Bag Bans in the United States

A Guide to the Latest Regulations on Paper and Plastic Bags

Updated 05/2024

broadway™ INDUSTRIES

Navigating Changing Regulations

Paper or plastic? This simple question is now much more complicated, especially for companies navigating new and changing regulations across the United States. Some industries face partial or full bag bans, as well as mandatory bag fees, taxes or other stipulations.

It is challenging enough to stay compliant with just one store location. But if a business has a presence in multiple states, or even within multiple counties, cities or towns within one state, it can be tricky to ensure they only provide bags that follow ordinances within their territories.

Businesses must consider over 300 regulations,[1] and the list continues to grow.

Alternatives to plastic bags can be costly to businesses and may not be the perfect solution or even more environmentally friendly.

This resource will give businesses an overview of the pros and cons of using paper or plastic and the challenges each material presents, including:

- **The history of plastic bags in the United States**
- **Whether paper is the better choice**
- **A glossary of commonly used "green" terminology and plastic recycling codes**
- **Recent bag bans in the United States**
- **Logistics surrounding statewide and regional regulations**
- **How to acquire compliant paper, plastic and non-woven bags**

[1] Nace, T. (2019, January 21). Here's A List Of Every City In The US To Ban Plastic Bags, Will Your City Be Next? Retrieved from https://www.forbes.com/sites/trevornace/2018/09/20/heres-a-list-of-every-city-in-the-us-to-ban-plastic-bags-will-your-city-be-next/#6f550af73243

Table of Contents

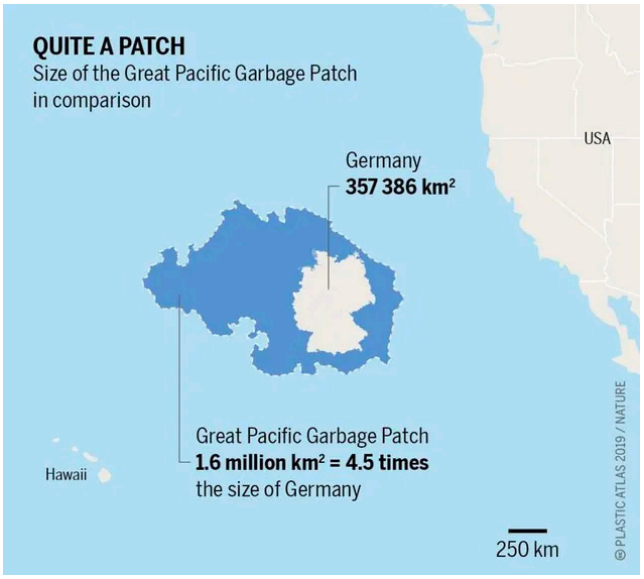
The Rise of Plastic Bags in the United States

Polyethylene plastic bags were first invented and patented in 1965 by the Swedish company Celloplast. In less than 20 years, plastic bags held an 80% share of the European bag market.[2] Although initially hesitant to convert to plastic when the bags were introduced to the American market in 1979, by the early 1980's, two of the largest supermarket chains (Safeway and Kroger) made the switch. Soon after, other major retailers followed until plastic bags became the standard. As a result, **the United States now generates more plastic waste than any other country in the world.**

Growing Environmental Concerns

Environmentalists have been critical of the reliance on plastic bags since their introduction in the United States. Many critics from as early as the 1980's cite concerns about their impact on wildlife, lack of biodegradability and that some plastics produce toxic fumes when heated.

In 1997, researchers discovered what was eventually named the Great Pacific Garbage Patch between California and Hawaii. To date, it is the largest discovered accumulation of ocean plastic in the world, replete with plastic bags. One problem highlighted by the discovery of this ocean debris is the death of sea turtles which eat the plastic bags after mistakenly identifying them as jellyfish.



