



**Committee on Community Resources  
and the Northampton City Council**

*Committee Members:*

*Chair: Councilor James B. Nash*

*Vice-Chair: Councilor Alex Jarrett*

*Councilor John Thorpe*

*Councilor Karen Foster*

**Meeting Agenda**

**Date: November 16, 2020**

**Time: 5 p.m.**

**Virtual Meeting**

The October 26, 2020 Community Resources Committee meeting will be held via remote participation. The public can follow the committee's deliberations by joining the virtual meeting by phone or computer. The meeting will be recorded for later broadcast on Northampton Open Media (Channel 15) and uploaded to the Northampton Government Video Archive on YouTube.

Live public comment will be available using telephone call-in or video conferencing technology beginning at 5 p.m.

**INSTRUCTIONS FOR CALLING IN OR JOINING THE MEETING**

Join Virtual Meeting: <https://bit.ly/3leTHai>

MEETING ID: 922 6731 5126

PARTICIPANT #: #

PASSCODE: 776273

"Jurisdiction. Matters affecting the community including economic development, local business, tourism, the environment, the arts, planning, zoning, sustainability, land use, housing and affordability, among others"

**1. Meeting Called to Order and Roll Call**

**2. Announcement re: Audio/Video Recording**

Announcement that meeting is being conducted via remote participation and audio/video recorded.

**3. Minutes of November 16, 2020**

Documents:

#### **4. Updates and Announcements from Committee Members**

#### **5. Presentation and Community Forum on 20.114 Plastic Reduction & Sustainability Ordinance, referred by City Council - 9/3/2020**

Brief presentations from:

- Clint Richmond, Brookline Town Meeting member and author of Brookline's plastic reduction ordinance
- Amy Donovan, Program Director, Franklin County Solid Waste Management District
- Donna LaScaleia, DPW Director - Overview of Northampton's Solid Waste Collection/Disposal System

Documents:

[20.114 Plastic Reducton And Sustainability Ordinance.pdf](#)

#### **A. Question and Answer/Public Comment**

#### **6. Deliberation/Recommendation on 20.114 Plastic Reduction & Sustainability Ordinance**

#### **7. New Business**

#### **8. Adjourn**

Contact: Jim Nash@

[jimnashcitycouncil@gmail.com](mailto:jimnashcitycouncil@gmail.com)

Phone: 413-582-0637



## **Committee on Community Resources and the Northampton City Council**

### Committee Members:

*Chair: Councilor James Nash*

*Vice-Chair: Councilor Alex Jarrett*

*Councilor Karen Foster*

*Councilor John Thorpe*

### **Meeting Minutes**

**Date: November 16, 2020**

**Time: 5 p.m.**

**Virtual Meeting Via Zoom**

1. **Meeting Called to Order and Roll Call.** At 5 p.m. Councilor Nash called the meeting to order. Present were Councilors James Nash, Chair; Karen Foster and John Thorpe. Vice-Chair Alex Jarrett was absent and recused. Also present were Council President Gina-Louise Sciarra, Councilor Marianne LaBarge and Councilor Rachel Maiore, Northampton Youth Commission Chair Noah Kassis, Department of Public Works (DPW) Director Donna LaScaleia, Massachusetts Sierra Club member Clint Richmond and Franklin County Solid Waste Management District Program Director Amy Donovan.

2. **Announcement of Audio/Video Recording**

Councilor Nash announced that the meeting was being audio and video recorded.

Councilor Nash reviewed the jurisdiction of the committee as per its charge and opened the floor to general public comment. He mentioned that if anyone present wanted to speak to the plastic reduction ordinance, this will be later on the agenda.

3. **Public Comment**

There being no general public comment, he moved to the next item on the agenda.

4. **Updates and Announcements from Committee Members**

Councilor LaBarge said the Disability Commission had a very good conversation about the plastic reduction ordinance. ADA Coordinator Keith Benoit is drafting a letter with recommendations for exemptions for delivery to the Legislative Matters Committee by December 10, 2020.

5. **Presentation and Community Forum on 20.114 Plastic Reduction & Sustainability Ordinance, referred by City Council - 9/3/2020**

Councilor Nash introduced the speakers for the panel discussion as Brookline Town Meeting member Clint Richmond, Amy Donovan from the Franklin County Solid Waste Management District and Northampton DPW Director Donna LaScaleia. He framed the discussion by posing three different questions speakers hope to answer:

- ❖ What might it look like to implement a ban on plastic food service ware?
- ❖ What resources in their region are out there to help businesses and the public comply? What's available to them so they don't actually have to throw everything into the landfill?
- ❖ What services are here in Northampton to help residents deal with the waste stream and how does recycling happen at the transfer station.

