

Town of Concord
Board of Health

Minutes of the Meeting
Tuesday, March 15, 2016

PRESENT: Dr. Alan Woodward, Chairman
Jack Bergman
Joanne DiNardo
Thomas McKean
Ray Considine

Susan G. Rask, Public Health Director

OTHERS: Scott Richardson; Barbara Nicolson; Deborah Greene, M.D.; Alice Kaufman, Select Board liaison.

1. **Open Meeting**

Chairman Alan Woodward opened the meeting at 7:00 p.m.

2. **Discussion of Town Meeting Warrant Article - #45 (7:00-7:15)**

- By Petition “ Bylaw Prohibiting Polystyrene in Food Service Ware”
 - Scott Richardson will present rationale for proposed bylaw he drafted for Town Meeting to the BOH

Mr. Richardson made a belief presentation to the Board regarding Article 45. Mr. Richardson stated that polystyrene has become ubiquitous; for example there are with 25 billion Styrofoam cups produced per year and 2.3 million tons of Styrofoam is landfilled each year. Negative health effects of exposure to styrene, the monomer used to produce polystyrene, are well documented. Unknown amounts of styrene may leach from polystyrene food service ware, especially when hot foods are placed in these containers. There are also environmental concerns with polystyrene, which is resistant to environmental breakdown. Polystyrene is not recycled in Concord and landfilling it is not sustainable. There are alternatives to polystyrene food service ware items. Mr. Richardson and Ms. Nicolson have visited 55 food service establishments to educate them about alternatives.

Mr. Richardson stated that a number of cities and towns have passed regulations prohibiting various forms of polystyrene, and discussed the regulations in some of these towns. Mr. Richardson urged the Board to set aside concerns over how the bylaw will be implemented and instead focus on the science and other reasons he presented to support prohibiting polystyrene in food service ware.

Mr. McKean asked how Mr. Richardson and his group had worked with the community and businesses, especially Emerson Hospital, to educate them about the proposed bylaw and alternative products. Ms. Nicolson stated she has visited the private schools, and some restaurants and coffee

shops. She and Mr. Richardson have not been able to meet with Emerson Hospital but are aware that the hospital is using a number of polystyrene items, although trying to reduce their usage. Dr. Woodward asked about Crosby's Market; Mr. Richardson stated he has met with Crosby's four times to discuss alternative products.

Mr. Considine asked if there was information about the extent that styrene may leach from polystyrene eating utensils; Mr. Richardson said he did not have information on this. The Board and Mr. Richardson briefly discussed regulations in other towns and how these have been implemented. Mr. McKean stated he thought the goal of the bylaw was admirable but would prefer to see more efforts to get businesses to comply voluntarily and to have the program implanted over a period of time. The Board and Mr. Richardson briefly discussed possible strategies that could be used to phase in enforcement of the bylaw so it might have fewer immediate impacts on business and budgetary impacts on the town.

3. **Town Meeting Discussions & Positions (7:15-7:30)**

- BOH will discuss whether it will vote to take an official position to support or not support Warrant Article #45 at Town Meeting 2016
- Discussion of possible Written Materials for Town Meeting

The Board next moved to discussion on whether they would take an official position on Article 45 for Town Meeting. Public Health Director Rask summarized her concerns about implementation of the bylaw: inspections will require significant staff time; the town FY17 budget does not provide funding to hire additional staff for enforcement; the inspections cannot realistically be combined with routine food service inspections; the proposed bylaw is one of the most restrictive in the state and nation in terms of the number of polystyrene products prohibited.

Dr. Woodward asked if a first step were to prohibit only Styrofoam items, then 6-12 months later prohibit other rigid polystyrene items, would this require less staff time for education and enforcement. Ms. Rask agreed this would make enforcement easier initially but increased staff time would still be required for an education and enforcement program. Jack Bergman questioned whether this topic fell within the purview of public health. In his opinion, this topic is a solid waste and recycling issue. The Board discussed various alternatives by which the bylaw could be phased in, and the possibility of creating a task force to examine the costs and benefits of replacing some polystyrene items for which replacements are difficult to find or are costly.

After further discussion, Board members reached the following consensus:

- Regarding Town Meeting, the Board of Health takes a position of No Action on Article 45 as written.
- The Board in principle is in favor of reducing the use of polystyrene food service ware as far as is practicable.
- The goal of the proposed Article 45 bylaw would be better accomplished by creating an educational outreach program for food service establishments to assist businesses to voluntarily adopt alternatives to polystyrene food service ware.
- The Board supports creation of a task force to study issues relating to prohibiting the use of polystyrene in food ware. The task force could examine alternatives to polystyrene products; costs and benefits of the alternatives; determine guidelines for hardship exemptions for businesses that cannot find cost effective alternative items; and examine

how this and other initiatives might best contribute to the town's overall Sustainability Plan. The Board recommends the task force be comprised of town residents, members of the business community, and representatives with expertise in recycling of plastics and other solid waste.

