



# Programs & Services Committee Agenda

## City of Newton In City Council

Wednesday, April 3, 2019

7:00PM  
Room 211

### Item Scheduled for Discussion:

- #129-19**      **Appointment of Yasodhara Paruchuru to Urban Tree Commission**  
HER HONOR THE MAYOR appointing YASODHARA PARUCHURU to the URBAN TREE COMMISSION for a term to expire April 30, 2022. (60 days: 5/29/19)
- #130-19**      **Appointment of Michele Fortez-Cruz to Urban Tree Commission**  
HER HONOR THE MAYOR appointing MICHELE FORTEZ-CRUZ to the URBAN TREE COMMISSION for a term to expire April 30, 2022. (60 days: 5/29/19)
- #78-19**      **Resolution to the federal government to adopt a new nuclear policy**  
COUNCILOR LEARY requesting a Resolution to the federal government to freeze plans to spend over a trillion dollars rebuilding the US nuclear arsenal and instead to adopt a new nuclear policy based on the active pursuit of a verifiable, enforceable agreement among nuclear armed states to eliminate their nuclear arsenals.
- #127-18**      **Referred to Programs & Services and Finance Committees**  
**Prohibition on polystyrene-based disposable food or beverage containers**  
COUNCILORS DANBERG, ALBRIGHT, NORTON, CROSSLEY, LEARY AND KALIS requesting a prohibition on polystyrene-based disposable food or beverage containers in the City of Newton if that packaging takes place on the premises of food establishments with in the City.

Respectfully Submitted,

John B. Rice, Chair

---

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the City of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov) or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.



Ruthanne Fuller  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

#129-19  
Telephone  
(617) 796-1100  
Fax  
(617) 796-1113  
TDD/TTY  
(617) 796-1089  
Email  
rfuller@newtonma.gov

Honorable City Council  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

RECEIVED  
Newton City Clerk  
2019 MAR 22 AM 11:23  
March 20, 2019  
Ruthanne A. Fuller, Mayor  
Newton, MA 02459

To the Honorable City Councilors:

I am pleased to appoint Yasodhara Paruchuru of 291 Winchester Street, Newton Highlands as a member of the Urban Tree Commission. Her term of office shall expire on April 30, 2022 and her appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller  
Mayor

## Yasodhara Paruchuru

---

291 Winchester St, Newton, MA 02461

### EDUCATION

2004-2006	<b>COLUMBIA BUSINESS SCHOOL</b> MBA, May 2006	New York, NY
1993-1999	<b>NEW YORK UNIVERSITY</b> MA, Speech-Language Pathology, May 1999; BA, Teacher of speech and hearing handicapped, <i>Cum Laude</i> , Dean's List, May 1997	New York, NY

### EXPERIENCE

2016-Now	<b>AMAG Pharmaceuticals, Inc.</b> <b>Executive Director, Pricing and Reimbursement Lead</b> <b>Sr. Director, Pricing and Reimbursement Lead</b>	Waltham, MA <b>(2018 – Current)</b> <b>(2016-2017)</b>
----------	---	--

- Responsible for building and managing the Pricing and Reimbursement capability within AMAG Pharmaceuticals.
  - Developed and deployed profit optimal market access strategy for Intrarosa, Feraheme label expansion, and Makena Auto injector, including pricing, value proposition development, payer targeting and payer messaging and tool development.
- Accountable for all product Pricing, Reimbursement and Payer Marketing strategy for AMAG product portfolio ( Makena®, Intrarosa®, Mugard®, Feraheme®, and BMT) including buy and bill, retail and specialty products from launch to loss of exclusivity.
  - Analyze the market in terms of coverage and reimbursement, existing and emerging payer policies, formulary listings, competitive landscape, trends, pricing, contracting strategies, and potential barriers to provider and patient access.
  - Develop strategies and tactics to support reimbursement (coverage, coding, payment and patient access).
  - Prepare contract construct, including pay for performance models that align business priorities and value proposition for profitable access scenarios. Support negotiations as needed.
  - Collaborate with internal/external experts in pricing, health economics, patient advocacy, health technology assessment authorities, government policy makers and payers to execute pricing and reimbursement objectives.
  - Develops a target and Gross to Net Construct to evaluate all contract against.
  - Provide guidance to Product Teams relative to market access trends, strategies and tactics designed to advance brand objectives.
  - Establish a culture of continual assessment and course correction for all market access activities.
- Implemented Annual planning process for brand level market access plans as well as Account plans
  - Optimize payer & decision stakeholder targeting, and contract strategy.
  - Messaging and payer marketing tools development.
- Established and continually amend decision making structure around pricing and reimbursement for inline and pipeline products with input from cross functional team including contract ops, finance, accounting, Field based teams, commercial, medical and legal.
  - Enhance pricing and Reimbursement acumen across executive leadership team.
  - Identify and mitigate operational and compliance risk for P&R function.
- Support business development opportunity assessment from a market access lens.
- Establish a culture of cross-functional partnership to define, defend and communicate the value of AMAG portfolio.

2015-2016	<b>Baxalta, Inc.</b> <b>Sr. Director, Team Lead Immunology Patient Access</b>	Cambridge, MA
-----------	--	---------------

- Develop and execute global market access strategy for Baxalta's Immunology product portfolio, which includes launch products (HyQvia®, Cuvitru®, Glassia®) and Critical Care portfolio in US and Europe which supported 5% increase in profitability
  - Establish and grow collaborative relationships with relations patient advocacy and support organization to communicate IVIG value to relevant payer stakeholders
  - Collaborate and influence evidence generation including optimization of health economics, HTA and quality of life outcomes and development of global value dossiers

## Yasodhara Paruchuru

---

291 Winchester St, Newton, MA 02461

- Provide input in early stage product development to ensure clinical trial design accounts for maximizing market access opportunity
- Lead team of 12 EU Regional market members with responsibilities for tactical implementation market access strategy in collaboration with cross functional teams
- Oversee and approve reimbursement dossier development, submission and support negotiations with key government stakeholders
- Participate in portfolio optimization exercise and valuation of new business development opportunities
- Enhance pricing and Reimbursement acumen across executive leadership team, enabling incorporation of market access consideration in LT decision making