### CLINT RICHMOND

In addition to being a Brookline resident and elected Town Meeting member, Clint Richmond introduced himself as a member of the Solid Waste Advisory Committee and Executive Committee of the Massachusetts Chapter of the Sierra Club (MASC), where he is the policy lead on toxics and solid waste. He has been working with the Sierra Club since 2012.

In 2012, Brookline passed the first plastic bag ban in Massachusetts, he related. There were some earlier efforts in Nantucket which had a broad plastic ban back in the 1980's, but Brookline's bylaw was the first specific bag ban. The town has since revised it, he noted. What happens with a lot of these laws is that they evolve when town officials learn what some of the substitutes are. He knows this is the case in Northampton.

The Sierra Club has been involved in this issue throughout the state. Massachusetts is a leader in addressing plastic waste. 141 communities in the state have banned plastic bags and are promoting sustainable alternatives.

There are a variety of regulations. It is unfortunate that they don't have any state-level regulation yet although advocates have been hoping for it, he reported. In the meantime, over 60% of the state is covered by some sort of bag regulation. In addition to bag bans - the 'starter' law for a lot of communities - many of these communities have regulated other sorts of packaging, not just primary packaging but secondary packaging. They've extended to other materials as people's awareness grows.

Sierra Club members commend what's been done in those communities that have addressed multiple materials and products both at the retail level and in food service establishments.

There has been a curve of increasing recognition of this problem and regulations to address it, Mr. Richmond continued. With 2020 and COVID the momentum has stopped but they are seeing communities trying to address it on a more comprehensive basis. That's been echoed at the state level in other jurisdictions. The state of New Jersey just passed an omnibus kind of legislation dealing with bags and polystyrene. The approach being pursued in Northampton has a great deal of precedent. In Brookline, they have had a similar regulation in place for some years.

He spoke a little about implementation at the local level. In Brookline, they were originally going to restrict all plastics (1-6) but were ultimately able to implement a regulation with regard to plastics 1 (polyethylene terephthalate), 3 (polyvinyl chloride or PVC) and 6 (polystyrene). They had a stand-alone polystyrene law but that's now been replaced with a more comprehensive regulation essentially the same as what is proposed in Northampton. The market has changed quite a bit. There's been a lot of maturity in the marketplace as far as alternatives. Suppliers are going back to more natural materials such as glass, wood and metal which are more compatible with the environment, more sustainable and less toxic. Toxicity is an issue they don't want to minimize because these issues are intertwined. Plastic in general is never a pure

product except at the point of manufacture. Plastics are mixed with other chemicals. It is very hard to separate toxins from plastics.

Brookline's bylaw has been enforced through its health department. The enforcement model is different in different towns. Town employees prepared educational materials to hand out to businesses with examples of acceptable products and had a product fair day where people could come in and look at the alternatives. Like Northampton, they do have an option for exemptions and, in most cases, those have been relatively liberally granted. It's important to emphasize they're not trying to punish businesses; it is a partnership. [Having a local bylaw] reinforces the image of sustainability within the community, which is important in Brookline as in Northampton. The transition has been pretty easy. There's been a little bump in the road with COVID. There's been a pause on bag regulation and their own department had a pausing of some of the food ware regulations, but these are back in force now.

### **FRANKLIN COUNTY SOLID WASTE MANAGEMENT DISTRICT**

Amy Donovan of the Franklin County Solid Waste Management District shared some success stories from her district. There are material bans in place up in Franklin County, which extends from Rowe/Orange to Northfield/Whatley. In Greenfield, in 2016 a stand-alone Styrofoam ban was adopted and plastic bags were banned in 2020. In Buckland - half of the village of Shelburne Falls - the town banned all single-use plastic including straws, plates and cutlery in 2019.

Ms. Donovan proceeded to give an overview of waste streams in the region. Franklin County has been a leader in composting and waste diversion for about 30 years since the start of the solid waste district in 1989. Martin's Farm is the largest composting facility in the state and has been leading the way and showing how it can be done. The farm accepts 22 tons of food waste a day from all over the region, including the University of Massachusetts.

She cited restaurant composting as another example of success. The Shelburne Falls Compost Collaborative started in 2010, originally as a project of the business association, waste district and restaurants. Some of the restaurants have been active since 2010. Material is consolidated in a centrally-located dumpster and is emptied once a week in summer and every other week in winter and taken to Martin's Farm. In downtown Greenfield, many restaurants have been composting for years, most recently People's Pint. Most recently, the number of retailers composting has almost doubled because of a new hauler called Compost Cooperative which is similar to Pedal People.

