

## **Questions about the intent of the model ordinance**

### **What is the purpose or intended result of this legislation?**

The goal of this model ordinance is change behavior through the promotion of reusable carryout bags and environmentally preferable food to-go containers. Plastic bags and polystyrene litter our landscape and escape into our waterways and ultimately Lake Superior. These enter the food chain as they degrade into smaller and smaller—but still plastic—pieces. In the aquatic environment they attract and accumulate toxic chemicals. Reducing waste means cutting down on the single use of paper bags, too. That's why retailers are asked to encourage customers to remember to bring their reusable bags. Promoting reuse is considered a great first step in the right direction toward protecting our common home and supporting the values we all share.

### **Who will be affected ?**

All of Duluth will likely be affected in some way. This effort is directed at 1) promoting reusable carryout bags and 2) phasing-out the use of polystyrene foam to-go containers with reusable and/or more environmentally preferable alternatives. The majority of these products are given away at retail establishments and restaurants and considered a cost of business. Many Duluth area businesses are already taking a lead. Aldi's does not provide free carry-out bags. The Whole Foods Coop promotes reusable bags and does not give out plastic carry-out bags. Most leading restaurants no longer use polystyrene to-go containers. This initiative is aimed at helping business by shifting consumer behavior and creating a level playing field so business can recover their costs.

### **Why does the model ordinance phase-out lightweight plastic carryout bags but allow heavyweight, thicker ones?**

Customers are more likely to reuse the thicker, stronger plastic bags (more than 4 mils thick) than the lightweight plastic bags. The proposed model ordinance is pro REUSE, a better choice for many reasons. If citizens want to reuse their heavier plastic bags, that is a good thing.

### **How does this impact recycling of thin film plastic bag?**

Reuse is generally understood to be a preferred over recycling. While there are locations where thin film plastic bags are collected for recycling, whether these bags are actually recycled depends on the markets and whether there is contamination. According to the Minnesota Pollution Control Agency thin film plastic bags tend to jam recycling machines and less than 10% are recycled. Thick film bags can be recycled at the end of their useful life.

### **Won't there be more use of paper which has its own environmental problems?**

The proposed model ordinance promotes REUSE, a better choice for all. Both paper and plastic have different environmental impacts, it is difficult to say that one is better or worse than the other. It depends. The proposed model ordinance would phase-out the distribution of single use thin film plastic bags and encourage reusable bags by requiring stores to implement a nominal \$.05/ bag minimum charge for single use paper bags. Studies show that the application of a minimum charge increases reuse rates to 80% or more.

### **What makes the reusable bags shoppers bring from home better than single-use disposable bags?**

The reusable bags shoppers bring from home are typically the non-woven polypropylene bags. Once these bags have been reused a couple dozen times their impact is less than that of the dozens of lightweight plastic

bags they have replaced. They can hold two or three times more than single-use plastic bags. They are also much more durable—lightweight bags often need to be doubled to carry heavy items.

### **What about the home delivery of newspapers in plastic bags?**

The proposed model ordinance is focused on promoting reuse. It would be a great idea if the Duluth News Tribune and other local papers were able to adopt a better choice than single use thin film plastic bags. This model ordinance doesn't suggest to solve all of the waste problems in Duluth.

### **Is this a big enough problem to warrant action when there are other major environmental issues?**

The collective impact of polystyrene foam and plastic in the environment is significant. Human behavior has a multitude of impacts on the environment. For some, the visual pollution of plastics hanging in trees is enough of a reason to act. Others, are distressed by how plastics waste can harm wildlife. Simple steps, such as reuse, can have a big impact and are relatively easy to do. We must simply change our behavior. This doesn't mean that the issue is more important than others. It is just different. Every step counts.

### **Questions about which businesses the model ordinance applies to**

#### **Which businesses will be affected by the proposed model ordinance?**

Most retailers which offer single use bags at the point of sale, and the remaining grocers and food establishments that still use polystyrene, will be subject to the new requirements. These include grocery stores, department stores, hardware stores, pharmacies, liquor stores, restaurants, convenience stores and other retailers or vendors.

#### **Are any types of businesses exempt from the proposed model ordinance?**

Not for profit entities such as food banks are exempt though it is hoped that the broader culture shift will influence these organizations and their clients.

#### **Does this only apply within the City of Duluth?**

Yes, though other mid-west Cities such as Chicago and Minneapolis have pass similar legislation. This means most of the chain grocery, pharmacy and hardware stores with a statewide presence will have experience in making any necessary changes.

#### **Can restaurants provide single-use plastic bags for takeout food?**

Yes. There is an exemption in the model ordinance that allows retailers to help safeguard public health by providing customers with single-use plastic carryout bags for **prepared to-go foods and liquids that can leak or be spilled**. *Restaurants can't use single-use plastic carryout bags for items like cookbooks, t-shirts, bottled salad dressing, etc.*

#### **Can grocers' deli counters use plastic bags for prepared takeout food?**

Yes. Prepared to-go foods, such as roasted chicken and soups, can be placed in protective plastic bags at the deli counter to prevent leaks or spills.

#### **Are farmers' markets, street fairs, festivals and events included in this initiative?**

Yes. The model ordinance specifically includes all these activities among the kinds of "retail establishments"

where the use of lightweight plastic carryout bags is discontinued. Vendors at farmers' markets may use small bags of any type for vegetables and meat and put these in a paper carryout bag (with applicable minimum charge) or in a customer's reusable bag.

