalks, roadways and trails of Juneau.

A tax merely provides CBJ with an avenue to collect money, and possibly reduce the problem. A ban on the other hand eliminates the problem and keeps your fingers out of my pocket.

Sincerely,

Brian Borowski,  
Juneau resident and registered voter

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Do You Yahoo!?

Tired of spam? Yahoo! Mail has the best spam protection around <http://mail.yahoo.com>

**Paula Cardente**

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**From:** Carite [caritefour@alaska.net]  
**Sent:** Friday, April 13, 2007 9:32 AM  
**To:** Sen. Kim Elton  
**Subject:** Plastics bill

Dear Kim,

Thank you for introducing SB 118 to begin to address the problem of plastics in our environment. Plastic bags have become such an accepted and encouraged option in our society that I'm sure most people rarely stop to think about the devastating impact their widespread use has. Plastic bags are the preferred offering in nearly all the local stores. When I've asked why, I'm told they're cheaper! I'm afraid the reality is that some of the surest behavioral motivators for the American public are those that hit the pocketbook - if the plastic bags cost more than paper, the stores will push the use of paper (the lesser of the 2 disposal evils). While we continue the daunting task of educating people to use reusable cloth bags, let's at least make plastic the LEAST cost effective option.

Sincerely,

Jan Carite  
15580 Glacier Hwy

4/16/2007

**Ms. Jill Carlile  
15580 Glacier Hwy  
Juneau, AK 99801**

**March 24, 2007**

**The Honorable Senator Kim Elton  
State Capitol, Room 506  
Juneau, AK 99801-1182**

**Dear Senator Elton**

**I am a member of the Juneau Chapter of Alaska Youth for Environmental Action in Juneau, and am writing to thank you for proposing SB118, the plastic bag user fee bill. I feel like this is an excellent way to encourage consumers to cut down on plastic bag use, and thereby eliminate a lot of needless, non biodegradable waste.**

**With the rising costs of petroleum and the unrest in the Middle East, it would seem that any step we could take to reduce dependence on oil would be a prudent one. Furthermore, plastics have very negative effects on the environment, particularly the ocean. Plastics take up to 1,000 years to degrade, and never really decompose. They can absorb harmful toxins, and often are mistaken for food by sea birds, ocean-dwelling mammals, and fish – some of which are then consumed by humans. Similar taxes, or even bans, have been imposed elsewhere in the world (Ireland, Bangladesh, Thailand), and have met with success.**

**This appears to be a simple way to encourage a change in habit which would have nothing but positive economic and environmental benefits. I'd like to thank you again for proposing this bill, and to let you know that it has my full support.**

**Sincerely,**

**Jill Carlile**

**Senator Kim Elton  
State Capitol, Room 506  
Juneau, AK 99801-1182  
April 15, 2007**

**Dear Senator Elton:**

**I am writing in support of SB 118 to tax plastic bags.**

**Your leadership in this would be a crucial step toward curing the plague of our throwaway culture.**

**Plastic bags are strewn across our tundra  
They're flapping in our trees  
They're clogging our rivers  
Choking our marine life  
Polluting our ocean  
Degrading us.**


**This is not the Alaskan Way.**

**Currently plastic bags are a drain to our resources and money: The \$4 billion a year that U.S. retailers spend on the bags is carried over to consumers. In Alaska they must be shipped from the lower '48. And there's the cost and space of disposal. Tourists don't come to see landfills of plastic bags; they come to see pristine landscapes. Let's plug the drain. If the U.S. stopped using plastic bags that would save us 12 million barrels of oil a year. If we follow the example of Ireland (the first to institute a plastic bag tax) plastic bag consumption could be reduced by 90% and the state could generate \$1.825 million dollars. Disposal costs of the bags would be reduced.**

**This change would be almost completely painless and entirely positive for individual Alaskans. It would not impact our economic well-being or their level of comfort and convenience in any way to convert to reusable bags and/or recycled boxes. Reusable bags are easier, not more difficult, to use. Our people are already accustomed to places like Costco where they are not provided with plastic bags. The self-reliance of Alaskans is legendary. Plastic bags are anathema to this.**

**Be a modern pioneer in the Alaskan Spirit. Set an example for the rest of our troubled nation and this needy world on its collision course with catastrophe. Please support these extremely important bills.**

**Sincerely,**

  
**Maureen Chambrone  
PO Box 521362, Big Lake AK 99652**

**Paula Cadiente**

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**From:** Thomas Chapman [tchapman@ptleaska.net]

**Sent:** Monday, April 16, 2007 9:23 AM

**To:** Sen. Kim Elton

**Subject:** Thank you

Senator Elton,

Your sponsorship of bill SB 118 is an extraordinary milestone for Alaska, attempting to end the use of free plastic bags in retail establishments. Many will ask, "What would we do without being handed numerous plastic bags for our purchases?" but there are answers and we can begin by noting the use of cloth or net bags throughout the world. We enter a turbulent time of unknown consequence with rapidly changing world climates and, though your efforts may appear a small step to some, it is a beginning an effort to creating citizens aware of their responsibility to help rather than hinder the health of the planet we call home. You're making a tremendously brave attempt at the first step, hopefully just one of many.

No need to waste paper sending a response. Thank you.

Sincerely,  
Deborah Chapman

PO Box 80672  
Fairbanks, AK 99708  
907-455-6824

4/16/2007

**Paula Cadiente**

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**From:** Kristin Cox [drkristinnd@gmail.com]

**Sent:** Wednesday, April 04, 2007 1:02 PM

**To:** Sen. Kim Elton

**Subject:** SB 118

Kim~ Just wanted to let you know that I really support this bill to tax plastic grocery bags. They are so wasteful and it wouldn't take much of a fee for people to change their habits. I lived temporarily in Europe a few years back and I was suprised that the grocery bag wasn't always a standard part of the check-out procedure. You had to pay extra for the bag. Great idea! A very simple and direct way to solve a problem.

~Kristin

--

Kristin Cox, ND  
Rainforest Naturopathic Medicine  
907-523-2102  
326 4th St. #202  
Juneau, AK 99801

4/5/2007

April 2, 2007

Dear Senator,

After all our grocery items complete their trip down the conveyor belt and are totaled, each of us is asked, "paper or plastic"?

We have all seen the discarded plastic bags around our community. Hanging in trees or on fences. Or blowing in mid-air on a windy day. Attached to hedges or soaking in stagnant water in the road. Plastic bags were first introduced in 1977 and now account for four out of every five bags handed out at grocery stores.

Plastic bags take up to 1000 years to decompose. They are also a serious litter problem and harm or kill wildlife. They enter our oceans as air-borne litter and create havoc for our precious marine wildlife. Research indicates that plastic bags and other plastic waste kills up to 1 million seabirds and 100,000 sea mammals and turtles annually.

In a Northern Indian state, under a law that took effect in 2003, the production, storage, use, sale and distribution of polythene bags is prohibited. Under the law anyone found using a polythene bag could face up to seven years behind bars or a fine of up to \$2000 or 100,000 rupees.

When faced with the question of "paper or plastic"? at the grocery store, my husband and I answer, "neither" and produce our own canvas bag which we carry with us to hold shopping items. We support the passage of the proposed bill to establish a fee for disposable plastic bags distributed by retail sellers. The implementation of this fee, we feel would discourage the use of such bags in Alaska and go a long way toward saving sea creatures and cleaning up our oceans. We ask you to support SB # 118. Thank you for your kind consideration.

Sincerely,

Libbe Dennard  
PO Box 21296  
Juneau, Alaska 99802