

RI Legislative Update August 2012

Although the RI General Assembly is currently in recess we still have been active in dealing with several issues – including the recent local legislation submitted in Barrington and Warren.

The movement in Warren for a plastic bag ban has lost momentum but this issue has resurrected itself in the town of Barrington. Most recently there was a hearing in Barrington on this proposal and it was ultimately decided by a 3 – 2 vote - after much debate - to hold a workshop to further investigate the pluses and minuses of this legislation and deal with the proposal again after that. It is anticipated that would be sometime in the fall.

This legislation calls for a ban on plastic bags in the town – all plastic bags – covering all classes of trade. There were strong supportive arguments and opposition arguments submitted to the town council. The association presented its position on behalf of the industry opposing the ban. Sighting a number of points including the fact that the industry has been proactive on this issue as part of its environmental program for a number of years we also provided documentation showing that the actual use of plastic bags has been declining significantly over the past four years.

Additionally, we pointed out the fact that these bags are being recycled (including being reused in bag production process) and the fact that these bags are being reused by a number of consumers. Our bottom line position on this is that consumers should have the option of what bag they use – while providing options for the bags to be returned or otherwise reused. Tony Fonseca, our legislative committee chair, was very helpful in supporting our industry position with a well-documented fact based letter of oppositions submitted to the town council that further supported our position.

A more significant point that we need to act on is that any type of legislation that is proposed on the city or town level is of great concern. Should this pass we

could easily see other cities and towns look at similar bills and also open the door for legislation in other areas (menu labeling, producer responsibility, etc.) that would be detrimental to our industry. Our position is that legislation of this type that has been typically overseen at the state level should be dealt with at the state level – not by local governments. Beyond the obvious disruption to commerce and confusion among consumers this legislation is very difficult for any association (or chamber of commerce) to actively participate in – whether supporting or opposing. Cities and town have much looser forms of communication and hearing processes. In addition, they have different procedures and policy making formats that they use. Often times these are not easily identifiable. Further, in many instance they do not allow association or “outsiders” to testify.

As a result the Food Dealers has started to aggressively lobby the leadership of the state to act on these issues and prohibit cities and towns from presenting legislation on issues that are normally governed by the state. As the General Assembly is in recess we have sent letters to the chairperson and vice chair of all Senate and House committees that have a vested interest in this legislation as well as requests for meetings with the Governor, the House Speaker, and the Senate President. It is in their best interest to hold control over these issues and we are confident that we will be able to get them to act favorably.

We may not get these meetings until the fall – and after this Barrington bill has its final vote but this is an issue that must be addressed and we hope to be successful in this proactive pursuit when the next legislative session begins. In the interim, we are also hopeful that these letters could lead to various “behind the scenes” actions with regard to the Barrington bill.