

**BOARD OF SUPERVISORS  
PUBLIC HEARING  
STAFF REPORT**

**SUBJECT:** **Ordinance to Establish a New Chapter of the Codified Ordinances of Loudoun County – Disposable Plastic Bag Tax**

**ELECTION DISTRICT:** Countywide

**CRITICAL ACTION DATE:** At the pleasure of the Board

**STAFF CONTACTS:** Caleb Weitz, Finance and Budget  
Megan Bourke, Finance and Budget  
Janet Romanchyk, Finance and Budget

**PURPOSE:** To propose a new Codified Ordinance of Loudoun County (Attachment 1) that would impose a disposable plastic bag tax of five cents (\$0.05) per plastic bag effective July 1, 2022.

**RECOMMENDATIONS:**

**Finance/Government Operations and Economic Development Committee (FGOEDC):** At the FGOEDC meeting on November 10, 2020, the FGOEDC recommended (3-2: Kershner and Letourneau opposed) that the Board of Supervisors (Board) direct staff to pursue implementation of a disposable plastic bag tax with an effective date no sooner than January 1, 2022.

**Staff:** Staff concurs with the FGOEDC recommendation to implement a disposable plastic bag tax; however, staff recommends an effective date of July 1, 2022.

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**BACKGROUND:** [Code of Virginia § 58.1-1745](#) authorizes counties and cities to impose a tax in the amount of five cents (\$0.05) for each disposable plastic bag provided, whether or not provided free of charge, to a consumer of tangible personal property by retailers in grocery stores, convenience stores, or drugstores. The Virginia Department of Taxation will administer, enforce, and collect disposable plastic bag tax revenues on behalf of the County, disbursing remittances net of the retailer withholding on a monthly basis.

At the FGOEDC meeting on November 10, 2020<sup>1</sup>, the FGOEDC recommended (3-2: Kershner and Letourneau opposed) that the Board direct staff to pursue implementation of a disposable

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<sup>1</sup> [Item 20, FY 2022 Budget Development: New Taxing Authority and Courthouse Security Assessment Fees](#)

plastic bag tax. At the Board Business Meeting on November 17, 2020<sup>2</sup>, the Board directed (6-2-1: Buffington and Kershner opposed; Letourneau absent) staff to pursue implementation of a disposable plastic bag tax of five cents (\$0.05) with an effective date no sooner than January 1, 2022.

Other jurisdictions in the region have adopted or are currently considering a disposable plastic bag tax. The five-cent tax will be effective in Fairfax County, Arlington County, and the cities of Alexandria, Fredericksburg, and Roanoke on January 1, 2022. Prince William County has indicated that any proposal for the tax would be considered as part of the FY 2023 budget process.

**ISSUES:** According to the guidelines issued by the Virginia Department of Taxation<sup>3</sup>, disposable plastic bags subject to the tax include any plastic bag provided by a grocery store, convenience store, or drugstore to a customer at the point of purchase to transport items purchased and not intended for reuse. Pursuant [to Code of Virginia § 58.1-1746](#), the tax does not apply to the following items:

- Durable plastic bags, with handles, that are specifically designed and manufactured for multiple reuse and that are at least four mils thick;
- Plastic bags that are solely used to wrap, contain, or package ice cream, meat, fish, poultry, produce, unwrapped bulk food items, or perishable food items in order to avoid damage or contamination;
- Plastic bags used to carry dry cleaning or prescription drugs; or
- Multiple plastic bags sold in packages and intended for use as garbage, pet waste, or leaf removal bags.

The tax must be collected by any grocery store, convenience store, or drugstore from customers who make in-store purchases, to-go purchases, delivery purchases, and curbside pick-up purchases from its establishments. The terms grocery store, convenience store, and drugstore are defined by the guidelines as:

- **Grocery store** – an establishment that has an enclosed room in a permanent structure and that sells food and other items intended for human consumption, including a variety of ingredients commonly used in the preparation of meals (does not include food banks, farmers markets, or mobile food units).
- **Drugstore** – an establishment that sells medicines prepared by a licensed pharmacist pursuant to prescription and other medicines and items for home and general use.
- **Convenience store** – an establishment that (i) has an enclosed room in a permanent structure where stock is displayed and offered for sale and (ii) maintains an inventory of

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<sup>2</sup> [Item 8I FGOEDC Report: FY 2022 Budget Development: New Taxing Authority and Courthouse Security Assessment Fees](#)

<sup>3</sup> [Guidelines for the Virginia Disposable Plastic Bag Tax, September 1, 2021](#)

edible items intended for human consumption consisting of a variety of such items of the types normally sold in grocery stores.

The tax applies in cases of large retail establishments that contain a grocery store, a convenience store, or a drugstore. The tax applies to only those grocery stores, convenience stores, and drugstores that maintain regular business hours at a fixed place of business in the County. The tax does not apply to restaurants, food banks, farmers markets, or clothing stores nor does it apply to plastic bags used to package meat, poultry, or bulk food items which are packaged as such to avoid damage or contamination. Since only counties and cities are permitted to levy the disposable plastic bag tax, the Board's adoption of this tax would apply countywide including the incorporated towns.

Retailers are responsible for monthly filings and payments to the Virginia Department of Taxation, filed on or before the 20<sup>th</sup> day of each month for the period ending the previous month. The [Code of Virginia §58.1-1748](#) delegates the Tax Commissioner from the Virginia Department of Taxation to collect, administer, and enforce the disposable plastic bag tax in a similar fashion to the collection, administration, and enforcement of the retail sales and use tax.

#### *Retailer Discount*

To compensate for the cost of collecting, accounting for, and remitting the tax, retailers are permitted to keep a portion of the tax collected, accounting for the discount in the form of a deduction when submitting their tax return. The amount of the discount decreases over time as follows:

- Until January 1, 2023, dealers are allowed to retain two cents (\$0.02) from the tax collected on each disposable plastic bag.
- Beginning January 1, 2023, dealers are allowed to retain one cent (\$0.01) from the tax collected on each disposable plastic bag.

#### *Public Outreach*

To ensure compliance once implemented, the County should provide outreach to retailers explaining the terms of the ordinance, retailers' ability to retain a portion of revenues, and reporting requirements. The size and ownership structure of these establishments will play a significant role in the success of the implementation. Small, local stores may have more flexibility in their processes and technologies but less technical and professional support to ensure compliance. Larger retailers may have corporate processes and regulations to adhere to that may ensure compliance but may take longer to implement.

