

Thank you for the opportunity to comment on the regulations affecting plastic bags. The Delaware Food Industry Council and the Delaware Association of Chain Drug Stores on behalf of all of their membership respectfully request a stay of the At Store Recycling Program until 30 days after the end of the state of emergency authorized by Governor John Carney during the Covid 19 pandemic.

Our first priority is asking for a stay of the current At Store Recycling Program. It is a problem to have used plastic bags coming back into the store. Specifically we believe there is a health risk to bring used single use plastic bags back into establishments that sell food.

Supermarkets, convenience stores and pharmacies are considered critical infrastructure. It is a health risk to expose these employees to unnecessary dangers during a global pandemic. Studies still confirm and support that the virus lives on surfaces for up to three hours. Our employees have to handle the used single use bags that are, more often than not, dirty and often mixed with used single use medical gloves and other trash. We recognize the purpose of the program and completely support the program and its value for residents. Please understand we fully support bringing the program back once the pandemic threat is over. We fully support the at store recycling program under normal circumstances. We also support that the at store recycling program allows single use plastic bags to stay out of the landfill. However, as COVID 19 continues to plague our world and we try to make the work environment as safe as possible for both our associates and customers we feel that bringing used plastic bags and film back to a food establishment during a global pandemic, that is still not under control, far outweighs any plastic bags that end up in the landfill for the next coming months. We are asking that the At Store Recycling Program be stayed until 30 days after the Governor's Executive Order ends.

Second, DFIC supports a uniform statewide solution to phase out single use plastic and paper bags and encourages the use of reusable bags in Delaware. DFIC members recognize the importance of promoting sustainable, sensible, and sound environmental policy, and this is why our members have taken a progressive approach to this disposable bag issue. However, again during this time of the pandemic we would ask that the Single Use Plastic Bag ban not go into effect until 6 months after the Executive Order ends. Our priority in the new legislative session is to ban paper bags.

Right now there is too much retailers are already responsible for conveying to customers; 6 foot distance, wear a mask, wash hands, one way aisles, etc. We feel adding the plastic bag ban right now will be lost with other mandated signage. We need a comprehensive push to educate our customers and move to reusable bags. If we phase out plastic bags in January and paper bags are not yet phased out customers will gravitate to paper and we know the market can not bear the increased demand and that the price of paper bags has increased dramatically due to mill shut downs during Covid. We feel it is imperative to push this date back and time both plastic and paper bag bans and instead educate customers to move to reusable bags.

During the pandemic most retailers have created policies that customers that bring reusable bags must bag their own groceries. This is for the protection of their workers. Not knowing the cleanliness of the reusable bag.

Shut downs in manufacturing plants during COVID there have been a lot of delays and staffing issues that have caused product to be delayed in production and shipping. Along with state bans on plastic the demand for paper has increased too, which in turn has caused a shortage in paper and difficulty getting the bags. Lead times have gone from a normal 6-8 weeks to 18-20 weeks. Our suppliers are having to

source paper from multiple manufacturers. One supplier shows that due to COVID and paper supply lead time is now 28 weeks. You can see in the news reports that people continue to purchase in bulk paper towels and toilet paper leading to widespread shortages. Likewise we see huge shortages in the used paper markets with closed schools since the spring across the country we are seeing paper mills struggling to keep up with demand. Paper bag costs have increased upwards of 15% and the time to get the product can be up to 20 weeks for delivery. This is an issue other states are also addressing and in the state of Pennsylvania for example they have instituted a mandate on bag bans until July 2021.

Aside of shortages in paper bags and increased cost of paper bags and health risks associated with bringing used single use plastic bags into food establishments we want to educate our customers about the ban. Right now that messaging will be lost as we are dealing with masks and social distancing and supply chain issues for various products on our shelves that are in short supply. We would want the messaging about the ban to come directly from the state and be uniform for all retailers to use. This is an education process that needs to happen in advance of the ban going into effect. To date we have not seen any draft language or signage about the education for customers. We believe that would be best created in partnership with industry as we are the natural distribution channel. We are more than willing to engage with DNREC to help create this collateral and messaging. We did this with DNREC and Division of Finance when single stream recycling passed in 2009 and we spent close to 3 months developing the collateral with the state so that all the messaging was consistent and implemented at the same time. We would like to suggest replicating this process with DNREC and the industry.