2010-2015

**Pfizer, Inc.**

New York, NY

**Sr. Director, PI&A Global Established Products, Asia Team Lead**

**(2014-2015)**

- Developed and helped execute global market access strategies by liaising with regional/local colleagues for the established products portfolio, which included Cardiovascular, Anti-Infective, Urology, Women's & Men's Health, Pain, and Oncology portfolios as well as country specific products such as Gelusil® in India
- Covered developed and emerging markets in the Asia Pacific region: Australia/New Zealand, China, Hong Kong, India, Indonesia, Japan, Malaysia, Nepal, Pakistan, Philippines, Singapore, South Korea, Sri Lanka, and Vietnam
- Developed country and channel specific post-loss of exclusivity (LOE) strategies for key products
- Drove portfolio/retail pricing and consumer access strategies within and across therapeutic areas to maximize long term profits (e.g. Caudet®/Lipitor®, Viagra®, and various others)
- Optimized global revenue through NGO tenders and contracting for key products such as Sayana® Press and Depo-Provera®, as well as enable and/or increase access to high cost therapeutics such as Aromasin®
- Collaborated with a cross functional team in developing Pfizer positions and mitigation plans for government healthcare policy changes

**Sr. Director, Women's Health & Urology Market Access Team Lead**

**(2013- 2014)**

- Developed and helped execute global market access, pricing and reimbursement strategy aligned with the commercial strategy for Women's Health and Urology portfolios: Duavee®, Premarin®, Prempro®, Combriza®/Viviant®, Toviaz® and Detrol®
- Crafted a global launch plan for Duavee® encompassing global pricing strategy, launch sequencing, HEOR strategy, and retail access strategy. In the US, launch plan focused on portfolio pricing (Duavee® and Premarin®), and contracting strategy for the top 20 accounts
- Maximized patient access by creating of stakeholder specific value propositions (payer, pharmacist, physician, and patient), optimizing distribution strategy in the retail channel for non-reimbursed markets, establishing patient experience portal to minimize reimburse hurdles and implementing payer partnerships with IDNs
- Drove trade-off decision making to ensure appropriate resource allocation based on ROI and balanced \$4 million budget. Worked with Health Economics and Outcomes Research (HEOR) team to focus evidence generation for maximum impact
- Managed direct HEOR reports. Actively coached direct reports to build communication skills and avoided performance improvement program

**Director Market Access, Pricing & Reimbursement**

**(2011- 2013)**

**Sr. Manager Market Access, Pricing & Reimbursement**

**(2010- 2011)**

- Developed and enabled execution of a global market access, pricing and reimbursement strategies aligned with the commercial and market access strategies for launch and in-line brands such as Duavee, Celebrex, Detrol, Toviaz, Champix, and hormonal therapies, and well as for pre-launch products (Tanezumab, SD 6010, and others in Phase I-II od development)

## Yasodhara Paruchuru

---

291 Winchester St, Newton, MA 02461

- Conducted global quantitative pricing studies, reference pricing impact analysis, parallel trade impact quantification, and innovative agreement valuation, peri-LOE planning/life cycle planning, and contracting strategy development
- Demonstrated commercial and financial acumen: labeling discussions, product go/no-go investment decisions, withdrawal in non-profitable markets, and launch investment prioritization
- Liaised with HEOR and patient reported outcomes (PRO) teams to develop product value propositions that maximize reimbursement potential
- Evaluated market access potential for new business opportunities and worked closely on financial valuation with forecasting teams
- Participated in direct payer interactions (MCOs, German Krankenkassen), conducted advisory boards, and established external payer network
- Designed internal training on pricing methodologies for commercial leadership
- Co-authored internal position paper on enabling access to biologic medicines to the “primary care” population, with a focus on Europe, and innovative pricing/contracting strategies for Pfizer portfolio

2006– 2010      **IMS Health**, Senior Consultant      New York, NY

- Managed quantitative and qualitative engagements valued at over \$1 million for large and small pharmaceutical and biotechnology companies, including Pfizer, BMS, Amgen, Eli Lilly, and GSK
- Developed recommendations for pricing and market access strategies for new and mature brands in a variety of therapeutic areas including Diabetes, Oncology, COPD/Asthma, ESRD, Anti-Infective, and Cardiovascular disease
- Directed engagements which integrated economic data, budget impact models, cost effectiveness models, burden of illness models, and primary research for global P&R systems
- Managed and directed the integration of primary research findings from a range of stakeholders including managed care, commercial insurance, physicians, hospitals, patients, and national/regional regulatory bodies.

2004-2006      **Columbia Science and Technology Ventures**  
Program Coordinator '05-'06; Student Intern '04-'06      New York, NY

- Managed Science and Technology Ventures program which enable technology commercialization

2005      **Amgen, Inc.**, Business Analysis and Information Unit Summer Intern      Thousand Oaks, CA

- Co-managed primary market studies, both qualitative and quantitative, which included tracking awareness and usage, testing promotional material messages, studying product concept and differentiation, and researching brand equity with physicians

2000-2004      **UCP, of NYC, Santa Clara Valley Medical Centre/San Jose Medical Center/ Sundance Rehab.**  
Speech Pathologist      Brooklyn, NY/San Jose,

**ADDITIONAL:** Volunteer work: Established a nonprofit Speech Pathology center for adult stroke patients in HYD, India.  
Member of Friends of Greenwich street



Ruthanne Fuller  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

#130-19

Telephone  
(617) 796-1100

Fax  
(617) 796-1113

TDD/TTY  
(617) 796-1089

Email  
rfuller@newtonma.gov

RECEIVED  
City Clerk  
MARCH 22 AM 11:23  
DAVID J. O'ROURKE  
Newton, MA 02459

March 20, 2019

Honorable City Council  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

To the Honorable City Councilors:

I am pleased to appoint Michele Fortez-Cruz of 38 Hawthorn Street, Newton as a member of the Urban Tree Commission. Her term of office shall expire on April 30, 2022 and her appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller  
Mayor



## Letter Of Support

RECEIVED  
 NEWTON CITY CLERK  
 2019 MAR 14 AM 10:37  
 DAVID A. OLSON  
 NEWTON, MA

We are writing to Newton City Councilors to ask that they endorse a resolution "Back From The Brink", developed by Physicians for Social Responsibility, to prevent nuclear war. A nuclear war would kill hundreds of millions of people and cause unimaginable environmental damage.

