

RETAIL SHOPPING BAG ORDINANCE – FAQs

Justification/Background

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

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, and can only be “reused” once before being discarded. Most are never used more than once to transport goods from a store. The ordinance 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. There is nothing useful about single-use bags. The lasting damage from a disposable plastic bag that is used – on average – for only 12 minutes before discarded, is huge. Plastic bags will remain in the environment hundreds, if not thousands, of years, and destroy wildlife, clog storm drains and fill landfills. This legislation will demonstrate that The Village of Mamaroneck understands the need to protect its environment by moving away from our “disposable” habit to a “reusable” one.

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 are actually of no value to the community, and 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 must recycle; we are required to pick up after our dogs; we must use a seatbelt. 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.

Retail establishments impose rules too, that we, as shoppers, accept: Costco, for example, has imposed its own “regulation” by not offering bags to customers. It's good business because it cuts costs.

Q: Is this a new concept?

A: No. Many communities, just like Mamaroneck, have understood the need to solve their litter and pollution problems by passing similar ordinances. Rye, NY, Westport, CT, Southampton Village, NY and Chestertown, MD are four municipalities nearby that have passed ordinances, but there are hundreds of towns, cities and countries that have similar ordinances. Hawaii is the first State to ban plastic bags.

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 targeted?

A: The objective of the ordinance is to promote the use of reusable bags by reducing our dependence on single-use bags. It is a simple fact that single-use plastic bags are a chronic litter and pollution problem while paper bags, though not ideal, have far higher recycling rates and will biodegrade.

Q: Won’t the ordinance hurt business owners as paper bags, on average cost more than plastic?

A: Although they are less expensive than paper bags for retailers, plastic bags represent an insignificant portion of retailer operating expenses. No Westport business, for example, has closed down due to the elimination of plastic bags from its inventory as a result of the 2008 Westport ordinance.

The ordinance is part of a larger campaign to reduce single-use bags. The use of disposable bags will decline as shoppers adopt reusable bags, allowing businesses to purchase less disposable bags and promote the sale of reusable bags.

Two studies conducted by Fairfield University one year after Westport passed its ordinance 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 ordinance to its advantage through the use of store signs and sales of reusable bags.

Q: Won’t the ordinance hurt consumers?

A: There will be a minimal cost associated with purchasing a few, inexpensive reusable bags. It is unlikely that retail prices will be affected by the elimination of plastic bags.

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

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

The Ordinance

Q: To whom does the Checkout Bag Ordinance apply?

A: The ordinance targets only retail transactions. Its goal is to reduce the use of disposable plastic bags, which are often discarded less than an hour after, but remain in our environment virtually forever.

Q: Who is exempt?

A: The ordinance 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: The ordinance does not apply to thick plastic bags -- those that at least 2.25 mils thick and sometimes called "reusable" shopping bags -- and plastic bags made of very thin plastic material with a single opening that is used for produce, meats, dry cleaning, newspapers or other items.

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

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

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

A: No. By targeting the plastic bags that are used for the least amount of time before being disposed, 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: Six months after the date of passage.

Q: What is a "recyclable paper bag"?

A: A recyclable paper bag has the following characteristics: (1) contains no old growth fiber, (2) is 100% recyclable overall and contains a minimum of 40% post-consumer recycled content, and (3) displays the words "Reusable" or "Recyclable" on the outside of the bag.

Q: What is a "reusable bag"?

A: A reusable bag is a bag with handles that is specifically designed and manufactured for multiple reuse and is (1) made of cloth or other fabric, and/or (2) made of durable plastic that is at least 2.25 mils thick.

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

A: Yes. Any bag provided by a retailer can be sold to its customers, including paper, cloth or canvas shopping bags. Retailers are encouraged to promote the use of reusable bags, and sell them with their logo, if desired.

Q: What is the enforcement procedure?

A: The Village of Mamaroneck is not required to check stores for compliance, but will respond to any complaints. A notice of non-compliance will be delivered to the person in violation of the ordinance.

Q: What is the penalty for non-compliance?

A: Up to \$150. Each day that a violation continues will constitute a separate violation and penalty.

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

A: Garbage bags, newspaper bags will still be available.