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STUDY ON THE IMPACT OF OPTIONAL PLASTIC BAGS

TITLE 38, SECTION 1605

A Report to the Joint Standing Committee
on Energy and Natural Resources

prepared by

MAINE WASTE MANAGEMENT AGENCY

SHERRY HUBER
EXECUTIVE DIRECTOR

MARCH 1, 1991



STATE OF MAINE
MAINE WASTE MANAGEMENT AGENCY
EXECUTIVE DEPARTMENT

JOHN R. McKERNAN, JR.
GOVERNOR

SHERRY F. HUBER
EXECUTIVE DIRECTOR

March 8, 1991

The Honorable Bonnie L. Titcomb, Chair
The Honorable Paul F. Jacques, Chair
Joint Standing Committee on Energy and Natural Resources

Dear Senator Titcomb and Representative Jacques:

In accordance with Public Law 1989, chapter 585, Part A, section 10, we are pleased to submit a report on the change in the relative number of plastic versus paper bags used by retail outlets in response to the enactment of Title 38, section 1605. The study provides estimates of plastic and paper bag use before and after the effective date of section 1605 and also includes an overview of the use, disposal, recycling and cost characteristics of plastic and paper bags.

I would like to suggest this report be read within the context offered by the authors of a 1988 German government report comparing the effects on the environment from paper and plastic bags: "Any relief of the strain on the environment worth mentioning is only achieved when a carrier bag is used which can be used repeatedly."

I agree with this viewpoint and hope that the use of reusable shopping bags by Maine consumers can be encouraged and increased. While we debate the relative merits of paper and plastic bags, let's not lose sight of the waste management option with the greatest environmental impact, waste reduction.

Sincerely,

A handwritten signature in dark ink, appearing to read "Sherry F. Huber".

Sherry F. Huber
Executive Director

SFH/ga



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SUMMARY OF IMPACTS FROM PAPER BAG FIRST LAW

Changes in Bag Usage

- Preliminary estimates indicate plastic bag use declined by at least 267 million bags in 1990. Paper bag use increased by 254 million bags.

Associated Reuse and Recycling Changes

- Two bag manufacturers have retail store collection programs for postconsumer plastic bags at a total of 88 Maine stores. One program collected 62 tons in 1990. One grocery chain also collects paper bags.
- The state's 2 largest grocery chains now give a 5-cent credit for paper bags reused by consumers.
- Stores are now selling reusable shopping bags made of canvas or mesh. Bag sales have varied over time, but use levels appear low.

Compliance and Enforcement

- State agencies received more than 110 reports of stores violating the paper first provision of section 1605 in 1990. MWMA, DEP and the Attorney General's office responded with notice of violation letters.
- A student conducted survey in 5 mid-coast towns found that 93% of 114 retail stores were in compliance with the law and 78% of 96 consumers interviewed were in favor of the law.
- A 1991 survey by Maine Merchants Association found 10% of respondents used only plastic bags.

Use, Reuse, Disposal and Recycling

- Each bag material has its pros and cons on these issues relative to the other material.

Cost to Retailers

- Plastic bags may cost one-half as much as paper bags of similar size. For some combinations of size, number and appearance, plastic bags may cost more.
- The Maine Merchants Association survey found an average cost per bag purchased of 4-cents for plastic and 4.5-cents for paper.

The best way to reduce waste and minimize the environmental impacts of paper and plastic checkout bags is to encourage consumers to refuse unnecessary bags and to choose, and use, reusable bags.

STUDY BACKGROUND

Public Law 1989, chapter 585 enacted the following provision as section 1605 of Title 38, Maine Revised Statutes Annotated.

§ 1605. Plastic bags

After January 1, 1990, all retailers in this State shall use paper bags to bag products at the point of retail sale unless the consumer requests a plastic bag.

An unallocated section of chapter 585 (Part A, section 10 is included as Appendix A) directed the Maine Waste Management Agency's Office of Waste Reduction and Recycling to "study any change in the relative number of plastic versus paper bags used by retail outlets" that results from the enactment of section 1605. This report is submitted in fulfillment of that requirement.

In addition to reporting changes in the types of bags used, this report also provides information on the use characteristics, waste management impacts and relative costs of paper and plastic bags.

