

Orleans Polystyrene Bylaw

ARTICLE 37. ADOPT GENERAL BYLAW, CH. 96 – POLYSTYRENE REDUCTION BYLAW

To see if the Town will vote to adopt Chapter 96, Polystyrene Reduction as follows or take any other action relative thereto. (Conservation Commission)

CHAPTER 96 POLYSTYRENE REDUCTION BYLAW

1. Purpose and Intent

The use and disposal of polystyrene products are proven to have significant negative impacts on marine and land environments of our coastal community, including but not limited to:

- A. Contributing to the harm of marine and terrestrial wildlife through ingestion and entanglement;
- B. Pollution and degradation of the terrestrial and coastal environments;
- C. Human risk through exposure to harmful carcinogens used in the manufacturing of polystyrene products; and
- D. Disposal burdens for solid waste collection and recycling facilities.

Therefore, the Town of Orleans seeks to protect its natural resources and the well-being of its residents by prohibiting food or retail establishments from the distributing single-use disposable polystyrene containers, and counterparts, through a phase out period.

2. Definitions

Single-Use Polystyrene Disposable Containers and Counterparts: single-use disposable products for serving or transporting food or beverages, including but not limited to, take out foods and/or partially consumed meals prepared by a restaurant and/or retail food establishment. This includes, but is not limited to, plates, cups, bowls, trays, hinged or lidded containers, straws, cup lids, and cutlery.

Expanded Polystyrene (EPS): polystyrene that has been expanded or “blown” using a gaseous blowing agent into a solid form.

Polystyrene: expanded and extruded forms of thermoplastic, petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion blown molding (extruded foam polystyrene), sometimes called Styrofoam, a Dow Chemical Co. trademarked form of polystyrene foam.

Food Establishments: any operations, including but not limited to, restaurants, schools, charitable associations, food trucks, farmer's markets, concession stands, and other public venues that store, prepare, package, serve, vend or otherwise provide food for human consumption. Any establishment requiring a permit to operate in accordance with State Food Code, 105 CMR 590.000, et. seq., shall be considered Food Establishments for the purposes of this Bylaw.

Retail Establishments: 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 clothing, food, and personal items, dry cleaning services, theaters and all other food service establishments.

Public Venues: operations such as meeting halls, Town offices, public facilities and recreation areas.

3. Applicability

Single-use polystyrene disposable containers and counterparts shall not be used or distributed as disposable food service containers and counterparts by food establishments and/or retail establishments within the Town of Orleans after January 1st, 2020. Any stock remaining after that date shall be recycled or returned to the manufacturer by the Establishment.

4. Exemptions

The following are exempt and not subject to the provisions of this article:

1. Polystyrene packing peanuts and foam packaging used to transport goods from a manufacturer
2. Prepackaged meat and produce trays, egg cartons, and other food or beverage products used in packaging from the manufacturer for the purposes of transport
3. Packaging used for the protection of raw foods, including but not limited to, produce or meat/fish products
4. Polystyrene insulated foam freezer containers enclosed in durable rigid plastic

5. Enforcement

This Bylaw may be enforced by any Town Police Officer or Agent of the Board of Health

6. Fines and Penalties

Any person or Establishment violating this chapter shall be punished by a non-criminal fine of not more than fifty dollars (\$50) for each offense. Each day that such offense continues shall constitute a separate offense.

(Simple Majority Vote Required)

PROPOSED MOTION

I move this article be accepted and adopted as printed in the warrant.

SUMMARY

This article proposes to eliminate single-use polystyrene disposable containers and counterparts. These items are more commonly known as styrofoam cups, plastic cutlery, and take out containers. These products commonly end up in our environment and do not degrade or decompose. The proposed bylaw would require a phase out period until January of 2020 at which time the distribution of these products at retail and food establishments would no longer be allowed and biodegradable/recyclable alternatives would be required

BOS:	5 – YES	0 – NO	0 – ABSTAIN
FC:	6 – YES	0 – NO	3 – ABSTAIN