



# TOWN OF ANDOVER

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## The Basics on...

### **ARTICLE 56: Polystyrene Food and Beverage Ware and Packaging Reduction Bylaw**

#### **1. What is the Polystyrene Food and Beverage Ware and Packaging Reduction Bylaw?**

The bylaw was voted in on May 2<sup>nd</sup>, 2018 and it became effective on January 1<sup>st</sup>, 2019. The bylaw affects all food and drink establishments that serve food or drink in single-use disposable service-ware. This includes but is not limited to cups, plates, bowls, hinged or lidded containers, straws, cup lids, and utensils. Food establishments such as restaurants and fast food stores, grocery and convenience stores, beverage retailers, and other retailers must comply with this ordinance. "Food Establishment" includes any fixed or mobile place whether permanent, transient, temporary, private, public, or non-profit or any other place in which food or drink is prepared for sale or for service to the public routinely.

#### **2. What is the purpose of the bylaw?**

The purpose of the bylaw is to advance solid waste reduction and protect the health of Andover residents. Polystyrene food and beverage containers are expensive to recycle and are not biodegradable. Studies have shown that polystyrene food containers can leach harmful chemicals into food and beverages.

With this change, we encourage businesses to explore ways to reduce waste and save money. The town recommends food establishments consider reusable service-ware for consumption on their premises.

#### **3. What is Polystyrene?**

Polystyrene is a type of plastic that includes expanded polystyrene ("Styrofoam") and rigid polystyrene (all other #6 plastics). Common examples of rigid polystyrene could include cup lids, plastic condiment cups, Solo® cups, and clamshell food containers.

#### **4. How can I tell if the food containers we give to customers are made of polystyrene?**

Polystyrene products are marked with the abbreviation "PS" or a "6" inside the chasing arrows recycling symbol.



**Common Foam Products:** Hot drink cups, plates and bowls, clamshell containers, food trays, meat trays, egg cartons.



**Rigid Polystyrene Products:** Clamshell containers, lidded take-out and other containers, Snap-on cup lids, lids for aluminum containers, plastic utensils, drinking straws, condiment cups and other small containers, plates, and drinking cups. Items may be clear, translucent, or opaque.



## 5. 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.

## 6. What alternative products can be used instead of Polystyrene?

Acceptable alternative products include:

- Reusable products (i.e. dishes, cups, trays, straws and utensils).
- Recyclable products: Products that can be recycled using the Town's recycling collection program
- Biodegradable / compostable products.
- Paper products.
- Polypropylene (PP #5) containers, lids, and cups are all recyclable and therefore acceptable.

**7. What do I need to know about plastic utensils we offer customers?**

The bylaw requires that any plastic you offer be able to be recycled through the town’s recycling program. The Town does not accept plastic utensils in its recycling program, so the following options would be in play: Reusable utensils washed and sanitized in your establishment; compostable ware; biodegradable ware.

**8. How are straws affected by the bylaw?**

Plastics straws are prohibited by the bylaw; acceptable alternatives include metal or glass straws that are cleaned and sanitized between uses, paper, and other biodegradable or compostable versions

**9. Where can I find alternative products?**

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

**10. When does the bylaw become effective?**

The town’s Bylaw Prohibiting Polystyrene in Food Service Ware became effective January 1, 2019. Because outreach has been delayed, we are working in a grace period to help establishments meet compliance as quickly as possible. To prepare for implementation of the bylaw, food service establishments should:

- Not order any more polystyrene product.
- 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.

**11. Are there exceptions to the bylaw?**

Yes. Coolers and ice chests that are intended for reuse are exempt from the provisions of the bylaw.

**12. What happens if I do not comply with the bylaw?**

The Board of Health has the authority to enforce the bylaw by:

- (1) inspection and investigation;
- (2) the issuance of violation notices and administrative orders; and/or
- (3) civil court actions

The following penalties will apply:

- (1) First offense: Warning
- (2) Second offense: \$50
- (3) Third offense: \$100 and appearance in front of Board of Health
- (4) Fourth and subsequent offenses: \$200

### **13. Can I apply for an extension or waiver?**

Any establishment may seek an exemption from the requirements of this chapter by filing a request in writing with the Board of Health. The Board of Health may waive any specific requirement of this chapter for a period of not more than 6 months 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.

### **14. Who sells acceptable alternatives?**

Below is a partial list of vendors that sell non-polystyrene alternative products.

1. Tri Mark United East: Their line of Bio-Plus Earth products (800-556-7338)
2. Amazon.com
3. Biomasspackaging: food trays, deli/takeout containers, cups, lids
4. Hubert: Compostable foam meat trays
5. Pactiv: Corn based compostable meat tray packing
6. Eco-Products: cups, lids, takeout containers
7. US Eco Products: takeout containers
8. Dart: cups, lids, containers
9. Vegware: plant based cups, lids, containers
10. Another option for meat, poultry, and fish packaging is the MINIPAK TORRE line of vacuum sealer machines

**For more information, please contact the Andover Health Division at 978-623-8640.**