The resolution asks the United States to lead a global effort to prevent nuclear war by taking the following five steps:

- Renouncing the option of using nuclear weapons first,
- Ending the sole unchecked authority of any president to launch a nuclear attack,
- Taking U.S. nuclear weapons off hair-trigger alert,
- Cancelling the \$1.7 trillion plan to replace its entire arsenal with enhanced weapons,
- Actively pursuing a verifiable agreement among nuclear-armed states to eliminate their nuclear arsenals.

We are asking you to support this resolution because it is important for Newton to stand with other neighboring communities. Brookline and Somerville have supported the resolution and Cambridge and Needham are considering it.

Furthermore, passing this resolution makes a public statement that spending \$1.7 trillion on upgrading our nuclear arsenal reduces funding for essential human services that cities and towns provide for education, housing and health.

Bills related to the resolution have been introduced in the state legislature. Passing the resolution would lend support to these bills as well as supporting Sen. Markey's efforts in these areas.

The US Conference of Mayors has recently endorsed this resolution. Passing "Back From the Brink" would be consistent with our position as a Mayors For Peace city.

Thank you for your consideration,  
 Newton Dialogues on Peace and War



## **“The Call to Prevent Nuclear War” Proclamation/Resolution**

Whereas nine nations collectively have approximately 15,000 nuclear weapons in their arsenals, most of which are far more destructive than those that killed hundreds of thousands of people in Hiroshima and Nagasaki, Japan, in 1945;

Whereas the detonation of even a small number of these weapons would have catastrophic human and environmental consequences that could affect everyone on the planet;

Whereas the United States maintains several hundred nuclear missiles in underground silos on hair-trigger alert, capable of being launched within minutes after a presidential order, which greatly increases the risk of an accidental, mistaken or unauthorized launch;

Whereas the United States continues to reserve the right to use nuclear weapons first, which reduces the threshold for nuclear use and makes a nuclear war more likely;

Whereas the US president has the sole and unchecked authority to order the use of nuclear weapons;

Whereas over the next 30 years, the United States plans to spend an estimated \$1.7 trillion to replace its entire nuclear arsenal and the bombers, missiles, and submarines that deliver them with more capable, more usable versions;

Whereas taxpayers spend more than \$2 million every hour of every day to maintain the US nuclear arsenal;

Whereas the United States, as well as Britain, China, France, and Russia, are obligated under the Nuclear Non-Proliferation Treaty (NPT) to take concrete steps toward eliminating their nuclear arsenals;

Whereas in July 2017, 122 nations approved the Treaty on the Prohibition of Nuclear Weapons which makes it illegal under international law to develop, test, produce, manufacture, or otherwise acquire, possess, or stockpile nuclear weapons or other nuclear explosive devices;

Therefore, we call on the United States to lead a global effort to prevent nuclear war by:

- renouncing the option of using nuclear weapons first;
- ending the sole, unchecked authority of any president to launch a nuclear attack;
- taking US nuclear weapons off hair-trigger alert;
- cancelling the plan to replace its entire arsenal with enhanced weapons; and
- actively pursuing a verifiable agreement among nuclear-armed states to eliminate their nuclear arsenals.

# **BACK FROM THE BRINK: A CALL TO PREVENT NUCLEAR WAR**

## *Resolution text:*

**We call on the United States to lead a global effort to prevent nuclear war by:**

**1**

**Renouncing the option of using nuclear weapons first**

**2**

**Ending the sole, unchecked authority of any president to launch a nuclear attack**

**3**

**Taking U.S. nuclear weapons off hair-trigger alert**

**4**

**Cancelling the plan to replace its entire arsenal with enhanced weapons**

**5**

**Actively pursuing a verifiable agreement among nuclear-armed states to eliminate their nuclear arsenals**

## Back from the Brink: A Call to Prevent Nuclear War

### **Background:**

Since the height of the Cold War the U.S. and Russia have dismantled more than 50,000 nuclear warheads, but 15,000 of these weapons still exist and they pose an intolerable risk to human survival. 95% of these weapons are in the hands of the United States and Russia; the rest are held by seven other countries, the United Kingdom, France, China, Israel, India, Pakistan and North Korea.

<https://fas.org/issues/nuclear-weapons/status-world-nuclear-forces/>

The use of even a tiny fraction of these weapons would cause worldwide climate disruption and global famine. As few as 100 Hiroshima sized bombs, small by modern standards, would put at least 5 million tons of soot into the upper atmosphere and cause climate disruption across the planet, cutting food production and putting 2 billion people at risk of starvation.

<http://www.psr.org/assets/pdfs/two-billion-at-risk.pdf>

A large scale nuclear war would kill hundreds of millions of people directly and cause unimaginable environmental damage. <https://www.psr.org/wp-content/uploads/2018/05/projected-us-casualties-russian-attack.pdf> It would also cause catastrophic climate disruption dropping temperatures across the planet to levels not seen since the last ice age. Under these conditions the vast majority of the human race would starve and it is possible we would become extinct as a species.

<http://climate.envsci.rutgers.edu/pdf/RobockNW2006JD008235.pdf>

Despite assurances that these arsenals exist solely to guarantee they are never used, there have been many occasions when nuclear armed countries have prepared to use these weapons, and war has been averted at the last minute.

<http://www.ucsusa.org/sites/default/files/attach/2015/04/Close%20Calls%20with%20Nuclear%20Weapons.pdf>

Nuclear weapons do not possess some magical quality that prevents their being used. As former Defense Secretary Robert McNamara said, speaking about the Cuban Missile Crisis, "In the end, we lucked out — it was luck that prevented nuclear war." Our current nuclear policy is essentially the hope that our good luck lasts.