In downtown Greenfield, many restaurants are now composting because the Compost Cooperative has a really cool mission and restaurants were compelled by that mission. In 2020, a group drawn from Montague in Turners Falls and the Greater Quabbin Food Alliance worked with restaurants to educate people about composting and why it is important to divert trash from landfills. The pandemic unfortunately interrupted that, but all of those restaurants have greatly reduced their volumes of trash and associated cost.

Many years ago, Northampton had a restaurant cooperative that shared a compost/recycling dumpster behind Thornes Marketplace. She said she doesn't know too much about. Some of those programs have probably fallen by the wayside because of the loss of Alternative Recycling, purchased by USA Waste. USA Waste would probably offer composting if the demand were high enough, she conjectured.

In Franklin County, they have 10 municipal compost programs at transfer stations similar to programs at the Locust Street transfer station in Northampton and transfer station in Amherst.

There are private subscription haulers that will pick up compost at people's houses.

All grocery stores in Franklin County are composting, together with the public schools and six private schools. 45 public events are held throughout the county each year for which composting is available. Clearview Composting in Orange is also very active.

### **WHY THIS IS IMPORTANT**

The #1 reason to compost is related to concerns about climate change. Aside from environmental reasons, Massachusetts has really serious trash disposal capacity limitations. By 2030, there will be no landfills left in Massachusetts. In just five short years there will be only five landfills. Trash compactors throughout the state are running at capacity. Waste disposal costs are going up and up because capacity is so limited. The state is starting to send its trash by rail to the Carolinas and Ohio. It is really, really expensive and is only going to get worse. Recycling is a great way to reduce trash but is no longer free. Towns are currently paying \$54 a ton as a processing fee. The actual fee is \$94 per ton knocked down by a revenue-sharing arrangement.

Ms. Donovan referred to the bad press recycling has had. China's ban on importing recyclable waste has caused the global market for recyclables to crash. The entire global market bottomed out and everybody was in a panic.

Recycling is not a solution for many lower-grade plastics used in food settings. Plastic straws, small plastic condiment cups, etc. are all too small to recycle. In order for materials to go through the materials recycling facility (MRF) and be seen, they have to have a certain mass or size. That to her is a single-serve yogurt cup. No loose lids, no tiny condiment cups; all are likely to end up jammed in the equipment or falling off conveyor belts. Black plastic is not accepted in many recycling programs as the machinery has trouble seeing the black plastic.

Styrofoam drink and food cups are not acceptable in recycling even if they have the recycling arrows on them. The recycling arrows symbol is not a guarantee of recyclability. Recyclers mostly want plastic bottles, tubs, etc. Recycling guidelines can be found on the [www.springfieldmrf.org](http://www.springfieldmrf.org) website maintained by the Springfield MRF advisory board. Susan Waite is on that committee as well as Veronique Blanchard.

Commercial or municipal compost is a really good way to reduce vast amounts of trash, Ms. Donovan shared. Commercial composting accepts meat, bones, dairy, paper takeout containers, newspaper and compostable plastics that are BPI certified. Consumers can go to [BPIworld.org](http://BPIworld.org) to find out whether a product is BPI certified.

When some of the schools in Franklin County started composting, they started weighing, she reported. It is a great opportunity to reduce trash. It benefits businesses because composting is often cheaper than disposing of trash. She referred members to [RecyclingWorksma.com](http://RecyclingWorksma.com) for listings of haulers in the area and other tools and resources.

A 2019 Massachusetts waste characterization study shows that food waste makes up 22% of the residential waste stream, Ms. Donovan reported. Restaurant waste is 60 to 80% food waste according to the EPA. Shelburne Falls Compost Collaborative members were able to cut their waste by 50 to 80% by putting everything they possibly could in compost.

One goal of the 2030 Department of Environmental Protection (MassDEP) draft Solid Waste Plan is to reduce the threshold for commercial food waste to half a ton per week by 2022, Ms. Donovan continued. The current threshold is one ton per week. This applies to very large generators like colleges, hotels, large restaurants, etc. If the threshold goes down, it will apply to a lot more businesses. It means commercial entities can't throw food waste away if they make more than half a ton a week.

The incentive for restaurants to divert waste to compost facilities is going to be growing in the next five years. The use of compostable food service containers helps reduce plastics that get into a restaurant's waste stream. If they don't have plastics they are not going to have as much contamination. . .

Compostable table ware is locally available. She listed local vendors such as Mansfield Paper, WB Mason, etc. Her dream project is a Pioneer Valley collaborative purchasing group for compostable table ware. It would be a group consisting of anybody who wants to participate, i.e. - restaurants, schools, big events like the Green River festival, etc. A collaborative would have greater purchasing power. If they have a larger volume they could potentially bring some costs down and support local vendors. She is looking for organizational partners. The idea came out of the Greater Quabbin Food Alliance.

