



FAQs for Retailers



What is the purpose of the Plastic Bag Regulation, and when does it begin?

Answer: The fundamental goal is to reduce the use of throw-away plastic products, particularly lightweight plastic bags which are a litter problem and escape into our waterways and oceans where they are harmful to animals and may enter the food chain as they degrade into smaller and smaller – but still plastic – pieces. Paper, of course, is organic and does not present similar problems. But reducing waste means cutting down on the use of paper bags, too. That's why; beginning on January 15, 2014, the City will require all Retail Establishments to encourage their customers to shop with reusable bags.

What is a Retail Establishment, and which entities are exempt from the Plastic Bag Regulation?

Answer: A Retail Establishment is any commercial establishment that sells perishable and nonperishable goods including, but not limited to, clothing, food and personal items directly to the Customer; and is located within or doing business within the geographical city/county limits of the City of Pittsburg (includes farmers markets). Retail Establishments do not include Public Eating Establishments (restaurants and food trucks) or Nonprofit Charitable organizations.

Which bags can be provided for customers at Retail Establishments?

Answer: Retail Establishments cannot provide Single-Use Carryout Bags, but instead must provide Reusable Bags and/or Recycled Paper Carryout Bags for a cost to their customers.

What is a Single-Use Carryout Bag?

Answer: A Single-Use Carryout Bag is a bag other than a Reusable Bag provided at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment.

What is a Reusable Bag?

Answer: A Reusable Bag is a bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements: has a minimum lifetime of 125 uses (uses being the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet), is machine washable or capable of being cleaned and disinfected, does not contain lead, cadmium, or any other heavy metal in toxic amounts, and if made of plastic, is a minimum of at least 2.25 mils thick.

What is a Recycled Paper Carryout Bag?

Answer: A Recycled Paper Carryout Bag is a paper bag that meets all of the following requirements: (1) contains no old growth fiber, (2) is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) Postconsumer Recycled Material; (3) is accepted for recycling in curbside programs in the City of Pittsburg; (4) displays the word "Recyclable" in a highly visible manner on the outside of the bag; and (5) and displays the percentage of Postconsumer Recycled Material used.

Can retailers just "eat the cost" of Recycled Paper Carryout Bags or Reusable Bags and not charge their customers?

Answer: No. Any Retail Establishment that provides a Recycled Paper Carryout Bag or Reusable Bag to a Customer must charge the Customer a minimum of 10 cents (\$0.10) for each bag provided. One year after the Regulation is effective a Retail Establishment must increase the price of Recycled Paper Carryout Bags to a minimum of fifteen cents (\$0.15), and two years after the ordinance is effective a

Retail Establishment must increase the price of Recycled Paper Carryout Bags to a minimum of twenty-five cents (\$0.25). The minimum charge must be collected, as it is meant to be a reminder to customers to shop with reusable bags. Reusable Bags can be given to customers without charge only during limited-time store promotions.

How does the retail establishment use the money made from Recycled Paper Carryout Bags and Reusable Bags?

Answer: All monies collected by a Retail Establishment under this ordinance will be retained by the Retail Establishment and may be used for funding Reusable Bag giveaways during limited-time store promotions, costs associated with complying with the requirements of the Plastic Bag Regulation, actual costs of providing Recycled Paper Carryout Bags, or costs associated with a Retail Establishment's educational materials or education campaign encouraging the use of Reusable Bags, if any.

Will the purchase of a Recycled Paper Carryout Bags show up on customer receipts?

Answer: Yes. All Retail Establishments must indicate on the Customer receipt the number of Recycled Paper Carryout Bags provided and the total amount charged for the bags.

Are Retail Establishments required to keep track of the amount money made through the sale of Recyclable Paper Carryout Bags?

Answer: Yes. All Retail Establishments must report to the City Manager, on an annual basis, the total number of Recycled Paper Carryout and Reusable Bags provided, the total amount of monies collected for providing Recycled Paper Carryout Bags, and a summary of any efforts a Retail Establishment has undertaken to promote the use of reusable bags by Customers in the prior year. If the reporting required is not timely submitted by a Retail Establishment, such Retail Establishment shall be subject to fines.

Do customers that remember to bring their Reusable Bags get rewarded?

Answer: Potentially, yes. Retail Establishments are encouraged to provide a minimum credit of five cents (\$0.05) for each Reusable Bag brought by a Customers to the Retail Establishment for use.

