City of Kirkland
Public Works Department
Solid Waste Division
123 - 5th Ave
Kirkland WA 98033

Important Information Regarding the New Plastic Bag Reduction Program in City of Kirkland

May 27, 2015

Dear Kirkland Retailer:

The City of Kirkland recently enacted a ban on certain disposable plastic carryout shopping bags. As a business potentially affected by the ban, you are encouraged to learn about the program. City staff are available to answer your questions and help you prepare for when the ban takes effect on March 1, 2016.

As a retail establishment, you will no longer be allowed to provide disposable plastic carryout shopping bags to consumers, and will be required to charge a minimum fee of five cents per large paper bag (one-eighth barrel/882 cubic inches). The City urges you to encourage your customers to shop with machine washable, reusable bags, and is incentivizing consumers through the five-cent charge on paper bags. Retailers keep the fee to help cover the cost of each paper bag.

Please note that some plastic bags are still allowed, including bags for takeout foods, produce and meat, bulk food, newspapers, dry cleaning, and more. This packet includes information to help your business prepare for and implement the policy. Full details on the program are available at www.kirklandwa.gov/bringyourbag.

We understand that you may have concerns and questions about the impact of this new program to your business. The goal of the program is to reduce plastic waste by eliminating unnecessary disposable plastic shopping bags. Over the next several months, City staff will implement a comprehensive education and outreach plan for residents and businesses. They are available as a resource to you to answer questions and to help your business comply with the new regulations.

For additional assistance, contact the City of Kirkland's Solid Waste and Recycling staff at 425-587-3812 or recycle@kirklandwa.gov.

Sincerely,

Kathy Brown
City of Kirkland
Public Works Director

BUSINESS GUIDE

Kirkland Plastic Bag Reduction Program

FREQUENTLY ASKED QUESTIONS

This guide is intended to help businesses understand and prepare for the implementation of Kirkland's plastic bag reduction policy.

Implementation of the Program

1. What businesses are affected by the ordinance?

Most retail establishments are subject to the new requirements, including grocery stores, department stores, hardware stores, pharmacies, liquor stores, convenience stores, farmers' markets, and other retail stores or vendors. There is no exemption for small retailers.

2. When will the ordinance take effect?

March 1, 2016. The effective date for food rescue organizations (e.g. redistribution of otherwise wasted food) is March 1, 2017. However, businesses are allowed to adopt the policy before the effective date if desired.

3. During the transition, is the City going to offer any assistance to businesses?

Downloadable media and signage are available on the City's website (www.kirklandwa.gov/bringyourbag). Upon request, the City will provide free copies to retailers. The City urges retailers to hang signs in their parking lots and stores that remind customers to bring their own bags. In addition, the City of Kirkland plans to promote the program to the public through print and broadcast media, including car window clings, emphasizing the "Bring Your Bag" message.

4. How will this ordinance be enforced?

Kirkland will take an educational approach to enforcement. Staff will rely on reports from consumers and business owners via an online complaint form and phone hotline to identify businesses not in compliance. If a complaint is received, City staff will visit the retailer to explain what's needed to comply. If a retailer is found to be out of compliance after a verbal warning, the City may initiate a code enforcement action per Kirkland Municipal Code 1.12.

Plastic Bag Restrictions and Exemptions

1. What bags are restricted by the ordinance?

Plastic bags considered disposable are prohibited at point of sale (see exemptions).

2. What exemptions are allowed?

Plastic bags are allowed for the following uses:

- Takeout food
- Meat, produce, and unwrapped bakery goods
- Items sold in bulk, like food or hardware items
- Newspaper, dry cleaning, pet waste, and garbage bags
- Flowers and other items where dampness is an issue

3. Why are to-go food vendors allowed to use plastic bags?

Restaurants and deli counters are allowed to use plastic bags to prevent problems from spillage of hot items, and reduce potential issues from steam and dampness. However, the City encourages food vendors to use paper bags whenever possible. Restaurants may not provide plastic bags for items other than prepared foods (e.g. cookbooks, t-shirts, bottled salad dressing).

4. Why are thicker plastic bags also restricted?

While other cities have defined thick (2.25 mil and thicker) bags as reusable, the Kirkland City Council determined that the 2.25 mil bags are inherently disposable. The goal of the ordinance is to reduce plastic waste in our community by eliminating all unnecessary disposable plastic shopping bags.

Paper Bag Charges

1. Which paper bags do I have to charge my customers for?

Stores and vendors are only required to charge a minimum five-cent fee for each large paper bag such as typical grocery store carryout bag – technically a bag larger than 882 cubic inches (cu in), known as one-eighth barrel in the grocery trade. As a rule of thumb, if a bag has a flat bottom greater than 6 inches by 10 inches, your business must charge for it. Stores are not required to charge for smaller paper bags, but they may at their discretion. Retailers are allowed to charge more than five cents per large paper bag.

2. What standards must paper bags meet?

Large paper bags – the ones for which a five-cent charge is required – must contain a minimum 40% post-consumer recycled content and be labeled as such on the outside of the bag. There is no post-consumer recycled content requirement for smaller paper bags, but the City encourages retailers to use recycled-content paper bags.

3. Can retailers just "eat the cost" of the large paper bags and not charge their customers?

No. The minimum five-cent charge must be collected. It is meant to remind customers to shop with reusable bags, and, for that reason, the number of recyclable paper carryout bags provided and the amount of the pass-though charge must be shown on the customer's sales slip.

4. Are there exemptions for the charge for low-income customers?

Yes, many low-income customers are exempt from the charge. Specifically, retail stores may not charge the five-cent pass-through fee for large recyclable paper bags to customers presenting vouchers or electronic benefits transfer cards (EBT) issued under the:

- Women, Infants and Children (WIC) or Temporary Assistance to Needy Families (TANF) support programs,
- Federal Supplemental Nutrition Assistance Program (SNAP, formerly "Food Stamps," also known as Basic Food), or
- Washington State Food Assistance Program (FAP).

5. Is this transaction taxable?

Yes. The Washington State Department of Revenue has confirmed that the five-cent pass-through charge is subject to sales tax.

6. Our store currently offers a discount to customers that bring in their own bags. Can we continue to do that?

Yes. Retail stores that offer discounts for reusable bag use may continue to do so if they choose.