

# Town of Sudbury

## Board of Health

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Sudbury Health Department  
275 Old Lancaster Road  
Sudbury, MA 01776  
978-440-5478  
Health@sudbury.ma.us

RE: Acknowledgement and Understanding of the following Sudbury Bylaws:

Bag and Bottle Ban  
Polystyrene (Styrofoam) Ban  
Plastics Ban

Food Vendors/Establishments,

You have been provided with the Sudbury Bylaws prohibiting the sale of water in bottles sized 1 liter or less. The use of thin gaged plastic bags. The use of serving containers or cups made of styrofoam. The use of plastic straws, stirrers, lids, cups and other disposable plastics.

I acknowledge that I have read and understand the conditions of the bylaws and will remain compliant while conducting business within the Town of Sudbury Massachusetts.

\_\_\_\_\_  
Name of Business

\_\_\_\_\_  
Name of Event

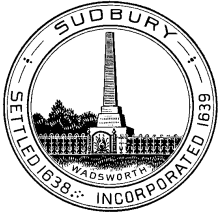
\_\_\_\_\_  
Location of Event

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

Date: \_\_\_\_\_

Submit this signed document with application and other required paperwork.



# Town of Sudbury

## Board of Health

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DPW Office Building  
275 Old Lancaster Road  
Sudbury, MA 01776  
978 440-5479

January 23<sup>rd</sup>, 2018

Dear Sudbury Business Owner,

We are writing to make sure you are aware of the specific provisions of the new bylaw bans on shopping bags and water bottles that will apply to all Sudbury merchants. The bylaws were approved by Sudbury Town Meeting with the goals of reducing litter, encouraging recycling, and reduce plastics in the environment to create a more environmentally sustainable community. For your reference, a frequently asked questions document is included with this letter and the full text of the bylaw is available on our website: <http://Sudbury.ma.us/health/>.

### **BAG BAN**

**Timing:** The bylaw will take effect on June 30<sup>th</sup>, 2018.

**Plastic Bags:** The new bylaw prohibits the distribution of single-use, plastic check out bags that are less than 4 mils thick. The bylaw does not prohibit thin film bags typically without handles such as plastic produce bags, newspaper bags, dry cleaning bags, dog waste bags, garbage bags, or other plastic film product.

**Paper Bags-** The new bylaw requires that all paper shopping bags must be 100% recyclable and made with at least 40% post-consumer recycled material (already an industry standard). Paper bags must be labeled with this information to comply with the bylaw. Please note that paper shopping bags with non-recyclable string or ribbon handles are prohibited.

**Reusable Bags-** This bylaw outlines specifications for bags that may be distributed or sold as "reusable". The purpose of these specifications is to avoid distribution of bags that are not truly reusable. The Board of Health, Sustainable Sudbury and the Sudbury community is committed to long-term public promotion of reusable bags as the best solution for our environment.

### **WATER BOTTLE BAN**

**Timing:** The bylaw will take effect on June 30<sup>th</sup>, 2018.

**Water Bottles:** The bylaw prohibits the sale of non-reusable polyethylene terephthalate (PET) bottles of 1 liter (34 ounces) or less containing noncarbonated, unflavored, drinking water in the Town of Sudbury. Water may be provided for free in any form.

**Exemptions:** In the event of a declaration of an emergency by the Emergency Management Director, water bottles may be sold until seven days after the declaration.

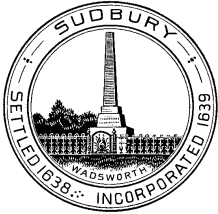
**ENFORCEMENT**- The Sudbury Health Department will enforce the bylaws through written warning notices and fines for continued non-compliance. Health Department Director Bill Murphy may grant an extension for compliance if the laws causes undue hardship or if the business needs more time to draw down existing inventory.

We would be glad to answer any questions about the bylaw requirements and we look forward to working with you to build a more sustainable future for our community.

