



OLD NORTH BRIDGE

TOWN OF CONCORD

TOWN MANAGER'S OFFICE
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CHRISTOPHER WHELAN, TOWN MANAGER

September 2016

Dear Concord Business Owner,

You are likely aware that Concord residents voted at Town Meeting last April to enact a bylaw that prohibits polystyrene (Article 45). The new bylaw, which goes into effect on January 1, 2017, prohibits polystyrene (EPS foam a.k.a. Styrofoam™ and #6 Rigid Plastic) food service ware and packaging in Concord food establishments. The bylaw also pertains to Concord retail establishments that sell polystyrene products. Retail establishments are permitted to sell polystyrene products as long as environmentally friendly alternative products are displayed in the store.

EPS foam (Styrofoam™) products banned by the bylaw include but are not limited to: cups, bowls, plates, lunch trays, clamshells, meat trays, and egg cartons. Rigid #6 Plastic products banned by the bylaw include but are not limited to: clear clamshells, snack containers, beverage cups & lids, utensils, and straws.

Alternative products generally include reusable, recyclable, biodegradable / compostable and paper products. A copy of the bylaw is attached along with a separate sheet of Frequently Asked Questions (FAQS) to help you fully understand the bylaw. Below are some highlights of this new bylaw and some key definitions:

Highlights:

1. FOOD ESTABLISHMENTS are prohibited from providing prepared food to customers in Foam Polystyrene or Rigid Polystyrene (#6 Plastic) food service ware starting January 1, 2017.
2. All FOOD ESTABLISHMENTS using any disposable food service ware will use biodegradable, compostable, reusable or recyclable food service ware as of January 1, 2017. Where possible, food establishments are strongly encouraged to use reusable food service ware.
3. RETAIL ESTABLISHMENTS are prohibited from selling or distributing polystyrene or rigid polystyrene food service ware to customers unless equivalent biodegradable, compostable, reusable or recyclable food service ware products are available for sale and are clearly labeled as such.
4. Foods prepared or packaged outside Concord are exempt from the bylaw. Coolers and ice chests that are intended for reuse are exempt from the bylaw.
5. WAIVER. 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.

Key Definitions:

1. FOOD ESTABLISHMENT: An operation that stores, prepares, packages, serves, vends or otherwise provides 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.
2. RETAIL ESTABLISHMENT: Any commercial business facility that sells 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.

A Polystyrene Education and Outreach Committee will be established in the weeks ahead. In the interim, for questions, you can contact: Rod Robison, Environmental Services Program Administrator at (978) 318-3240 or via e-mail: rrobison@concordma.gov.

The Polystyrene Education and Outreach Committee will be scheduling an informational meeting this fall. The date of the informational meeting will be posted on the Town website when scheduled. Thank you for your attention to this new bylaw and for your assistance.

Sincerely,



Christopher Whelan
Town Manager