

New York State Bans Single-Use Plastic Bags. Now What?

May 8, 2019



NYSAC[®]
NEW YORK STATE
ASSOCIATION OF COUNTIES



beyond**GREEN**
experience renewable

Today's webinar sponsored by:



NYSAC[®]
NEW YORK STATE
ASSOCIATION OF COUNTIES

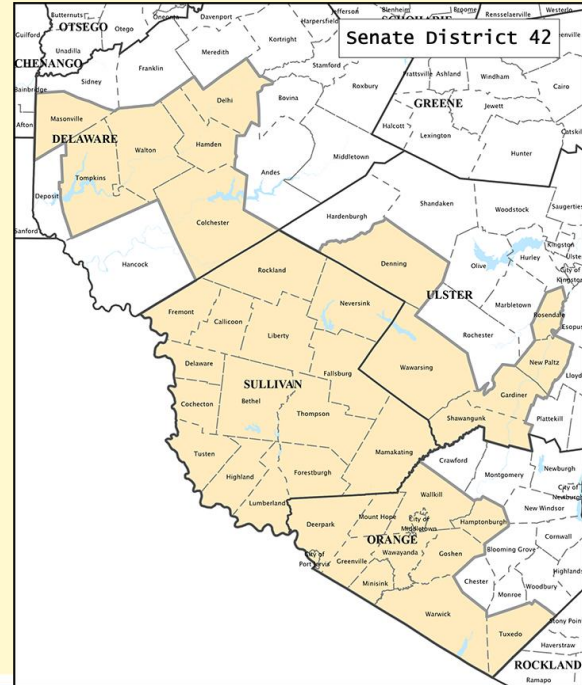


Stephen J. Acquario
Executive Director



NYSAC[®]
NEW YORK STATE
ASSOCIATION OF COUNTIES

State Senator Jen Metzger, 42nd District





Department of
Environmental
Conservation

New York State Bag Waste Reduction Act

2019-2020 NYS Budget

May 8th, 2019

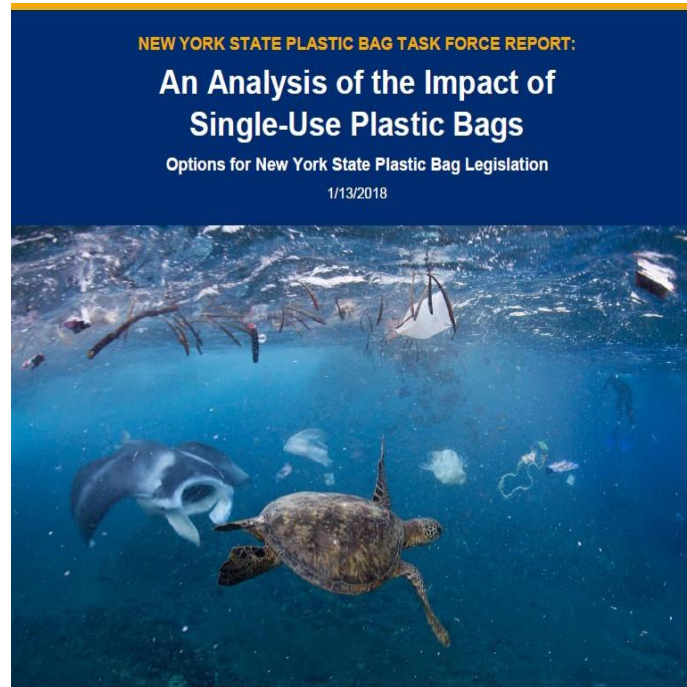
Background

Single use plastic bags pose significant environmental issues on a local, state, national, and international level.

- Creates litter
- Harmful to wildlife
- Causes damage to recycling infrastructure
- Derived from fossil fuel

The NYS Plastic Bag Task Force convened in February 2017 to report on potential solutions.

https://www.dec.ny.gov/docs/materials_minerals_pdf/dplasticbagreport2017.pdf



Department of
Environmental
Conservation

Background

New Yorkers use 23 billion plastic bags annually and approximately 50 percent of single use plastic bags end up as litter.