It is estimated that 80% of marine debris comes from land-based sources of trash,[4] with approximately 8 million metric tons of plastic entering the ocean each year. Marine plastic pollution has impacted every segment of marine ecosystems, including 86% of all sea turtles, 44% of all seabird species and 43% of all marine mammal species.[5]

According to a World Economic Forum report, at the current rate, **there will be more plastic than fish, by weight, in the oceans by 2050.[6]**

Environmental Health New. (2021, August 11).
Ocean Plastic Pollution. Retrieved from Ocean plastic pollution (ehn.org)

[2] From birth to ban: A history of the plastic shopping bag. (2018, April 25). Retrieved from https://www.unenvironment.org/news-and-stories/story/birth-ban-history-plastic-shopping-bag

[3] Jr, J. S. (1986, June 13). Supermarket Dilemma: Battle of the Bags: Paper or Plastic? Retrieved from https://www.latimes.com/archives/la-xpm-1986-06-13-mn-10728-story.html

[4] The Problem of Marine Plastic Pollution. (2017, December 20). Retrieved from https://www.cleanwater.org/problem-marine-plastic-pollution

[5] D.W. Laist. Impacts of marine debris: Entanglement of marine life in marine debris including a comprehensive list of species with entanglement and ingestion records," in Coe, J.M. Rogers, D.B. (eds), Marine Debris: Sources, Impacts, and Solutions: Springer-Verlag, New York, (1997) 99-139.

[6] Bruce-Lockhart, A. (n.d.). More plastic in the sea than fish? Not if we do these 3 things. Retrieved from https://www.weforum.org/agenda/2017/01/more-plastic-in-sea-than-fish-3-strategies/

In May 2019, plastic and other litter was found during a 35,849 foot dive to the bottom of the Mariana Trench, the world's deepest ocean trench. It was the third time that plastic has been documented in the deepest explored part of the ocean.[7]

The Center for Biological Diversity estimates that **a plastic grocery bag has a 12-minute lifespan from when it is first filled at the store to when it is discarded.**[8] Compared to the length of time it takes plastic to decompose, which can be anywhere from 10 to 1,000 years, it is evident that plastic bags impact long-term environmental health.

Is Paper the Better Choice?

The traditional alternative to plastic bags is paper, but paper bags are not necessarily more environmentally friendly. In terms of single-bag production, single-use plastic bags made from materials like polypropylene have a smaller carbon footprint.[9]

Carbon Footprint to Produce Paper Bags May Be Higher than Plastic Bags

While paper bags are biodegradable and easy to recycle or compost, a research paper produced by the Northern Ireland Assembly said it takes more than four times as much energy to manufacture a paper bag as it does to manufacture a plastic bag.[10] Producing paper bags in large quantities requires significant amounts of water, fuel and cut-down trees. Paper bags also weigh more than plastic bags, meaning transportation requires more energy, which adds to their carbon footprint.[7]

For paper bags to have a lower carbon footprint than single-use plastic bags, consumers would have to reuse them at least three times.[11] However, since they are not as durable as plastic bags, paper bags are more likely to tear – especially if they get wet – making them less likely to last the length of time needed for many reuses.

[7] Another plastic bag found at the bottom of world's deepest ocean trench. (2019, May 14). Retrieved from https://news.nationalgeographic.com/2018/05/plastic-bag-mariana-trench-pollution-science-spd/

[8] 10 Facts About Single-use Plastic Bags. (n.d.). Retrieved from https://www.biologicaldiversity.org/programs/population_and_sustainability/sustainability/plastic_bag_facts.html

[9] Stanford. (n.d.). Paper, Plastic or Reusable? Retrieved from https://stanfordmag.org/contents/paper-plastic-or-reusable

[10] Bell, K. and Cave, S. (2011, Feb 23). Comparison of Environmental Impact of Plastic, Paper and Cloth Bags. Northern Ireland Assembly. Retrieved from: http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2011/environment/3611.pdf

[11] Environmental Agency. (2011, Feb). Evidence. Life cycle assessment of supermarket carrier bags: a review of bags available in 2006. Retrieved from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/291023/scho0711buan-e-e.pdf

Understanding Green Terminology

In describing how organic materials break down in specific environments, or when defining environmentally friendly products, it can be a challenge to understand the correct meanings of these terms and phrases.

