

## City of Monterey FAQ for Retailers

### Single Use Carry Out Bags

#### **1. Are there any exceptions?**

Yes. Public eating establishments, defined as restaurants, take-out food establishments, or any other business that receives 90% or more of its revenue from the sale of food; Nonprofit charitable re-users, that re-uses and recycles donated goods or materials and receives more than 50% of its revenues from the handling and sale of those donated goods or materials.

#### **2. What should retailers do if they have large stocks of plastic bags that will last beyond the effective date?**

Chain stores with outlets outside of Monterey can ship their bag inventory to those outlets. Smaller stores may use up their stock for the month of July 2012. Past that time, those retailers may consider donating their remaining stock to non-profit reuse stores or restaurants.

#### **3. What about food vending trucks, farmers markets, street fairs and other events?**

This Ordinance 3471 specifically includes all these activities among the kinds of “retail establishments” where the use of lightweight plastic carryout bags is banned. Vendors at farmers’ markets may use small bags of any type for vegetables and meat and put these in a paper carryout bag or a customer’s reusable bag.

#### **4. Do I have to charge my customers for all paper bags?**

No. Stores (and vendors of all kinds including those at farmers’ markets) are required to charge only for larger bags such as typical grocery store carryout bags – technically a bag larger than 882 cubic inches, known as one-eighth barrel in the grocery trade. As a rule of thumb, if a bag has a flat bottom greater than 6 inches by 10 inches, you’ll need to charge for it.

#### **5. What about smaller paper bags?**

Stores are not required to charge for smaller paper bags but they may at their discretion.

#### **6. Do paper bags have to be 100% recyclable?**

Yes. Paper is 100% recyclable and is reusable in most cases.

#### **7. For those labels are there any requirements for ink color or type size?**

No.

**8. Does the 40% recycled content have to be post-consumer or can it be industrial?**

The large bags must contain 40% post-consumer recycled fiber content.

**9. Is this transaction taxable?**

No.

**10. What about hanging garment bags?**

Dry cleaner bags are exempt and garment bags provided by retailers would fall under this exemption.

**11. Is there a requirement for the heavy duty plastic bags to have recycled content?**

No, plastic bags that are allowed are not required to have recycled content, though the City encourages the use of recycled content products whenever possible.

**12. Why are to-go food vendors allowed to use plastic bags?**

There is a problem with spillage, especially of soups, that this avoids. However, the City encourages restaurants to use paper bags whenever possible.

**13. If restaurants are selling items other than foods, are the bags they use still exempt?**

No. If the items being purchased are not prepared food which can leak or be spilled (i.e., cook books, t-shirts, bottled salad dressing, etc.), lightweight single-use plastic carryout bags may not be used.

**14. Are grocers' deli counters exempt like restaurants with to-go food?**

Yes, prepared on-site foods such as roasted chicken and soups can be placed in protective plastic bags at the deli counter as needed to prevent leaks or spills. These restaurants must receive 90% or more of its revenue from the sale of food

**15. What about bakery goods?**

Bags of any kind may be used for individual bakery goods, loaves of bread and other pastries. They are exempt as "in-store" packaging like vegetable and bulk food bags and bags for meat, ice cream and flowers where moisture would be a problem.

**16. Are restaurants, which can still use lightweight plastic bags for to-go food orders, prohibited from using compostable bags for this purpose?**

Technically, no; however, the City's ordinance bans the use of "biodegradable" or compostable bags as carryout bags, and Monterey urges restaurants to follow suit. Compostable bags have been developed to line kitchen food waste containers. Shoppers who receive "biodegradable" or compostable bags as shopping bags are likely by mistake to recycle them with regular plastic bags (newspaper, dry cleaning, packaging, etc.) which can prevent successful remanufacture of the plastic. As little as ½ of 1 percent of compostable film bags can make a whole bale of petroplastic film bags unrecyclable, according to the Association of Postconsumer Plastics Recyclers.

**17. Which zip codes does this ordinance apply?**

The ordinance applies only within the City limits of Monterey. Retail businesses within the City will have a City of Monterey business license and the plastic bag ban applies to them.

**18. Are there any restrictions on customers bringing back bags?**

No. Customers who re-use bags should benefit from their re-use efforts.

**19. If my store collects plastic bags from customers for recycling, can I use the good ones for carryout bags.**

No. Customers may bring in and reuse any bag of their own, subject to the policy of the store. However, plastic bags collected from customers cannot be given out to other customers as carryout bags. They must be recycled.

