



“Single-Use Product Regulations” Ordinance FREQUENTLY ASKED QUESTIONS

Where can I read the plastic pollution reduction ordinance?

The ordinance and additional information is available [here](#).

Why was this ordinance passed?

Single-use plastic waste – like plastic bags, straws, utensils, and expanded polystyrene – are harmful to the environment and human health while being immensely costly to taxpayers. Regulation minimizes plastic pollution, litter, waste, environmental impacts, and waste management costs. The ordinance was required to curb unnecessary distribution of these materials in our community. Upper Merion residents are concerned about environmental issues and want to be a part of the solution.

Additional reasons for adopting the ordinance include:

- Reduction of the estimated 18.5 million plastic bags used by Upper Merion residents annually
- Reduction of the over 2.75 tons of litter collected in our community by the Public Works Department annually
- Removal of plastics, and microplastics, from our waterways and reduction of the pollution impacting our stormwater treatment facilities
- Encouraging residents and businesses to create innovative solutions to the growing problems of single-use products

This ordinance was also enacted to achieve the Township’s duties under the Environmental Rights Amendment to the Pennsylvania Constitution to preserve the natural, scenic, historic, and aesthetic values of the Township by minimizing the degradation, diminution, and depletion of the public natural resources within the Township and to affirmatively enact legislation designed to protect the environment within and around the Township.

What is covered in this ordinance?

This ordinance applies to bags, straws, stirrers, utensils, and expanded polystyrene, which add up to be some of most wasteful items that present waste management and litter issues. Businesses should examine and refine practices around all single-use items – not just those in the ordinance – to eliminate waste, litter, and other waste-management issues to avoid the need for future ordinances.



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When does this ordinance go into effect?

The ordinance was passed in July 2023 and will go into effect in two phases.

Phase one, encompassing single-use plastic bags, single-use plastic straws and drink stirrers, and expanded polystyrene food service products, went into on effect January 1, 2024.

Phase two, encompassing single-use plastic utensils, goes into effect on July 1, 2024.

Can I use my stock of plastic supplies before making the switch?

Existing stocks of supplies can be used up to the date in which the ordinance goes into effect without repercussions.

How do I know if the paper bags I am using are acceptable?

Bags distributed to customers must consist of 40% recycled content and be either recyclable in curbside programs or compostable. Most product descriptions include the percentage of recycled content, but if not, your supplier will be able to provide the recycled content for any product they provide.

What happens if a customer doesn't bring a reusable bag into my business?

The business can offer a compliant bag (as defined by the Ordinance, for example – a paper bag made of 40% recycled material) but must charge a fee of at least \$0.10 per bag and the fee must be shown on the customer's receipt. Businesses can also offer reusable bags that are specifically designed and manufactured for many reuses. Cotton, jute, renewable fibers, or recycled plastic are great choices.

Who is getting the \$0.10 fee per paper bag? Do I have to charge customers for this?

Businesses keep the \$0.10 (minimum) fee. The purpose of the fee is two-fold: first, to offset any added costs from switching to a more sustainable bag; and second, to encourage customers to bring their own bag or skip an unnecessary one. The intent of the ordinance is not to transition to paper bags, but to eliminate wasteful distribution of unnecessary bags of all materials.

My business was already using paper bags before the ordinance went into effect, do I still need to charge a fee?

Yes, a minimum \$0.10 per bag fee still needs to be charged even if your business was using paper bags before the ordinance. As mentioned above, this is to encourage consumers to bring their own reusable bags, rather than using single-use bags.



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How can consumers avoid the \$0.10 fee on paper bags?

To avoid the fee, residents can simply bring their own reusable bags to use at checkout or pickup.

If I do not use paper bags at the establishment, will I be charged?

NO. If you do not use paper bags, then you should not be charged a fee by the business. If you are being charged a fee for paper bags but not using paper bags, please provide this information to the township so the situation can be remedied.

What happens if a resident doesn't have a reusable bag?

Obtaining a free reusable shopping tote couldn't be easier. While supplies last, you can pick one up at various locations within the Township, including:

- The cashier's window and the administration receptionist's window on the upper level of the Township building.
- The permits window on the lower level of the Township building.
- The customer service counter in the Community Center.