#### **OVERVIEW OF NORTHAMPTON'S SOLID WASTE COLLECTION/DISPOSAL SYSTEM**

DPW Director Donna LaScaleia gave an overview of solid waste operations within Northampton city limits. The city owns and operates two transfer stations, one on Locust Street and one on Glendale Road, she presented. Materials accepted at the Locust Street transfer station include household trash, recycling and compost and some hazardous materials like motor oil and antifreeze. Both are residential trash stations; they don't offer services to commercial or industrial clients. The Locust Street transfer station has a scrap metal dumpster and Salvation Army container and accepts textiles and books. The Glendale Road transfer station at the former landfill takes bulky waste and leaf and yard waste.

Also at the Glendale Road site is a Reuse and ReCenter Swap Shop operated by the city's waste reduction coordinator, Susan Waite, a team of dedicated volunteers and the Northampton ReUse Committee, Director LaScaleia reported. Susan and her team of volunteers also oversee pop-up events such as community repair events, the annual garden plot exchange and hazardous waste collection day. They do quite a bit to encourage households to properly dispose of items.

In order to access services, residents must purchase a transfer station sticker. Last year, the DPW sold 2,974 stickers, representing 24% of Northampton households. Within city limits, the transfer station is serving less than a quarter of the households in Northampton. Households have the option to bring their trash wherever they see fit, whether it be via a curbside pick-up service or private hauler.

In 2019, the city took in 301 tons of mixed containers, 505 tons of paper and cardboard, 192 tons of compost and 864 tons of trash. They have contracts for disposal of all these things. DPW employees drive roll off containers and haul items to different disposal sites.

Trash cans are scattered in strategic places downtown, i.e. - Main Street, city parking lots, etc. Trash collection from the city's waste receptacles is under the direction of Central Services and under a completely separate contract from anything controlled by the DPW at the transfer stations. The DPW is very limited in its solid waste operations in that they are provided to households only, not businesses, and confined to Glendale Road and Locust Street, she concluded.

## 6. QUESTION AND ANSWER

Councilor Thorpe moved to put 20.114 Plastic Reduction and Sustainability Ordinance on the floor for discussion. Councilor Foster seconded.

Councilor Nash recognized the presence of Council President Gina-Louise Sciarra, Councilor Marianne LaBarge and Councilor Rachel Maiore and noted that the meeting is posted as a full council meeting so councilors are welcome to engage.

He thanked the three speakers and opened the floor to questions and comments.

Marty Nathan said the presentation was very enlightening. She said she wanted to know where business trash that is picked up by USA and other haulers is going. What control does the City of Northampton have over its haulers or is it only indirect through those that contract the haulers? She asked.

From the city's standpoint, the DPW does not control curbside trash pickup whatsoever, Director LaScaleia clarified. Questions around curbside trash collection need to be directed to USA. The city has contracts with facilities to haul its trash out of the Locust Street transfer station. Once they dump somewhere the trash becomes the property of where they dump it. If the city were to direct trash to be taken to a certain place, it would be something that would have to be addressed in an RFP and there may be a premium associated with that.

The Franklin County solid waste district has 21 member towns and 17 transfer stations, Ms. Donovan advised. Franklin County doesn't use USA. USA is from Connecticut and she doesn't know where they bring their trash. Her recommendation is that someone who has USA contact USA and ask them.

"You can bet that it's going out of state. It could be going by rail out of state," she speculated.

Regarding control over haulers, there are rumors floating that USA really wants to stop composting, Dr. Nathan volunteered. That would be a real problem for them if they are trying to get rid of plastic waste and move to compostables for most of it. They need to know how they can make sure that USA takes compost where it's supposed to go.

Ms. Donovan suggested looking at what other towns are doing as far as adopting ordinances to require haulers to offer composting and recycling.

The city does not have the flexibility like a private person to hire whoever they want to do whatever they want, Director LaScaleia pointed out. The city has procurement considerations and contract considerations for contracts over \$9,999. There can be certain exemptions for solid waste. At the end of the day, the city has to do its due diligence in the RFP process to say exactly what it wants and how it wants it. If they want compost picked up at the transfer station and brought to a certain location, they have to write that in the RFP.

It behooves them to be as specific as possible in how they want trash disposal to be controlled. That's how it should be controlled, through the contract process, not by ordinance, she asserted.

Ms. Donovan noted that the Recycling Works website has a list of area haulers.

Noah Kassis asked Mr. Richmond about the specifics of the Brookline exemption process since this is something sponsors are still thinking about tweaking in Northampton's legislative process. He asked the language of the Brookline ordinance around exemptions. Mr. Richmond said he would have to follow up with him on that.

