

TOWN OF NEW CASTLE REUSABLE BAG LAW RESIDENT AND MERCHANT INFORMATION

Summary of Law Effective January 1, 2017

- Single-use plastic bags are banned in **ALL stores**
- Certain stores (grocery stores, convenience stores and pharmacies) are required to charge 10 cents for paper bags
- The stores must keep the bag fees
- The following are permitted without charge:
 - Meat and produce plastic bags
 - Newspaper bags
 - Dry cleaning bags
 - Greeting card bags
 - Paper prescription drug bags
- Restaurants, delis, boutiques and liquor stores are not required to charge a bag fee
- The bag fees must be displayed separately on customer receipts

Frequently Asked Questions

Background

Q: Why do we need a retail shopping bag law?

A: Single-use, disposable plastic bags are a major source of litter and pollution in our environment. These bags do not biodegrade, are extremely difficult to recycle (our recycling facility does not recycle them), and often are only “reused” once before being discarded. Most are never used more than once to transport goods from a store. Paper bags are also extremely harmful to the environment due to the amount of energy and water used to produce them, and the energy required to transport them. The law is part of a larger educational campaign to encourage the use of reusable bags, thereby contributing to a cleaner, healthier environment.

Q: Is the problem really that bad, that we need to pass new legislation?

A: Yes. Plastic bags will remain in the environment hundreds, if not thousands, of years,

and destroy wildlife, clog storm drains, end up in waterways and the oceans, and fill landfills. Paper bags are an even greater contributor to climate change. This legislation continues New Castle's leadership in protecting our environment for our children by moving away from our "disposable" habit to a "reusable" one.

Q: Why is there a charge for paper bags?

A: The 10-cent fee will encourage residents to bring their own bags. Studies show that bag fees reduce single-use bag usage. Prior to being given a paper bag, a customer must be asked whether he/she wants a bag and be informed that it will cost 10 cents. The bag fees must be included on the customer's receipt. Merchants will keep the 10-cent fees to offset any bag costs.

Q: Why isn't an education campaign enough to get the point across?

A: Sometimes education is not enough to change habits that are considered part of every day life but can be harmful to many. As members of a community, we accept regulations imposed on us every day: we're not allowed to litter; we are required to pick up after our dogs; we must use a seat belt. This legislation is similar to these forms of legislation where voluntary compliance has not achieved the desired results because of reluctance of individuals to change their behavior. Studies show that education alone does not change behavior on bag use. This legislation is about taking individual responsibility for the costs to our society when using single-use shopping bags.

Q: Is this a new concept?

A: No. Many communities, just like New Castle, have understood the need to solve their litter and pollution problems by passing similar laws. Westport, CT, Southampton Village, NY and Chestertown, MD are three municipalities regionally that have passed laws, and Hastings-on-Hudson, Larchmont, Mamaroneck and Rye are all towns within Westchester that have passed laws. There are hundreds of towns, cities and other countries that have similar laws.

Q: What about "biodegradable" plastic bags? Why not use them?

A: Studies have shown that these types of bags do not effectively disintegrate back into nature¹. A far more important point is that these bags are disposable and thus, counter to the objective of reducing the amount of waste and pollution in our environment.

Q: Why aren't paper bags banned?

A: The objective of the law is to promote the use of reusable bags by reducing our dependence on single-use bags. Based on the experience of other towns around the world, it is believed that this legislation will significantly reduce the number of single-use plastic and paper bags used in New Castle. However, when shoppers forget their bags they will still have the option of using paper bags to carry their purchases out of the store.

¹ "Facing the Dirty Truth About Recyclable Plastics"
<http://e360.yale.edu/content/feature.msp?id=2400>

Q: Won't the law hurt business owners?

A: On the contrary, research around the country has provided evidence that the long-term effects on stores are very positive. The number of single-use bags used by shoppers will decrease significantly, thereby reducing the costs of business owners.

Two studies conducted by Fairfield University one year after Westport, CT passed its law shows a significant increase in reusable bag rates (approx. 50%) at the Westport Stop & Shop relative to those in neighboring towns (Wilton and Norwalk: approx. 10 – 15%)² The Westport Stop & Shop management embraced the spirit of the law to its advantage through the use of store signs and sales of reusable bags.