Sincerely,

Bill Murphy  
Director of Public Health  
Sudbury Health Department

Encl. What you need to know about the new Sudbury Bylaws Banning Plastic Shopping Bags and Water Bottles



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## Board of Health

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DPW Office Building  
275 Old Lancaster Road  
Sudbury, MA 01776  
978 440-5479

### What You Need to Know about the New Sudbury Bylaws Banning Plastic Shopping Bags and Water Bottles

#### **What does the new bylaw say about plastic bags?**

- No thin film plastic check-out bags less than 4 mils thick may be distributed by retailers in Sudbury. Check-out bag means a bag provided to a customer at the point of sale.
- *Still allowed:* produce bags, dry cleaning bags, newspaper bags, garbage bags, dog-waste bags, and other thin film plastic products such as plastic wrap.
- All retail businesses are covered by the bylaw. However, the Board of Health requests that *all* business owners refrain from distributing plastic bags.

#### **What does the new bylaw say about paper bags?**

- Must be 100 percent recyclable, e.g. no non-recyclable string or ribbon handles, no heavily inked surfaces, no glossy coating.
- Must have at least 40 percent post-consumer recycled content.
- Must be labeled to show that the bag is 100 percent recyclable and is made of 40 percent recycled material.

#### **What does the new bylaw say about reusable bags?**

- Must be sewn with stitched handles and designed for multiple uses.
- Constructed to carry 25 pounds over a distance of 300 feet.
- Must be machine washable.
- Must be made of natural fibers or durable, non-toxic plastic (not polyethylene or polyvinyl chloride) that is greater than 4 mils thick.

#### **When does the new bylaw take effect?**

- For all stores, the bylaw will take effect on **June 30<sup>th</sup>, 2018**.

#### **How will the bylaw be enforced?**

The Board of Health will enforce the bylaw. Health Department Director Bill Murphy may grant a six month extension for compliance if the law causes undue hardship to a business, or if a business needs more time to draw down an inventory of bags. Businesses not in compliance will initially receive a written warning notice, followed by a \$50 fine for a second violation after the notice, a \$200 fine for a second violation and for any subsequent violations.

**Why does the town need a new bylaw for shopping bags?**

Plastic bags harm the environment. The bylaw is intended to reduce litter and to ensure that most shopping bags distributed in town can be recycled. The Sudbury Community is committed to long-term public outreach and education to promote reusable bags in Sudbury. Reusable bags are the best solution for our environment. Thirty-seven communities in Massachusetts have now passed laws to regulate plastic bags.

**What does the new by-law say about water bottles?**

The bylaw prohibits the sale of non-reusable polyethylene terephthalate (PET) bottles of 1 liter (34 ounces) or less containing noncarbonated, unflavored, drinking water in the Town of Sudbury. Water may be provided for free in any form.

**Does this apply to cases of 24 bottles or more?**

Yes. Any water bottle 1 liter or less, however packaged, cannot be sold.

**What if there is a public health or other declared emergency?**

In the event of a declaration of an emergency by the Emergency Management Director, water bottles may be sold until seven days after the declaration.

**How will this bylaw be enforced?**

The Board of Health will enforce the bylaw. Health Department Director Bill Murphy may grant a six month extension for compliance if the law causes undue hardship to a business, or if a business needs more time to draw down an inventory of bags. Businesses not in compliance will initially receive a written warning notice, followed by a \$25 fine for a second violation after the notice, a \$50 fine for a second violation and for any subsequent violations.

