

**THE BOARD OF SUPERVISORS
EAST GOSHEN TOWNSHIP,
CHESTER COUNTY, PENNSYLVANIA**

RESOLUTION NO. 2023-12

**AN RESOLUTION OF EAST GOSHEN TOWNSHIP, CHESTER COUNTY,
PENNSYLVANIA PROMOTING THE USE OF REUSABLE BAGS, AND
DISCOURAGING THE USE OF SINGLE-USE CARRY-OUT PLASTIC
BAGS, POLYSTYRENE FOOD AND BEVERAGE CONTAINERS, AND
SINGLE-USE PLASTIC STRAWS BY COMMERCIAL
ESTABLISHMENTS**

WHEREAS, under the Second Class Township Code, 53 P.S. § 65607(1), the Board of Supervisors of East Goshen Township is charged with the responsibility to ensure the health, safety, and welfare of its citizens; and

WHEREAS, Article 1, Section 27 of the Pennsylvania Constitution, known as the Environmental Rights Amendment, (the "Amendment") provides that "people have the right to clean air, pure water, and to the preservation of the natural, scenic, historic, and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth and its political subdivisions shall conserve and maintain them for the benefit of all the people"; and

WHEREAS, the Amendment imposes two basic duties on the Commonwealth and its political subdivisions such as this Township, one of which is to prohibit the degradation, diminution, and depletion of the public natural resources and the second is to act affirmatively via legislative action to protect the environment, (*Pennsylvania Environmental Defense Foundation v. Commonwealth of Pennsylvania*), 161 A.3d 911 (Pa. 2017); and

WHEREAS, this Resolution promotes the Township's duties under the Amendment to minimize the degradation, diminution, and depletion of the public natural resources; and

WHEREAS, single-use plastic carry-out bags and straws degrade at a slower rate than recyclable paper carry out bags and paper straws and release toxic materials during degradation that pollute waterways, and polystyrene containers do not degrade; and

WHEREAS, when 53 waterways were recently tested across Pennsylvania, microplastic contamination was found in every location, according to a report, titled "Microplastics in Pennsylvania: a Survey of Waterways" conducted by PennEnvironment Research and Policy

Center, using methodology developed by the National Oceanic and Atmospheric Administration; and

WHEREAS, for the reasons set forth in more detail below, the Board of Supervisors intends to preserve, maintain, and enhance the health of its residents and visitors, as well as the public natural resources and common property within the Township, by discouraging the distribution of single-use carry-out plastic bags and straws and polystyrene food and beverage containers within the Township; and

WHEREAS, use and distribution of single-use carry-out plastic bags and straws, and polystyrene food and beverage containers pollute the environment, harm wildlife and natural landscapes, clog storm drains and drainage systems causing flooding, and enter into the waters of the Commonwealth, creating further damage to adjacent properties; and

WHEREAS, reducing single-use carry-out plastic bag and straw and polystyrene container use can mitigate harmful impacts to oceans, rivers, lakes, forests, and the wildlife that inhabit them. It can also relieve pressure on landfills and waste management; and

WHEREAS, The taxpayers of the Township pay the costs related to the cleanup of single-use carry-out plastic bags and straws, and polystyrene food and beverage containers from the roadways, trees, sewers, waters, and parks within the Township; and

WHEREAS, plastic film from single-use carry-out plastic bags bind and clog sorting equipment and becomes an operational and financial burden on recycling facilities and therefore on taxpayers, and polystyrene containers do not biodegrade; and

WHEREAS, re-usable bags are a readily available alternative to single-use carry-out plastic bags, and are both cost effective and help to preserve the natural environment; and

WHEREAS, alternatives to polystyrene food and beverage containers are readily available in the form of biodegradable products and already in use by some of our commercial establishments; and

WHEREAS, both the East Goshen Township Board of Supervisors, and the Environmental and Sustainability Advisory Council support efforts to reduce the amount of waste that must be disposed of in accordance with the waste management hierarchy (reduce, reuse, recycle, and finally landfill as a last resort); and

WHEREAS, The residents of East Goshen Township have requested the Board of Supervisors publicly state its policy to promote the use of reusable, compostable or recyclable bags instead of

continued use of single-use, carry-out plastic bags and straws, and polystyrene food and beverage containers in the Township; and

NOW, THEREFORE, , that the Township of East Goshen, acting through its Board of Supervisors, RESOLVES as follows:

A. Purpose. The purpose of this Resolution is to promote the reduction in use of single-use plastic carry-out bags, single-use plastic straws, and polystyrene food and beverage containers by commercial establishments within East Goshen Township; curb litter on the streets, in the parks, and in the trees, protect the local streams, rivers, waterways and other aquatic environments; reduce greenhouse gas emissions, reduce solid waste generation, promote the use of reusable, compostable, and recyclable materials within East Goshen Township; and to preserve the natural, scenic, historic, and esthetic values of East Goshen Township.

