



City of San José's Bring Your Own Bag Ordinance Effective January 1, 2012



Frequently Asked Questions

Ordinance

1. What type of retailers does this ordinance affect?

The ordinance applies to all retail establishments defined as any commercial establishment that sells perishable or nonperishable goods and is located or doing business within the geographical limits of the City of San José. This includes grocery stores, pharmacies, book stores, convenience stores, national retail chains, and local retail businesses.

2. How does this ordinance specifically affect me as a retailer?

You are unable to provide free single-use carryout plastic bags to customers at check out. You may sell reusable bags or 40 percent post-consumer recycled content paper bags. Post-consumer recycled content paper bags must be sold for a minimum price of 10 cents each, and the sale must be itemized separately on the sales receipt. The minimum price for paper bags then increases to 25 cents after December 31, 2013.

3. Do I get to keep the revenue from selling the paper bag?

Yes, all revenue from the sale of 40 percent post-consumer recycled content paper bag is retained by the retailer. Starting January 1, 2012, you will be required to maintain on site records for the purchase and sale of any 40 percent post-consumer recycled content paper bags for three years.

4. Will any purchases be exempt from the ordinance?

Customers purchasing food with WIC and CalFresh "food stamps" can be provided a 40 percent post-consumer recycled content paper bag at no charge at checkout until December 31, 2013.

Bags

1. What types of plastic and paper bags are prohibited by this ordinance?

Typical thin plastic bags, with handles, provided at check out are prohibited. Paper bags with less than 40 percent post-consumer recycled content are prohibited as well.

2. Are there any plastic or paper bags that can be provided?

Paper and plastic bags, without handles, used for **protective purposes** within a store can be provided. Protective bags can only be used to separate food or merchandise which could be damaged or contaminate other food or merchandise when combined in a recycled paper bag or reusable bag. This includes bags used for produce, meats, bulk foods, and prescription medication. However, if a retailer uses "protective bags" exclusively, then this may constitute a violation of the ordinance.

3. What is a reusable bag?

A reusable bag has handles and is made out of durable materials specifically designed and manufactured for multiple re-use. Reusable plastic bags are at least 2.25 mils thick.

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Bags continued

4. Can I continue to sell plastic trash bag liners?

Yes. Trash bags are not prohibited, unless they are provided at checkout for the purpose of transporting groceries or other goods.

5. Can I provide my customer with a bio-plastic compostable bag?

No, compostable bags are not designed for multiple reuse and are not allowed in this ordinance.

6. Where can I purchase 40 percent post-consumer recycled content paper bags?

Contact your current bag distributor and inquire about 40 percent post-consumer recycled content paper bags or reusable bags. The ordinance requires that the 40 percent post-consumer recycled content paper bags have printed on it the percent of post-consumer recycled content, the name and location of the manufacturer, and the words “Recyclable” AND “Reusable.”

Enforcement

1. How will the City enforce the ordinance?

Retailers will receive additional information and will need to return a self-certification form to the City in the fall of 2011. The City’s general enforcement approach is to provide the retailer ample opportunity to comply. If the retailer fails or refuses to comply, enforcement actions may escalate, which include warning notices and fines of up to \$1000 per day.

Public Education

1. Will the City conduct outreach to the public about the ban?

The City of San José, in collaboration with various Bay Area cities and counties, has partnered with the Bay Area Recycling Outreach Coalition (BayROC) and Keep California Beautiful to launch several public education campaigns, including the regional Bring Your Own Bag “Make It A Habit and Grab It!” and the statewide “Got Your Bags!” The City will also distribute reusable bags at several retail locations along with fliers about the City’s ordinance to inform consumers.

2. Will each store be responsible for letting its customers know it will be participating in this ordinance?

Stores are encouraged to inform customers that bags will no longer be provided at check out starting January 1, 2012. Stores may consider promoting shopping with reusable bags in weekly circulars, company websites, Facebook and Twitter accounts, and outgoing phone messages. Check the City’s website at www.sjrecycles.org/bags for additional retailer resources including tips for customer education.

www.sjrecycles.org/bags
email: Bring-ur-Bag@sanjoseca.gov
ph: (408) 534-BYOB

In accordance with the Americans with Disabilities Act, City of San José Environmental Services materials can be made available upon request in alternative formats, such as Braille, large print, audio-tape or computer disk. Requests may be made by calling (408) 535-8550 (Voice) or (800) 735-2929 (CRS).

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