

ARTICLE 8. General Bylaw Amendment - Plastic Bag Reduction Bylaw

To see if the Town will amend the General Bylaws by adding a new Section 32070 entitled “Plastic Bag Reduction Bylaw” as follows, or take any action related hereto.

Plastic Bag Reduction Bylaw

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 (Scituate does not recycle plastic bags); clogging storm drainage systems; requiring the use of millions of barrels of crude oil nationally for their manufacture; and plastic bags are not biodegradable so they gradually disintegrate into minute

particles which absorb toxins contaminating the food chain including the food humans eat.

The goal of this bylaw is to reduce the common use of plastic checkout bags and to encourage the use of reusable bags by consumers, thereby reducing local land and marine pollution, advancing solid waste reduction, protecting the Town's unique natural beauty and irreplaceable natural resources, and improving the quality of life for the citizens of the Town.

2. Definitions

“Checkout Bag” means a bag with or without handles provided to a customer at the check stand, cash register, point of sale or other point of departure that is intended for the purpose of transporting food or merchandise out of the Establishment.

“Single-use Plastic Checkout Bag” means a single use plastic bag, including plastic bags labeled biodegradables, compostable, or photodegradable, provided to a customer by an establishment and used to transport merchandise from the establishment. Plastic carryout bags do not include those plastic bags, typically without handles, used to contain dry cleaning, newspapers, or small bags used to contain fish, meat, produce or other products provided to the consumer, free of charge, to deliver items to the point of sale.

“Recyclable Paper Bag” means a paper bag that is 100% recyclable and contains at least 40% post-consumer recycled content, and displays in a visible manner on the outside of the bag (1) the word “recyclable” or a symbol identifying the bag as recyclable and (2) a label identifying the bag as being made from post-consumer recycled content and the percentage of post-consumer recycled content in the bag.

“Compostable Plastic Bag” means a plastic bag that (1) conforms to the current ASTM D6400 for compostability as well as ASTM D7081 for biodegradability in the marine environment (2) is certified as meeting the ASTM D6400 and ASTM D7081 standard specification by a recognized verification entity or (3) conforms to any other standards deemed acceptable by this section.

“Reusable Bag” means a bag with stitched on handles that is made solely of, or in a combination of, natural cloths, synthetic fibers, or other washable material other than any type of polyethylene or polyvinyl chloride, and is durable, non-toxic, and specifically designed for multiple reuse (a minimum of 175 uses).

“Product Bag” means (1) a bag in which loose produce, bulk items, unwrapped baked goods or prepared food, or other products are placed by the consumer to deliver such items to the point of sale or check out area of the store, or (2) a bag that contains or wraps food to retain moisture or to segregate foods (like meat or ice cream) or other items to prevent contamination or damage when the items are placed together in a Recyclable Bag or Reusable Bag, (3) a bag without handles used to cover clothing such as dry cleaning bag, or (4) bags used to contain phonebooks, newspapers or magazines.

“Store” means any commercial enterprise selling goods, food or services directly to the public, whether for or not for profit, including, but not limited to, convenience and grocery stores, markets, restaurants, pharmacies, liquor stores, take-out food purveyors, and merchandise retailers.

“ASTM D6400” means the American Society for Testing and Materials (ASTM) International

“Standard Specification for Compostable Plastics.”

“ASTM D7081” means ASTM International “Standard Specification for Biodegradable Plastics in the Marine Environment.”

3. Use Regulations

3.1 No Store in the Town shall provide to any customer a Plastic Checkout Bag. Existing stock should be phased out within six months of March 1, 2019 and any remaining stock should be disposed of properly.

3.2 If a Store provides Checkout Bags, they may only provide Reusable, Recyclable or Compostable Bags.

3.3 If a store provides product bags to customers, the bag shall comply with the requirements of being either a Reusable, Recyclable or Compostable bag.

4. Administration and Enforcement

4.1 The enforcement of this law is the responsibility of the Town Administrator/Board of Health, and may be enforced by any Town Police Officer or agent of the Board of Health and other individuals appointed by the Town Administrator.

4.2 A person, individually or by his servant or agent, who violates any provision of this bylaw may be penalized by a non-criminal disposition pursuant to G.L. Chapter 40, Section 21D and the Town’s non-criminal disposition bylaw. The following penalties apply:

- first violation: a written warning
- second violation: \$100 fine
- third violation \$200 fine
- fourth and subsequent violations \$300 fine
- Each day the violation continues constitutes a separate violation.

5. Effective Date

This bylaw takes effect on March 1, 2019.

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