Q: Won't the law hurt consumers?

A: Most reusable bags can be used hundreds of times. While we may forget to bring them in the beginning, we will soon remember. Also, many times our smaller purchases don't even require bags.

Q: Why were grocery stores, convenience stores and pharmacies selected for the 10-cent paper bag fee?

A: These stores were selected since they generate the most single-use bags; also this is consistent with many laws around the country. Restaurants, delis or any other business that receives 90% or more of its revenue from the sale of prepared food to be eaten on or off its premises are not required to charge the 10-cent paper bag fee.

The Law

Q: To whom does the Reusable Bag Law apply?

A: The law targets only retail transactions. Its goal is to reduce the use of single-use plastic and paper bags.

Q: Who is exempt?

A: The law does not apply to plastic bags used for personal use in the home. It does not apply to the sales of goods at yard sales, tag sales, other sales by residents at their home, and sales by non-profit organizations.

Q: What plastic bags from a store can still be used?

A: Plastic bags that are made of very thin plastic material and are used for produce, meats, dry cleaning, newspapers or other such items.

Q: How will merchants compensate for not being allowed to use single-use plastic bags?

A: They will be able to use reusable bags and recyclable paper bags.

² Fairfield Uni. Retail Checkout Bag Surveys, 5/8/10; and June 2010

Q: Is the law too limited to make a difference?

A: No. By targeting the plastic bags and paper bags from stores that are most likely to give out single-use bags, we can make a real impact in our community. It's also important to reiterate that this is part of a larger educational campaign to encourage the use of reusable bags.

Q: What is the effective date?

A: January 1, 2017.

Q: What type of paper bags must be provided by those stores subject to the 10-cent paper bag fee?

A: The requirements are below:

1. The recycled paper bag must contain a minimum of 40 percent postconsumer materials;
2. An eight pound-rated or smaller recycled paper bag shall contain a minimum of 20 percent postconsumer material;
3. The recycled paper bag is accepted for curbside recycling in New Castle;
4. The recycled paper bag is capable of composting, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400, as published in September 2004; and
5. Printed on the recycled paper bag are the percentage of postconsumer material content and the word "Recyclable."

Q: What is a "reusable bag"?

A: A reusable bag is a bag with handles that is designed and manufactured for multiple reuses and meets all of the following requirements:

1. Is machine washable or easily cleaned or disinfected;
2. Does not contain lead, cadmium, or any other heavy metal in toxic amounts, as defined by applicable State and Federal standards and regulations for packaging or reusable bags;
3. If made of plastic, is a minimum of at least 2.25 mils (thousandths of an inch) thick; and
4. Has a minimum lifetime of 125 uses, which for purposes of this subdivision, means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet.

Q: Can merchants "sell" shopping bags to their customers?

A: Yes. Any bag provided by a merchant can be sold to its customers, including paper, cloth or canvas shopping bags. Reusable bags must be sold for a minimum of 25 cents to encourage customers to reuse their own bags. Merchants are encouraged to promote the use of reusable bags, and sell them with their logo, if desired.

Q: Can merchants provide reusable bags for free during certain times of the year?

A: Reusable bags may be provided to customers at no cost when combined with a time-limited store promotional program, not to exceed three months in 2017 and not to exceed two months per year every year thereafter.

Q: How will this law be enforced?

A: New Castle will rely on reports from consumers and merchants to identify businesses that are not complying with the law, and will take an educational approach to enforcement. Town employees will visit the merchant to talk about the law and explain what's needed to comply. If a merchant is found to be out of compliance after a verbal warning, the Town may impose a fine.

Q: What is the penalty for non-compliance?

A: A fine in the amount of \$150 for the second violation, \$200 for the third violation, and \$250 for the fourth and subsequent violations occurring within a one-year period.

Questions from Residents and Merchants

Q: What will I use if I need to line my trash bin or pick up dog waste?

A: Garbage bags and newspaper bags will still be available. Other options include bread bags and used zip lock bags. Another popular option is the roll of dog waste bags that attach to your dog's leash.

Q: What happens if something spills in my reusable bag?

A: The good news is that reusable bags can be washed and cleaned. If using a cloth bag, these bags can be included in any load of laundry. If the reusable bag is made of plastic, these can be wiped down with a disinfecting cleaner.

