

**Assessment of Public Comment**  
**for**  
**Public Comments Received**  
**on the**  
**NEW YORK STATE**  
**DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**COMPREHENSIVE REVISIONS TO**  
**PLASTIC BAG REDUCTION, REUSE AND RECYCLING**  
**6 NYCRR PART 351**

**February 13, 2020**

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No.	Comment	Response
	<b>10 mil Thickness for LDPE and HDPE Should Be Eliminated</b>	
1	I oppose the use of thick plastic bags, specifically, bags that are 10 mil or thicker. There is no need to make this allowance which has the potential to result in stores handing out even thicker plastic bags that will, in all likelihood, only be used once before being littered or thrown away. Consumers can bring their own reusable bags to stores. Reusable bags are both widely available and inexpensive and it is not a difficult change to make, particularly when paired with a small fee on single-use paper bags to encourage this shift in behavior.	<p>Both the Bag Waste Reduction Act, Environmental Conservation Law (ECL) Article 27, Title 28 (effective March 1, 2020) and the Plastic Bag Reduction, Reuse and Recycling Act, ECL Article 17, Title 27 (effective January 1, 2009) aim to encourage the use of reusable bags by consumers and retailers and reduce plastic bag waste by encouraging the reduced consumption of single-use plastic carryout bags. The Plastic Bag Reduction, Reuse and Recycling Act also aims to encourage the reuse and recycling of single-use bags.</p> <p>The billions of single-use plastic bags that end up as litter each year are made of “film plastic,” also referred to as “plastic film.” The American Chemistry Council’s webpage on plastic film recycling indicates that “Plastic bags are made out of “film,” or thin flexible sheets of plastic. Plastic film is typically defined as any plastic less than 10 mil thick.”</p> <p><a href="https://www.plasticfilmrecycling.org/recycling-commercial-film/businesses-collecting-post-commercial-film/plastic-film-education-post-commercial-film-collection/what-is-recyclable/">https://www.plasticfilmrecycling.org/recycling-commercial-film/businesses-collecting-post-commercial-film/plastic-film-education-post-commercial-film-collection/what-is-recyclable/</a></p> <p>After evaluation of the proposed requirement of 10 mil thickness for bags made of LDPE and HDPE, and the hundreds of similar comments related to concerns with the use of the 10 mil thickness, as well as the concern that the 10 mil thickness for plastic is unrealistic and unable to be manufactured, which is identified in the next comment segment, the Department firmly believes that the use of the industry-based definition for when a material is no longer a film plastic is an important element, among other things, in defining reusable bags.</p>
2	I am concerned that the inclusion of thickness requirements in the definitions of both "film plastic" (351-1.2(g)) and "reusable bag" (351-1.2(n)(i)) is not only unnecessary, but will result in the distribution of free, thicker single-use carryout bags. Such an outcome would leave New York worse off than we were with no ban in place. These definitions should not mention thickness at all.	
3	I am concerned about DEC’s proposed ‘thickness’ requirements as it relates to the definition of a ‘reusable bag’ (351-1.2(n)(i)). In other jurisdictions that have enacted similar single-use plastic bag bans and policies, ‘thickness’ requirements like those proposed has often led to the distribution of what are thicker – yet still single-use – plastic bags. I recommend DEC’s proposed regulations omit the definition of ‘thickness’ to prevent this from occurring in the future.	
4	The proposed regulations would allow stores to continue to give out plastic bags for free if the plastic bags are 10 mils or thicker. (Sec. 351-1.2(n)(5)(i)). The law bans plastic carry out bags and does not allow thicker plastic bags; therefore, the regulations should not do so either. If not clarified, this would present a serious policy shift and a significant degradation of the intent of the Law, the State Assembly, the State Senate, and the Governor of New York. This change would allow stores to distribute for free and/or sell thicker plastic bags that are nearly identical to the single-use plastic carryout-style bags that consumers are already familiar with and accustomed to disposing of after one use. Most consumers will not use these thicker plastic bags as reusable bags - the thicker bags will simply end up in all the same problematic places as their thinner counterparts. We request that DEC immediately amend the proposed regulations regarding reusable bags to completely the 10 mils requirement and instead maintain the clear ban all carryout bags made from film plastic, as required by existing law.	

5	A loophole allowing thicker plastic bags totally undermines the intent of the ban. DEC should remove from its draft regulations any reference to thickness of the plastic such as "less than 10 mils in thickness" or "minimum thickness of 10 mils" in its definition of film plastic and reusable bag. New York State's ban on single-use plastic carryout bags must apply to ALL plastic carryout bags regardless of the bag's thickness.	However, the Department recognizes the presentation of the information within two definitions has caused confusion.
6	Currently, the regulations would allow stores to continue to provide plastic film carryout bags, so long as the bag was at least 10 mils thick. This language would allow stores to continue to provide thicker plastic bags, thereby undermining the purpose of the legislation. These bags are uniformly treated as single-use, and it is easy to understand why. These bags look identical to the single-use bags that consumers have used for decades. Now they have thicker bags in their landfills, in their storm drains, in their waterways, and in our ocean. These bags will take even longer to break down, and when they finally do, they will release more microplastics than the bags which were so rightfully banned. The definition should be amended to simply ban all film plastic bags thereby not allowing for thicker bags to be distributed.	Accordingly, the Department has used some of the suggested language provided through the public comment process to adjust the definition of a reusable bag to provide a more simplified approach to presenting the information, to clarify that plastic carryout bags are prohibited, and that no film plastic can be used in allowable reusable bags.
7	Exempting thicker plastic "reusable" bags is not effective, as most people use those bags only a few times and consider them "disposable" or "recyclable". Just like thinner bags, most don't get recycled, but end up in landfills or incinerators, adding to the environmental catastrophe that plastic pollution is creating.	Specifically, the language providing for reusable bags to be a "minimum thickness of 10 mils" was removed from the definition of "reusable bag" in section 351-1.2(n). The requirements for reusable bags were also rearranged so the allowable material types are listed first, in paragraph (1), and to make it clear that reusable bags must be made of cloth or other machine washable fabric, or they must be made of a non-film plastic washable material, and meet all of the durability requirements contained in paragraphs (2) and (3) of the definition.
8	I am particularly concerned about the thickness requirements that are included in the definitions of both "film plastic" and "reusable bag." To include thickness parameters in the language of the regulations may backfire, and lead to the distribution of free, thicker, single-use carry-out bags: an unfortunate outcome that has reportedly occurred elsewhere.	
9	1. The law does not allow for thicker single-use plastic bags to be given out. The proposed regulations – in Sec. 351-1.2(n)(5)(i) – would run counter to this by allowing stores to provide free plastic bags that are 10 mils or thicker. Please remove this language from the regulations, banning all carryout bags made from film plastic. Most consumers will not use these thicker plastic bags as reusable bags, so they will mostly end up as additional plastic waste.	
10	The DEC proposed definition sets a minimum thickness requirement of 10 mils. Currently, 10 mils is considered the industry threshold for film plastic. Environmental advocates have reasoned that if the requirements for mils are set higher than that of film plastic, this would result in a ban on all film plastic.	

11	<p>We strongly support New York’s Plastic Bag Reduction, Reuse and Recycling Act, aimed at banning plastic carryout bags. The law bans all plastic bags, except for stated special exceptions, with no consideration for the thickness of the bag. The proposed regulations, however, would allow stores to continue to give out plastic bags for free if the plastic bags are 10 mils or thicker (Sec. 351-1.2(n)(5)(i)). The law does not allow thicker plastic bags; therefore, the regulations should be consistent and not allow them either. Considering the size of the NY market, it could potentially drive the industry to find a way to create the 10 mils bags in a way that would not be financially burdensome to businesses that are currently deterred from purchasing them now, due to cost. This could subsequently undermine the main purpose of the law — to reduce plastic pollution in New York. We suggest the DEC amend the proposed regulation to eliminate the 10 mils requirement and instead ban all carryout bags made from film plastic, regardless of thickness, as required by existing law.</p>	
12	<p>Another major concern is the proposal's attempt to restrict the prohibitions in Title 28 to only bags made of plastic less than 10 mils in thickness, allowing thicker plastic bags to be given away as "reusable." As other jurisdictions have already learned, specifying any minimum thickness only sets a new production target for manufacturers, thereby allowing large volumes of plastics to continue to pollute the environment. The rules should adhere to the statutory requirement that a reusable bag must be made of cloth or other washable fabric or must be durable and specifically designed and manufactured for multiple reuse, and not for disposal after a single use.</p>	
13	<p>Replace 351-1.2(n)(5)(i) with the following language: "(i) no film plastic;"</p>	
14	<p>Replace 351-1.2 (g) with the following language: "(g) ‘Film plastic’ means a flexible sheet or sheets of petroleum or nonpetroleum based plastic resin or other material (not including a paper carryout bag), regardless of mils thickness," Plastic film is generally defined as 10 mils thick, but as written the definition would send signals that film plastic bags over 10 mils would be welcomed, which is nonsensical.</p>	

10 mil Thickness for LDPE and HDPE Should Be Significantly Reduced		
15	10 mil bags are extremely thick. I doubt there is a single factory in the USA that can make a bag from this thick material. This thickness is by far is ridiculous. I have never even seen a bag made from this thickness of material.	<p>As mentioned above, both laws, ECL Titles 27 and 28 of Article 27, aim to encourage the use of reusable bags by consumers and retailers and reduce the plastic bag waste by encouraging the reduced consumption of single-use plastic carryout bags.</p> <p>The billions of single-use plastic bags that end up as litter each year are made of “film plastic,” which industry defines as “plastic less than 10 mil thick.”  <a href="https://www.plasticfilmrecycling.org/recycling-commercial-film/businesses-collecting-post-commercial-film/plastic-film-education-post-commercial-film-collection/what-is-recyclable/">https://www.plasticfilmrecycling.org/recycling-commercial-film/businesses-collecting-post-commercial-film/plastic-film-education-post-commercial-film-collection/what-is-recyclable/</a></p> <p>Additionally, other jurisdictions with laws that allow for thicker film plastic bags, such as those that are at least 2.25 mil or 4 mil, have found that even though the bags are classified as “reusable” under their laws, they “closely resemble their single-use predecessors and are often thrown away after one transaction.” (Dustin Gardiner, California banned plastic bags. So why do stores keep using them? San Francisco Chronicle, Dec. 1, 2019 (<a href="https://www.sfchronicle.com/politics/article/California-banned-plastic-bags-So-why-do-stores-14872852.php">https://www.sfchronicle.com/politics/article/California-banned-plastic-bags-So-why-do-stores-14872852.php</a>)).</p> <p>These thicker film plastic bags often state that they are specifically designed and manufactured for multiple reuse and meet the durability requirements of having a minimum lifespan of 125 uses. Specifically, one such bag states: “This reusable bag is made from Low Density Polyethylene with a minimum thickness of 4.0 mil. It is reusable and it is designed for at least 125 uses. . . . To clean, rinse bag and hang upside down to dry.”</p> <p>Plastic bags that are thrown away after a single transaction are “single-use” plastic carryout bags, which are precisely what</p>
16	I cannot find a supplier that produces a 10 mil bag. Choosing 2.5 mil bags would be easier for manufacturers and retailers and would help with uniformity. 50 GSM would be just as strong and reusable as 80 GSM. A die cut with a fold over is just as strong if not stronger as a bag with handles. Manufacturers and retailers should be included in the decision-making process to determine the best specifications for the reusable bags.	
17	The 10 mil thickness requirement is too high due to manufacturing difficulty, high costs and waste of raw material; 2.25 mil would be more appropriate.	
18	My main concern is that Part 351 bans all plastic film bags under 10 mils thickness. Plastic film cannot be manufactured “over 10 mils”. If it could, it would be a waste of raw material for reusable bags. My studies over the past five years show that a 3-mil gauge requirement is best. Thick non-woven bags don’t last any longer than a 3- to 4-mil plastic film bag.	
19	There is no manufacturer that is capable of making 10mil recyclable plastic bags at reasonable cost, cost that the store owners can afford at regular basis. Can you please consider what New Jersey is doing? no exemptions, but everyone to use at least 2.2 MIL plastic recyclable bags, with the regulations printed on the bags. This way the stores can do away with the regular shopping bags and everyone uses the same.	
20	We urge the DEC to follow the lead of Suffolk County NY, California, and many other states that allow bags that are 2.25 mil thickness to be used by merchants and fall within the definition of a reusable bag. Bags with a thickness of 2.25 mils are highly reusable multiple times and are more durable than single-use plastic bags. Requiring package stores to use 10 mil bags would be a significant cost burden and seems to go much further than many states and countries have determined is best for the environment.	
21	Film plastic having less than 10 mil. 10 Mil is much more thickness then available and is not a viable alternative to single use plastic bags. Additionally, 10 mil flexible bags do not exist in the marketplace.	

