



July 1, 2020

Re: Reusable Shopping Bag Prohibition

Dear Commissioner Bharel:

The Surfrider Foundation Massachusetts Chapter is sincerely grateful for the efforts that you and your team have put in to protect the health and wellbeing of workers, businesses, and the general public during the COVID-19 pandemic.

As the Commonwealth embarks on its 4-phase reopening plan, **we respectfully suggest that it is now the appropriate time to rescind the emergency ban on reusable shopping bags and the suspension of municipal single-use bag laws.** These were implemented in Orders 6 to 8 issued by you on 25 March 2020.¹

Especially with indoor dining at restaurants and close contact services like nail salons and tattoo parlors now allowed in Massachusetts, the idea that a statewide ban on reusable bags is still required to protect public health is increasingly incongruous.

According to the US Centers for Disease Control and Prevention (CDC): "The virus is thought to spread mainly from person-to-person...between people who are in close contact with one another...through respiratory droplets produced when an infected person coughs, sneezes, or talks."² The CDC also states that transmission of the novel coronavirus to persons from contaminated surfaces "has not been documented."³ Dr. Ben Locwin, an epidemiologist and consultant to the CDC says, "You really are almost at nil risk of getting a surface contact transmission of COVID-19."⁴ Given this present understanding, recommendations for the disinfection of surfaces are appropriately being made out of an abundance of caution.

Connecticut Governor Lamont issued Emergency Order 7N on March 26, which contained a section relevant to reusable shopping bags that simultaneously protects both front line workers and the environment:

"Prohibits employers from requiring employees to place items in customers' reusable bags: The order prohibits employers of any grocery store or retail business from requiring their employees to bag items into a customer-provided reusable bag. Customers are still permitted to use reusable bags, but they may need to bag their own items."⁵

If any restrictions on shopping bags are deemed necessary by state medical experts in the next phase of reopening, we recommend that Massachusetts immediately lift its ban on reusable bags and instead adopt the Connecticut strategy, while issuing guidance to help grocers and retailers transition out of emergency bagging protocols.



Only three U.S. states have banned reusable shopping bags in response to COVID-19 (Illinois, New Hampshire and Massachusetts). Many states that suspended local or state plastic bag laws also issued statements qualifying the decision as a means to reduce checkout complications that may arise from implementing new laws, and out of deference to front line workers needing to maintain physical distancing.

Allowing the 136 Massachusetts municipalities that have passed single-use plastic bag reduction laws to again have jurisdiction to enforce their laws as they deem fit, while adhering to state-issued safety guidelines modeled after Connecticut's Executive Order 7N, would follow the best available science and achieve the collective goals of public safety, worker safety, and environmental protection.

Especially amidst these challenging times, thank you again for your attention to these issues and for taking our comments under consideration. Please do not hesitate to contact the Surfrider Foundation Massachusetts Chapter if any further details from us would be helpful to you.

Sincerely,

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¹ <https://www.mass.gov/doc/grocery-and-pharmacy-store-order/download>

² "Coronavirus Disease 2019: How it Spreads." *US Centers for Disease Control and Prevention*. <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html>. Accessed: May 13, 2020.

³ "Interim Recommendations for U.S. Households with Suspected or Confirmed Coronavirus Disease 2019 (COVID-19)." *US Centers for Disease Control and Prevention*. <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cleaning-disinfection.html>. Accessed: May 13, 2020.

⁴ Dr. Benjamin Locwin - statements made during April 30, 2020 webinar: <https://www.youtube.com/watch?v=xKG-DRAwIwPw&feature=youtu.be>

⁵ Connecticut Exec. Order No. 7N. March 26, 2020. <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7N.pdf?la=en>

