

**LOCAL LAW NO. 1 OF 2008  
COUNTY OF ROCKLAND  
STATE OF NEW YORK**

(Introduced by: Hon. Connie L. Coker and Hon. Ilan S. Schoenberger)  
(Co-Sponsor: Hon. Alden H. Wolfe)

Ms. Coker offered the following Local Law, which was seconded by Mr. Grant and Mr. Schoenberger and by roll call vote was unanimously adopted:

A local law mandating that retail establishments over a certain size offering plastic carry-out bags must establish a recycling program for their stores.

Be it enacted by the legislature of the county of Rockland as follows:

**Section 1. Name of local law**

This law shall be known as “the Rockland county plastic bag recycling act of 2008”

**Section 2. Legislative Intent.**

The Rockland county legislature finds and determines that each year an estimated 500 billion to 1 trillion plastic bags are used worldwide, and billions of these bags end up as litter. In the United States alone, retail checkout counters distribute about 100 billion plastic bags, and it takes approximately 35 million barrels of oil to produce them.

The legislature further finds and determines that plastic carryout bags and film plastic do not biodegrade. The bags break down into smaller and smaller toxic bits that contaminate soil and waterways and enter into the food web when animals accidentally ingest those materials, and that these pieces can last for more than one thousand (1000) years.

Instead of being thrown into the garbage where they can eventually contaminate our soil and water, these bags can be collected and recycled into decks, piers and fencing.

The legislature hereby determines tht we must reduce the use of plastic bags and encourage the use of reusable bags in order to reduce our dependence on foreign oil, decrease litter and benefit the environment.

The legislature hereby finds that the proposed recycling program furthers New York State policy which favors programs that maximize material reuse and recycling and programs that use energy efficient recycling processes.

Therefore, the purpose of this law is to encourage the use of reusable bags by consumers and retailers, to reduce the consumption of single-use bags, and to require an at-store recycling program for plastic bags.

### **Section 3. Definitions.**

As used in this local law, the following terms shall have the meanings indicated:

“OPERATOR” shall mean a person in control of, or having daily responsibility for, the daily operation of a store, which may include, but is not limited to, the owner of the store.

“PLASTIC CARRYOUT BAG” shall mean a plastic carryout bag provided by a store to a customer at the point of sale that is not a reusable bag.

“REUSABLE BAG” shall mean:

- a.) a bag made of cloth or other machine washable fabric that has handles; or
- b.) a durable plastic bag with handles that is at least 2.25 mils thick and is specifically designed and manufactured for multiple reuse.

“STORE” shall mean: 1) a retail establishment that provides plastic carryout bags to its customers as a result of the sale of a consumer good, and 2) either a) ten thousand square feet or more of the store's selling area floor space is used for the sale of consumer goods or b) belongs to a chain of five (5) or more retail establishments, whether operating inside or outside of Rockland county, that are engaged in the same general field of business and (a) conduct business under the same business name or (b) operate under common ownership or management or pursuant to a franchise agreement with the same franchisor.

“FILM PLASTIC” means uncontaminated non-rigid film plastic packaging products composed of plastic resins that include, but are not limited to, newspaper bags, dry cleaning bags and shrink-wrap.

### **Section 4. At-Store Recycling Program.**

The operator of a store shall establish an at-store recycling program pursuant to the provisions of this law that provides an opportunity for members of the public to return to the store clean plastic carryout bags from any source.

### **Section 5. Requirements.**

An at-store recycling program provided by the operator of a store shall require:

a.) A plastic carryout bag collection bin to be placed at or near the entrance to each store and such bin shall be highly visible and indicate that the bin is intended for recycling and not for the discarding of garbage; such collection bin shall be easily accessible to the consumer; and such collection bin shall be clearly marked that the collection bin is available for the purpose of collecting and recycling plastic carryout bags only.

b.) That all plastic carryout bags collected by the store are to be collected, transported and recycled in a manner consistent with all applicable laws or any rule or regulation promulgated pursuant to this law.

c.) The operator of the store having twenty thousand square feet or more of the selling area floor space used for the sale of consumer goods, shall make reusable bags available to customers within the store, which may be purchased and used in lieu of using a plastic carryout bag or paper bag.

**Section 6. Penalties.**

Any operator who violates any provision of this law shall be punished by a fine not to exceed two hundred and fifty dollars (\$250.00) for a first offense; by a fine not to exceed five hundred dollars (\$500.00) for a second offense; and by a fine not to exceed one thousand dollars (\$1,000.00) for a third and each subsequent offense committed in any twelve month period. Each day that an operator fails to comply with this local law shall constitute a separate and distinct violation.

**Section 7. Rules & Regulations.**

The Commissioner of the Rockland county department of consumer affairs shall promulgate any rules and regulations as it deems necessary and appropriate for the implementation and enforcement of any provisions of this law.

**Section 8. Applicability.**

This law shall apply to all actions occurring on or after January 1, 2009.

**Section 9. Reverse Preemption.**

This law shall be null and void on the day that statewide or federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations pre-empting such action by the county of Rockland. The Rockland county legislature may determine via mere resolution whether or not identical or substantially similar statewide legislation has been enacted for the purposes of triggering the provisions of this section.

**Section 10. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 11. Effective Date.**

This law shall take effect immediately after filing in the Office of the Secretary of State.