22	<p>We fully support the concept of reusability, but we respectfully disagree with you in the definition of what constitutes a polyethylene plastic film reusable bag. California, which is certainly an environmentally-conscious state, sets the standard for its reusable bags to be 2.25 mils thick. Other states, cities, and municipalities have set the benchmark to be 3 mil or even 4 mil. That is 6 to 8 times the thickness of a common half-mil grocery t-sack bag. The DEC guideline mandates that a reusable bag be 10 mil thick. I've been in this trade now for 43 years, and in that time I've never heard of, nor have I seen, a 10 mil thick plastic bag. To the best of my knowledge, they cannot be physically produced with the equipment that exists today. We implore you to reexamine the specification of bag thickness.</p>	<p>New York State is trying to reduce the consumption of with the implementation of the Bag Waste Reduction Act and the Plastic Bag, Reduction Reuse and Recycling Act.</p> <p>Therefore, after evaluation of the proposed requirement of 10 mil thickness for bags made of LDPE and HDPE, and the dozens of similar comments related to concern with the use of the 10 mil thickness as unrealistic because it is unable to be manufactured, as well as the concern for the use of the 10 mil thickness for reusable bags identified in the previous comment segment, the Department firmly believes that the use of the industry-based definition for when a material is no longer a film plastic is an important element, among other things, in defining reusable bags. Since Titles 27 and 28 of Article 27 of the ECL intend to encourage the use of reusable bags and to reduce the consumption of single-use plastic bags, the Department believes reusable bags should not be made of film plastic.</p> <p>However, the Department recognizes the presentation of the information within two definitions has caused confusion. Accordingly, the Department has used some of the suggested language provided through the public comment process to adjust the definition of a reusable bag to provide a more simplified approach to presenting the information and clarify that plastic carryout bags are prohibited and</p>
23	<p>A 10.0 mil PE Reusable bag cannot be manufactured by any standard means. This is an all-out ban on any PE Reusable bag. Furthermore, the theoretical production of such heavy-gauge products would result in a much higher overall Co2 Footprint in processing. Non-woven polypropylene bags are produced using sheets of spun polymer threads and converted just like PE Film bags, yet they are allowed under these regulations. Banning one reusable plastic bag and not another makes no sense. Furthermore, Polypropylene bags, nylon bags and cotton bags are not recyclable in the USA, result in a higher carbon footprint and are imported. Reusable PE Film bags are recyclable, most are made in the USA and are far less of an impact on the environment in every respect. The 2.25 mils PE Reusable Bags can be commonly equipped to carry 22 pounds over a distance of 175 feet at a minimum of 125 uses. The 4.0 mil PE Reusable Film bag far exceeds even these rigorous reuse standards and is the most durable PE Film Bag available.</p>	<p>However, the Department recognizes the presentation of the information within two definitions has caused confusion. Accordingly, the Department has used some of the suggested language provided through the public comment process to adjust the definition of a reusable bag to provide a more simplified approach to presenting the information and clarify that plastic carryout bags are prohibited and</p>

24	<p>If bags does have a gusset on the bottom or on the side, in that area these bags would have a thickness of in total 40 mil ! This thickness to weld / heat-seal needs very high energy consumption, slow down every production process, beginning from extrusion, via printing, in converting as said already, and also in recycling. Not mentioning all addition effort in logistics /transportation. Saying this I mean, a bag with a thickness of 2[8] mil vs. bags of 10 [40] mil need 5 times more transportation capacity, storage capacity and also for getting back to the recycling process. Analyzing the entire CO2 footprint to increase thicknesses from let say 2 mil to 10 mil does have huge negative impact; only negative impact. We did have tested bags with such a thickness and the results of our tests show that this huge thickness does not make the bag more reliable, no as so much material need to be welded together the seam it selves is very hard and breaks much faster.</p>	<p>that no film plastic can be used in allowable reusable bags. Specifically, the language providing for reusable bags to be a “minimum thickness of 10 mils” was removed from the definition of “reusable bag.” Additionally, the requirements for reusable bags were rearranged so the allowable material types are listed first and to make it clear that reusable bags must be made of cloth or other machine washable fabric or they must be made of a non-film plastic washable material.</p>
<b>Separately Attached Handle Requirement</b>		
25	<p>Handles that are made from part of the bag material as an extension of the bag are much stronger than a separately attached handle. This requirement adds extra cost for no added strength or durability. We would recommend taking out the requirement for the handle being separately attached.</p>	<p>After evaluation of the proposed requirement, numerous similar comments received, and researching the different types of handles on bags, the requirement for reusable bags to have separately attached handles has been removed. Handles made from part of a bag made from strong material, as an extension of the bag may be as strong or stronger than a separately attached handle. Therefore, there should not be a requirement for a separately attached handle.</p>
26	<p>Handles that are made from part of the bag material as an extension of the bag are much stronger than a attached handle. We would recommend taking out the requirement for the handle being separately attached.</p>	
27	<p>The definition of a reusable bag seems to include the provision that the bag’s handle is sewn/attached separately to the bag. In our experience, die cut handles can be similarly strong and achieve the reusability goals that the DEC is seeking. Will die cut handles be permissible?</p>	
28	<p>Is it possible to amend the handle provision to add reinforced patch handle bags or at least make an exception for at least for one more year to let us go thru inventory on a good quality bags with strong reinforced patch handles?</p>	

Durability Requirements		
29	We feel that 80 gsm is not correct. I send a sample of the “mignosis” bag. This sample is 50 GSM. We have tested this bag and it holds over 25 lbs of merchandise. It is quite strong. We have been leading our customers to use 50 – 65 gsm bags. This material is strong enough for the requirements listed in the ordinance. It is much better to use these for environment as it uses less material, saves space, transportation...and it a reusable material.	The Department's research has indicated that the 80 GSM standard is a common requirement for reusable bags in similar laws across the country, such as in California. Accordingly, we have kept that requirement as originally proposed. The final rule incorporates a streamlined and clarified durability standard in the definition of reusable bag.
30	I cannot find a supplier that produces a 10 mil bag. Choosing 2.5 mil bags would be easier for manufacturers and retailers and would help with uniformity. 50 GSM would be just as strong and reusable as 80 GSM. A die cut with a fold over is just as strong if not stronger as a bag with handles. Manufacturers and retailers should be included in the decision making process to determine the best specifications for the reusable bags.	
31	Our durable bags with reinforced handles are designed to carry heavy loads, multiple times, yet they are film bags. It will carry 20 lbs, 175 feet, 125 times and it contains 40% post-consumer recycled material. We also offer 100% compostable bags made from sugarcane. Please require a heavyweight bag- at least 2.25 mils. Make sure it passes some kind of durability test and make sure it has recycled content.	
32	The average person for one never carries 22 pounds in a tote bag or paper bag. Nor can a paper bag hold 22 pounds. The average person will lose a heavier duty bag before using it 24 times let alone 100 times. Heavy duty bags are much harder to breakdown in the dump than normal plastic bags.	
33	By imposing reasonable durability standards, the allowance of petroleum and non-petroleum-based low and high density polyethylene reusable bags and woven or non-woven polypropylene reusable bags will help ensure retailers can continue to offer consumers the reusable bags they are currently utilizing. Allowing these reusable bags to continue to be present in the marketplace will help mitigate some of the disruption our members face post March 1st. To this end, we support these implementation regulations specific to the definition of the reusable bags and feel that the thickness and durability standards are fair.	

34	Remove the following clause entirely: (iv) has a design of equivalent material strength and durability, as approved by the department or Replace with: (iv) has a design of equivalent material strength and durability, as approved by the department after a public comment period.	The final rule incorporates a streamlined and clarified durability standard in the definition of “reusable bag.” As part of those adjustments, the suggested change has been made and this provision has been deleted.
<b>Exempt Bags</b>		
35	DEC lacks authority to add to and expand the Act’s enumerated list of exemptions to the plastic bag ban. DEC must remove the language “or other unwrapped food, flower or plant item from the proposed exemption,” as this language impermissibly broadens the instances in which customers may receive plastic carryout bags.	The exemption added by the Department in the proposed regulations, allowing the Department to determine that a bag is exempt in cases where there is no reasonable or practical alternative has been removed. The items mentioned in this comment are examples of similar items have been added in the regulations to help address unique circumstances raised by the public since the Bag Waste Reduction Act was passed and are consistent with the apparent intent of this exemption, which is the ability to use a bag to contain unwrapped items that may leak, spill, be damaged by moisture, possibly cause contamination, or potentially cause illness. It has been determined that for consistency in implementation, it is best to identify these circumstances in the regulations.
36	The purpose of the requested modification is grounded in the nature of the pet store business. First, pet stores sell live shrimp and live snails in addition to live insects and live fish, all of which are currently delivered to the customer in a plastic package. Second, when a customer wishes to purchase one of these items, the store owner/employee, not the customer, retrieves the item from the bulk tank and places the item in the plastic bag, unlike many other retail establishments wherein the customer would retrieve the item from the bulk bin and place the item(s) in the bag. As currently written, Proposed Part 351 allows only the customer to pull out the items and place them in the plastic bags for transportation to the customer's home. The suggested revision, in our opinion, would more properly implement the exemption with regard to retail pet stores.	The uses identified in the comment are similar to those that had been identified in the proposed regulations as clarifying examples. The final rule has been adjusted to provide further clarification to address these recommendations.
37	My concern is that the customer does not package these livestock items we sell, rather our employees do, and that plants, live foods, and corals may not be included. I would have suggested language that exempted sales of live items as sold by pet stores that require a waterproof bag, including for example live aquatic animals, live foods, and live plants.	

38	We propose the following modifications to the language contained in the definition of 'exempt bag' to more properly reflect the practice of selling fish and other live items in a pet store. Below is our suggested change: used by a customer or employee solely to package items from bulk containers, including fruits, vegetables, grains, candy, small hardware items (such as nuts, bolts, and screws), live fish, live shrimp, live snails, [or] live insects, or other live animals.	
39	Many of our members have heavy duty clear plastic bags that are used for many different items from spark plugs, air filters, oil filters, motor oil, brake pads, chassis parts and brake pads to name a few. They are much thicker than the film grocery bags and most of the exempt bags listed on the DEC website, but we don't see a category where they also would be exempt.	
40	Currently, there is no item within that clause that states for chemicals. We also could see this being a problem with your local hardware stores -- Lowe's --pesticides -- anything like that. So, we're looking to possibly get an amendment to the exempt bag clause.	
41	The ban on single-use plastic carryout bags used to carry out food should also apply to grocery stores, supermarkets, convenience stores or food marts that sell prepared food.	The Department received hundreds of comments on the food sliced or prepared to order exemption in Section 351-1.2(f)(3), and many overlap with concerns or desire for clarification of the exemption in Section 351-1.2(f)(9) for food service establishments. The exemption for bags containing "food sliced or prepared to order" addresses only these specific items from any number of businesses including, but not limited to, delis, convenience stores, bodegas, gas stations, etc., and not just restaurant, taverns, or similar food service establishments as defined in the New York State Sanitary Code. The exemption only applies to the food sliced or prepared to order. The plastic carryout bag prohibition still applies to all other items sold by that establishment, unless another specific exemption applies.
42	The exemption for food service should be narrowed to apply only to the carryout or delivery of prepared food and not include establishments located within grocery stores, supermarkets, convenience stores, or food marts.	
43	And, finally, it must be made clear that gas stations and bodegas must participate in the law. There's no reason for places like Stewart's, for example, for those of you from upstate New York, would be continuing to give out single-use plastic bags.	
44	Would a customer be able to get a plastic bag for their gas station hot pretzel but be denied one for their can of soda? These establishments are significant contributors to our plastic bag problem and there is no need to allow these businesses to continue using carryout plastic bags. CCE recommends that NYS DEC close this loophole to ensure these businesses where the majority of their sales are prepackaged goods are not exempt from the plastic bag ban.	
45	Please clarify the single use plastic bag distribution at small stores or gas stations with prepared food. These places matter and it will add up! Change will not happen unless this is clarified.	