This transition towards sustainability wouldn't have been possible without the support of our generous sponsors, Whitetail Disposal and the Police and Fire Federal Credit Union. Their contributions have made the purchase of these reusable totes for Upper Merion residents possible.

Does the bag fee need to be charged for takeout and delivery?

Due to the difficulty in anticipating bag usage, businesses may opt-out of charging for takeout orders or deliveries that are **prepaid** outside the physical location of the establishment (e.g. third-party app, phone, etc.). Any takeout or delivery order that is paid upon receipt of the order will require the bag fee to be included.

If I offer an e-receipt, does the fee still need to be displayed?

YES.

What is the fine for violating this ordinance?

Businesses violating the terms of the ordinance will first be warned in writing, then fined \$50 for the first violation, \$100 for the second violation, then \$250 for the third and successive violations.



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How will the ordinance be enforced?

Enforcement of the ordinance will be resident driven. If a resident or consumer notices that a business is not adhering to the terms of the ordinance, the resident can put in a “Request for Service” on [MyUMT](#). Our Code Enforcement department will then review the material and proceed with notifications of any violations.

Are any types of bags exempted by the ordinance?

Plastic bags without handles may be provided for the following common purposes:

- Product bags – very thin bags (without handles) used to wrap foods to prevent contamination (e.g. bags found in the meat, produce, or bulk food section of grocery stores)
- Newspaper bags—bags used in the home delivery of newspapers and/or circulars
- Bags sold in packages containing multiple bags intended for use as food storage bags, garbage bags, or pet waste bags
- Laundry/dry-cleaning bags
- Bags to contain hot, prepared foods
- Any other plastic bag made by the blown-film extrusion process will no longer be allowed.

This ordinance represents a unique challenge to my *family*. Can I be exempted?

If you or someone you know makes purchases through EBT, SNAP, WIC, or a similar program, you will be exempt from paying the fee for paper bags. Additionally, reusable bags will be offered free of charge (while supplies last) by Upper Merion Township if you would like to avoid using single-use bags.

This ordinance represents a unique challenge to my *business*. Can I be exempted?

Businesses with unique challenges can petition the Upper Merion Township Manager for an exemption. More information can be found [here](#).

My business is having difficulty finding alternatives – can you help?

The Upper Merion Environmental Advisory Council has provided a list of alternatives that can be used as a starting point. More information on alternatives can be found [here](#).



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What if I require the use of a single-use plastic straw?

If you or someone you know requires the use of a plastic straw due to a disability or medical need, you can request that a Commercial Establishment provide a plastic straw. Equivalent, non-plastic sustainable alternative products can also be offered for use by the business. This ordinance would also not restrict consumers that need a straw from bringing their own single-use plastic straw or their own alternative, reusable straw.

As a food service company, do I decline a customer who asks for a single-use plastic straw?

No, if a customer asks for a single-use plastic straw and there are no equivalent, non-plastic sustainable alternative products available, the food service company must provide the straw to the customer without question or cost. This is due to certain medical conditions requiring the use of a straw for drinking purposes.

Are there non-paper, plastic-like straws that adhere to the ordinance?

Yes. In fact, there are many straws on the market today that can be easily mistaken for plastic but are in fact sustainable alternatives. Please see the following link for more information on alternatives.

Can my business provide straws and utensils made from compostable polylactic acid (cPLA) or polylactic acid (PLA) since they are made from plants?

Unfortunately, even though cPLA and PLA are made from plants, they are still considered plastic products per the ordinance and leading researchers. For this reason, they are not allowed to be used as a replacement product for straws and utensils. For a list of compliant and high-quality products, please see the following link.

What else can I do to reduce plastic pollution?

You can reduce your plastic use in many other ways:

- Buy produce and fresh food without plastic packaging
- Use nylon or string bags to hold your produce purchases rather than plastic produce bags
- Buy in bulk when you can and bring your own containers
- If you eat out and expect to need a 'doggie bag', bring your own containers to put your unfinished meals in

The more of these habits you learn, the more ways you'll find to keep reducing single-use plastics from your life! The planet will thank you!

Who do I contact if I have more questions?

More information can be found [here](#) and you can e-mail umt.eac@gmail.com.