

To see if the Town will vote to amend the General Bylaws by adding a Section to Article VII of the General Bylaws as follows:

### Polystyrene Reduction Bylaw

#### Purpose and Intent

The use and disposal of polystyrene has significant impacts on our town and our environment, including but not limited to:

1. harm to marine and terrestrial animals through ingestion
2. pollution and degradation of the terrestrial and coastal environment
3. human exposure to styrene, which is derived from benzene and used in the manufacture of polystyrene. Occupational studies have shown risks for leukemia and lymphoma, and genetic damage to white blood cells. Styrene is “reasonably anticipated to be a human carcinogen” (US Department of Health and Human Services, 2016)
4. disposal burdens of difficult to recycle plastics for solid waste collection and recycling facilities

With the goal of protecting the health of its citizens and the unique natural beauty and irreplaceable natural resources of Wellfleet, and given that inexpensive, safe alternatives to polystyrene are easily obtained, the Town will phase out the use of certain polystyrene plastics by June 1, 2018.

#### Definitions

“Polystyrene Disposable Food Service Containers and Cutlery” shall mean single-use disposable products for serving or transporting food or beverages, such as take-out foods and/or leftovers from partially consumed meals prepared by a restaurant and/or retail food establishment. This shall mean both foam and rigid polystyrene products including, but not limited to plates, cups, bowls, trays, hinged or lidded containers, straws, cup lids, and cutlery. It shall also include single-use disposable packaging for uncooked foods prepared on the premises, as well as disposable freezer chests and disposable catering trays.

“Expanded or Foam Polystyrene” and “Polystyrene” shall mean derivatives of the base chemical, styrene. Polystyrene is the generic term for the commonly known product Styrofoam, a trademark of Dow Chemical. It bears the recycling number 6.

“Food Establishments” shall mean operations, including food trucks, that store, prepare, package, serve, vend or otherwise provide food for human consumption, requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered Food Establishments for the purposes of this Bylaw. As such, schools, farmers markets and other public venues are included in this Bylaw.

“Retail Establishments” shall mean operations including, but not limited to: galleries, gift shops, liquor stores and other businesses serving the public.

“Public Venues” shall mean operations including, but not limited to meeting halls, churches, Town offices, the Senior Center, Recreation Department, Library, and the Wellfleet Elementary School.

#### Use Regulations

Polystyrene food service ware and new packaging materials shall no longer be distributed or sold at any food or retail establishment or public venue beginning June 1, 2018. Any stock remaining after that date shall be accepted for disposal free of charge, for a limited time, at the Wellfleet Transfer Station/Recycling Center. [HEALTH AGENT approved 2/23/2017; DPW DIRECTOR approved 2/28/2017.]

#### Permitted are:

1. Polystyrene packing peanuts and foam packaging reused from shipments coming to Wellfleet
2. Prepackaged meat and produce trays, egg cartons, and other food or beverage products bought from a wholesaler or out of town supplier
3. Polystyrene foam freezer chests enclosed in durable rigid plastic

#### Administration and Enforcement

This Bylaw may be enforced by any Town Police Officer or agent of the Board of Health through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to G.L.c.40, Section 21D and ARTICLE VII GENERAL SECTION 37. PENALTIES AND ENFORCEMENT of the Town’s General Bylaws. If non-criminal disposition is elected, then any Establishment which violates any provision of this Bylaw shall be subject to the following penalties:

First Offense:	\$100 fine
Second Offense:	\$200 fine
Third and Subsequent Offenses:	\$400 fine for each offense

Offenses occurring within two years of the date of first reported offense will be considered as subsequent offenses. Each day or portion thereof shall constitute a separate offense, to do or act anything thereon.

The Board of Health, after a hearing conducted in accordance with the procedures set forth in 105 CMR 590.14 and 590.15, may suspend or revoke the food service permit for any Establishment failing to comply with this Bylaw.