46	See, the law says plastic carryout bags are provided by, quote, a restaurant, tavern, or similar food service establishment as defined in the state sanitary code to carry out and deliver food, unquote, are exempt from the plastic bag ban. Many of today's convenience stores sell just as much prepared takeout food as restaurants and taverns, if not more. DEC has told us they can't undo this double-standard. The legislature wrote it that way and their hands are tied. But we hope and we wish, respectfully, that this issue would be revisited and this quandary would be resolved. Find a way to treat all food establishments equally.	
47	The DEC should add clarification to ensure that small stores or gas stations that sell prepared food will still not be able to give out reusable bags for items other than the prepared foods.	
48	DSNY suggests DEC to specifically define a minimum quantity of bags that make up bags "sold in bulk quantities to a consumer at the point of sale" under section 351-1.2(f)(5) so as to avoid businesses pre-packaging a small number of plastic carryout bags;	At this point, the regulations will remain as proposed and implementation will be monitored to determine if additional guidance or clarifications will be needed for implementation.
49	Can you please give me clarification on the exemption for "garment bags" in Title 28 Bag Waste Reduction Act? I cannot find any definition of what bags are considered "garment bags" and thus exempted. I am specifically wondering if the plastic bags handed out at gyms and sports facilities for sweaty clothes would be exempted as "garment bags"	The prohibition on distributing plastic carryout bags applies to any "person required to collect tax" when the bag is provided to a customer to carry tangible personal property. The garment bag exemption is directed at any over the hanger bag, such as those used by dry cleaners or laundry services. The final regulations have been further clarified to reflect this.
50	When a customer purchases certain apparel items it is most appropriately carried out of the store hanging under a garment length bag, rather than folded and placed in a merchandise bag. This is because they have been steamed or pressed at point of sale to be in wearable condition. Examples: overcoats, dress slacks, blazers and jackets, dresses. At the same time, they need to be covered with a bag that protects them from dirt and the elements. Similarly, it is not appropriate to require a customer to purchase a reusable garment bag for this purpose and distributing them for free is cost-prohibitive for the retailer. Extending the exemption to apparel retailer for garment bags is reasonable and appropriate.	
51	Please do not let restaurants use plastic bags for take out either. This law should be applied equally to all establishments, not just grocery stores and other retailers.	The Department received hundreds of comments related to this exemption for plastic carryout bags provided by a restaurant, tavern or other similar food service establishment, as defined in the New York State Sanitary Code, to carry out or deliver food in Section 351-1.2(f)(9).
52	The section of the proposed regulations (Sec. 351-1.2(f)(9)) that exempts food service establishments defined by the New York Sanitary code that provide carry out or delivered food <b>MUST ALSO BE REMOVED.</b>	Many of the comments overlap with the

53	I urge you to also remove the section of the proposed regulations (Sec. 351-1.2(f)(9)) that exempts food service establishments defined by the New York Sanitary code that provide carry out or delivered food. We should be INCLUDING restaurants and bodegas in the plastic bag ban as they are a significant source of single-use plastic pollution.	<p>food sliced or prepared to order exemption in Section 351-1.2(f)(3). Many of the commenters disagree with the exemption in the Bag Waste Reduction Act and others sought clarification of the establishments included, especially convenience stores, gas stations, supermarkets, delis and bodegas.</p> <p>While the definition of “food service establishment” must be evaluated on a facility-specific basis, this exemption is intended to apply to carryout or delivery of prepared food from one of these establishments. Whether or not an establishment is a “food service establishment” depends on how this term is defined in the New York State Sanitary Code, which are regulations that the Department of Environmental Conservation does not administer or implement.</p> <p>In most instances, but not all, the Department believes gas stations, bodegas, convenience stores, delis and supermarkets without seating would not be considered “food service establishments,” so the exemption for plastic carryout bags used for carryout or delivery of food would not apply to them. However, bags containing food sliced or prepared to order from these businesses would fall under the exemption in Section 351-1.2(f)(3), but only for the specific food sliced or prepared to order, and not any other items sold in the establishment, unless another specific exemption applies. The exemption language has been adjusted slightly to provide clarification.</p> <p>Specifically, to help clarify, the word “prepared” was added before “food,” so that the end of the provision states, “. . . . “to carry out or deliver prepared food”.</p>	
54	Instead of the exemption “carry out or deliver food” (which could feasibly be a single candy bar from the bodega), change this to “to carry out or deliver prepared food”.		
55	Are stores that sell a small amount of prepared food, even though it is not the majority of the business, exempt from the law? Does DEC intend to exempt bodegas, gas stations that sell sandwiches and small convenience stores? They should not be exempt.		
56	The Proposed Regulations include an exemption for bags provided by “restaurants, taverns, or similar food service establishments... to carry out or deliver food.” This exemption should be limited to prepared food, as opposed to food in general.		
57	DEC should clarify the contours of section 351-1.2(f)(9), the provision allowing “food service establishments” to distribute plastic carryout bags, with the most important clarification being that stores selling both prepackaged and prepared foods are only permitted to use plastic carryout bags for prepared foods.		
58	My second comment addresses the exemption for bags provided by “restaurants, taverns, or similar food service establishments, as defined in the New York State sanitary code, to carry out or deliver food.” The code's definition of a food service establishment is, “a place where food is prepared and intended for individual portion service.” I recommend that this exemption be narrowed to apply only to the carryout or delivery of prepared food rather than food generally and recommend the further narrowing of this exemption to not include establishments located within grocery stores, supermarkets, convenience stores, or food marts. This change would address a potential unintended loophole for bodegas and other stores that sell some prepared foods.		
59	Replace the following language: “(9) . . . to carry out or deliver food;” With the following language: “(9) . . . to carry out or deliver prepared food;” This change would address a potential unintended loophole for transactions that include food generally, versus prepared foods. This would limit the transactions at food service establishments that qualify for exempt bags to prepared foods rather than food generally.		

60	<p>Replace 351-1.2(f)(9) with the following language:  "plastic carryout bags to (i) deliver food provided by a restaurant, tavern or similar food service establishment, as defined in the state sanitary code, or (ii) to carry out food provided by a restaurant, tavern or similar food service establishment, as defined in the state sanitary code, except those located within grocery stores, supermarkets, convenience stores or foodmarts;" This change would address a potential unintended loophole for bodegas and other stores that sell some prepared food. Such stores are a major contributor to litter. This language is based on NYC's definition which narrowly excluded restaurants</p>	
61	<p>"A restaurant, tavern or similar food service establishment, as defined in the state sanitary code, to carry out or deliver food," are exempt from the plastic bag ban. Many of today's convenience stores sell just as much prepared takeout food as restaurants and taverns, if not more. DEC staff have told us they can't undo this double standard – the Legislature wrote it that way, and their hands are tied. However, if DEC has the latitude to invoke the term "film plastic" into these regulations 31 times even though it doesn't appear even once in the 2019 Bag Waste Reduction Act itself, perhaps there is room to re-examine this issue. We respectfully urge you to find a way to treat all food establishments equally.</p>	
62	<p>Instead of the exemption "carry out or deliver food," change this to "carry out or deliver prepared food." Update the law's definition of exempted restaurant and foodservice establishments so that it does NOT include food outlets located within grocery stores, supermarkets, convenience stores or food marts.</p>	
63	<p>Will the various lunch places in New York City be allowed to continue to give out bags? This has horrified me for years. Every single person every single day takes a bag and plastic forks for a quick walk back to the office. I was reading the exemptions and it almost seems the places in New York City where people grab their lunch and go will be allowed to continue to give out bags. Can you please clarify.</p>	
64	<p>Second, there is some ambiguity around whether stores that are regulated by the state sanitary code are exempt from the law. It is clear and common sense that they should not be. Please clarify this language in the regulations and use the authority of the State Department of Environmental Conservation (DEC) to state affirmatively that hot or prepared food have the option of being provided in plastic bags but all the other items found in stores should be put in paper bags. Exempting all stores covered by the sanitary code will significantly reduce the number of stores covered by the law and would greatly weaken the law.</p>	

65	The "food service establishment" exemption should be clarified. The final regulations should direct that, consistent with the statute, the plastic bag ban applies to all non-prepared food items that are sold by food service establishments.	
66	I don't agree that plastic bags be "provided by a restaurant, tavern or similar food service establishment, as defined in the New York state sanitary code, to carry out or deliver food."	
67	Does this mean if a consumer buys lots of things at the pharmacy in addition to a prescription, is the store prohibited from provide more bags beyond what is needed to carry the drugs?	The exemption for a bag provided by a pharmacy is limited to only the bag provided to carry any prescription drugs. Any other bags used to contain other items purchased would be subject to the plastic carryout bag prohibition.
68	Eliminate section 351-1.2(f)(11), which adds reusable bags to the list of exempt bags	After review of the definitions and some adjustments to the reusable bag definition, it was determined that it is important to retain this exemption to ensure the use of reusable bags is maximized. Both the Bag Waste Reduction Act, Environmental Conservation Law (ECL) Article 27, Title 28 (effective March 1, 2020) and the Plastic Bag Reduction, Reuse and Recycling Act, ECL Article 17, Title 27 (effective January 1, 2009) aim to encourage the use of reusable bags by consumers and retailers and reduce plastic bag waste by encouraging the reduced consumption of single-use plastic carryout bags. Additionally, per ECL § 27-2805(7), in cities or counties that adopt a law implementing a paper carryout bag reduction fee, a percentage of the fee monies collected will be used for the purpose of purchasing and distributing reusable bags, with priority given to low- and fixed-income communities. Therefore, in order to ensure the goals of the laws are achieved, it is important that a reusable bag is clearly listed as an exempt bag.
69	Item 351-1.2(f)(12) under the definition of "exempt bag" is too open-ended, and would allow the Department now or in future to go further than the Legislature intended by creating new additional exemptions. The statute already specifically enumerates those film plastic bags for which the Legislature determined "there is no reasonable or practical alternative." Any significant changes to that last beyond clarifications that further the overall intent of the bill should be made by the Legislature, not the Department.	The Department received hundreds of comments related to this exemption enabling the Department to determine that a bag is exempt in cases where there is no reasonable or practical alternative. Commenters expressed concern that the provision is too open-ended and would create loopholes for film plastic bags to be distributed. The intent of the proposed exemption was to provide a means to

70	The definition of "exempt bag" (351-1.2(f)(12)) has been left too open-ended and would allow DEC to create new exemptions not intended by the legislation. The legislation already specifies that plastic bags for which we determined there is "no reasonable or practical alternative" are exempt; any other significant changes should be made by the Legislature and not the Department.	<p>address unique bag uses that were not considered when the legislation was drafted.</p> <p>After evaluating the proposed exemption, the hundreds of similar comments raising concerns with the wording, and the recommendations for amending the review process, the Department eliminated this exemption. Instead, the Department has provided examples in some of the other exemptions to clarify the applicability of the rule based on the concerns and questions received from the public since the Bag Waste Reduction Act was enacted.</p>
71	DEC's proposed regulations would allow DEC to create new exemptions for certain film plastic bags as enabled under item (351-1.2(f)(12)) at any given time in the future. Last year, the Legislature specifically detailed which types of film plastic bags are exempt under the new law, and in order to preserve the intent and goals of the legislation as written, it is important these regulations reflect that enumeration.	
72	Remove 351-1.2(f)(12) entirely OR replace with the following: "(12) a film plastic bag for which there is no reasonable or practical alternative for storing, containing or transporting items, as determined by the department after a public comment period." This change would eliminate a broad and unnecessary exemption. Issues regarding storing, containing, and transporting goods have been addressed with very specific exemptions. If additional exemptions are needed they should be raised during this comment period regarding this Proposed Regulation, or under a new comment period	
73	DEC gives itself authority to exempt from the law "a film plastic bag which there is not reasonable for practical alternative for storing, containing or transporting items, as determined by the department." The Legislature did not provide the DEC with this sweeping authority. The words "reasonable" and "practical" are subjective. This provision should be removed.	
74	Do not allow for the exemption of stores to comply with the law on a case-by-case basis – as noted in Sec. 351-1.2(f)(12). The law does not provide the DEC the authority to allow for such a discretionary power to determine when there is no "reasonable or practical alternative" for a film plastic bag.	
75	Changing language from "unless otherwise approved by the department" to "unless otherwise approved by the department after a public comment period" will give members of the public the opportunity to express concerns before the department can approve any reusable bag not otherwise in compliance with the rule.	

