

# At-Store Recycling Program Plastic Bag Ban

Understanding the changes and proposed  
regulations

Virtual Public Workshop  
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# Plastic Bag Ban & Regulations

Understanding the changes



TITLE 7

Conservation

Natural Resources

CHAPTER 60. Environmental  
Control

Subchapter IX. Recycling and  
Waste Reduction

**§ 6099A At-store recycling  
program**



# Plastic Bag Ban

## Understanding the changes - Definitions

- “**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. **As of 1/1/2021, this type of bag will be BANNED in DE.**
- “**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. 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 grocery bag producer makes a claim that the reusable grocery bag is recyclable.
  - g. A reusable carryout 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, measured according to the American Society of Testing and Materials (ASTM) Standard D6988-13.  
**As of 1/1/2021, this bag will become the standard plastic bag in DE. Paper bags are still available and do not change under the law at this point.**

7 Del.C § 6099A At-store recycling program



# Plastic Carryout Bag vs Reusable Bag

Current:  
Plastic Carryout  
Bag



New:  
Reusable  
Plastic Bag  
as per the  
definition



NOTE: These types of bags will still be collected in the At Store Recycling Program.

# Other types of Reusable Bags

There are many types of reusable bags on the market which customers may have access to. Only plastic film bags are recyclable in the At Store Recycling programs. The following reusable bags should **not be returned** to Stores, as they are not yet recyclable in existing programs.



Cotton reusable bag.



Non-woven Polypropylene bags; a flexible plastic fiber that is 'soft'.



Recycled PETE bags; tend to be shiny, colorful and stiff.



Insulated reusable bags for cold items.



# Exempt Bags available to Consumers in DE

The update to 7 Del Code 6099A does not eliminate plastic bags. Below are examples of exempt bags consumers will see and that retailers can continue to utilize:



Reusable plastic bags to replace plastic carryout bags.



Bags for transporting pets or live animals.



Bags containing unwrapped food items such as deli products, bulk foods or loose produce. Bags used to transport pesticides, caustic materials, or other cleaning products or other household chemicals. Finally, bags used to keep items separate (e.g. bags for wrapping packaged meats, frozen food, etc.) to contain moisture.



Bags sold in packages for trash, pet waste, or yard waste



Dry cleaner bags



# At Store Recycling Program

## Regulation Updates

The **definition** of a store, under the regulations has been expanded to include stores which carry multiple business licenses. The Statute currently exempts restaurants from this definition and that is being carried through into the regulations. Stores which carry an individual business license of “Retailer – Restaurant” as issued by the Division of Revenue continue to remain exempt. Stores carrying multiple business licenses from the Division of Revenue will be required to initiate or maintain an At Store Recycling program.

### **Reporting Requirements:**

Because the Legislature established a recycling program for bags and film under this law there is a need to measure the material being generated by the program. Currently, the majority of retailers are providing reports to the State under 7 Del. Code §6056: Adopting diversion goals and reporting requirements, or the Universal Recycling Law. For those stores **currently** reporting this way, we are asking for the amount of plastic bags to be reasonably segregated from film in this reporting as an additional line or data point. If stores are **not currently** reporting under 7 Del. Code §6056, we will require them to file a report for this program so that measurement of success can be determined.

- For those stores that **backhaul recyclables** to a distribution center, again, all we are asking for is a line that segregates bags from film, broken down by the material generated by DE locations.
- For stores using **mail-back programs**, a report of the number of boxes that get generated annually will suffice.



# At Store Recycling Program

## Regulation Updates (cont.)

### **At Store Recycling Program Cancellation:**

Stores within Delaware that have eliminated all bags, including the exempt bags outlined earlier in this presentation can end an At Store Recycling program by March 31, 2021. Stores that continue to have exempt bags must maintain an At Store Recycling Program.

### **Recycled Content Requirements**

Post consumer recycled resin requirements: In order to support bag/film recycling initiatives, the State has outlined recycled content requirements for bags within DE starting January 1, 2022.



# At Store Recycling Program

*Drop-off bin examples*

Stores have the option how to implement an At Store Recycling Program.

An At Store Recycling Program must include:

- Containers that are visible and easily accessible.
- Containers which are clearly marked for use.
- A list of acceptable materials that describes what goes into the bin.



Stores must:

- Ensure that bags are collected by the marketplace and not disposed of improperly.
- Maintain records
- Ensure that plastic bags contain post-consumer recycled content resin.
- Maintain a program if they have plastic bags outlined by the law in their store.



*Educational poster example*



# At Store Plastic Bag

## Discussion of Regulations

*7 Del.C § 6099A At-store recycling program*



# At Store Plastic Bag

## Questions

*7 Del.C § 6099A At-store recycling program*



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