

Reusable Bag Ordinance

Information for Retailers

The City of Mountain View has adopted a Reusable Bag Ordinance to reduce environmental impacts and pollution from plastic bags, reduce waste, and promote a shift towards reusable bags for Zero Waste.

Starting April 22, 2013 (Earth Day), retail stores in Mountain View may not provide plastic carryout bags, and must charge a minimum 10 cents for each paper or reusable bag sold to customers.

Customers may bring their own reusable bags or purchase paper or reusable bags from stores.

More Information
www.MVrecycle.org
 (650) 903-6311
recycle@mountainview.gov

Requirements for Retailers Starting April 22, 2013

- The Reusable Bag Ordinance applies to retail establishments selling perishable or nonperishable *goods* directly to the customer, such as food, clothing, or personal items.
- The ordinance does not apply to restaurants, nonprofit charitable reusers (thrift stores); or stores providing a *service* (e.g. dry cleaners), unless they also sell goods (e.g. hair salon).
- Starting April 22, 2013, retail stores may **not** provide single-use plastic carryout bags to customers (plastic carryout bags are banned). Customers may bring their own reusable bags or purchase bags from stores.
- Stores may provide customers with a recycled paper bag or reusable bag, but only if the store charges a minimum price of 10 cents per bag. Stores may exempt customers paying for goods with WIC, CalFresh, SNAP or other food stamp cards from bag charges. Stores retain money collected from bag charges. The 10 cent bag charge is exempt from sales tax.
- Protective bags (without handles) may be provided at no charge for use *within the store* to segregate and transport items to the cashier (e.g. bags for meat, produce, prescriptions, greeting cards, live fish, or bulk items).
- Paper bags must contain a minimum of 40% postconsumer recycled content, be 100% recyclable, and show other information (p.3).
- Reusable bags must be made of machine-washable fabric; or durable plastic that is at least 2.25 mil thick (not current plastic carryout bags).
- Stores must itemize paper and reusable bag sales on customer receipts, retain records of the number of bag purchases (supply) and bag sales for three years, and provide records if requested by the City.
- Enforcement is on a complaint basis and through spot checks.

City staff will be visiting stores to help retailers educate customers and employees before April 22, 2013

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Tips for Retailers to Stay On Track

Enforcement

The City will provide technical assistance to help stores make the transition as easy as possible by April 22, 2013. Stores are expected to comply voluntarily.

Enforcement of the ordinance will be on a complaint basis and through spot checks.

Repeated non-compliance with the terms of the ordinance (including providing false information or incomplete records) is considered a Mountain View City Code violation, subject to warning, citation and/or imposition of fines after April 22, 2013.

Please contact the City if you have any concerns about compliance or enforcement. Staff is available to assist you.



- ✓ **Phase out plastic carryout bags:** Use up your current supply or exchange for compliant bags before April 22, 2013. Donate unused supply to nonprofit charitable thrifts or food banks (exempt retail establishments).
- ✓ **Find a source for recycled paper and reusable bags:** Talk to your distributor now to find bags that meet ordinance requirements or use the bag supplier list on page 4.
- ✓ **Create a record-keeping system by April 22, 2013:** Develop a system to track the purchase and sale of paper and reusable bags.
 - Assign bar codes to bags and program cash registers to show bag charges on customer receipts.
 - For a baseline, note how many paper and reusable bags were provided the month *before* the ordinance was implemented.
 - Keep records at the store for three years.
- ✓ **Prepare your employees:** Teach them to always *ask* if the customer wants to use their own bags or purchase recycled paper or reusable bags for a minimum charge of 10 cents per bag.
 - Inform cashiers that customers paying for goods with WIC, CalFresh, SNAP food stamp cards may be exempt from bag charges.
 - Understand the reason for the bag charge is to deter the use of paper bags and promote a shift toward the use of reusable bags to reduce waste. Stores retain money collected from bag charges, which are not subject to sales tax.
 - Protective bags include bags for meat, produce, prescriptions, greeting cards, live fish or bulk items (exempt from bag charges). Banned plastic bags do not qualify as protective bags unless handles are removed.
- ✓ **Prepare your customers:** Display window posters and cashier tents. Offer free reusable bags for a promotion **before** April 22. The City will also educate customers through newspaper advertisements, events and newsletters.
- ✓ **Get help:** The City provides stores with technical assistance to answer questions and provide materials to train employees and educate customers. Call now to schedule an appointment at your store.