Please note that throughout this report the terms "grocery store" and "merchandise store" are used to differentiate between stores that primarily supply food and stores that sell non-food items, such as clothing, hardware, books or specialty items. The term "retailers" refers to both grocery and merchandise stores.

To compile information for this report the agency contacted 4 major grocery chains in Maine, several merchandise store chains and 4 major distributors of paper and plastic bags. In addition, the agency received information from the Maine Merchants Association, the Attorney General's Office, the Department of Environmental Protection, many individual citizens and from students at the Chewonki Foundation. Thanks goes to all organizations and individuals who provided information used in compiling this report. Thanks also to John Chiaramonte, a volunteer intern from the University of Maine, who made initial industry contacts and who contributed to sections of this report.

IMPACTS OF SECTION 1605

The agency was asked to report on changes in the relative numbers of paper versus plastic bags used as a result of section 1605. Since January 1, 1990 was the effective date of section 1605 the agency attempted to document changes in bag use between 1989 and 1990. Conversations with retailers, bag manufacturers and distributors are the sources for bag use estimates provided. Many retailers and bag distributors contacted were not able to tell the agency a specific number of bags they used or sold in Maine.

Fortunately, the Maine Merchants Association provided the results of a membership survey that contributes information on Maine bag use and bag costs. The survey results, when combined with information from bag manufacturers, do provide an estimate of paper and plastic bag use. However, the merchants association survey results and other information sources do not provide a complete overview of state retail bag use so the reader should generally view estimates in this report as minimum changes that have occurred and should assume a healthy margin of error.

Reported Changes in Bag Numbers

Grocery use. Grocery store bag use estimates are based on information about bag shipments to stores selling more than 50% of the state's groceries. Bag use estimates do not account for changes in consumer purchases as a result of economic circumstances or greater awareness of waste reduction practices.

The agency estimates that the use of large plastic bags in grocery stores dropped by more than 39 million between 1989 and 1990. This is more than a 50% decrease in plastic bags for grocery use. Based on industry use studies and conversations with industry representatives, we assume that each paper bag replaces 1.5 plastic bags in grocery usage. Given that assumption, paper bag use increased by more than 26 million bags between 1989 and 1990. This is a 40% increase in paper bags for grocery use. Assuming no change in total sales, the total number of bags used declined by 13 million.

Comparing paper and plastic bag use on a percentage basis - in 1989, Maine grocers used 52% plastic and 48% paper; in 1990, Maine grocers used 25% plastic and 75% paper. The amount of change in bag usage varied from store to store. One chain that was using more than 60% plastic prior to section 1605 now uses approximately 12% plastic.

Merchandise use. Suppliers of bags to merchandise stores were not able to supply much information on shifts in bag materials since section 1605 took effect. One supplier of both paper and plastic bags to merchandise stores asserted that in 1989 Maine used 75% plastic and 25% paper bags compared to 10% plastic and 90% paper bags in 1990. Further, much of the 1990 plastic bag use was of previously ordered stock. The supplier mentioned above expects most merchandise stores will go to 100% paper, rather than use both bag types. These views are supported by the results of a membership survey by the Maine Merchants Association.

The Maine Merchants Association asked three bag use questions as part of an broader membership survey. The membership surveyed includes both grocery and merchandise stores, but major grocery chains were not among the respondents. For this reason, the survey probably contains very little duplication with the grocery store

estimates above.

When retailers were asked what type of bag they provide customers, 59% responded only paper bags, 10% used only plastic bags and 30% used both types. Total bag use in 1990 (137 respondents) was 346 million bags. Plastic bags were 9% (32 million) of reported use, paper bag were 91% (314 million) of reported use.

Summary of changes in bag numbers. The impacts of section 1605 on bag use are summarized below in Table 1. These numbers combine the grocery and merchandise store estimates above and assume that the merchandise store mix changed from 75% plastic and 25% paper in 1989 to 9% plastic and 91% paper in 1990. Since these numbers are based on the bag usage reported by a small number of Maine Merchants Association members, they do not accurately reflect the total retail store usage of bags in Maine.

