

**Senate Federal and State Affairs Committee**  
**Hearing date: January 23, 2024 (postponed till next week)**  
**HB 2446 - Opponent**  
Anthony Schmidt – concerned citizen (self)

Chairman Thompson and Members of the Committee,

I oppose HB 2446, which would prevent the City of Lawrence in exercising its right under constitutional home rule to ban single-use plastic bags.

This bill seeks to prohibit cities and counties from exercising their home rule under the Kansas Constitution to regulate, in any way, any kind of container or bag made of virtually any type of material used by virtually any type of business for practically any purpose. It even prohibits regulation of plastic straws.

This alarmingly broad prohibition clearly violates the Kansas Constitution. Article 12, Section 5(b) states: “Cities are hereby empowered to determine their local affairs . . . .” Section 5(d) continues: “Powers and authority granted cities pursuant to this section shall be liberally construed for the purpose of giving to cities the largest measure of self-government.” (emphasis added) No purported rationale for this bill even comes close to justifying the denial of the constitutional rights of local governments to exercise their broad home rule authority.

This bill would seriously impede the ability of local elected officials to respond to the needs and requests of their constituents and make decisions they deem best for the communities they serve. As elected officials serving at the level closest to the people, local officials generally have the best knowledge of the needs of their communities. The state should not obstruct and interfere with their ability to meet those needs.

Many people dislike mandates and restrictions from the federal government. The state should not do the same to local governments.

There’s an estimated 400,000,000 tons of plastic produced every year. The plastics industry depends on non-renewable resources. More than 90% of global plastic production consists of primary plastics, which are newly manufactured rather than recycled and are made from petroleum products. By 2050 emissions from plastic production could amount of 15% of the carbon budget needed to keep warming below 1.5°C. Roughly 70% of the plastics that have ever been produced have already been discarded. Single use plastic, especially packaging, makes up around 40% of plastic production. Yet the most widely used plastics persist in landfill sites or the environment for decades, or even centuries, after being thrown away. Only about 1/10 of the plastics that have ever been produced have been recycled once, and only about one percent have been recycled twice. It’s cheaper to just make a new plastic product than to collect it and recycle it or reuse it. That’s a systemic problem. The sheer volume of waste that’s created is unlike any other supply chain. By 2050 global plastic demand is projected to be 1,100,000 million tons per year. If plastic production continues to grow at the predicted pace, then options, greatly diminish, and by 2050 there will be no sustainable solution even with all the tricks that chemists and chemical engineers can pull. The findings highlight the need to reduce overall use of plastic, especially single use items. So far, research that could support this translation is scarce. Most studies focus on recycling with little attention to the other parts of product life cycles such as reducing volume.

With this reality in mind, please vote against HB 2446. Thank you for your consideration.