NYS law currently requires certain retailers to make at-store plastic bag and other film plastic recycling available to customers.

New York is the second state to enact a statewide ban on single use plastic bags and municipalities across the country have enacted similar local laws.

New York State Bag Waste Reduction Act

Enacted as part of 2019-2020 NYS Budget.

Article 27 of the Environmental Conservation Law (ECL) has been amended to create a new Title 28 for the *New York State Bag Waste Reduction Act*.

The law takes effect March 1, 2020, and prohibits the distribution of plastic carryout bags by retailers in New York state.

This law expressly keeps the requirements for retail stores required under the Plastic Bag Reduction, Reuse and Recycling Act of 2009 to continue to collect film plastic from consumers for recycling.



New York State Bag Waste Reduction Act

“Plastic carryout bag” means any plastic bag, other than an exempt bag, that is provided to a customer by a person required to collect tax to be used by the customer to carry tangible personal property.

Any retailer required to collect New York State sales tax will no longer be able to provide plastic carryout bags to their customers.

New York State Bag Waste Reduction Act

Exempt Bags:

- Used solely to contain or wrap uncooked meat, fish or poultry
- Used by a consumer solely to package bulk items such as fruits, vegetables, grains or candy
- Used solely to contain food sliced or prepared to order
- Used solely to contain a newspaper for delivery to a subscriber
- Bags sold in bulk to a consumer at the point of sale
- Trash bags
- Food storage bags
- Garment bags
- Bags prepackaged for sale to a customer
- Plastic carryout bags provided by a restaurant, tavern, or similar food service establishment, as defined in the state sanitary code, to carry out or deliver food
- Bags provided by a pharmacy to carry prescription drugs



New York State Bag Waste Reduction Act – Local Fee Option

As of March 1, 2020, counties and cities are authorized to adopt local laws establishing a 5 cent fee on paper carryout bags distributed to customers who do not bring reusable bags.

If any local government currently assesses a fee for plastic bags, that fee will be preempted as of March 1, 2020.

A customer cannot be charged a fee for bringing bags of any kind to transport goods.



New York State Bag Waste Reduction Act – Local Fee Option

Receipts must separately state the fee and the number of bags provided to the customer.

2 cents is given back to the counties or cities to be used for purchasing and distributing reusable bags, with priority given to low- and fixed-income communities. The remaining 3 cents will be deposited into the Environmental Protection Fund (EPF).

The paper bag carryout bag fee does not apply to any customer using the Supplemental Nutritional Assistance Program (SNAP), Special Supplemental Nutrition Program for Women, Infants and Children (WIC).



New York State Bag Waste Reduction Act – Local Fee Option

If both the city and the county adopt the 5 cent fee on paper, the 2 cents would go to the entity based on the store location where the fee was paid.

Only one fee may be charged and collected – the fee imposed by the county would not apply within the territorial limits of the city.

Nothing in the state law prohibits a local law banning paper carryout bags — this includes cities, counties, towns and villages.



New York State Bag Waste Reduction Act – Local Fee Option

Fees are reported and paid to the NYS Department of Taxation and Finance quarterly.

On a monthly basis, the State Comptroller will pay forty percent of fees collected to the appropriate fiscal officer. The remaining sixty percent of fees goes to the EPF.

At the end of the fiscal year, any funds that have not been used will be directed to the general fund for purchasing reusable bags with priority given to low- or fixed-income communities.



Thank You

- Jane McLaughlin
- Cristin Clarke
- Kayla Montanye

Connect with us:

Facebook: www.facebook.com/NYSDEC

Twitter: twitter.com/NYSDEC

Flickr: www.flickr.com/photos/nysdec



**Department of
Environmental
Conservation**

Suffolk County

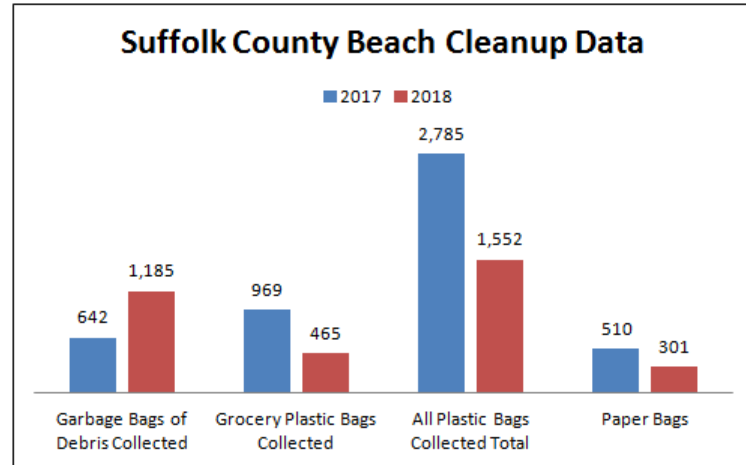
Suffolk County implemented a 5 cent fee on plastic and paper bags on January 1, 2018. One year in, the results are staggering:

Plastic and paper bag use at stores has been reduced over 80%.

Suffolk County is using approximately 1.1 billion less plastic bags per year.

The majority of consumers (62.6%) are bringing their own bag or opting for no bag.

We are finding 41% less plastic bag litter on our beaches.

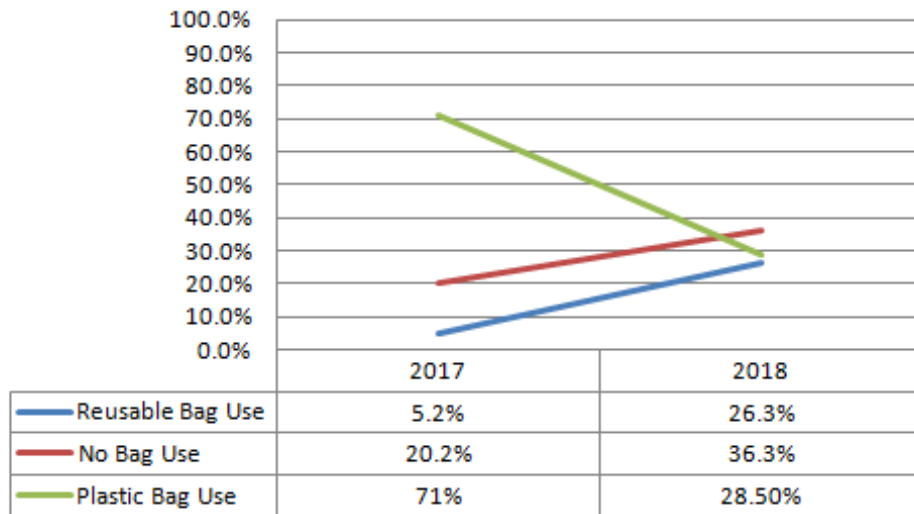


*Based on Data from the Northeast Chapter of the American Littoral Society.

Suffolk County

- Consumers have changed behavior in 3 ways:
 - Switching to reusable bags.
 - Opting for no bag on smaller purchases.
 - Those still using single-use bags are using less of them (less double bagging, more items per bag).

Suffolk County Carryout Bag Survey



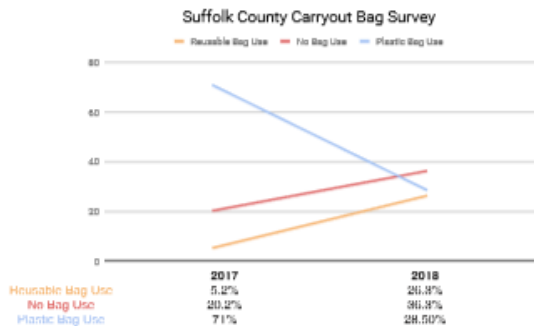
*Carryout bag surveys done in Nov/Dec 2017 and Nov/Dec 2018 measured type of carryout bag per person, not number of bags per person.



