

To see if the Town will vote to amend the General By-laws by adding a new Section 3.12 to read as follows:

SECTION 3.12: PLASTIC BAGS

3.12.1 Definitions.

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

- (a) "Department" means the Town of Needham Public Health Department.
- (b) "Health Agent" shall mean the Director of Health and Human Services or his/her designee.
- (c) "Checkout bag" means a carryout bag provided by a retail establishment to a customer at the point of sale for the purpose of transporting groceries, prepared food, or retail goods. "Checkout bag" shall not include:
 - (i) a paper bag provided by a pharmacy to a customer purchasing a prescription medication;
 - (ii) a bag without handles in which loose produce or products are placed by a consumer to deliver such items to the point of sale or checkout area of a retail establishment;
 - (iii) a bag without handles that is used to protect items from damaging or contaminating other items, (e.g. raw meats, wine bottles);
 - (iv) laundry or dry-cleaner bags;
 - (v) plastic newspaper sleeves;
 - (vi) a bag used solely to contain live animals, such as fish or insects sold in a pet store or bait shop;
 - (vi) a bag used to contain unwrapped food, (e.g. deli meats).
- (d) "Recyclable Paper Bag" means 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 post-consumer recycled content in the bag.
- (e) "Reusable Checkout Bag" means (1) a sewn bag with handles that are stitched and not heat fused that is (2) specifically designed and manufactured for at least 175 uses and that

(3) can carry 25 pounds over a distance of 300 feet; (4) is made of either (a) natural fibers (such as cotton, hemp, linen) or other machine washable fabric; or (b) made of plastic other than high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), polypropylene, etc. that is durable, non-toxic, and generally considered a food grade material.

- (f) "Retail Establishment" shall mean any business facility that sells goods directly to the consumer whether for or not for profit in the Town of Needham including, but not limited to retail stores, restaurants, pharmacies, food or ice cream truck, convenience, grocery stores, supermarket, liquor stores, seasonal and temporary businesses.
- (g) "Single-Use Plastic Checkout 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) that is not a Reusable Checkout Bag.

3.12.2 Regulated Conduct.

- (a) No Retail Establishment in the Town of Needham shall provide or sell a Single-Use Plastic Checkout Bag to a customer.
- (b) If any Retail Establishment provides or sells a Checkout Bag to customers, the bags must be one of the following:
 - 1. Recyclable Paper Bag; or
 - 2. Reusable Checkout Bag.
- (c) Each Retail Establishment as defined herein shall comply with this section.

3.12.3 Effective Date.

This by-law shall take effect on January 1, 2024 for Retail Establishments with retail space of 3,500 square feet or larger, or with at least two locations under the same name within the Town of Needham with retail space that totals 3,500 square feet or larger. This by-law shall take effect on July 1, 2024 for all Retail Establishments less than 3,500 square feet.

3.12.4 Penalties and Enforcement.

- (a) Needham Public Health Department and its Health Agent shall have the authority to administer and enforce this by-law.
- (b) Fines. Any Retail Establishment which violates any provision of this section will be liable for a fine as follows: First offense, warning; second offense, \$100.00; third offense, \$200.00;

fourth and subsequent offenses, \$300.00. Each day a violation occurs shall constitute a separate offense. Multiple violations on the same day shall constitute a single offense.

3.12.5 Regulations.

The Needham Public Health Department may adopt and amend rules and regulations to effectuate the purposes of this by-law.

3.12.6 Severability.

Each separate provision of this section shall be deemed independent of all other provisions herein, and if any provision of this section be declared to be invalid by the Attorney General or a court of competent jurisdiction, the remaining provisions of this section shall remain valid and enforceable.

Or take any other action relative thereto.

Article Information: Every year, the United States produces between 40 - 50 million tons of plastic waste. Much of this waste comes from single-use plastic items. Single-use plastic items are used once, for a short period of time and disposed of quickly; but they leave a legacy of pollution for generations to come.

Most single-use plastic shopping bags are not recyclable. Instead, they will either be buried in a landfill, burned in an incinerator, or scattered throughout the environment. Plastic checkout bags have a significant impact on the marine and terrestrial environment, including but not limited to: 1) harming animals through ingestion and entanglement; 2) polluting and degrading parks and ecosystems ; 3) clogging storm drainage infrastructure; 4) creating a burden for solid waste disposal and recycling facilities; 5) requiring the use of non-renewable fossil-fuel in their composition 5) breaking down into microplastics which pollute drinking water and have negative effects on human health.

Many single-use items are unnecessary because we have reusable alternatives. The best way to solve the plastic pollution crisis is to reduce the amount of plastic we produce. One way we can do that is by phasing out needless single-use plastic items like bags. By banning these items, we can lower demand for plastic, limit plastic pollution, and help create a culture of reuse.

The purpose of this Bylaw is to protect the Town's unique natural beauty and reduce the Town's plastic waste. The Bylaw will end the use of single-use plastic checkout bags that are being distributed, used, discarded and littered, and promote the use of reusable checkout bags in the Town of Needham.

To supplement the Bylaw, it is recommended that the Select Board pursue a Home Rule Petition to impose a paper bag consumption fee. Unlike cities, towns are not permitted to institute retailer-based fees in the Commonwealth. With approval from the state legislature, the Town would direct Retail Establishments to charge customers for the use of a paper shopping bag.