Renna Pye asked for clarification from Director LaScaleia about the mechanism for getting haulers to take compost. She expressed her understanding that, according to Director LaScaleia, this would be stipulated by contract instead of by ordinance.

For Ms. Donovan, she commented that, based on feedback from the business community, separating the waste stream is very cumbersome and tedious; customers throw compostables in with plastic, etc. She referred to a discussion around businesses having just compostables. Is that a model that has worked in Franklin County? She asked.

When thinking about having an ordinance on the books that requires a city department to do a particular thing a particular way, it is important to be mindful of budgetary constraints departments operate under, Director LaScaleia said. The solid waste enterprise is a self-contained enterprise. Now, they do an RFP for compost and receive responses. ABC hauler says it will charge x amount of money. In the event that there were some sort of disruption to solid waste outside of the city's control and there was an ordinance on the books requiring composting, there is a possibility that she would put out an RFP and nobody would respond or the price would have gone up by 150%. They are now sort of confined in what they are able to do and how they are able to respond. When an ordinance is on the books they have to make sure they have sustained the ability to respond to that ordinance.

Renna said she was talking about an ordinance like the one in Vermont requiring all haulers to take compost.

Director LaScaleia said she misunderstood the question. The city does issue permits to haulers that operate within city limits so they have a list of rules and regulations to abide by. If that is something thought to be warranted they could entertain adding it to the list of rules and regulations. It is a city-level decision, she confirmed.

In Franklin County, the only interaction between the DPW and waste hauling is in some of the downtown districts in Shelburne Falls, Ms. Donovan related. The Shelburne and Buckland highway department services downtown recycling bins and trash similar to central services. There is very little involvement between the business community and the DPW and highway departments.

There are several businesses (People's Pint, Hearty Eats, Ice Cream Alley) who have very little plastic. Whatever they are supplying is reusable and compostable. They have a sorting station with good signage with community composting in the main bin. Trash is in a little tiny restaurant bin. Trash is very well-labeled.

This is a trend, and it's a great trend, she observed. Also, the Upper Bend Café and Bruncheonette in Turners Falls opened up with no trash can. They have a big old compost container.

Mr. Richmond cited similar examples in Brookline. It definitely is the wave of the future. In the schools they have volunteers that help with sorting and converted to pump systems to get rid of condiment packages.

Councilor Foster echoed how informative and helpful this was. She asked what Brookline's experience has been with the local business community and the process for enforcement.

There have been some issues, Mr. Richmond acknowledged. There are certain products that are tricky. Some things the department exempted on a blanket basis because there was no alternative. He is not directly involved in enforcement.

Eli Marlin asked about reusables only for onsite dining.

Berkeley has something like that, Mr. Richmond said. It is a trend. It is not as far along as the regulation to ban single-use plastic. It is outside of the scope of this ordinance but may emerge here in Massachusetts.

Amy Cahillane thanked speakers for their presentations. She asked if there was a phase-in period or timeframe for businesses to adjust to this when first adopted and whether Brookline offered any sort of municipal aid, whether collective purchasing or something else.

There wasn't any financial assistance available, Mr. Richmond said. They do have planners responsible for economic development and they spearheaded outreach to the business community and provided technical support.

The packaging bylaw was sponsored by the solid waste advisory committee and so happened from the inside. It was introduced twice and the first time it was withdrawn because they hadn't done enough work to build a movement around it. The second time, the sponsorship shifted from private individuals to a town entity. They had a lot of hearings and did outreach to the business community. Negotiation of the date was an important part of that process. They did push it out. It went into effect January 1<sup>st</sup>. It had a very long runway there. He thinks a lot of these alternatives are much more widely available now.

Councilor Nash thanked guest speakers for attending and sharing their expertise.

Amy Cahillane thanked the committee and Mayor's Youth Commission for the outreach they did to the restaurant community because it was an impressive amount of legwork, walking letters door-to-door and talking to owners one-on-one. She thinks the restaurants are all pretty on board with the ordinance but she is very concerned about the timeframe given the pandemic and that they're heading into the winter. She is going to ask if they would consider the ordinance taking effect in January of 2022 instead of August 2021 to give a little more time to the restaurant community to put appropriate pieces in place.

Councilor Maiore added her thanks. Her questions were all asked and answered, she said.

Peter Kerantzas echoed what Amy said. This winter is probably going to be essentially brutal for people. It is tough times for the business community, so if they could give them additional time it would be greatly appreciated.

Councilor LaBarge thanked Mr. Richmond, Amy Donovan and Director LaScaleia. She appreciated hearing what they have to say. She has a lot of concerns especially about straws. In some cases reusable straws can be substituted for single-use ones but that isn't always the case. Some straws must be properly sterilized after each use. For some people whose living space makes this impossible, reusable straws are simply not an option. She mentioned metal straws not being options for people with spastic conditions, etc.

