



TOWN OF WAYLAND

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POLYSTYRENE FOOD CONTAINER BYLAW IN WAYLAND

June 14, 2017

Dear Wayland Business Owner or Manager:

On April 3, 2017, the Town of Wayland adopted a bylaw that bans the use of polystyrene products for prepared food and beverages. The full text of the bylaw is online at: www.wayland.ma.us/health, under additional links click on Polystyrene Food Container Bylaw.

As part of the process the bylaw must be approved by the Massachusetts Attorney General's office and is currently under review. Similar bylaws or ordinances have already been approved in 20 other municipalities, therefore we feel that approval for Wayland is likely, however, there may be changes made to the bylaw. We expect to hear a decision from the Attorney General's Office sometime in June or July 2017 and once we receive formal communication it will be posted on our website: www.wayland.ma.us/health.

Until we have a formal decision making this bylaw official we do not have the ability to provide firm dates of when the bylaw is effective however the expected effective date is January 1, 2018. If approval is later than June 30th, the effective date will be 6 months following the approval date. The purpose of this letter is to communicate to affected businesses that polystyrene products will likely be banned from being used as food takeout containers; i.e., coffee cups and covers, bowls, trays, hinged or lidded containers, clam shell style food containers, utensils, straws, and any products with the number "6" embossed on the item. The scope of the bylaw is limited to the use of polystyrene products for prepared ("ready to eat or drink") food and beverages. The most common use of polystyrene products is for take-out food and beverages. Polystyrene products such as Styrofoam can still be used to package uncooked food such as raw meat and eggs.

We are reaching out to your business now because we want to ensure that you have as much notice as possible to use up your existing inventory and be able to plan ahead by making arrangements with a supplier for alternative products before the effective date. If you have a hardship and difficulty meeting the effective date, the bylaw contains a hardship provision under which you can apply for an extension of up to 6 months. Please contact the Wayland Health Department if you need to apply for an extension.

Once the ban is in place Health Department staff or identified representatives of the Board of Health will be conducting rounds of compliance checks to ensure these products are not being used or in stock. Utilizing polystyrene products for food take-out in Wayland will not be allowed after the identified effective date and will be enforced. Penalties for non-compliance are as follows: 1st offense – Warning; 2nd offense - \$50 per day; 3rd and each subsequent offense - \$100 per day. We look

forward to a smooth transition process with your establishment and appreciate your cooperation to avoid warnings and fines.

The remainder of this letter provides assistance for you and your staff to recognize polystyrene products and conform with the bylaw. We strongly encourage you to do a complete inventory to identify these items in your stockpile, and provide training to your staff.

- Polystyrene is a plastic material using a chemical called styrene (which is known to cause cancer). Some Polystyrene products are produced as a foam material which is commonly referred to by the Dow Chemical trademark name "Styrofoam". You may be using Styrofoam for plates, cups, bowls, trays or hinged or lidded containers. Polystyrene products also come in a rigid form which is commonly used to make service ware such as lids, straws and utensils. For larger items such as cups and containers polystyrene is easily identified by a type 6 plastic symbol.
- For smaller items such as forks, knives and lids, you will need to look on the box or container which they were supplied in to identify the type of plastic being used. The number in the triangle may be 1 through 7. Only type 6 is banned.
- A complete inventory check will need to be done by your staff for these items.

We have enclosed a helpful reference sheet illustrating banned polystyrene products and available alternatives. There are many alternatives to choose from; please contact your supplier, or if you have difficulties you may want to discuss alternatives with a different supplier. Many suppliers are already familiar with polystyrene bans in other cities and towns. Please note that some towns have only banned polystyrene products in the foam form, e.g. Styrofoam, so be sure to tell a supplier that polystyrene service ware items (in the rigid form) are included in the Wayland ban and you will need an alternative for them as well (if you currently provide polystyrene based service ware).

There is another approach that is worth your consideration which is to encourage the use of reusable cups and containers that patrons bring with them. You could sell reusable containers, mugs or thermos-type bottles and possibly provide your patrons a small discount if they bring their own container with them. If you sell reusable containers you could emboss a business name or logo on them. A reusable container would have user-friendly properties that Styrofoam lacks, such as better insulating properties, re-sealable lid and sturdy construction. Reusable containers reduce your packaging costs and provide an opportunity to promote your business. These products provide the best possible packing for patrons, reducing both littering and the impact on the environment.

Many food establishments no longer use polystyrene products. If you are one of these businesses, congratulations for your progressive business practice. Otherwise, we hope you will embrace the opportunity to take a step toward sustainable packaging. Food establishments in many other municipalities have readily conformed to similar bans such as the one adopted by Wayland.

We appreciate your proactive compliance with this new bylaw and will provide information on our website as soon as it's available. If you have any questions you may contact us via email at: Health@wayland.ma.us.

Sincerely,

Julia Junghanns, R.S., C.H.O.
Director of Public Health