Based on the experiences of neighboring jurisdictions, it is likely that full compliance would not be immediate as retailers work to understand their responsibilities. In an overview of its own bag tax, the District of Columbia reported compliance rates as low as 47 percent in FY 2012, the second

year of the tax. By FY 2019, compliance rates had increased to 77 percent. The District recommended other jurisdictions considering a bag tax allow ample time for businesses to transition, recommending one year for transition to allow opportunities for feedback. Low levels of compliance result in lower levels of collected revenue.

The Department of Economic Development (DED) has already begun public outreach to retailers explaining the scope of the disposable plastic bag tax. In collaboration with the Northern Virginia Regional Commission, a survey was distributed to retailers to determine retailers' current use of single-use plastic bags, what retailers anticipate as challenges to implementation, and what resources would be helpful to communicate the tax to their customers. Unfortunately, there was not a significant response from the business community (regionally) that would indicate that this outreach was sufficient. Using the experience of outreach to businesses during the COVID-19 pandemic, clear and simple resources in a variety of formats and multiple languages are necessary to ensure the broadest reach possible. Outreach to announce the ordinance must also be paired with ongoing support services through a dedicated mechanism to see an increase in compliance as seen in other jurisdictions.

### *Timing*

The Code of Virginia requires a certified copy of the ordinance be provided to the Tax Commissioner at least three months prior to the date the tax is to become effective. Further, the tax must take effect on the first day of a calendar quarter (January, April, July, October). In light of these requirements and the outreach efforts necessary to ensure successful implementation, staff recommends an effective date of July 1, 2022. As required by the enabling statute, this effective date has been included as part of the proposed ordinance.

### *Use of Revenues*

Estimating the potential magnitude of revenues from a disposable plastic bag tax in Loudoun is challenging. Revenues will depend on the community's willingness to change behaviors (opting to use reusable bags), the community's access to reusable bags as an alternative, the number of retailers, and retailer compliance. Based on statewide revenue estimates prepared by the Virginia Department of Tax, adjusting for differences in population, staff estimates that a five-cent disposable plastic bag tax in Loudoun could generate between \$800,000 and \$1 million annually. As noted, retailers are permitted to retain a portion of the tax – two cents for each bag until January 1, 2023, and one cent for each bag beginning January 1, 2023, which would reduce revenue remitted to the County.

As noted earlier, based on the experiences of neighboring jurisdictions, it is likely that full compliance would not be immediate as retailers work to understand their responsibilities. Lack of compliance would result in less revenue than forecasted. Assuming 50 percent compliance for the first year, after accounting for the retailer discount, staff estimates County revenues could be between \$275,000 and \$340,000 for FY 2023.

As the intent of such a tax is to change consumer behavior, if consumers opt to use reusable bags instead, this revenue should be expected to decline. In a survey conducted two years after the District implemented a bag tax, the District found that 80 percent of residents reported they used fewer bags than they did before (Attachment 2).<sup>4</sup> Furthermore, businesses reported a 50 percent decline in the number of bags they had to purchase for future consumer use.

In accordance with the Code of Virginia, revenues generated from the disposable plastic bag tax are restricted for specific uses. These uses include:

- Environmental cleanup,
- Providing education programs designed to reduce environmental waste,
- Mitigating pollution and litter, or
- Providing reusable bags to recipients of Supplemental Nutrition Assistance Program (SNAP) or Women, Infants, and Children Program (WIC) benefits.

Given the permitted uses of these revenues, the Department of General Services (DGS) will be responsible for expenditures of these funds. DGS has identified expenditures that are aligned with allowable uses of the tax revenue, including the purchase of reusable bags for SNAP and WIC recipients, enhanced litter reduction initiatives, enhanced education and outreach programs on waste reduction and recycling, and expansion of household hazardous waste and electronics recycling program.

**FISCAL IMPACT:** Revenue estimates for Loudoun County are consistent with the statewide estimates prepared by the Virginia Department of Taxation. Given the low compliance rates seen in other jurisdictions in the early years of implementing a bag tax, staff recommends planning for 50 percent compliance, which is estimated to generate between \$275,000 and \$340,000 in FY 2023. The Virginia Department of Taxation is responsible for the administration, collection, and enforcement of the tax. These revenues are restricted in nature, and should the Board adopt the ordinance, staff will budget the restricted revenue and associated expenditures in the Department of General Services' base budget to support permitted uses for FY 2023, unless otherwise directed.

DED has identified a funding need to support outreach efforts in advance of implementation of the disposable plastic bag tax in Loudoun in the amount of \$50,000. Sufficient funding has been identified in existing FY 2022 appropriations.

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<sup>4</sup> Effective January 1, 2010, the District of Columbia required all retailers that sell food or alcohol to charge a 5-cent fee for each paper or plastic disposable bag provided to customers at the point of sale, some exceptions apply. Virginia's legislation only applies to disposable plastic bags.

**ALTERNATIVES:**

1. The Board may choose to adopt a disposable plastic bag tax with an effective date of July 1, 2022, as proposed in Attachment 1.
2. The Board may choose to adopt a disposable plastic bag tax with an effective date later than July 1, 2021.
3. The Board may choose not to adopt a disposable plastic bag tax.

**DRAFT MOTIONS:**

1. I move that the Board of Supervisors forward the Ordinance to Establish a New Chapter of the Codified Ordinances of Loudoun County – Disposable Plastic Bag Tax to the January 18, 2022, Board of Supervisors Business Meeting for action.

OR

- 2a. I move that the Board of Supervisors suspend the rules.

AND

- 2b. I move that the Board of Supervisors approve the Ordinance to Establish a New Chapter of the Codified Ordinances of Loudoun County – Disposable Plastic Bag Tax, provided as Attachment 1 to the December 15, 2021, Board of Supervisors Public Hearing Staff Report.

OR

3. I move an alternate motion.

**ATTACHMENTS:**

1. Proposed new Codified Ordinance of Loudoun County – Disposable Plastic Bag Tax
2. The District's Bag Law, Washington, D.C. Department of Energy & Environment Presentation

## 📖 TITLE FOUR - TAXATION

### Chapter x. Disposable Plastic Bag Tax

- [x](#) Definitions.
- [x](#) Imposition and Rate of Tax.
- [x](#) Exemptions.
- [x](#) Retailer Discount.
- [x](#) Collection, Administration and Enforcement.
- [x](#) Appropriation of Revenue.
- [x](#) Effective Date.

