



FAQs

for Retail Stores: Plastic Carryout Bag Ban and At-Store Recycling Program

Q: Who needs to comply with the UPDATED Plastic Carryout Bag Ban?

A: **All Retail Stores in Delaware** must comply with this law, regardless of size or number of store locations. The only exceptions are restaurants that do not hold any other type of business license.

Q: When does the UPDATED Plastic Carryout Bag Ban become effective?

A: **July 1, 2022** - All retail stores must be in compliance by this date.

Q: What is "banned" by the UPDATED Plastic Carryout Bag Ban?

A: All retail stores may not provide any type of plastic film bag to a customer at point of sale, regardless of film thickness.

Q: What can I offer to customers at point of sale?

Retail stores may only have reusable bags made of cloth or durable fabric available for customers at point of sale. Examples include polypropylene fabric, PET nonwoven fabric, nylon, cloth, cotton, jute, hemp product, or other washable fabric.

These bags must also meet the requirements outlined in [7 Del. Code, §6099A](#).

Including:

- Have stitched handles
- Have a volume capacity of at least 4 gallons
- Be machine washable or can be cleaned and disinfected
- Be free of lead, cadmium or any other toxic material

Reusable paper bags are also acceptable at check out.

Q: How can I comply with the UPDATED law as a retail store?

A: For you to be compliant with this law, any bags distributed at point of sale after July 1, 2022 must meet the reusable bag standard outlined in the Statute and regulations: [7 Del. Code, §6099A](#).

The law does not specify any one type of bag as long as the bag is reusable per the above list of requirements. We suggest working with your bag distributor.

Q: These bags are more expensive. Can I charge a fee?

A: The law allows retail stores to assess a fee for the reusable bags or paper bags that are provided at checkout.

Q: What do I do with my old inventory of bags?

A: DNREC understands that stores purchase items in advance of needing them. This law, which was passed in June 2021, was explicit in its implementation date of July 1, 2022, providing ample time to reduce inventory and get a supply of reusable bags in place. Plastic film carryout bags are banned as of July 1, 2022 at the point of sale. Stores will need to best assess how to manage their remaining inventory of plastic film carryout bags.

Q: What if I can't comply with the UPDATED Plastic Carryout Bag Ban by July 1, 2022? Are there penalties?

A: DNREC understands that stores purchase supplies in advance of needing them. This law was passed in June 2021 with an implementation date of July 1, 2022, for stores to achieve compliance. Under the law, DNREC has the authority to assess penalties for non-compliance. DNREC's Compliance and Permitting Section utilizes a model of initial inspection/follow-up inspection before any violations are assessed. DNREC recommends stores be proactive and reach out to the Compliance and Permitting Section at 302-739-9403 or recycle@delaware.gov if they feel that their location(s) will not achieve compliance with the new law so that DNREC can provide any necessary technical assistance.

Q: Who must have an At-Store Recycling program?

A: Any store may choose to have an at store recycling program. The law requires stores that provide other types of plastic film bags, known as “exempt” bags in the law, continue to provide an At-Store Recycling program. These exempt plastic film bags include:

- Bags used for wrap frozen foods, meat or fish, flowers or potted plants, or other items to contain dampness.
- Bags used to contain live animals such as fish or insects sold in pet stores.
- Bags used to transport chemical pesticides, drain-cleaning chemicals, or other caustic chemicals.
- Non-handled bags used to protect a purchased item from damaging or contaminating other purchased items when placed in a recycled paper bag or a reusable grocery bag.
- Bags provided to contain an unwrapped food item.
- Non-handled bags that are designed to be placed over articles of clothing on a hanger.
- Bags used by customers inside a business to package loose items, such as nuts, ground coffee, grains, fruits, vegetables or candies.

Q: What must a store do to not be required to have an At-Store Recycling Program?

A: If a store can eliminate the plastic film bags in the question above, an At-Store Recycling program will not be required.

Q: Can I put the plastic bags and film I collect for the At-Store Recycling Program with my other recycling?

A: **No.** Bags and film need to be kept separate and sent to a recycler that can properly recycle them. Delaware’s Universal Recycling Program, which governs commercial customers, does not accept plastic bags or film as recyclable material. DNREC has contact information for several companies that offer small-scale or mail-back programs as well as drop-off opportunities. Stores should consult with their company environmental team to see if film/bags can be back-hauled to distribution centers and consolidated for recycling as well. Several recycling companies take truckload quantities of material.

Q: What type of box should I use to collect bags for the At-Store Recycling Program?

A: Any type of container can be used to collect bags. As a best practice to reduce concerns about public health implications of bag recycling, DNREC suggests that you line any container with a larger plastic bag before recycling bags in that container. All the bags you recycle will be deposited into this larger bag, which can be tied off and removed from your collection bin, just as you would for garbage collection. You can then line the bin with a new bag. This process helps to minimize employee interaction with the material, and the larger bag can be recycled with the other material. Similarly, if you participate in a “mail-back” recycling program, DNREC suggests using a similar approach to line the box with a larger bag, which can be disinfected without damaging the cardboard. Again, this bag can be “tied off” and placed inside the box when it’s ready to be shipped to the recycler.

Q: We have heard that reusable bags can contain diseases? How do we protect our employees and customers?

A: There have been several studies done on reusable bags, which found cleaning and disinfecting bags eliminates the risk. Because your employees can’t know if a customer has done this, we encourage the following steps to facilitate customers’ use of reusable bags during this time:

1. Let customers know that they must bag merchandise themselves if they use their own reusable bags.
2. Designate the end of checkout lanes or carts as the location where reusable bags have to be filled by the customer.
3. Once the transaction has concluded, disinfect the checkout area (as per CDC guidance) before the next customer is helped. If carts are used, they should be cleaned according to your established cart disinfecting policy.

This minimizes your staff’s interaction with reusable bags while also protecting your customers. There is nothing in the law that prohibits stores from not allowing reusable bags to be used. It is the retailer’s decision to be made on whether or not to allow them.

Q: Can DNREC provide any assistance to help stores attain compliance with the UPDATED law?

A: Yes. Stores that need assistance complying with the UPDATED Plastic Carryout Bag Ban and At-Store Recycling program should contact DNREC’s Recycling Program at 302-739-9403 or recycle@delaware.gov, and technical assistance will be provided by the Department.