Furthermore, the danger of nuclear war is growing as climate change puts increased stress on communities around the world increasing the likelihood of conflict.

<https://www.scientificamerican.com/article/once-again-climate-change-cited-as-trigger-for-war/>

The planned expenditure of \$1.2 trillion to enhance our nuclear arsenal will exacerbate these dangers by fueling a global arms race and it will divert crucial resources needed to assure the well-being of the American people. <https://www.psr.org/wp-content/uploads/2018/05/us-nuclear-buildup.pdf>

There is an alternative to this march to nuclear war. In July of 2017, 122 nations called for the elimination of all nuclear weapons by adopting the Treaty on the Prohibition of Nuclear Weapons.

<http://www.icanw.org/treaty-on-the-prohibition-of-nuclear-weapons/> The United States should embrace this call for nuclear disarmament as the centerpiece of our national security policy.

<http://www.psr.org>

**RESOLUTION TO CALL FOR THE UNITED STATES TO “PULL BACK FROM THE BRINK” AND PREVENT NUCLEAR WAR—AN EXISTENTIAL THREAT TO THE FUTURE OF HUMANITY AND THE PLANET**

Principal Petitioners:

Joseph McCabe (Town Meeting member, Precinct F)  
93 Garden Street, Needham, MA 02492 617-943-3261, chaimmccabe@gmail.com

To see if the Town will adopt the following Resolution:

**RESOLUTION TO CALL FOR THE UNITED STATES TO “PULL BACK FROM THE BRINK” AND PREVENT NUCLEAR WAR—AN EXISTENTIAL THREAT TO THE FUTURE OF HUMANITY AND THE PLANET**

WHEREAS, since the height of the Cold War, the United States and Russia have dismantled more than 50,000 nuclear warheads, but approximately 15,000 of these weapons still exist and, thus, still pose an intolerable risk to human survival<sup>1</sup>; and

WHEREAS, approximately 95 percent of these weapons are in the hands of the United States and Russia, while the remainder are held by 7 other countries, namely, China, France, Israel, India, North Korea, Pakistan, and the United Kingdom<sup>2</sup>; and

WHEREAS, nuclear war would directly kill hundreds of millions of people and cause unimaginable environmental damage<sup>3</sup>; and

WHEREAS, there is a high probability that such a nuclear war would lead to catastrophic climate disruption dropping temperatures across the planet to levels not seen since the last ice age, thus resulting in the starvation of the vast majority of the human race, quite possibly leading to our extinction and the extinction of multiple other species<sup>4</sup>; and

WHEREAS, even the use of a tiny fraction of these weapons would cause worldwide climate disruption and global famine; e.g., as few as a 100 Hiroshima-sized bombs (small by modern standards) would put at least 5 million tons of soot into the upper atmosphere and cause climate disruption across the planet, cutting food production and putting 2 billion people at risk of starvation<sup>5</sup>; and

WHEREAS, despite the popular notion that these arsenals exist solely to guarantee they will never be used, on multiple occasions nuclear armed states have proceeded to the brink of using these weapons, and their use was narrowly averted<sup>6</sup>; and

WHEREAS, former Defense Secretary Robert McNamara—speaking about the Cuban Missile Crisis in The Fog of War—said, “It was luck that prevented nuclear war”; and

WHEREAS, our nuclear policy must NOT be subject to the whims of “luck;” and

WHEREAS, the growing climate crisis is stressing communities around the world and intensifying the likelihood of conflict, and, thus, the danger of war and the possibility of escalating to nuclear war<sup>7</sup>; and

WHEREAS, the planned expenditure of more than \$1 trillion dollars to enhance the U.S. nuclear arsenal will not only increase the risk of nuclear disaster but also fuel a global arms race and divert crucial resources needed to assure the well-being of the American people and people all over the world<sup>8</sup>; and

WHEREAS, in July 2017, 122 nations called for the elimination of all nuclear weapons by adopting the Treaty on the Prohibition of Nuclear Weapons<sup>9</sup>.

**BE IT RESOLVED THAT** the Town of Needham, Massachusetts, calls upon our federal leaders and our nation to make nuclear disarmament the centerpiece of U.S. national security policy and to work toward the goal of signing the Treaty on the Prohibition of Nuclear Weapons.

**BE IT FURTHER RESOLVED** that the Select Board of Needham, Massachusetts, calls upon our federal leaders and our nation to spearhead a global effort to prevent nuclear war by:

- renouncing the option of using nuclear weapons first;
- ending the president's sole, unchecked authority to launch a nuclear attack;
- taking U.S. nuclear weapons off "hair-trigger" alert;
- cancelling all plans to add weapons to the U.S. nuclear arsenal that would make it more likely that leaders will initiate nuclear war; and
- actively pursuing a verifiable agreement among nuclear armed states to eliminate their nuclear arsenals.

**BE IT FURTHER RESOLVED** that the Town Clerk shall cause a copy of this resolution be sent to our U.S. Congressional Representative Joseph P. Kennedy, III, U.S. Senator Elizabeth Warren, U.S. Senator Edward J. Markey, and President Donald J. Trump.

Or act on anything relative thereto.