Where there is consumer demand to purchase environmentally friendly or "green" products, there is also temptation for companies to "hop on the bandwagon" to attract attention and drive sales. However, some environmental claims can be misleading to consumers – particularly in the language marketers use. Few consumers are in the position to verify a product's claim.

As a response, the Federal Trade Commission published the **Green Guides**, first in 1992 and then revised in 1996, 1998 and 2012. Its purpose is to provide guidance for the following items:

1. *General principles that apply to all environmental marketing claims;*
2. *How consumers are likely to interpret particular claims and how marketers can substantiate these claims; and*
3. *How marketers can qualify their claims to avoid deceiving consumers.*

Federal Trade Commission [12]

For many businesses, it is important not only to remain in compliance with the FTC and other truth-in-advertising regulations, but also to build an honest relationship with consumers based on reliable product claims and, in the case of "green" products, reliable scientific evidence.

Compostable

A product may be labeled compostable if it is easily capable of disintegrating within a short period of time into natural elements, leaving no toxicity in the soil. An acceptable time period for this to occur is approximately 90 days. Compostable bags, made of natural plant starch (e.g. corn based) do not produce toxic gases or materials when they decompose instead breaking down into non-toxic components that include water, carbon dioxide and biomass.

Compostable bags break down through microbial activity at different rates depending on the disposal conditions. A compostable product will not disintegrate properly if it ends up in a landfill due to the lack of moisture and oxygen that the product needs to break down. According to the EPA, **approximately 60% of waste in landfills is organic and compostable**, but landfills are often purposefully kept dry specifically to limit the amount methane gasses released from composing items.[13]

A designated composting bin at a consumer's home where organic plant and vegetable waste can decompose is the best option for these products. Composting at home not only reduces landfill space but could also reduce greenhouse gas emissions from transporting the waste.

[12] Green Guides. (2016, July 01). Retrieved from https://www.ftc.gov/enforcement/rules/rulemaking-regulatory-reform-proceedings/green-guides

[13] Why use compostable products if they end up in a landfill anyway? (2014, August 27). Retrieved from https://greenhome.co.za/why-use-compostable-products/

Biodegradable

Biodegradable means a product is capable of being decomposed – with or without oxygen – by bacteria or other living organisms to carbon dioxide, biomass or water within a reasonable amount of time, though the specifics of how long that is has not been defined.[14]

Degradable

Degradable bags, alternatively, have microorganisms added to the plastic to help it disintegrate. Companies that make the claim that their products are degradable must have proof that it will degrade completely within one year. This claim may not be made on products that are designed to end up in landfills, incinerators or even recycling centers.

Degradable bags are made from plastic with added chemicals that cause the materials to break down over time when exposed to sunlight and heat.

Recyclable

Communities each set their own recycling rules, so even if it is possible to recycle a product, it may not be possible for consumers to do so where they live. Because of this, a product can only be labeled recyclable if the majority of consumers that use the product can access a recycling program or facility that can process that item.[15]

A separate claim, "made from recycled content," is only applicable to the materials that have been diverted or recovered from the waste stream either during the manufacturing process or after consumer use.

Post-Industrial	Post-Consumer
Recycled product that is diverted from the waste stream during the manufacturing process.	Recycled material generated by the end-users of a product, whether in a home or commercial setting.
EXAMPLES: • **Sawdust** • **Over-issued publications** • **Obsolete inventory** • **Resins**	**EXAMPLES:** • **Plastic bags** • **Paper bags** • **Glass bottles** • **Newspaper** • **Cans**

[14] How To Compost - Learn The Basics of Composting. (n.d.). Retrieved from http://www.sodgod.com/composting/

[15] Green Guides. (2016, July 01). Retrieved from https://www.ftc.gov/enforcement/rules/rulemaking-regulatory-reform-proceedings/green-guides

Challenges Facing the Paper and Plastic Markets

Creating more sustainable products is not without hurdles.

