

Referendum Puts Bag Banners on Defensive

PLASTIC BAG COMPANIES HELPING TO GIVE ORDINARY CITIZENS A VOICE

By Anthony van Leeuwen
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On September 30, 2014, Governor Jerry Brown signed legislation, SB-270 (Padilla) that will implement the nation's first statewide ban on the distribution of single-use plastic bags; the plastic bags that customers use to carry their groceries home. (Press Secretary, 2014)

The [American Progressive Bag Alliance \(APBA\)](#), opposed to Governor Jerry Brown's decision to sign SB-270 (Padilla) into law, immediately filed the necessary legal paperwork to conduct a referendum in an attempt to overturn the new law. (American Progressive Bag Alliance, 2014)

Subsequently, on 10 October 2014, California Secretary of State, Debra Bowen announced that the proponent of the referendum may begin gathering signatures. The proponent must collect a total of 504,760 valid signatures from registered voters which must be submitted by December 29, 2014 to county election officials. If sufficient valid signatures are obtained, the measure would qualify for the November 2016 ballot. At that time a majority of voters will have the opportunity to affirm or reject the ban on plastic bags. (Bowen, 2014)

Like the U.S. Constitution, the California Constitution defines a very clear separation of powers and contains various safeguards to provide for orderly governance and the preservation of civil rights and liberty for all. One of these safeguards is the Referendum process by which opponents are given the opportunity to challenge a new law passed by the state legislature and signed by the governor.

While Bag Banners are opposed to a vote of the people, there is nothing more American and more patriotic then citizens having the final say. After all, in our form of government, the people are sovereign and the elected leaders are our servants, as can be seen from the following quotes:

As **Benjamin Franklin** wrote, "*In free governments the rulers are the servants and the people their superiors and sovereigns.*" (Politics)

Also, **Franklin D. Roosevelt** said "*Let us never forget that government is ourselves and not an alien power over us. The ultimate rulers of our democracy are not a President and senators and congressmen and government officials, but the voters of this country.*" (Politics)

Similarly, **Thomas Jefferson** wrote in the **Declaration of Independence** that "*Governments are instituted among men, deriving their just powers from the consent of the governed.*" (Politics)

Californians, who are opposed to "nanny state" bag bans, are **elated** by the referendum and that the issue may finally get to a public vote where the will of the people will be heard. Bag bans affect every citizen who shops for groceries in California and every one of those citizens is affected negatively by

higher out-of-pocket costs and the consumption of personal time to manage and wash reusable bags. In an article titled “[Plastic Bag Alternatives Much More Costly To Consumers](#)” the authors explain that plastic bags cost stores about \$21 per year for a family of four and using reusable bags would increase that cost to about \$300 per year, including out of pocket costs and the value of one’s personal time to manage and wash reusable bags. (van Leeuwen & Williams, Plastic Bag Alternatives Much More Costly to Consumers, 2013)

In a companion article titled “[Statewide Bag Ban Will Cost Residents \\$1 Billion](#)” the author explain that Californians will pay an estimated additional \$1 Billion per year just to carry groceries home. Money not well spent. (van Leeuwen, Statewide Bag Ban Would Cost Residents More Than \$1 Billion!, 2013) Also researchers for the [Reason Foundation](#) have estimated that the cost imposed by a statewide bag ban on consumers to be more than \$2 Billion per year! (Morris & Christensen, 2014)

Bag Banners who have been on the **offensive** for many years to pass local bag bans and to persuade state legislators to pass a statewide bag ban are now on the **defensive** and they are crying foul. They are frustrated and angry that voters will finally get the opportunity to affirm or invalidate the statewide bag ban.

While polls about public support for bag bans were virtually non-existent prior to passage of the statewide bag ban, Bag Banners are now claiming that polls show that the majority of Californians want a plastic bag ban!

A Los Angeles Times Poll quoted in an article titled “[Poll Finds Plastic Bag Ban Has Broad Support](#)” claims the following: *“Sixty percent of the voters who responded to the survey support the ban. More interesting is that the support is broader than current policies. 52 percent of respondents live in a community that has already banned disposable plastic bags while 60 percent support the ban, with just 35 percent in opposition.”* (Greenwald, Poll Finds Plastic Bag Ban Has Broad Support, 2014)

Of course, if the poll is accurate, then bag banners have nothing to worry about! All you have to do is sit back and wait for the people to vote. But that is not what they are doing.