#### 📖 x DEFINITIONS.

As used in this Chapter:

- (a) “*Convenience Store*” means an establishment that (i) has an enclosed room in a permanent structure where stock is displayed and offered for sale and (ii) maintains an inventory of edible items intended for human consumption consisting of a variety of such items of the types normally sold in grocery stores.
- (b) “*Disposable Plastic Bag*” means a plastic bag not intended for reuse that is provided by a Retail Establishment to a customer at the point of purchase to transport items purchased.
- (c) “*Drugstore*” means an establishment that sells medicines prepared by a licensed pharmacist pursuant to a prescription and other medicines and items for home and general use.
- (d) “*Grocery Store*” means an establishment that has an enclosed room in a permanent structure and that sells food and other items intended for human consumption, including a variety of ingredients commonly used in the preparation of meals. This definition does not include food banks, farmers markets, or mobile food units.
- (e) “*Retail Establishment*” means any grocery store, convenience store, or drugstore that maintains regular business hours at a fixed place of business within Loudoun County. The term Retail Establishment includes any large retailer within the County that contains a grocery store, convenience store or drug store.

## **x IMPOSITION AND RATE OF TAX.**

There is hereby imposed a tax in the amount of five cents (\$0.05) for each Disposable Plastic Bag provided by a Retail Establishment to a consumer of tangible personal property. This tax shall be collected whether or not such Disposable Plastic Bag is provided free of charge to the consumer.

## **x EXEMPTIONS.**

Pursuant to Virginia Code § 58.1-1746, the tax imposed by this Chapter shall not apply to the following items:

- (a) Durable plastic bags with handles that are specifically designed and manufactured for multiple reuse and that are at least four mils thick;
- (b) Plastic bags that are solely used to wrap, contain, or package ice cream, meat, fish, poultry, produce, unwrapped bulk food items, or perishable food items in order to avoid damage or contamination;
- (c) Plastic bags used to carry dry cleaning or prescription drugs; and
- (d) Multiple plastic bags sold in packages and intended for use as garbage, pet waste, or leaf removal bags.

## **x RETAILER DISCOUNT**

Pursuant to Virginia Code § 58.1-1747, every Retail Establishment that collects the tax imposed under this Chapter shall be allowed to retain a portion of the tax collected on each disposable plastic bag.

- (1) For the period beginning July 1, 2022, and ending January 1, 2023, every Retail Establishment that collects the tax imposed by this Chapter shall be allowed to retain two cents (\$0.02) from the tax collected on each disposable plastic bag, and
- (2) Beginning January 1, 2023, and continuing thereafter, every Retail Establishment that collects the tax imposed by this Chapter shall be allowed to retain one cent (\$0.01) from the tax collected on each disposable plastic bag.

Any Retail Establishment that retains a discount pursuant to this section shall account for such discount in the form of a deduction when submitting its tax return and paying the amount due in a timely manner.

## **x COLLECTION, ADMINISTRATION AND ENFORCEMENT**

The tax imposed by this Chapter shall be collected by the Retail Establishment, along with the purchase price and all other fees and taxes, at the time the consumer pays for the items of tangible personal property. The Tax Commissioner shall collect



from the Retail Establishment, administer, and enforce this tax, and he shall distribute the tax revenue to the County, in accordance with the requirements of Title 58.1, Chapter 17, Article 12 of the Code of Virginia, as amended.

#### **x APPROPRIATION OF REVENUE.**

All Revenue received by the County from the tax imposed under this Chapter shall be appropriated for use for the following purposes only:

- (a) Environmental cleanup;
- (b) Providing education programs designed to reduce environmental waste;
- (c) Mitigating pollution and litter;
- (d) Providing reusable bags to recipients of the Supplemental Nutrition Assistance Program (SNAP) or the Women, Infants, and Children Program (WIC) benefits; or
- (e) Any other purpose expressly authorized by an applicable provision of the Code of Virginia.

#### **x EFFECTIVE DATE**

The tax imposed under this Chapter shall become effective on July 1, 2022.

# THE DISTRICT'S BAG LAW

**LILLIAN POWER**

ENVIRONMENTAL PROTECTION SPECIALIST



Attachment 2

# THE ANACOSTIA RIVER





# MOTIVATION FOR THE DISTRICT'S LEGISLATION

## THE ANACOSTIA RIVER



# MOTIVATION FOR THE DISTRICT'S 5 CENT BAG FEE

Figure 3.2.3  
Anacostia River Trash Composition

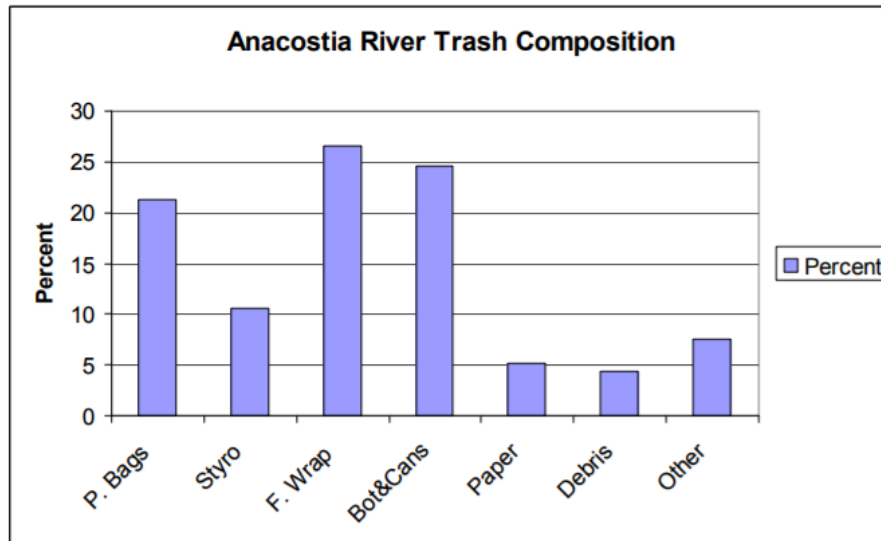
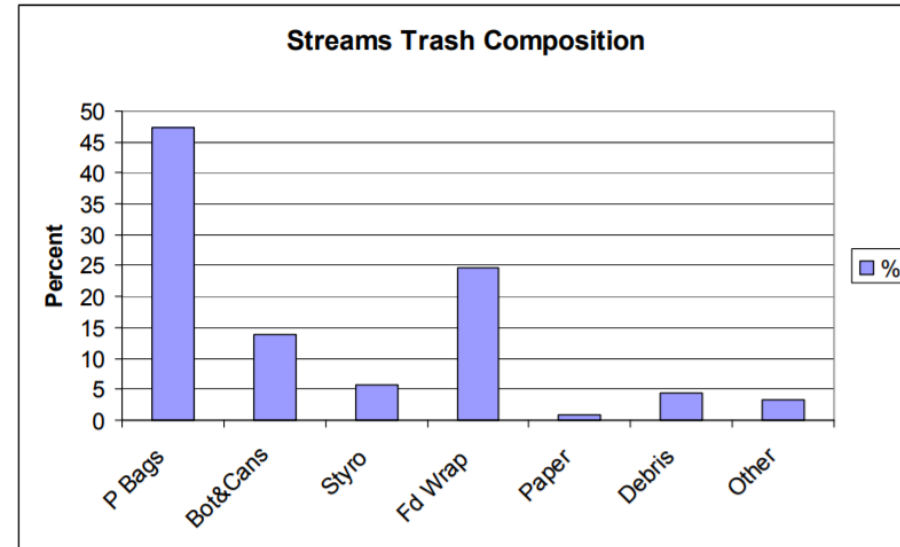


