

FREQUENTLY ASKED QUESTIONS

FOR RETAILERS

PORT ANGELES' BRING YOUR OWN BAG (BYOB) LAW

EFFECTIVE JULY 2, 2018

What is the new law?

Port Angeles Municipal Code **Chapter 5.95 - Retail Bag Requirements** is a ban on thin plastic checkout bags (less than 2.25 mils) and imposes a minimum 5-cent carryout bag fee on recycled paper and other retailer provided carryout bags. The law is meant to encourage shoppers to bring their own bag rather than buying a new bag each time they shop.

Why Bring Your Own Bag (BYOB)?

Most disposable plastic bags end up in the landfill or as litter. When customers bring their own bag, they help reduce waste, prevent litter, beautify our community, and protect marine wildlife.

What businesses are affected?

All retail businesses in Port Angeles city limits are affected by the law. This includes but is not limited to grocery stores, convenience stores, hardware stores, pharmacies, and all others including temporary retailers and vendors such as at farmers markets and festivals.

What carryout bags can I provide to customers at checkout?

Retailers can provide paper or reusable carryout bags for a fee of no less than 5 cents. The fee is paid by the customer for each bag the retailer provides. Large paper bags must be made of at least 40% recycled content, and small paper bags (eight-pound or smaller) must be made of at least 20% recycled content.

Can I provide other non-carryout bags?

Other non-carryout bags are not impacted by the law. These include plastic bags/wraps used to package produce, meat, and bulk items inside the store before purchasing, as well as dry-cleaning bags, pet waste bags, tire bags, etc.

Do I have to charge the customer the carryout bag fee?

Yes. The purpose of the law is to encourage customers to bring their own bag, therefore, retailers must charge a fee for each paper and/or reusable carryout bag they provide. A price signal to the customer may encourage them to bring their own bag instead of purchasing a disposable bag.

If I utilize plastic bags 2.25 mils in thickness or greater, as specified in the ordinance, can I distribute plastic bags?

Yes, but you will still need to charge the minimum 5-cent carryout bag fee.

Are all customers required to pay the carryout bag fee?

Customers who have EBT, WIC, or TANF benefits are exempt from paying the minimum 5-cent fee when they receive a bag during checkout. These exempt customers must show proof of EBT, WIC, or TANF benefits at the time of checkout.

RETAILER BYOB FREQUENTLY ASKED QUESTIONS

Where does the carryout bag fee go?

The fee is kept by the retailer to offset the cost of providing recycled content paper or reusable bags which are generally more expensive than disposable plastic bags.

Does the ordinance apply to restaurants? Can restaurants provide disposable bags for takeout food?

Yes, the ordinance does apply to restaurants. However, retailers such as restaurants and grocery store service delis, can provide disposable plastic bags for prepared take-out foods and liquids intended for consumption away from the establishment. This is to safeguard public health and safety during transportation of take-out foods. Other items purchased from food establishments, such as cookbooks or collectibles, cannot be carried out in disposable plastic bags.

If I have an inventory of disposable plastic bags from before the law, can I still give them out?

It's possible that you can receive an exemption to the ordinance until stock runs out. (Please see the next question for details).

What are the eligibility requirements for an exemption and how do I apply?

You must document that the ordinance causes your business undue hardship due to unique circumstances, lack of alternatives, or infringement of legally protected rights. Written requests for an exemptions can be sent to the Solid Waste Collections Coordinator who will review the request for exemption and present it to the City Manager for final determination. Please email your request to bdorcy@cityofpa.us or call 360-417-4876.

How is the ban enforced?

Enforcement is complaint based. Residents and others may contact bdorcy@cityofpa.us or 360-417-4876 if they notice retailers are noncompliant with the law. The focus of enforcement will be on education in order to achieve compliance. If a retailer is reported, an educational visit will be conducted and warning letter issued before the noncompliance penalty of up to \$250 is assessed.

Is the carryout bag fee subject to retail sales tax?

Yes. The fee charged to customers for carryout bags is a retail sale, subject to retail sales tax. Learn more at the Washington Department of Revenue site <https://dor.wa.gov/get-form-or-publication/publications-subject/tax-topics/paper-bag-fees>.

What resources does the City of Port Angeles offer to support businesses?

The City of Port Angeles has developed several resources to help retailers and their customers with this transition. Retailers can visit www.cityofpa.us to download the FAQs as well as flyers that can be posted at their place of business.

How can I learn more?

Visit www.cityofpa.us for resources and information about BYOB. You can also email bdorcy@cityofpa.us or call 360-417-4876 for more information.