For Additional Information

Visit: www.MVrecycle.org

Call: (650) 903-6311

Email: recycle@mountainview.gov

View the full ordinance language at www.MVrecycle.org

Bag Specifications

Bags offered for sale at checkout must meet the following requirements:

Recycled Paper Bags

- ✓ Made with a minimum of 40% postconsumer recycled content paper.
- ✓ May not contain old growth tree fiber.
- ✓ Must be 100% recyclable (no plastic handles).
- ✓ Must have printed in a highly visible manner on the outside of the bag:
 - “Reusable” and “Recyclable”
 - Name and location of bag manufacturer
 - Percentage postconsumer recycled content

Reusable Bags

- ✓ Made of cloth or other machine washable fabric with handles; or
- ✓ A durable plastic bag (with handles) at least 2.25 mil thick and specifically designed and manufactured for multiple reuse.

See list of paper and reusable bag suppliers p.4



Sales of Recycled Paper and Reusable Bags

- Stores must charge a minimum of ten cents per bag.
- All sales of bags must be itemized on the customer receipt.
- All proceeds from the sale of bags are retained by the retailer without restrictions on use.
- Stores may provide paper carryout bags at no charge to customers paying with WIC, CalFresh, SNAP or other food stamp cards.
- Stores must keep complete and accurate records of all reusable or paper bag sales for a minimum of three years, readily available for City inspection.
- Per the State Board of Equalization, sales tax does not apply to the 10 cent bag surcharge because it is a charge imposed by the City upon the customer, not the retailer. For further information about tax reporting requirements, visit www.boe.ca.gov/news/pdf/1282.pdf.



Use of Protective Bags

Stores may provide customers with plastic or paper protective bags (without handles) at no charge for use within the store to segregate and transport the following items to the cashier:

- Meat
- Produce
- Prescriptions
- Greeting cards
- Live fish
- Bulk foods or hardware (e.g. nails)

*Old supplies of banned plastic carryout bags do **not** qualify as protective bags unless handles are removed.*



List of Bag Suppliers*

Reusable Bags

1 Bag at a Time, Inc.	www.onebagatatime.com	(310) 649-3888
Ad Plus LLC	www.adpluspromotions.com	(408) 528-0818
Bunzl Distribution	www.bunzldistribution.com	(800) 274-1180
Chico Bag	www.chicobag.com	(530) 342-4426
Earthwise Bag Co.	www.earthwisebags.com	(818) 847-2174
Envirosax LLC	www.envirosax.com	(858) 537-6525
Holden Bag Co.	www.holdenbags.com	(800) 255-0885
Simply Green Solutions	www.simplygreensolutions.com	(626) 943-2828 ext 101
Store Supply (small quantities available)	www.storesupply.com	(800)-823-8887
Vineyard Unlimited	www.vineyardunlimited.com	(408) 265-1517
Western Textile	www.bagmakers.com	(415) 255-2010

Recycled Paper Bags

Adrite Promotions	www.adritepromotions.com	(510) 832-6589
Advance Paper Systems	www.apspackaging.com	(408) 286-7770
California Supply North, Inc.	www.calsupply.com	(510) 429-0300 ext 140
Central Cash & Carry	www.centralcashandcarry.com	(408) 975-2485
Luna Packaging LLC	www.lunapackaging.com	(510) 522-5862
Moresco Distributing	www.moresco.biz	(707) 773-2500 ext 112
TreeCycle	www.treecycle.com	(406) 550-3116
Webb Enterprises	www.pacificwesternsales.com	(408) 655-5226

*This list of “Bag Suppliers” in no way implies or conveys that the City of Mountain View endorses these suppliers, nor the quality or compliance of their products with respect to the City of Mountain View. The list is provided as a courtesy, for informational purposes only, and is not a complete list of suppliers. It is the responsibility of anyone who uses this list to validate the qualifications and compliance of each bag with the City of Mountain View Reusable Bag Ordinance *prior* to purchasing bags from suppliers. The City is not responsible for any expenses that may be associated with using this list.

Retailer Frequently Asked Questions

What is the Reusable Bag Ordinance?

Starting on Earth Day, April 22, 2013, retail stores in the City of Mountain View may not provide single-use plastic carryout bags (including compostable bags) at the checkout stand. Stores may provide paper bags and reusable bags for a minimum charge of ten cents per bag.

Why is the City of Mountain View adopting a Reusable Bag Ordinance?

