

## Summary Statement

Polystyrene (aka Styrofoam), commonly used in food packaging such as takeout containers, is a non-biodegradable substance that cannot be recycled. In recognition of the damaging effects of polystyrene packaging on public health and the environment, the Plymouth Board of Health has approved a regulation prohibiting the use of foam polystyrene food and packaging containers by food service establishments. As of January 1, 2026, restaurants will no longer be allowed to use Styrofoam clamshell packaging for takeout orders or Styrofoam plates and cups for food service.

Styrene, the key ingredient in polystyrene, was added to the National Toxicology Program's list of carcinogens (U.S. Department of Health and Human Services). Styrene can leach from food containers into the food and beverages we consume.

As a coastal community and America's Hometown, this regulation is also a positive step towards fighting climate change and protecting our marine life. Polystyrene has become a major component of plastic debris in the ocean. Marine animals often mistake it for food, transferring these toxic chemicals to the food chain.

Many local businesses are already using alternatives to polystyrene as these products have become more readily available and affordable. While food establishments are encouraged to use reusable foodservice ware, those using disposable foodservice are strongly encouraged to use biodegradable, compostable, or recyclable foodservice ware.

The Food Packaging Regulation will be enforced by the Department of Public Health.

# **Proposed Regulation Banning the Use Polystyrene Food and Beverage Containers**

## **Purpose; findings; scope.**

Whereas, the Town of Plymouth has a duty to protect the health of its citizens and the natural environment;

Whereas, Styrofoam is the brand name for polystyrene (Dow Chemical Co.), a synthetic plastic that biodegrades so slowly (hundreds of years) that it is considered to be non-biodegradable;

Whereas, styrene, the key ingredient in expanded polystyrene, was recently added to the National Toxicology Program's list of carcinogens (U.S. Department of Health and Human Services). Styrene can leach from polystyrene containers into food and beverages. It has become a major component of plastic debris in the ocean and animals often mistake it for food. It is also hazardous to marine life, transferring toxic chemicals to the food chain;

Whereas, expanded polystyrene containers are not part of the town's regular recycling program;

Whereas, appropriate alternative products are readily available from vendors and are already being used by many of our businesses; and

Whereas the elimination of trash on the ocean floor and floating in the water is our collective responsibility as stewards of Plymouth's coastline and ocean waters;

Whereas, disposable (single use) plastic food and beverage takeout containers have been shown to be a source of microplastic and nanoplastic particles which can enter our bodies and negatively impact health. Growing rates of inflammation, cancer, heart disease and other chronic diseases may result.

Now therefore, the Board of Health finds that the prohibition on the use of foam polystyrene food and packaging containers by food service establishments is a public purpose that protects the public health, welfare and environment, advances solid waste reduction, protects waterways and aids the town in its fight against climate change.

## **Definitions.**

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

**Biodegradable** - Entirely made of organic materials such as wood, paper, bagasse or cellulose; or bioplastics that meet the American Society for Testing and Materials (ASTM) D7081 standard for Biodegradable Plastics in the Marine Environment or any other standard that may be developed specifically for an aquatic environment and are clearly labeled with the applicable standard.

**Compostable** — Bioplastic materials certified to meet the American Society for Testing and Materials International Standards D6400 or D6868, as those standards may be amended. ASTM D6400 is the specification for plastics designed for compostability in municipal or industrial aerobic composting facilities. D6868 is the specification for aerobic compostability of plastics used as coatings on a compostable substrate. Compostable materials shall also include products that conform to ASTM or other third-party standards (such as Vincotte) for home composting. Any compostable product must be clearly labeled with the applicable standard on the product.

**Disposable food container** — All food and beverage containers, bowls, plates, trays, cartons, cups, designed for one-time or nondurable uses on or in which any food vendor directly places or packages prepared foods on the food provider's premises or which are used to consume foods. This includes, but is not limited to, food service ware for takeout foods and leftover food from partially consumed meals prepared at food establishments, including hospitals, food trucks, grocery stores, institutional food service, temporary food vendors.