76	<p>351-1.2(f) does not provide any exemption for use in the sale/transportation of chemicals such as fertilizers, repellants, insecticides, fungicides, herbicides, etc.. These are generally not items which should be transported in reusable bags or paper bags due to the possibility of spillage or residue. The exempt uses given indicate that the intent is to eliminate plastic bag usage to the extent it is not otherwise creating a health hazard (ie. sanitation, food service), or in situations that paper bags would not be viable (ie. newspaper delivery, garment bags). I hope that the final regulations will include an exempt use for these products given the possible health or environmental concerns. 351-1.2(f)(12) appears to be a catch-all allowing for future designated exempt uses. Would the requested exemption above fall under this provision?</p>	
77	<p>Liquor bottles come in a variety of shapes and sizes, with a majority of our products in bottles that are filled with liquid, making them heavy and prone to breaking. If customers do not have a bag and do not want to pay for a tote bag, we do not have many viable alternatives to offer them if plastic bags are completely banned.</p>	<p>The Department respectfully acknowledges your comment. However, one of the goals of the legislation is to help change behavioral habits of New Yorkers and move toward a more waste-free society by using reusable bags. Consumers will need to change their behavioral habits when visiting liquor stores as well.</p>
78	<p>Is it true that food pantries are no longer allowed to use plastic bags as well? As I read the law, it appears to me that establishments that collect sales tax are required to ban the plastic bags, but since food pantries do not actually sell their items, I would think they are exempt.</p>	<p>If a food pantry or other charity is considered a “person required to collect [sales] tax,” they are required to comply and cannot distribute plastic carryout bags. If they do not fall under this definition, then the ban on distributing plastic carryout bags does not apply to them. Any person who is unsure as to whether they are a “person required to collect tax” should contact the New York State Department of Taxation and Finance for assistance in determining whether they meet that definition.</p>
79	<p>I heard that Wine and Spirit Shops would be exempt from the ban. Is that true?</p>	<p>Anyone who is a person required to collect sales tax is required to comply. Wine and spirits shops are not listed as a specific exemption in the regulations or in the Bag Waste Reduction Act.</p>

80	<p>Our organization is non-profit organization for liquor stores in New York. Regarding the new law in subject, as liquor store owners, we are wondering if liquor bag is exempt bag, "a plastic film bag for which there is no reasonable or practical alternative for storing, containing or transporting items, as determined by the department".</p>	<p>The Department received hundreds of comments related to this exemption enabling the Department to determine that a bag is exempt in cases where there is no reasonable or practical alternative. Commenters expressed concern that the provision is too open-ended and would create loopholes for film plastic bags to be distributed. The intent of the proposed exemption was to provide a means to address unique bag uses that were not considered when the legislation was drafted.</p> <p>After evaluating the proposed exemption, the hundreds of similar comments raising concerns with the wording, and the recommendations for amending the review process, the Department has eliminated this exemption. Instead, the Department has provided examples in some of the other exemptions to clarify the applicability of the rule based on the questions received from the public since the Bag Waste Reduction Act was enacted.</p> <p>Many liquor stores currently provide, or make available to their customers, cardboard boxes or paper bags, with pieces of cardboard used to support the bottom of the bag and in between bottles. So there are other options for liquor stores to use when packaging customers purchases.</p> <p>Additionally, the Bag Waste Reduction Act amended subdivision 4 of section 63 of the Alcoholic Beverage Control Law to allow licensees under that section to sell reusable bags. So reusable bags could be another option provided to customers of these establishments.</p>
81	<p>I am a party supply store. I use plastic garbage bags to send home orders of inflated latex and mylar balloons with customers. The garbage bag not only protects the balloons from popping, but they also help keep the balloons from flying away. Is my use of these bags an exemption of the single use bag law, or am I not allowed to send them home with customers anymore?</p>	<p>In order for a bag to be considered an "exempt bag" under the Bag Waste Reduction Act and the regulations, it must fall under one of the listed exemptions in the definition of "exempt bag." Also, if the bag does not meet the definition of "plastic carryout bag" then it would not be banned from distribution. More information is needed to determine if the bags described fall under the definition of a plastic carryout bag or if an exemption applies. If the bag is</p>

		considered a plastic carryout bag and if it does not fall under one of the current exemptions, then an additional exemption would need to be added through legislation amending the law for the bags to be exempt.
82	We sell a large plastic bag for inflated balloons for \$1.00. This is offered to the customer to assist in the transportation of inflated balloons, it holds about a dozen balloons, and there is no practical alternative. Would that be exempt?	As stated above, after evaluating the proposed exemption allowing the Department to determine that a bag is exempt in cases where there is “no reasonable or practical alternative”; the hundreds of similar comments raising concerns with the wording; and the recommendations for amending the review process, the Department eliminated this exemption. In order for a bag to be considered an “exempt bag” under the law and regulations, it would have to fall under one of the listed exemptions. Any additional exemptions would need to be added through legislation amending the law.
83	It is necessary for our customers to receive bags with their purchases, as it is very easy to lose or have stolen jewelry items. To carry out these items in a large tote is not prudent. We have had experiences where customers have put small items in their personal bags and lose them on their way home. Most of these items cannot be put in paper bags.	In order for a bag to be considered an “exempt bag” under the Bag Waste Reduction Act and the Part 351 regulations, it must fall under one of the listed exemptions in the definition of “exempt bag.” Also, if the bag does not meet the definition of “plastic carryout bag” then it would not be banned from distribution. More information is needed to determine if the bags described fall under the definition of a plastic carryout bag or if an exemption applies. If the bag is considered a plastic carryout bag and if it does not fall under one of the current exemptions, then an additional exemption would need to be added through legislation amending the law for the bags to be exempt.
84	At our three research libraries, for security purposes, we require our patrons to check their personal bags at our coat check and put any personal items (wallet, phone, etc) into a clear plastic bag that we provide, to carry into the special collections reading rooms. When the patron exits, they return the plastic bag to us and it is then used for another patron, etc. (image attached) We replace them every 5 years or so at each of the three locations, as they become worn out/dirty, etc. They should not ever leave the building in a patron's possession. Is this plastic bag usage permitted under the incoming statute?	
85	The clear plastic bags are used for individuals to place personal belongings (swimming suites, towels, etc...) in to aid us in a quicker and more thorough security screening process. As we do not use these bags in the sale of any merchandise, does that allow us an exemption in the law for the handing out of these bags? We can also institute a design change in our bags to further meet the Regulation 351 requirements, if needed.	

86	<p>Requesting additional exception for "protect from the elements" plastic for artists who need to protect works of art or supplies from being damaged by the elements.</p>	<p>In order for a bag to be considered an "exempt bag" under the Bag Waste Reduction Act and the Part 351 regulations, it would have to fall under one of the listed exemptions. Any additional exemptions would need to be added through legislation amending the law. Paragraph (1) in § 351-1.2(f) in the final Part 351 regulations may cover bags used for the purpose described, but more information is needed.</p>
87	<p>We need to use plastic bags for a consumer to transport swimming pool and Hot Tub chemicals in their vehicles. We have liquid chlorine, acid and other chemicals that can leak from the containers. If they leak they will ruin consumers vehicles. We will not be responsible for that. These are chemicals you would not want to be putting in your reusable grocery bags. And then placing food items in the same bag. There is a proposed Part 351 regulation that states, a plastic bag for which there is no reasonable or practical alternative for storing, containing or transporting items. This is exactly what we need for transportation of all chemicals.</p>	<p>The Department received hundreds of comments related to this exemption enabling the Department to determine that a bag is exempt in cases where there is no reasonable or practical alternative. Other commenters expressed concern that the provision was too open-ended and would create loopholes for film plastic bags to be distributed. The intent of the proposed exemption was to provide a means to address unique bag uses that were not considered when the legislation was drafted.</p> <p>After evaluating the proposed exemption, the hundreds of similar comments raising concerns with the wording, and the recommendations for amending the review process, the Department has eliminated this exemption. Instead, the Department provided examples in some of the other exemptions to clarify the applicability of the rule based on the comments and questions received from the public since the Bag Waste Reduction Act was enacted. The final rule has been adjusted to provide further clarification to address these recommendations.</p> <p>The items mentioned in this comment may fall under the exemption in Section 351-1.2(f)(1) for bags used to contain unwrapped items that may leak, spill, be damaged by moisture, possibly cause contamination, potentially cause illness or harm to the environment.</p>

88	I am inquiring on the laws for use of plastic bags we are an orthodontic practice and use plastic bags to give supplies to patients and wanted to find out if the new law applies to the healthcare industry or is it strictly retail?	<p>The Bag Waste Reduction Act applies to anyone meeting the definition of “person required to collect [sales] tax.”</p> <p>With respect to dentists, some may sell tangible personal property (e.g., electric toothbrushes) and, therefore, would be required to be registered for sales tax. If they do, the plastic bag ban would apply to them. Thus, they could not give patients free toothbrushes, etc., in a plastic bag, unless it is an exempt bag.</p>
89	I would like to ask that our fire departments and other non-profits be exempt from the plastic bag law. They use plastic bags for carryout of the foods purchased at their fundraising events such as barbeques and fish fries. I believe the use of plastic bags for such purposes by these entities should be allowable and would equate to the exemption afforded to food service establishments.	<p>The Bag Waste Reduction Act applies to anyone meeting the definition of “person required to collect [sales] tax.” So if a fire department or non-profit collects sales tax, they would be required to comply with this law. However, the items you mentioned may be considered food prepared to order and, therefore, the bags used to contain this food may be exempt.</p>
90	We are asking for an exception for heavy items, like bottles, that can easily rip through paper. Also consider plastic bags that are biodegradable.	<p>In order for a bag to be considered an “exempt bag” under the Bag Waste Reduction Act and the Part 351 regulations, it would have to fall under one of the listed exemptions. Any additional exemptions would need to be added through legislation amending the law.</p>
91	Is it ok to re-use single-use bags for sales at craft shows?	<p>The Bag Waste Reduction Act applies to anyone meeting the definition of “person required to collect [sales] tax.” Therefore, if a craft show vendor is required to collect sales tax, they would be prohibited from distributing plastic carryout bags at craft shows. This applies even if the bags have been collected for a second use for craft show sales.</p>

92	<p>We are a non profit youth football league we have a surplus of plastic bags (2 handled bags) that we use to store pad sets for our football players we also use them to give them out t-shirts and other items at the end of our season. Will we be able to continue using them? If not can we use them until our supply runs out?</p>	<p>Plastic carryout bags used to store baseball pad sets do not fall under the Bag Waste Reduction Act or the regulations prohibiting the distribution of plastic carryout bags by any person required to collect sales tax. This use of plastic carryout bags is not prohibited by this law or the Part 351 regulations.</p> <p>The Bag Waste Reduction Act applies to anyone required to collect sales tax. In regards to t-shirts and other items provided in plastic carryout bags, these bags would be prohibited from being distributed if the youth football league is considered to be a “person required to collect [sales] tax.”</p> <p>The Department received dozens of similar comments suggesting or requesting there be a grace period for enforcement of the Bag Waste Reduction Act and the Part 351 regulations to give time for retailers to order appropriate bags, use existing bag supplies, and educate customers about the law. However, as with most new laws the Department administers and enforces, once the law is in effect, the Department will continue with its outreach and education efforts, focusing on informing the public and regulated entities about the law and its requirements. The Department will work with affected entities during this transition period on the various logistical issues to address and achieve compliance.</p>
93	<p>I am inquiring about the Bring Your Own (BYO) bag law and I don't see anything about individuals who utilize SNAP aka food stamps. Many of us that utilize food stamps don't have many transportation options (take the city bus, etc.) and I can say on my own behalf I don't always carry reusable bags because I don't have room in my bag/purse for a reusable bag. We need food stamps because we don't have lots of money and buying bags can be hard.</p>	<p>Unless a bag is an “exempt bag,” any “person required to collect [sales] tax” cannot distribute any plastic carryout bags to individuals who use food stamps, the supplemental nutrition assistance program (SNAP), or the special supplemental nutrition assistance program for women, infants, and children (WIC). The legislation did not specify these bags as being exempt. However, many businesses will carry paper bags and there will also be reusable bag giveaways in many areas across New York State both prior to and after the ban taking effect.</p>
94	<p>I thought originally there was an exemption for customers on public assistance, but while reading</p>	<p>Under the Bag Waste Reduction Act, the paper carryout bag fee imposed in some</p>

	through the details I didn't see this exemption, so could you please clarify?	cities or counties will not apply to customers using SNAP or WIC as full or partial payment for the items they purchase.
<b>Reusable Bags</b>		
95	Non-woven bags are not recyclable, and are known to harbor bacteria, which can cross-contaminate checkout counters when reused. Recyclable polyethylene film should be used instead since they save trees, save oil, and save shipments from China.	<p>There were approximately 75 comments related to reusable bags similar to these representative samples. Concerns expressed included potential cross-contamination of the reusable bags from meat and dairy products, potential contamination of the retail establishments from reusable bags brought to the establishment by customers for use, potential theft concerns, the specifications of reusable bags and the lack of a certification program proposed for reusable bags.</p> <p>While cross-contamination can be an issue if reusable bags are not routinely cleaned after use, the potential always exists for customers to bring foreign materials into a retail establishment, and monitoring customers who bring their own bag into an establishment for potential theft could be an issue in some establishments. One of the goals of the legislation is to help change behavioral habits of New Yorkers and move toward a more waste-free society by using reusable bags. These regulations implement the Bag Waste Reduction Act and the Plastic Bag Reduction, Reuse and Recycling Act.</p> <p>With respect to the lack of a bag certification program outlined in the Bag Waste Reduction Act, after careful consideration, it has been determined by the Department that such a program is not necessary at this time to carry out the law's intent but the Department will monitor implementation and consider such a</p>
96	There are dangers in emphasizing the use of Non-Woven or Woven Polypropylene bags in the United States. They should NEVER be used with meat products or produce. It is standard procedure in California supermarkets to train their clerks and baggers to NEVER put meat or produce in those bags. The cashiers', baggers', and shoppers' hands are vulnerable to exposure. Cross contamination is a very serious issue. PP non-woven bags are susceptible to E. coli contamination and have been found to spread disease and cause deaths.	
97	PP non-woven bags non-recyclable and last in landfills for 1000 years, where they take up a lot of space. There is no market for them, there are no recycling facilities for them, and they must be used at least 130 times before they offset their carbon footprint.	
98	Retailers and suppliers do not like non-woven bags. A. They consume 10 times more storage space than 2.25 mil bags. B. They are difficult to load when new, more difficult to reuse since they lose their ability to stand up. C. They tie up money that retailers would prefer to use on food stocks. D. They sell poorly: Customers prefer inexpensive polyethylene bags (\$.10 - \$.15 each), compared to non-woven bags (\$1.50 - \$2.50). E. According to Staples (large office supply chain): Customers will not purchase nonwoven bags unless they are put on a deep, discounted sale.	
99	Non-woven bags with their long handles can also become entangled with wildlife and marine life. Film bags with small die-cut handles significantly limit the possibility of entanglement.	

