



**TOWN OF BROOKLINE  
DEPARTMENT OF PUBLIC HEALTH**

**11 Pierce Street, Brookline, Massachusetts, 02445**  
**Telephone: (617) 730-2300 Facsimile: (617) 730-2296**  
**Website: [www.brooklinema.gov](http://www.brooklinema.gov)**

**Dr. Swannie Jett, DrPH, MSc**  
**Director of Public Health**  
**& Human Services**

**Article 8.32: Sustainable Food Containers and Packaging**

In May 2018, Town Meeting voted to prohibit the use of disposable Polystyrene (Plastic #6) and Polyvinyl Chloride (Plastic #3) food service ware. The town also prohibited Polyethylene Terephthalate (Plastic #1) for food containers, cups and lids.

The following information outlines section 8.32.2 paragraphs (a), (b), and (e), which will be enforced beginning on January 1, 2020.

**Section 8.32.2 states:**

- Food establishments are prohibited from providing prepared food to customers using polystyrene (#6) or polyvinyl chloride (#3) food service wares.
- Food establishments using any disposable food service ware shall use biodegradable, compostable, reusable or recyclable food service ware. All food establishments are strongly encouraged to use reusable food service ware in place of disposable food service ware for all food served on premises.
- Food establishments are prohibited from providing prepared food to customers using any food service ware made of polyethylene terephthalate (#1).
- Caterers (defined as a food establishment that derives at least **50%** of its revenues from catering orders) shall be exempt from these provisions.

**What is impacted by this?**

- Utensils, straws, portion cups
- Beverage containers, bowls, plates, trays, cartons, cups, lids
- Polystyrene rigid clear plastic containers (commonly used to package sushi).

**Examples:**



**Food wares made from Polyethylene Terephthalate (plastic #1), Polyvinyl Chloride (plastic #3), and Polystyrene (plastic #6) are banned for use under these provisions.**



## **What are acceptable alternatives?**

- Paper/Cardboard products
- Biodegradable and compostable containers
- #5 plastics (polypropylene – PP)\*
- #7 plastics (other/mixed plastics)\*

**\*Small plastic items (straws, utensils, pizza savers, unattached lids, and portion cups), colored plastics, and ridged plastics are not recyclable.**

## **Where can acceptable alternative be purchased?**

- |                       |                       |
|-----------------------|-----------------------|
| ● Be Green Packaging  | ● Hubert              |
| ● BioMass Packaging   | ● Pactiv              |
| ● Bunzl               | ● TriMark United East |
| ● Dart                | ● Vegware             |
| ● Eco Products        | ● WB Mason            |
| ● Fabri-Kal Greenware |                       |

## **What happens if you do not comply?**

1. A warning notice will be issued for the initial violation.
2. Any violation that occurs within one year of the initial violation will result in a penalty.
  - a. \$50 for the first offense
  - b. \$100 for the second and all subsequent offenses
3. No more than one (1) penalty shall be imposed upon a Retail Establishment within a seven (7) calendar day period.

## **Waiver Allowance**

In the event that compliance is not feasible for an establishment due to unavailability of reasonable alternatives and compliance would cause significant economic hardship, an establishment may apply for a waiver through the Director of Public Health or designee. If the establishment is approved they will be waived for no more than one (1) year.

If the establishment is still unable to comply after the initial waiver period, the establishment may re-apply to extend the waiver prior to the expiration of the current waiver. The Health Department Director's decision to grant or deny an exemption or extension shall be in writing and shall be final.

*If you have any questions about the update to this by-law, please feel free to call Matthew Charette with the Health Department at 617-730-2642 or by email at MCharette@BrooklineMa.gov.*