Cost

Overall, environmentally friendly bags cost more than their non-recycled counterparts. Paper and non-woven bags are more expensive to buy than plastic bags. Even when consumers pay retailers a store fee to use their bags, businesses could still see an increase in costs each year. One Washington-based supermarket estimated an additional $19,000 in annual costs to make the move from plastic to paper.[16]

Durability

One of the challenges when producing plastic or paper bags made from recycled content is durability. There is a science behind designing a bag at a certain thickness for it to be effective. This design prevents bag breakage while avoiding use of excess material which could hinder its eco-friendliness. Customers exclusively using paper bags for grocery or retail shopping may have to use more bags so that weight is properly distributed, to reduce the risk of tearing. Using more bags means that the store will need to have more bags on hand, adding to the store's operating expenses. Decreased durability also affects how frequently a consumer would be able to reuse the bag.

Shelf Life

Currently, biodegradable plastics pose several issues still being considered, such as shelf life and storage, which can create wasted product. Small runs and domestic sourcing can prove costly. In addition, if the biodegradable product is not disposed of in the correct environment, the product will not break down.

Manufacturing

Manufacturing plastic and paper products from recycled materials can be an issue because not all recycled material is fit for reuse, creating a reduced supply of "good" post-consumer recycled material. Products made from crop waste are also challenging to manufacture because there is currently no standard commercial system and few manufacturing plants to easily gather, compile, strip and ship materials.

Disposal

Almost any plastic can be recycled, especially if a demand exists for the recycled resin. When China cut back on almost all imports of trash in 2018, it left many countries, including the United States, uncertain as to how to manage their plastic waste. Demand has diminished to the point where recyclable material is being incinerated or sent to landfills because the United States does not have the capacity to recycle or dispose of it safely.[17]

[16] Blake, R. (2019, February 26). Plastic grocery bag ban in Washington advances. Retrieved from http://www.spokesman.com/stories/2019/feb/25/paper-replacements-for-plastic-bags-could-costs-sh/

[17] Joyce, C. (2019, March 13). Where Will Your Plastic Trash Go Now That China Doesn't Want It? Retrieved from https://www.npr.org/sections/goatsandsoda/2019/03/13/702501726/where-will-your-plastic-trash-go-now-that-china-doesnt-want-it

Education

Although recycling has become practically second nature, significant confusion still exists as to what can and cannot be recycled. Recycling varies from one municipality to another due to equipment limitations, capacity restraints or other restrictions. As a result, no universal method of recycling has yet been adopted across the United States.

A common misconception exists that plastic bags can be comingled with other plastics for recycling, which is often not the case.

Plastic bags are usually not processable by machines at recycling centers or can get stuck in the machines and cause significant damage. While paper bags are generally accepted curbside, many recycling programs will not accept plastic bags as part of recycling pickup. National grocery retailers and many small retailers offer bag recycling collection at their stores, but aside from that no easy way has yet come about for consumers to properly dispose of used plastic bags. Because of this, many plastic bags – even those that can be recycled – often are not.

While paper bags are generally accepted curbside, many recycling programs will not accept plastic bags as part of recycling pickup.

Plastic Recycling Numbers

The numbers labeled on plastic products are codes to identify the type of resin used to make the product as well as the product's ability to be recycled. Here are the seven most commonly used plastic codes and what they each mean for consumers.

Symbol	Common Uses	Recycling Information
1 PET **Polyethylene Terephthalate**	• Water and soft drink bottles • Cleaning containers • Detergent bottles • Clear food containers and bottles	✓ **PET can be recycled into new bottles and containers as well as polyester.**
2 HDPE **High Density Polyethylene**	• Milk and water jugs • Laundry detergent containers • Cereal box liners • Some plastic bags	✓ **Clear HDPE containers can be easily recycled to make new containers, while colored plastics can be used to create plastic toys, pipes, pens or rope.**
3 PVC **Polyvinyl Chloride**	• Vinyl pipes • Home siding, door frames and flooring • Window cleaner bottles • Some cooking oil bottles	✗ **PVC is difficult to recycle because it has additives that can create potentially harmful substances during the disposal or destruction process.**
4 LDPE **Low Density Polyethylene**	• Frozen food bags • Most plastic wraps and stretch wraps • Sandwich bags • Grocery bags and t-sacks	✓ **LDPE can be recycled into more of the same products.**
5 PP **Polypropylene**	• Prescription containers • Plastic caps from soda or water bottles • Disposable diapers • Straws	✓ **PP can be recycled into fibers.** ✗ **Not easily recycled due to the differences in variety and type.**
6 PS **Polystyrene**	• Frozen food bags • Disposable cutlery and cups • Packing peanuts • Insulation • Egg cartons	✗ **PS is difficult to recycle. The high volume of materials combined with its low weight make it not as economically viable.**
7 OTHER **Mixed/Other**	• Lids • Plastic baby bottles and toddler reusable cups • Some clear plastic cutlery • Medical storage containers	✗ **Extremely difficult to recycle. The large variety of plastics that fall into this category make it difficult to achieve consistent quality in the recycled product.**

