

Plastic Beverage Bottle Bylaw

Preamble

Water and other beverage bottles made from plastic are a hazard to our oceans, to our wildlife, to our health, and to our economy. The purpose of this bylaw is to restrict the sale and distribution of certain of these bottles in the Town of Eastham.

In the six decades that humans have been using plastic, we've generated some 8.3 billion metric tons of it – mostly single-use products that end up in the trash, or, too often, by the roadside or in the oceans. About six billion pounds of plastic beverage bottles get thrown away each year. Only 8% of all plastics ever get recycled. The recycling rate of plastic beverage bottles is a bit higher at 29%, but still much lower than is needed to safeguard the environment. The rest of the plastic ends up in landfills or burnt in waste to energy plants or as trash in our oceans and landscapes.

Eight million tons of plastic waste flow from land into the oceans every year, joining the estimated 150 million tons already floating on the ocean currents. These plastics are increasingly recognized as a hazard to marine life, to navigation, and to the human food chain. Once plastic is in the oceans and waterways, there is no practical way to remove it and it doesn't degrade. It will remain for 500 to 1000 years, eventually breaking down into smaller and smaller fragments but never disappearing. These microplastics are found in the fish and shellfish we eat, in the bottled water we drink, and in the air we breathe.

Americans drink, on average, 42 gallons of bottled water a year per person. It can take up to 1000 times the energy to produce one bottle of water as it can to produce a glass of tap water. Meanwhile, manufacturers are producing half a million plastic beverage bottles an hour, mostly made from virgin plastics. Almost no plastic beverage bottles get recycled into new plastic beverage bottles.

The biggest impact we can have on the plastics problem is to reduce or eliminate the amount we use, reuse or repurpose the plastics we do use, and then recycle the rest.

Section 1: Regulated Conduct

1.1 It shall be unlawful to sell or distribute (a) drinking water, whether carbonated or non-carbonated, and (b) soft drinks in plastic bottles of less than 34 ounces, as well as distilled spirits in 50 ml plastic bottles (so-called "nip" bottles) in the Town of Eastham. For the purposes of this bylaw, 'soft drink' means any beverage containing carbonated water, a sweetener (including fruit juice), and/or a flavoring.

1.2 Sale or distribution of drinking water in plastic bottles pursuant to a declaration of an emergency by the Town of Eastham Select Board, Health Agent, Board of Health, or their designees, or by a duly authorized County, Commonwealth of Federal official of an emergency

affecting the availability or quality of drinking water to residents of the Town shall be exempt from this bylaw until seven days after the declaration has ended.

1.3 Fire, Rescue and Police operations providing emergency or medical services or Town personnel or others providing such services may provide water or other beverages in single-use plastic bottles within Town boundaries and on Town municipal property provided no reasonable alternative is available.

Section 2: Enforcement

2.1. Enforcement of this bylaw shall be the responsibility of the Select Board, the Board of Health or their designee(s). The Board of Health shall determine the inspection process and shall incorporate the process into other Town duties as appropriate.

2.2 Any person, individually or by his servant or agent, who violates any provision of this bylaw may be penalized by a non-criminal disposition pursuant to G.L. Chapter 40, Section 21D and the Town's non-criminal disposition bylaw. The following penalties apply:

First Offense: Written warning

Second Offense: \$200 fine

Third and Subsequent Offenses: \$500 fine

Each day or portion thereof that a violation continues shall constitute a separate offense. Each offense occurring within two years of the date of the first reported offense will be considered a subsequent offense.

Section 3: Effective Date

This bylaw shall take effect on November 1, 2020.

Section 4: Severability

If any provision of this Bylaw is declared invalid, or unenforceable, the other provisions shall not be affected thereby.