

DC Bag Law

Presented by Emily Rice
Stormwater Management Division
District Department of the Environment

MWCOG Recycling Committee Meeting
Thursday, July 19, 2012



DISTRICT
DEPARTMENT
OF THE
ENVIRONMENT



Presentation Outline

- ✓ Overview of the law
- ✓ Enforcement process and stats
- ✓ Revenue collected and how we use it
- ✓ Lessons learned and is the law successful?

Anacostia River Clean Up & Protection Act

AKA “the Bag Law”

Effective January 1, 2010, all District retailers that sell food or alcohol must charge a 5¢ fee for each paper or plastic disposable bag provided to customers at the point of sale.



Exemptions

Some plastic and paper bags used inside a store are exempt from the fee, if they:

- Package bulk items
- Contain or wrap “leaky” foods or items where dampness may be a problem
- Contain unwrapped prepared foods or bakery goods

and...

- *Restaurants* get a paper bag exemption



Cash Register Receipt Requirement



The retailer must indicate on the customer transaction receipt the number of disposable carryout bags provided and the total amount of fees collected.

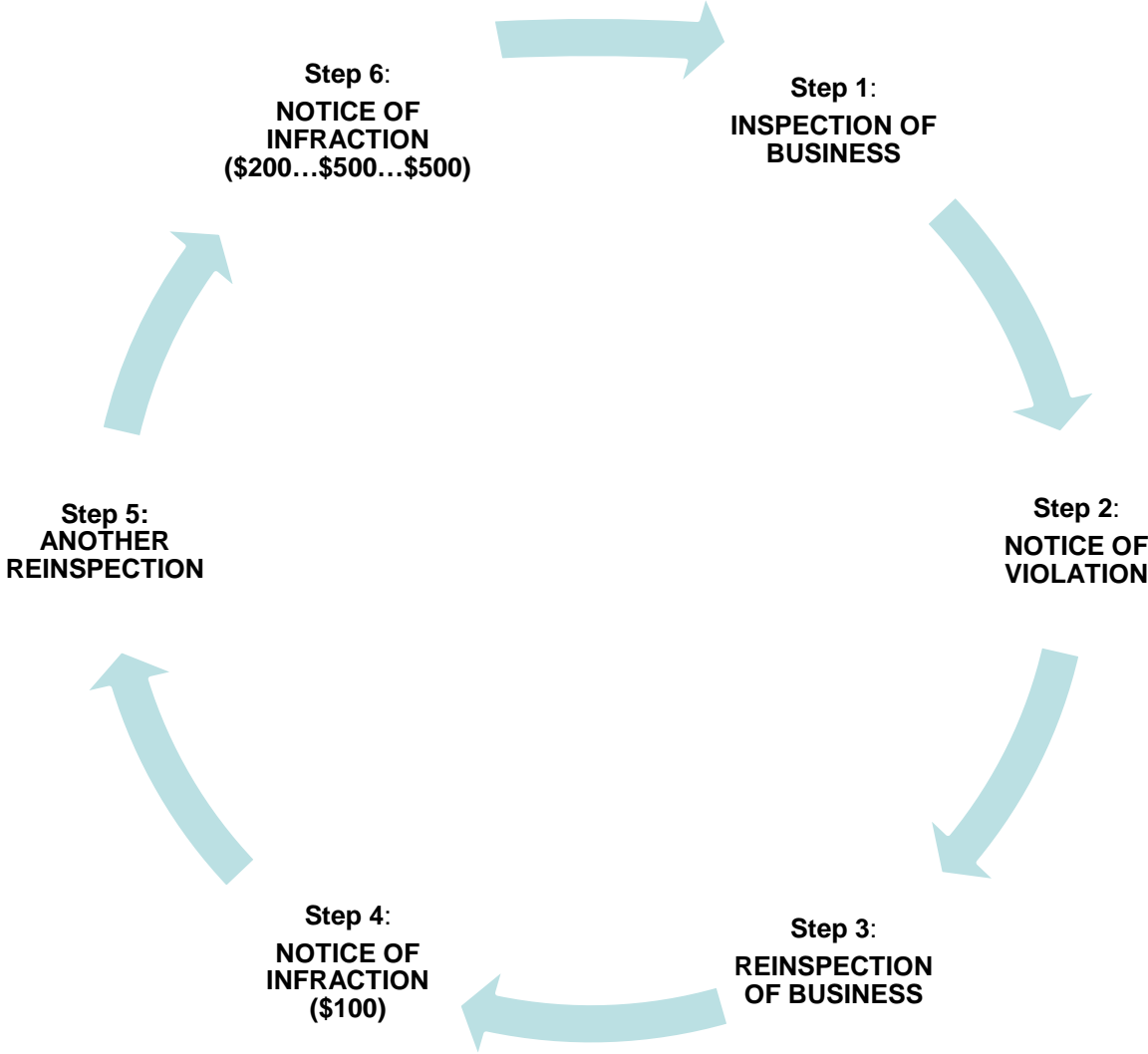
The fees are not subject to the District of Columbia sales tax.