The Beginning of Single-Use Plastic Bag Bans

In 2002, Bangladesh became the first country in the world to implement a plastic bag ban after they discovered that thin plastic bags were contributing to clogged drainage systems and causing floods. More than two dozen countries have since sought to reduce the use of plastic bags, either through fees or bans.

In the United States, no single unifying legislation has yet been adopted; instead, a growing number of states, territories and cities have passed local ordinances, often citing plastic bags' environmental impact as a primary concern.

Bag Laws Across the United States

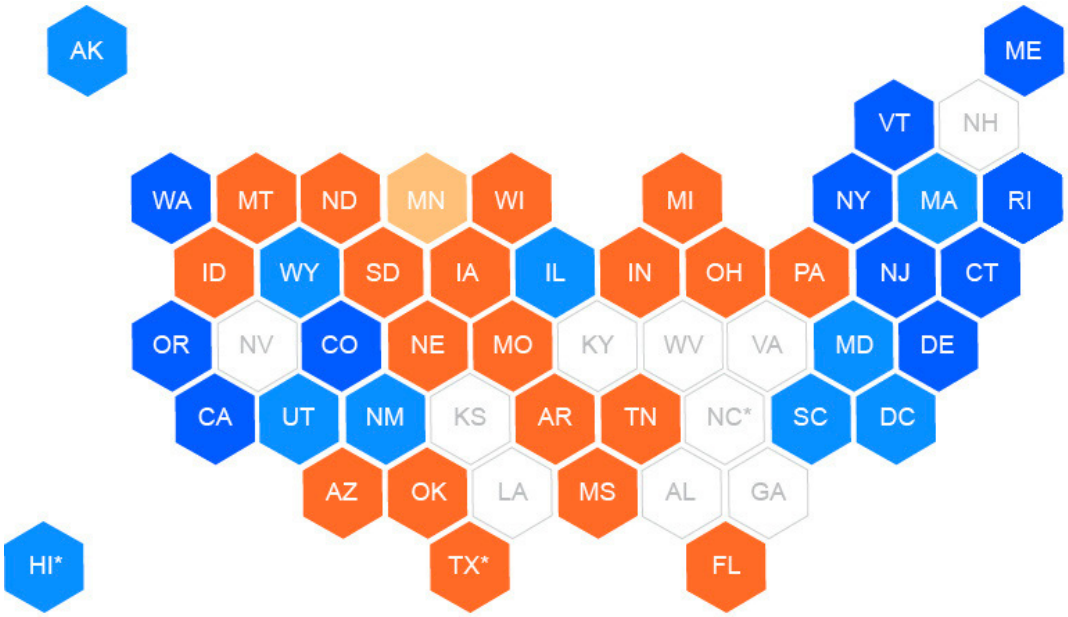
Statewide plastic bans across US states and territories:

(As of May 2024)

- **California**
- **Connecticut**
- **Colorado**
- **Delaware**
- **Hawaii***
- **Maine**
- **New Jersey**
- **New York**
- **Oregon**
- **Puerto Rico**
- **Rhode Island**
- **Vermont**
- **Washington**