### **Can food vending trucks use single-use plastic bags for prepared food?**

Yes. Like restaurants, food trucks may use single-use plastic bags only for prepared carryout food.

## **Questions about what types of bags are encouraged, and what types are exempt**

### **Which types of bags are impacted?**

Retailers may only provide plastic bags 4 mils thick or greater at checkout or point of sale. Thin "single use" plastic carryout bags typically seen at grocery stores will be phased-out and the retailer may not provide them for free or charge for them.

### **What kind of plastic bags are allowed at checkout?**

Retailers can provide heavyweight "reusable" plastic bags (4 mils or thicker) at checkout. Thicker bags are considered reusable because they are made from durable materials specifically designed and manufactured for multiple re-use. Retailers can provide these bags free or charge any price they choose. Some retailers already use these bags for heavy or bulky items.

### **Can retailers provide thin plastic bags for meat, produce, bulk foods, or bakery items?**

Yes. Retailers may provide any type of bag inside the store next to bulk foods, meats, produce, bakery goods, flowers, and other similar items.

### **Are any types of bags exempt?**

Yes. Types of plastic bags are exempt from the model ordinance include:

- Dry cleaning bags.
- Newspaper bags.
- Door-hanger bags.
- Bags to protect fine art
- Garment bags

### **Can retailers provide paper bags?**

Yes. Though customers must be charged at least 5 cents per bag. Retailers can charge more than 5 cents. Qualified low-income customers are exempt from the cost of the paper bag.

### **Can retailers provide small paper bags at check out for easily damaged items, such as birthday cards, small paintbrushes, or glass items?**

Yes. Retailers may provide small paper bags for small items such as greeting cards, gifts, books, nails, and more. Retailers can provide them free or charge for them.

### **Are retailers required to provide bag options for customers?**

No. Retailers may choose to provide paper bags, reusable plastic bags, both types of bag, or no bags at all. If they provide paper bags, because they are considered single use, they must charge at least 5 cents for them. If they provide plastic bags, they must be at least 4 mils thick to be considered reusable.

**Can retailers provide checkout bags less than 4 mils thick if they're made of recycled or compostable content?**

No. Plastic bags provided at checkout must be at least 4 mils thick, regardless of the content they're made of.

**Can retailers reuse single-use plastic bags collected from customers?**

No. Customers may bring in and use any bag they wish, but retailers may not collect single-use plastic bags and give them out to other customers.

**What if I'm not sure if my plastic bags are 4 mils or thicker?**

Ask your bag supplier to include the thickness of the bags you purchase on your invoice. First-year efforts to introduce the new requirements will focus on business and customer education to help everyone meet the requirements of the model ordinance. Over time, should a question arise, retailers should be prepared to show that the bags they are using are 4 mils thick or greater.

**Questions about minimum bag charges**

**Which type of bags require a minimum charge?**

Retailers must charge at least 5 cents for paper carryout bags of 1/8 barrel (882 cubic inches) or larger. As a rule of thumb, if a bag has a flat bottom greater than 6 inches by 10 inches, you will need to charge for it.

**Can retailers choose to charge for other bags, such as small paper bags, reusable bags, or produce bags?**

Yes. Retailers may choose to charge for any additional bag type. This decision is up to each individual business. The only required charge is a 5-cent minimum for 1/8 barrel paper bags.

**Are any customers exempt from paying the 5-cent charge for a single use paper bag?**

Yes. To ease the impact on low-income customers, retailers must waive the paper bag charge for customers paying with a voucher or electronic benefits card issued under:

- The Women, Infants and Children (WIC)
- Temporary Assistance to Needy Families (TANF) support programs
- Federal Supplemental Nutrition Assistance Program (SNAP; formerly "Food Stamps"; also known as Basic Food)

**Can retailers "absorb the cost" of large paper bags and not charge customers?**

No. Retailers must charge the customer at least 5 cents per 1/8 barrel-size or larger paper bag. This charge acts as an incentive for customers to remember to bring reusable bags. For that reason, the customer's receipt must show the total charge and number of paper bags used. The mandatory charge also creates a level playing field for retailers who may not be able to absorb the cost of the paper bags.

**How must retailers notify customers of the paper bag charge?**

The 5-cent charge on large paper bags must appear on the customer's receipt.

**Do retailers have to keep track of how many paper bags they sell?**

No. The model ordinance doesn't require retailers to track bag sales.

**Do heavyweight plastic bags (4 mils or thicker) have to have recycled content?**

No. There is no requirement for recycled content in heavyweight plastic bags, though the use of recycled-content products is encouraged whenever possible.

**Other Questions about the Model Ordinance**

**Can retailers use up existing stocks of plastic bags after the model ordinance is passed?**

Retailers may use up single-use plastic bags until the model ordinance comes into effect, one year after passage. Retailers can also give unused stocks of plastic bags to an organization exempt from the model ordinance, like a food bank.

**During the transition, will there be any promotional assistance?**

As this legislation is increasingly commonplace many websites offer printable signs and cards that retailers can download for free. Bag it Duluth has created templates. These resources quickly let customers understand the model ordinance, and identify it as a local legislation and not a policy of the individual retailer. We also encourage retailers to post signs in parking lots and stores that remind customers to bring their own bags.

**What is the bulk cost of reusable bags?**

For quantities of great than 500 units, it is possible to order reusable bags at approximately \$0.70/ unit.