

**Rockport, MA  
Bag Bylaw  
Passed 17 Sept 2018**

The Chair will entertain a motion under Article O.

**ARTICLE O (11): To see if the Town will vote to amend Chapter 14 of the Town Code of By-Laws entitled “Environmental Protection and Public Health”, by:**

- \* Adding Section F “Single Use Plastics Prohibition”
- \* Adding subsection 1 “Single Use Plastic Bag Prohibition”

As follows:

**A. Purpose and Intent**

The production and use of thin-film single-use plastic bags has significant impacts on the marine and land environment, especially in coastal communities, including but not limited to: contributing to the injury and potential death of marine animals through ingestion and entanglement, contributing to the pollution of the land environment and waterways, clogging storm drainage systems, creating a burden to solid waste collection and recycling facilities, and requiring millions of gallons of oil nationally in the manufacturing and distribution process. Plastic or bioplastic bags labeled as “biodegradable” lack sufficient information about the timeframe and composting facility required for biodegradation. “Biodegradable” bags are not necessarily compostable or recyclable. Thus, bags simply labeled as “biodegradable” for all intents and purposes have similar environmental impacts as thin-film single-use plastic bags aforementioned. “Biodegradable” bags of this type are therefore also subject to the requirements herein.

Studies have shown that plastic bags considered “compostable” under the American Society for Testing and Materials (ASTM) D6400 Standard can be composted successfully under specific industrial composting conditions. The use of these bags and the education of consumers on how to use and dispose of these bags correctly is strongly encouraged.

The goal of this bylaw is to conserve, protect, and enhance the natural beauty and health of the marine and land ecosystems in the Town of Rockport by eliminating the usage of thin-film single-use plastic bags at all retail establishments within the town.

**B. Definitions**

**ASTM D6400 STANDARD:** The testing standard to designate a bag as “compostable” developed by the American Society for Testing and Materials. This label is placed on plastics that are intended to be composted under aerobic conditions in municipal or industrial composting facilities.

**COMPOSTABLE BAG:** A bag that conforms to the current American Society for Testing and Materials (ASTM) D6400 Standard specifications for compostability, and is certified and labeled as such by a recognized verification entity. .

**RECYCLABLE PAPER BAG:** A paper bag that meets all of the following requirements: (1) is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) post-consumer recycled material; (2) is capable of composting, consistent with the timeline and specifications of the American Society for Testing and Materials (ASTM) D6400 Standard.

**RETAIL ESTABLISHMENT:** Any commercial business facility that sells goods and/or services to the public including but not limited to grocery stores, pharmacies, bars, restaurants, markets, liquor stores, retail stores, and convenience stores.

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

**THIN-FILM SINGLE-USE PLASTIC BAG:** A bag, typically with handles, with a thickness of 4.0 mils or less, that is provided at the point of sale for transport of purchased products. This includes but is not limited to bags made of high-density polyethylene, low-density polyethylene, or “biodegradable” materials and which do not meet the ASTM D6400 standard specifications for compostable plastic.

### C. Use Regulations

- a. Thin-film single-use plastic bags shall not be distributed to customers or sold at any retail establishment in the Town of Rockport.
- b. Retail establishments may provide recyclable paper bags or compostable bags to customers.
- c. Customers are encouraged to bring their own reusable or compostable bags to retail establishments. Retail establishments are strongly encouraged to make reusable bags available for sale to customers at a reasonable price.
- d. Thin-film plastic bags, typically without handles, that are used to contain produce, meat, bulk foods, newspapers, dry cleaning, wet items, and other similar merchandise, are exempt from the provisions of this bylaw.

### D. Administration and Enforcement

This bylaw shall be enforced by any officer of the Police Department and by the Board of Health or its agent.

If a violation has occurred, the offending retail establishment shall receive a warning notice for the initial violation from the enforcing agent.

If an additional violation of this bylaw has occurred within one year after a warning notice has been issued for an initial violation, the enforcing agent shall issue a notice of violation and shall impose a penalty against the retail establishment.

The penalty for each violation that occurs after the issuance of the warning notice shall be as follows:

- i. \$50.00 for the first offense
- ii. \$100.00 for the second offense and each subsequent offense. Each day or portion thereof shall constitute a separate offense.

All fines shall be payable to the Town of Rockport.

\* Adding subsection 1 “Single Use Straw and Stirrer Prohibition” As follows:

### A. Purpose and Intent

The use and disposal of plastic straws and stirrers has significant negative impacts on the marine and land environment. It has been found that:

1. Plastic straws and stirrers are rarely recycled.
2. Rockport’s proximity to the ocean means that plastic straws and stirrers that are not disposed of properly have a high chance of ending up on the beaches and in the sea.
3. Plastic straws and stirrers take up to 200 years to degrade and are never fully absorbed by the planet.
4. The degradation of plastic straws and stirrers releases chemicals toxic to wildlife, humans, and the environment.
5. The United States uses and disposes of an estimated 500 million plastic straws every day.