***Hawaii has a de facto statewide ban on plastic bags, as all counties passed similar legislation.**

Plastic Bag Ban Laws Across the Country

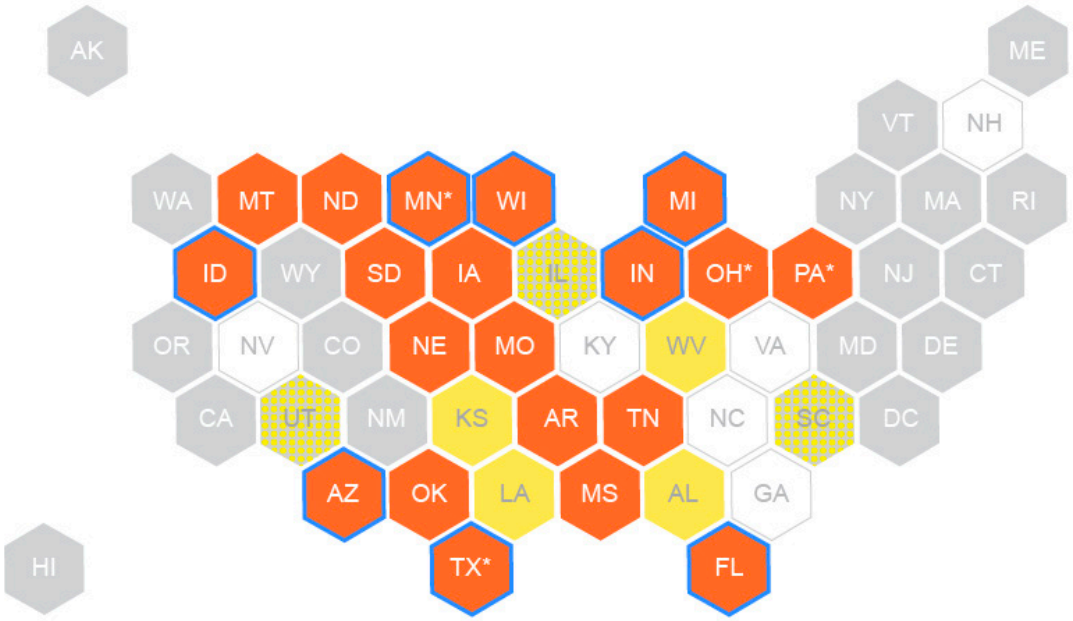


- Statewide bag laws
- States with locally adopted bag laws that aren't preempted
- State preemption on bans only (MN only)
- State preemption

*Notes: HI has a de facto state law because all inhabited counties have local bag laws. TX preemption is based upon litigation over an existing statute. NC state pilot project for the Outer Banks was repealed.

Map developed by Korin Tangtrakul for PlasticBagLaws.org
Last updated 2024

Preemption Map of the United States



- State preemption
- State has adopted and implemented local laws, but preemption is alleged (CO only)
- States with threats of preemption
- States with local bag laws in place and threats of preemption
- States with anti-preemption bill introduced
- State or local bag laws in place

*TX preemption is based upon litigation over an exsisting statue

*MN statewide preemption on bans only

*OH statewide preemption on fees only

*PA, OH temporary preemption

Map developed by Korin Tangtrakul for PlasticBagLaws.org
Last updated October 19, 2021

State legislators in Arizona, Arkansas, Florida, Idaho, Indiana, Iowa, Michigan, Mississippi, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin have already preempted plastic regulation on all manner of containers (including polluting StyrofoamTM), as well as plastic bags. **Preemption laws** prohibit municipalities from adopting local ordinances that further regulate a particular product, namely bans or fees on carryout plastic bags.

Sourced from https://www.plasticbaglaws.org/bagmaps

Examples of Local Bans

Since 2016, the number of local bag legislations across the United States has approximately doubled. As with recycling practices for consumers, no standard has yet been adopted for bag ban legislations, making it exceptionally challenging for affected businesses to keep track of them all. Below are some examples of specific stipulations that can appear in local bag ban legislations.

