Request for Waiver of the Reduction of Plastic Bags in Boston Ordinance

In accordance with the City of Boston Ordinances, Chapter 17-19, retail establishments subject to the Reduction of Plastic Bags in Boston ordinance may apply for a temporary, one-year exemption valid through Friday, December 11, 2020.

APPLICATION INSTRUCTIONS
Any blank sections may result in a delayed response or denial of your application.

1. Complete all three sections.
   - Section 1: Applicant Details
   - Section 2: Exemption Considerations - Only complete one part of this section which matches the exemption you are requesting.
     - 2.1 Exemption No. 1 - No Reasonable Alternative
     - 2.2 Exemption No. 2 - Violation of a Legally Protected Right
     - 2.3 Exemption No. 3 - Excess Inventory to Draw Down
   - Section 3: Action Plan for Establishing Compliance

2. Submit your exemption application via email or the postal service.
   - Email a scanned copy of your exemption application to:
     Elaine Grillo, Assistant Commissioner of Weights and Measures
     elaine.grillo@boston.gov
   - Mail your exemption application to:
     INSPECTIONAL SERVICES
     1010 MASS. AVE.
     5TH FLOOR, WEIGHTS AND MEASURES DIVISION
     BOSTON, MA  02118

__________________________
Dion Irish
Commissioner of Inspectional Services

FOR INTERNAL PURPOSES ONLY

APPROVAL
APPROVAL WITH PROVISO
DENIAL

____________________
Date

CITY of BOSTON  Environment  Inspectional Services
**SECTION 1: APPLICANT DETAILS**
Complete all four (4) parts (1.1-1.4) of this section. Do **not** leave any parts blank.

1.1 Retail Establishment Information

<table>
<thead>
<tr>
<th>Name of Retail Establishment</th>
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<tbody>
<tr>
<td>Location of Retail Establishment</td>
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<tr>
<td>Service of Process Address</td>
<td></td>
</tr>
</tbody>
</table>

1.2 Primary Point of Contact

<table>
<thead>
<tr>
<th>Name</th>
<th></th>
</tr>
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<tbody>
<tr>
<td>Telephone</td>
<td></td>
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<tr>
<td>Email</td>
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1.3 Exemption Requested (please check one)

__ Exemption No. 1 - No Reasonable Alternative  
__ Exemption No. 2 - Violation of a Legally Protected Right  
__ Exemption No. 3 - Excess Inventory to Draw Down

1.4 Previous Exemption Requested (please check one)

Have you previously requested a temporary exemption for City of Boston Ordinances, Chapter 17-19?

__ Yes, No Reasonable Alternative  
__ Yes, Violation of Legally Protected Right  
__ Yes, Excess Inventory  
__ No

**Continue to Section 2: Exemption Considerations**
SECTION 2: EXEMPTION CONSIDERATIONS
Complete the one (1) part (2.1, 2.2, or 2.3) which matches your response to 1.3 Exemption Requested. Do not fill out all three (3) parts.

2.1 Exemption No. 1 - No Reasonable Alternative
Review the areas of consideration below - Operations, Financial, Law or Regulation, and Additional Considerations. Complete the area(s) relevant to your request. You may complete more than one area of consideration. If no areas of consideration apply to your request, complete the “Additional Considerations” part.

Operations
Describe in detail the operational factors that make the use of a reusable, recyclable paper, or compostable bag unreasonable, thereby requiring an exemption. Please provide any additional documentation to support your request. Be sure to include the following information:
A. Outline the retail establishment operations which are prohibitively impacted by the ordinance.
B. Demonstrate why the current bag is unique and the only bag suitable for the merchandise sold or provided.

Financial
Describe in detail the financial factors that make the use of a reusable, recyclable paper, or compostable bag unreasonable, thereby requiring an exemption. Please provide any additional documentation to support your request. Be sure to include the following Information:
A. If your retail establishment faces the financial burden,
   a. Outline what factors create the financial burden. In particular, does the unreasonable financial burden arise from a transition necessary to comply or from ongoing compliance?
B. If your retail establishment’s patrons and clients face the financial burden,
   a. Identify the population served which is burdened and describe the factors that create a financial burden. What percentage of your establishment’s entire clientele is represented by the burdened population?
C. Provide a cost comparison of the bags you want exempted to at least two (2) compliant options which are lowest in price and also meet your establishment’s needs.

Law or Regulation
Describe in detail the legal or regulatory factors that make the use of a reusable, recyclable paper, or compostable bag unreasonable, thereby requiring an exemption. Please provide any additional documentation to support your request. Be sure to include the following specifications:
A. Name and summarize the law or regulation.
B. Provide a copy of the law or regulation.
C. Explain why that law or regulation prevents you from supplying a reusable, recyclable, or compostable bag.
Additional Considerations
Describe any additional factors that make the use of a reusable, recyclable paper, or compostable bag unreasonable, thereby requiring an exemption. Please provide any additional documentation to support your request.

Continue to Section 3: Action Plan for Establishing Compliance

2.2 Exemption No. 2 - Violation of a Legally Protected Right
Describe how the requirement for a reusable, recyclable paper, or compostable bag violates your legally protected right(s).

Continue to Section 3: Action Plan for Establishing Compliance

2.3 Exemption No. 3 - Excess Inventory to Draw Down
Provide details about your inventory of bags and the rate of use. Please provide any additional documentation to support your request. Be sure to include the following information:
   A. What is the current quantity of non-compliant single-use plastic bags with handles?
   B. On average, how many bags per month are used?
   C. What date do you expect to completely draw down your existing stock?

Continue to Section 3: Action Plan for Establishing Compliance

SECTION 3: ACTION PLAN FOR ESTABLISHING COMPLIANCE
Describe your action plan for establishing compliance. Be sure to include the following specifications:
   A. What steps do you need to take to establish compliance.
   B. What vendor and type of compliant bag do you intend to begin supplying.
   C. What date do you intend to be able to establish compliance.

Review Application for Completion and Submit
SECTION 2 AND 3 RESPONSE
You may use the space below or submit a typed response. Be sure to clearly label the section and question for each response. You may use additional sheets as necessary.