- In Mountain View, it is estimated that 40 million single-use plastic bags are used yearly, but less than 5% are recycled. The rest end up in landfills or as litter in waterways, damaging storm water utility systems and harming the marine environment.
- California taxpayers spend \$25 million annually to clean up litter, including plastic bags.
- The Municipal Regional Stormwater Permit requires a reduction in plastic bag litter in waterways.
- Ordinances have proven effective in other cities. After one year, San Jose found an 89% reduction in bag litter in storm drains, 60% reduction in streets, and increase in use of reusable bags from 4% to 62%.

Are produce, meat and pharmacy bags allowed?

Protective bags made from paper or plastic, **without** handles, can be provided **if** used to:

- Transport prepared food, produce, bulk food or items, meat, produce **within a store to the cashier**.
- Hold *prescription* medication from a pharmacy.
- Segregate food or goods that could damage or contaminate other food or goods **when placed together in a reusable or recycled paper bag**.

Banned plastic carryout bags are **not** protective bags.

What stores are affected by the ordinance?

The ordinance affects any retail store that sells perishable or nonperishable **goods** directly to a customer. Examples include grocery, pharmacy, clothing, mini-marts, liquor, video, farmer's markets, pet and hardware stores.

What businesses are exempt from the ordinance?

- Any public eating establishment that generates 90% or more of its revenue from the sale of prepared food items (e.g. restaurants and fast food).
- Any store providing a **service** (e.g. dry cleaners), but not if a **good** is sold (e.g. car wash gift shop).
- Nonprofit charitable reusers (e.g. thrift stores).

Do stores need to charge for bags?

Yes. Stores are required to **charge a minimum of ten cents per paper or reusable bag** to promote a shift towards the use of reusable carryout bags and reduce waste. A store may charge more for reusable bags (e.g. many bags are sold for \$1.00-\$3.00, depending on features).

Who keeps the ten cent charge on bags?

Retailers retain the money to help offset costs for record-keeping, training, and bag supplies. The bag charge makes customers aware that there are **no free carryout bags**.

Do stores need to itemize the sale of bags on the customer receipt?

Yes, all sales of paper or reusable bags must be separately itemized on the customer sales receipt, including the ten cent charge per bag.

May stores provide the paper or reusable carryout bags as a promotion, or discount the 10 cent bag charge? A retailer may not discount the 10 cent bag charge, but may offer bags as part of a promotion where the costs of *other* goods are discounted to compensate for the 10 cent bag charge. For example, buy 10 items for a sales price and get a reusable bag. To prevent complaints about offering "free bags" prohibited by the ordinance, it should be clear to the customer that the other items are discounted to compensate, and a 10 cent bag charge is printed on the receipt.

Do stores need to keep a record of all bags sold?

Yes, stores must keep records of **how many** reusable and paper bags were **purchased** by the retailer and **sold** to customers; and keep 3 years of records available for City inspection at the store.

Will the City assist stores in complying?

City staff will be visiting stores to answer questions and provide a Retailer's Toolkit and signage. **Schedule an appointment now by calling (650) 903-6311 or by emailing recycle@mountainview.gov**.

What happens if a store does not comply?

The City will enforce the ordinance on a complaint basis and through spot checks. Repeated non-compliance with the terms of the ordinance, including providing false information or incomplete records, is considered a Mountain View City Code violation, subject to warning, citation and/or fine after April 22, 2013.

Will the ten cent charge on all bags stay the same?

Yes. The City Council amended the ordinance in 2014 to keep the 10 cent bag charge because the ordinance is motivating reuse.

Is the paper or reusable 10 cent bag charge taxable?

No, refer to the State Board of Equalization at www.boe.ca.gov/news/pdf/I282.pdf for additional information.

Is Mountain View the only city banning plastic bags and charging for paper and reusable carryout bags?

Mountain View has joined a regional effort with 24 cities to adopt similar ordinances that will provide consistent regulations in a broad geographical area, lessening confusion for customers and encouraging fair business practices. Cupertino, Los Altos, Los Gatos, Mountain View, Palo Alto, Sunnyvale, San Jose, and County of Santa Clara have adopted ordinances in this county.



CITY OF MOUNTAIN VIEW
www.MVrecycle.org / 650.903-6311



BRING YOUR OWN BAG
TRAIGA SU PROPIA BOLSA

YES



PAY FOR A PAPER BAG
PAGAR POR UNA BOLSA DE PAPEL

10¢



NO MORE PLASTIC BAGS
NO MÁS BOLSAS DE PLÁSTICO



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