Some ordinances impose fees or taxes on plastic, paper or reusable bags

- **Citywide $0.05 fee on plastic and paper bags**
- **Citywide ban on plastic bags with a $0.20 fee on paper bags**
- **Citywide ban on plastic bags with a $0.10 fee on reusable bags**
- **Citywide ban on single-use plastic bags and a $0.10 fee on paper and composed plastic bags**

Some ordinances only ban bags in stores larger than a predetermined size

- **Citywide ban on plastic bags in stores larger than 12,000 square feet**
- **Citywide ban on plastic bags for businesses larger than 8,000 square feet**
- **Citywide ban on plastic bags for retail establishments 3,000 square feet or larger**

Some ordinances impose exceptions or other caveats

- **Citywide ban on plastic bags less than 4.0 mil thick**
- **Citywide ban on plastic bags less than 2.25 mil thick**
- **Bag ban ordinance with an exception for plastic bags that are labeled 100% recyclable**
- **Citywide ban on plastic bags with a fee of up to $0.25 on paper and reusable bags, but low-income customers are exempt**
- **Retailers may only provide plastic bags to customers if there is a used-bag receptacle within 20-feet of the entrance and bags collected there are then recycled**
- **Some of the plastic bag bans specify what type of paper is approved for use (i.e. recycled content % requirements based on bag size)**

With no standard, even within states that have initiated a statewide ban, it is best practice for businesses to check with their municipalities for the most up-to-date information.

impact360™

Protective Practices that Move

Our Commitment to Sustainability

Green Innovation

Product Sustainability

Carbon Footprint

Broadway Industries strives to improve processes, adopt sustainable practices, and get ahead of regulations to produce products that are better for the environment. Our goal is to build a culture of protective practices that move our people, our customers, and our planet toward a healthier future.

At Broadway Industries, we recognize that sustainability is an ongoing commitment. We also understand the necessity of the products we manufacture and the challenges that come with plastics and paper. As a company, we are committed to building solid partnerships in the green space and innovating the best solutions without sacrificing function for the environment and our customers.

That is why we have taken steps to offer eco-friendly versions of products made from recycled plastic and paper. We are also redesigning products to incorporate materials that are easier to recycle and pack smaller, allowing more per box, therefore more per pallet and more per shipment.

As we innovate and rethink the impact of our products on the environment, we design with sustainability and functionality in mind. Calculating the appropriate number of materials needed to get the job done efficiently reduces internal and external waste. Using post-consumer recycled materials and food safe water-soluble inks keeps people safe and waste out of landfills.

Most importantly, we strive to stay ahead of regulations and produce products for today and for the future that help our customers and their consumers comply with countless recycling and reusability standards across the United States.

Sustainable Plastics

Our **mattress bags, dust covers,** and other **furniture covers** are all 100% recyclable. We are excited to have launched the first group of eco-friendly **Kleer-Guard®** products made with a minimum of 40% recycled content (patent pending). The development of these **eco-friendly products** is a significant step towards sustainability in the moving and storage market.

Our recyclable **stretch products** feature high-performance, multi-layer stretch film that provides superior protection with less waste. Our patented tension control handle provides the user with a tighter wrap when winding film, resulting in the use of less film. We also use a thinner but stronger film, which allows our rolls to be almost half the size of most standard rolls.

We make all **Shipmaster®** textile, fabric and rug bags and tubing with recycled resin.

Sustainable Paper

Broadway Industries offers a wide variety of paper bags, all of which are 100% recyclable and 100% reusable. All our brown paper bags are made from 100% recycled content with a minimum of 40% post-consumer recycled content. This satisfies many legal requirements from various legislations imposed throughout the country.

Our eco-friendly house brand, **Re-Use-A-Bag™** features a full line of white and brown unprinted bags. We manufacture food service, grocery and pharmacy bags in different sizes, colors, and basis weights that help comply with changing environmental regulations.

Broadway is also a supplier of recyclable newsprint **packing paper**.

About Broadway Industries

Broadway Industries is a third-generation, family-owned manufacturer and distributor of paper and plastic packaging products. Since its inception in 1945, Broadway has grown and diversified into a full-service provider of packaging solutions for the moving and storage, hardware and home improvement, healthcare, grocery, food service and textiles industries.

We not only the knowledge of different recycling and reusability legislations, but also understand how to ensure that companies can remain in compliance with the proper products. With manufacturing and distribution centers on the East and West Coasts, Broadway is able to produce custom, innovative and compliant solutions.

For sales and inquiries, please contact Broadway Industries.

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