

Hearing on overturning plastic bag bans brings out bag opponents

STATE-GOVERNMENT By [Elizabeth Findell](#) - American-Statesman Staff



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Jeff Seinsheimer, from the Surfrider Foundation in Galveston, dresses as “Bag Monster” to illustrate a point on how plastic bags are bad for the environment as he speaks out in favor of plastic bag bans Tuesday.

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Highlights

SB 103 would overturn plastic bag bans like Austin's and bar cities from putting fees on bags.

Public testimony Tuesday centered on the environmental impact associated with plastic bags as litter.

A legislative move to overturn municipal plastic bag bans across Texas brought out residents from the Gulf Coast to the plains to describe plastic-laden beaches and choking cattle — the damage they hope to prevent by keeping those bag bans in place.

State Sen. Bob Hall, R-Rockwall, who introduced the legislation, said it would “return the freedom of business back to Texas” and argued that single-use plastic bags are easier to produce and recycle than paper or multiuse alternatives.

About 10 cities in Texas, including Austin, have local ordinances regulating or banning single-use plastic shopping bags, according to the Texas Public Policy Foundation, a conservative policy group. Such bans aim to curb litter and reduce other environmental issues, but many conservatives argue that they infringe on the liberties of consumers and businesses.

RELATED: Texas lawmakers look to courts as they make new run at bag bans

At least one ban, in Laredo, has been overturned because of an existing state prohibition on restricting “the sale or use of a container or package,” but Public Policy Foundation representative Bryan Mathew said Hall’s bill would strengthen existing state rules, which the foundation supports.

The bill was one of several to come before Texas lawmakers Tuesday that, if passed, would overturn Austin city policies. Austin City Council members Ann Kitchen and Ellen Troxclair turned out to testify on opposite sides of [measures to reverse the city’s ride-hailing regulations](#). Public testimony was scheduled for late Tuesday on a push to overturn city regulations on short-term rental properties.

Troxclair and Mayor Steve Adler staked out opposite sides on Senate Bill 2, which would limit how much city and county property tax rates could increase without voter approval. Adler submitted written testimony opposing the measure. Troxclair spoke in favor of it before the Senate Committee on Finance, eliciting audible jeers when she said, “The local governments serve at the pleasure of the state.”

Hall’s bill undoing plastic bag bans, SB 103, would explicitly allow businesses to provide bags “made from any material” during sales and bar cities from adopting policies to put fees on bags or otherwise punish businesses for distributing them.

In October, Texas Attorney General Ken Paxton [sued the city of Brownsville](#), which required a \$1 environmental fee per transaction that included plastic bags. Dallas had a short-lived 5-cent fee on single-use plastic bags in 2015; the City Council [rescinded](#) it after a lawsuit was filed by bag manufacturers.

Austin’s bag ban, implemented in 2013, doesn’t impose a bag fee, but some retailers choose to charge customers for bags of a thicker plastic, designed to be reusable. The Texas Retailers Association sued Austin over the ban in 2013 but dropped the lawsuit before it played out in court.

A colorful public hearing before the state Senate Business and Finance Committee on Tuesday included testimony from “Bag Monster” — Jeff Seinsheimer, chairman of the Galveston Surfrider Foundation, who wore a waving suit of plastic bags. He told lawmakers plastic bags are “the modern-day Texas tumbleweed.”

Others, including Joanie Steinhaus from the Turtle Island Restoration Network, spoke of the destructive effect plastic bags have on wildlife and beaches from Galveston to South Padre Island.

Andrew Dobbs, from Texas Campaign for the Environment, said blowing plastic bags get stuck in cotton gins and hurt businesses. Representatives from the city of Freer said the bags can interfere with oil wells.

“When we see something flying in the wind, we’d much rather see the American flag or the Texas flag,” Freer resident Gilbert Saenz said.

Tuesday’s hearing was solely to collect public testimony. The bill remains pending.

**This story has been updated to correct the name of Steinhaus’ organization. It is the Turtle Island Restoration Network.*

About the Author