Compostable straws made of other natural materials increase the likelihood of allergic reactions which can be deadly. She has great concerns about all the research they have been doing on the Disability Commission on the use of straws. She thinks it is very important to consider the needs of people with disabilities who have conditions that necessitate the use of plastic straws.

She agreed with Amy Cahillane on extending this until 2022. With COVID and trying to get businesses back on their feet, it is going to take some time. She thinks they're moving in a good direction.

The youth commission sent 80 of 125 letters out to businesses that might be affected this weekend, Noah Kassis reported. They already had great opportunities to interact directly and will be getting this letter with a copy of the ordinance. He hopes they will feel free to reach out to the youth commission and sponsors to share their thoughts and concerns at any point along the process.

Councilor Nash closed the public comment section and moved into deliberation.

7. Deliberation/Recommendation on 20.114 Plastic Reduction & Sustainability Ordinance

Councilor Nash asked for a motion for a positive recommendation. Councilor Thorpe so moved. Councilor Foster seconded. He opened the floor to discussion.

Councilor Thorpe said he would like to see the Disability Commission's report on its recommendations for exemptions. He also takes into consideration the business community's request for a possible extension to January of 2022. If that is not going to happen, he suggested perhaps allowing a longer period for exemptions.

Councilor Foster agreed. She had a chance to see a bit of the discussion and knows there was talk about straws. Her understanding is that the Cooley Dickinson Hospital (CDH) didn't have concerns but the Disability Commission certainly did.

She expressed her understanding that there will be a chance for amendments to the ordinance at Legislative Matters before it comes back to the full council. One thing important for her to see would be language that allows for somebody who needs a plastic straw to ask for one without tacking it on to a medical condition or disability. She hears the Downtown Northampton Association's request for an extension of the timeframe. It is difficult because she knows action needs to happen very quickly on climate change yet feels it is important to do this in a way that's going to have the most buy-in from the community because, in the long run, that's how the most impactful change will happen.

She thinks they will see longer-term better change in that way. She would advocate for hearing that request. The difference from August to January is not huge. If this is a request from the business community, that's a change she would request to the ordinance.

Councilor Nash said he would like to send this forward with a positive recommendation. He thinks it is fair that they are putting concerns on the table. He knows the sponsors are working to tweak the proposal and add amendments.

They have heard from the business community that they are concerned about this being enacted during a pandemic. "I think we've heard that loud and clear." They have also heard concerns about different

products and materials for differently-abled people. He is confident the Disability Commission is going to make strong recommendations around that that will help guide the ordinance.

He wants to send it forward with a positive recommendation based on the level of contact from the youth commission. The youth commission worked to flyer downtown and Florence and are sending out 150 drafts of the ordinance to businesses identified by Director Cahillane. Cahillane also let members know about informational meetings through her listserv. The youth commission held six different meetings. He recognized the work they've done as a committee to bring in Recycling Works, Mr. Richmond, Amy Donovan and Director LaScaleia. "We've done our due diligence of bringing the discussion into the room," he asserted.

Councilor Nash listed businesses he's spoken personally to, including Herrells, Belly of the Beast, Woodstar Café, Joe's, Platform Sports Bar and Fitzwilly's. One of the things he's discovered is that businesses that aren't showing up are not showing up because they feel like they're already compliant.

Jakes, Veracruzano, Local Burger, Sylvester's the Roost, etc. feel like they're pretty much already compliant.

He would like to see some sort of clause recognizing that the ordinance is not enforceable or does not take effect during a pandemic. As long as they're in a state of emergency, there's going to be issues with the supply stream, he noted.

He thinks the Community Resources Committee has done its due diligence and should send the ordinance forward with a positive recommendation with these different concerns.

Councilor Foster said she presented her hesitations because it is so clear in her mind that she is supportive of the ordinance. She looks forward to sending it forward with positive recommendation and to seeing it implemented here in Northampton. Councilor Thorpe echoed what Councilor Foster just said.

Councilor Nash called for a roll call vote, and the motion to forward the ordinance with a positive recommendation with a request for consideration of possible amendments related to the enforcement/implementation date and disability accommodations passed 3:0 with Councilor Jarrett recused.

8. **New Business**

None.

9. **Adjourn.** Councilor Thorpe moved to adjourn the meeting; Councilor Foster seconded. The motion was approved on a roll call vote of 3 Yes, 0 No, 1 Absent (Councilor Jarrett recused). The meeting was adjourned at 7 p.m.

Prepared By:

*Laura Krutzler, Administrative Assistant*  
(413) 587-1210

## **EXHIBIT A**

List of Documents Reviewed at November 16, 2020 Community Resources Committee Meeting:

1. November 16, 2020 Agenda
2. Email from Maureen Flannery in support of plastic reduction and sustainability ordinance dated November 16, 2020.

