

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 not phase-out plastic bags like many cities, states and countries have done?

Bag it Duluth originally proposed this idea and it gained significant support. Unfortunately, the Minnesota Legislature passed preemption legislation preventing any local decision making around this issue making it against the law for any municipality in Minnesota to phase out plastic bags.

How will I pick up my animal waste?

Plastic bags are handy for picking up animal waste and will still be available at stores provided one pays the pass through charge. But there are alternative and easy ways to continue to be a responsible pet owner! For example, you can re-use the grocery store produce bags or other forms of food packaging like bagel or bread bags. Some people reuse paper coffee cups. Many find the plastic bags used for newspapers handy. People will discover lots of plastic options.

How does this impact recycling of thin film plastic bag?

Reuse is understood to be a preferred over recycling. Environmental educators teach our children to preferentially reduce, reuse and then recycle. 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. Local waste haulers don't accept plastic bags in the recycling and they must be removed at the sorting facility costing time and money.

Why is the pass through charge on paper and plastic the same?

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. 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, or paper 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 does not impact newspaper bags and is focused on promoting reuse at the point of sale. 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?

There are many environmental issues and fortunately this is an issue our City Council has influence over. And, the collective impact of single use polystyrene foam containers and plastic and paper carry out bags to 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. The St. Louis River and waters adjacent to Park Point contain small plastic particles which fish preferentially eat over food. 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 and this is something that we can easily do just like other cities and states

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.

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

Yes, bags used in dine-in or carry-out restaurants, food vending trucks, or temporary event food vendors to safeguard public health and safety during the transportation away from the restaurant; bags distributed at retail establishments which do not possess or utilize a point of sale system; bags used by organizations which receive them second hand and re-use them for distribution; bags distributed at farmers' markets; laundry dry-cleaning bags; and bags given where there is no transaction taking place such as:

- a. Food banks and other food assistance programs;
- b. Personal belonging bags at hospitals, hotels or dental offices;
- c. Newspaper bags and door-hanger bags;
- d. Bags given at car dealerships or car washes to be intended to collect garbage inside a vehicle;

Does this only apply within the City of Duluth?

Yes, though other mid-west cities such as Chicago and Minneapolis, and states such as Hawaii and California have passed similar legislation. This means most of the chain grocery, pharmacy and hardware stores with a statewide or national 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.

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.

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?

Paper and plastic bags provided at the point of sale.

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. This ordinance is focused on carry-out bags, those offered at the check-out counter. Types of plastic bags are exempt from the model ordinance might include:

- Dry cleaning bags.
- Newspaper bags.
- Door-hanger bags.
- Bags to protect fine art
- Garment bags
- Bags used to carry bulk items such as screws, bulk food, etc.

Are retailers required to provide bag options for customers?

Nothing changes with respect to bag choices. Consumers and retailers keep their options. The only difference is that retailers are required to assess a pass through charge of no less than \$.05.

What are the requirements for retailers?

Retail establishments shall collect a pass-through charge of not less than five (5) cents for each carryout bag, provided to customers. It shall be a violation for any retail establishment to pay or otherwise reimburse a customer for any portion of the pass-through charge. All retail establishments shall indicate on the customer transaction receipt the number of carryout bags, provided and the total amount of the pass-through charge. Retailers without a POS system are exempt.

Questions about pass through charges

Which type of bags require a minimum charge?

Retailers must charge at least 5 cents for paper or plastic carryout bags. See list of exemptions above.

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 proposed required charge is a 5-cent minimum single use carry out plastic and paper bags offered at the point of sale.

Are any customers exempt from paying the at a minimum \$.05 charge?

Yes. To ease the impact on low-income customers, retailers must waive the 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 bags and not charge customers?

No. Retailers must charge the customer at least 5 cents per bag. This charge acts as an incentive for customers to remember to bring reusable bags and helps retailers recover the costs of the bags they purchase. 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 small retailers who may not be able to absorb the cost of bags.

What happens with the pass through charge that is collected?

Consumer expectations for free bags are a significant cost for retailers. An average grocery store in Duluth spends more than \$60,000/year on single use bags. Duluthians use in the range of \$500k to \$2 million dollars worth of single use grocery bags per year. Retailers will be able to recoup this cost and do with it whatever way they see fit. We encourage retailers to use some of these savings to provide reusable bags for customers.

Other Questions about the Model Ordinance

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.