**20. How will this be enforced?**

Monterey has always taken an educational approach regarding regulations. If citizens call and complain, Monterey will send outreach staff to talk to the retailers about the ordinance and explain what's needed to comply. If it becomes clear a retailer is intentionally not complying they may be fined. The fines are \$200 - \$1,000.

**21. What is the plan for informing retailers?**

A 700-piece mass mailing has been sent out to reach all retail outlets listed in the city's database. The AMP Channel and other media will also reach retailers and their employees.

**22. During the transition is Monterey going to offer any promotional assistance?**

Retailers can download “Point-of-Sale/Point-of-Purchase” artwork. This will quickly tell customers what is required, indicating that the bag ban is a City regulation and not a policy of the individual retailer.

**23. What is the purpose or end result of this legislation?**

The fundamental goal is to reduce the use of throw-away plastic products, particularly lightweight plastic bags which are a litter problem and escape into our waterways and oceans where they are harmful to animals and may enter the food chain as they degrade into smaller and smaller – but still plastic – pieces. Paper, of course, is organic and does not present similar problems. But reducing waste means cutting down on the use of paper bags, too. That’s why the City urges all retailers to encourage their customers to shop with reusable bags.

**24. Aren't the non-woven polypropylene bags sold as reusable bags by many retailers as much of a problem as the lightweight through away bags they are replacing?**

No. Once these bags have been reused a couple dozen times their impact is less than that of the many more lightweight plastic bags they’ve replaced. They carry from two to three times as much as typical throwaway plastic bags which often need to be doubled for strength. That’s not a problem for the reusable bags. They are also recyclable. Monterey accepts these types of bags and other polypropylene products in curbside recycling bins and hopes people will recycle them. The value of recycled polypropylene is increasing.

**25. Are there any limitations on lamination?**

No, this is not regulated.

**26. Are there any restrictions on stores, restaurants or bakeries choosing to charge a fee on all bags?**

No, there are no requirements. This decision is up to the business.

**27. What about low-income customers for whom a bunch of 25-cent bags can mean real money?**

Grocery stores may not add the 25-cent pass-through charge for paper bags to any sale made to a customer using vouchers or an electronic benefits card issued under the Women, Infants and Children (WIC) and should include the Temporary Assistance to Needy Families (TANF) support programs, or the federal Supplemental Nutrition Assistance Program (SNAP, formerly “Food Stamps,” also known as Basic Food). Paper or reusable bags may be offered to them at no charge.

**28. Do stores have to keep track of how many paper bags they sell?**

Yes. Records must be kept for one year for all paper bags for which a charge is required.

**29. Does the 40% recycled content rule apply to all paper bags?**

No. It applies only to the large bags for which a charge is required. There is no post-consumer recycled content requirement for smaller bags, but the City encourages retailers to use recycled-content paper bags.

**30. Why did the City ban lightweight carryout bags but allow heavy, thicker ones?**

The thicker, stronger plastic bags – those more than 2.25 mm thick – have special uses for which paper is not a good option or not readily available; for example, very large bags for bedding and other bulky household items.

**31. Some cities with bag bans are very prescriptive about the recycled content in paper bags. What about Monterey?**

The only requirement is that larger paper bags – the ones for which a charge is required – state that they contain a minimum 40% recycled content, and has printed in a highly visible manner on the outside of the bag the words “Reusable” and “Recyclable”, the name and location of the manufacturer, and the percentage of post-consumer recycled content.

**32. What stores does this apply to?**

All retail stores of any kind are prohibited from using lightweight plastic carryout bags, and they must charge customers 25 cents each for any large, grocery sized, carryout bags used.

**33. Can retailers just "eat the cost" of large paper bags and not charge their customers?**

No. The minimum charge must be collected. It is meant to be a reminder to customers to shop with reusable bags, and for that reason the number of bags and total cost of recyclable paper bags sold must be shown on the customer’s sales slip. The City ordinance requires the charge for all large bags at all stores to ensure a level playing field level among retailers.

**34. Are stores required to charge for the heavy-weight plastic bags?**

No, retailers do not have to charge for the 2.25 mm and thicker bags permitted by the ordinance.

**35. Will any leniency be given on bags that are almost 2.25 mils thick?**

No. Should a question arise, retailers should be prepared to show that the bags they are using are 2.25 mils thick or greater. It might be a good idea for retailers to ask bag suppliers to include the thickness of the bag on invoices.