The question that should be asked is “Why did environmental groups not put an initiative on the ballot years ago?” With an army of thousands of volunteers at their disposal, they could have easily collected enough signatures to put a plastic bag ban on the ballot. But they did not do that. Why? Could it be that the people don’t really support a bag ban?

Instead, they lobbied progressive city councilmembers to brow beat their citizens and force a plastic bag ban down their throats. In city council meeting after city council meeting when concerned citizens stood up to voice opposition to a plastic bag ban in their community, they were outnumbered by the environmental groups who brought an army of volunteers many of whom did not even live the community. Residents who did speak up to oppose a bag ban were politely listened to but largely ignored.

In the more than a 100 communities that have adopted plastic bag bans, not a single community put the issue on the ballot for public vote!

Bag Usage Surveys in Santa Monica and San Jose show that 80% of shoppers used plastic bags and 10% of shoppers used reusable bags before a bag ban was implemented. These shoppers could have easily used reusable bags, but chose to use plastic bags instead. These shoppers voted with their feet each time they entered a super market and used plastic bags to carry their groceries home.

After the bag ban was implemented in San Jose and Santa Monica, **reusable bag** usage only went up from 10% to 35% of shoppers. (Team Marine, 2013) In other words, about two-thirds of shoppers chose to use either store provided paper bags or NO bags at all! In fact in San Jose, 42.5% of shoppers left the store with no bag. (Romanov, 2012) Some people might call that success, but I call it a failure, the failure to implement a workable solution for all shoppers. (van Leeuwen & Williams, 2013)

If Californians strongly believed that a plastic grocery bag ban was in their best interest, would they not have started using reusable bags on their own? Why do they need to be coerced into using reusable bags by a 10-cent fee on store provided paper or plastic reusable bags?

Bag Banners including a broad coalition of environmental groups are gearing up to fight the referendum and have dubbed their coalition “California versus Big Plastic”.

“The plastic bag industry threw the kitchen sink at preventing this ban, pouring hundreds of thousands of dollars into intense lobbying efforts and attack ads,” said Mark Murray of [California vs Big Plastic](#). *“Yet the Legislature approved it and the Governor signed it because Californians support it. That should be the end of the story.”* (Maviglio, 2014) [Sorry Mark, the people of California are sovereign and deserve to have their voice heard on this issue!]

Sacramento City Councilman Kevin McCarty even threatened: *“We will not let out-of-state corporations stop this momentum and we’re prepared to unleash many more local ordinances if they are successful.”* (Maviglio, 2014)

Bag Banners like to falsely portray the referendum as a battle between the good guys (i.e. the environmentalists who care about the environment) and the bad guys (the big plastic bag companies who care about company profits more than they care about the environment). But if the bag banners and the environmentalists were really the good guys, why did they have to lie and mislead the public?

In a paper titled, [*The Lies, Myths, Half-Truths, and Exaggerations of Bag Ban Proponents*](#) the authors identify and expose many of the myths, lies, and distortions that were used to launch and support the movement to ban plastic grocery bags. (van Leeuwen & Williams, The Lies, Myths, Half-Truths, and Exaggerations of Ban Ban Proponents, 2013). These lies and myths were repeated so often, that people everywhere just accepted them as fact without question. (James) Not only were these lies published, but they were never retracted when shown to be false and continue to permeate the World Wide Web.

Bag Banners are opposed to the referendum process because they have a **totalitarian mindset** where they are too **willing** to sacrifice individual freedom and liberty in pursuit of their goals. These freedoms and liberties were secured by the blood of patriots who in many cases paid with their lives and should not be so easily taken away by elected officials.

Bag Banners are afraid of the referendum process, because whether it succeeds or not, it sets a precedent that will be copied in other states and even local jurisdictions where bag ban opponents will put the issue to a vote of the people. Especially, if the statewide bag ban is overturned in the 2016 election, you can be sure that local bag bans will be the next target.