Figure 3.2.59  
Stream Trash – Composition



Study: *Anacostia Trash Reduction Plan*. DOEE and Anacostia Watershed Society, 2008.

# CONCERNS WITH BAG FEE LEGISLATION

## From residents and their representatives:

- The fee would have disproportionate impact on low-income residents

## From the plastics industry:

- Legislation would be unsuccessful in reducing plastic waste, outreach and education around litter and recycling more impactful

## From businesses:

- Hassle charging restaurant patrons 5 cents for doggy bag after bill settled
- Conflict with customers upset with paying the fee

# ANACOSTIA RIVER CLEAN UP & PROTECTION ACT

## ("BAG LAW")

**Effective January 1, 2010, all District retailers that sell food or alcohol must charge a 5¢ fee for each paper or plastic disposable bag provided to customers at the point of sale.**





# ANACOSTIA RIVER CLEAN UP & PROTECTION ACT

## ("BAG LAW")

### Exemptions to the fee:

#### Businesses that provide paper bags and have seating

- Restaurants (doggy bags)
- Cafes
- Delis
- Etc.

#### Bags used to:

- Bag bulk items, raw produce, or baked goods (candy, nuts, etc.)
- Wrap frozen foods, meat, or fish
- Wrap flowers, newspapers, laundry, garbage, pet waste, etc.





# INITIAL IMPLEMENTATION

## Identifying the regulated community:

- Worked with DCRA to pull business, billing, and agent addresses for all food and beverage licenses
  - Bakery
  - Food Products
  - Grocery Store
  - Restaurant
  - Delicatessen
  - Etc.
- Between 4,000-5,000 regulated businesses in DC
- Trade associations and local organizations



### 5¢ Bag Fee

It's the law and it's working to reduce pollution.

Over 75% of District residents have reduced their use of disposable bags.

District businesses that sell food or alcohol must charge 5 cents for each disposable paper or plastic bag.

For information on how the Bag Law funds are utilized to protect the District's waters, please go to [doee.dc.gov/bags](https://doee.dc.gov/bags)



# INITIAL IMPLEMENTATION

## First 11 months focused on outreach and compliance assistance

- Reusable bags distributed to thousands of low-income and senior residents
- Mailers sent to all regulated businesses
- Advertisements through radio, newspapers, online media, bus shelters
- Educational materials



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# INITIAL IMPLEMENTATION

## Enforcement began December 2010

- Revenue and # of bags used from first 6 months of bag fee reported and announced
- Door-to-door “inspections” periodic through first 11 months for compliance assistance purposes
- 66 businesses inspected in first month of enforcement, 51% not in compliance



## 5¢ Bag Fee

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# WHERE DOES THE NICKEL GO?

**8-102.05(b) of DC Code established the Anacostia Clean Up and Protection Fund ("the Fund") to use for:**

- Administration
- Enforcement and fee collection
- Outreach and reusable bag distribution
- Watershed education
- Trash capture
- Stream restoration
- Green infrastructure



# WHERE DOES THE NICKEL GO?

## The Anacostia Clean Up and Protection Fund ("the Fund")

- Businesses retain \$.01 and submit \$.04 to OTR
- Carry-out Bag Credit Program allows businesses to keep \$.02 of the \$.05 collected
- Fees deposited into special purpose fund (the Fund), administered by DOEE
- Roughly, an average of \$200,000 remitted per month in FY17



# WHERE DOES THE NICKEL GO?

## The Anacostia Clean Up and Protection Fund ("the Fund")

- Businesses remit fees on sales tax form
- DOEE has memorandum of understanding with the Office of Tax and Revenue (OTR)
  - OTR responsible for collecting remitted fees and depositing into the fund
  - OTR also responsible for remitting other sources (DC Anacostia License place purchases, voluntary contributions, etc.)

Print  
Clear

Government of the District of Columbia  
2017 FR-800M Sales and Use Tax Monthly Return

This is a **FILL-IN** format. Please do not handwrite any data.  
File this return for the months Oct 1, 2016 - Sept 30, 2017.

Taxpayer Identification Number: \_\_\_\_\_ Fill in: ☐ if FEIN ☐ if SSN  
Business name: \_\_\_\_\_  
Mailing address line 1: \_\_\_\_\_  
Mailing address line 2: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code + 4: \_\_\_\_\_

Account number: \_\_\_\_\_  
OFFICIAL USE ONLY  
Vendor ID#0002  
Due date: 11/20/2016  
Tax period ending (MMYY): 1016  
Fill in: ☐ if amended return ☐ if final return (See instructions)

Sales tax licensees must file a return even if no sales were made or no tax or fees are due.

