



Commissioner's Bulletin
Inspectional Services Department
Boston, MA

Number: 2018 - 2

Date: May 23, 2018

Subject: Plastic Bag Ordinance

Purpose: This Commissioner's Bulletin is issued to establish policy and procedure to enforce City of Boston Ordinances, Chapter 17-19.1, Reduction of Checkout Bags by Retail Establishments

Policy:

- The Chief of Environment, Energy and Open Space designated the Inspectional Services Department to enforce the reduction of checkout bags by retail establishments, effective December 6, 2018. The checkout bag ordinance applies to any checkout bag in any retail establishments. See CBC Chapter 17-19.2 definitions.
- Excluded from this ordinance are bazaars or festivals run by nonprofit or religious institutions; bags provided by the customer; laundry/drycleaner bags; newspaper bags; bags used to contain or wrap frozen foods, meat or fish, whether prepacked or not, to prevent or contain moisture; and prepackaged food bags.
- Beginning December 6, 2018, retail establishments may only use reusable, recyclable paper, and compostable plastic bags, all of which are identifiable by their markings on each bag.
- Stores must sell the bags for a minimum of \$.05 per bag. Retail establishments shall advertise or post the cost of bags within five (5) feet of the checkout location.
- Sale of bags must be sold as a separate item on a customer's receipt.
- From December 6, 2018, a retail establishment may be exempted from the ordinance for the period of one year due to "undue hardship." The establishment must submit

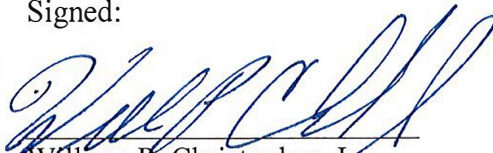
the attached form and supporting documentation to the Commissioner of ISD for approval. There are three types of "undue hardship."

1. Due to the establishment's circumstances, there are no reasonable alternatives to bags that are not recyclable paper bags, compostable plastic bags or reusable bags;
2. Enforcement would be a violation of a legally protected right; or
3. The retail establishment requires additional time to use existing inventory.
 - a. This exemption requires monthly reports on inventory reduction and the amount of remaining stock.

Enforcement procedure:

- The party responsible for a violation shall be the entity that "sell[s] or provide[s] merchandise, goods or materials directly to a customer."
- If a Weights & Measures inspector finds a retail establishment to be in violation of the ordinance, ISD shall issue a warning notice for the initial violation. If a Weights & Measures inspector finds the same retail establishment to be in violation of the ordinance within one year of a warning notice, ISD shall issue a notice of first offense and Fifty Dollar (\$50.00) fine.
- If an inspector issues a second offense violation or any violation thereafter, ISD shall issue a One Hundred Dollar (\$100.00) fine for each violation.
- Records of any and all violations shall be maintained with the Weights & Measures division.
- Beginning December 6, 2018, the Weights & Measures divisions will begin check out bag inspections of retail establishments with a minimum of 20,000 square feet.
- Beginning April 1, 2019, check out bag inspections will begin in retail establishments with a minimum of 10,000 square feet.
- Beginning July 1, 2019, check out bag inspections will begin in retail establishments with less than 10,000 square feet.

Signed:



William P. Christopher, Jr.
Commissioner

5-23-18
Date



Inspectional
Services
Department

REQUEST FOR WAIVER OF THE REDUCTION OF CHECKOUT BAGS

Name of Retail Establishment: _____

Location of establishment: _____

Service of Process address: _____

Primary point of contact:

Name: _____

Telephone: _____

Email: _____

Exemption requested: (please check one)

No Reasonable Alternative Violation of a Legally Protected Right Excess Inventory

Please describe in detail the basis of your undue hardship for your request to be exempted from the City of Boston Ordinances, Chapter 17-19. Please provide any additional documentation to support your request.

For internal purposes only :

Approved

Denied

William P. Christopher, Jr.
Commissioner of Inspectional Services

Date