

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
District Department of the Environment



September 30, 2011

Dear District Businesses:

The District's \$.05 Bag Law is nearly two years old. Since the fee was introduced, we have seen a drastic change in behavior among consumers and positive environmental results in our rivers and streams. In short, the Bag Law is working!

Enclosed you will find fresh *Skip the Bag, Save the River* cash register and window decals to display at your business. These decals help remind your customers and cashiers about the requirement to charge the fee.

The District Department of the Environment (DDOE) is actively conducting compliance inspections and has issued violations and fines to non-compliant businesses. The biggest problem our inspectors are finding as they audit businesses is that cashiers are inconsistently charging customers. Cashiers are exercising discretion in deciding who and how they charge the fee. However, the fee applies to any customer that requests a disposable carryout bag (see reverse for list of exemptions to the law), and this behavior will result in a violation.

If you have not already done so, please visit [green.dc.gov/bags](http://green.dc.gov/bags) to familiarize yourself with the law and implementing regulations. To ensure that your business remains in compliance, please be sure that your employees:

- 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.

DDOE's goal is 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 Emily Rice at 202-535-2679 or [emily.rice@dc.gov](mailto:emily.rice@dc.gov). Thank you for doing your part to keep the waterways of the District of Columbia clean!

Sincerely,



Christophe A. G. Tulou  
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.