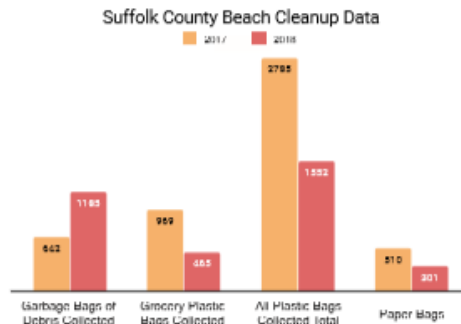
ONE YEAR IN: HOW EFFECTIVE IS SUFFOLK COUNTY'S SINGLE-USE BAG LAW?

Top Five Take-Aways

- Plastic and paper bag use at stores has been reduced over 80%.
- Suffolk County is using approximately 1.1 billion less plastic bags per year.
- The majority of consumers (82.6%) are bringing their own bag or opting for no bag.
- Consumers still using single-use bags are using less of them per visit (Less double bagging, more items per bag).
- We are finding 41% less plastic bag litter on our beaches.



Carryout bag surveys done in Nov/Dec 2017 and Nov/Dec 2018 measured type of carryout bag per person, not number of bags per person.



*Based on data from the National Chapter of the American Food Store Society.





NYS Bans Single-Use Plastic Bags.

Now What?

Chairwoman Tracey A. Bartels, Ulster County Legislature

Wednesday May 8, 2019



Ulster County, New York

Local Law

Number 5 of 2018

A Local Law Promoting the Use of Reusable Bags and Regulating the Use of Plastic Carryout and Recyclable Paper Carryout Bags

A BRIEF History of Ulster County's Legislation

- 2004 – 2009: Initial and ongoing conversations in the Legislature's Standing Committee on the Environment
- April 2009 - Proposed Local Law Number 3 of 2009: A Local Law Establishing a Plastic Bag Fee was introduced
- May 2009 - A Public Hearing on the Proposed Local Law was held on May 6th
- 2016 – Discussions began again in the Legislature's Standing Committee on Energy & Environment
- March 2018 - Proposed Local Law Number 10 of 2018 is introduced

Ulster County's Village of New Paltz



On October 22, 2014 the Village of New Paltz adopted legislation requiring:

“Any person engaged in retail sales shall provide only reusable bags and/or recyclable, biodegradable bags and/or recyclable paper bags as checkout bags to customers.”

The effective date was set for April 1, 2015

Other Ulster County municipalities were considering bans.

Consensus was that countywide action would ensure that individual businesses would not be disadvantaged.

Why Take Action?

- Significant source of litter
- Disruptive to recycling systems, including Ulster County's dual stream Materials Recovery Facility
- Harmful to marine life & land animals
 - Data from Riverkeeper's Annual Sweep tracks waste in the Hudson River and its tributaries
- Timing
 - Regional & National attention stressed the importance and the impact
 - California communities provided long term data



Discussions & Development

Ulster County engaged stake holders including local municipal Environmental Management Councils and environmental organizations including Riverkeeper and Citizens Campaign



Key Components of Ulster County Law

Banned Bags

- All plastic bags less than 4 mils thick provided at point of sale



Key Components of Ulster County Law

Exempted Bags

- A bag without handles used to carry produce, meats, dry goods or other non-prepackaged food items to the point of sale within a store or market, or to prevent such food from coming into contact with other purchased items



- A garment bag or large plastic bag with two openings that is used to transport clothing from a clothing retailer or garment cleaner, such as a dry cleaner



- A bag provided by a pharmacy to carry prescription drugs



Key Components of Ulster County Law

Fee

- All stores will be required to charge a minimum of 5 cents (\$0.05) per recyclable bag provided
- Stores are required to indicate the number of bags provided on the sales receipt
- Monies collected for the recyclable bags are to be retained by the covered store



Key Components of Ulster County Law



Definition of a Covered Store:

“COVERED STORE shall mean an establishment engaged in the retail sale of personal, consumer or household items including but not limited to drug stores, pharmacies, grocery stores, supermarkets, convenience stores, foodmarts, apparel stores, home center and hardware stores, stationary and office supply stores, farmers markets, open-air flea markets and food service establishments that provide carryout bags to consumers. This term does not include food service establishments located outside of grocery stores, supermarkets, convenience stores or food marts.”

