

ARTICLE 29: To determine whether the Town will vote to amend the By-laws of the Town of Hingham by adding the following Article 44:

Plastic Bag Reduction and Encourage Reusable Bags By-law

Section 1. Purpose and Intent:

Single-use plastic checkout bags have significant detrimental impacts on the environment and to public health including but not limited to: causing the death of marine animals and birds through ingestion and entanglement, contributing to pollution of the land environment and waterways, creating physical and financial burdens to solid waste collection and recycling facilities, clogging storm drainage and sewer systems, necessitating the expenditure of millions of barrels of crude oil nationally for their manufacture, and increasingly risking the public health from non-biodegradable microplastics which wildlife ingest and enter the food chain that humans consume.

The goal of this by-law is to reduce the common use of plastic checkout bags and to promote the use of reusable bags by consumers, thereby reducing local land and marine pollution, reducing waste, reducing the environmental impact of paper bags, protecting the town's unique natural beauty and irreplaceable natural resources, and improving the quality of life for the citizens of Hingham.

Section 2. Definitions:

The following words shall, unless the context clearly requires otherwise, have the following meanings:

"ASTM D6400" means the American Society for Testing and Materials (ASTM) International Standard Specification for Compostable Plastics.

"Checkout Bag" means a bag with or without handles provided by a Store to a customer at the point of sale that is intended for the purpose of transporting food or merchandise out of the Store.

"Compostable Plastic Bag" means a plastic bag that conforms to the current ASTM D6400 standard specifications by a recognized verification entity.

"Paper Bag" means a paper bag that can be readily recycled.

"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 foods 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. Plastic bags without handles used to cover clothing such as a dry cleaning bag are not included in this definition.

"Recycled 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.

"Reusable Bag" means a bag that is either (1) made of cloth or other machine washable fabric, or (2) made of plastic other than polyethylene or polyvinyl chloride that is durable, non-toxic, and generally considered a food grade material, and is more than 4 mils in thickness.

"Single-use Plastic Checkout Bag" means a plastic Checkout Bag that is less than 4 mils thick or a Compostable Plastic Bag.

"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.

Section 3. Use Regulations:

- (A) No Store in Hingham shall provide to any customer a Single Use Plastic Checkout Bag. Existing stock should be phased out within six months of November 1, 2019 and any remaining stock should be disposed of properly.
- (B) If a Store provides Checkout Bags to customers, they may only provide Reusable Bags, Paper Bags or Recycled Paper Bags.

- (C) If a Store provides Product Bags to customers, the bag shall comply with the requirements of being a Reusable Bag, Paper Bag, or Recycled Paper Bag or a Compostable Plastic Bag.

Section 4. Administration and Enforcement:

- (A) The administration and enforcement of this by-law is the responsibility of the Hingham Board of Health.
- (B) A person, individually or by his servant or agent, who violates any provision of this by-law may be penalized by a non-criminal disposition pursuant to G.L. Chapter 40, Section 21(D) and the Town of Hingham non-criminal disposition by-law.
- (C) The following penalties shall apply:
 - (1) First violation: written warning
 - (2) Second violation: \$100 fine
 - (3) Third violation: \$200 fine
 - (4) Fourth and subsequent violations: \$300 fine

Each day a violation continues constitutes a separate violation.

Section 5. Right to a Hearing:

Any person or persons aggrieved by an order that has been served pursuant to this by-law may request a hearing before the Hingham Board of Health by filing a written petition to the Hingham Executive Health Officer within seven (7) days of receipt of said order.

Section 6. Effective Date:

This by-law shall take effect on November 1, 2019.

(Inserted at the request of the Cleaner Greener Hingham Committee/Long Range Waste Disposal and Recycling Committee)

COMMENT: The Greener Cleaner Hingham Committee (“GCHC”)/Long Range Waste and Recycling Committee (“LRWRC”) is requesting that the Town adopt this by-law. If Hingham adopts this by-law, it will join 92 of 351 Massachusetts communities in banning plastic bags. Neighboring communities such as Cohasset, Marshfield, Duxbury, and Bridgewater have a plastic bag ban in effect, and Hull, Norwell, Weymouth, and Kingston are considering it. Boston is the largest city in the

Commonwealth to implement the plastic bag ban. The GCHC/LRWRC also believes this by-law will assist Hingham residents in transitioning to the use of reusable bags, which is a better environmental practice than using either plastic or paper bags.

Since the last plastic bag effort was made in Hingham in 2015, there are signs that a cultural change is underway by local businesses. Recent survey results from 52 small downtown Hingham businesses reveal that 66% use paper bags and 27% use plastic. Seventy one percent responded that their businesses would not be impacted by a plastic bag ban, although 26% responded with a “maybe”. Also, if required by the by-law to switch to paper bags, 66% of local businesses would promote reusable bags. The GCHC/LRWRC has held public meetings and met with a cross section of diverse groups to introduce the proposal and have plans to actively promote the use of sustainably-produced reusable bags, the eventual end product for consumers.

