


Archived: Friday, October 1, 2021 9:34:11 AM
From: [Debbie Tarry](#)
Sent: Thursday, September 30, 2021 5:07:40 PM
To: [Chris Roberts](#)
Cc: [Pollie McCloskey](#); [John Norris](#); [Heidi Costello](#)
Subject: RE: Plastic Bag questions
Response requested: Yes
Sensitivity: Normal
Attachments:
[20210930 Response to CM Roberts - Plastic Bag Ban.docx](#) 

Chris –

Please see the attached in response to your question. We will put this in the Green Folder for Monday's meeting.

Debbie Tarry

City Manager | City of Shoreline
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From: Chris Roberts <croberts@shorelinewa.gov>
Sent: Thursday, September 30, 2021 10:30 AM
To: Debbie Tarry <dtarry@shorelinewa.gov>
Cc: Pollie McCloskey <pmccloskey@shorelinewa.gov>; John Norris <jnorris@shorelinewa.gov>
Subject: Plastic Bag questions

Debbie,

Can staff provide a matrix showing the differences between Shoreline's ban and what the State adopted?

Can City code enforcement enforce state law?

Thank you,

Chris

Chris Roberts (he/him)
Councilmember, City of Shoreline
croberts@shorelinewa.gov
(206) 391-2733

Statewide Plastic Bag Ban – Additional Notes

9/30/21

Can staff provide a matrix showing the differences between Shoreline's ban and what the State adopted?

A summary of key changes is provided in the table below.

Topic	City Ordinance	New State Law
Pass-Through Charge for Bags	\$0.05 for each 'grocery-sized' paper bag (1/8 barrel, 882 cubic inches or larger) provided to customers.	<p>\$0.08 for both large paper carryout bags (1/8 barrel, 882 cubic inches or larger) and thick reusable plastic carryout bags.</p> <p>Beginning Jan. 1, 2026, the required charge for reusable plastic film bags increases from \$0.08 to \$0.12 (paper bags continue to be available for only 8 cents).</p>
Paper Bag Requirements	Contains a minimum average of 40% post-consumer recycled materials and displays the minimum percent of post-consumer content on the outside of the bag.	Paper bags made of at least 40% post-consumer recycled content and/or wheat straw and be labeled with this percentage on the outside of the bag.
Heavy-Weight Plastic Bag Requirements	At least 2.25 mils thick.	<p>Requires 20% post-consumer recycled content in thick (2.25 mils) reusable plastic bags until July 1, 2022. Thereafter, those bags must be made from a minimum of 40% post-consumer recycled content. The percentage of post-consumer recycled content, the millimeter thickness, and "Reusable" text must be displayed in print on the outside of the plastic bag.</p> <p>In January 2026, the minimum thickness requirement will increase from 2.25 mil to 4 mil.</p>

Impacted Businesses	Retail establishments were defined as “any person, corporation, partnership, business, facility, vendor, organization, or individual that sells or provides food, merchandise, goods, or materials directly to a customer including home delivery, temporary stores, or vendors at farmers markets, street fairs, and festivals.”	The state law applies to the following: <ul style="list-style-type: none"> • All retail, grocery, and convenience stores • Any restaurant or establishment offering take-out or delivery food or goods • Temporary stores or vendors • Any event where food or goods are sold or distributed
Allowed Single-Use Plastic Bags	Allowed the use of carryout bags to safeguard public health and safety during the transportation of prepared take-out foods and prepared liquids intended for consumption away from the retail establishment.	Single-use plastic bags will not be allowed for take-out foods and liquids aside from small bags that <u>are</u> allowed for moisture control and for produce, meat, bulk foods, bakery goods, etc.
Complaints and Enforcement	Noncompliant businesses could be submitted to CRT for enforcement.	Beginning in October 2021, people can submit a report on the Department of Ecology’s website if they observe a business still using prohibited bags. Department of Ecology staff will use this information to help businesses follow the state's plastic bag ban.

Can City code enforcement enforce state law?

RCW 70A.530.040 states that Ecology is to adopt rules as necessary for the purpose of implementing, administering, and enforcing this RCW chapter. The Assistant City Attorney did not see any rulemaking related to the plastic bag ban.

This provision goes on to state that the enforcement must be based primarily on complaints *filed with* the Ecology and local governments. Ecology must establish a forum for the filing of complaints. *Local governments and any person may file complaints* with Ecology using the forum and *local governments may review complaints* filed with the department via the forum *for purposes of the local government carrying out education and outreach to retail establishments*. Violation is a civil penalty of up to \$250 and appealable to Pollution Control Hearings Board.

Thus, the Assistant City Attorney shared that her read is that this law is enforced by Ecology and the City’s role would be educational outreach and filing a complaint when necessary.