Column A — Description	Column B — Taxable amount	Tax rate	Column C — Tax due — multiply column B by tax rate, enter here
1. Use Tax on Purchases Taxable at 5.75%	1B \$	X .0575	1C \$
2. Gross Sales	2B \$		
3. Sales Taxable at 5.75%	3B \$	X .0575	3C \$
4. Sales and Purchases of Off-Premises Alcohol Taxable at 10%	4B \$	X .10	4C \$
5. Other Sales and Purchases Taxable at 10%	5B \$	X .10	5C \$
6. Sales for Parking Taxable at 18%	6B \$	X .18	6C \$
7. Reserved	7B \$	X _____	7C \$
8. Sales and Purchases Taxable at 14.5%	8B \$	X .145	8C \$
9. Reserved	9B \$	X _____	9C \$
		10. Enter 2% of 911 sales receipts less 3% discount	10C \$
		11. Disposable Carryout Bag Fee (Net of discount)	11C \$
		12. Reserved	12C \$

DCS006M



# WHERE DOES THE NICKEL GO?

Approximately \$2 million in bag fees  
remitted per year

Fiscal Year	2010*	2011	2012	2013	2014	2015	2016	2017	2018	2019
Revenue (\$)	1,510,088.35	1,845,313.25	1,993,183.22	2,001,575.50	2,084,613.59	2,236,275.44	2,284,104.15	2,382,747.11	2,294,977.50	2,282,879.44

\*Partial fiscal year from January to October

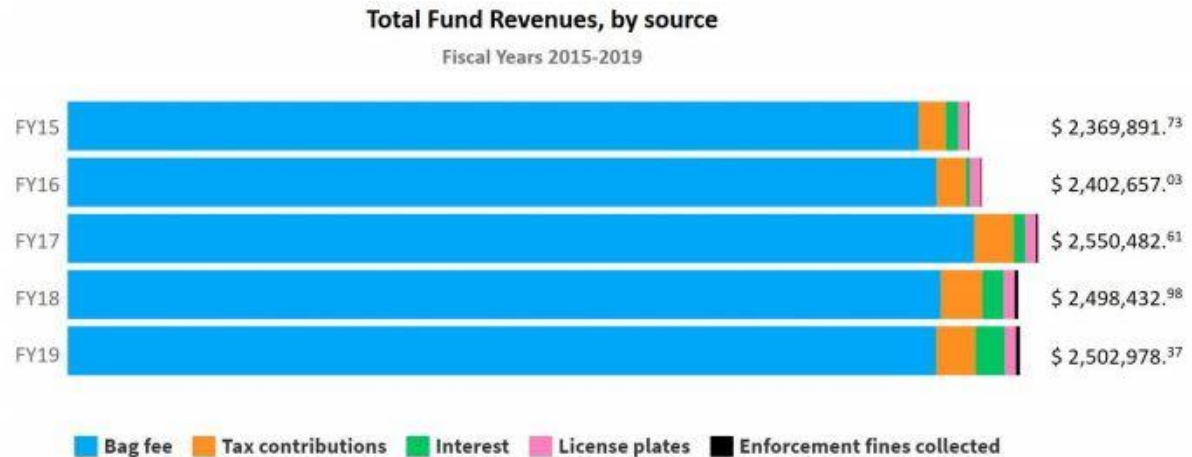


Figure 2: Total Fund Revenue for FY19 Broken Down by Source

# PROJECTS FUNDED BY BAG LAW FEES



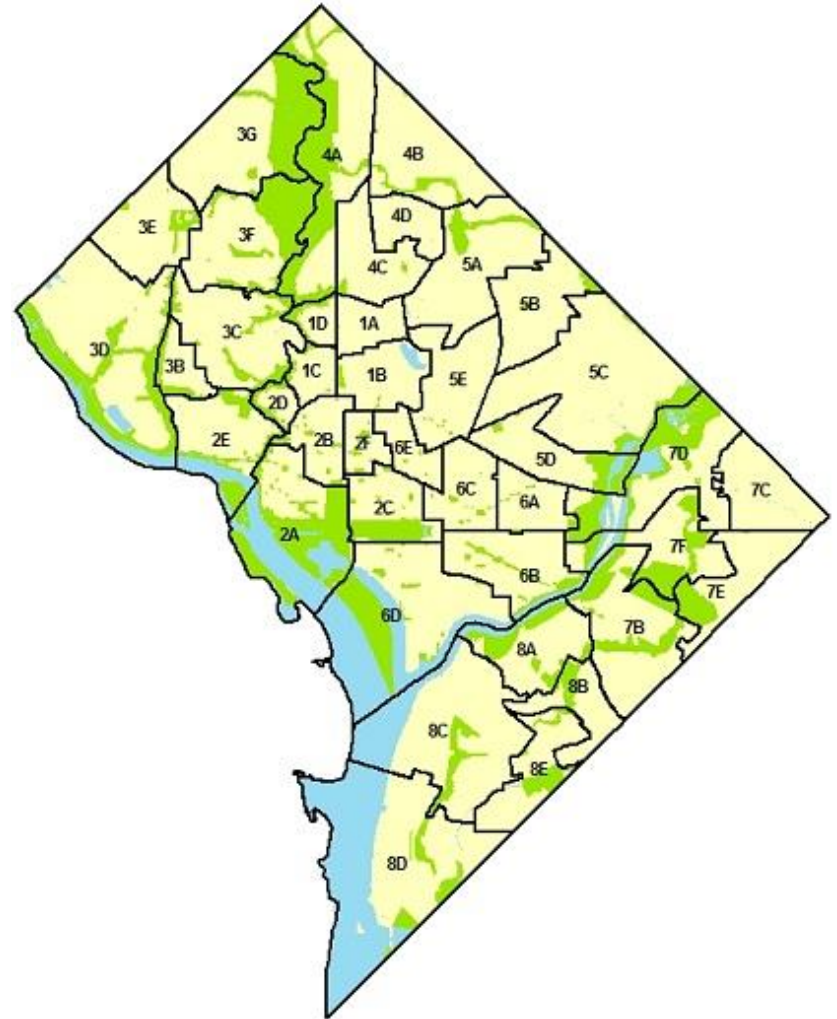


# BAG LAW ENFORCEMENT

DOEE inspects 550 businesses per year

- Assignments are proportional to each ANC's total number of regulated businesses
- Example: 50% of businesses are in Wards 1 and 2, so 50% of assignments are in Wards 1 and 2