<sup>1</sup><https://fas.org/issues/nuclear-weapons/status-world-nuclear-forces/>

<sup>2</sup><https://fas.org/issues/nuclear-weapons/status-world-nuclear-forces/>

<sup>3</sup><http://www.psr.org/assets/pdfs/projected-us-casualties-and-destruction.pdf>

<sup>4</sup><http://climate.envsci.rutgers.edu/pdf/RobockNW2006JD008235.pdf>

<sup>5</sup><http://www.psr.org/assets/pdfs/two-billion-at-risk.pdf>

<sup>6</sup><http://www.ucsusa.org/sites/default/files/attach/2015/04/Close%20Calls%20with%20Nuclear%20Weapons.pdf>

<sup>67</sup><https://www.scientificamerican.com/article/once-again-climate-change-cited-as-trigger-for-war/>

<sup>8</sup><https://www.armscontrol.org/factsheets/USNuclearModernization>

<sup>9</sup>[www.ican.org/treaty-on-the-prohibition-of-nuclear-weapons/](http://www.ican.org/treaty-on-the-prohibition-of-nuclear-weapons/)

CITY OF NEWTON

IN CITY COUNCIL

ORDINANCE NO. \_\_\_\_

\_\_\_\_, 2019

BE IT ORDAINED BY THE BOARD OF ALDERMEN  
OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton Massachusetts, 2017, as amended, be and hereby  
are further amended as follows:

Add a new section 12-72 to **ARTICLE IX.** of Chapter 12 as follows:

**Section 12-72 Sustainable Food Containers and Packaging**

**(a) Short title.** This section may be cited as the “Sustainable Food Containers and  
Packaging Ordinance” of the City of Newton.

**(b) Declaration of findings and policy – Scope**

The city council hereby finds that the prohibition on the use of foam polystyrene  
food and packaging containers and plastic stirrers by food service establishments and the  
sale or use of these products by any business in the City of Newton is a public purpose  
that protects the public health, welfare and environment, advances solid waste reduction  
and protects waterways.

**(c) Definitions**

The following words shall, unless the context clearly requires otherwise, have the  
following meanings:

“Biodegradable” means that which is entirely made of organic materials such as  
wood, paper, bagasse or cellulose; or bioplastics that meet the American Society  
for Testing and Materials (ASTM) D7081 standard for Biodegradable Plastics in  
the Marine Environment or any other standard that may be developed  
specifically for an aquatic environment and are clearly labeled with the  
applicable standard.

“Commissioner” means the commissioner of health and human services of the City of  
Newton.

“Compostable” means bioplastic materials certified to meet the American Society for  
Testing and Materials International Standards D6400 or D6868, as those

standards may be amended. ASTM D6400 is the specification for plastics designed for compostability in municipal or industrial aerobic composting facilities. D6868 is the specification for aerobic compostability of plastics used as coatings on a compostable substrate. Compostable materials shall also include products that conform to ASTM or other third-party standards (such as Vincotte) for home composting. Any compostable product must be clearly labeled with the applicable standard on the product.

“Department” means the Department of Health and Human Services of the City of Newton.

“Disposable Food Container” means all food and beverage containers, bowls, plates, trays, cartons, cups, stirrers, and other items except straws, designed for one-time or non-durable uses on or in which any food vendor directly places or packages prepared foods or which are used to consume foods. This includes, but is not limited to, food service ware for takeout foods and leftover food from partially consumed meals prepared at food establishments.

“Foam polystyrene” means a non-biodegradable petrochemical thermoplastic made from aerated forms of polystyrene and includes several methods of manufacture. Expanded polystyrene (EPS) or extruded polystyrene (XPS) are forms of polystyrene. “Styrofoam” is a Dow Chemical Co. trademarked form of extruded polystyrene and is commonly used to refer to foam polystyrene. These are generally used to make insulated cups, bowls, trays, clamshell containers, meat trays, foam packing materials and egg cartons. The products are sometimes recognized by a #6 resin code on the bottom.

“Food Establishment” means a business establishment that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, including but not limited to any establishment requiring a permit to operate in accordance with the state food code.

“Packing material” means polystyrene foam used to hold, cushion, or protect items packed in a container for shipping, transport, or storage. This includes, without limitation, packing “peanuts”, and shipping boxes, coolers, ice chests, or similar containers made, in whole or in part, from polystyrene foam that is not wholly encapsulated or encased within a more durable material.

“Prepared food” means any food or beverage, whether packaged or prepared for consumption on or off the food provider’s premises, using any cooking or food preparation technique or provided for further food preparation.

“Recycle” refers to material that can be sorted, cleansed, and reconstituted using Newton’s curbside municipal collection programs for the purpose of using the altered form in the manufacture of a new product. “Recycling” does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

“Retail establishment” means a business establishment engaged in the retail sale of goods directly to consumers.

“Reusable” refers to products that will be used more than once in its same form by a food establishment. Reusable food service ware includes tableware, flatware, food or beverage containers, packages or trays, such as, but not limited to, soft drink bottles and milk containers that are designed to be returned to the distributor.

“Rigid polystyrene” means a non-biodegradable petrochemical thermoplastic made from a non-aerated form of polystyrene. Also known as “oriented polystyrene,” the material is generally clear or solid in appearance and is used to make clear clamshell containers, cups, plates, straws, lids and utensils. The products are sometimes recognized by a #6 resin code on the bottom.

**(d) Prohibited use and distribution of food ware and packaging.**

- (1) Food establishments are prohibited from dispensing prepared food or beverages to any person in disposable food containers made from foam polystyrene.
- (2) Food establishments are prohibited from dispensing plastic stirrers.
- (3) All food establishments are strongly encouraged to use reusable food service ware in place of using disposable food service ware for all food served on the premises. Food establishments using any disposable food service ware and stirrers are strongly encouraged to use biodegradable, compostable, reusable or recyclable food service ware and stirrers.



- (4) Retail establishments are prohibited from selling or distributing disposable food containers made from foam polystyrene to customers.
- (5) Retail establishments are prohibited from selling or distributing polystyrene foam packing material to customers.

(e) **Effective date.** This section shall take effect on January 1, 2020.

**(f) Enforcement**

- (1) **Fine.** Any food or retail establishments which violates any provision of this section or any regulation established by the Commissioner shall be liable for a fine as follows: First offense, warning; second offense, \$100.00; third offense, \$200.00; fourth and subsequent offenses, \$300.00. Each day a violation continues shall constitute a separate offense.
- (2) Whoever violates any provision of this section or any regulation established by the commissioner may be penalized by a noncriminal disposition as provided in G.L. c. 40, Sec. 21D.
- (3) This section shall be enforced by the commissioner of health and human services, or his or her designee.

**(g) Severability.**

Each separate provision of this section shall be deemed independent of all other provisions herein, and if any provision of this section be declared to be invalid by a court of competent jurisdiction, the remaining provisions of this section shall remain valid and enforceable.

