

## **Plastic Bag Reduction and Encourage Reusable Bags By-law**

### **Section 1. Purpose and Intent:**

Single-use plastic checkout bags have significant detrimental impacts on the environment and to public health including but not limited to: causing the death of marine animals and birds through ingestion and entanglement, contributing to pollution of the land environment and waterways, creating physical and financial burdens to solid waste collection and recycling facilities, clogging storm drainage and sewer systems, necessitating the expenditure of millions of barrels of crude oil nationally for their manufacture, and increasingly risking the public health from non-biodegradable microplastics, which wildlife ingest and enter the food chain that humans consume.

The goal of this by-law is to reduce the common use of plastic checkout bags and to promote the use of reusable bags by consumers, thereby reducing local land and marine pollution, reducing waste, protecting the town's unique natural beauty and irreplaceable natural resources, and improving the quality of life for the citizens of Hingham.

### **Section 2. Definitions:**

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

“ASTM D6400” means the American Society for Testing and Materials (ASTM) International Standard Specification for Compostable Plastics.

“Checkout Bag” means a bag with or without 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 bags without handles used to cover clothing such as a dry cleaning bag are not included in this definition.

“Compostable Plastic Bag” means a plastic bag that conforms to the current ASTM D6400 standard specifications.

“Paper Bag” means a paper bag that can be readily recycled.

“Product Bag” means (1) a bag in which loose produce, bulk items, unwrapped baked goods or prepared food, or other products are placed by the consumer to deliver such items to the point of sale or check out area of the Store, or (2) a bag that contains or wraps 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 Bag or Reusable Bag. Plastic bags without handles used to cover clothing such as a dry cleaning bag are not included in this definition.

“Recycled 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.

“Reusable Bag” means a bag that is either (1) made of cloth or other machine washable fabric, or (2) made of plastic other than polyethylene or polyvinyl chloride that is durable, non-toxic, and generally considered a food grade material, and is more than 4 mils in thickness.

“Single-use Plastic Checkout Bag” means a plastic Checkout Bag that is less than 4 mils thick or a Compostable Plastic Bag.

“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.

### **Section 3. Use Regulations:**

No Store in Hingham shall provide to any customer a Single Use Plastic Checkout Bag after November 1, 2019, except that existing stock may be provided to customers for a period of six months after that date.

If a Store provides Checkout Bags to customers, it may only provide Reusable Bags, Paper Bags or Recycled Paper Bags.

If a Store provides Product Bags to customers, it may only provide Reusable Bags, Paper Bags, Recycled Paper Bags, or Compostable Plastic Bags.

### **Section 4. Administration and Enforcement:**

The administration and enforcement of this by-law is the responsibility of the Hingham Board of Health.

A person, individually or by his servant or agent, who violates any provision of this by-law may be penalized by a non-criminal disposition pursuant to M.G.L. Chapter 40, Section 21D and the Town of Hingham non-criminal disposition by-law.

The following penalties shall apply:

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| (1) | First violation:  | written warning |
| (2) | Second violation: | \$100 fine      |
| (3) | Third violation:  | \$200 fine      |

(4) Fourth and subsequent violations:                    \$300 fine

Each day a violation continues constitutes a separate violation. A violator shall not be penalized for more than one violation per day.

(D) The Board of Health may extend the time for compliance with this by-law for good cause shown for a period of time not to exceed one year from the effective date of the by-law. Any such extension shall be in accordance with regulations to be adopted by the Board of Health governing the criteria upon which such an extension may be granted.

**Section 5. Right to a Hearing:**

Any person or persons aggrieved by an order that has been served pursuant to this by-law may request a hearing before the Hingham Board of Health by filing a written petition to the Hingham Executive Health Officer within seven (7) days of receipt of said order.

**Section 6. Effective Date:**

This by-law shall take effect on November 1, 2019.