



Guide to Designing Local Ordinances that Encourage the use of Reusable Shopping Bags

More than 150 communities across the U.S. have adopted ordinances to encourage the use of reusable shopping bags, but there is no one-size-fits-all approach; each community can design a program that is right for them.

It is important that those exploring such an ordinance consider various options, and ensure the ordinance fits the community and decision makers. It may be more complicated than you think, and a variety of concerns may surface. As part of your work, it is important to gather feedback and garner support for the provisions in your ordinance early in the process.

Once you are able to answer the questions below you will have information you need to draft your ordinance. Many types of programs have been tested in communities around the nation, so you should be able to find examples, no matter what you choose.

What is the purpose of the ordinance?

Be sure to clearly communicate the problem that would be solved and the purpose of the ordinance. You will rely on this statement as you evaluate different ordinance options. NRCM believes that the purpose of your ordinance should be to encourage people to shift towards using reusable bags when they shop, it should provide a barrier or disincentive for the unlimited use of disposable bags. Single-use bags are a waste of resources, can be easily avoided, and often end up as litter in our environment.

Should both plastic and paper bag use be discouraged?

NRCM believes that including both paper and plastic bags in your ordinance is important to encourage residents to shop with reusable bags. Many ordinances focus on plastic bags since these are the bags that are most problematic in the environment, and are generally considered to be more environmentally harmful than paper. However, an ordinance that focuses only on plastic bags will likely lead to an increase in the use of paper bags, instead of a shift toward reusable bags. Yes, paper bags can be recycled more easily, can biodegrade, and are less likely to get caught in trees, but it is also important to consider the environmental impacts associated with manufacturing paper. Logging, and paper mill air pollution and water pollution, have significant environmental impacts. In addition, paper cannot be recycled in perpetuity—the fibers wear down and become too small to be recycled over time.

Note: It is important to make a distinction in the ordinance language between checkout bags and the smaller bags that are used for bulk items or produce. Most ordinances only apply to the checkout bags at the point of sale.

Is it better to impose a ban or a fee?

Most ordinances in the U.S. ban plastic bags and place a fee on paper bags. This approach eliminates the most plastic bags and provides a disincentive to use paper bags. However, some communities prefer applying a fee to both types of bags in order to discourage the use of both, while preserving the option for consumers to pay for a preferred type of bag. NRCM supports whichever option is more appealing to decision makers in the community (as long as the ordinance discourages both plastic and paper) because both options have been shown to be effective in other communities.

What stores will be affected by the ordinance?

Most ordinances in the U.S. cover bags used by grocery and convenience stores, which account for about 70% of total bag use in most towns. Most ordinances determine which stores to include based on a percentage of sales (e.g. 2%) that are attributed to the sale of food. Other businesses to consider include restaurants, pharmacies, farmers markets, dry cleaners, and retail stores.

There are many factors to consider when deciding who's in and who's out. Many people like the ordinance to apply across the board. However, including more establishments can greatly increase enforcement and administrative costs and it can be argued that it's easiest for people to remember their bags when they shop for food items. NRCM is supportive of ordinances that include grocery and convenience stores, and would evaluate the effectiveness against the burden to the store or administrative body on a case-by-case basis for other types of stores. One approach could be to start with a few types of stores and add more in over time.

If fees are established, how much should they be?

Whether your proposal places a fee on both plastic and paper, or a fee on paper in conjunction with a plastic bag ban—there are many options for the fee amount. In the U.S., it is rare charge more than 10 cents per bag, and most communities that have fees on both paper and plastic charge 5 cents for each. At the present time, no community in the U.S. has set a different fee for paper and plastic. Only a couple of communities charge 25 cents for a paper bag (with a plastic bag ban), and there is one community that charges \$1 per bag. It is common to charge 15 cents or more per paper and plastic bag in other countries. Although it may seem that higher fees will be more effective at reducing disposable bag use, many communities find that a fee of 5 cents is enough to encourage people to change their behavior without being over burdensome

on consumers. NRCM is supportive of reasonable fees that make sense for the community.

Will fees be devoted to a town fund?

Most ordinances that set fees for both plastic and paper will have a portion of the fee transferred to the city or town for a clean-up fund. Cities that have banned plastic bags and established a fee on paper bags generally allow the store to retain the fee to cover the increased costs of offering only paper bags and to reduce or eliminate the administrative burden of collecting the fees. Portland, ME is unique in that they are the first community in the country to set a fee on both plastic and paper, for which the entire fee will remain with the retailer. This approach was designed to encourage consumers to use fewer bags, but also to simplify administration of the ordinance. The purpose of the fee was to discourage disposable bag use, not to generate funds: In an ideal world, no one would pay for a bag and the fees accumulated would be \$0. NRCM is supportive of any of these options because no matter where the fees go, the important part is that there is a fee.

How will the ordinance be enforced?

The ordinance must address who will be responsible for enforcement and set the penalties for non-compliance. Typically it would be up to the City or Town manager to designate the town employees who have the primary responsibility for enforcement. The enforcers who find a violation could send an initial warning notice, and then establish increasing fines for each subsequent violation. You can also encourage residents to report to the city manager when they find that a business is not complying with the ordinance.