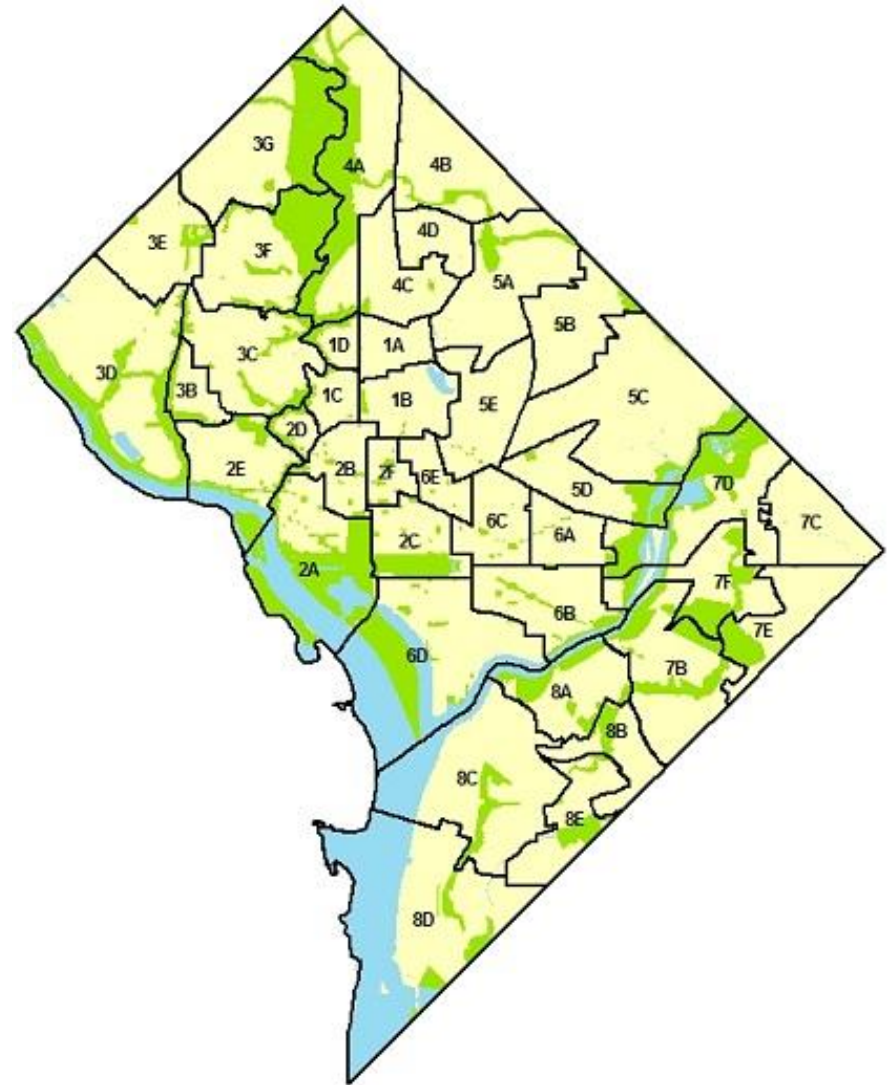
Advisory Neighborhood Commissions (ANCs)



# BAG LAW ENFORCEMENT

DOEE regularly solicits tips from the public from:

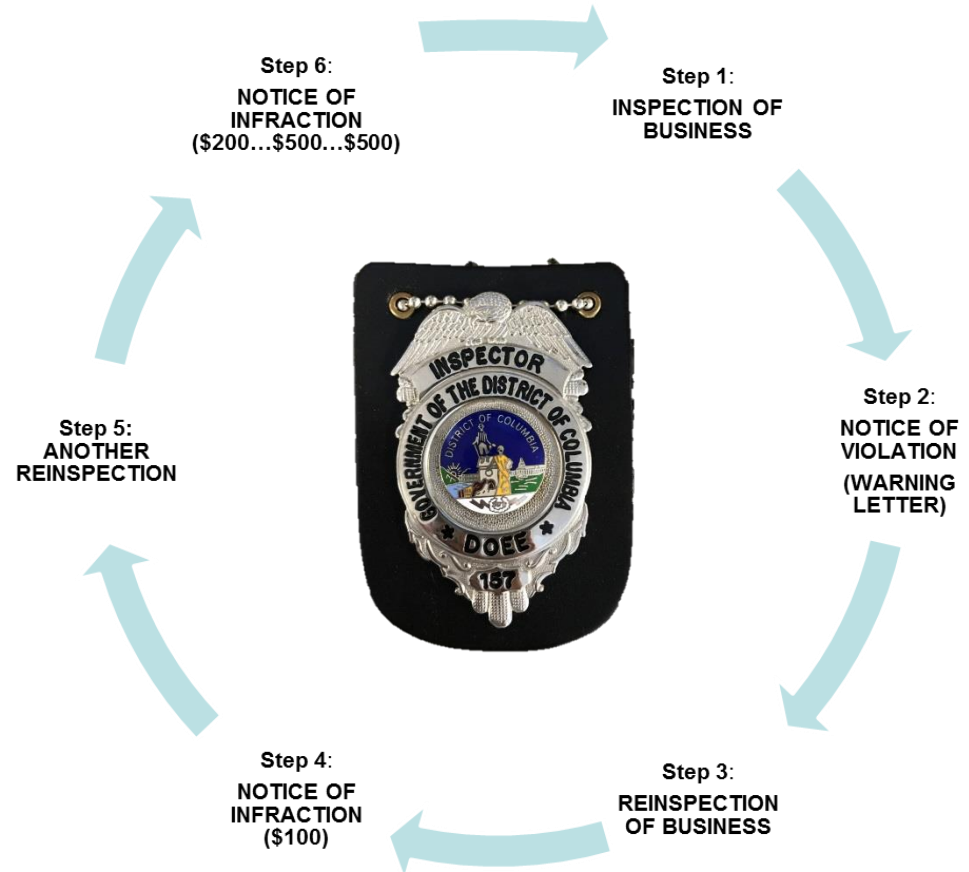
- 311 app
- Website:  
[doee.dc.gov/bags](https://doee.dc.gov/bags)
- Calls/emails
- In person



# BAG LAW ENFORCEMENT

## BUSINESSES FOUND IN VIOLATION:

- 1st Violation: Warning letter (Notice of Violation- NOV)
- 2nd Violation: \$100 fine
- 3rd Violation: \$200 fine
- 4th Violation: \$400 fine
- 5th Violation: \$800 fine\*
- Fines build over 3 year inspection history of business\*