The Town of Rockport has a duty to protect the natural environment, the economy, and the health of its citizens. This Bylaw aims to uphold these duties by banning the sale or dispensing of single-use plastic straws and stirrers within the Town of Rockport.

### B. Definitions

**ASTM D6400 STANDARD:** The testing standard to designate a plastic as “compostable” developed by the American Society for Testing and Materials. This label is placed on plastics that are intended to be composted under aerobic conditions in municipal or industrial composting facilities.

**BEVERAGE PROVIDER:** Any business, organization, entity, group, or individual located in the Town of Rockport that offers liquid, slurry, frozen, semi-frozen, or other forms of beverages to the public for consumption.

**COMPOSTABLE PLASTIC STIRRER:** A stirrer designated as compostable as it meets the American Society for Testing and Materials (ASTM) D6400 Standard.

**COMPOSTABLE PLASTIC STRAW:** A straw designated as compostable as it meets the American Society for Testing and Materials (ASTM) D6400 Standard.

**FOOD ESTABLISHMENT:** An operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered a "Food Establishment" for purposes of this ordinance.

**PLASTIC STIRRER:** A device that is used to mix beverages, intended for only one-time use, and made from plastic materials including but not limited to polyethylene, polypropylene, and polystyrene.

**PLASTIC STRAW:** Any single-use plastic straw including but not limited to those made from polyethylene, polypropylene, and polystyrene.

**RETAIL ESTABLISHMENT:** Any commercial business facility that sells goods directly to consumers including but not limited to grocery stores, pharmacies, liquor stores, convenience stores, retail stores and vendors selling food, clothing, and personal items, dry cleaning services, and theaters.

### **C. Use Regulations**

**a. No food establishment, retail establishment, or beverage provider within the Town of Rockport shall use, provide, distribute, or sell plastic straws and/or stirrers.**

**b. Nothing in this section precludes food establishments, retail establishments, or beverage providers from using or making non-plastic alternatives, such as those made from paper, Compostable Plastic, sugar cane, or bamboo, available to customers. Non-plastic alternative straws and/or stirrers shall only be provided upon request by the customer.**

**c. It shall not be a violation of this bylaw for a food establishment, retail establishment or beverage provider to provide a plastic straw or stirrer to an individual requesting one due to a disability or other physical condition that makes the use of alternative straws or stirrers unfeasible or unduly impractical.**

### **D. Administration and Enforcement**

**Enforcement of this bylaw is the responsibility of the Police Department and the Board of Health or its Agent.**

**Any establishment which violates any provision of this Bylaw shall be subjected to the following penalties:**

**I. A warning for the first offense**

**II. \$100.00 fine for the second offense**

**III. \$200.00 fine for the third offense and each subsequent offense.**

**Each day or portion thereof constitutes a separate offense. All fines shall be payable to the Town of Rockport. ; Or act on anything relative thereto.**

MITCHELL VIEIRA FOR BOARD OF SELECTMEN MEMBER DENISE DONNELLY moves that the town amend Chapter 14 of the Town Code of By-Laws entitled "Environmental Protection and Public Health" as printed in the warrant and as set forth on pages 23 to 27 of the Fall Town Meeting Voters Booklet, and further, adding an effective date of March 1, 2019 and further, by making the following changes in section F Single Use Plastics Prohibition: deleting the second paragraph under subsection A. Purpose and Intent; inserting the word "seafood" in subsection C. Use regulations, item d; inserting "and Pay As You Throw Bags and Public Trash Barrel Plastic Liners" in subsection C. Use regulations, item d after the word "merchandise"; and by amending subsection D. Administration and Enforcement with the proposed fine to be as follows: i. A warning for the first offense, ii. \$100.00 fine for the second offense, iii. \$200.00 fine for the third offense and each subsequent offense.

The Board of Selectmen and Government & By-Law Committee support this article.

**Moved and seconded.**

MODERATOR: Senator Bruce Tarr is in the house. Thank you very much Senator Tarr for coming to our little village and gracing us with your presence. (Applause)

MODERATOR: We have some folks from the high school and they have a spokesperson who is going to speak with us.

NATHANIEL KIRBY along with Cat Rania, Jillian Tierney, and Amanda Verga officers of the Rockport Public Schools' Green Team spoke about the environmental issues caused by the impacts of plastics.

The Government and By-Law Committee has looked at this issue and their report is in the Town Meeting Voters Booklet.

**The motion carried electronically by a vote of 150 in favor to 19 opposed.**