TABLE 1. REPORTED MAINE PAPER AND PLASTIC BAG USAGE: 1989 and 1990

(in millions)

	PAPER	%	PLASTIC	%	TOTALS
1989					
Grocery ¹	64.4	48	70.6	52	135
Merchandise ²	<u>86.5</u>	25	<u>259.5</u>	75	<u>346</u>
1989 TOTAL	150.9	31	330.1	69	481
1990					
Grocery ¹	90.7	74	31.1	26	121.8
Merchandise ²	<u>314</u>	91	<u>32</u>	9	<u>346</u>
1990 TOTAL	404.7	87	63.1	13	467.8

¹ Based on figures and estimates provided by bag manufacturers and grocery retailers.

² Distribution percentages and total use based on 1990 Maine Merchants Association survey and industry contacts.

Reported results show a decrease of 267 million plastic bags accompanied by an increase of 255 million paper bags in bag use between 1989 and 1990. The relative percentage of paper to plastic bags used changed from 31 to 69 percent in 1989 to 87 to 13 percent in 1990. The actual decrease in number of plastic bags used, and the related rise in number of paper bags used, is greater than the change reported here.

Associated Reuse and Recycling Changes

Four secondary impacts can be attributed, in part, to the enactment of section 1605. During 1990, Hannaford Brothers, IGA, Rich's Department stores and others have participated in

manufacturer-initiated programs to collect and recycle used plastic and/or paper bags. Reports indicate there are now 88 plastic bag collection boxes in Maine. The Hannaford Brothers program collected 62 tons of plastic bags in 1990.

One bag manufacturer reports that each store with a collection program collects an average 18% (by weight) of the total plastic bags used in the store. The bags collected in that program are remanufactured into plastic bags, so the success of the collection programs determines the percent of recycled resin available for the next "generation" of bags. Recycled content has averaged between 15 and 20% for bags produced in this closed loop system.

To further reduce waste, Hannaford Brothers and Shaws each give customers a 5-cent credit for reusing paper bags. Although no firm estimates of the success of these programs were available, a spokesman for one firm thought that the reuse rate was around 3%.

Another result of section 1605 is the presence of reusable shopping bags in grocery stores. Once again, no firm numbers are available. Initial sales of these bags were reported to be quite good, but have since dropped off to a handful per week at each store. One industry participant observed that there was more use of the shopping bags at beaches and schools than at grocery stores.

A less visible impact of section 1605 is the education benefit. Through its implementation in grocery and merchandise stores, the optional plastic bag rule had an immediate impact on the lives of a large percentage of Maine citizens. This impact is exemplified by the signs which inform customers that paper bags are the store's first option (because of state law). These signs are useful reminders to consumers that it is the decisions we each make everyday that cause the waste stream to constantly grow in magnitude.

Compliance and Enforcement

During 1990, the agency recorded complaints from 11 consumers or salespeople about 50 stores that were automatically bagging purchases in plastic bags. Only three of these violations were attributed to grocery stores. The remaining violations were attributed to hardware and auto parts stores, department stores, shoe stores, clothing stores, various outlet and specialty stores, and book stores. All recorded violations occurred in or after April and a total of 30 violations were reported in October, November and December. Another two to three dozen complaints were received by the agency, but not formally recorded, prior to April 1990.

The large number of violations reported late in the year indicate that violations are not occurring solely because stores are using back stocks of plastic bags before ordering paper bags. Results of the Maine Merchants Associations survey, conducted

during the first months of 1991, reveal that 10% of the respondents were in violation of section 1605 because they do not carry paper bags. During 1990, the agency responded to these reports of violations with a notice of violation letter. A copy is provided as Appendix C. The agency also distributed 900 copies of an "Information Sheet on Use of Paper Bags," included as Appendix B.

In addition to the complaints received by the agency, the Attorney General's office received 3 reports of violations and the Department of Environmental Protection received approximately 55 reports of violations and dozens of inquiries about the law. Most inquiries and violation reports occurred during the first two months the law went into effect, but the Bangor regional office of the DEP did receive a flurry of complaints during December, 1990, concerning one store. The DEP responded to violation reports with telephone contact in some cases and in other cases a notice of violation letter and information sheet. A sample DEP notice of violation letter is included as Appendix D. The Attorney General's office also issued at least one notice of violation letter.

Survey by Students

Another view of compliance was provided by students at the Chewonki Foundation in Wiscasset. Six students surveyed 114 stores and 96 shoppers in 5 coastal communities in May and April, 1990. Of the 114 stores observed, the students found 67% of the stores used only paper, 26% used both paper and plastic and 7%, 8 stores total, used only plastic bags. The students reported a compliance rate of 93%, so apparently the 30 stores using both paper and plastic were observed to offer paper first.

