

**DRAFT  
MEMORANDUM**

TO: Cape Elizabeth Town Council  
FROM: Ordinance Committee  
DATE: August 30, 2017  
SUBJECT: Polystyrene Foam and Plastic Bag Ordinances

Introduction

At the December 12, 2016 meeting, the Town Council referred to the Ordinance Committee review of a recommendation by the Recycling Committee to regulate Single Use Carryout bags. The Ordinance Committee received an introductory presentation from the Recycling Committee on plastic bags and polystyrene foam and reviewed amendments to the Health and Sanitation Ordinance (Chapter 11) at the July 11th, August 8th and August 15th meetings.

Polystyrene Foam

The Recycling Committee is recommending a ban on polystyrene foam. It has been banned in Portland and South Portland. Polystyrene foam pollutes the environment by breaking into small balls that are difficult to pick up and are transported by wind. Styrene and benzene, which are components of polystyrene foam, are both carcinogenic. There are good alternatives to polystyrene and many businesses have already transitioned to more environmentally friendly packaging.

The ordinance amendments have been added to Article I, Foods and Food Service Establishments, in the Health and Sanitation Ordinance (Chapter 11). The proposed ordinance amendments ban the use of polystyrene foam, except for seafood shipment and in an emergency.

Plastic Bags

The Recycling Committee is recommending that a \$.05 per Single Use Carryout Bag charge be required for all food stores to generally reduce community waste volume and because these plastics are hard to recycle. Recycling committee members (Matt Faulkner) visited almost every retail and restaurant in Cape Elizabeth 3 times to hand out brochures and talk about these recycling initiatives. Most businesses are supportive.

The ordinance amendments have been added as a new Article IV to the Health and Sanitation Ordinance. The proposed ordinance amendments are very similar to the ordinances adopted in Portland and South Portland. The 5 cent charge does not apply to "bags on a roll" typically used for produce and meats and the amendments include an exemption in an emergency.

### Implementation

The Ordinance Committee discussed the need for public education. Councilor Garvin noted that recycling rates have flattened and this is the next step to increase recycling. The Ordinance Committee encouraged the Recycling Committee to reach out to all vendors, booster clubs, event facilities including caterers, etc. The Recycling Committee can also elevate the public's understanding of what is realistically recyclable or compostable.

### Conclusion

Ordinance Committee member Caitlin Jordan recused herself from this item and Town Council Chair Jamie Garvin participated as a committee member. The Ordinance Committee voted x - x to recommend the amendments to the Town Council for consideration.