

**Testimony of
Lynne Breaux, President of the
Restaurant Association Metropolitan Washington
Before The Committee on Government Operations and the Environment and
Finance and Revenue
Wednesday, April 01, 2009
1:00 PM
Bill 18-150, the "Anacostia River Cleanup and Protection Act of 2009"**

Good afternoon Councilmembers. I am Lynne Breaux, President of the Restaurant Association Metropolitan Washington (RAMW). Since 1920, RAMW has been proud to be the voice of close to 700 members of the metropolitan Washington food service industry and establishments of hospitality ranging from casual eateries to internationally acclaimed fine dining restaurants.

RAMW supports efforts to improve the deplorable condition of the Anacostia River. We are, however, strongly opposed to the recently introduced legislation, "ANACOSTIA RIVER CLEAN UP AND PROTECTION ACT OF 2009".

This legislation, while laudable in its stated goals, unfairly targets food and beverage retailers and their customers for an additional tax burden, as it is in reality a food tax on all carry out food. At 10%, DC food sales tax is currently one of the highest in the Nation.

The 5¢ per bag charge to customers with 1¢ per bag to be retained by restaurants is simply not fair compensation for the retailer who must undertake another administrative burden on already onerous DC tax and regulation burdens. In conversations with retailers and restaurateurs there is agreement that this will be a "painful" bookkeeping nightmare as well as "unfair" to the consumer.

Minimizing the use of the ubiquitous plastic bag and other disposable containers will take a great deal more than this bill. Breaking the cycle of bag usage across all economic levels and social strata will require well defined and financed educational initiatives, initiatives barely addressed in this bill.

This tax and spend approach is not the solution to the complex problem of litter and environmental concerns. As so often happens, the unintended consequences of this type of legislation puts an undue burden on the small business owner of a perceived additional food tax and the expense of implementation and compliance out of all proportion to the nominal benefit. Simply put, adding yet one more tax on the current excessive taxes on DC restaurants, this bill threatens the health and welfare of many small businesses in the District.

We urge the Council to abandon this legislation and extend the conversation on this issue to include all concerned businesses, bag manufacturers and the citizens of the District who will be most affected. Thank you for the opportunity to testify today.