- Based on the findings of the task force, and on the effectiveness of a voluntary compliance program, the town could then decide whether a bylaw regulating use of polystyrene is necessary. If so, the Board recommends a phased approach, first prohibiting expanded polystyrene (“Styrofoam”) products, then later perhaps prohibiting some or all rigid polystyrene products.
- Enactment of Article 45 as written will likely necessitate significant staff time and costs for education and enforcement. Taking a phased approach to enforcement (expanded polystyrene products first, followed by rigid polystyrene products later) might be less immediately demanding of staff time and resources.
- Article 45 is primarily a solid waste reduction and recycling initiative. As such, it is largely outside the public health programs and regulatory responsibilities of the Health Division and Board of Health. The Board recommends that responsibility for enforcement of Article 45, if passed, should reside with the Concord Public Works Department whose staff has greater expertise in recycling and solid waste management.

The Board requested that Ms. Rask write a letter to the Select Board and Town Manager summarizing the Board of Health's position on Article 45.

4. **Chairman Report & BOH Member Reports**

Dr. Woodward updated the Board on the recent omnibus tobacco control legislation, Senate Bill 2952. The proposed legislation will raise the minimum legal sales age for tobacco products to age 21; regulate the use of nicotine delivery products (NDPs) in workplaces, schools and similar settings; define e-cigarettes and other NDPs as tobacco products; require childproof packaging for NDPs; and prohibit the sale of tobacco products at pharmacies and health care institutions and in vending machines.

The Massachusetts Medical Society will hold its annual Public Health Leadership Forum on April 5, on the topic of Firearm Violence: Policy, Prevention, and Public Health. Dr. Woodward invited interested Board members to attend.

Dr. Woodward briefly discussed recent legislation signed by Governor Baker for control of opioids; the legislation incorporates the many of the recommendations of the Governor's Opioid Task Force. Dr. Woodward brought to the Board's attention an upcoming multi-town meeting on May 16 to raise community awareness about the opioid crisis. The meeting is being sponsored by Emerson Hospital. Dr. Woodward introduced Dr. Deborah Greene, an Emerson Hospital emergency physician who is interested in serving on the Board of Health when Dr. Woodward's term expires. Dr. Greene explained that the purpose of the meeting is to educate parents, students, school staff, coaches and the general community about the opioid problem. Participants will include local police, an Emerson Hospital pediatrician who will speak on the results of the Youth Risk Behavior Survey (YRBS) and risk factors for opioid addiction; and staff from Emerson Hospital

who will speak on treatment options. Mr. Considine asked if the results of the YRBS show trends in drug usage. Ms. Rask said she would send results of the YRBS to Board members.

There were no other Board member reports.

5. Staff Reports

Ms. Rask provided information to the Board on the following:

- a. CCCHS Turf Field Groundwater Monitoring: MW-3 is the upgradient well in the previously received groundwater monitoring report. Results for the additional five chemicals missing from the original report were provided by CPS Facilities Manager Brian Schlegel and all five were non-detectable.
- b. Turf field signage: The Town Manager has approved of draft language approved by the Board at its January 19, 2016 meeting. This draft language was forwarded to School Committee on March 3 and we have not yet received School Committee's response.
- c. Sharps collection kiosk at Concord Police Station: Ms. Rask is working with Police Chief O'Connor to obtain grant funding to purchase a medical sharps collection kiosk to be placed in the lobby of the Police station. The kiosk will allow residents to dispose of used sharps on a 24/7/365 basis.
- d. The Concord Carlisle Community Youth and Young Adult Opioid Abuse Forum is scheduled for Friday, April 1st, 8:30- 10 a.m. at Trinitarian Congregational Church, 54 Walden Street in Concord. The meeting is designed to provide attendees with community-specific information and resources along with identifying or strengthening collaborations to tackle this epidemic. Board of Health members are invited to attend.
- e. Governor Baker signed on February , 2016 sign legislation that bans use of indoor tanning facilities to anyone under 18.

6. Minutes and Board Calendar

The Board reviewed the minutes of the January 19 meeting. Thomas McKean made a motion to approve the minutes, seconded by Jack Berman. All VOTED in favor.

7. Additional Public Comments

There were no additional comments from the public.

8. Adjournment

The meeting was adjourned at 8:35 p.m.

Board of Health
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March 15, 2016

Respectfully submitted by,

Susan G. Rask, Public Health Director
Town of Concord

Dr. Alan Woodward, Chairman

Thomas McKean

Jack Bergman

JoAnn DiNardo

Ray Considine