100	Non-woven material is well-known to harbor bacteria and presents a significant health issue with cross contamination. In 2013, San Francisco saw a major spike in E. coli infections due to non-woven bags. One could argue the bags simply need to be washed between shopping trips; however, these bags cannot be regularly washed because the thin handle threads cause the handles to break.	program in the future as an enhancement, if necessary.
101	Bacteria from meats and poultry products will find their way into reusable bags. These same bacteria will thrive and multiply on bags stored in trunks and back seats and floors of cars where heat will incubate pathogens; as well as home closets or cabinets. A study done by the University of Arizona found only 3% of shoppers regularly washed their reusable bags. The pathogens we are talking about can be fatal and include: coliform, E. coli and salmonella, as well as mold and mildew, which though less fatal, can still have short or long-term health effects.	
102	Our customers are not confident that they can obtain enough paper for all of their locations. They are also concerned about the cost of both paper and non-woven options. We ask that the law be amended to at least include a plastic bag in a gauge that will surely guarantee and meet reusable guidelines, that is produced in this country, that is a more economical and sustainable than paper and the non-wovens that are being recommended.	
103	I am also very concerned at the public, many who are dirty, have bedbugs and cockroaches and germs, will now be bringing that into a public store with them in their reusable cloth or heavy plastic bags. Not to mention, I'd hate to be the cashier who has to touch them all, risking themselves. That will only make it harder for businesses to get good help, which is already an issue.	
104	We note that the proposal does not require and third-party certification or other demonstration that a product meets the standards required for any reusable bag offered for use in New York State. Such a provision would seem to be within the department's statutory authority, at least with regard to Title 27.	
105	Additionally, at a minimum, any plastic checkout bags that are not banned should be made from recycled material and should be certified by 3rd party testing.	
106	(iii) is made of a combination of the materials specified in subparagraphs 351-1.2 (n)(5)(i) and (ii) above; should be removed.	

107	Reusable bags will more than likely be more expensive than plastic, can we pass along some or all of the added cost to the consumer? If yes, are there any parameters that we should follow (i.e., reporting, disclosing to consumer, etc.)?	The Bag Waste Reduction Act, the Plastic Bag Reduction, Reuse and Recycling Act, and the Part 351 regulations do not contain any prohibitions on passing along these costs to the consumer and they do not contain any parameters for retailers to follow. The regulations do provide that reusable bags available for purchase shall be sold at a price determined by the operator of the store. Section 351-2.2(b).
108	Can reusable bags be given away at no cost?	The Bag Waste Reduction Act, the Plastic Bag Reduction, Reuse and Recycling Act, and the Part 351 regulations do not contain any prohibitions on giving away reusable bags at no cost. In addition, Part 351 includes a reusable bag as an exempt bag.
<b>Individual Use of Bags</b>		
109	My wife is fully disabled and needs these bags for strictly sanitary purposes, for cleanliness. Right now we're in FI but we return to NYS soon. What do we do then?	Retailers can continue to sell a package of bags to consumers. Those could fall under the exemption for "bags prepackaged for sale to a consumer" or "bags sold in bulk to a consumer at the point of sale." Retailers can continue to sell trash bags as well. The ban is focused on "plastic carryout bags" provided to a customer by a retailer to be used by the customer to carry tangible personal property.
110	Can I bring my own plastic film bag to the store to reuse?	DEC received several similar questions related to this issue. Consumers can bring any bag to a retailer for reuse, including a film plastic bag acquired prior to the March 1, 2020 effective date of the Bag Waste Reduction Act.
111	Can I continue to use my old plastic film bags for personal use such as for my pet or waste basket liners in my home?	DEC received many similar questions related to this issue. There are no restrictions as to what types of plastic bags individuals can use in their homes.
112	Will I be allowed to use plastic garbage bags and plastic trash bags to dispose of my household garbage? What sort of bag or container will I be allowed to use for my dogs droppings?	Retailers can continue to sell a package/box of dog waste bags to consumers. Those could fall under the exemption for "bags prepackaged for sale to a consumer" or "bags sold in bulk to a consumer at the point of sale." Retailers can continue to sell trash bags as well. The ban is focused on "plastic carryout
113	Is this going to affect trash bags also since they are made of plastic?	

		bags” provided to a customer by a retailer to be used by the customer to carry tangible personal property.
	<b>Fees</b>	
114	Where does the 5 cent paper bag fee work.	<p>The Department received dozens of similar comments related to the paper carryout bag reduction fee that cities and counties are authorized to adopt pursuant to the Bag Waste Reduction Act. The paper carryout bag reduction fee is beyond the scope of this rulemaking and is not addressed in the regulations. The law itself is the best guide for answers to any related questions, as well as the New York State Department of Taxation and Finance. Additional information can also be found at: <a href="https://www.tax.ny.gov/bus/st/paper-carryout-bag-fee.htm">https://www.tax.ny.gov/bus/st/paper-carryout-bag-fee.htm</a> .</p> <p>The Department received dozens of similar comments related to the paper carryout bag reduction fee that cities and counties are authorized to adopt pursuant to the Bag Waste Reduction Act. Based on the Department’s discussions with the Department of Taxation and Finance and information on the Department of Taxation and Finance’s website, any vendor who charges a customer for a paper carryout bag in a jurisdiction that does not impose a paper carryout bag reduction fee (or charges in excess of a locally imposed fee) is selling tangible personal property that is subject to sales tax.</p> <p>The paper carryout bag reduction fee is beyond the scope of this rulemaking and is not addressed in the regulations. The law itself is the best guide for answers to any related questions, as well as the Department of Taxation and Finance. Additional information can also be found at: <a href="https://www.tax.ny.gov/bus/st/paper-carryout-bag-fee.htm">https://www.tax.ny.gov/bus/st/paper-carryout-bag-fee.htm</a> .</p>
115	What municipalities have a 5 cent paper bag fee.	
116	Bag fees are better than banning the use of bags, why don't you put a fee on bags instead.	
117	In areas where a paper bag fee is imposed, it is a burden to the retailer to administer.	
118	Clarification in the language for the use of the \$0.05 fee on paper carry out bags; specifically, how distribution of reusable bags relates to the costs of municipal personnel staff time, advertising and other necessary expenses that will be incurred for proper distribution.	
119	As a small antique and home decoration store, would we need to comply with the 5 cent paper bag fee?	
120	Can a store charge a fee for paper bags?	
121	Can a store in a City of County that opted in to the 5 cent paper carryout bag fee changer anything for a paper bag?	
122	Can a store keep the 5 cent fee is they are in a City of County that has adopted an opt-in fee law?	
123	<p>Leaving the amount to be charged at the discretion of the store operator only creates inconsistency. We would like to recommend there is an explicit charge assigned to all reusable and paper bags that is appropriately aligned with cost of the products. This charge should be based on the cost of the bag to produce, for stores to cover their costs as well as distribute funds to appropriate environmental programs or waste reclamation methods to support film recovery.</p>	

124	Please consider allowing the stores to provide customers while shopping a single use plastic bag for a fee that will go towards the environmental protection service, the fee could be as much as NYS decides but please allow it, this new ban will just make it harder on an everyday basis for millions of NY residents, please feel there needs and not just ban something that will make our lives harder, by allowing to pay a fee for a single use bags the costumer could decide on their own if they want to bring a bag from home or just pay a fee.	The Department received dozens of similar comments related to the concept of fees or fee structure suggestions. The concept of altering the fee structure provided in the Bag Waste Reduction Act or the paper carryout bag reduction fee is beyond the scope of this rulemaking and is not addressed in the regulations. The law itself is the best guide for answers to any related questions, as well as the Department of Taxation and Finance. Additional information can also be found at: <a href="https://www.tax.ny.gov/bus/st/paper-carryout-bag-fee.htm">https://www.tax.ny.gov/bus/st/paper-carryout-bag-fee.htm</a> .
125	Please be sure to include a fee on paper bags in order to (1) drive consumers to bring their own reusables and (2) avoid the greater environmental harm of paper (of which most people are not aware).	
126	This law ignores the experience from around the country and the world that a mandatory fee on all bags needs to be included with a plastic bag ban to increase the use of reusable bags. Without a fee, customers just shift to paper bags, which are paid for in higher grocery prices by all customers.	
127	A fee/price on disposable bags increases the usage of these bags (loss aversion theory). Disposable' is not a characteristic. 'Disposable' is a perception of value. As long as bags remain free, they will be considered 'disposable' or of little value.	
<b>Paper Carryout Bags</b>		
128	I am writing as an owner of a wine and liquor store. I think something that was not addressed was the weight of carrying bottles in paper bags. We have tried different bags over the past year and paper bags tend to rip. They also pose another issue. Wine and other items that are chilled tend to have condensation that soaks through paper.	The Department received dozens of similar comments on paper bags ranging from the challenges of using paper bags, to the impracticality or inconvenience of using paper instead of plastic bags, to comments questioning the true recyclability of paper bags, to the fact that there could be a significant production capacity and market shortfall if all formerly provided plastic carryout bags were replaced with paper bags. The requirements for paper bags are outside of the scope of this rulemaking. There is no requirement in the Bag Waste Reduction Act or the Plastic Bag Reduction, Reuse and Recycling Act for a retail establishment to provide any type of bag to a customer for free. While the available supply of paper carryout bags may be impacted, one of the goals of both the Bag Waste Reduction Act and the Plastic Bag Reduction, Reuse and Recycling Act is to
129	Most paper bags end up in landfills, particularly in light of the current National Sword recycling predicament in China, which no longer accepts them. Prices are off by 90%, with some paper recyclers forced out of business.	
130	HOW is now requiring us to purchase bags(paper) that will NOW be SINGLE use helping the cause? We were cutting down on paper to SAVE THE TREES. Did we forget about the trees & the extra gas to transport the heavier bags?	
131	Are there any requirements for paper bags to be recyclable or made of recycled materials? Do paper bags need to have a handles or meets any standards regarding durability? It is my understanding that there are currently no specs listed for paper bags.	

132	While we support New York’s sustainability goals, the ban set to go into effect this year will have serious, unintended consequences for both businesses and the hard-working families of New York. More specifically, the North American market doesn’t currently have the capacity to keep up with what will certainly be a surge in demand for paper bags in New York after the ban goes into effect. The result will be a serious shortage of paper bags which will impact the industry as well as every grocery-shopping family in the state.	help change behavioral habits of New Yorkers and move toward a more waste-free society by encouraging the use of reusable bags.
133	To what extent does the law apply to orders placed online, including click and deliver and click and collect? Additionally, to what extent does the paper bag fee apply in the above scenarios in counties or cities that opt-in to the paper bag fee? Clarity and guidance are needed.	
134	The paper bags do not have handles and too cumbersome to carry paper bags without handles into an apartment complex when you live on the 2nd or 3rd floor.	
135	Are paper bags really better for the environment? My recollection is that they were difficult to carry, hard to dispose of and less practical than plastic bags. For instance, plastic bags have multiple uses such as long term storage of small household items, picking up and disposing of pet waste, use as small garbage bags on a daily basis, and lining waste baskets among others. And the fact that you don't have to pay for them is a big plus. Surely with today's technology there are environmentally friendly ways to dispose of supposedly single use plastic bags.	
136	Paper bags are in scarce supply due to extremely high demand and nonwoven bags - ALL made overseas and NONE are recyclable.	
137	In addition to these store-level issues, there’s an even bigger supply and demand issue going on in the marketplace. Our warehouse has been waiting to receive paper bags for about FOUR months now! If the manufacturers are having trouble keeping up with the demand now, just imagine what this is going to be like once the ban takes effect. They simply cannot produce paper bags at the rate that plastic bags are produced. This will continue to be an issue for smaller retailers in the New York market.	
138	While the ultimate goal is for New Yorkers to embrace reusable bags, the New York State Bag Waste Reduction Act of 2019 incorporated a transition that relied on paper bags as a bridge from plastic to reusables. If shortages and high costs cause this bridge to collapse, it will be a disservice to retailers and consumers.	

