

Washington State Single-Use Plastic Bag Ban

10.1.21

Frequently Asked Questions (Washington Hospitality Association)

The following are questions submitted to the Washington Hospitality Association and responses provided by the association's state government affairs team.

Additional details about this new plastic bag ban can be found here:

- [Department of Ecology: Washington's single-use plastic bag ban](#)
- [Washington Hospitality Association: Statewide single-use bag ban starts Oct. 1](#)
- [Webinar Replay: What you need to know about the single-use plastic bag ban](#)
- [Webinar PowerPoint Presentation](#)

How does the .08 per bag charge work with orders fulfilled through third-party delivery services?

Unfortunately, this is a gray area in the implementation of the new law and we don't have a clear answer just yet. The government affairs team has raised this issue with the Department of Ecology (DOE). The ultimate solution will likely require additional legislation.

In the meantime, under current law, restaurants are ultimately responsible for the bag charge according to the DOE. We are working on potential solutions to this issue with the third-party delivery companies and will inform members of any new developments that emerge from these discussions in the coming weeks.

For now, we recommend association members reach out to their third-party delivery representative on this topic.

Will I get an enforcement action imposed on my business during this uncertainty period with third-party delivery services?

The enforcement provisions of the new law are complaint based. As with any new major policy change, the DOE will first focus on education. If a complaint is received about your business, the DOE may contact you to discuss what needs to be done to bring your operations into compliance.

The association's government affairs team is working on the third-party issue with a goal of having a viable solution in place before the DOE begins issuing fines for repeated and continuous instances of non-compliance.

Can I use compostable bags and avoid charging my guests the 8-cent bag fee?

Technically, yes. However, the intent of the legislation is to produce fewer single-use plastic bags that ultimately end up in landfills. Right now, there are no facilities outside of King County that can process compostable bags.

Given that most compostable plastic bags will ultimately end up in landfills regardless of the location in which they were used, the DOE is strongly discouraging retailers from using compostable bags.

Can I use up my existing inventory?

The DOE recognizes that some restaurants may still have single use bags in their inventory. A restaurant is allowed to use the rest of their inventory and if a complaint is made, the business can let the DOE know the situation. (See additional response from the DOE below.)

Which bags require the 8-cent charge?

The 8-cent charge is required for:

- 1/8 barrel (large, grocery size) paper bags
- 2.25 mil or thicker reusable plastic bags

This [DOE graphic](#) explains which bags are allowed and not allowed, and which bags require the 8-cent charge and which do not.

What are the tax implications of the 8-cent charge?

The 8-cent charge is considered a taxable retail sale that must be reported to the Department of Revenue. However, these charges can be deducted from B&O taxes.

[Click here for more tax-related information from the DOR.](#)

Note: Only the eight-cent per bag charge may be deducted from income for the purposes of calculating B&O tax. For example, if a member opted to charge a total of 16 cents per bag, there should be two separately stated charges: an 8-cent pass-through charge and a separate 8-cent charge that's being charged at the retailer's discretion.

Is there signage available that I can put on display?

Yes. The DOE has created several downloadable PDFs you can print and display in your business. You can find links to those [PDFs at the bottom of this post](#).

Frequently Asked Questions (Department of Ecology)

The following questions and answers were shared with us by the DOE to increase clarity around the new bag ban. Please consider the answers to these questions as official responses from the Department of Ecology, not the association.

[Additional FAQs from the DOE can be found here.](#)

Can businesses use up existing inventories of plastic bags without penalty?

The deadline for using up inventory technically passed in June and was not extended by the Governor in concurrence with the delayed October 1 implementation date. However, the intent is not for these bags to go to waste.

Though we will begin accepting and following up on complaints of non-compliance beginning October 1, a business in question will have opportunity to explain that they are using up their inventory.

The business may be required to provide invoices and receipts to show that the bags were purchased before the October 1 effective date, and Ecology would then exercise enforcement discretion on a case-by-case basis. However, we would not expect businesses to be using up existing inventories of bags for more than a few months.

A business collects used bags from customers and supply them for reuse. Is this still allowed under the new law?

Technically no- you cannot provide the single-use plastic bags or bags not meeting the new requirements even if they are previously used and deposited.

Can businesses charge more than 8 cents per bag?

Since any charge in excess of 8 cents is not part of the statutorily defined pass-through charge, it cannot be deducted from that taxpayer's income for the purposes of calculating B&O tax. RCW 70A.530.020(2)(c) requires that retail establishments show all pass-through charges on a receipt, as well.

As an example, if a retailer opted to charge a total of 16 cents per bag, there should be two separately stated charges: an eight-cent pass-through charge per Ch. 70A.530 RCW, and a separate eight-cent charge that's being charged at the retailer's discretion.

Can businesses supply a smaller paper bag at no cost?

Bags smaller than the large barrel paper bags (882 cubic inches or larger) do not require an 8-cent charge. However, they must still meet the 40% post-consumer recycled content minimum, 40% wheat straw, or a combination of the two that totals at least 40%. They must be labeled on the exterior of the bag with this percentage.

What kind of outreach resources are available for informing staff and the public of the new requirements?

The Ecology Bag Ban Website contains a link to download our Bag Ban Outreach Toolkit. This toolkit contains detailed flyers to educate businesses and their staff on all the details of the new law, point of sale signs for communicating the requirements to customers, and Bring Your Own Bag (BYOB) signage to encourage customers to bring their own reusable bags.

The toolkit is available in 17 different languages and is formatted for accessibility. It can be downloaded in PDF or InDesign file formats to allow for branding and customization. Businesses are encouraged to utilize and print these materials as much as they are able

Will any of the new requirements change or increase over time?

Yes, beginning July 1, 2022, the post-consumer recycled content percentage for reusable plastic carryout bags increases from 20% to 40%. Beginning January 1, 2026, the thickness requirements for the reusable plastic film bags increases from 2.25 mil to 4 mil and the required charge for these bags increases from 8 cents to 12 cents (paper bags continue to be available for 8 cents).

Are food benefits customers (SNAP, WIC, TANF, etc.) exempt from the charge?

Yes. Food benefits customers are exempt from the charge regardless of the method of payment used. They need only show proof of their food benefits status (showing the card itself or another formal document) and can receive this exemption at all types of businesses (restaurants, retail, etc.).