

WHY REDUCE PLASTIC BAG WASTE?

Single-use plastic bags are environmentally harmful

- New Yorkers use 5.2 billion carryout bags per year, the vast majority of which are not recycled.¹
- As of 2008, plastic bags accounted for over 1,700 tons of residential garbage per week in NYC.²
- Due to their weight and aerodynamic properties, plastic bags can often become litter, even when properly disposed of.³
- Plastic bags get stuck in storm drains, exacerbating flooding and sewage discharges into waterways⁴ and are the fourth most commonly found type of litter on U.S. beaches.⁵

Plastic bags cost the public money

- New York City pays an estimated \$10 million to transport 100,000 tons of plastic bags to landfills in other states each year.⁶
- Shopping bags jam expensive machinery at recycling plants and contaminate the recycling stream, increasing costs.⁷

Our current voluntary plastic bag recycling regime is ineffective

- New York State legislation that created a voluntary plastic bag take-back recycling system that lacks enforcement and has failed to produce a demonstrable impact in reducing plastic bag waste.⁸
- Some retailers in New York are already leading the way on eliminating bag waste, demonstrating receptiveness among both retailers and consumers. Whole Foods Market eliminated plastic bags in 2008, offering only 100% recycled paper bags for free or reusable bags for purchase.⁹
- This bill will build upon the impact of voluntary retail plastic bag reduction by eliminating even more waste and encouraging positive retail and consumer behavior throughout New York City.

Other cities have successfully reduced plastic bags through per-bag charges

- Washington D.C.'s bag tax not only reduced usage by as much as 60% but part of its revenue goes to help clean up the Anacostia River.¹⁰
- Large stores covered by Los Angeles County's ban on plastic bags and ten-cent paper bag charge reduced overall single-use bag usage by 95%, which includes a 30% reduction in paper bag usage.¹¹
- San Jose reduced plastic bag litter by 89% in the storm drain system, 60% in the creeks and rivers, and 59% in city streets and neighborhoods with a ban on plastic bags and a ten-cent paper bag charge. In addition, the average number of single-use bags decreased from 3 bags to 0.3 bags per visit.¹²

There's no reason New York City should be left behind.

We should take what we've learned in other cities and implement a plan that will work here.

It starts with this bill.

How the Bill Would Work (DRAFT)

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Stores must charge for plastic or paper bags to make the cost of single-use bags clear to the consumer

- Customers who bring their own bags – plastic or otherwise – will not be charged.
- Stores must charge at least ten cents per bag (paper or plastic) provided to a customer.
 - The proposed ten-cent charge will encourage New Yorkers to consider bringing their own reusable bag and will raise consumer awareness about individual bag use.
 - The ten-cent minimum charge would be retained by the store to cover the cost of providing bags, as required by the ordinance.
 - In other cities, a ten-cent minimum charge has shown to be a sufficient incentive to encourage customers to bring their own bag or avoid taking a bag for small purchases.¹³
 - To reduce the environmental impact of paper bag alternatives, paper bags offered at stores must have a minimum 40% post-consumer recycled content, which can be easily re-recycled at home.

What would be covered?

- All retail and grocery stores would be covered by this bill.
 - Restaurants would not be covered due to limited alternatives for delivery and take-out food orders.
 - Produce, meat and bulk food bags used within stores are exempt from the charge in order to protect food from contamination, as well as pharmacy counter bags for medicine.
 - Street vendors that sell similar goods as retail and grocery stores would be covered; those that sell prepared food like restaurants would not be covered.
 - Wine & liquor stores that have legal packaging requirements would not be covered.
 - DSNY may promulgate administrative rules that exempt other types of bags.
- Stores must waive the charge for providing paper or plastic bags for transactions where the customer is using SNAP or WIC to avoid additional barriers to food security.
 - Emergency food providers, such as food pantries, would be exempt from the charge.