**Where can I find out more about the Sudbury bag and bottle bylaw?**

Go to our website at: <https://sudbury.ma.us/health/> or

Contact: [health@sudbury.ma.us](mailto:health@sudbury.ma.us); (978) 440-5480

## ARTICLE XXXIV

### PLASTIC BAG BAN

ATM 5/2/2017

#### SECTION 1. FINDINGS AND PURPOSE

Plastic check-out bags have a significant impact on the marine and terrestrial environment, including but not limited to: 1) harming marine and terrestrial animals through ingestion and entanglement; 2) polluting and degrading the terrestrial and marine environments; 3) clogging storm drainage systems; 4) creating a burden for solid waste disposal and recycling facilities; 5) requiring the use of non-renewable fossil-fuel in their composition. Studies have shown that even alternative “compostable” or “biodegradable” bags require very specific and controlled conditions in order to biodegrade, and have potentially negative environmental effects similar to conventional plastic bags. Such bags should therefore be subject to the same restrictions as conventional plastic check-out bags.

The purpose of this Bylaw is to protect the Town’s unique natural beauty and irreplaceable natural resources by reducing the number of single-use plastic checkout bags that are distributed in the Town of Sudbury and to promote the use of reusable bags.

#### SECTION 2. DEFINITIONS

The following words shall, unless the context clearly requires otherwise, have the following meanings:

“Check-out bag” shall mean a bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check out area of the store.

“Health Agent” shall mean the Health Agent for the Sudbury Board of Health or his/her designee.

“Recyclable paper bag” shall mean a paper bag that is 100% recyclable and contains at least 40% post-consumer recycled content, and displays in a visible manner on the outside of the bag (1) the word “recyclable” or a symbol identifying the bag as recyclable and (2) a label identifying the bag as being made from post-consumer recycled content and the percentage of postconsumer recycled content in the bag.

“Reusable Check-out bag” shall mean a sewn bag with stitched handles that is specifically designed for multiple reuse and that (1) can carry 25 pounds over a distance of 300 feet; (2) is machine washable; and, (3) is either (a) made of natural fibers (such as cotton or linen); or (b) made of durable, non-toxic plastic other than polyethylene or polyvinyl chloride that is generally considered a food-grade material that is more than 4 mils thick.

“Retail Establishment” shall mean any business facility that sells goods directly to the consumer whether for or not for profit, including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses.

“Thin-Film, Single-Use Plastic Check-Out Bags” shall mean those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non-woven polypropylene fabric), if said film is less than 4.0 mils in thickness.

### SECTION 3. REGULATED CONDUCT

- a. No Retail Establishment in the Town of Sudbury shall provide Thin-Film, Single-Use Plastic Check-Out Bags to customers after June 30, 2018, for Retail Establishments with a floor area equal to or exceeding 3,500 square feet or with at least two locations under the same name within the Town of Sudbury that total 3,500 square feet or more.
- b. If a Retail Establishment provides or sells Check-Out Bags to customers, the bags must be one of the following:
  1. Recyclable paper bag; or
  2. Reusable Check-Out bag. For reusable bags, public information advising customers to sanitize reusable bags to prevent food-borne illness must be displayed at point of checkout.

### SECTION 4. EXEMPTION

Thin-film plastic bags typically without handles which are used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items, and other similar merchandise are not prohibited under this bylaw.

### SECTION 5. ENFORCEMENT

Health Agents shall have the authority to enforce this bylaw. This bylaw may be enforced through any lawful means in law or in equity, including but not limited to, noncriminal disposition pursuant to G.L. c. 40 § 21D and Article VI of the General Bylaws. Violations of this bylaw are punishable by a fine of up to \$300 per violation.

If non-criminal disposition is elected, then any Retail Establishment that violates any provision of this bylaw shall be subject to the following penalties:

First Offense: written warning

Second Offense: \$50 penalty

Third and subsequent offense: \$200 penalty

### SECTION 6. EXEMPTIONS

The Board of Health may exempt a Retail Establishment from the requirements of this bylaw for a period of up to six months upon a finding by the Director that (1) the requirements of this section would cause undue hardship; or (2) a Retail Establishment requires additional time in order to draw down an existing inventory of thin-film, single-use check-out plastic bags.