**AND (see next page)**

In **Sec.17-23. Enforcing persons and revised ordinances subject to civil fine.**  
**Amend** paragraph (b), HEALTH AND HUMAN SERVICES DEPARTMENT, by  
adding after CITY ORDINANCES, Any offense, the following:

.....PENALTY

Section 12-72. Polystyrene Prohibition Ordinance

- ( ) First offense.....Warning
- ( ) Second offense.....\$100.00
- ( ) Third offense.....\$200.00
- ( ) Fourth or subsequent offenses.....\$300.00

## Newton Restaurant Survey

#127-18

In a survey of 17 randomly selected Newton food establishments:

8 do not use any polystyrene products

9 use polystyrene combined with other types of disposable containers. Of these:

4 use only 1 polystyrene product - hinged clamshell

3 use only 1 polystyrene product - hot cups

2 use multiple polystyrene products in addition to alternative packaging materials

All 17 restaurants were familiar with and made use of alternative packaging materials - foil, paper, plastic.

Conclusion: Almost 50% of eating establishments currently do not use any polystyrene, and almost 90% use none or just 1 polystyrene item. Because all the establishments use alternative types of packaging in lieu of or in addition to polystyrene, they are already familiar with alternative options available. Cost is a factor for some establishments.

Comments received:

*"[Do not use polystyrene out of] environmental concerns."*

*"Can't use anything else [but foam clamshells] for hot meals because anything else is not STURDY enough-won't hold up."*

*"Have never used styrofoam due to environmental concerns."*

*He'll "STOP using styrofoam when Dunkin Donuts stops using it."*

*"Don't use paper most time for foods because the containers are 'flimsy' so uses plastic most times unless they run out and then use paper."*

*"From environmental concerns, we have never used styrofoam due to how long it takes to break down."*

*"[Polystyrene] is less expensive, less risk of leaking."*

*"Better for environment."*

*"Aluminum is great. No more expense than [polystyrene]."*

*"Cardboard, if anything, is easier. No noticeable cost difference."*

*"There are some complaints that cardboard cups are too hot to handle. The store keeps sleeves under the counter, and only give out if asked for. Management is concerned that people will take handfuls of sleeves. So instead the store charges \$.25 for an extra cup to slide over the first cup, Profit margin is the driving concern."*

*"Would never use styrofoam, terrible for environment."*

*"Too expensive to use another kind of container...if we use more expensive containers [the cost] will cut into the profits, as the food is not that expensive."*

(October 2017)

Newton Restaurants Surveyed:

4 Corners Pizza  
Aji Japanese Restaurant  
Barry's Deli  
Blue Ribbon Barbeque  
Comella's  
Coney Island Ice Cream  
Dunkin Donuts  
Forty Carrots (Bloomingdale's)  
Jake's  
Johnny's Luncheonette  
Judith's Kitchen  
Mango Thai Cuisine  
Newton Wellesley Hospital Cafeteria  
Paddy's Pub  
Ravioli's  
The Local  
Zheng Garden



Dunkin' Brands is looking at ways to get rid of its traditional foam cup.

The Dunkin' Donuts coffee cup is a New England icon. But it could be going the way of the Jordan Marsh blueberry muffin within the next year or two.

Several students from the Park Street School in Brookline and one of their teachers will meet with executives at the Dunkin' Brands headquarters in Canton today. They'll bring the results of a signature drive that they helped organize — roughly 250,000 electronic signatures have been gathered on Change.org calling for Dunkin' to change its cups. The students say they want Dunkin' to end the use of styrofoam cups by Earth Day 2015.

The company's response: We're working on it. It may not happen by April 2015 but it apparently shouldn't take too much longer for those polystyrene foam cups — just about everyone calls them styrofoam, but they're technically not a Styrofoam-brand foam — that we see everywhere will be a thing of the past.

Dunkin' spokeswoman Michelle King says the company pledged in June 2013 that it would roll out an alternative to foam cups nationwide within two to three years — and the company remains on track toward that goal. The trick is finding an environmentally friendly solution that's affordable for franchisees and meets customers' expectations in terms of their keeping drinks warm without burning their hands. King says Dunkin' continues to examine every commercially available cup and material. The company is testing a double-walled paper cup in Brookline and a #5 recyclable polypropylene cup in Somerville. (Bans on traditional foam cups have been put in place in both communities.) King says the company will continue to explore and test additional materials as they become available over the next 12 to 18 months.



Dunkin' Brands is looking at ways to get rid of its traditional foam cup.

(Page 2 of 2)

The Park Street students began their petition efforts in January, although Paul Kalinka, a Dunkin' customer who lives in Michigan, started the ball rolling on Change.org with an online petition in 2012 to call for an end to the use of polystyrene foam cups at Dunkin' Donuts. Like the Park Street students, Kalinka's chief concern is the negative environmental impact that these cups can have, partly because they are rarely recycled. He noticed the success that a similar campaign had in bringing an end to traditional foam cups at the Jamba Juice chain.

King says the company reached out to the Park Street students after learning of their petition, and invited them to the Dunkin' headquarters to talk about finding an alternative to the foam cup. Several executives from the company's supply chain and social responsibility departments are expected to attend.

## REFUTING THE NONSENSE: PLASTIC BAGS AND POLYSTYRENE ARE NOT GREENER THAN PAPER

It has been widely reported that the environmental impact of Polystyrene foam (EPS) is less than that of comparable products made of corn and paper. The argument is that manufacturing EPS cups uses less energy and water than manufacturing paper cups, and that an EPS product releases fewer greenhouse gases when it breaks down than does paper. The people who make these claims support them by pointing to an impressive 150-page study offering a comparative cradle-to-grave analysis of competing products that rules in favor of EPS. Similar arguments have been made to argue that plastic bags are better than paper for the environment.