Most downtown Hingham businesses surveyed appear to support the proposal, and some have begun to make the change, according to the survey. Most store chains have stores in other towns with plastic bag bans, and therefore, they already have a process to comply with similar by-laws. Only a few small business owners surveyed expressed concerns about the cost of paper alternatives and reusable bags, and finding a cost-effective path to implement the change.

If approved, the ban would target only thin plastic checkout bags, but not produce, newspaper, or dry cleaning bags. Although there are designated drop off recycle areas at some markets and at the Town Transfer Station, only 7% of plastic bags get recycled. The rest become waste or litter, which takes years to break down on land or in oceans, as microplastics can be consumed by sea life and work their way into the food chain.

The Board of Health agreed to serve as the enforcement agent, with penalties for stores that use plastic bags beyond the November 1, 2019 deadline. Businesses that have sufficient plastic bag stock would be allowed, if granted an extension, to use them up before the ban would apply to them. A comprehensive plastic bag ban is being considered at the State level that would include a financial incentive to transition to reusable bags.

The Advisory Committee added language to its recommendation to clarify that dry cleaning bags are not prohibited by the by-law, and that a violator would

not be penalized for more than one violation per day. The Advisory Committee also made a few technical changes to the recommendation.

The Advisory Committee and the Board of Selectmen voted unanimously to support this Article.

RECOMMENDED: That the Town vote to amend the By-laws of the Town of Hingham by adding the following Article 44:

Plastic Bag Reduction and Encourage Reusable Bags By-law

Section 1. Purpose and Intent:

Single-use plastic checkout bags have significant detrimental impacts on the environment and to public health including but not limited to: causing the death of marine animals and birds through ingestion and entanglement, contributing to pollution of the land environment and waterways, creating physical and financial burdens to solid waste collection and recycling facilities, clogging storm drainage and sewer systems, necessitating the expenditure of millions of barrels of crude oil nationally for their manufacture, and increasingly risking the public health from non-biodegradable microplastics, which wildlife ingest and enter the food chain that humans consume.

The goal of this by-law is to reduce the common use of plastic checkout bags and to promote the use of reusable bags by consumers, thereby reducing local land and marine pollution, reducing waste, protecting the town's unique natural beauty and irreplaceable natural resources, and improving the quality of life for the citizens of Hingham.

Section 2. Definitions:

The following words shall, unless the context clearly requires otherwise, have the following meanings:

“ASTM D6400” means the American Society for Testing and Materials (ASTM) International Standard Specification for Compostable Plastics.

“Checkout Bag” means a bag with or without handles provided by a Store to a customer at the point of sale that is intended for the purpose of transporting food or merchandise out of the Store. Plastic bags without handles used to cover

clothing such as a dry cleaning bag are not included in this definition.

“Compostable Plastic Bag” means a plastic bag that conforms to the current ASTM D6400 standard specifications.

“Paper Bag” means a paper bag that can be readily recycled.

“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 foods 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. Plastic bags without handles used to cover clothing such as a dry cleaning bag are not included in this definition.

“Recycled 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.

“Reusable Bag” means a bag that is either (1) made of cloth or other machine washable fabric, or (2) made of plastic other than polyethylene or polyvinyl chloride that is durable, non-toxic, and generally considered a food grade material, and is more than 4 mils in thickness.

“Single-use Plastic Checkout Bag” means a plastic Checkout Bag that is less than 4 mils thick or a Compostable Plastic Bag.

“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.

Section 3. Use Regulations:

(A) No Store in Hingham shall provide to any customer a Single Use Plastic Checkout

Bag after November 1, 2019, except that existing stock may be provided to customers for a period of six months after that date.

- (B) If a Store provides Checkout Bags to customers, it may only provide Reusable Bags, Paper Bags or Recycled Paper Bags.
- (C) If a Store provides Product Bags to customers, it may only provide Reusable Bags, Paper Bags, Recycled Paper Bags, or Compostable Plastic Bags.

Section 4. Administration and Enforcement:

- (A) The administration and enforcement of this by-law is the responsibility of the Hingham Board of Health.
- (B) A person, individually or by his servant or agent, who violates any provision of this by-law may be penalized by a non-criminal disposition pursuant to M.G.L. Chapter 40, Section 21D and the Town of Hingham non-criminal disposition by-law.
- (C) The following penalties shall apply:
 - (1) First violation: written warning
 - (2) Second violation: \$100 fine
 - (3) Third violation: \$200 fine
 - (4) Fourth and subsequent violations: \$300 fine

Each day a violation continues constitutes a separate violation. A violator shall not be penalized for more than one violation per day.

- (D) The Board of Health may extend the time for compliance with this by-law for good cause shown for a period of time not to exceed one year from the effective date of the by-law. Any such extension shall be in accordance with regulations to be adopted by the Board of Health governing the criteria upon which such an extension may be granted.

Section 5. Right to a Hearing:

Any person or persons aggrieved by an order that has been served pursuant to this by-law may request a hearing before the Hingham Board of

Health by filing a written petition to the Hingham Executive Health Officer within seven (7) days of receipt of said order.

Section 6. Effective Date:

This by-law shall take effect on November 1, 2019.