



Town of Brookline DEPARTMENT OF PUBLIC HEALTH

11 Pierce Street, Brookline, Massachusetts, 02445
Telephone: (617) 730-2300 Facsimile: (617) 730-2296
E-mail: www.brooklinema.gov

Patrick J. Maloney, MPAH
Acting Director of Public Health
Chief of Environmental Health

April 2017

FACT SHEET: Amendment to Article 8.33: Sustainable Bags

What is the amendment?

In November 2016, Town Meeting voted to amend Article 8.33. Currently, Article 8.33 prohibits the use of plastic checkout bags that do not conform to the current ASTM* D7081 for marine biodegradability and ASTM D6400 for compostability. A checkout bag is defined as a carryout bag provided by a store to a customer at the point of sale.

In the amendment, the definition of “reusable check-out bag” has been expanded and clarified into four different categories:

- 1) **Compostable plastic bag** – a plastic bag that conforms to the current ASTM D6400 for compostability; is certified and labeled as meeting the ASTM D6400 standard specification by a recognized verification entity and conforms to any other standards deemed acceptable by this section
- 2) **Product bag** - bags 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
- 3) **Reusable bag** – a bag that is either made of cloth or other machine washable fabric or made of plastic other than polyethylene or polyvinyl chloride that is durable, non-toxic, and generally considered a food-grade material that is more than 4 mm thick
- 4) **Reusable check-out bag** – a sewn reusable bag with stitched handles that can carry 25 pounds over a distance of 300 feet

Examples:



*ASTM (American Society for Testing and Materials) is an international organization that tests materials to ensure that products are reliable, sustainable, and protective of both the environment and human health. The organization develops and delivers consensus standards for a variety of materials, products, and systems and services. For more information, please visit <http://www.astm.org/ABOUT/index.html>.

When does the update take effect?

July 1, 2017

Who is affected by the update to the law?

1. Retail establishments that have a retail space of 2,500 square feet or larger (excluding storage space) or have at least three (3) locations under the same name within the Town of Brookline that total 2,500 square feet or more
2. Retail pharmacies with at least two (2) locations under the same ownership within the Town of Brookline.
3. Full-line, self-service supermarkets that had annual gross sales in excess of \$1,000,000 during the previous tax year which sell a line of dry groceries, canned goods, or nonfood items and some perishable items.
4. Retail establishments that provide plastic checkout bags to customers shall comply with the requirements of being either a **recyclable paper bag**, a **reusable check-out bag**, or a **plastic bag that is compostable** as well as marine degradable.
 - It is important to note that retail establishments with **more than 6,000 square feet** of retail space are required to provide **product bags** to customers, the bags shall comply with the requirements of being either a **recyclable paper bag**, **reusable bag**, or a **compostable plastic bag** (as defined on page 1).

What happens if you do not comply?

1. A warning notice will be issued
2. If not corrective action has been taken within fifteen (15) calendar days after the date of notice of violation is issued, the retail establishment will be responsible to pay a penalty of:
 - 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 by July 2017 is not feasible for an establishment due to unavailability of alternative checkout bags or economic hardship, an establishment may apply for a waiver through the Director of Public Health and Human Services. If approved, this waiver will allow the establishment an extra six (6) months to comply with the by-law.

If the establishment is still unable to comply after the initial six (6) month period, the establishment may apply to extend the water for one (1) additional six (6) month period.

If you have any questions about the update to this by-law, please feel free to call the Health Department at 617-730-2306 or the Department of Planning and Community Development at 617-730-2050.