



Town of Barnstable

SINGLE-USE PLASTIC CARRY-OUT BAGS

EXEMPTION CRITERIA



Businesses in the Town of Barnstable have until October 3, 2016, to cease the use of their current inventory to prepare for the switch to other forms of reusable or compliant mil bags. However, the ordinance does contain an exemption provision which permits the Town Manager or designee to exempt an establishment from compliance for up to one year if in his or her judgement the establishment would incur undue hardship or practical difficulty from enforcement of the ban as of the effective date of October 3, 2016. Possible criteria exemptions for granting an extension are detailed below. **All extension requests should be in writing to the Town Manager, submitted through the Consumer Affairs Division, before October 3, 2016.**

1. Demonstration of due diligence to comply with the ban by the compliance deadline is necessary in order to consider and grant an exemption request. Due diligence may be judged in part on the circumstances described in paragraphs 3, 4 and 5.
2. Upon demonstration of due diligence to comply, the existence of an inventory of bags that will continue to be present past the deadline may be considered acceptable to grant an extension. In order to grant this extension, the business shall provide details on how many bags they have left, the cost for the bags, and how soon they could get rid of them, based on sales from the same period over the last year. An extension may be granted for this time, (to allow for possible leeway in bag exhaustion rates), with the period not exceeding twelve months or October 2, 2017.
 - a. If inventory counts are deemed to be exhaustible within a month (or other arbitrary period) of the date that the ordinance goes into effect, then it should be deemed unnecessary to grant a hardship extension, since the business would not incur much of a loss.
 - b. History of supply purchases should also be considered; Is the business able to find a certain supplier of the bags necessary in a timely fashion.
3. Financial hardship may also be considered for a business: Would the financial hardship cause an undue burden to the business in similar circumstances.
 - a. The business could also charge for the reusable bag, and thus negate any costs which would be incurred by purchasing a more durable bag. In this case, the business should present a plan for how they would be unable to take advantage of this revenue and explain why single-use bags would not be more durable in the long term.
4. Reasonable comparisons may be considered with large vs. small stores and the degree of human resources/employees to the business; will the small business be caused an undue burden due to its limited resources.
5. Environmental concerns may be taken into account. Many major retailers import their reusable plastic bags from thousands of miles away, thus increasing fossil fuel use. A business owner may be granted an extension if they exhibit a significant problem based on not having a local manufacturer of reusable bags that would fit their wish of having a smaller carbon footprint.
6. The extension will only be in effect for a year or until October 2, 2017 after which time, the owner should comply. If at this time they have not, then they will not be granted a further extension, and will have to comply with the ordinance and fines as stated.