

May 28, 2020

By electronic mail

Commissioner Martin Suuberg
Massachusetts Department of Environmental Protection
Commonwealth of Massachusetts Boston Office
One Winter St
Boston, MA 02108

Commissioner Monica Bharel, MD, MPH
Department of Public Health
Commonwealth of Massachusetts
250 Washington St
Boston, MA 02108

Re: Please lift suspension of local bags bans, allow for customers to bag their own groceries in reusable bags, and enforce the deposit return program.

Dear Commissioners Suuberg and Bharel,

The undersigned organizations, which include environmental and composting organizations, community groups, and businesses, are writing to request that the Department of Environmental Protection of the Commonwealth of Massachusetts (“MassDEP”) and the Department of Public Health of the Commonwealth of Massachusetts (“DPH”) take immediate action to lift the suspension of local plastic bag bans, allow for customers to bag their own groceries in reusable bags, and enforce recycling programs, including the deposit return program. We appreciate the immediate and decisive actions the Governor took to protect public health and allow grocery stores to focus staff on sanitizing and restocking. However, evidence and statements from public health experts make clear that there is no known transmission of SARS-CoV-2 on reusable bags or used beverage containers. The influx of plastic bags and beverage containers into municipal recycling and disposal has increased costs for local governments at a time when they are already struggling with other burdens resulting from the pandemic.

We therefore strongly urge that as Massachusetts begins to ease certain COVID-19 public health restrictions on businesses, MassDEP and DPH lift the suspension of local plastic bag bans, allow for customers to bag their own groceries in reusable bags, and once again enforce the deposit return program.

Lift suspension of local plastic bag bans, and allow customers to use their reusable bags

On March 25th, the Governor temporarily suspended reusable bags in grocery stores and local plastic bag restrictions. Other states throughout New England took similar actions. As organizations and businesses dedicated to protecting both public health and the environment, we appreciate the needful caution taken by the administration. But over the last few weeks, the scientific community has made it clear that the contact transmission risk of the virus is almost nonexistent. As Massachusetts begins to ease certain COVID-19 public health restrictions on businesses, MassDEP and DPH should lift the suspension of local plastic bag ordinances and allow customers to bag their own groceries in reusable bags.

Ben Locwin, a public health expert and consultant with the Centers for Disease Control (“CDC”) stated on a webinar hosted by UPSTREAM that there are no confirmed cases of contact transmission of SARS-CoV-2 – the virus that causes COVID-19.¹ His statement is supported by the German Federal Institute of Risk Assessment.² The CDC does not rule out contact transmission, but states on their website that touching surfaces or objects “is not thought to be the main way the virus spreads.”³

Even if SARS-CoV-2 were to be transmitted via contact, the virus has a longer life on plastic than other materials. According to an April 2nd publication by the scientific journal *The Lancet*, SARS-CoV-2 was detectable on plastic and stainless steel for up to seven days, compared to four days on glass, two days on cloth, and only a few hours on paper.⁴

To maximize safety, customers should follow updated U.S. Food and Drug Administration guidelines regarding reusable bags.⁵ In an executive order on May 14th, Gov. Ned Lamont of Connecticut made it clear that customers may shop with a reusable bag, provided they bag their own groceries.⁶ MassDEP and DPH should institute a similar policy here in Massachusetts.

¹ UPSTREAM (May 1, 2020), *INDISPOSABLE: The Safety and Future of Reuse – Full*, video, https://www.youtube.com/watch?v=xKGDRAWlxPw&feature=share&fbclid=IwAR3IeYdSOckgG_aEM_4ZWCrcth_XR1IPUgdrosS4YFvG310Mhu82C_YtH-U

² The German Federal Institute for Risk Assessment, (May 14, 2020), *Can the new type of coronavirus be transmitted via food and objects?* <https://www.bfr.bund.de/cm/349/can-the-new-type-of-coronavirus-be-transmitted-via-food-and-objects.pdf>

³ The Centers for Disease Control, (April 13, 2020), *How COVID-19 Spread*, <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html>

⁴ Chin, H; Chu, J; Perera, M; Hui, K; Yen, H.L.; Chan, M; Peiris, M; Poon, L; (April 2, 2020), *Stability of SARS-CoV-2 in different environmental conditions*, *The Lancet*, Vol. 1:1, [https://www.thelancet.com/journals/lanmic/article/PIIS2666-5247\(20\)30003-3/fulltext](https://www.thelancet.com/journals/lanmic/article/PIIS2666-5247(20)30003-3/fulltext)

⁵ U.S. Food and Drug Administration, (May 1, 2020), *Shopping for Food During the COVID-19 Pandemic - Information for Consumers*, <https://www.fda.gov/food/food-safety-during-emergencies/shopping-food-during-covid-19-pandemic-information-consumers>

⁶ Office of Governor Ned Lamont, (May 13, 2020), *Executive Order No. 7NN*, <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7NN.pdf?la=en>

Enforce the deposit return system

The deposit return program saves money for towns and cities by requiring producers to shoulder some of the cost of recycling and helps keep plastic and other materials out of incinerators. International recycling markets were already in decline prior to the pandemic, forcing municipal governments to pay dramatically higher recycling costs.⁷ The pandemic has further constricted recycling markets, including for beverage container materials like #1 PET plastic⁸ and aluminum.⁹ Continued suspension of the deposit return program shifts more recycling costs to municipal government.