Implementation and Enforcement

- The City would be required to conduct a public education campaign — which would include encouraging reusable bag use— prior to implementation, including a multilingual notification letter to stores.
- The City would be required to conduct a widespread distribution to the public of free, reusable bags, in partnership with community and nonprofit organizations.
 - The distribution would be targeted at low-income households and food stores in areas with a high level of SNAP and WIC usage.
- A store receiving its first violation would receive a warning, \$250 fine for second violation, \$500 for subsequent violations.
- Signage would be required at the point of sale informing consumers of the amount of the charge.
- The City would provide annual reports to the Council and the public on the outcomes of the initiative, including reduction in bag waste and the use and distribution of reusable bags, based on a baseline established at enactment.

Answers to Common Questions

How does this bill compare to other big cities' plastic bag laws?

Since a number of cities nationwide (including Seattle, San Francisco, Los Angeles and Washington, D.C.) have already adopted laws to dramatically reduce plastic bag usage, we can use the most appropriate parts of each law in creating a model for New York City. The bill is a hybrid of California cities that have adopted charges on paper and plastic bags with Washington, D.C.'s law that allows retailers to continue to use their current shopping bags. Unlike Washington D.C., the charge is not a tax — retailers get to retain the revenue without record-keeping requirements — and unlike Los Angeles and San Francisco, there is not a plastic bag ban.

A number of cities, including over seventy local jurisdictions in California, have adopted charges on paper and reusable bags in combination with a ban on thin, single-use plastic bags.¹⁴ In jurisdictions that have evaluated their impact, they have seen a reduction in plastic bag waste from 60% to as much as 90% and a significant reduction in paper bag use.¹⁵ Most of these cities required charges for paper bags so that overall use of single-use carryout bags would decline and customers would not increase their use of another type of free bag.

A few cities with plastic bag ordinances, such as Washington, D.C., use a tax rather than a charge to reduce bag use. Since New York City does not have the power to levy a tax on bags without state authorization, this bill requires a minimum charge that offers the same economic disincentive for consumers but allows stores to keep the revenue to cover the cost of bags.

What is a single-use plastic bag? Why do we need to reduce the use of them?

Single-use plastic shopping bags (or “t-shirt bags”), are lightweight plastic bags not designed for multiple reuse. New Yorkers use 5.2 billion carryout bags per year, the most of which are not recycled and therefore end up in the residential waste stream.¹⁶ Due to their aerodynamic qualities, plastic bags often become trapped in trees and blown out of trashcans and landfills.¹⁷ Plastic bags get stuck in storm drains, exacerbating flooding and sewage discharges into waterways¹⁸ and are the fourth most commonly found type of litter on U.S. beaches.¹⁹

What kinds of stores does the bill cover?

- Retail stores and grocery stores, including bodegas, are covered by the bill.
 - Even at these stores, produce, bulk food, and other similar bags will not be covered.
 - Medicine bags at pharmacies are exempt.
- Restaurants would not be covered, as it is difficult to use reusable bags for take-out and delivery food.
- Street vendors selling fruit/vegetables or general merchandise (like grocery stores and retail stores, respectively) would be covered.
- Street vendors selling prepared food such as falafel, hot dogs or bagels would not be covered (like restaurants).
- Emergency food providers, such as food pantries and soup kitchens, are exempt.

- State-regulated liquor stores would not be covered to avoid contradicting state law.
- The Department of Sanitation may exempt certain types of bags by promulgating administrative rules.

How will enforcement work? What kinds of paperwork or receipts are required?

There is no record-keeping requirement for businesses. Stores must simply show they are charging a minimum of ten cents per bag. The Department of Consumer Affairs already has inspectors who ensure that retail outlets are following fair pricing and other consumer protection laws. This bill's standards would be added to the list of potential violations during a routine inspection. Unlike current practice in many areas of retail enforcement, the bill requires a warning for the first violation.

When would it go into effect and how will we encourage reusable bags before the bill goes into effect?

