



Surfside has banned most single-use plastics, including shopping bags. / [Michael Kowalczyk via Flickr](#)

Surfside Passes Ban of Most Single-Use Plastics, Including Bags and Utensils

BRITTANY SHAMMAS | JUNE 12, 2019 | 11:00AM

It's difficult to comprehend how much plastic is used only once. About 40 percent of the 448 million tons produced each year is intended to be disposable, **according to National Geographic**, and what doesn't get recycled or dumped in a landfill often ends up in the ocean.

Officials in Surfside hope to make a dent in that massive problem by prohibiting most single-use plastics. Last night, the town voted to expand its existing plastic-straw ban to include plastic bags, utensils, and dinnerware. It joins nearby **Bal Harbour**, the California city of **Palo Alto**, and **Canada** in announcing a crackdown on single-use plastics. But the ordinance didn't pass easily: Several residents spoke against it, and commissioners had a spirited debate over whether it was too much, too soon.

"We try to strike the balance of what's reasonable with what we can do to help our community move forward, help us evolve in raising consciousness on how we live," said Mayor Daniel Dietch, who supported the measure. "It's a statement this town can make, and it's going to have a cascading effect."

Several residents, however, took a different view. One man said he didn't see "acid rain falling every day" or "mountains of plastic everyone keeps talking about on the beach." Another citizen threatened a recall of the commissioners, telling them: "Our freedoms are being eroded with each town meeting." One woman said the commission should concentrate on things such as sidewalks and car break-ins instead of trying to save the world.

"We have really local issues right here in this town to look at rather than trying to use this town to improve the world," she said. "You know, China needs to do something. These other places need to do something."

Vice Mayor Dan Gielchinsky said he worried about the town being sued, because Florida law preempts local municipalities from regulating plastic. But in 2017, when the state and the Florida Retail Federation sued Coral Gables over its ban on plastic bags, a judge ruled the preemption laws were unconstitutional. The state appealed, but no decision has been made; an analysis by Surfside's attorney said the validity of its ordinance might hinge on the outcome of the Gables litigation.

In the meantime, the Republican-led Florida Legislature tried to bar local governments from banning plastic straws. Gov. Ron DeSantis vetoed the bill, so cities such as Fort Lauderdale, Coral Gables, Miami Beach, and Hallandale Beach will be allowed to enforce their straw ordinances.

"I'm not a big fan of spending money on lawyers just to make a point unless they hire my firm," Gielchinsky said. "But the town is not going to hire my firm. I wouldn't take the case. What's the harm in waiting?"

Dietch said the ordinance includes an "off-ramp" in case the appeals court sides against Coral Gables. He argued it was time to do something about the havoc wreaked by plastic. Several residents said the amount of plastic in the ocean has reached emergency levels and is killing marine life and poisoning fish through toxins.

"I can't believe anyone could see this as a problem that isn't affecting them," one woman said.

The measure ultimately passed 4-0; Gielchinsky was absent for the vote. The ordinance is now one of the most far-reaching in the state: It bars the use, sale, or distribution of single-use plastics in any commercial establishment or on town property, including the beach. There are exceptions for medical or physical conditions and religious beliefs. Prepackaged drinks sold with straws, such as Capri Sun, are not included. Water bottles are also exempted.

The ordinance will go back to the commission for a second reading next month. If passed, it will be enforced beginning in March 2020 after a public education campaign and a warning period.

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