### SECTION 7. REGULATIONS

The Board of Health may adopt and amend rules and regulations to effectuate the purposes of this bylaw.

### SECTION 8. SEVERABILITY

If any provision of this bylaw is declared invalid or unenforceable the other provisions shall not be affected thereby."

## ARTICLE XXXV

### THE REGULATION OF SALE AND USE OF BOTTLED WATER

ATM 5/2/2017

#### SECTION 1. FINDINGS AND PURPOSE

Plastic “disposable” water bottles made of polyethylene terephthalate (PET) contribute hazards to human health, societal economies, wildlife, and the environment. Examples of these problems include:

1. Americans discard more than 30 million tons of plastic a year. Only 8 percent of that gets recycled. The rest ends up in landfills, is incinerated, or becomes the invasive species known as 'litter.' The amount of solid waste created by one-use plastic water bottles is staggering.
2. Chemicals leached by plastics are in the blood and tissue of nearly all of us. Exposure to them is linked to cancers, birth defects, impaired immunity, endocrine disruption and other ailments.
3. There are thousands of landfills in the United States. Buried beneath each one of them, plastic leachate full of toxic chemicals is seeping into groundwater and flowing downstream into lakes and rivers.
4. Manufacturers' additives in plastics, like flame retardants, BPAs and PVCs, can leach their own toxicants. These oily poisons repel water and stick to petroleum-based objects like plastic debris.
5. Entanglement, ingestion and habitat disruption all result from plastic ending up in the spaces where animals live. In our oceans alone, plastic debris outweighs zooplankton by a ratio of 36-to-1. Plastic cannot biodegrade; it breaks down into smaller and smaller pieces over time, but is still plastic.
6. In the face of a growing global water crisis, water bottling corporations are turning water into a profit-driven commodity when it needs to be regarded as a human right.

The town of Sudbury has high quality tap water, and provides regular governmental reports on its quality. The recommended eight glasses of water a day, at U.S. tap rates equals about \$.49 per year; that same amount of bottled water is about \$1,400.

The purpose of this Bylaw is to protect the town’s beauty, reduce litter, protect the health of present and future generations, and save the citizens of the Town money that is needlessly spent on packaged water from distant sources in one-use bottles.

#### SECTION 2. REGULATED CONDUCT

It shall be unlawful to sell non-reusable polyethylene terephthalate (PET) bottles of 1 litre (34 ounces) or less containing uncarbonated, unflavored drinking water in the Town of Sudbury on or after the effective date of this bylaw. Water may be provided for free in any form. Proposed effective date of this bylaw: June 30, 2018

In the event of a declaration (by Emergency Management Director, other duly-authorized Town, Commonwealth, or United States official) of an emergency affecting the availability and/or quality of drinking water to Sudbury residents, citizens and officials shall be exempt from this bylaw until seven days after such declaration has ended.

### SECTION 3. ENFORCEMENT

Health Agents shall have the authority to enforce this bylaw. This bylaw may be enforced through any lawful means in law or in equity, including but not limited to, noncriminal disposition pursuant to G.L. c. 40 § 21D and Article VI of the General Bylaws.

Violations of this bylaw are punishable by a fine of up to \$300 per violation.

If non-criminal disposition is elected, then any person that violates any provision of this bylaw shall be subject to the following penalties:

First Offense: written warning

Second Offense: \$25 penalty

Third and subsequent offense: \$50 penalty

### SECTION 4.

If the Town Manager determines that the cost of implementing and enforcing this Bylaw has become unreasonable, then the Town Manager shall so advise the Board of Selectmen and the Board of Selectmen shall conduct a Public Hearing to inform the citizens of such costs. Subsequent to the Public Hearing, the Board of Selectmen may continue this Bylaw in force or may suspend it permanently or for such length of time as the Board may determine.

### SECTION 5.

If any provision of this bylaw shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of this bylaw, which shall remain in full force and effect.