I am also including the specific sections starting on page 62 from the study commissioned in PA about reusable plastic bags and single use plastic bags during Covid-19.

Happy to discuss any additional details.

Respectfully submitted,

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DE Food Industry Council

Here are some excerpts from the study:

Sanitary Concerns As discussed elsewhere in this report, during the first several months of 2020, the United States, and many other countries, battled a pandemic caused by a novel coronavirus. The resulting disease caused by this virus, COVID-19, has devastated many communities and caused fundamental shifts in social practices. Pennsylvania was not immune from these effects. On March 23, 2020, the Governor mandated a state-wide “stay-at home” order. Non-life sustaining businesses and schools were ordered to close. Obviously, grocery stores are a life sustaining business and remained open during the pandemic. While grocery stores remained open, new customer shopping practices were implemented by many larger grocery retailers.¹⁰⁶ One specific practice that was frequently mandated was a restriction on customers using their own reusable grocery bags (RGB) for ¹⁰⁵ Some of the unintended consequences are economical in nature and are thus outside the scope of this study. ¹⁰⁶ See <https://www.pennlive.com/coronavirus/2020/03/grocery-stores-in-central-pa-continue-to-operate-with-adjusted-hours-limits-on-some-products.html> LEGISLATIVE BUDGET AND FINANCE COMMITTEE A Study in Response to Act 2019-20: Non-Economic Impacts of Single-Use Page 63 purchases, and instead requiring customers to use single-use plastic bags provided by the store.¹⁰⁷ The reason for this restriction was due to fear that RGBs might serve as a transmission pathway for the coronavirus. Retailers had a reasonable basis for placing restrictions on RGBs. According to research that was published in the Journal of Environmental Health, while the grocery store is an important public access to a wide variety of food that is vital for healthy families, it is also a location where food, the public, and pathogens can meet.¹⁰⁸ To examine this perception further, researchers from the Loma Linda University School of Public Health conducted a test to determine if a hypothesized norovirus¹⁰⁹ transmission pathway could be established through RGBs. Obviously testing grocery store shoppers by exposing them to a real norovirus was neither plausible nor ethical, so the researchers used a similar surrogate viral structure known as a MS2 bacteriophage surrogate (MS2). The MS2 allowed the researchers to model the survival, morphology, and transport characteristics of norovirus exposure without the infection risk or the necessary mammalian cell culture facilities.¹¹⁰ The research methodology, while complex in its structure, represented a likely case scenario for most shoppers who use RGBs. Researchers first selected several grocery stores and with the permission of the store’s management tested various control surfaces within the store. Researchers then recruited volunteers to participate in the study as they showed up to conduct their routine grocery shopping. The volunteers were instructed to shop for their typical items, but then were also given a standard list of items to collect. The standard list of items ensured uniformity in the items selected and travel throughout the store. Before shoppers entered the store to purchase items, they were instructed to use an RGB that had been previously purchased by the researchers, sterilized, and then sprayed with the MS2 surrogate. The results were stunning. Transmission pathways were categorized into two categories, as presented in Exhibit 18. ¹⁰⁷ Other retailers permitted patrons to use RGBs but required the patron to pack their own RGBs and discouraged employees from handling the bags. ¹⁰⁸ Sinclair, Ryan. “The Spread of a Norovirus Surrogate via Reusable Grocery Bags in a Grocery Supermarket,” Journal of Environmental Health, June 2018. ¹⁰⁹ Noroviruses are a group of related viruses that are highly contagious. Norovirus infections occurs from an infected person, contaminated food, or water, or by touching contaminated surfaces. Infection with these viruses affects the stomach and intestines and causes an illness called gastroenteritis (inflammation of the stomach and intestines). See National Foundation for Infection Diseases at www.nfid.org/infectious-diseases. ¹¹⁰ Sinclair, Ryan. “The Spread of a Norovirus Surrogate via Reusable Grocery Bags in a Grocery Supermarket,” Journal of Environmental Health, June 2018.

