

County of Kauai Plastic Bag Ban Ordinance Frequently Asked Questions

When does the Plastic Bag Reduction ordinance go into effect?

The law will take effect on January 11, 2011. It was adopted in October of 2009.

Where can I get more detailed information on the new ordinance?

Logon the County website: www.kauai.gov/recycling and click on the "Plastic Bag Reduction Ordinance" link in the left column, or call the County Recycling Office at (808) 241-4837 or (808) 241-4841.

What types of businesses does the law apply to?

Any commercial business facility that sells goods directly to the ultimate consumer, including but not limited to grocery stores, pharmacies, liquor stores, mini marts, and retail stores and vendors selling clothing, food and personal items. Restaurants and takeout food establishments are also subject to the law.

Are there certain business that the law does not apply to?

By definition, the ordinance states that retail establishments shall not include fundraisers by nonprofits or non-incorporated community booster organizations.

What kind of bags are retailers allowed to provide to customers?

Retail establishments shall only provide recyclable paper bags or reusable checkout bags to their customers. The checkout bags must comply with definitions within the law. While the law allows for biodegradable bags, there are currently no biodegradable bags identified that meet the definition in the law.

Does the law apply to produce bags and other bulk food bags?

The ordinance states that checkout bags do not include bags provided solely for produce, bulk food, or meat. Additionally, the department has determined that the law does not apply to bags for bulk baked goods and other individual prepared foods such as dim sum, and also does not apply to bags designed to protect garments.

Are retailers required to provide bags to their customers?

No. Compliant bags may be provided as a courtesy, but retailers are not required to supply bags to their customers.

Can businesses and retailers charge for checkout bags?

Yes, it is at the discretion of the business to charge for checkout bags in order to recover the price of the bag.

Are all plastic bags marked "biodegradable" allowed?

No. According to the law, a "biodegradable bag" is defined as containing no polymers derived from fossil fuels, and will decompose at a rate comparable to biodegradable material. **There are currently no bags that meet the definition outlined in the law.**

What is the definition of a recyclable paper bag?

A "Recyclable Paper Bag" needs to meet all of these requirements:

1. Contains no old growth fiber
2. Is 100% recyclable
3. Contains a minimum of 40% post-consumer recycled content
4. Printed on the outside with the words "Reusable" and "Recyclable" at a minimum height of 1/8"

What is proper verification that a recyclable paper bag meets the requirements above?

The requirements pertaining to no-old growth fiber, recyclability, and recycled content (items 1-3 above) may be printed on the bag, or written evidence in the form of a letter or certification from the manufacturer may be presented to the County. Additionally, the words "Reusable" and "Recyclable" must be printed on the outside on the bag at a minimum height of 1/8".

What is the definition of a reusable bag?

A "Reusable Bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and is made of cloth or other machine washable fabric and/or is made of durable material and suitable for reuse.

Where can I find acceptable checkout bags available for sale?

Contact local vendors directly for information on ordering compliant recyclable paper bags. As stated above, there are no biodegradable bags currently identified as compliant.

Is the County going to be enforcing the new law?

Yes. If businesses fail to comply with the requirements after reasonable notice, a fine may be issued.

1. \$250.00 per day for the first notice of violation
2. \$500.00 per day for the second notice of violation within 365 days of the first notice, and \$1,000.00 per day for the third and subsequent notices of violation within 365 days of the first notice.

SOURCE:

<http://www.kauai.gov/Government/Departments/PublicWorks/SolidWaste/RecyclingPrograms/PlasticBagReductionOrdinance/tabid/530/Default.aspx>, accessed Jan. 22, 2011