



Forty-ninth Legislature - First Regular Session

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HOUSE OF REPRESENTATIVES

HB 2416**plastic bag recycling program****Sponsor: Representative Young Wright****F** Committee on Environment

Committee on Commerce

Caucus and COW

House Engrossed

HB 2416 establishes a plastic bag recycling program.

History

Plastic shopping bags are among the most ubiquitous consumer items on Earth. They start as crude oil, natural gas or other petrochemical derivatives, and are then transformed into chains of hydrogen and carbon molecules known as polymers or polymer resin. After being heated, shaped and cooled, the plastic is flattened, sealed and printed on. Their light weight, low cost, durability and resiliency make them very convenient for carrying groceries.

Nationwide, over 812 million pounds of bags and plastic film were recycled in 2006—up 24% from 2005. After being recycled, plastic bags can be made into dozens of useful new products, such as low-maintenance fencing and decking, building and construction products and new bags. In recent years, many grocery stores and retailers have introduced plastic bag collection programs. Stores that provide plastic bag collection programs can usually be identified by collection bins placed at the front of the store or other accessible locations.

Provisions

- Requires the operator of a store to establish an at-store recycling program that allows customers of the store to return clean plastic carryout bags to the store for recycling.
- Specifies that retail establishments that are not stores may also adopt a recycling program.
- Includes the following requirements for a recycling program:
 - Plastic carryout bags provided by the store must display the words: *“Please return to a participating store for recycling”*, except that stores may use existing plastic carryout bags for one year after the effective date of this article. A store may apply to the Arizona Department of Environmental Quality (ADEQ) for approval of an alternative message and ADEQ is required to approve or reject the proposed message within 45 days.
 - A plastic carryout bin that is accessible to consumers and clearly marked as available for the purpose of collecting and recycling plastic carryout bags. This paragraph specifies that this requirement applies to stores that are not in an enclosed shopping mall or that have at least 50,000 square feet and are in an

enclosed shopping mall. For enclosed shopping malls, this paragraph also requires owners of malls to place bins at “reasonable intervals” throughout the mall area.

- All plastic carryout bags collected by the store, except bags that are not sufficiently free of foreign material to enter the recycling stream. This paragraph also specifies that plastic bags that are collected by the store shall not be disposed of in any solid waste disposal facility.
- Records to be maintained for a minimum of 3 years that describe the collection, transport and recycling of plastic bags by weight. On request, the records are to be made available to ADEQ to demonstrate compliance with this article.
- Reusable bags made available by the operator of a store to be used in place of a plastic carryout bag or paper bag.
- Requires a manufacturer or its agent that accepts plastic bags for return to maintain records for at least 3 years describing the collection, transport and recycling of the bags collected by weight, except that the bags may be weighed at a regional collection center.
- Specifies that on request, records are required to be made available to ADEQ.
- Requires manufacturers of compostable plastic bags sold in this state to have printed on the bag: “*Compostable bag – Do not place in recycling bin*”, except that those bags may be sold or distributed for one year as the store’s existing stock.
- Requires ADEQ to do the following:
 - Develop educational materials to encourage the reduction, reuse and recycling of plastic bags and to make those materials available to stores.
 - Provide information regarding the availability of recycling facilities that recycle plastic bags, including the addresses and phone numbers of those facilities.
 - Adopt rules to implement this article.
 - Adopt by rule the most recent version of the definition of “compostable” as prescribed in American Society for Testing and Materials Standard D6400.
- Specifies the following enforcement penalties for any person who knowingly or intentionally violates any provision or fails to perform any duty imposed pursuant to this article:
 - First violation is a warning that future violations will result in a civil penalty.
 - Second violation is subject to a civil penalty of up to \$100.
 - Third or subsequent violations are subject to a civil penalty of up to \$500.
- Requires penalties under this section to be assessed by ADEQ after a hearing or opportunity to be heard and specifies that a person found to have violated this article may be enjoined by similar process.
- Requires all civil penalties collected for violation of this article to be deposited in the Recycling Fund established by A.R.S. § 49-837.
- Defines *compostable plastic bags*, *manufacturer*, *operator*, *plastic carryout bag*, *reusable bag* and *store*.
- Makes technical and conforming changes.

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