Of the shoppers surveyed, 72% were previously aware of the law, 78% thought the law was a good idea and just 16% thought they had received plastic bags more often than paper bags in the prior few months. People who supported the law thought that paper should be favored over plastic because it was degradable and in particular would be less likely to harm marine life. Some people added that it was also important to recycle paper bags. People who opposed the law liked the handles on plastic bags and felt it was a nuisance to have to ask for plastic. Others opposing the law did not want to see more trees cut down or felt that neither paper or plastic bags will degrade in a landfill so why discriminate between the two.

Comparison of Paper and Plastic bags

Various arguments have been advanced by proponents and opponents of paper and plastic bags. The areas of consumer preference, use and reuse, recycling and disposal, environmental impacts from the manufacture and distribution of each bag type and relative costs have all been disputed by interested parties. The agency does not find a clear-cut advantage to the use of either

type of bag, however, the reader should consider the pros and cons of paper and plastic bags within the following context.

Dr. Heinrich von Lersner, President of the Federal Office of the Environment for the Federal Republic of Germany wrote in a 1988 report comparing the effects on the environment from paper and plastic bags: "Any relief of the strain on the environment worth mentioning is only achieved when a carrier bag is used which can be used repeatedly, whether it is made of natural fibres such as jute or of synthetic fibres such as polyamide."

Anecdotal evidence indicates that reusable carrier bags are not widely used today, despite the effort by some grocery chains to offer reusable bags and to promote their use. While debating the relative merits of paper versus plastic bags, consumers and policymakers should remember that the waste management technique with the most cost savings and greatest environmental impact is waste reduction. Let's not lose sight of the priorities established by the waste management hierarchy.

Use and Reuse

Convenience for the consumer will vary with the individual. Paper bags may be more convenient for some people because they represent fewer trips with groceries from the car to the kitchen table and because they stand up well in the trunk of the car. Demographics can play a big role in consumer preference. In a rural/suburban area one can expect to see a preference towards paper bags because of the fact that most customers are driving in a car.

For other consumers, the handles on plastics bags are very convenient. Again, demographics enter the picture. Consumers in urban areas who shop often on foot may prefer a plastic bag with handles. This is also evident in malls and outlet centers where most of the reported violations of this new law have occurred. Handles allow more than one plastic shopping bag to be carried in one hand.

After the bag reaches the home what is its fate? Both paper and plastic bags can be reused around the house. For some uses, the rigidity of paper bags gives them an advantage. In other uses, the handles and water retention capability of plastic bags may be advantageous. On the questions of use and reuse, it appears that neither bag type has a clear superiority.

Disposal

As with the question of use and reuse, both plastic and paper bags have their strengths and weaknesses in the areas of disposal impacts and ability to recycle. Landfilled paper takes up roughly 6 times more space than plastic and when landfilled neither material is likely to break down in the short term. Over time, however, paper bags will decay. Whether this is beneficial depends

on other landfill management factors: Is the landfill secure or do the decaying paper bags contribute to leaching problems? Does the decaying paper add to the methane being extracted from the landfill or does it degrade air quality? Are decaying paper bags contributing to undesirable settling at a closed landfill site being used for some public purpose such as a recycling center or recreation area?

If incineration is the disposal option, plastic grocery bags contribute three times more BTU's per pound than paper, but an equal number of paper grocery bags will contribute seven times as much weight, giving a BTU advantage to paper. Industry and environmentalists dispute whether the incineration of plastics increases dioxin levels in air emissions. Data to compare paper and plastic air emissions from waste incineration is not available.

If disposal occurs by littering, then the biodegradable nature of paper gives it a clear advantage over plastic. The persistence of plastic along roadsides and in marine environments creates an aesthetic blight as well as a hazard to animals. A discarded plastic bag is a life-threatening hazard to birds and marine animals that attempt to ingest it. The plastics industry responds to these concerns by arguing that littering is a social problem, not a materials problem. But, while the social problem exists the decay properties of packaging materials are a legitimate policy issue for state regulators.