Material and Labeling Requirements

- 100% Recyclable
- “Please Recycle This Bag” phrase
- Paper bags must contain a minimum of 40% post-consumer recycled content
- Plastic bags:



Inspection and Enforcement Process



Inspection and Enforcement Data

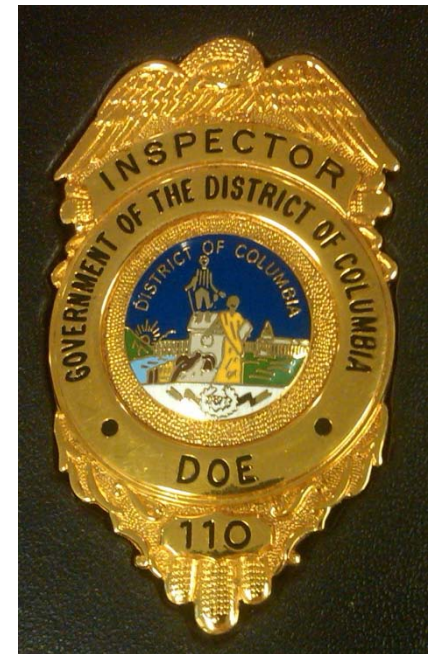
OVER 5,000 BUSINESSES ARE AFFECTED BY THE LAW.

Numbers to date:

- Inspections/Re-inspections: **709**
- NOVs issued (warning letters): **354**
- NOIs issued (fines): **34**

Compliance Rates:

- **55%** of businesses found in violation
- **58%** of all NOVs are for fee-related violations



Where does the nickel go?

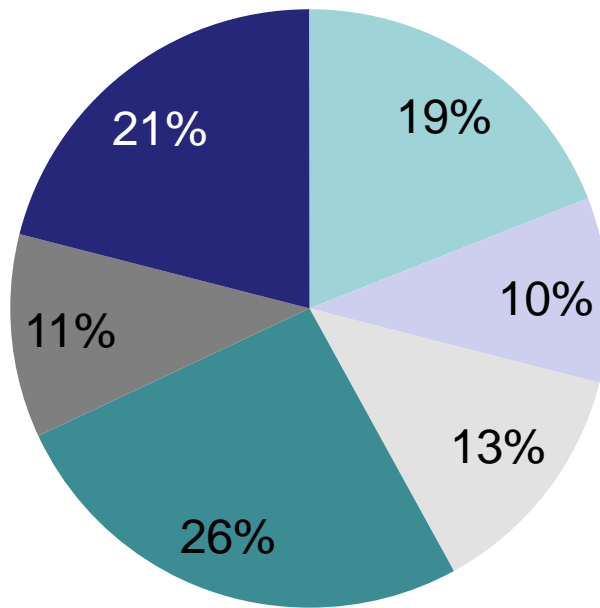


- Businesses retain \$.01 and submit \$.04 to the Office of Tax and Revenue
- *Carry-out Bag Credit Program* allows businesses to keep \$.02 of the \$.05 collected.
- Fees deposited into special purpose fund, administered by DDOE.

Revenue Collected

\$ 4,330,446.67, as of March 2012

Bag Law Expenditures (%)



- Stormwater Retention
- Trash/Watershed Education
- Trash Capture
- Stream Restoration
- Outreach & Reusable Bag Distribution
- Implementation

Cool Projects Funded by *Skipping the Bag*



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Is the DC Bag Law Working?

Anecdotal evidence...YES!

- Businesses are ordering between 50-70% fewer bags
- Environmental groups are reporting fewer bags in the river and tributaries

Survey evidence...YES!

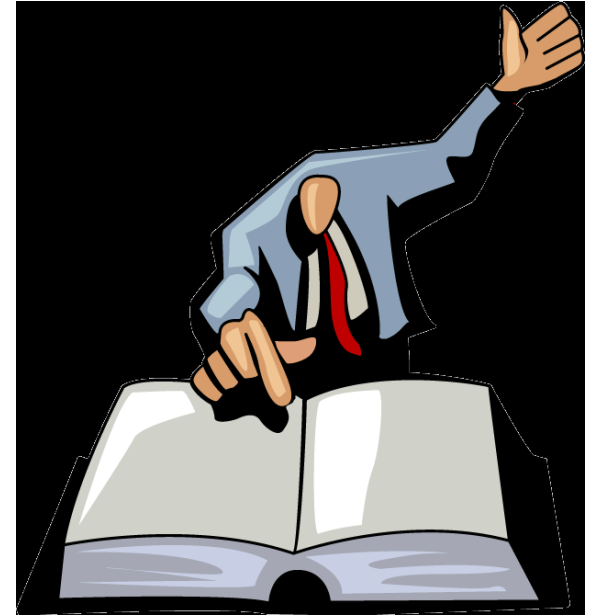
- 75% of District residents polled indicated that they have reduced their bag use
- Many businesses surveyed said their consumption of bags is at least 50% lower
- Majority of businesses said that the bag fee has not affected their business
- Reduction in litter and a benefit to their bottom line with fewer bags purchased
- Very few specific negatives were mentioned

More evidence? Stay tuned...



Legislative Considerations

- What types of businesses will be affected?
- Material and labeling requirements?
- How will you measure success? Baseline data?
- Consider enforcement. Funding? Inspectors? Methods?
- How will you collect the revenue?



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Photo: John Wasiutynski, DDOE



Anacostia River