It all sounds very reasonable, but this is a classic bait-and-switch capitalizing on our concerns over global warming. Consider the following:

1. The study ignores the health effects of polystyrene. Styrene is toxic, paper is not. As the authors of a study on how people define "sustainable" packaging note, toxicity is the very first criterion.
2. The study ignores the broader ecological impact of polystyrene. Unlike paper, polystyrene never decomposes into soil. Rather, it just breaks down into smaller and smaller bits, microplastics, which have extensive consequences for the food chain.
3. What the study ignores points to some broader limitations with Life Cycle Assessment (LCA) analyses, evaluations of the environmental impact of a product that take into account every aspect of its production, from cradle (harvesting of raw materials) to grave (final disposal). Although immensely useful for understanding the broader environmental footprint of a given product, the LCA approach also has certain blindspots that must be taken into consideration when formulating policy:
  1. LCA analyses can be massaged according to where one starts and ends one's examination, and the assumptions one makes about how a product is used, treated, and disposed. "Life Cycle Inventory flows," which include inputs of water, energy, and raw materials, and releases to air, land and water, must necessarily be simplified for analytical purposes. The processes assumed for the purposes of analysis do not necessarily correspond to actual practices.
  2. Although there are international standards for conducting LCAs, there are a number of methodological issues, especially when comparing the impacts of radically different materials. This is not to say that comparisons are useless, but they should be taken with a grain of salt.
  3. In their narrow focus on one analytical target -- energy use and carbon emissions -- LCA approaches overlook other crucial topics, such as human health and ecotoxicity. LCA analyses look at what are called "mid-point" measures such as the release of greenhouse gases. They do not cover "end point" measures such as the survival of marine environments. Thus, according to most sustainability experts, LCA analyses should not be used as the sole determinant of environmental policy. Rather, they must be considered alongside other data.
4. Finally, as other readers have noted, the study was sponsored by the Plastic Foodservice Packaging Group, a member of the American Chemistry Council. Are these disinterested parties or merchants of doubt?



**SIERRA  
CLUB**  
FOUNDED 1892

MASSACHUSETTS CHAPTER

Massachusetts Sierra Club  
10 Milk Street, Boston, MA 02108-4621  
(617)423-5775  
office@sierraclubmass.org • www.sierraclubmass.org



## Regulating the Use of Polystyrene Food Service Items

*Background information on laws and bylaws proposing a ban.*

The Massachusetts Sierra Club supports laws that ban polystyrene food service items. Polystyrene comes in two forms: rigid and foam. The rigid form is used for clear food containers, plates, bowls, beverage cups and lids, utensils, and straws. The foam form is used for plates, insulated beverage cups and bowls, clamshell food containers, and trays. These proposed laws currently do not limit service items made of other materials, or polystyrene items offered for sale (usually in bulk).

Polystyrene is cheaper than most alternatives. However, the environmental expense of polystyrene far exceeds the cost restaurants and grocery stores are currently paying to provide them. There is no need for this because there are many alternatives that are readily available. Polystyrene food service items should be limited because:

- Polystyrene is based on styrene, a neurotoxin and probable **carcinogen**.<sup>1</sup> Polystyrene is the only plastic used in food packaging that is based on a carcinogen. Polystyrene resin usually contains a small percentage of residual styrene.<sup>2</sup> Styrene leaching increases with temperature and with certain foods (alcohol, oils or fat).<sup>3</sup> The manufacturing of polystyrene can potentially cause much greater harm to workers, and to the general population through chemical releases in the environment. Polystyrene manufacturing involves many other highly toxic materials such as benzene and naphtha. Some scientists have called for polystyrene to be classified as a **hazardous material**.<sup>4</sup>
- Polystyrene food items are a **major litter problem**. The foam form is very light so that, even when properly disposed of, they often blow away. Polystyrene foam easily breaks down into small pieces that can escape from the garbage truck, landfill, boat, and average consumer's hands – and are then carried into lakes and waterways, and eventually into the ocean. Polystyrene items make up the fifth through seventh largest type of litter from land-based sources found on U.S. coasts.<sup>5</sup>
- **Polystyrene items harm wildlife**. The foam form in particular is often mistaken as food by both domesticated and wild **animals**.<sup>6 7</sup> Birds may also use foam for nesting material.<sup>8</sup> Untold numbers of animals die per year by ingesting polystyrene and other plastic items.
- **Polystyrene does not biodegrade** and although they do fragment through mechanical action and photodegradation in the presence of light, these processes are slow taking an estimated 200+ years to complete. When a polystyrene item kills an animal, the item may go on to kill again. When polystyrene items finally do break down, they do not dissolve into benign substances: they just fracture into smaller and smaller bits called "microplastics." These small particles present the greatest long-term danger, as these particles **displace food supplies in the world's oceans**. Once microplastics enter our oceans, they will stay there virtually forever, because they persist and their removal is not possible.
- Another issue is recycling, because polystyrene is almost never recycled due to its low value.<sup>9</sup> The bulky foam form is not accepted in curbside recycling programs. The rigid form even when collected curbside is never recycled. But even if the recycling rate were significantly increased, the end result would still have an unacceptably large negative impact.
- Polystyrene is made from **non-renewable fossil fuels (oil and natural gas)**. The cost of natural gas, is relatively lower cost because of hydrofracking, which causes many environmental and health problems.



## The Problem of Microplastics

Rather than eventually breaking down, polystyrene fractures into small plastic particles (microplastics), which persist in the environment. Another danger is accidental releases of raw polystyrene resin spheres.<sup>10</sup> All these tiny particles, 5 mm or smaller,<sup>11</sup> pose a serious risk to marine and land animals. Animals from shellfish to whales can ingest them. This can displace space in an animal's stomach or block their digestive tracks,<sup>12</sup> and then cause animals to die from starvation.

## Readily available substitutes

The best alternatives to polystyrene are biodegradable, compostable bioplastics or paper; or highly recyclable aluminum. Other common plastic resins based on fossil fuels are also allowed under most proposed laws although these are difficult to recycle. Restaurants and cafeterias can always offer traditional reusable items that are washable.

