



BOARD OF HEALTH

# TOWN OF WESTBOROUGH MASSACHUSETTS

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## **Polystyrene Reduction Regulation**

### **1. STATEMENT OF PURPOSE**

Polystyrene is not biodegradable, it is a permanent litter. The micro-plastics of broken Polystyrene contaminate water bodies and pose significant hazards to the ecosystem. The goal of the Polystyrene Reduction Regulation is to reduce Polystyrene use and protect the environment and public health.

### **2. AUTHORITY**

This regulation is promulgated pursuant to the authority granted to the Westborough Board of Health by Massachusetts General Laws Chapter 111, Section 31.

### **3. DEFINITIONS**

For the purpose of this regulation, the following words shall have the following meanings:

**Director:** The Director of Public Health.

**Disposable Food Service Container:** Any single-use disposable products for serving or transporting prepared, ready-to-consume food or beverages, including without limitation, take-out foods and/or leftovers from partially consumed meals prepared by a food establishment. This includes but is not limited to, plates, cups, bowls, trays, hinged or lidded containers, or cup lids. It does not include single-use disposable packaging for unprepared foods.

**Food establishment:** Any operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, as further defined in 105 CMR 590.000. Any establishment requiring a permit to operate in accordance with the State Food Code or the Westborough Board of Health shall be considered a food establishment.

**Expanded polystyrene:** Blown polystyrene (polystyrene that has been expanded or “blown” using a gaseous blowing agent into a solid foam) and expanded and extruded forms, which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion blow molding (extruded foam polystyrene).

**Prepared Food:** Any food or beverage prepared on the food establishment's premises, using any cooking or food preparation technique. Prepared food does not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation. Prepared food may be eaten on or off the food establishment's premises.

#### **4. EXPANDED POLYSTYRENE PROHIBITION**

Food establishments in the Town of Westborough are prohibited from dispensing prepared foods in disposable food service containers made from expanded polystyrene.

#### **5. VIOLATIONS**

1. It shall be the responsibility of the food establishment to ensure compliance with all sections of this regulation. The violator shall receive:
  - a) In the case of a first violation, the Director shall issue a written warning notice to the Food Establishment.
  - b) In the case of a violation after a warning notice, the Director shall issue a notice of violation and impose the following fines:
    - i. \$50 for the SECOND offense;
    - ii. \$100 for the THIRD and all subsequent offenses.
2. No More than one (1) penalty shall be levied upon a Food Establishment within a seven (7) day period.
3. A Food Establishment shall have twenty one (21) days after the date of a violation notice to pay any fine.

#### **6. NON-CRIMINAL DISPOSITION**

Whoever violates any provision of this regulation may be penalized by the non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D.

#### **7. ENFORCEMENT**

Enforcement of this regulation shall be by the Westborough Board of Health or its designated agent(s). Any resident who desires to register a complaint pursuant to the regulation may do so by contacting the Westborough Board of Health or its designated agent(s) and the Board shall investigate.

#### **8. SEVERABILITY**

If any provision of this regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

## 9. WAIVER REQUEST

In the event that compliance with the effective date of this regulation is not feasible for a Food Establishment because of either unavailability of alternative food service containers or economic hardship, the Westborough Board of Health may grant a waiver of not more than six months. The waiver may be extended for one (1) additional six month period.

## 10. EFFECTIVE DATE

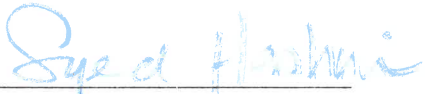
This regulation shall be effective as of July 1, 2020.



Nathan Walsh, Ph.D.  
Chairman



Alan Ehrlich, M.D.  
Member



Syed Hashmi, M.D.  
Member