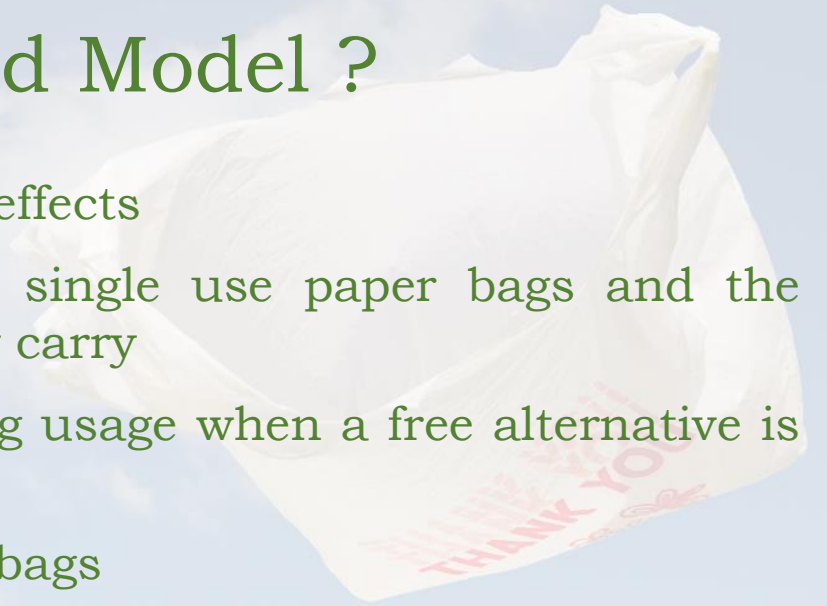
Why the Hybrid Model ?

- Municipalities across the country have demonstrated sustained success with the hybrid model
- Substantial reduction in plastic bags in the solid waste streams, waterways, and as litter
- Required fee encourages use of reusable bags, creating a measurable reduction in paper bag usage



Why the Hybrid Model ?

- A ban without a fee can have negative effects
- No reduction in waste generation of single use paper bags and the significant environmental impacts they carry
- Only partially incentivizes reusable bag usage when a free alternative is provided
- No incentive for reducing use of paper bags
- Significant financial impact to retailers as cost of paper bags are at least five times the cost of thin film single use plastic bags
- Smaller retailers will be pressured to provide paper bags and to assume the costs



Why the Hybrid Model ?

- Chicago, as well as other markets, realized an increase in plastic waste after the implementation of a ban only, requiring close attention to the definition of a reusable bag, particularly the mil limits
- The fee has proven to be a necessary component of successful legislation
- San Jose amended their ban to add the fee
- Chicago repealed their ban and replaced it with an across the board fee

Both have resulted in success.

Ulster County Law



- Ulster County is preparing for a July 15th implementation
- The amendment to the law adopted on February 19, 2019 provided for a delayed enforcement
- Enforcement commences on January 1, 2020

Ulster County Law vs. NYS Law



- Ulster's legislation is substantially similar to the NYS law, including the SNAP and WIC exemption and restaurant exemption
- We expect a smooth transition between the two

The Fee Component:

- Ulster is committed to maintaining a required fee
- We are continuing to discuss the opt in to the fee as provided for in the state law



Thank You

Mona Golub

Vice President of Public Relations & Consumer Services



Jason Wadsworth

Packaging and Sustainability Manager

Wegmans



Beyond GREEN is a US based manufacturer of USDA certified bio-based, 100% natural and non-PLA/non-PE line of plastic alternative compostable bags who has been leading the way in innovative material technology which helps reduce single-use plastics without contributing further toxins to the environment. With products made in the USA, beyond GREEN has been providing municipalities with quality-controlled dog waste bags and dispensers, along with cutting-edge composting technology to aid their community's environmental and social goals and needs.

Vince Ciccarello, Sr. Business Development Lead
beyond GREEN, LLC dba bioDOGradable Bags
2 Rancho Circle, Lake Forest, CA 92630
Vince.ciccarello@byndgrn.com
Biodogradablebags.com