Recycling

Paper bag recycling can take advantage of well-established markets for postconsumer paper. Existing end-products for reprocessed kraft grocery bags include materials like sauna tubes and the paperboard used in cereal boxes. But, paper bags compare unfavorably to plastic in some recycling characteristics. Strength requirements limit the amount of the postconsumer fiber in a paper bag, distributors say about 5% can be utilized. Paper bags have a lower density than plastic bags and are bulky to store and transport, increasing handling costs.

Plastic has several characteristics favorable to recycling. It has a higher density than paper, but is lighter weight on a per unit basis, and takes less storage space. It takes roughly three trucks to haul the same number of paper merchandise bags that can be carried by one truck of plastic merchandise bags. Plastic recycling technology allows the use of high percentages of postconsumer resins. The resin used to make many plastic bags is LDPE. Postconsumer LDPE can, and is, being used to make plastic bags; thereby closing the recycling loop. One manufacturer argues that section 1605 limits LDPE recycling by reducing the volume of bags available for collection and making collection more expensive. Other types of plastic bags are a blend of resins and may end up as plastic lumber, a product with uncertain markets.

Some environmentalists argue that it is wrong to create end-products, i.e., plastic lumber, simply to create a market for postconsumer plastics. They claim this approach creates demand for additional petroleum uses. These arguments may be tenuous however, as all studies reviewed by the agency conclude that more petroleum is used in the production and transport of paper bags than in production and transport of the same number of plastic bags.

Cost Factors

Rates of use. Reports comparing environmental effects and industry sources indicate that at grocery stores more plastic than paper bags are used to carry the same volume of material, even when both bags have the same design capacity. Industry estimates say that 1.2 to 3 plastic grocery bags are used for each paper bag of the same size. Earlier in this report we chose 1.5 plastic grocery bags to each paper bag as an appropriate ratio. The use of more plastic than paper bags to carry the same amount of material decreases the purchase price difference between paper and plastic. For merchandise bags, plastic and paper bags are one-to-one substitutes for each other. Although these ratios are important when comparing the transportation, purchase and storage costs of bags, the weight and volume characteristics of plastic bags make plastic a superior product from a transportation and storage perspective.

Transportation and storage factors. Transportation costs are higher with paper because paper bags take up more space per bag. Industry sources report that a stack of 1,000 paper grocery bags stands 46 inches high and a stack of 1,000 plastic grocery bags stands 4 inches high. For grocery bags, it takes six trucks of paper bags for each truck of plastic bags, but the practice of using more plastic than paper grocery bags to contain the same volume of grocery purchases decreases the actual ratio of plastic:paper grocery bag shipments to 4:1. Paper merchandise bags occupy seven cubic feet, while plastic merchandise bags occupy 3.6 cubic feet. Paper merchandise bags take three truckloads for the same number of plastic bags that can be carried in one truckload.

The same 1,000 paper grocery bags weighs 140 pounds, while the 1,000 plastic grocery bags are seven times lighter at 19 pounds. In merchandise bags, 1,000 paper bags outweigh 1,000 plastic bags by 100 to 25 pounds. The weight and volume characteristics of paper and plastic result in significantly higher transportation and associated environmental costs for paper bags.

The density difference between paper and plastic also means that storage space and its associated costs increase at stores as the percentage of paper bags increases. One chain store indicated that it is using 10 times as much storage space for bags since switching from plastic to paper.

Cost to retailers. The price at which retailers can purchase bags depends on transportation costs and many other factors. Industry literature when comparing plastic and paper grocery bags generally cites a price around 2-cents per bag for plastic and 4-cents per bag for paper. The price difference reportedly reflects lower costs for making, shipping and storing plastic bags.

But, material quality, number ordered, bag size, style and the addition of an advertising logo may make the cost of a plastic bag more expensive than a similar paper bag. One retailer reports that a 15 x 18 inch white paper merchandise bag with a logo cost 2.5-cents per unit. A comparably sized plastic bag with logo cost 3.5-cents per unit.

The results of the Maine Merchants Association survey reflect the complexity of the cost issue, but also show that overall plastic is costing less than paper. In one analysis, twenty-six survey respondents indicated that the average size and style of plastic bag they used had a price of 15-cents per bag, while fifty-two respondents indicated the average size and style they used had an average price of 9-cents per bag for paper. But, when the price paid for paper and plastic bags is weighted by figuring the average price per bag purchased, plastic is 4-cents per bag and paper is 4.5-cents per bag.