139	<p>Paper bags are costly, cumbersome, and must be double-bagged to hold the weight of wine and liquor bottles. If they get wet, they break, and they are not sturdy enough to keep several bottles secure. For those counties that opt-in to charging a five-cent fee, retailers are responsible for charging for each paper bag a customer uses. This is an additional accounting burden. We do not keep the five cents. Instead, we have to configure our receipts to show the number of bags each customer used, keep a tally of the total fee charged, report it to the Department of Tax and Finance, and remit the money to the State on a quarterly basis with a special form. We essentially become tax collectors for the state. Many of the mom-and-pop liquor stores don't have the financial ability to invest in paper bags or tote bags.</p>	
<b>Economic Impact</b>		
140	<p>The price of reusable bags will force retailers to increase costs and cut down workers' hours. Shipping costs will increase since the bags take up more space and create the need for increased shipments. Allowing customers to bring their own bags may lead to increased shoplifting and increases operator costs for security. Stores that use paper bags will be subject to more returns of damaged goods if the bags are used in the rain.</p>	<p>The Department received approximately three dozen comments related to the fiscal impacts of the Bag Waste Reduction Act. These included comments from citizens noting a potential increase in costs for shopping if the cost of bags is passed on to them by the retailer; retailers indicating the additional costs they have to absorb; and the potential need to begin to charge a fee to customers for each bag; bag manufacturers and distributors indicating that there will be a paper bag shortage due to manufacturing capacity limitations if all current plastic carryout bags are replaced by paper bags; and from a manufacturer of plastic carryout bags in New York expressing they will be severely impacted by implementation of the Bag Waste Reduction Act. Fiscal impacts were considered as part of the rulemaking process and the fiscal realities identified by the commenters are understood. However, the Part 351 regulations must also reflect and effectively implement the requirements set forth in the Bag Waste Reduction Act and the Plastic Bag</p>
141	<p>We sell every type of bag made and even at our cost we are going from \$1,700 a year using a top quality plastic bag much higher rated than the grocery stores to a tote bag that will run us a minimum of \$6,000 to \$8,000 per year. That is a huge cost difference and reminder this is at our cost which means everyone else is paying more. So, with every business at every size facing minimum wage hikes and keeping staff above minimum wage. This is another huge cost burden that can put many out of business or be forced to reduce staff to cover the cost. Or lastly increase cost to the consumer which could cost them clientele. Either way the business owner and others lose. The average small business does not use as many bags as any grocery store, so for them to absorb such a hike on top of minimum wage I think is asking a lot of these businesses when we know department stores and grocery stores are the ones purchasing thousands of cheaper plastic bags a year.</p>	

142	<p>The new plastic bag ban is going to create a significant operations problem for our stores and customers who place orders online in that each time a customer places an order, they will be required to purchase the new reusable bag – in many cases this will mean 4-6 bags per order at a cost of \$2-\$3 each time they shop. It's not feasible to ask the customer to return the bags – as we need to maintain quality and food safety standards. Also, keeping track of each customer's bags for future orders has proven problematic for store operations – we've tested this in the past...so in essence, the new multi-use reusable bags become a single use bag for customers who shop online.</p>	<p>Reduction, Reuse and Recycling Act. One of the goals of both of these laws is to help change behavioral habits of New Yorkers and move toward a more waste-free society by using reusable bags. This move will have some associated fiscal impacts, although those impacts should be minimized by behavioral changes anticipated by the law.</p>
143	<p>You must also consider your constituents who must purchase and reuse the reusable bags you approve. Non-woven bags are expensive, sell poorly, and are difficult for baggers and cashiers to reuse. Furthermore, their long handles can also become entangles with wildlife.</p>	
144	<p>Also the paper manufacturers are so backed up and some are not even taking new orders for the foreseeable future , which makes paper bags a bad option for retailer right now PLUS because of the 25% Trump tariffs from China on Reusable bags which combine with the standard 18% import duties, will add 43% to the actual cost of the bag</p>	
145	<p>Paper bags do not work in an urban environment. Customers in Manhattan walk home with their groceries. Paper bags must therefore have handles and require double paper bagging to prevent falling apart on the way home. Paper bags also take up much more space at the front end of stores that are paying excessive Manhattan rents and crippling commercial rent taxes. There is also a shortage of paper bags as the industry is controlled by a small handful of players, and the supply of paper bags is allocated to the large national chains. Our company spends \$1.5 million a year on plastic bags that cost 2.5 cents each. Paper bags cost 12 cents each and require double bagging to prevent falling part on the walk home. Shifting to paper bags will increase our expenses by five times. It will more than wipe out any profits, result in the closure of supermarkets, and will dramatically reduce investments in building new stores. Adding insult to injury, the proposed 5 cents per bag collected goes to the city and state, instead of the retailer forced to spend the extra money. Fees for paper bags, which require double-bagging in urban environments and are not reusable, should go to the retailer instead of the State and City.</p>	

146	I and many others CAN NOT AFFORD to buy reusable bags and/or paper bags. You are taking food away from me/us in need. Is it not contradicting that the \$.05 will partially go to Charities and Food Bank/Pantries? What about the individuals that go to the Charities and Food Pantries like myself because we are in need? You are charging us to get assistance.	
147	Beyond the environmental costs associated with the cradle to grave footprint of paper bags, there is a financial cost to merchants, who will feel under pressure to provide a "free" bag. Since paper bags are much more expensive than plastic bags, the cost will be passed on to all shoppers, including those who bring their own bags, through higher prices.	
148	It hurts the manufactures of the bags, distributors and others The stores stand to make money from a tax right off for the charitable deductions they get from the nickel charge, and they don't have to buy the bags, a cost they had endured for a long time. Instead it will be pushed on the consumers again and no one said a cut in costs on products will happen. The State will get the piece of that nickel.	
149	Since the vast majority of our sales are in New York and the East Coast, the impact this law will have on our company and its employees would be catastrophic. Our employees will never be able to replace these jobs at the wages they currently earn here on Long Island.	
150	From a business perspective, although most of our customers and visitors are local, we do compete nationwide and with operations in Canada. Every new regulation puts us at a disadvantage, and fear that New York State is in a sprint to become California. There are numerous backyard and hobbyists operations that do what we do statewide, but because they do not collect and remit sales taxes on behalf of NYS, they escape any applications of this proposed law.	
151	Also, since we would have to purchase plastic bags (which we currently get for free) for the other uses noted above, there would be an economic impact to consumers which is not mentioned in the regulatory impact statement.	
152	The cost to manufacture a 10 mil bag greatly exceeds other viable options – ultimately increasing the cost to the consumer, with no additional proven value or environmental benefits.	
<b>Enforcement</b>		
153	The regulated community should have a grace period of 6 months before enforcement begins.	The Department received dozens of similar comments suggesting or requesting there be a grace period for enforcement of the Bag Waste Reduction Act and the Part 351 regulations to give time for retailers to
154	Is there any extension on single use plastic bag ban in new york state? If not, does the violation period start on march 1st ?	

155	<p>I recommend a two year phase-in of an amended single use ban for Counties/Boros whose low to moderate income residents would be disproportionately impacted by the Law. Such an approach would allow these areas to continue to use single-use plastic bags over the interim two year period, after which time such bags would be fully banned. During that interim period, all consumers of the single-use plastic bags would not be required to pay any fee for the first bag they are provided, but would have to pay a five cent fee for each additional bag used during that same transaction. Once the ban is fully implemented, I would recommend that the Law also allow, for a five cent fee, the use of the same plastic reusable bag currently being used effectively in Suffolk County.</p>	<p>order appropriate bags, use existing bag supplies, and educate customers about the change in law. However, as with most new laws the Department administers and enforces, once the law is in effect, the Department will continue with its outreach and education efforts, focusing on informing the public and regulated entities about the law and its requirements. The Department will work with retailers during this transition period on the various logistical issues to address and achieve compliance.</p>
156	<p>We ask that any enforcement regardless of the final regulations is delayed for an appropriate amount of time. This will ensure retailers have the compliance information they need, can source allowable reusable bags, which it should be noted could prove problematic depending on the final regulations and allows education for store level operators and consumers.</p>	
157	<p>Members of the Retail Council – large and small – are making a good faith effort to comply with the law by the March 1st effective date. Yet many fear they are unable to place orders for paper bags, as suppliers are not accepting orders through 2020 due to the high demand in New York State. This reality, coupled with the current uncertainty related to permitted reusable bags, will make it impossible for certain retailers to comply by March 1st. This is a real and significant concern that needs to be addressed as soon as possible. We suggest a reasonable delay in the effective date and / or enforcement to allow the regulated industry time to comply.</p>	
158	<p>Something this big should have been sent out through written notice to all retailers who would be affected (roughly all of them). There could have been a grace period that would allow the state work out the kinks of this. To do a sudden all or nothing ban as of March 1st without warning all tax collecting businesses by mail seems wrong and a path that, to me, will have harsher consequences that should be necessary.</p>	
159	<p>Once the regulations are finalized, it takes up to 3 months to order and receive the new bags. It will be literally impossible to obtain by March 1 given that the regulations will not be available until late February. A 6 month grace period should be provided to enable retailers to place orders for new bags and enable them to go through the supply they already have.</p>	

160	How does it help the environment if we just have to throw out these bags instead being able to give them to customers? There needs to be a grace period where one can go through what one already has on hand. I would certainly be okay with not ordering more bags and I assume that the wholesalers we bought from will no longer be allowed to sell them. But it makes no sense to say that we and thousands of other small businesses should just throw away the bags they already have purchased.	
161	As a retailer is there a fine if they continue to use plastic bags because of the excess they have.	There are potential penalties outlined in the Bag Waste Reduction Act, the Plastic Bag Reduction, Reuse and Recycling Act, and the Part 351 regulations for non-compliance that can be administered by the Department. However, as with most new laws the Department administers and enforces, once the Bag Waste Reduction Act is in effect, the Department will continue with its outreach and education efforts, focusing on informing the public and regulated entities about the law and its requirements. The Department will work with retailers during this transition period on the various logistical issues to address and achieve compliance.
162	Please confirm that the DEC's ECOs will enforce this law.	<p>The Bag Waste Reduction Act provides that a person required to collect tax who violates any provision of ECL section 27-2803 will only receive a warning notice for a first violation. Thereafter, such person may be liable for a penalty of \$250 and then \$500 for any subsequent violation in the same year.</p> <p>Similarly, the Plastic Bag Reduction, Reuse and Recycling Act provides that a person who violates any provision of or fails to perform any duty imposed pursuant to ECL Article 27, Title 27 will first receive a warning that future violations will result in the imposition of a fine. Thereafter, a second violation may result in a penalty not to exceed \$100, and a third or subsequent violation may result in a penalty of up to \$500.</p>
163	Your state in the Guidelines published November 27th that retailers must provide for resale a reusable bag option. How can the state force them to sell something if they do not want to sell it?	This requirement has been in the Plastic Bag Reduction, Reuse and Recycling Act (ECL Article 27, Title 27) since it went into effect on January 1, 2009.

164	<p>The text of this regulation appears to extend enforcement only to traditional “brick and mortar” stores and to manufacturers. Sellers operating on the internet compose a substantial amount of retail sales. Apparel internet retailers and others routinely package their merchandise in plastic bags within the cardboard box in which they ship the merchandise. It would be unfair to burden traditional retailers with a regulatory obligation that is not applicable to their competitors.</p>	<p>The plastic carryout bag and film plastic recycling requirements in the Part 351 regulations and the Plastic Bag Reduction, Reuse and Recycling Act apply to stores of a certain square footage and the plastic carryout bag ban in the Bag Waste Reduction Act applies to anyone meeting the definition of “person required to collect [sales] tax.”</p> <p>Specifically, the term “store” in the Plastic Bag Reduction, Reuse and Recycling Act (Environmental Conservation Law, Article 27, Title 27) includes a retail establishment that (a) has over ten thousand square feet of retail space, or (b) such retail establishment is part of a chain engaged in the same general field of business which operates five or more units of over five thousand square feet of retail space in this state under common ownership and management.</p>
165	<p>On the question of what sized stores are required to do this (I paced out a few of the local ones I use), most stores will not be required to conform to the law. I think the size should be reduced to no more than 5,000 square feet, or preferably less. However, I see a LARGER PROBLEM with a potential ambiguity on what ‘retail space’ means. Is it the area that is open to customers to browse and purchase goods, or is it the gross area of a retail building, which would include storage, back office, kitchen, etc. space, meaning the total footprint of the retail store. However, I am confused by the apparently contradictory provisions of Section 351-2.1 Prohibitions, which appears to make the law apply to any sized store that collects sales taxes. If so, the size restrictions appear moot.</p>	<p>The store size requirements for the recycling requirements of plastic carryout bags and film plastic are set in Plastic Bag Reduction, Reuse and Recycling Act, in Environmental Conservation Law Article 27, Title 27. The Part 351 regulations reflect those requirements.</p>
166	<p>The proposal also provides that any person who violates any duty under the regulations shall be liable for all applicable penalties or sanctions set forth in law. There should also be a reference to the penalty provisions set forth in 27-2807 for violations of Title 28 or 71-2728 for violations of Title 27, each of which provides for warnings only for first-time violators. Any regulations adopted by the Department should align with all statutorily-established penalty revisions.</p>	<p>The recommended adjustments have been incorporated into the final rule. Environmental Conservation Law Sections 27-2807 and 71-2729 are now specifically mentioned.</p>

