

GOVERNMENT OF THE DISTRICT OF COLUMBIA

District Department of the Environment



September 2012

Dear District Business:

Enclosed you will find new *Skip the Bag, Save the River* cash register and window decals to display at your place of business. These decals help remind your customers and cashiers of the requirement to charge a fee for disposable carryout bags, as required by the Anacostia River Clean Up and Protection Act of 2009 (D.C. Law 18-55; D.C. Official Code § 8-102.01 *et seq.*), also known as the Bag Law. Since the law became effective, the District has seen a drastic change in behavior among consumers and there have been positive environmental results in our rivers and streams. In short, the Bag Law is working!

The District Department of the Environment (DDOE) actively conducts inspections to ensure compliance with the Bag Law. We have observed that cashiers have, at times, exercise discretion with implementing the Bag Law. The fee applies to any customer that requests a disposable carryout bag (see attached list of exemptions to the law). Failure to charge the required fee may result in your business receiving a violation. Please visit green.dc.gov/bags to familiarize yourself with the law and regulations.

To ensure that your business is in compliance with the Bag Law, your employees must:

- Ask customers if they would like a disposable bag and, if so, how many.
- Charge customers for EVERY disposable plastic and paper carryout bag provided.
- Indicate the number of bags sold on the customer's receipt.

The law also requires that all disposable paper and plastic carryout bags provided by retail establishments selling food or alcohol in the District meet the following material and labeling requirements:

- They must be **100% recyclable**.
- They must have the recycling statement, "**Please Recycle This Bag,**" or a substantially similar phrase prominently displayed on the exterior of the front or back panel of the bag and not on the gusset or at the base.
- The recycling statement must be in **bold font** and be at least 0.5 inches in height or 75% of the width of the front panel of the bag.




- Disposable **paper** carryout bags must contain a minimum of 40% post-consumer recycled content.
- Disposable **plastic** carryout bags must be made of high-density polyethylene film marked with the SPI resin identification code 2, or low-density polyethylene film marked with the SPI resin identification code 4.



It is mandatory that all disposable carryout bags meet the above-mentioned requirements even if they are biodegradable, compostable or made from composite materials (paper and plastic).

Two of DDOE's goals are to help businesses achieve compliance and to reduce plastic bag waste in the District's waterways. Should you have questions about the requirements of the District's \$.05 Bag Law, please contact Kate Judson at 202-407-1277 or kate.judson@dc.gov. Thank you for doing your part to keep the District's waterways trash free.

Sincerely,



Keith A. Anderson
Interim Director

CARRYOUT BAGS NOT SUBJECT TO REGULATIONS (21 DCMR § 1006)

For the purposes of Chapter 10 (Regulations on Retail Establishment Carryout Bags), the term “disposable carryout bag” shall not include:

- (a) A bag used by a customer inside stores to package bulk items, such as fruit, vegetables, nuts, grains, or candy;
- (b) A bag used by a customer inside a store to contain or wrap frozen foods, meat, or fish, whether or not the items are prepackaged;
- (c) A bag used by a customer inside a store to contain or wrap flowers, potted plants, or other items where dampness may be a problem;
- (d) A bag used by a customer inside a store to contain unwrapped prepared foods or bakery goods;
- (e) A bag used by a pharmacist to contain prescription drugs;
- (f) A newspaper bag, door-hanger bag, laundry-dry cleaning bag, or bags sold in a package intended for use as garbage, pet waste, or yard waste bags;
- (g) A bag provided to a customer by the retail establishment for the purpose of transporting a partially consumed bottle of wine, as required by D.C. Official Code § 25-113(b)(5)(C);
- (h) A paper carryout bag provided to a customer to take food away from a restaurant with seating, as described in D.C. Official Code § 47-2827(e)(2), if the bag contains only:
 - (1) Food items; or
 - (2) Food and non-food items that the restaurant does not directly charge the customer for; and
- (i) A reusable carryout bag, defined as “a bag with handles that is specifically designed and manufactured for multiple reuse and is made of cloth, fiber, other machine-washable fabric, or durable plastic that is at least two and one-quarter millimeters (2.25 mm) thick” in Section 1099.