Recently, many retailers have restricted customers from using reusable grocery bags or have required customers to pack their own bags, if using such containers. LEGISLATIVE BUDGET AND FINANCE COMMITTEE A Study in Response to Act 2019-20: Non-Economic Impacts of Single-Use Page 64 Exhibit 18 Surrogate Virus Contamination from Reusable Grocery Bags Note: CL = clerk; Cu = customer; RGB = reusable grocery bag Source: Developed by LBFC staff from the Journal of Environmental Health, The Spread of a Norovirus Surrogate via Reusable Grocery Bags in a Supermarket, June 2018. As shown in the above exhibit, transmission of the surrogate virus was widespread from the RGB and throughout the store. The transmission began with the seeded RGB, which once touched by the shopper's hands was then transferred through various surfaces and products in the grocery store. As other customers and staff touched the infected surfaces/products, the contamination ultimately ended up in the facial membranes of customers and/or staff.¹¹¹ In the case of COVID-19, researchers indicate that this pathway is an infection possibility; however, ¹¹¹ This study did not consider possible mitigation efforts. For example, if a customer used hand sanitizer while in the store. LEGISLATIVE BUDGET AND FINANCE COMMITTEE A Study in Response to Act 2019-20: Non-Economic Impacts of Single-Use Page 65 according to the United States Center for Disease Control (CDC) the primary means of infection is through respiratory droplets from person-to-person.¹¹² While this study documented the transmission possibilities of the surrogate virus, it also documented the potential viral load, or the amount of contamination that was spread from the RGB to various surfaces and products. According to the researchers, the lowest mean concentration of virus detected on a surface was sufficient to "represent a virus transmission risk for most individuals encountering any of the surfaces touched by the RGB directly or indirectly through at least one other contact."¹¹³ Obviously, there are some caveats that need to be drawn from this study and the current pandemic confronting Pennsylvania. First, the researchers were studying a surrogate norovirus and not a coronavirus. The distinction between these two viruses is lengthy and more appropriate for a microbiology/virology discussion. According to the National Foundation for Infectious Diseases, coronaviruses are:¹¹⁴ ...a large group of viruses that cause diseases in animals and humans. They often circulate among camels, cats, and bats, and can sometimes evolve and infect people. In animals, coronaviruses can cause diarrhea in cows and pigs, and upper respiratory disease in chickens. In humans, the viruses can cause mild respiratory infections, like the common cold, but can lead to serious illnesses, like pneumonia. Coronaviruses are named for the crown-like spikes on their surface. Human coronaviruses were first identified in the mid-1960s. Most people get infected with human strains of coronaviruses at some point in their lives. These illnesses usually last for a short amount of time, and symptoms may include fever, cough, headache, runny nose, and sore throat. Human coronaviruses can cause other more serious illnesses, such as pneumonia or bronchitis. This is more common in individuals with heart and lung disease, those with weakened immune systems, infants, and older adults. Consequently, a coronavirus is not a norovirus, and the surrogate virus used by the researchers, while genetically similar to a norovirus is not one that causes illness in humans. Moreover, even within the category of coronavirus, the virus which causes COVID-19 is novel, meaning it is a newly evolved virus, which has not been previously seen. Researchers are ¹¹² See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html> ¹¹³ Sinclair, Ryan. "The Spread of a Norovirus Surrogate via Reusable Grocery Bags in a Grocery Supermarket," Journal of Environmental Health, June 2018. ¹¹⁴ See <https://www.nfid.org/infectious-diseases/coronaviruses/> LEGISLATIVE BUDGET AND FINANCE COMMITTEE A Study in Response to Act 2019-20: Non-Economic Impacts of Single-Use Page 66 actively researching the transmission of this novel virus, but much remains to be learned, and what is known, is evolving. Another factor to consider

is that the study assumes the RGB is already contaminated with the virus, which may (or may not) be the case. For example, wiping the RGB with a disinfecting wipe or washing the bag may eliminate some of the contamination. Similarly, a shopper who uses a hand sanitizer while in the store would also reduce the potential transmission. A clerk who wipes their station periodically with disinfectant would also limit transmission. These are all common-sense strategies that should be used by all shoppers using RGBs.