

# PETITION

## Warrant Article - Annual Town Meeting

(No Less Than Ten Signatures)

We the undersigned registered voters of the Town of Shrewsbury pursuant to G.L. Chapter 39, Section 10 request that the Board of Selectman place onto the next Annual Town Meeting the following warrant article:

**Article \_\_\_\_ :** To see if the Town will vote to adopt a bylaw regarding the use of expanded polystyrene disposable food and beverage containers by food establishments in the Town of Shrewsbury, or to take any other action in relation thereto.

Further, that the following motion be put before the Annual Town Meeting

**MOTION:** I move that the Town adopt the following bylaw regarding the use of expanded polystyrene disposable food and beverage containers by food establishments in the Town of Shrewsbury.

### ARTICLE 8C: EXPANDED POLYSTYRENE BAN IN FOOD ESTABLISHMENTS AND TOWN FACILITIES

#### SECTION 1 PURPOSE AND INTENT

Expanded polystyrene food containers are not recyclable, nor are they biodegradable, and therefore form a significant portion of the solid waste going into our incinerators and landfills; once burned in an incinerator, they contaminate our air, water, soil, food supply, and bodies and once buried in a landfill, they will remain there for centuries. Styrene, the key ingredient in expanded polystyrene, can leach from polystyrene containers into food and beverages and was recently added in 2011 to the U.S. Department of Health and Human Services Report on Carcinogens, a science-based document that identifies chemicals that may put people at increased risk for cancer. Eliminating expanded polystyrene food and beverage containers is in the best interest of the health and welfare of the inhabitants of the Town of Shrewsbury.

#### SECTION 2 EFFECTIVE DATE

This bylaw shall take effect on January 1, 2020 to allow time for food establishments and town facilities to use their existing inventory of expanded polystyrene food or beverage containers and to convert to alternative materials.

#### SECTION 3 DEFINITIONS

"Disposable Food Service Container" means single-use disposable products for serving or transporting prepared, ready-to-consume food or beverages. This includes but is not limited to plates, cups, bowls, trays and hinged or lidded containers. This definition does not include single-use disposable items such as straws, cup lids, or utensils, nor does it include single-use disposable packaging for unprepared foods.

"Food Establishment" means an 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.

"Expanded Polystyrene" (EPS) means polystyrene that has been expanded or "blown" using a gaseous blowing agent into a solid foam.

"Polystyrene" means and includes expanded polystyrene which is a thermoplastic petrochemical material 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). The term "polystyrene" also includes clear or solid polystyrene which is known as "oriented polystyrene".

"Prepared Food" means any food or beverage prepared for consumption on the Food Establishment's premises, using any cooking or food preparation technique. This does not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation.

"Town Facility" means any building, structure, land or park owned or operated by the Town of Shrewsbury, its agents and departments.

"Town Facility Users" means all persons, societies, associations, organizations or special event promoters who require a permission to use a Town Facility. Town Facility Users also includes concession contracts with the Town, Town-managed concessions, Town-sponsored events and food services provided at the Town's expense.

#### SECTION 4 PROHIBITION

A. Except as provided herein, Food Establishments are prohibited from dispensing Prepared Food to customers in Disposable Food Service containers made from Expanded Polystyrene.

B. Town Facility Users are prohibited from dispensing Prepared Food to customers in Disposable Food Service containers made from Expanded Polystyrene.

#### SECTION 5 DEFERMENTS

A. Upon written application, the Board of Health, after a public hearing, may defer application of this Bylaw for a Food Establishment for a one year period, upon a showing by the Food Establishment that the conditions of this Bylaw would cause undue hardship. For purposes of this Bylaw, an "undue hardship" is a situation unique to the Food Establishment where there are no reasonable alternatives to the use of expanded polystyrene disposable food service containers and compliance with this provision would cause significant economic hardship to that Food Establishment.

B. A Food Establishment granted a deferment by the Town must reapply prior to the end of the one year exemption period and demonstrate continued undue hardship, if it wishes to have the deferment extended. Deferments may only be granted for intervals not to exceed one year.

C. A deferment granted in accordance with this Section may be extended for no more than one additional one year period, upon written application to the Board of Health at least two months prior to the expiration of the first deferment period and upon a showing that the circumstances justifying the deferment continue to exist.

