

**Wellfleet Annual Town Meeting April 24-26, 2017. Approved on a voice vote April 25.**

**ARTICLE 31:** Plastic Ban Bylaw Amendment. To see if the Town will vote to amend the General Bylaws by adding a Section to Article VII of the General Bylaws as follows:

Polystyrene Reduction Bylaw

Section 1. Purpose and Intent

The use and disposal of polystyrene has significant impacts on our town and our environment, including but not limited to:

1. harm to marine and terrestrial animals through ingestion
2. pollution and degradation of the terrestrial and coastal environment
3. human exposure to styrene, which is derived from benzene and used in the manufacture of polystyrene. Occupational studies have shown risks for leukemia and lymphoma, and genetic damage to white blood cells. Styrene is "reasonably anticipated to be a human carcinogen" (US Department of Health and Human Services, 2016)
4. disposal burdens of difficult to recycle plastics for solid waste collection and recycling facilities

With the goal of protecting the health of its citizens and the unique natural beauty and irreplaceable natural resources of the Town of Wellfleet, and given that inexpensive, safe alternatives to polystyrene are easily obtained, the Town will phase out the use of certain polystyrene plastics by June 1, 2018.

Section 2. Definitions

"Polystyrene Disposable Food Service Containers and Cutlery" shall mean single-use disposable products for serving or transporting food or beverages, including without limitation, take-out foods and/or leftovers from 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. It shall also include single-use disposable packaging for uncooked foods prepared on the premises, as well as disposable catering trays.

"Expanded or Foam Polystyrene" and "Polystyrene" shall mean blown polystyrene (polystyrene that has been expanded or blown using a gaseous blowing agent into a solid foam) and expanded and extruded forms, which are 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. It bears the recycling number 6.

"Food Establishments" shall mean any operations, including, without limitation, food trucks, schools, farmers markets 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 the State Food Code, 105 CMR 590.000, et. seq., shall be considered Food Establishments for the purposes of this Bylaw.

"Retail Establishments" shall mean 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 services establishments.

"Public Venues" shall mean operations including, but not limited to meeting halls, churches, Town offices, the Senior Center, Recreation Department, Library, and the Wellfleet Elementary School.

### Section 3. Use Regulations

Polystyrene disposable food service containers, cutlery, and new polystyrene packing peanuts shall not be used or sold by food establishments and/or retail establishments within the Town of Wellfleet on or after June 1, 2018. Any stock remaining after that date shall be accepted for disposal free of charge, through June 30, 2018, at the Wellfleet Transfer Station/Recycling Center.

This Bylaw shall not apply to:

1. Polystyrene packing peanuts and foam packaging reused from shipments coming to Wellfleet
2. Prepackaged meat and produce trays, egg cartons, and other food or beverage products bought from a wholesaler or out of town supplier
3. Polystyrene foam coolers

### Section 4. Administration and Enforcement

This Bylaw may be enforced by any Town Police Officer or agent of the Board of Health through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to G.L.c.40, Section 21D and ARTICLE VII GENERAL SECTION 37. PENALTIES AND ENFORCEMENT of the Town's General Bylaws. If non-criminal disposition is elected, then any Establishment which violates any provision of this Bylaw shall be subject to the following penalties:

|                                |  |
|--------------------------------|--|
| First Offense:                 | \$100 fine   |
| Second Offense:                | \$200 fine   |
| Third and Subsequent Offenses: | \$400 fine for each offense<br>[\$300 amendment pending 2018 Annual Town Meeting vote;<br>note \$300 is the maximum amount allowed by Mass. law] |

Offenses occurring within two years of the date of first reported offense will be considered as subsequent offenses. Each day or portion thereof shall constitute a separate offense, to do or act anything thereon.

The Board of Health, after a hearing conducted in accordance with the procedures set forth in 105 CMR 590.14 and 590.15, may suspend or revoke the food service permit for any Establishment failing to comply with this Bylaw.

### Section 5. Severability

If any provision of this Bylaw is declared invalid, or unenforceable, the other provisions shall not be affected thereby.

(Request of the Recycling Committee)

Board of Selectmen: Recommends 4-0.

Recycling Committee: Recommends 5-0.

Bylaw Committee: Recommends 3-0

(with exemption of "CUTLERY" from definitions)

**SUMMARY:** This article will expand the existing Plastic Bag Ban bylaw.