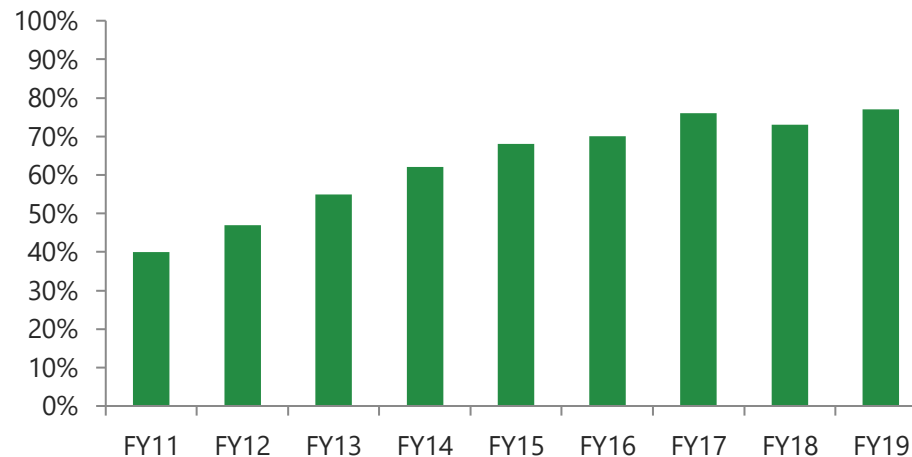
# BAG LAW ENFORCEMENT

## Compliance rate stabilizing over time

FY11*	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19
40%	47%	55%	62%	68%	70%	76%	73%	77%

