

ARTICLE 42: Amend General Bylaws: Article VIII Section 8 - Plastic Bag Reduction Bylaw

To see if the Town will vote to amend the Town Bylaws by adding a PLASTIC BAG REDUCTION BYLAW.

ARTICLE 42 MOTION

I Move to amend the bylaws by adding Section 8 Plastic Bag Reduction Bylaw to article VIII as follows:

8.1 Purpose and Intent

The production and use of thin-film single-use plastic checkout bags have significant impacts on the environment, including, but not limited to: contributing to the potential death of marine animals through ingestion and entanglement; contributing to pollution of the land environment; creating a burden to solid waste collection and recycling facilities; clogging storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture. The purpose of this bylaw is to eliminate the usage of thin-film single-use plastic bags by all retail and grocery stores in the Town of Framingham, on or after January 1, 2017.

8.2 Definitions

8.2.1 Checkout bag: A carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or checkout area of the store.

8.2.2 Grocery Store: A retail establishment where more than fifty percent (50%) of the gross floor area is devoted to the sale of food products for home preparation and consumption, which typically also offers home care and personal care products.

8.2.3 Retail Store: An establishment that offers the sale and display of merchandise within a building.

8.2.4 Reusable checkout bag: A bag, with handles, that is specifically designed for multiple use and is made of thick plastic, cloth, fabric or other durable materials.

8.2.5 Thin-film single-use plastic bags: Typically with plastic handles, these are bags with a thickness of 2.5 mils or less and are intended for single-use transport of purchased products.

8.3 Use Regulations

8.3.1 Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any retail or grocery store within the Town of Concord.

8.3.2 Customers are encouraged to bring their own reusable or biodegradable shopping bags to stores. Retail or grocery stores are strongly encouraged to make reusable checkout bags available for sale to customers at a reasonable price.

8.3.3 Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are still permissible.

8.4. Enforcement Process

Enforcement of this bylaw shall be the responsibility of the Town Manager or his/her designee. The Town Manager shall determine the inspection process to be followed, incorporating the process into other town duties as appropriate. Any retail or grocery store distributing plastic grocery bags in violation of this bylaw shall be subject to a non-criminal disposition fine as specified in Appendix A of

the Regulations for Enforcement of Town Bylaws under M.G.L. Chapter 40, §21D. Any such fines shall be paid to the Town of Framingham.

Take any other action relative thereto.

Sponsor: Citizen Petition (K. Weiss)

ARTICLE 42 BACKGROUND

Why ban single use plastic bags?

Environmental Effects

- Plastic bags are a major litter problem, thanks especially to their aerodynamic qualities.
- Plastic bags are often mistaken as food by both domesticated and wild animals. Birds, turtles, whales, sea lions, seals, and fish are among the species at particular risk.
- Ten percent of the plastic produced every year worldwide winds up in the ocean, 70% of which finds its way to the ocean floor, where it will likely never degrade.
- Every square mile of ocean has about 46,000 pieces of plastic floating in it.
- Rather than eventually breaking down into benign substances, polystyrene and plastic bags fracture into small plastic particles (microplastics), which persist in the environment.
- These tiny particles, 5 mm or smaller, present the greatest long-term danger, as these particles displace food supplies in the world's oceans.
- Animals from shellfish to whales can ingest them. This can displace space in an animal's stomach or block their digestive tracks, and then cause animals to die from starvation.
- Once microplastics enter our oceans, they will stay there virtually forever, because they persist and their removal is not possible.

Economic Effects

- Every year, Americans discard 100 billion single-use plastic bags.
- The average family accumulates 60 plastic bags in only four trips to the grocery store.
- The plastic bag industry collects \$4 billion per year in profits from U.S. retailers, who pass the costs onto consumers.
- The average use time of a plastic bag is only 12 minutes.
- Less than 1% of plastic carry-out bags are recycled each year.
- Recycling one ton of plastic bags costs \$4,000. The recycled product can be sold for \$32

Recycling bags has been ineffective.

- According to the State of California, the recycling rate of plastic carryout bags through the In Store Recycling Program is less than 5%. (CalRecycle, 2011) The U. S. Environmental Protection Agency (EPA) reports that 14.1% of plastic bags (of all kinds) are recycled. (EPA Office of Solid Waste, 2013)
- ~~(EPA)~~ Less than one percent of plastic carry-out bags are recycled each year. Recycling one ton of plastic bags costs \$4,000. The recycled product can be sold for \$32.
- Recyclers report that it costs approximately 17 cents to recycle each plastic bag they receive and that it is very difficult to find a market for the recycled plastic film.
- In most cases it costs more to deliver the plastic to a recycling facility than the plastic is worth.

- Plastic bags are a hassle for recycling facilities – they are usually too contaminated to recycle, may contain sharp or otherwise hazardous materials, and they jam sorting equipment.

Bag litter can be prevented by implementing a ban on the free distribution of single use bags.

- The Washington D.C. Bag Reduction Program resulted in a 50-60% decrease of single use bags. Furthermore, 50% fewer bags were found in the annual cleanup of Anacostia River.
- In China, the use of plastic bags at supermarkets went down an average of 66 percent in one year, after the government enacted a ban on giving away free plastic bags. A survey showed that in the first year, 40 billion fewer plastic bags were given out at supermarkets.
- Within months of implementing an ordinance the number of consumers using reusable bags or taking no bag at all can reach 95% and above.¹⁸

Changing consumer habits

In order to be effective at changing consumer habits, policies that restrict free distribution of plastic bags should:

- Provide consistency through broad coverage across all retail outlets, not just large groceries and pharmacies.
- Ensure a switch to reusable bags by eliminating the free distribution of both plastic single-use bags.
- Bring local partners and stakeholders into the policy process and discuss the advantages and cost savings to businesses and the community.
- Explore options for distributing reusable bags to those that need them most.

18 Municipalities passed similar bans

Barnstable, Brookline, Cambridge (includes a fee per bag), Concord, Falmouth, Great Barrington, Greenfield (proposed), Hamilton, Harwich, Manchester, Marblehead, Nantucket (§125-3 on biodegradable packaging), Newburyport, Newton, Natick (proposed), Northampton, Pittsfield (proposed), Provincetown, Somerville (proposed), Truro, Wellfleet, Williamstown

Retailers are making the switch

Trader Joe’s and Whole Foods Market are encouraging customers to use reusable grocery bags and offer compostable paper bags as an alternative.

ARTICLE 43: Amend General Bylaws: Repeal Sex Offender Bylaw

To see if Town Meeting will vote to delete Article V, Section 29 of the General Bylaws in its entirety, including all subsections, entitled “Sex Offender Bylaw”.

Pass any vote or take any action thereto.

Sponsor: Government Study Committee

ARTICLE 43 MOTION

I move that the Town Meeting vote to delete Article V, Section 29 of the General Bylaws, including all subsections, entitled “Sex Offender Bylaw”.