Q: I've heard that reusable bags contain a lot of bacteria, so what do I do about that?

A: Assume that any food that you purchase at a store has bacteria and needs to be cleaned – especially if you put it in a shopping cart! It doesn't matter what kind of bag you use, the food must be cleaned. Produce and deli meat bags, which will help contain much of the bacteria found in bags, are not banned. However, we do recommend periodically cleaning your reusable bag to reduce bacteria that makes its way into the bag.

Q: What happens if it rains and my paper bag breaks?

A: From the car to your home, it is highly unlikely that the paper bag will become wet

enough to break. In order to reduce the chances of the paper bag breaking, we encourage you to bring your reusable bag to the store. Reusable bags are stronger than paper or thin plastic shopping bags.

Q: How will I carry my purchases if I forget to bring my reusable bags to the store?

A: Stores will still be able to provide paper bags to take purchases from the store. **Grocery stores, convenience stores and pharmacies will charge a 10-cent fee for each paper bag.** Also, if there are just a few items, try refusing a bag, and carry out purchases in your hands.

Q: I use my bags as garbage bags. This just means that I'll have to buy more plastic bags.

A: Consider not using plastic bags in your small wastebaskets. Use one large plastic bag for your garbage, which can hold significantly more garbage than plastic shopping bags, and thus you would need fewer garbage bags. Also some manufacturers are offering garbage bags of all sizes that are recycled bags that claim a minimum 60% recycle content. If you combine ditching the plastic bag, with composting, it is feasible to use paper bags for trash bags as well, as long as you keep all moist materials out of the garbage.

Q. Do we really need government telling us what to do?

A. We have heard this question a lot throughout history such as when the seat belt and helmet laws went into effect. Unfortunately, sometimes educational initiatives are not enough to cause widespread behavior change, and you need to pass a law to improve lives and the environment.

Q: Will I lose my ability to market my store brand with my bags?

A: Paper bags can continue to include your store logo. Also, consider selling reusable bags with your logo on the bag. These bags can be used many times and can carry your message throughout town. People like to use attractive reusable bags *even when they're not shopping*. Show the community you encourage sustainable solutions - a great marketing message to people who care about preserving our environment for future generations.

Q: Won't people just shop outside of New Castle and we will lose customers?

A: No. There is no evidence that shoppers will travel to different stores to do something less sustainable.

Q: I already reuse my plastic bags, so what's the harm?

A: We congratulate you on reusing your plastic bags but you are in the minority. However, the most important part of the "waste management stream" is reduce, followed by reuse and recycle. Plastic shopping bags have very limited reuse, whereas reusable bags can be used hundreds of times. One way we can encourage New Castle residents to use reusable bags is to ban the single one-time-use plastic bags and charge for single-use paper bags.

Q: Our stores only sell small things and use small bags. We're not a big city with lots of grocery stores and department stores. Does it really matter here?

A: There are still a number of stores within our town borders that collectively provide thousands of bags each week. Single-use bags contribute to a significant amount of litter seen throughout New Castle, so banning single-use plastic bags will help clean up our community.

Q: We already have so many bigger problems and issues, should we really be spending our time on this?

A: Our health and climate change are two of the biggest issues we face. We owe it to our community and children to focus on this issue. Also the solution is relatively easy to adopt.

Q: Why should I spend money on reusable bags when I get plastic bags for free - and I even reuse them sometimes!

A: There is minimal cost associated with purchasing a few, inexpensive reusable bags. Often you can acquire reusable bags for free from merchants, events and conferences.

Q: How will I keep my dry cleaning clean?

A: Dry cleaning bags will not be included in the types of bags that will be prohibited under this law.

Q: Aren't reusable bags made out of plastic too?

A: Reusable bags can be made from a variety of materials such as from fabric like canvas, woven synthetic fibers, or a thick plastic that is more durable than disposable plastic bags, allowing multiple uses. Also, many times recycled plastic is used in the reusable bags. Reusable bags, even when made out of plastic, significantly reduce the environmental impact created by single-use bags.

Q: How do I remember to take my bags with me?

A: Here are some ideas:

- Keep your bags in your car or purse
- Put something important in your bags (wallet, phone, etc.)
- Signs will be in store parking lots
- Cards will be on store counters
- Go back for your bags.