\* FY11 incomplete inspection year

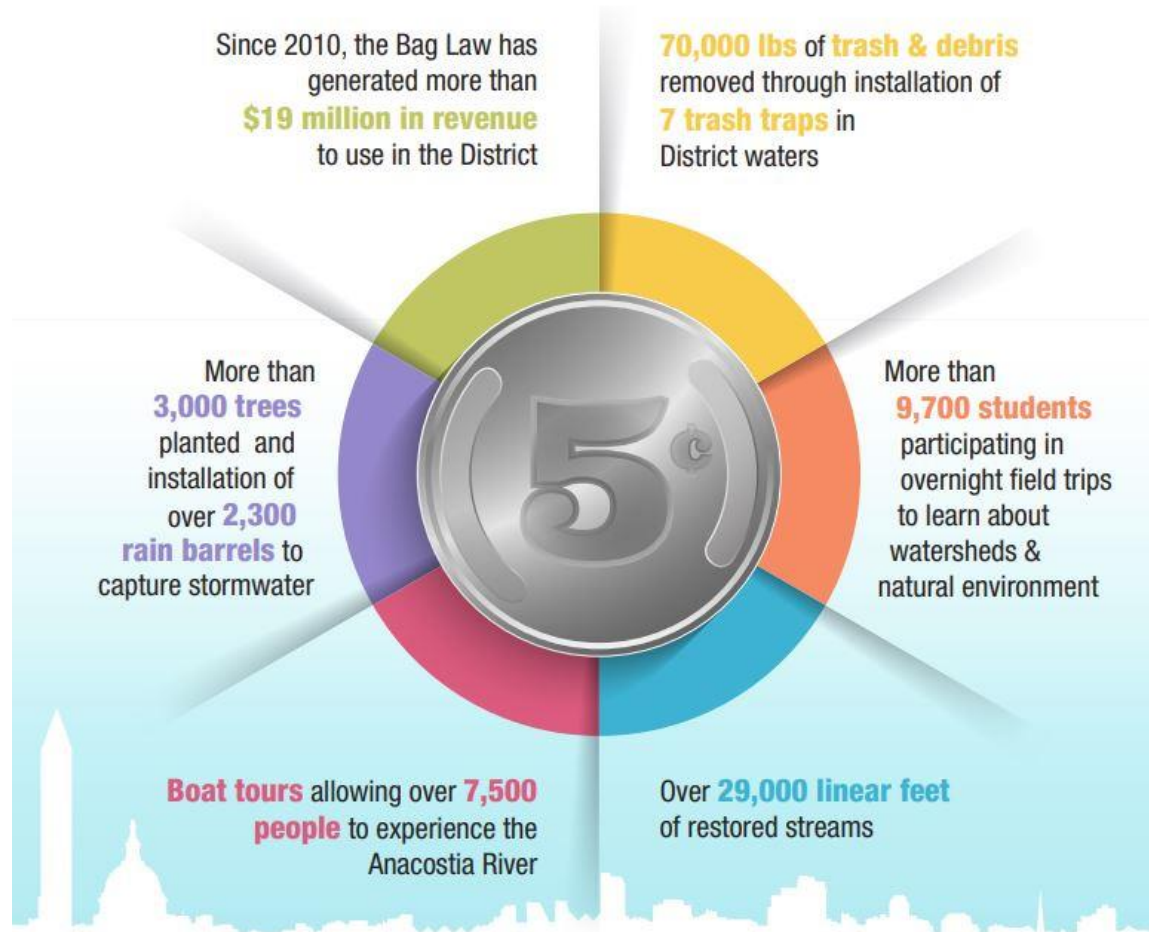
### Compliance Rate Over Time



# IMPACT OF THE LAW

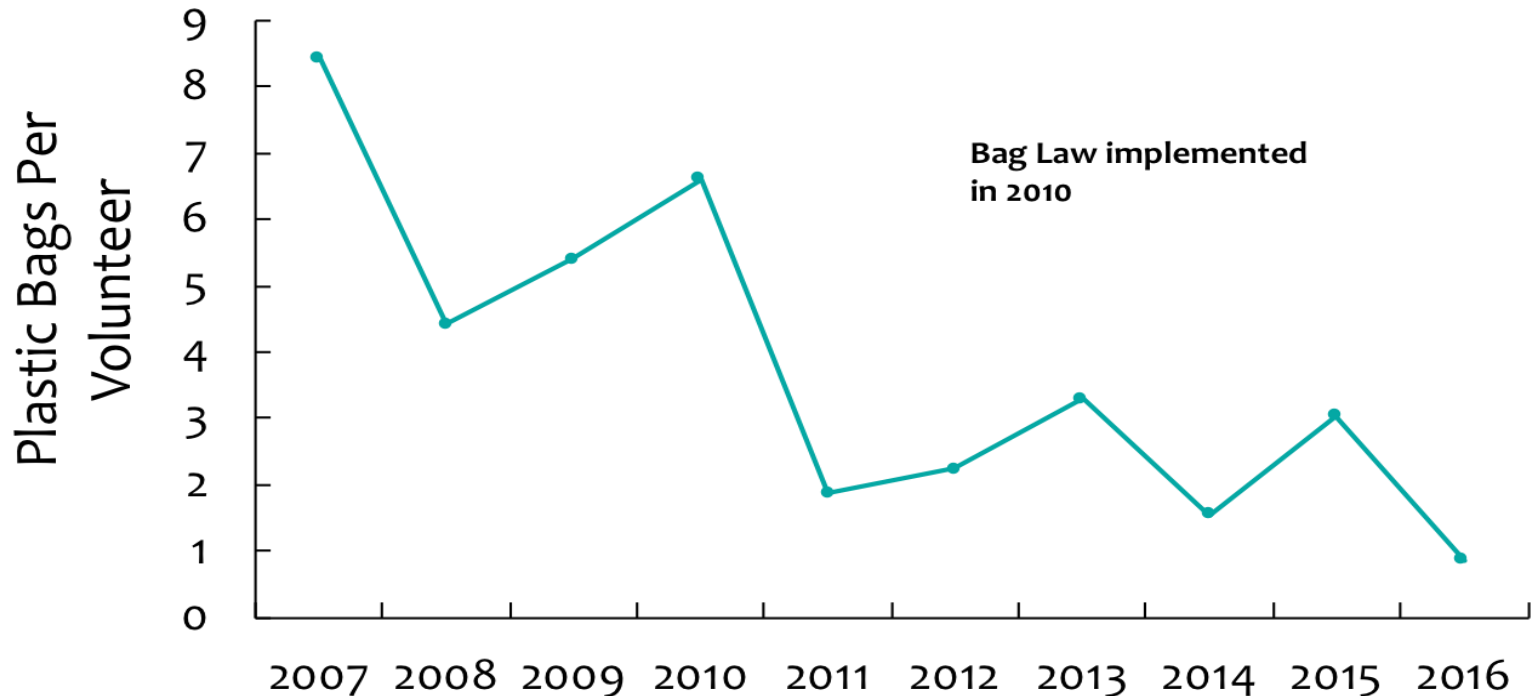
## 5¢ BAG FEE BY THE NUMBERS

Celebrating **10 years** of reducing single-use **plastic pollution**, improving **water quality**, and creating **educational experiences** on the **Anacostia River**



# IMPACT OF THE LAW

## Fewer plastic bags reported at trash clean ups

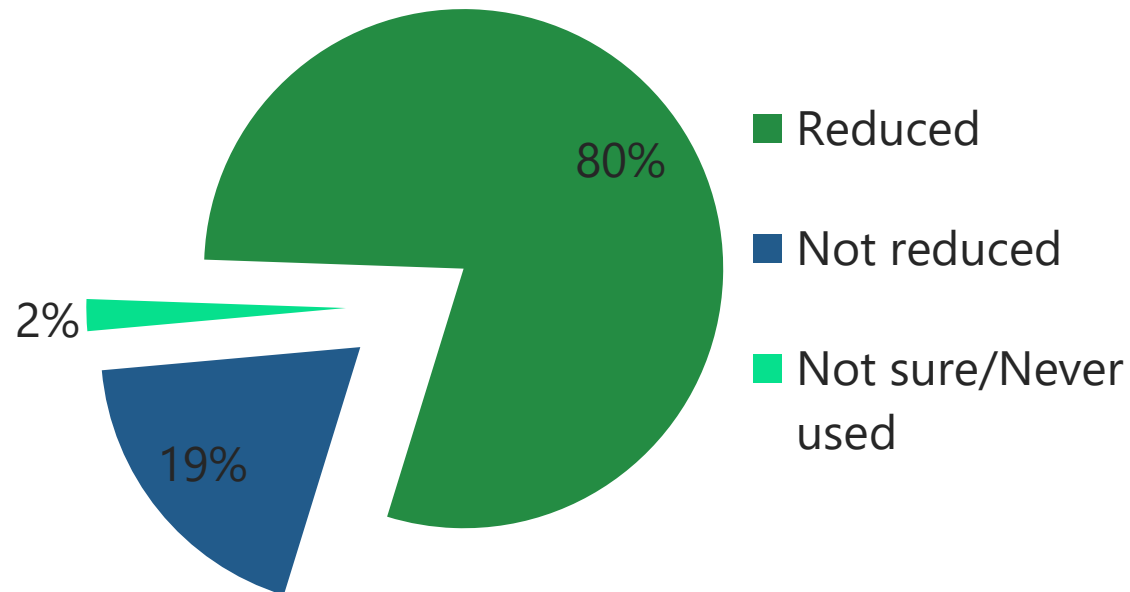


Number of plastic retail bags seen per volunteer at trash cleanups in DC since before and after passage of the Bag Law – Data courtesy of Alice Ferguson Foundation, 2017

# IMPACT OF THE LAW

## Residents are using 80% fewer bags

In 2013, DOEE commissioned a survey to measure the impact of the Bag Law on disposable bag usage rates in the District



**"As you may recall, in 2010 D.C. introduced a new 5-cent fee on disposable bags at stores and carry-outs. Have you reduced your usage of disposable bags since the 5-cent bag fee was introduced in 2010?"**

# IMPACT OF THE LAW

Businesses report a 50% reduction in the number of bags purchased by businesses

CALCULATED CHANGE	% OF BUSINESSES
81 – 100% reduction	4%
61 – 80% reduction	20%
41 – 60% reduction	44%
21 – 40% reduction	23%
1 – 20% reduction	2%
No change	6%
Increase	2%
Median	50% reduction

“How many disposable bags are you buying for your business in a typical month today, whether that is the total number of bags, the number of cases of bags you order, or the amount your business spends on disposable bags?”

“Using the same type of measurement, in other words (fill in appropriate measure based on prior question): {number of bags/cases of bags/dollars spent on bags}, how many disposable bags were you buying for your business in a typical month before the bag law went into effect three years ago?”



# LESSONS LEARNED

- Tailored outreach plan key to success
  - Ample time for businesses to transition (1 yr min.)
  - Allow opportunities for feedback, adapt campaign to suit needs
  - Accessibility! Translated materials, services
  - Clear messaging
    - What do you need to do
    - When do you need to do it by
    - Direct contact information for businesses with questions
- Plan for enforcement/ implementation over long term
  - Fee laws are behavior based for business and customer, need routine reminders
- How will you measure impact?
  - Track bag distribution?
  - Partnerships with nonprofits?



# QUESTIONS?



## LILLIAN POWER

Environmental Protection Specialist

Watershed Protection Division

202-671-0080

[lillian.power@dc.gov](mailto:lillian.power@dc.gov)