Since an accurate comparison of bag costs depends on comparing bags which are substitutes for one another, and information at that level of detail was not available, we have not estimated any costs associated with section 1605.

APPENDIX A

P.L. 1989 CH. 585

PART A

Sec. 10. Study on the impact of optional plastic bags. The Maine Waste Management Agency, Office of Waste Reduction and Recycling shall study any change in the relative number of plastic versus paper bags used by retail outlets as a result of the enactment of Title 38, section 1605. The office shall submit a report on their findings to the Joint Standing Committee on Natural Resources by March 1, 1991.



STATE OF MAINE
MAINE WASTE MANAGEMENT AGENCY

EXECUTIVE DEPARTMENT

JOHN R. McKERNAN, JR.
GOVERNOR

INFORMATION SHEET

USE OF PAPER BAGS

Title 38, §1605 of the Maine Revised Statutes Annotated was enacted to read: "After January 1, 1990, all retailers in Maine shall use paper bags to bag products at the point of retail sale unless the consumer requests a plastic bag."

This section of the law is part of a comprehensive package of solid waste management legislation. This provision directs retailers to use paper bags at the check-out counter unless the customer requests a plastic bag. The law also requires the Maine Waste Management Agency to study any change in the relative number of plastic versus paper bags used by retail outlets as a result of the new law and to submit a report on its findings to the Joint Standing Committee on Natural Resources by March 1, 1991.

Does the law require a retailer to offer only paper bags? The retailer must bag in paper unless the customer requests a plastic bag. Cornstarch bags may not be used instead of paper bags.

Does the law require service industries such as dry cleaning establishments to offer paper bags? The law directed at retail establishments which sell a product, not establishments which provide a service. The Agency does encourage service industries to use paper bags.

Are there penalties for not complying with the law? Not complying with the law carries both criminal and civil penalties. The Department of Environmental Protection is responsible for enforcing this law. Voluntary compliance, however, is the express objective. The Maine Waste Management Agency is directed to study any change in the relative number of plastic versus paper bags. As part of this study, the Agency shall assess compliance by retailers with the law and any problems regarding inventory and supply of bags. The methodology for the study will be developed with the cooperation of associations representing retailers.

What do I do with my excess inventory of plastic bags? Many retailers have inventory of plastic bags on hand. In many cases, these bags are printed with the company name and therefore not returnable to suppliers. The law does not prohibit the use of plastic bags; retailers may use existing inventories to fill customer requests for plastic bags. The retailer is also not prohibited from making it apparent that plastic bags are available if the customer so desires. The law does require that retailers have and use paper bags.

If you have additional questions about the law, its application and its effect, please contact the Maine Waste Management Agency.

APPENDIX C

Dear Manager:

I am writing to notify you that the Maine Waste Management Agency has received a complaint regarding your use of plastic bags.

As of January 1, 1990 State law requires that: **"All retailers in Maine shall use paper bags to bag products at the point of retail sale unless the Consumer requests a plastic bag."** The intent of this law is to give consumers a choice between paper and plastic bags.

I am attaching for your information a copy of the Information Sheet on Use of Paper Bags, which may answer your questions regarding the law. We would appreciate your compliance with the requirement to use paper bags.

The Maine Waste Management Agency is open Monday through Friday from 8 am to 5 pm. Please contact us at 1-800-662-4545 or 289-5300 for further information or assistance.

Thank you for your cooperation.

Sincerely,

Jody L. Harris
Director
Office of Waste Reduction and Recycling

JLH/ahh
enc

APPENDIX D

Dear Retail Store Manager:

We have received a citizen complaint that your retail store was not complying with Maine's state law that requires retail stores to use paper bags unless a customer specifically requests a plastic bag. Enclosed is an informational sheet that addresses many questions that you may have about the law.

If your store is not providing paper bags to all retail customers who have not indicated a preference for receiving a plastic bag, state law requires that it do so. You may wish to initiate a program that informs current and new sales and checkout personnel of this requirement and how you want them to follow it.

If you have any questions about the law and how it applies to your store, please contact this Department's Bureau of Solid Waste Management at 207-582-8740 or at the mailing address indicated above. We will be happy to answer any questions that you have.