<b>Biodegradable or Compostable Bags</b>		
167	I am concerned that allowing compostable plastic bags to be used too liberally in place of film plastic will make this regulation pointless. Most people will not compost these bags and they will still end up in landfills. The idea is to reduce waste, not replace it with a different form of waste. Even if the compostable plastic degrades "better" it is still plastic, is it not? We need to get plastics out of the environment and I'm not convinced compostable plastic is the way to do it. The regulation should be written such that requires the use of durable reusable bags, and limits the use of compostable bags to all of those exceptions for which the proposed regulation will still allow plastic.	<p>The Department received approximately 50 comments related to biodegradable or compostable plastics. While there were several comments that suggested these bags may be a good alternative to explore, the vast majority of the comments received sought clarification as to whether or not a compostable or biodegradable plastic bag was considered a plastic carryout bag subject to the Bag Waste Reduction Act or spoke to concern for the recycling and composting streams if these bags are used.</p> <p>There are concerns with incorporating compostable or biodegradable plastic bags into the composting or recycling stream and that is the reason the warning requirement in Section 351-2.4 (c) is required of manufacturers.</p> <p>These bags are considered to be plastic carryout bags and, accordingly, are subject to the Bag Waste Reduction Act, the Plastic Bag Reduction, Reuse and Recycling Act, and the Part 351 regulations. Under the Part 351 regulations and the Bag Waste Reduction Act these plastic carryout bags can no longer be distributed by any "person required to collect [sales] tax" to its customers unless the such bags are "exempt bags."</p>
168	Are biodegradable bags such as those made from corn starch an acceptable alternative to plastic bags?	
169	Are there any restrictions or specifications for using biodegradable/compostable bags?	
170	Additional exempt compostable and biodegradable bags will further damage the recycle market, since no adequate disposal for these bags is available.	
171	Add this clause: "(d) Disallowance of certain bags. Plastic bags marketed or labeled as biodegradable may not be distributed to customers." This change addresses film plastic bags labelled as biodegradable (as opposed to compostable), which are disallowed under federal greenwashing guidelines.	
172	Requiring that compostable plastic bags must be labeled and tinted green or brown is aimed at avoiding contamination at the recycling and composting facilities. Replace language in 351-2.4(c) with the following language: . . . . "COMPOSTABLE BAG" - DO NOT PLACE IN A RECYCLING BIN" and all compostable bags must be tinted green or brown.	
173	Compostable plastic bags are defined but not specifically addressed. We suggest two things: "2) exempt bags may be made of compostable plastic only in certain circumstances" and add the following clause: "(13) only be made from compostable plastic if a majority of the residential households in the jurisdiction have access to curbside collection of foodwaste for composting."	

174	<p>As for the use of compostable plastic bags, to allow this would assist in just exchanging one type of plastic bag for another. It would compromise the purpose of the law as it would put obstacles in the way of reducing the use of plastic bags. Plastic bags that are compostable will not magically be composted. To compost a plastic bag requires a commercial facility because high sustained heat is required to fully degrade the plastic. It will not decompose in landfills, in our waterways or on our streets, and, therefore, will only add to the amount of garbage that is currently being produced. These plastic bags, even though they state they are compostable, will wind up degrading our waterways, littering our communities and causing the same issues with our marine life that we currently have.</p>	
175	<p>Ban "Compostable" plastic bags that can still entangle and choke wildlife for many months in nature, as ALL plastic was promised and ALL plastic was specifically spelled out in the legislation</p>	
176	<p>As an alternative, it would be helpful to provide incentives for production of biodegradable bags, possibly bags made of cellulose. If biodegradable garbage bags were disposed into municipal landfills, they would degrade much more easily than the current plastic garbage bags, and the methane of the landfills would be able to do their job easier than with the current plastic bags.</p>	
177	<p>'Compostable and biodegradable plastic bags do not break down in salt water and generally pose the same threats to marine life and water quality that regular plastic bags do. We therefore strongly urge you to disallow plastic bags marketed as biodegradable.</p>	
178	<p>The proposed regulations define compostable plastic bags, but do not specifically address whether or when they are allowed. Contamination at recycling and composting facilities is a major concern that needs to be addressed and taken into consideration in the context of these regulations. We recommend that compostable bags are only allowed for exempt bag uses, and only in jurisdictions where the majority of households have access to curbside collection of food waste for composting. Additionally, to further avoid contamination at facilities, we recommend a requirement that compostable plastic bags must be tinted green or brown.</p>	
179	<p>Compostable plastic bags are defined but not specifically addressed. Replace 351-1.2(m) with the following language: "'Plastic carryout bag' means any film plastic bag (including plastic bags marketed as compostable or biodegradable), other than an exempt bag, . . . ." and add the following clause to 351-1.2(f): "(13) only be made from compostable plastic if a majority of the residential households in the jurisdiction have access to curbside collection of foodwaste for composting."</p>	

<b>Plastic Carryout Bag and Film Plastic Recycling</b>		
180	Do we still, by law, need to provide the plastic bag recycling bins even though we will not be providing plastic bags to our customers?	<p>The Department received approximately two dozen comments related to the continued requirement for stores to maintain their plastic film recycling collection programs. The requirement for stores specified in the Plastic Bag Reduction, Reuse and Recycling Act in Article 27, Title 27 were kept in place with language in Article 27, Title 28.</p> <p>Specifically, Section 27-2803 states: “Nothing in this section shall be deemed to exempt the provisions set forth in title 27 of this article relating to at store recycling.”</p> <p>The regulations clarify this requirement for stores to continue their at-store recycling program even though they are no longer allowed to distribute plastic carryout bags to their customers. The rationale is that there will still be exempt plastic film bags and other plastic film, and the existing recycling infrastructure has been in place since 2009 and should remain in place to provide access for film plastic recycling to customers.</p>
181	Title 27 says stores that provide plastic carryout bags to their customers, and exceed certain size thresholds, must provide collection bins for customers to place their used plastic into, and arrange for that plastic to get to a recycler. New Title 28 says only that nothing in Title 28 “exempts” the at-store recycling program “provisions” in Title 27. Under those provisions, stores that do not offer plastic bags to their customers are not obligated to maintain at-store plastic collections and recycling. It would be unjust to force a chain convenience store with an extensive food service program – a store that is forbidden by law to offer plastic bags – to continue to bear the sanitation and administrative burdens of collecting used plastic bags that are still being handed out by a competing deli down the block unencumbered by either the plastic bag ban or the at-store recycling mandate.	
182	Why do the proposed regulations state that retail food stores must continue to maintain this in-store recycling program? This has a cost to the store, and the lack of cleanliness in anything returned offers a host of issues within the store. Further, all plastic bags, except for exempt bags, are banned effective of March 1st. Most of any single-use plastic that remains will likely, as is the norm currently, be placed in curbside or other municipal recycling that exists. Continuing this mandate on the retailer is non-sensical.	
183	The proposed regulations also assert that stores that currently have recycling bins under existing law for plastic bags have to continue to have them even if they stop giving customers plastic bags. Respectfully, we disagree with that interpretation. Our understanding is if you stop giving plastic bags to your customers, you are no longer obligated to provide the plastic bag recycling bins.	
184	Banning PE Film bags and still requiring stores to collect film and find channels for that material to be recycled is counterintuitive and burdens the grocer with channeling material (which will likely be at their cost to a recycler). This would rob a circular end-use for this collected material and in no way address the end-life of the other (non-recyclable) products that stores will now be able to distribute like a polypropylene or cotton bags. Those bags are not recyclable and there is no trace of their end-life in this law. There is no requirement for the recyclable paper bags to have an at-store recycling either.	

185	If our store is not subject to the plastic bag ban in NYS as we are not in a county/city that is enforcing the ban, are we subject to the collection of plastic bags and other film plastics from consumers for recycling?	<p>The Department received approximately two dozen comments related to the lack of knowledge of, or lack of enforcement of, the existing requirements in the Plastic Bag Reduction, Reuse and Recycling Act in ECL Article 27, Title 27, requiring the collection of plastic carryout bags and film plastic. The requirement for collection of plastic carryout bags has been in place since January 1, 2009 and the law was expanded to include other film plastics in 2015.</p>
186	How do we explain to people what happens to the plastic film they deposit in collection boxes at area stores and how do we ensure that what is supposed to happen is happening at the individual store level?	
187	We have noticed that collection containers are not consistently present at some local stores that are large enough to be required to collect plastic film, is there a way to enforce appropriate & responsible collection and recycling at these establishments?	
188	I want to let you know that this is the first that I have heard of Title 27, and I haven't ever seen recycling bins in any of the stores where I shop. Based on lack of these bins at the stores I frequent, I conclude that NYSDEC is not effectively enforcing Title 27. NYSDEC should concentrate on enforcing Title 27 before promulgating new rules.	
189	<p>Many retailers today meet this requirement by using collection bins that are already labeled accordingly. In other words, it is not necessary to "affix" additional signage to the collection bin.</p>	<p>Language was added to Section 351-2.3(a)(3) to allow for a collection bin to have text printed directly on the bin, as an alternative to having a sign affixed to the side of the bin, to the top of the bin, or to a nearby wall not more than two feet away from the bin.</p>
190	<p>The Department describes its objectives in issuing combined regulations as providing clarity and improving implementation of each of these two enactments, which it indicates "must be read together." This mistaken reading is not borne out by the legislative record.</p>	<p>The Bag Waste Reduction Act (ECL Article 27, Title 28) specifically references ECL Article 27, Title 27, (the Plastic Bag Reduction, Reuse and Recycling Act) in Section 27-2803(3), stating that "nothing in that section shall be deemed to exempt the provisions set forth in title 27 of this article relating to at store recycling." The plain language of the statute clearly links the two Acts.</p> <p>The two laws share several of the same terms and goals and the more recent Bag Waste Reduction Act directly references the older law in Title 27. The two laws are clearly meant to be read together.</p> <p>Without the statement in Section 27-2803(3) about Title 27, the requirement for stores to have an at-store recycling program would no longer exist because the definition of "store" states that a "store" means a retail establishment that provides plastic carryout bags to its customers as a result of the sale of a product and [meets certain size requirements]." The Bag Waste Reduction Act in Title 28 prohibits</p>

		these stores from providing plastic carryout bags to customers after March 1, 2020. So without the language in Section 27-2803(3), stores would no longer be required to have a recycling program after March 1, 2020, thereby rendering much of Title 27 useless.
<b>General &amp; Miscellaneous Comments</b>		
191	Numerous non-specific general questions.	The Department received nearly 200 comments that are either outside of the scope of this rulemaking or were more general statements or questions not directly related to the rulemaking. Any comments that can be responded to have either been addressed with general outreach information on the Department's website or will be addressed in that manner after the rulemaking is complete.
192	If the purpose of this legislation is to produce fewer plastic bags, how is banning the film type of plastic bags in stores going to achieve this, when currently, these so called "single use" bags are recycled in our home for trash disposal. If this law passes, people will have to buy bags for this purpose - those bags would be more like single use.	The banning of film plastic bags is meant to reduce the approximately 23 billion plastic bags that are used each year in New York State. Plastic bag usage affects both our communities and environment. Plastic bags can be seen stuck in trees, as litter in our neighborhoods, and floating in our waterways. From the significant recycling and disposal issues they pose to the harm they can do to wildlife, the negative impacts of plastic bags are easily seen.
193	Any time anything is offered for free it will be thrown away, because a new one can be obtained at the next visit to a store.	This comment is acknowledged.
194	This legislation will pre-empt successful local legislation such as the Suffolk County Bag Law and several bag laws in Westchester municipalities.	This comment is acknowledged. This is outside of the scope of this rulemaking. The Department cannot remove the pre-emption language in the Bag Waste Reduction Act through the regulatory process.
195	New York can have an exceptional bag ban ordinance by doing two things: A) Include basic performance standards with a minimum 15 liter capacity and a minimum thickness of 2.25 or 3.0 mils, and; B) Charge a minimum of \$0.10 per bag (which serves to modify consumer behavior).	This comment is acknowledged.
196	Finally, it is imperative that DEC use its authority, bully-pulpit and resources in the next month to dramatically enhance its efforts to educate the public about the plastic bag ban and why it is important. I urge you to put together a meaningful, robust public education effort to	This comment is acknowledged. The Department has undertaken a "Bring Your Own Bag" education initiative and outreach and education resources are available on DEC's website. The Department has also partnered with Tax &

	encourage the public to learn about the new law and to get ready for it.	Finance to provide notices to affected entities. For example, notices were sent to persons required to collect sales tax.
197	Being a Senior Citizen with many orthopedic problems it's easier to tell the cashiers to make the bags light. I worked as a blue collar employee and have fallen a few times, have horrible arthritis, herniated discs, broken elbow etc.... To have cloth bags loaded to beyond a reasonable weight is a nightmare.	This comment is acknowledged.
198	Setting a minimum for exemption at 10,000 square feet of retail space overlooks hundreds to thousands of small shops that are major users of plastic bags.	The prohibition on distributing plastic carryout bags applies to any "person required to collect tax" when the bag is provided to a customer to carry tangible personal property.
199	Disposable synthetic hydrocarbon based plastic as 'liner' or bag must be outlawed.	This comment is acknowledged.
200	Plastic bags actually facilitate physically challenged individuals who do grocery shopping and purchase items from a variety of other businesses. Having to rely on bringing reusable shopping bags to grocery stores would be cumbersome at best or become an additional obstacle to overcome for a physically challenged shopper.	The Department respectfully acknowledges your comment. However, one of the goals of the legislation is to help change behavioral habits of New Yorkers and move toward a more waste-free society by using reusable bags.
201	People should have the choice on what they want to use when they shop. It's just another way of taking from the consumers to make money.	The Department respectfully acknowledges your comment. However, one of the goals of the legislation is to help change behavioral habits of New Yorkers and move toward a more waste-free society by using reusable bags.
202	I was wondering if bakeries in Brooklyn are required to follow the new law put in place about the plastic bag ban. If not, I was wondering if my job had to charge the customers for the plastic bags we would be providing them.	The prohibition on distributing plastic carryout bags applies to any "person required to collect tax" when the bag is provided to a customer to carry tangible personal property. The exemptions only apply to bags used for specific purposes, or sold or packaged a certain way. An exemption does not apply to whole classes of businesses. The exemption for "plastic carryout bags provided by a restaurant, tavern or similar food service establishment, as defined in the state sanitary code, to carryout or deliver food," only applies to bags made of plastic provided by food service establishments used to carryout or deliver food. A paper carryout bag provided by a food service establishment used to carryout or deliver food would not be exempt from the 5-cent paper carryout bag reduction fee.