B. Findings.

1. The use of single-use plastic carry-out bags, single-use plastic straws and polystyrene containers has severe environmental impacts, including greenhouse gas emissions, litter, harm to wildlife, water quality degradation and solid waste generation.
2. There are numerous commercial establishments within East Goshen Township which provide single-use plastic carry-out bags and straws and polystyrene food and beverage containers to their customers.
3. Most of the single-use plastic carry-out bags and straws and polystyrene food and beverage containers are made from materials that do not readily decompose.
4. Numerous studies have documented the prevalence of single-use plastic carry-out bags, single-use plastic straws and polystyrene food and beverage containers littering the environment, blocking storm drains, entering local waterways, and becoming stuck in or upon natural resources and public property.
5. The taxpayers of East Goshen Township pay the costs related to the cleanup of single-use plastic carry-out bags, single-use plastic straws and polystyrene containers from the roadways, trees, sewers, waters, and parks within the Township.
6. From an overall environmental and economic perspective, the best alternative to single-use plastic carry-out bags is a shift to reusable, compostable or recyclable bags; the best alternative to single-use plastic straws is reusable straws or straws made from other natural products (when a straw is requested, or required where a handicap is indicated); and the best alternative to polystyrene containers is compostable or recyclable containers.

7. There are several alternatives to single-use plastic carry-out bags, single use plastic straws, and polystyrene containers readily available to East Goshen businesses.

8. As required by the Environmental Rights Amendment to the Pennsylvania Constitution, the Township seeks to preserve the natural, scenic, historic, and esthetic values of the Township. It is the desire of the Board of Supervisors to conserve resources; to reduce the amount of greenhouse gas emissions, waste, litter, and water pollution; to protect the public health and welfare, including wildlife, all of which increases the quality of life for the Township's residents and visitors.

C. Defined Terms.

For the purposes of this Resolution, the following definitions apply unless the context clearly requires otherwise:

TOWNSHIP - East Goshen Township.

COMMERCIAL ESTABLISHMENT - any establishment, fixed or temporary, that sells or serves goods and/or food, including, but not limited to, clothing, food, and personal items, directly to the customer and is located within or doing business within the geographical limits of East Goshen Township. Commercial establishments include: a business establishment that generates a sales or use tax; a drugstore, pharmacy, supermarket, grocery store, farmers' market, convenience food store, food mart, delicatessen, service station, delivery service, food truck, bar, or other commercial entity, including seasonal and temporary companies, engaged in the retail sale of a limited line of goods that include milk, bread, soda and snack foods; a public eating establishment (i.e. a restaurant, take-out food establishment, or any other business that prepares and sells prepared food to be eaten on or off its premises); and a business establishment that sells clothing, hardware, or any other nonperishable goods.

REUSABLE BAG - a bag made of cloth, fabric or other material that is specifically designed and manufactured for multiple reuse.

PRODUCT BAG - a very thin bag without handles used exclusively to carry meats or other uncooked food items to the point of sale inside a Commercial Establishment or, for reasons of public health and safety, to prevent such food items from coming into direct contact with other purchased items.

RECYCLABLE - material that can be sorted, cleansed and reconstituted using recycling collection programs currently available to East Goshen Township residents and commercial establishments.

SINGLE-USE PLASTIC CARRY-OUT BAG - any bag made predominantly of plastic that is made through a blown-film extrusion process that is provided by an Operator of a Commercial Establishment to a Customer at the point-of-sale. The term does not include bags intentionally designed for reuse or product packaging. (This definition specifically exempts the following from the category of single-use plastic carry-out bags):

- A. Product Bags;
- B. Newspaper bags;
- C. Bags sold in packages containing multiple bags intended for use as food storage bags, garbage bags, or pet waste bags; and
- D. Compliant bags.

SINGLE-USE PLASTIC STRAW - a Straw provided by a Commercial Establishment that is primarily made of plastic. A "Single-Use Plastic Straw" shall not include Straws provided under the following circumstances:

- A. When packaged with beverages prepared and packaged outside of the Township, provided such beverages are not altered, packaged, or repackaged within the Township; and
- B. When provided as an assistance device to reasonably accommodate a disability.

STRAW — A plastic straw or a plastic stirrer used for beverages.

D. Use of Single-Use Plastic Carry-Out Bags.

Township residents are encouraged to use Reusable Bags and Recyclable Bags when engaging in commercial retail transaction and Commercial Establishments are encouraged to discontinue providing Customers with Single-Use Plastic Carry-Out Bags, as defined above. This would apply to bags provided for the purpose of carrying goods away from the point-of-sale, and also bags used for takeout deliveries.

Commercial Establishments should utilize signage posted at the entrance to notify Customers that the use of reusable bags is encouraged in the Township.

E. Commercial Establishments are encouraged to discontinue the provision of Single-Use Plastic Straws, as defined above.

F. Commercial Establishments are encouraged to discontinue the use of Single-Use Polystyrene Food and Beverage Containers.

All Resolutions or parts of Resolutions conflicting with any provision of this Resolution are hereby repealed insofar as the same affects this Resolution.

RESOLVED THIS 17th DAY OF October, 2023

**BOARD OF SUPERVISORS
EAST GOSHEN TOWNSHIP**

John Hertzog, Chair

Michael Lynch, Vice Chair

Cody Bright

David E. Shuey

Michele Truitt

ATTEST:

Derek J. Davis, Secretary