

# New York State Department of Environmental Conservation

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Alexander B. Grannis  
Commissioner

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Dear Retail Association:

As you are aware, Governor Paterson signed the Plastic Bag Reduction, Reuse and Recycling Act into law on December 14, 2008. Due to the very short time until its effective date, I am writing to ask for your help in ensuring that affected stores are aware of their obligations under this new law.

While changes are expected pursuant to a tentative agreement reached between the Governor and legislature, effective January 1, 2009, the law, as adopted, requires stores with 10,000 square feet or more of retail space and chains of five or more stores with greater than 5,000 square feet of retail space which provide plastic carryout bags to its customers as a result of a product sale, to:

- **Establish an at-store plastic bag recycling program.** Stores must make collection bins for plastic bag recycling available to customers in a visible, easily accessible location. *NOTE:* There are slightly different requirements pertaining to enclosed malls which differ from free-standing stores and strip malls.
- **Ensure that collected plastic bags are recycled.** Stores are required to recycle the plastic bags collected and are prohibited from disposing of the collected plastic bags as solid waste.
- **Label all plastic bags.** Any bags distributed in affected stores must state "Please Return to a Participating Store for Recycling" or a similar message approved by the Department. The message required pursuant to New York City Local Law 1 of 2008 related to plastic carryout bag recycling is an acceptable message which stores may use without seeking specific approval from DEC. (See NYC Administrative Code §16-453.) Stores may use their existing stock of plastic bags but must use properly labeled bags once the stock is depleted or by January 1, 2010, whichever comes first.
- **Keep records on their program.** Stores, or their agents, are required to maintain, for at least three years, records describing the collection, transport and recycling of plastic bags. The records must include the weight of plastics collected and their ultimate disposition (e.g., where they were recycled).
- **Sell reusable bags.** Stores are required to allow the use of reusable shopping bags and make them available to their customers for purchase.

DEC is developing a website and educational materials to help retailers establish programs and to encourage New Yorkers to participate. We will inform you as soon as that site is operational. In addition, we will reach out to you again if and when the expected chapter amendments have been enacted. In the interim, I ask for your help in implementing the Plastic Bag Reduction, Reuse and Recycling Act by sharing this letter with your members.

Thank you for your attention to this important issue.

Sincerely,

Alexander B. Grannis  
Commissioner