According to MassDEP, the decision to suspend enforcement of the deposit return program was made primarily to allow grocery stores to focus staff on restocking and in-store sanitation. We trust that the temporary reprieve was necessary, and neighboring state agencies took similar temporary measures during the initial state of emergency actions. In a May 6th release, Connecticut Department of Energy and Environmental Protection announced plans to resume limited bottle redemption by May 20th, and fully resume operations by June 3rd.¹⁰ On May 27th, the New York Department of Environmental Conservation announced that they expect businesses to once again be in compliance by June 3rd.¹¹ We feel that MassDEP should follow the lead of Connecticut and New York and reinstate enforcement of deposit return collection.

Conclusion

Disposal is not an acceptable alternative to reducing plastic bag use or recycling our bottles and cans. Not only is the production of plastics very polluting, but burning plastic in waste incinerators releases dangerous pollutants into Massachusetts' communities, impacting respiratory health and putting residents at greater risk for illnesses like COVID-19.¹² Massachusetts incinerators are disproportionately located in disadvantaged communities that do not have the resources to challenge the siting or operations of these facilities – indeed, six of seven incinerators in the Commonwealth are located in communities designated by the Executive Office of Energy and Environmental Affairs as environmental justice communities. As

⁷ Abel, D, (January 11, 2020), *Recycling is becoming so expensive that some towns don't know what to do*, The Boston Globe, <https://www.bostonglobe.com/metro/2020/01/11/national-recycling-crisis-hits-hard-western-massachusetts/cn6o05CAvXmYzwyqWFCnij/story.html>

⁸ Staub, C, (May 6, 2020), *Low virgin plastics pricing pinches recycling market further*, Resource Recycling, <https://resource-recycling.com/plastics/2020/05/06/low-virgin-plastics-pricing-pinches-recycling-market-further/>

⁹ Staub, C, (April 14, 2020), *COVID-19 damages supply chain for deposit materials*, Resource Recycling, <https://resource-recycling.com/recycling/2020/04/14/covid-19-damages-supply-chain-for-deposit-materials/>

¹⁰ Connecticut Department of Energy and Environmental Protection, (May 6, 2020), *State eyes full resumption of deposit redemption*, News Release, <https://portal.ct.gov/DEEP/News-Releases/News-Releases---2020/State-Eyes-Full-Resumption-of-Bottle-Redemption>

¹¹ New York Department of Environmental Conservation (May 27, 2020), *COVID-19 and Bottle Bill Beverage Container Redemption*, <http://www.dec.ny.gov/chemical/119925.html>

¹² Greenberg, Z, (April 29, 2020), *Massachusetts communities with dirty air are coronavirus hotspots*, The Boston Globe, <https://www.bostonglobe.com/2020/04/29/metro/pollution-might-affect-states-covid-19-hotspots-harvard-study-shows/>

we reopen our communities and economy, we must be even more committed to phasing out single-use plastics.

The Commonwealth and its residents must stay focused on public health during this pandemic. This must include addressing the long-term public health issues that are affecting how COVID-19 impacts our communities, like those associated with disposable plastics, as well as the immediate public health crisis. We ask that MassDEP and DPH reinstate local plastic bag bans, allow for customers to bag their own groceries in reusable bags, and once again enforce collection of beverage containers covered by the deposit return program.

We stand ready to answer any questions you may have about any of the proposed amendments, and we formally request you keep us updated on your progress towards implementing these changes.

Sincerely,

Amy Laura Cahn, Conservation Law Foundation, Boston

Alex Eaves, STAY VOCAL, Norwell

Alison Leary, City Councilor, Newton

Amy Perlmutter, Perlmutter Associates, Boston

Ben Hellerstein, Environment Massachusetts, Boston

Casey Bowers, Environmental League of Massachusetts, Boston

Cathy DiPilito, B-Organic, Worcester

Claire Miller, Toxics Action Center, Boston

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Claire Galkowski, South Shore Recycling Cooperative, Westwood

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Debbie Cottam, Shrewsbury Country Shoppe, Shrewsbury

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June McKenzie, Woburn Campaign for Reusable Bags, Woburn
Laurie Sabol, Ayer Recycling Committee, Ayer
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Mary Stucklen, Berkshire Zero Waste Initiative, Pittsfield
Nancy Irwin, Transfer Station and Recycling Committee, Medfield
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Ricki Pappo, Lexington Global Warming Action Coalition, Lexington
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Stephanie Blumenthal, Sheffield Saves, Sheffield
Tracey Wallace, South Coast Neighbors United, East Freetown
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CC: Greg Cooper, Division Director, Business Compliance and Recycling, MassDEP
Torey McNamara, Director of Policy and Regulatory Affairs, DPH