



# Request for Waiver of the Reduction of Plastic Bags in Boston Ordinance

In accordance with the City of Boston Ordinances, Chapter 17-19, retail establishments subject to the Reduction of Plastic Bags in Boston ordinance may apply for a temporary, one-year exemption valid through **Friday, December 11, 2020**.

## APPLICATION INSTRUCTIONS

**Any blank sections may result in a delayed response or denial of your application.**

1. Complete all three sections.
  - ☐ **Section 1:** Applicant Details
  - ☐ **Section 2:** Exemption Considerations - Only complete **one** part of this section which matches the exemption you are requesting.
    - 2.1 Exemption No. 1 - No Reasonable Alternative
    - 2.2 Exemption No. 2 - Violation of a Legally Protected Right
    - 2.3 Exemption No. 3 - Excess Inventory to Draw Down
  - ☐ **Section 3:** Action Plan for Establishing Compliance
2. Submit your exemption application via email or the postal service.
  - Email a scanned copy of your exemption application to:  
Elaine Grillo, Assistant Commissioner of Weights and Measures  
elaine.grillo@boston.gov
  - Mail your exemption application to:  
INSPECTIONAL SERVICES  
1010 MASS. AVE.  
5TH FLOOR, WEIGHTS AND MEASURES DIVISION  
BOSTON, MA 02118

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## FOR INTERNAL PURPOSES ONLY

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Commissioner of Inspectional Services

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Date

## SECTION 1: APPLICANT DETAILS

Complete **all four** (4) parts (1.1-1.4) of this section. Do **not** leave any parts blank.

### 1.1 Retail Establishment Information

Name of Retail Establishment	
Location of Retail Establishment	
Service of Process Address	

### 1.2 Primary Point of Contact

Name	
Telephone	
Email	

### 1.3 Exemption Requested (please check one)

☐ Exemption No. 1 - No Reasonable Alternative

☐ Exemption No. 2 - Violation of a Legally Protected Right

☐ Exemption No. 3 - Excess Inventory to Draw Down

### 1.4 Previous Exemption Requested (please check one)

Have you previously requested a temporary exemption for City of Boston Ordinances, Chapter 17-19?

☐ Yes, No Reasonable Alternative   ☐ Yes, Violation of Legally Protected Right   ☐ Yes, Excess Inventory

☐ No

**Continue to Section 2: Exemption Considerations**

## SECTION 2: EXEMPTION CONSIDERATIONS

Complete the **one (1)** part (2.1, 2.2, or 2.3) which matches your response to **1.3 Exemption Requested**. Do **not** fill out all three (3) parts.

### 2.1 Exemption No. 1 - No Reasonable Alternative

Review the areas of consideration below - Operations, Financial, Law or Regulation, and Additional Considerations. Complete the area(s) relevant to your request. You may complete **more than one** area of consideration. If no areas of consideration apply to your request, complete the "Additional Considerations" part.

#### Operations

Describe in detail the operational factors that make the use of a reusable, recyclable paper, or compostable bag unreasonable, thereby requiring an exemption. Please provide any additional documentation to support your request. Be sure to include the following information:

- A. Outline the retail establishment operations which are prohibitively impacted by the ordinance.
- B. Demonstrate why the current bag is unique and the only bag suitable for the merchandise sold or provided.

#### Financial

Describe in detail the financial factors that make the use of a reusable, recyclable paper, or compostable bag unreasonable, thereby requiring an exemption. Please provide any additional documentation to support your request. Be sure to include the following Information:

- A. If your retail establishment faces the financial burden,
  - a. Outline what factors create the financial burden. In particular, does the unreasonable financial burden arise from a transition necessary to comply or from ongoing compliance?
- B. If your retail establishment's patrons and clients face the financial burden,
  - a. Identify the population served which is burdened and describe the factors that create a financial burden. What percentage of your establishment's entire clientele is represented by the burdened population?
- C. Provide a cost comparison of the bags you want exempted to at least two (2) compliant options which are lowest in price and also meet your establishments needs.

#### Law or Regulation

Describe in detail the legal or regulatory factors that make the use of a reusable, recyclable paper, or compostable bag unreasonable, thereby requiring an exemption. Please provide any additional documentation to support your request. Be sure to include the following specifications:

- A. Name and summarize the law or regulation.
- B. Provide a copy of the law or regulation.
- C. Explain why that law or regulation prevents you from supplying a reusable, recyclable, or compostable bag.

### **Additional Considerations**

Describe any additional factors that make the use of a reusable, recyclable paper, or compostable bag unreasonable, thereby requiring an exemption. Please provide any additional documentation to support your request.

**Continue to Section 3: Action Plan for Establishing Compliance**

### **2.2 Exemption No. 2 - Violation of a Legally Protected Right**

Describe how the requirement for a reusable, recyclable paper, or compostable bag violates your legally protected right(s).

**Continue to Section 3: Action Plan for Establishing Compliance**

### **2.3 Exemption No. 3 - Excess Inventory to Draw Down**

Provide details about your inventory of bags and the rate of use. Please provide any additional documentation to support your request. Be sure to include the following information:

- A. What is the current quantity of non-compliant single-use plastic bags with handles?
- B. On average, how many bags per month are used?
- C. What date do you expect to completely draw down your existing stock?

**Continue to Section 3: Action Plan for Establishing Compliance**

## **SECTION 3: ACTION PLAN FOR ESTABLISHING COMPLIANCE**

Describe your action plan for establishing compliance. Be sure to include the following specifications:

- A. What steps do you need to take to establish compliance.
- B. What vendor and type of compliant bag do you intend to begin supplying.
- C. What date do you intend to be able to establish compliance.

**Review Application for Completion and Submit**

## SECTION 2 AND 3 RESPONSE

You may use the space below or submit a typed response. Be sure to clearly label the section and question for each response. You may use additional sheets as necessary.

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