



CONCORD BOARD OF HEALTH

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Public Health
Prevent. Promote. Protect.

MEMORANDUM

TO: Concord Business Owners

FROM: Susan G. Rask, Public Health Director
Town of Concord

RE: Process for requesting exemptions from the Concord Bylaw Prohibiting Polystyrene in Food Service Wares

DATE: February 15, 2017

Dear Concord Business Owner,

On January 1, 2017 a Bylaw Prohibiting Polystyrene in Food Services Wares went into effect. This bylaw was voted/approved by Concord residents at last April's Annual Town Meeting (Article 45). The new bylaw prohibits polystyrene (Expanded Polystyrene foam a.k.a. Styrofoam™ and #6 Rigid Plastic) food service ware and packaging in food establishments. The bylaw also affects Concord retail establishments that sell polystyrene food service products. However, retail establishments are permitted to sell polystyrene products as long as alternative products are displayed in the store.

The Town Manager has designated the Concord Board of Health as the Town entity responsible for granting of waivers to the bylaw and Concord Public Works as the Town entity responsible for conducting outreach and enforcement. A representative from Concord Public Works will be reaching out to you in the weeks ahead should you have any questions regarding the bylaw, and you can reach Concord Public Works at (978) 318-3240 for general questions regarding the bylaw. Waiver-specific questions can be directed to the Health Department at (978) 318-3275. **Enforcement of the bylaw will begin on July 1, 2017.**

Food establishments and retail establishments may request an exemption from this bylaw for *specific products* by filing a written request to the Concord Board of Health using the enclosed application form.

EXEMPTIONS to the BYLAW

The Bylaw contains a provision that allows Food Establishments and Retail Establishments to request an exemption from 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 (Section 4(c) of the Bylaw; see reverse side of this memorandum).

The attached application lists five criteria that the Board of Health will consider in granting exemptions. In preparing your request for an exemption, please only describe the criteria applicable to your specific establishment and provide the detail information listed under that criterion. Not all (5) reasons will necessarily apply to each facility/establishment.

Please feel free to contact me at (978) 318-3275 or via e-mail at srask@concordma.gov with any additional questions regarding the waiver process.

Thank you in advance for your cooperation with this new bylaw.

Bylaw Prohibiting Polystyrene in Food Service Wares

Section 4(c) Exemptions:

“Any person may seek an exemption from the requirements of this chapter by filing a request in writing with the Town Manager or his/her designee. The Town Manager or his/her designee may waive any specific requirement of this chapter for a period of not more than one year if the person seeking the exemption has demonstrated that strict application of the specific requirement would cause undue hardship. For purposes of this chapter, 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”. A person granted an exemption must re-apply prior to the end of the one year exemption period and demonstrate continued undue hardship if the person wishes to have the exemption extended. The Town Manager’s or his/her designee’s decision to grant or deny an exemption or to grant or deny an extension of a previously issued exemption shall be in writing and shall be final”.

The application form and more information on the bylaw is available on the Town of Concord website at <http://concordma.gov/1629/Polystyrene-Ban-Bylaw>