**City of Northampton**  
MASSACHUSETTS

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*In City Council*

September 3, 2020

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Upon recommendation of the Mayor's Youth Commission, Councilor William H. Dwight and Councilor Rachel Maiore

20.114 Plastic Reduction & Sustainability Ordinance

ORDINANCE

An ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by amending Section 272-18, providing for Environmental protection and solid waste reduction.

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

Remove: Existing §272-18

Add:

**§Section 272-18: Environmental protection and solid waste reduction.**

A. General definitions. As used in this ordinance, the following terms shall have the meanings indicated:

**ASTM STANDARD**

Standards developed by the American Society for Testing and Materials (ASTM), including only International Standards D6400 or D6868 for biodegradable and compostable plastics. D6400 is the specification for plastics designed for compostability in municipal or industrial aerobic composting facilities and D6868 is the specification for aerobic compostability of plastics used as coatings on a compostable substrate.

**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 by the American Society for Testing and Materials specifically for an aquatic environment.

## **BPI CERTIFIED**

Refers to compostable products and packaging certified as compostable according to the Biodegradable Products Institute.

## **COMPOSTABLE**

Disposable food service ware or packaging is compostable if it meets ASTM Standards for compostability, and is BPI-certified.

## **DISPOSABLE FOOD SERVICE WARE**

All containers, bowls, plates, trays, cartons, cups, lids, straws, stirrers, forks, spoons, knives, and other items

- (1) designed for one-time or non-durable uses; or
- (2) in which any food vendor directly places or packages prepared foods; or
- (3) which are used to consume foods.

Such food service ware includes, but is not limited to, service ware for takeout foods and/or leftovers from partially consumed meals prepared at food establishments.

## **FOOD ESTABLISHMENT**

An operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, as further defined in 105 CMR 590.001. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered a "food establishment" for purposes of this ordinance.

## **MEDICAL CARE FACILITY**

An establishment in which people receive physical or medical treatment or care, as further defined in 521 CMR 13.01.

## **POLYSTYRENE**

The term polystyrene refers to a synthetic plastic polymer used to make food containers, cups, packaging materials, utensils, among other products. It is commonly known and referred to as plastic #6.

## **POLYETHYLENE**

The term polyethylene refers to the synthetic plastic polymer used to make grocery bags, shampoo bottles, and other containers, among other products. It is commonly known and referred to as plastics #2 and #4. For the purposes of this legislation, both plastics #2 and #4 should be considered polyethylene.

## **POLYETHYLENE TEREPHTHALATE**

The term polyethylene terephthalate, also known as PET, is a common plastic polymer widely used to make packaging for foods and beverages, such as soft drinks, juices and water, among other products. It is commonly known and referred to as plastic #1.

### **POLYVINYL CHLORIDE**

The term polyvinyl chloride, also known as PVC, refers to a synthetic plastic polymer used to make plastic straws and utensils, among other products. It is commonly known and referred to as plastic #3.

### **POLYSTYRENE LOOSE FILL PACKAGING**

A void-filling packaging product made of expanded polystyrene that is used as a packaging fill, commonly known as "packing peanuts".

### **PREPARED FOOD**

Prepared food means any food or beverage prepared by the food establishment at any location owned or controlled by the food establishment 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 either on or off the premises.

### **RECYCLABLE**

Material that can be sorted, cleansed, and reconstituted by Northampton's year-round municipal recycling collection programs for the purpose of using the altered form in the manufacture of a new product. "Recycling" does not include thermally destroying or converting solid waste.

### **RETAIL ESTABLISHMENT**

Any commercial facility that sells goods directly to the consumer, including but not limited to grocery stores, pharmacies, liquor stores, convenience stores, restaurants, retail stores and vendors selling clothing, food, and personal items, and dry cleaning services.

### **REUSABLE**

Products that are designed to be used more than once in the same form by a food or retail establishment.

### **BIODEGRADABLE BAGS**

Bags that:

- (1) contain no polymers derived from fossil fuels; and

- (2) are intended for single use and will decompose in a natural setting to an environmentally beneficial material at a rate comparable to other biodegradable materials such as leaves, and food waste.

## **REUSABLE BAGS**

Bags that are not made of plastic, are for multiple use and are made of cloth, fabric or other durable materials that do not decompose into harmful chemical components. A reusable bag is recyclable, biodegradable or compostable and is specifically designed and manufactured for multiple reuse.

## **COMPOSTABLE BAGS**

Bags that:

- (1) conform to the current ASTM D6400 standard for compostability; and
- (2) are certified and labeled as meeting the ASTM D6400 standard specification by a recognized verification entity.

