



Town of Concord

ARTICLE 45: BYLAW PROHIBITING POLYSTYRENE IN FOOD SERVICE WARES

Frequently Asked Questions

OVERVIEW

Concord residents voted at the April 2016 Town meeting to enact a bylaw that prohibits polystyrene (Article 45). Article 45 prohibits polystyrene (EPS foam and #6 Rigid Plastic) food service ware and packaging in Concord FOOD ESTABLISHMENTS. RETAIL ESTABLISHMENTS are permitted to sell polystyrene products as long as environmentally friendly alternatives are clearly displayed in the store.

WHO DOES THE BYLAW APPLY TO?

FOOD ESTABLISHMENTS: Operations that store, prepare, package, serve, vend or otherwise provide 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.

RETAIL ESTABLISHMENTS: Commercial business facilities that sell goods directly to the consumer including but not limited to grocery stores, pharmacies, liquor stores, convenience stores, restaurants, retail stores and vendors selling clothing, food, and personal items, and dry cleaning services.

WHAT IS POLYSTYRENE?

Polystyrene is a type of plastic made from fossil fuels that is used in the manufacture of various food service products. Polystyrene food service products come in two forms: expanded polystyrene which is often easily recognizable; and rigid polystyrene (#6 plastic).

Examples of common food service products of both types are illustrated on the following page.

HOW DO I DETERMINE IF A PRODUCT IS COMPOSED OF POLYSTYRENE?

Polystyrene products (both EPS foam and Rigid Plastic) are sometimes, but not always marked:



If an individual product is not marked with a universal recycling symbol/number and you are unable to determine what type of plastic it's made from, try looking for the recycling symbol on the packaging or carton the products came in. If you're still unable to find it, contact the distributor and /or manufacturer of the product for confirmation as to whether or not the product is comprised of polystyrene.

WHAT ALTERNATIVE PRODUCTS CAN BE USED INSTEAD OF POLYSTYRENE?

Acceptable alternative products include:

- Reusable products (i.e. dishes, cups, trays and utensils).
- Recyclable products: Products that can be sorted, cleansed, and reconstituted using available recycling collection programs for the purpose of using the altered form in the manufacture of a new product.
- Biodegradable / compostable products.
- Paper products.

WHERE CAN I FIND ALTERNATIVE PRODUCTS?

Your restaurant supply distributor should be able to identify non-polystyrene products that will meet your needs.

WHEN DOES THE BYLAW BECOME EFFECTIVE?

The town's Bylaw Prohibiting Polystyrene in Food Service Ware becomes effective January 1, 2017. **To prepare for implementation of the bylaw,**

Food service establishments should:

- ✓ Use up existing supplies of #6 polystyrene food service ware.
- ✓ Work with your restaurant suppliers to identify alternative non-polystyrene foodservice ware.
- ✓ Provide recyclable or compostable food service ware for "to-go" prepared foods/beverages.
- ✓ Consider using reusable food service ware for your on-premise customers when possible.

Retail food establishments should:

- ✓ Stock reusable, recyclable, compostable and/ or biodegradable food service ware on your shelves.

- ✓ Label the reusable, recyclable, compostable and/or biodegradable products as “Polystyrene-free”.
- ✓ Do not sell #6 polystyrene food service items without selling polystyrene-free alternatives.

ARE THERE EXCEPTIONS TO THE BYLAW?

Yes. Foods prepared or packaged outside the Town of Concord are exempt from the provisions of the bylaw. Coolers and ice chests that are intended for reuse are also exempt from the provisions of the bylaw.

FOOD ESTABLISHMENTS and RETAIL ESTABLISHMENTS may seek an exemption from this bylaw by filing a request in writing to the Concord Board of Health. The Concord Board of Health may waive any specific requirement of the bylaw for a period of not more than one year if the FOOD ESTABLISHMENT or RETAIL ESTABLISHMENT seeking an exemption has demonstrated that strict application of the specific requirement would cause undue hardship.

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