These nanny state politicians want to Lord it over you and tell you how to live your life and what kind of shopping bag you are allowed to use. But ...

Californians yearn to be free; free from the shackles of the nanny state!

About The Author

Anthony van Leeuwen is the founder of the [**Fight The Plastic Bag Ban**](#) website and writes extensively on the subject. He holds a bachelors and master's degree in Electronics Engineering and has over 40 years of experience working for the federal government.

Bibliography

American Progressive Bag Alliance. (2014, September 30). *Statement from the American Progressive Bag Alliance on Intent to Repeal Senate Bill 270*. Retrieved from bag the ban: <http://www.bagtheban.com/news/item/statement-from-the-american-progressive-bag-alliance-on-intent-to-repeal-se>

Bowen, D. (2014, October 10). *Proposed Referendum Enters Circulation* Press Release DB14:072. Retrieved from California Secretary of State Debra Bowen: <http://www.sos.ca.gov/admin/press-releases/2014/db14-072.htm>

Greenwald, D. M. (2014, November 4). *Poll Finds Plastic Bag Ban Has Broad Support*. Retrieved from The People's Vanguard of Davis: <http://www.davisvanguard.org/poll-finds-plastic-bag-ban-has-broad-support/>

James, W. (n.d.). *William James Quotes*. Retrieved September 26, 2014, from Goodreads: <http://www.goodreads.com/quotes/800290-there-s-nothing-so-absurd-that-if-you-repeat-it-often>

Maviglio, S. (2014). *"California vs Big Plastic" To Fight Plastic Bag Ban Referendum Effort*. Retrieved November 11, 2014, from The California Majority Report: <http://camajorityreport.com/california-vs-big-plastic-to-fight-plastic-bag-ban-referendum-effort/>

Politics. (n.d.). *Thomas Jefferson on Politics & Government - Section 5: The Sovereignty of the People*. Retrieved November 11, 2014, from Politics: <http://famguardian.org/Subjects/Politics/thomasjefferson/jeff0300.htm>

Press Secretary. (2014, September 30). *GOVERNOR BROWN SIGNS LEGISLATION TO BAN SINGLE-USE PLASTIC BAGS*. Retrieved from Office of Governor Edmund G. Brown Jr.: <http://gov.ca.gov/news.php?id=18742>

Romanov, K. (2012, November 20). *Bring Your Own Bag Ordinance Implementation Results and Actions To Reduce EPS Foam Food Ware*. Retrieved August 12, 2013, from City of San Jose: http://www3.sanjoseca.gov/clerk/CommitteeAgenda/TE/20121203/TE20121203_d5.pdf

Team Marine. (2013, May 8). *The Effects of the Plastic Bag Ban on Consumer Bag Choice at Santa Monica Grocery Stores*. Retrieved August 18, 2013, from Team Marine: http://www.teammarine.org/wp-content/uploads/2013/05/Grocery-Store-Bag-Research_Press-Release-12-13.pdf

van Leeuwen, A. (2013, July 15). *Statewide Bag Ban Would Cost Residents More Than \$1 Billion!* Retrieved from Fight The Plastic Bag Ban: <http://fighttheplasticbagban.files.wordpress.com/2013/04/statewidebagbanwillcostresidents1billion.pdf>

van Leeuwen, A., & Williams, D. (2013, November 11). *Bag Bans: A Failure - Not Success As Claimed.* Retrieved from Fight The Plastic Bag Ban: http://fighttheplasticbagban.files.wordpress.com/2013/11/bag_bans_a_failure_not_success_as_claimed.pdf

van Leeuwen, A., & Williams, D. (2013, June 5). *Plastic Bag Alternatives Much More Costly to Consumers.* Retrieved from Fight The Plastic Bag Ban: <http://fighttheplasticbagban.files.wordpress.com/2013/04/plasticbagalternativesmuchmorecostlytoconsumers.pdf>

van Leeuwen, A., & Williams, D. (2013, August 11). *The Lies, Myths, Half-Truths, and Exaggerations of Ban Ban Proponents.* Retrieved from Fight The Plastic Bag Ban: <http://fighttheplasticbagban.files.wordpress.com/2013/08/theliesmythshalftruthsandexaggerationsofbagbanproponents.pdf>