**Foam polystyrene** — A nonbiodegradable petrochemical thermoplastic made from aerated forms of polystyrene and includes several methods of manufacture. Expanded polystyrene (EPS) or extruded polystyrene (XPS) are forms of polystyrene. "Styrofoam" is a Dow Chemical Co. trademarked form of extruded polystyrene and is commonly used to refer to foam polystyrene. These are generally used to make insulated cups, bowls, trays, clamshell containers, meat trays, foam packing materials and egg cartons. The products are sometimes recognized by a No. 6 resin code on the bottom.

**Food establishment** — A business or governmental establishment that stores, prepares, packages, serves, vends, or otherwise provides food for consumption, including, but not limited to, any establishment requiring a permit to operate in accordance with the state food code.

**Prepared food** — Any food or beverage packaged or prepared for consumption on the food provider's premises, using any cooking or food preparation technique or provided for further food preparation.

**Recyclable** — Refers to material that can be sorted, cleansed, and reconstituted using Plymouth's curbside municipal collection programs for the purpose of using the altered form in the manufacture of a new product. "Recycling" does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

**Reusable** — Refers to products that will be used more than once in its same form by a food establishment. Reusable food service ware includes tableware, flatware, food or beverage containers, packages or trays, such as, but not limited to, soft drink bottles and milk containers that are designed to be returned to the distributor.

## **Exemptions.**

- (a) Foods prepared or packaged outside the town are exempt from the provisions of this regulation.
- (b) Food establishments and retail establishments will be exempted from the provisions of this regulation for specific items or types of disposable food service ware if the Board of Health finds that a suitable biodegradable, compostable, reusable, or recyclable alternative does not exist for a specific application and/or that imposing the requirements of this regulation on that item or type of disposable food service ware would cause undue hardship to the establishment.
- (c) Any establishment may seek an exemption from the requirements of this regulation by filing a request in writing with the Board of Health. The Board of Health may waive any specific requirement of this regulation for a period of not more than one year if the establishment seeking the exemption has demonstrated that strict application of the specific requirement would cause undue hardship. For purposes of this regulation, an "undue hardship" is a situation unique to the food establishment where there are no reasonable alternatives to the use of disposable food service ware and compliance with this provision would cause significant economic hardship to that food establishment. An establishment granted an exemption must re-apply prior to the end of the one-year exemption period and demonstrate continued undue hardship if the establishment wishes to have the exemption extended. The Board of Health's decision to grant or deny an exemption or to grant or deny an extension of a previously issued exemption shall be in writing and shall be final.

## **Prohibited use and distribution of food ware and packaging.**

- (a) Food establishments are prohibited from dispensing food or beverages to any person in take-out disposable food containers made from foam polystyrene (Styrofoam). Food establishments using any alternate disposable food service ware are strongly encouraged to only use biodegradable, compostable, or recyclable food service ware.
- (b) All food establishments are strongly encouraged to utilize reusable food service ware in place of disposable food service ware for all food served on the premises
- (c) Plastic straws and utensils should be provided only upon customer request.

## **Enforcement; violations and penalties.**

- (a) Each food establishment as defined above, operating within the Town of Plymouth shall comply with this regulation.
- (b) Any food establishment which violates any provision of this regulation as established by the Board of Health shall be liable for a fine as follows: First offense, warning; second offense and subsequent offenses, \$100.00. Each day a violation continues shall constitute a separate offense.
- (c) A food establishment shall have fifteen calendar days after the date of a notice of violation to pay the penalty. Failure to do so shall result in an additional fine of \$100.00 for each additional day until the fine is paid.
- (d) Compliance with this regulation shall be determined by the health agent or the designated food safety inspector. Violations may also be penalized by noncriminal disposition as provided in M.G.L.A, c.40.

## **Severability.**

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

## **Effective date.**

Following approval by a majority vote of the Plymouth Board of Health, this regulation shall take effect on January 1, 2026.

Approve	Deny	Name	Signature	
		Barry Potvin - Chair		
		Teri Reid – Vice Chair	 <small>Teri Reid (Jun 17, 2025 15:39 EDT)</small>	
		Amy Donovan-Palmer	 <small>Amy Donovan-Palmer (Jun 18, 2025 14:34 EDT)</small>	
		Meg Payne		
		Lorenzo Pizarro	 <small>Lorenzo Pizarro (Jun 18, 2025 08:36 EDT)</small>	
		Deb Zona		

# Polystyrene Ban Regulation Draft

Final Audit Report

2025-06-18

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