

# MEMORANDUM

To: Town Council

From: Jeff Nutting

**Re: Citizen's Petition for ban plastic bags**

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The Franklin Bag Ban Committee is here to give a presentation (and Council discussion) on a bylaw proposal they would like to offer the community to ban plastic bags that are distributed at retail outlets, such as grocery stores and pharmacies. Attached is a copy of the proposed bylaw that they have drafted.

A short background on the Committee:

The Franklin Bag Ban Committee are a group of seniors at Franklin High who have completed or are in the process of completing an Environmental Science course (at the AP and Honors level). After learning about the many environmental hardships the world faces, Alycia Felli got a group of dedicated students together to form what is now the committee.

Banning plastic bags, or drastically reducing their use, was an endeavor the group felt they could take on; especially at the local level.

Since last April, the Committee has been working on gaining support for the movement and working with various groups and individuals to aid them in passing the bylaw. The Committee has gathered over 700 signatures (and counting) on a Change.org petition. The support from local Franklin residents has been overwhelming, and the Committee is excited to be a part of making this positive change for beautiful town of Franklin.

## Plastic Checkout Bag Bylaw

### 1. Findings and Purpose

1.1 Plastic bags are an environmental nuisance, adversely affect public health, and impair the overall quality of life for the Town's residents and visitors.

- Because plastic bags are lightweight, they easily become airborne even when properly disposed of, littering waterways, state and private forests, bodies of water, roadsides and sidewalks. They clog storm drainage systems, contribute to aquatic and terrestrial pollution, and detract from the natural beauty of the Town for visitors and residents alike.
- Plastic bags photodegrade, disintegrating into minute particles which absorb toxins and pose a threat to riparian and aquatic environments, contaminating the food chain, as well as water and soil. They are also detrimental to wildlife, killing tens of thousands of birds, aquatic and terrestrial organisms each year through ingestion and entanglement.
- The vast majority of plastic bags are not recycled and recycling is not available through our town's recycling program. Their disposal adds to the Town's waste management expense, both through the cost of disposing the bags through private firms and due to their contamination of the single-stream recycling system.

1.2 Plastic bag ordinances have proven to be effective in reducing plastic bag consumption and litter and are part of a growing global movement towards sustainability. Statewide, all the proposed bans have been passed and are in the process of being enforced.

1.3 The Town is committed to protecting the environment and the public health, safety, and welfare of its citizens. The goal of this bylaw is to reduce the common use of plastic checkout bags and to encourage the use of reusable bags by consumers, thereby reducing local land and aquatic pollution, advancing solid waste reduction, maintaining the town's exterior beauty and improving the quality of life for the citizens of the Town.

### 2. Definitions

**"Checkout Bag"** means a bag with handles provided by a Store to a customer at the point of sale that is intended for the purpose of transporting food or merchandise out of the Store.

**"Plastic Checkout Bag"** means a plastic Checkout Bag that is less than 4 mils (millimeters) thick (and, for the avoidance of doubt, includes such plastic bags that are marketed as 'biodegradable' or 'compostable').

**"Recyclable Paper Bag"** means a paper bag with or without handles that is 100 percent recyclable and contains at least 40% post-consumer recycled content (except that an eight pound or smaller paper bag shall contain a minimum of 20% post-consumer recycled content) and visibly displays both the word "recyclable" and the percentage of post-consumer recycled content.

**“Reusable Bag”** means a bag with handles that is specifically designed and manufactured for multiple uses and is made of polyester, polypropylene, washable fabric, or other durable material and, in the case of plastic bags, is at least 4.0 mils in thickness.

**“Store”** means any commercial enterprise selling goods, food or services directly to the public, whether for or not for profit, including, but not limited to, convenience and grocery stores, markets, restaurants, pharmacies, liquor stores, take-out food purveyors, and merchandise retailers.

### **3. Use Regulations**

3.1 No Store in [Town] shall provide to any customer a Plastic Checkout Bag.

3.2 If a Store provides Checkout Bags, they may only provide Recyclable Paper Bags or Reusable Bags.

3.3 This bylaw does not apply to the clear or opaque plastic bags without handles provided to a customer:

- a. to transport loose produce, prepared food, bulk food, or small unpackaged products (eg beads and nails or other small hardware items) to the point of sale; or
- b. to contain or wrap foods to retain moisture or to segregate foods (like meat or ice cream) or other items to prevent contamination or damage when the items are placed together in a Recyclable Paper Bag or Reusable Bag.

3.4 Stores may charge and retain a fee for any Recyclable Paper Bag or Reusable Bag that they provide. The fee could be used to recover the costs of the bag and/or as an incentive to customers to bring their own Reusable Bags. Customers are encouraged to bring their own Reusable Bags when they shop, and stores may offer a credit to customers who bring their own bags.

### **4. Administration and Enforcement**

4.1 This bylaw may be enforced by any Town Police Officer or agent of the Board of Health.

4.2 A person, individually or by his servant or agent, who violates any provision of this bylaw may be penalized by a non-criminal disposition pursuant to G.L.c.40, Section 21D and the Town’s non-criminal disposition bylaw. The following penalties apply:

- first violation: a written warning
  - second violation: \$50 fine
  - third and subsequent violations: \$100 fine.
- Each day the violation continues constitutes a separate violation.

### **5. Effective Date**

5.1 This bylaw takes effect on June 1, 2017

5.2 As of the date this bylaw is passed, there is a 6 month implementation period in which stores can use up their existing inventory of plastic bags. Throughout this period, stores can decide how they would like to provide an alternative and adapt to the bylaw.