
**TITLE 7 NATURAL RESOURCES & ENVIRONMENTAL CONTROL
DELAWARE ADMINISTRATIVE CODE**

1300 Waste Management Section

1301 Regulations Governing Solid Waste

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3.0 Definitions

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“Marketplace” means a person or persons that utilize the majority, if not all, of the recyclable materials it receives to produce a marketable product. Incinerators, landfills, and other methods of disposal are disqualified as an acceptable marketplace.

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“Paper bag” means a bag provided at check-out made of paper that meets all of the following requirements:

- a. is one hundred percent (100%) recyclable and contains a minimum of forty percent (40%) postconsumer recycled material;
- b. is accepted for recycling;
- c. has printed on the bag the name of the manufacturer, the location (country) where the bag was manufactured, and the percentage of postconsumer recycled material used;
- d. displays the word "Recyclable" and "Reusable" in a highly visible manner on the outside of the bag; and
- e. does not contain plastic lining or plastic handles.

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~~“Plastic carryout bag” means a plastic bag provided by a store to a customer at the point of sale made from plastic which meets the recycled content plastic requirements, is not compostable or biodegradable, and not specifically designed and manufactured to be reusable.~~

“Plastic carryout bag” means a plastic carryout bag provided by a store to a customer at the point of sale made from plastic and not specifically designed and manufactured to be reusable.

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“Retail space” means total space within a store, leased or owned, for the purposes of promoting, selling, or distributing goods and services to consumers.

“Reusable bag” means a fabric or plastic carryout bag which meets all of the following requirements:

- a. Is either a bag made of cloth or other fabric that has handles or is a durable plastic bag with handles that is at least 2.25 mils thick;
- b. Is designed and manufactured to be used for at least 125 uses;
- c. Has a volume capacity of at least 4 gallons (equivalent to 15 liters or 924 cubic inches);
- d. Is machine washable or made from a material that can be cleaned and disinfected;

- e. Has a tag or label attached to or printed on the bag with content information. Does not contain lead, cadmium, or any other toxic material that may pose a threat to public health. A reusable bag manufacturer may demonstrate compliance with this requirement by obtaining a no objection letter from the federal Food and Drug Administration;
- f. Complies with 16 C.F.R. § 260.12 related to recyclable claims if the reusable bag producer makes a claim that the reusable grocery bag is recyclable; and
- g. A reusable bag made from plastic film shall also meet the following requirements: it shall be capable of carrying 22 pounds over a distance of 175 feet for a minimum of 125 uses and be at least 2.25 mils thick, in addition to those specified in 7 Del.C. Ch. 60 Subchapter IX, Recycling and Waste Reduction.

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“Store” means an entity in Delaware, with a business license issued by the Delaware Department of Finance, Division of Revenue, whose business activity includes the category “Retailer” and operates a physical location within Delaware consisting of a single location that has at least 7,000 square feet of retail space or three (3) or more locations each having at least 3,000 square feet of retail space. Stores that carry multiple business activity licenses are bound by this regulation; stores that carry a single business activity license of “Retailer – Restaurant” are exempt from these regulations.

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14.0 Plastic Carryout Bag Ban and At Store Recycling Program

14.1 The purposes of these regulations are to ensure the following:

14.1.1 Plastic carryout bags, as defined by 7 Del.C. §6099A, are banned;

14.1.2 At-store collection of plastic carryout bags and film are implemented, maintained, and consistent with 7 Del.C. Ch. 60 Subchapter IX, Recycling and Waste Reduction;

14.1.3 Plastic bags and film enter the marketplace and are not disposed; and

14.1.4 Stores collect and report data to support the intent of 7 Del.C. §6099A.

14.2 Applicability

These regulations apply to:

14.2.1 All stores in the State of Delaware.

14.2.2 All manufacturers of plastic bags sold to a store in Delaware.

14.3 General Provisions

14.3.1 Stores shall:

14.3.1.1 Establish an at-store recycling program pursuant to 7 Del.C. Ch. 60 Subchapter IX, Recycling and Waste Reduction, that permits a customer of the store to return clean and dry plastic bags and film to the store.

14.3.1.2 Place a plastic bag and film collection bin at each store that is visible upon entering the store and that is easily accessible to the customer, clearly marked with the following language: “Please recycle plastic bags and film here,” and that the collection bin is available for the purpose of collecting and recycling plastic carryout bags and film.

14.3.1.3 Provide clear information on what types of plastic bags or film that can be recycled within that location's at-store plastic bag recycling program.

14.3.1.4 Not commingle source-separated plastic bags and film with other solid waste.

14.3.1.5 Ensure the plastic bags and film enter the marketplace.

14.3.1.6 Adopting practices to eliminate the need for plastic carry out bags as outlined in 7 Del.C. §6099A, allows stores to remove an at store recycling program and can cease the collection as of March 31, 2021; and

14.3.1.7 Document the measurement of the plastic bag and film collected at the location's at-store plastic bag recycling program; perform an annual review and create an annual report summarizing the measurement documentation; and maintain the records related to the annual review and report and measurement documentation for three years; stores that supply this data as part of the Universal Recycling program reporting do not need to submit a separate report.

14.3.2 A retail establishment that does not meet the definition of a store and that provides plastic carryout bags to customers at the point of sale may adopt a similar at-store recycling program, as specified in 7 Del.C. Ch. 60 Subchapter IX, Recycling and Waste Reduction.

14.3.3 Manufacturers of plastic carryout bags shall:

14.3.3.1 Assist stores and ensure that all reusable bags sold within the state meet the requirements outlined in 7 Del.C. Ch. 60 Subchapter IX, Recycling and Waste Reduction.

14.3.3.2 Ensure that plastic bags classified as reusable contain a label that includes the following language, "This plastic bag is reusable and should be returned to stores for recycling and not recycled curbside."

14.3.3.3 Provide stores with recycling opportunities for reusable plastic bags and film to help increase diversion of this material where such programs exist and support store education efforts to educate consumers about plastic bag and film recycling programs.

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