



OFFICE OF THE BRONX BOROUGH PRESIDENT
THE BRONX COUNTY BUILDING
851 GRAND CONCOURSE
BRONX, NEW YORK 10451

RUBEN DIAZ JR.
BOROUGH PRESIDENT

TEL. 718-590-3500
FAX. 718-590-3537
E-MAIL: rdiazjr@bronxbp.nyc.gov

January 14, 2016

Hon. Brad S. Lander
Council Member
250 Broadway
Suite 1751
New York, NY 10007

Dear Council Member Lander:

Brad

I write to express strong concerns about Intro 0209-2014, commonly known as the “bag fee” legislation, in light of the regressive nature of its consequences. Charging a fee for bags at supermarkets, green carts, drug stores and convenience stores would burden low-income New Yorkers and likely be ineffective at changing the behavior of higher income residents. We have more effective ways to transition all New Yorkers into greener shopping habits.

I appreciate that this bill seeks to protect the environment, and I strongly agree with that goal. However, this legislation places a burden on low-income New Yorkers, who cannot afford a new undercover tax.

This bill would penalize the many New Yorkers who cannot easily carry cloth bags with them throughout the day in order to shop for daily necessities. For example, this new fee would penalize the worker coming home from a long shift as a home health aide who needs to pick up some milk and dinner ingredients at the local bodega to feed his or her family. The fee operates like a regressive tax and will not yield the environmental goals of the legislation.

Low-income people in New York City are overburdened already. Moreover, SNAP and WIC recipients would be required to pay the bag fee when paying cash for an item. The legislation would also charge bag fees at green carts, placing a misplaced disincentive on buying fresh fruits and vegetables. Given the health and dietary disparities in The Bronx and in many communities throughout the city, we should be encouraging the purchase of fresh healthy foods regardless of the volume of bags incurred. Additionally, there is nothing in the legislation exempting seniors, many of whom are on a fixed income and struggling to pay bills, from the fee.

Further, higher-income New Yorkers will not be motivated by the proposed fee because it will be absorbed as yet another cost of living consequence in New York City. Consequently, the fee will likely not be an effective environmental measure.

Additionally, the revenues generated by this quasi-tax are misplaced. The fee goes to the stores rather than benefiting the environment or the public.

For example, Washington, D.C. provides an alternative model regarding carry-out bags. It banned some bags and charges a fee for others, which goes in part to stores and to also support a fund dedicated to environmental projects. It also induces stores to give a rebate to shoppers who bring their own bags.

Page 2
January 14, 2016
Council Member Lander

There are multiple alternatives to achieving environmentally-friendly ends without negatively impacting low-income individuals and families. For example, better bag recycling programs should be explored. Additionally, businesses small and large should be encouraged to innovate to help solve these problems. Some businesses are already leading the way on this front. One salad chain gives free ingredients to customers who utilize its reusable bowls, reducing the cost of the salad. Some stores also give a discount on coffee if one buys a reusable mug. Other companies have created innovative bag recycling methods and produced larger plastic carryout bags that are marketed as more environmentally friendly.

At least one national grocery chain with stores here in New York City gives a refund when the customer provides their own bag. Companies should be recognized for this kind of innovation. Perhaps New York grocery stores in low-income neighborhoods could begin to explore refund programs by working with the existing Fresh Program.

Why not distribute reusable bags, especially to low income individuals, and implement an outreach and education program on reusable bags without implementing a punitive fee that negatively impacts low-income people? The "carrots" in this legislation are worthy of implementation. However, the fee disproportionately impacts low-income people who are already struggling and who are less likely, even with a distribution program, to own all the bags they need for a given shopping trip. The fee is simultaneously too low to act as a significant deterrent for higher-income individuals.

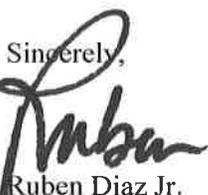
Finally, the option of banning carryout plastic bags, or at least non-biodegradable plastic bags, should be explored, as they have been shown to uniquely pose a significant environmental problem. Such legislation might be modeled after the 2007 San Francisco and Oakland, CA, ordinances and require stores to provide recyclable paper bags or biodegradable bags. Such legislation might seek to change behavior slowly by acclimating consumers to reusable bags through a public education campaign as well as a bag distribution program targeted at low-income New Yorkers who, like other consumers, would also have the option of paper or biodegradable bags for the time being. A ban, along with a public education campaign, would effectively change behavior away from harmful plastic bag use for all New Yorkers.

Industry opponents to such a ban have argued that the cost of paper bags is passed down to the consumer. This should be studied to verify that the cost passed down is very minimal. A ban would be more effective than a fee and very well might cost less to consumers.

Moreover, we should work together to incorporate amendments that are supported by environmental advocates, such as working to exempt SNAP and WIC recipients from being charged the fee even for those purchases for which they are not using SNAP or WIC. The bill as it stands does not include this provision. Additionally, mandated refunds for bringing one's own bag should be explored. Furthermore, a period of public education is imperative before implementing any fee. Finally, in the event that there is to be any fee at all, it ought to be a tax used to benefit the public instead of going directly to stores.

More creative and less punitive options should be explored that would actually achieve the intended purpose as opposed to encumbering low-income people whose demanding lives make it challenging to bring cloth bags to run every errand, exposing them to this regressive, backdoor tax.

Please feel free to reach out to me directly to discuss this matter further.

Sincerely,

Ruben Diaz Jr.