## Polystyrene items are being Banned Worldwide

Polystyrene has a history of environmental problems. The foam form formerly used chlorofluorocarbons (CFCs) as a blowing agent. CFCs deplete the planet's protective ozone layer. Most CFCs have been removed worldwide following local and then national bans in the late 1980s.

Modern bans on polystyrene food items that address current problems have been put in place all over the world: in major cities such as Oakland, San Francisco, and New York City; and countries such as China, India, and Taiwan. Some of these places and others here in Massachusetts (Nantucket, Great Barrington and Brookline) have very extensive polystyrene bans.

This list is proof that polystyrene food items bans can be implemented successfully.

## Conclusion

Polystyrene food items are contributing to serious environmental and public health issues facing the Commonwealth, the United States, and the world. Tackling these issues will require the culmination of many small actions to bring about large change. Banning polystyrene food items is an important and easily implemented step towards meaningful change.

<sup>1</sup> U.S. Department of Health and Human Services, "Styrene", *Report on Carcinogens*, Twelfth Edition, 2011, p. 383-391, <http://ntp.niehs.nih.gov/ntp/roc/twelfth/roc12.pdf>

<sup>2</sup> The legal limit in the U.S. is 1% and 0.5% for fatty foods. Source: Code of Federal Regulations 21CFR177.1640

<sup>3</sup> M. S. Tawfika & A. Huyghebaerta, "Polystyrene cups and containers: Styrene migration", *Food Additives & Contaminants*, Vol. 15, Issue 5, 1998, pages 592-599.

<http://www.tandfonline.com/doi/abs/10.1080/02652039809374686>

Some foods often served in foam such as take out food or hot chocolate are both hot and high in fat.

<sup>4</sup> *Nature*, "Classify plastic waste as hazardous", vol. 494, p. 169-71

<sup>5</sup> Ocean Conservancy, "International Coastal Cleanup 2013 Report", p. 14

<http://www.oceanconservancy.org/our-work/international-coastal-cleanup/2013-trash-free-seas-report.pdf>

<sup>6</sup> Olivia Feinstein\* & Peter Hodum University of Puget Sound, Tacoma WA "Northern Fulmars (*Fulmarus glacialis*) as bio-indicators of endocrine disrupting plasticizers in the marine surface environment"

[http://soundideas.pugetsound.edu/cgi/viewcontent.cgi?article=1168&context=summer\\_research](http://soundideas.pugetsound.edu/cgi/viewcontent.cgi?article=1168&context=summer_research)

<sup>7</sup> <http://www.backyardchickens.com/t/23861/chickens-are-eating-styrofoam-help>

<sup>8</sup> [http://www.seaside-sun.com/news/local\\_news/seaside-feathers-ospreys-nest/article\\_18c80844-eace-11e0-b1a7-001cc4c03286.html](http://www.seaside-sun.com/news/local_news/seaside-feathers-ospreys-nest/article_18c80844-eace-11e0-b1a7-001cc4c03286.html)

<sup>9</sup> Only 0.2% of polystyrene food service packaging in California is recycled according to California Integrated Waste Management Board (December 2004), "Use and Disposal of Polystyrene in California: A Report to the California Legislature," Table 4, Page 14.

<sup>10</sup> Slip, D. J. et al. (1990) "Ingestion of anthropogenic articles by seabirds at Macquarie Island." *Marine Ornithology* 18: 74-77

<sup>11</sup> Le, Phuong, "New ocean concern: tiny plastic pollutants; Study under way at UW Tacoma; Measuring volume is seen as a first step." *The Seattle Times*, 2010-06-12.

[http://seattletimes.com/html/localnews/2012102451\\_microplastics13.html](http://seattletimes.com/html/localnews/2012102451_microplastics13.html)

<sup>12</sup> Thompson, Richard C. et al. *New directions in plastic debris*. *Science* 310 (2005-11-18), p. 1117

# Polystyrene Foam Take-Out Packaging and Price Comparable Alternatives

Product	Polystyrene Product	Unit Cost	Non-Foam Product	Unit Cost	Cost Difference
<b>10 oz Cold Cup</b>	Foam - Dart Container 1000 ct	\$20.20	Plastic - Dart Container 2500 ct	\$60.96	\$0.02
<b>10 oz Hot Cup</b>	Foam - Dart Container 1000 ct	\$20.20	Paper - Choice 1000 ct	\$36.53	\$0.04
<b>12 oz Cold Cup</b>	Foam - Dart Container 1000 ct	\$22.09	Plastic - Dart Container 1000 ct	\$24.90	\$0.02
<b>12 oz Hot Cup</b>	Foam - Dart Container 1000 ct	\$22.09	Paper - Choice 1000 ct	\$40.39	\$0.04
<b>16 oz Cold Cup</b>	Foam - Dart Container 1000 ct	\$31.91	Plastic - Dart Container 1000 ct	\$35.37	\$0.03
<b>16 oz Hot Cup</b>	Foam - Dart Container 1000 ct	\$31.91	Paper - Choice 1000 ct	\$44.03	\$0.04
<b>12 oz Bowl</b>	Foam - Dart Container 500 ct	\$17.63	Plastic - Genpak 1000ct	\$48.99	\$0.05
<b>16 oz Bowl</b>	Foam - Dart Container 500 ct	\$19.65	Plastic - Genpak 1000ct	\$63.99	\$0.06
<b>6" Plate</b>	Foam - Dart Container 1000 ct	\$13.08	Paper - AJM Packaging 1000 ct	\$7.53	\$0.007
<b>9" Plate</b>	Foam - Dart Container 500 ct	\$19.37	Paper - AJM Packaging 1000 ct	\$11.49	(\$0.03)
<b>6" Hinge Container</b>	Foam - Dart Container 500 ct	\$17.13	Plastic - Dart 500ct	\$28.18	\$0.06
<b>9" Hinge Container</b>	Foam - Dart Container 200 ct	\$12.64	Plastic - Duralock 250ct	\$25.94	\$0.10
<b>Average Cost Difference</b>					<b>\$0.01</b>

All prices from The WEBstaurant Store, July 2012.  
Lower prices (up to 25% less) may be obtainable through cooperative purchasing.