



## CONCORD BOARD OF HEALTH

141 Keyes Road  
Concord, MA 01742  
Phone: (978) 318-3275



**Public Health**  
Prevent. Promote. Protect.

### TOWN OF CONCORD BYLAW PROHIBITING POLYSTYRENE IN FOOD SERVICE WARES.

#### **BYLAW EXEMPTION APPLICATION FORM**

Date: \_\_\_\_\_ Waiver Request #: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Name of Business: \_\_\_\_\_

Business Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_ Phone: \_\_\_\_\_

*The Town Manager has designated the Concord-Board of Health as the Town entity responsible for granting of waivers to the Polystyrene Bylaw.*

#### **Availability of Exemptions To Allow Continued Use of Polystyrene Food Service Products:**

*Section 4(c) of the Bylaw states "Any person may seek an exemption from the requirements of this chapter by filing a request in writing" with the Town Manager or his/her designee. The Town Manager or his/her designee may waive any specific requirement of this chapter for a period of not more than one year if the person seeking the exemption has demonstrated that strict application of the specific requirement would cause undue hardship. For purposes of this chapter, an "undue hardship" is a situation unique to the food establishment where there are no reasonable alternatives to the use of expanded polystyrene disposable food service containers and compliance with this provision would cause significant economic hardship to that food establishment". A person granted an exemption must re-apply prior to the end of the one-year exemption period and demonstrate continued undue hardship if the person wishes to have the exemption extended. The Town Manager or his/her designee'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.*

#### *To Apply for an Exemption:*

- *Please attach a list of the specific products for which you are requesting a waiver. Include manufacturer and product numbers or any other identifying information for each product and **provide a picture of each product.***
- *Please provide a detailed explanation for why an exemption is being requested for each specific product, including the reasons for the request*

*See the reverse side of this page for a list of the criteria the Board of Health will consider in its review of your waiver exemption application.*

**The following criteria will be considered by the Board of Health for exemptions.**

**NOTE: In preparing your request for an exemption, please only describe the criteria applicable to your specific establishment and provide the detailed information listed under that criterion. Not all five (5) reasons will necessarily apply to each facility/establishment.**

1) Existing Contract

- The request should include a statement signed by the establishment showing that it is required to purchase polystyrene food service ware pursuant to a contract entered into prior to January 1, 2017, and that the supplier is unable to supply an item or type that is an acceptable equivalent. The statement should include a copy of the contract in question and should indicate the expiration date of the contract.

2) Existing Stock

- The request should identify the most recent purchase date, the quantity of polystyrene items in stock, the consumption rate, and the anticipated last use date. The request should include a named representative who will contact the Sustainability Director on the anticipated last use date or the actual last use date, whichever comes first.

3) No Reasonable Alternative

- The request should describe why the specific item of polystyrene food service ware cannot be replaced by a suitable biodegradable, compostable, reusable, or recyclable item. The request should include a list of suppliers contacted and statements signed by said suppliers listing the items that cannot be supplied which clearly indicates that the item has no acceptable biodegradable, compostable, reusable, or recyclable alternative equivalent or substitute.

4) Unique Performance

- The request should describe why the specific item of polystyrene food service ware provides unique performance. The request should describe why the Food or Retail Establishment would not be able to provide particular food items without the use of the polystyrene item for which exemption is being sought, why no other manner of provision would be acceptable, and why a compliant product would be unacceptable.

5) Economic Hardship

- If significant economic hardship is claimed, the request should include specific product cost information including the economic impact to the business.