		Another exemption that might apply is the exemption for “bags used solely to contain food sliced or prepared to order.” This exemption would apply to both plastic carryout bags and paper carryout bags, used by anyone (not just restaurants or other food service establishments).
203	Would a public school district be exempt from the plastic bag ban if they are bagging any lunch into a plastic bag or are they required to switch to something else?	The prohibition on distributing plastic carryout bags applies to any “person required to collect [sales] tax” and the bag is provided to a customer to carry tangible personal property.
204	We have a photography studio, and use plastic bags to protect the delivery of our work product from rain/snow, etc. Does this ban apply to items shipped? We use plastic bags inside of shipped boxes and envelopes to protect our work product from the elements when shipped to customers.	The Bag Waste Reduction Act applies to any plastic bag, other than an exempt bag, that is provided by a “persons required to collect [sales] tax” to be used by the customer to carry tangible personal property. Based on the situation described, it does not sound like the plastic bag is being used by the customer to carry tangible personal property, so the bag described may not be a plastic carryout bag, as defined in the law and Part 351 regulations.
205	I have a combined store (like and old general store) with a square footage less than 1000. Am I able to use plastic bags at check out for a sale that has a combination of deli take-out sandwich's etc. and staples purchased? I understand I can use plastic deli bags to package cold cuts and plastic bags for loose produce items because they are exempt. Can I change to all paper bags that I would provide free to my customers?	<p>The prohibition on distributing plastic carryout bags applies to any “person required to collect tax” when the bag is provided to a customer to carry tangible personal property. In order for a bag to be considered an “exempt bag” under the Bag Waste Reduction Act and the regulations, it must fall under one of the listed exemptions in the definition of “exempt bag.” The deli sandwiches you mentioned may be considered food prepared to order and, therefore, the bags used to contain solely this food may be exempt.</p> <p>If you are in a paper carryout bag reduction fee opt in area, you are required to charge the paper carryout bag reduction fee. Additional information can also be found at:  <a href="https://www.tax.ny.gov/bus/st/paper-carryout-bag-fee.htm">https://www.tax.ny.gov/bus/st/paper-carryout-bag-fee.htm</a></p>
206	We are a small specialty food store, but I'm assuming the regs are the same for any size 'grocery' store?	The prohibition on distributing plastic carryout bags applies to any “person required to collect tax” when the bag is provided to a customer to carry tangible personal property. Additionally, locations that meet the definition of “store” in the Part 351 regulations must comply with the

		additional regulatory requirements of a “store”.
207	<p>I'm looking for clarification regarding my restaurant using single use bags for take-out orders. As per the information on your website, it appears that we would fall under the "exempt" category and be able to use single-use plastic bags for take-out.</p>	<p>While the definition of “food service establishment” must be evaluated on a facility-specific basis, this exemption is intended to apply to carryout or delivery of prepared food from one of these establishments. Whether or not an establishment is a “food service establishment” depends on how this term is defined in the New York State Sanitary Code, which are regulations that the Department of Environmental Conservation does not administer or implement.</p> <p>The prohibition on distributing plastic carryout bags applies to any “person required to collect tax” when the bag is provided to a customer to carry tangible personal property. The exemptions only apply to bags used for specific purposes, or sold or packaged a certain way. An exemption does not apply to whole classes of businesses. The exemption for “plastic carryout bags provided by a restaurant, tavern or similar food service establishment, as defined in the state sanitary code, to carryout or deliver food,” only applies to bags made of plastic provided by food service establishments used to carryout or deliver food. A paper carryout bag provided by a food service establishment used to carryout or deliver food would not be exempt from the 5-cent paper carryout bag reduction fee.</p> <p>Another exemption that might apply is the exemption for “bags used solely to contain food sliced or prepared to order.” This exemption would apply to both plastic carryout bags and paper carryout bags, used by anyone (not just restaurants or other food service establishments).</p>
208	<p>If we are a crafter at a craft show what do we do for a bag? Plastic or paper and can we just give the paper bag to them?</p>	<p>The prohibition on distributing plastic carryout bags applies to any “person required to collect [sales] tax” when the bag is provided to a customer to carry tangible personal property. In order for a bag to be considered an “exempt bag” under the Bag Waste Reduction Act and the regulations, it must fall under one of</p>

		<p>the listed exemptions in the definition of “exempt bag</p> <p>More information is needed to determine if the bags described fall under the definition of a plastic carryout bag or if an exemption applies. If the bag is considered a plastic carryout bag and if it does not fall under one of the current exemptions, then an additional exemption would need to be added through legislation amending the law for the bags to be exempt.</p> <p>If you are in a city or county that has adopted a law implementing a 5-cent paper carryout bag reduction fee, you are required to charge the paper carryout bag reduction fee. Additional information can also be found at:  <a href="https://www.tax.ny.gov/bus/st/paper-carryout-bag-fee.htm">https://www.tax.ny.gov/bus/st/paper-carryout-bag-fee.htm</a></p>
209	<p>Are there new amendments to it that change the 10,000 sq feet rule to include ANY business that collect tax no matter the size? Where can we see the entire rule with its amendments?</p>	<p>Two laws are addressed in the Part 351 regulations: (1) the “New York State Bag Waste Reduction Act,” codified as Title 28 of Article 27 of the Environmental Conservation Law (ECL), enacted as part of the 2019-2020 budget (Part H of Chapter 58 of the Laws of 2019), effective March 1, 2020, and also (2) the “Plastic Bag Reduction, Reuse and Recycling Act,” codified as Title 27 of Article 27 of the ECL and enacted by Chapter 641 of the Laws of 2008, as amended (originally effective January 1, 2009). The Bag Waste Reduction Act and the Part 351 regulations can be found at:  <a href="http://www.dec.ny.gov/chemical/117781.html">http://www.dec.ny.gov/chemical/117781.html</a></p>
210	<p>I am trying to find an alternate solution that’s more cost effective and may have more downstream uses. I haven’t been able to find much info on exactly what types of bag material is acceptable.</p>	<p>Reusable bag requirements can be found by visiting  <a href="http://www.dec.ny.gov/chemical/117781.html">http://www.dec.ny.gov/chemical/117781.html</a> or by using the Part 351 regulations Section 351-1.2(n).</p>
211	<p>Do you have signage requirements or can we use our own signage?</p>	<p>Signage requirements for entities that fall under the definition of “store” in the Part 351 regulations should follow the signage requirements listed in the Part 351 regulations, Section 351-2.3.</p>
212	<p>Does retailer need to post signage anywhere in the store to let customers aware of the law? Are there requirements regarding what the signage should look like?</p>	<p>As mentioned above, signage requirements for entities that fall under the definition of “store” in the Part 351 regulations should follow the signage requirements listed in the Part 351 regulations Section 351-2.3.</p>

213	<p>I am concerned about what I'm going to use for daily scooping of soiled cat litter once the ban goes into effect. I always reuse grocery store bags for this purpose. What are you recommending NYS residents do? Amazon sells in bulk the same kind of bags. Are those an option? Will people, private residents, be fined if they caught using single use plastic bags? And as far as my dog parent friends are concerned, what are they to do for picking up poop on walks?</p>	<p>Retailers can continue to sell a package/box of dog waste bags to consumers. Those could fall under the exemption for “bags prepackaged for sale to a consumer” or “bags sold in bulk to a consumer at the point of sale.” The ban is focused on “plastic carryout bags” provided to a customer by a retailer to be used by the customer to carry tangible personal property.</p>
214	<p>Customers likely won't bring bags back with them the next time they shop. A study should be done on how often people actually bring their own bags in to shop. These bags also can't be used as garbage bags or for any other purposes.</p>	<p>This comment is acknowledged.</p>
215	<p>What are the options for those of us who use plastic bags the bags with handles from retailers) with for our under the sink and other small trash and garbage bins? Should we go and purchase plastic bags, which kind of defeats the whole purpose?</p>	<p>There are several exemptions included in the Bag Waste Reduction Act. Retailers can continue to sell trash bags and they can sell any other package/box of bags to consumers. Those could fall under the exemption for “bags prepackaged for sale to a consumer” or “bags sold in bulk to a consumer at the point of sale.” The ban is focused on “plastic carryout bags” provided to a customer by a “person required to collect [sales] tax” to be used by the customer to carry tangible personal property.</p>
216	<p>Are alcohol vendors required to provide bags to customers purchasing liquor/beer?</p>	<p>No, this is not required. However, if the alcohol vendor is the operator of a “store,” as defined in ECL §27-2701 or 6 NYCRR 351 1.2(o), then such vendor must at make reusable bags available to customers within the store for purchase or at no charge.</p>
217	<p>Is the ban only for NYC or for all of NYS? Will it apply to all stores or are small stores exempt?</p>	<p>The Bag Waste Reduction Act applies to all of New York State. The ban is focused on “plastic carryout bags” provided to a customer by any “person required to collect [sales] tax” to be used by the customer to carry tangible personal property. The recycling and other requirements for “stores” as defined in ECL §27-2701(6) of the Plastic Bag Reduction, Reuse and Recycling Act and section 351-1.2(o) of the Part 351 regulations, only apply to stores of a certain size.</p>
218	<p>Requesting information that explains what types of material/fabric would be appropriate to use in retail stores.</p>	<p>Reusable bag requirements can be found in the Part 351 regulations, Section 351-1.2(n), or by visiting</p>

		<a href="http://www.dec.ny.gov/chemical/117781.html">http://www.dec.ny.gov/chemical/117781.html</a> .
219	What studies were done to support the objectives of the changes? What studies were done pertaining to the negative impact of the objectives?	Edits to the proposed Part 351 regulations are based on public comments received during the public comment period.
220	What about the impact on senior citizens?	In many areas of New York State, reusable bags are being distributed for free for a period of time. Additionally, per ECL § 27-2805(7), in cities or counties that adopt a law implementing a paper carryout bag reduction fee, a percentage of the fees collected will be used for the purpose of purchasing and distributing reusable bags, with priority given to low- and fixed-income communities.
221	I worry that without plastic bags to contain take out food and other trash in people's cars, some people might be more likely to throw their trash out of their car window. I do appreciate that reducing all the plastic we use and throw out is a good thing for the planet – I just hope there will be alternatives for people rather than no bags.	There are several exemptions included in the Bag Waste Reduction Act, including one for plastic carryout bags provided by a restaurant, tavern or similar food service establishment to carryout or deliver food. In addition, certain stores must make reusable bags available to customers within the store for purchase or at no charge. Other businesses may choose to offer reusable bags and paper carryout bags.
222	If a customer does not have a reusable bag, what types of bags can I offer?	A retailer can offer paper bags or reusable bags that meet the definition of a reusable bag. Reusable bag requirements can be found in the Part 351 regulations, Section 351-1.2(n), or by visiting: <a href="http://www.dec.ny.gov/chemical/117781.html">http://www.dec.ny.gov/chemical/117781.html</a> . If you are the operator of a "store," as defined in ECL §27-2701 or 6 NYCRR 351 1.2(o), then you must at least make reusable bags available to customers within the store for purchase or at no charge.
223	What is the law name and number?	Two laws are addressed in the Part 351 regulations: (1) the "New York State Bag Waste Reduction Act," codified as Title 28 of Article 27 of the Environmental Conservation Law (ECL), enacted as part of the 2019-2020 budget (Part H of Chapter 58 of the Laws of 2019), effective March 1, 2020, and also (2) the "Plastic Bag Reduction, Reuse and Recycling Act," codified as Title 27 of Article 27 of the ECL and enacted by Chapter 641 of the Laws of 2008, as amended (originally effective January 1, 2009).

224	I was hoping to obtain information regarding the laws that are involved for plastic bags that our veterinary hospital. I do not know if we are exempt or not.	More information is needed to address this concern.
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