

# **POLYSTYRENE REDUCTION BYLAW**

## **1.0 PURPOSE**

Styrofoam is the brand name for polystyrene (trademarked by Dow Chemical Co.) a synthetic plastic that biodegrades so slowly (hundreds of years) it is considered to be non-biodegradable. Styrene, the key ingredient in expanded polystyrene, was recently added to the National Toxicology Program's list of probable human carcinogens (U.S. Department of Health and Human Services). Styrene can leach from polystyrene containers into food and beverages. It has become a major component of plastic debris in the ocean and animals often mistake it for food. It is also hazardous to marine life, transferring toxic chemicals along the food chain. Expanded polystyrene containers are not part of the Town's regular recycling program. The purpose of this bylaw is to eliminate the distribution of expanded polystyrene containers by all food establishments in the Town of Northborough.

## **2.0 SEVERABILITY**

Each section, paragraph, sentence, clause, phrase and any other portion of this bylaw shall be construed as separate to the end that if any portion thereof shall be held invalid for any reason, then the remainder of the regulation shall remain in full force and effect.

## **3.0 DEFINITIONS**

- 3.1 "Agent", the Town of Northborough Health Agent
- 3.2 "Board of Health", the legally constituted Board of Health for the Town of Northborough, or its authorized agents or representatives.
- 3.3 "Department", the Town of Northborough Health Department.
- 3.4 "Disposable Food Service Container" means a single-use disposable product for serving or transporting prepared, ready-to-consume food or beverages, including without limitation, take-out foods and/or leftovers from partially consumed meals prepared by a food establishment. This includes, but is not limited to, plates, cups, bowls, trays, hinged or lidded containers, straws, cup lids, or utensils. It does not include single-use disposable packaging for unprepared foods.
- 3.5 "Food Establishment" means any operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, as further defined in 105 CMR 590.002. 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 bylaw.

- 3.6 “Expanded Polystyrene” means 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 blow molding (extruded foam polystyrene).
- 3.7 “Prepared Food” means any food or beverage prepared on the food establishment’s premises, using any cooking or food preparation technique. Prepared food does not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation. Prepared food may be eaten on or off the food establishment’s premises.

#### **4.0 REQUIREMENTS**

- 4.1 Food establishments are prohibited from dispensing prepared food to customers in disposable food service containers made from expanded polystyrene.
- 4.2 Each Food Establishment as defined in Section 3, above, located in the Town of Northborough shall comply with this bylaw as of January 1, 2020.
- 4.3 The Board of Health may promulgate additional rules and regulations to implement this bylaw.

#### **5.0 PENALTIES AND ENFORCEMENT**

Each Food Establishment shall comply with this bylaw:

- 5.1 If it is determined that a violation has occurred the Agent may issue a warning notice for an initial violation.
- 5.2 Any violation of the provisions of this bylaw may be enforced by non-criminal disposition pursuant to the provisions of Massachusetts General Laws, Chapter 40, Section 21D.
- 5.3 If an additional violation of this bylaw has occurred within 30 calendar days after a warning notice has been issued for an initial violation, the Agent may issue a notice of violation and may impose a penalty against the Food Establishment.
- 5.4 The penalty for each violation that occurs after the issuance of the warning notice shall be:
- \$50 for the second offense
  - \$100 for the third offense and \$200 for all subsequent offenses.
- 5.5 No more than one (1) penalty shall be imposed upon a Food Establishment within a seven (7) calendar day period.

## **6.0 EFFECTIVE DATE**

All of the requirements set forth in this bylaw shall take effect on January 1, 2020. In the event that compliance with the effective date of this bylaw is not feasible for a Food Establishment, because of unavailability of compliant containers or economic hardship, the Agent may grant a waiver of not more than six months upon application of the owner or the owner's representative. The waiver may be extended for one (1) additional six-month period upon showing of continued infeasibility as set forth above.