The bill would go into effect six months after enactment, providing time for education, for outreach and for retailers to run out of their existing stocks of bags. To encourage New Yorkers to switch to reusable bags, the bill expressly requires the City to engage in a large-scale education and outreach campaign and work with nonprofit partners to widely distribute free reusable bags citywide.

How does this bill affect low-income households?

Transactions using SNAP and WIC (a/k/a "Food Stamps") are exempt from the requirement to charge for bags in order to avoid an economic barrier to food security for low-income families. All households, including those of modest means, may avoid the charge at checkout by using reusable bags at checkout. The proposed bill requires the City to work with community organizations to initiate a large, citywide reusable bag giveaway that includes special educational outreach events and reusable bag giveaways targeted to low-income households and stores in low-income neighborhoods.

How would this affect small businesses' bottom line?

Retail and grocery stores affected by the bill would be required to charge a minimum of 10 cents per bag and would be able to keep the charge in order to cover the cost of paper bags and reusable bags allowed by the bill. Currently, retail and grocery stores already pay for bags but typically do not make the cost evident to customers with an individual, per-bag charge.

How will this affect consumers' decision about whether to shop?

The bill would cover all retail and grocery stores, providing a level playing field. There is little evidence that the total amount of goods purchased by households in covered cities declines as a result of bag charges.²⁰ Customers in other cities have switched to reusable bags at a high rate once bag charge laws are implemented. Currently, grocery stores spend \$18-30 per year per customer on bags, money that may be passed back to the consumer through lower food prices.²¹ Further, street vendors selling equivalent goods as retail and grocery stores would be covered.

I use plastic bags for my trash bags/pet waste/you name it. How would this affect me?

Most plastic shopping bags unfortunately are not reused or recycled. A study from Los Angeles County estimated that only a quarter of plastic bags are used as substitutes for trash bags.²² Households that wish to continue using shopping bags as trash bags can purchase plastic bags for a minimum of ten cents, but it will be more efficient to use dedicated trash bags that hold much more than a single shopping bag. The extra expense is estimated to be less than \$1.50/year per household to purchase replacement trash bags.²³

Why does the bill also have stores charge for paper bags in addition to reusable bags?

Paper bags will also be subject to a ten-cent charge. Paper bags still have an environmental cost of production, like plastic bags, and the charge helps account for that cost by acting as a disincentive. It is important that both plastic and paper bags incur a charge so that consumers do not substitute one type of bag for the other without reducing total bag use.

What if I forget my reusable bags at home and need to buy something?

Since shoppers will not always remember to or be able to bring their own bags in all cases, stores affected by the bill can make bags (including reusable bags) available for purchase for a minimum charge of ten cents per bag.

If the bill allows plastic bags to continue to be used, how will the bill encourage an overall reduction in plastic bags?

Under the proposed bill, stores would now charge at least ten cents for all bags, so the number of bags people use will drop dramatically. With this bill in place, customers would be asked to consider whether they want or need bags at checkout, rather than having stores automatically provide single-use bags. The minimum ten-cent charge is designed to discourage unnecessary bag use by asking the customer to make an active choice about whether they need a bag for their particular purchase.

While covered stores may provide paper and plastic bags for purchase, there is no requirement that they offer both types. Some grocery stores in New York, such as Whole Foods Market, already limit their stock to recycled paper bags, and others may follow their lead.

I've heard that reusable bags have to be reused many times to have environmental benefits over single-use plastic bags – is that true?

Reusable bags are designed to be used many times in order to have net environmental benefits compared to single-use plastic bags (which are not designed for repeated reuse). A U.S. study of reusable plastic bags showed that thicker, plastic bags designed for reuse and made from recycled materials have a lower environmental impact than typical single-use plastic bags after just eight uses.²⁴ Studies have also shown that reusable bags are preferable to single-use plastic bags based in large part on their life-cycle durability.²⁵

ENDNOTES

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- ¹⁴ "Plastic Bags: Local Ordinances," *Californians Against Waste*, Accessed August 8, 2013, http://www.cawrecycles.org/issues/plastic_campaign/plastic_bags/local
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