Are there any instances when Single-Use Carryout Bags may be used in Retail Establishments?

Answer: Yes. Retail Establishments may use handle-less Single-Use Plastic Carryout Bags and/or handle-less small paper bags when packaging product like meat, prescription medications, produce, and items that may contaminate or be contaminated by other products in the customer's cart (examples include small paper bag for greeting cards, paper bags to protect bottles, plastic bags around ice cream or other wet items, paper bags used to weigh candy, etc.).

Is anyone exempt from this Plastic Bag Regulation?

Answer: Yes. A Retail Establishment must provide reusable bags or Recycled Paper Carryout Bags free of charge to any Customer participating in The California Special Supplemental Food Program for Women, Infants, and Children, The State Department of Social Services Food Stamp program, or other government-subsidized purchase programs for low-income residents.

Are there any restrictions on customers reusing Single-Use Plastic Bags?

Answer: No. Customers who re-use bags should benefit from their re-use efforts. The ordinance does not prohibit Customers from using bags of any type that they bring to the Retail Establishment themselves, or from carrying away goods without a bag instead of using bags provided by the store.

What should retailers do if they have large stocks of plastic bags that will last beyond the effective date of the ban?

Answer: Chain stores with outlets outside of Pittsburg can ship their bag inventory to those outlets. Smaller stores may use up their stock until January 15, 2014, then consider donating their remaining stock to non-profit reuse stores or restaurants. If your store has been collecting used plastic bags, they cannot be given to customers for reuse, but instead must be recycled.

What can my Retail Establishment do to help customers catch on to this Plastic Bag Regulation?

Answer: Each Retail Establishment is strongly encouraged to educate its staff to promote Reusable Bags, and to post signs encouraging Customers to use Reusable Bags as well as reusable produce bags.

What is the penalty for Retail Establishments that violate the Plastic Bag Regulation?

Answer: Violation of the Plastic Bag Regulation is considered a Public Nuisance. If the City Manager or Code Enforcement Officer determines that a violation has occurred, he/she shall issue a written citation to the Operator of a Retail Establishment stating that a violation has occurred and the potential penalties that will apply for future violations. Any Retail Establishment that violates or fails to comply after a written citation has been issued shall be guilty of an infraction. If a Retail Establishment has subsequent violations that are similar in kind to the violation addressed in a written citation, the following penalties shall be imposed and shall be payable by the Operator of the Retail Establishment to the City of Pittsburg:

1. A fine not exceeding one hundred dollars (\$100.00) for the first violation after the written citation is given;
2. A fine not exceeding two hundred dollars (\$200.00) for a second violation of the same ordinance section within 12 months; or
3. A fine not exceeding five hundred dollars (\$500.00) for a third and any subsequent violations of the same ordinance section within 12 months. A fine shall be imposed for each day a violation occurs or is allowed to continue.

Can a Retail Establishment appeal a Citation or Fine?

Answer: Yes. Any Retail Establishment Operator who receives a written citation or is assessed a fine may request an administrative review of the accuracy of the determination or the propriety of any fine assessed, by filing a citation of appeal with the City Manager no later than 30 days after receipt of a written citation or fine, as applicable. The notice of appeal must include all facts supporting the appeal and any statements and evidence, including copies of all written documentation and a list of any witnesses that the appellant wishes to be considered in connection with the appeal, and an appeal fee in the amount set by resolution of the City Council.

Aren't the non-woven polypropylene bags sold as reusable bags by many retailers as much of a problem as the lightweight throwaway bags they're replacing?

Answer: No. Once these bags have been reused a couple dozen times their impact is less than that of the many more lightweight plastic bags they've replaced. They carry from two to three times as much as typical throwaway plastic bags which often need to be doubled for strength. That's not a problem for the reusable bags. They are also recyclable. Pittsburg accepts these types of bags and other polypropylene products in curbside recycling bins and hopes people will recycle them. The value of recycled polypropylene is increasing.

Is there a requirement for the Reusable Bags to have recycled content?

Answer: No.

What is the City's plan for informing Retail Establishments?

Answer: All Retail Establishments were noticed of the California Environmental Quality Act (CEQA) process, followed by reminder letters. Once the Regulation is in place, Retail Establishments will receive promotional materials like pins, signs, and decals as requested. The Plastic Bag Regulation will also be advertised in the newspaper, ENews, and on the City's electronic sign board.