## **RECYCLABLE PAPER BAG**

Paper bags that:

- (1) are 100 percent recyclable including the handles; and
- (2) contain at least 40% post-consumer recycled paper content; and
- (3) display the words "recyclable" and "made from 40% post-consumer recycled content" (or other applicable amount) in a visible manner on the outside of the bag.

## **PRODUCT BAG**

Bags without handles in which loose produce, bulk items, unwrapped baked goods or prepared food, or other products are usually placed by the consumer to deliver such items to the point of sale or checkout area of the store. These are also sometimes used by cashier or checkout personnel to contain items at point of sale.

## **CHECKOUT BAG**

Carryout bags provided by a store to a customer at the point of sale. Checkout bags are distinct from product bags.

## B. General prohibition and regulation.

- (1) Food establishments are prohibited from providing prepared food to customers using polystyrene, polyvinyl chloride, polyethylene, polyethylene terephthalate, or other nonrecyclable disposable food service ware.
- (2) Food establishments using any disposable food service ware shall use biodegradable, compostable, reusable or recyclable food service ware. All compostable food service ware used by food establishments must be clearly labeled with the applicable standard on the product or its packaging.
- (3) Retail establishments are prohibited from selling or distributing polystyrene food service ware to customers. This includes sale of polystyrene ware for home food use.
- (4) Retail establishments are prohibited from selling or distributing polystyrene loose fill packaging to customers.
- (5) Retail and food establishments may only sell or distribute product bags which are either (i) biodegradable, (ii) compostable, or (iii) reusable. All compostable product bags used by retail and food establishments must be clearly labeled with the applicable standard on the bag.
- (6) If any retail establishment provides a checkout bag to customers, the bag shall be either a recyclable paper bag, or a reusable bag.

## C. Exemptions.

- (1) The Mayor's designee may exempt a food or retail establishment from the requirements of this ordinance for a period of up to six (6) months, upon a finding by the Mayor's designee that the requirements of this ordinance would cause undue hardship to the establishment. The Mayor's designee may approve one (1) additional 6-month period upon the showing of a continued undue hardship. For medical care facilities seeking a temporary exemption due to undue hardship, the Mayor's designee shall grant an exemption for one (1) year, with an opportunity to extend the exemption for an additional one (1) year period. An "undue hardship" shall only be found in:
  - (a) Circumstances or situations unique to the particular food or retail establishment such that there are no reasonable alternatives to plastic products or materials banned in this ordinance that are necessary to the establishment's operations; or
  - (b) Circumstances or situations unique to the food or retail establishment such that compliance with the requirements of this ordinance would deprive a person of a legally protected right; or
  - (c) Circumstances where a food or retail establishment requires additional time in order to draw down an existing inventory of plastic products or materials banned in this ordinance.Any food or retail establishment receiving an exemption shall file with the Mayor's designee monthly reports on inventory and remaining stocks.
- (2) Any food or retail establishment seeking an exemption shall apply to the Mayor's designee using forms provided by the Health Department, and shall allow the Mayor's designee, or his or her designee, to access all information supporting its application.
- (3) The Mayor's designee may approve the exemption request, in whole or in part, with or without conditions.
- (4) The Mayor's designee, by regulation, may establish a fee for exemption requests.
- (5) Certain products are exempt from this ordinance's prohibitions; these include:
  - (a) Flexible transparent covering (commonly referred to as plastic wrap).

- (b) Thin-film plastic bags used to contain dry cleaning or newspapers, typically without handles.
  - (i) Product bags are not exempt from this ordinance's prohibitions.
- (c) Packaging utilized for prescription drugs.

D. Penalties and enforcement.

- (1) The Mayor's designee shall provide to food and retail establishments succinct materials explaining the requirements of this ordinance and recommendations for proper waste stream procedure.
- (2) If it is determined that a violation of this ordinance has occurred, the Mayor's designee shall issue a warning notice for the initial violation.
- (3) If an additional violation of this ordinance has occurred within one year after a warning notice has been issued for an initial violation, the Mayor's designee shall issue a notice of violation and shall impose a penalty against the food or retail establishment.
- (4) Each penalty of this ordinance's clauses shall be no less than: 1) \$50 for the first offense; 2) \$100 for the second offense and all subsequent offenses. Payment shall be made within twenty-one (21) days to the City Clerk. Non-payment of such fines may be enforced through civil action in the Northampton District Court. No more than one (1) penalty shall be imposed upon a food or retail establishment within a seven (7) calendar day period.
- (5)

E. Severability.

If any provision or section of this ordinance shall be held to be invalid, then such provision or section shall be considered separately and apart from the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

F. Effective date.

This ordinance will take effect on 08/01/2021.