Barkhamsted bucks state law on foam

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BARKHAMSTED — Residents at a town meeting last night adopted a stringent ban on the use of polystyrene foam which forbids the use of the plastic foam for the packaging of prepared foods and for raw meat, fish and poultry in grocery stores.

Earlier this month, Winsted adopted a similar ban with an exemption for grocery stores, which are allowed to use the foam as trays for fresh meats.

Barkhamsted has no major grocery stores so the extra bite in this ban is not likely to have an impact on area businesses. It does, however, symbolize the overwhelming displeasure town residents have for the material and users of it.

"I'm so excited," Amanda Bazzano said after last night's near unanimous vote. Bazzano is the 16-year-old Northwestern Regional 7 school student who drafted the original proposal to ban the material even before the state Legislature passed a bill disallowing state municipalities from independently banning the material.

Last week, Gov. William A. O'Neill signed that bill into law. The bans in Winsted and now Barkhamsted are in violation of the new law. Residents last night acknowledged that this is sure to lead to litigation.

The ordinance finally adopted last night has more teeth in it than did the original one proposed at the meeting.

Prior to discussion, the original ordinance exempted grocers using polystyrene and restaurants that are actively engaged in comprehensive efforts to recycle the polystyrene that they generate.

Town Attorney Donna Brooks said she included the two exemptions in the original draft of the ordinance so that it could stand up to legal challenge.

Charlene LaVoie, the Winsted community attorney retained by the Shafeek Nader Trust for the Community Interest, dubbed the "comprehensive effort to recycle" exemption, which is also present in the state law, "the McDonald's exemption."

McDonald's restaurants are the most infamous users of the material believed to be a threat to the environment because chlorofluorocarbons are used in its production for food containers. CFCs deplete the Earth's ozone layer, which protects life from harmful ultraviolet radiation. Polystyrene also has no known period of degradation.

"Communities all over the country and all over the world are challenging McDonald's to stop it (the use of polystyrene)," LaVoie said. The attorney said she was present to represent only herself and not Winsted.

Resident Al Jones said if the town passed the ordinance with the two exemptions "what's left?" he asked. Jones said the ordinance would be useless in Barkhamsted with the exemptions.

Resident Benjamin Warner said he agreed with the ultimate goal of stopping the production and use of polystyrene, but said he disagreed with the town's tactic of passing an ordinance, particularly in light of the existing state law that forbids towns from banning the material.

"If you want to solve the problem, that's one thing; if you want to protest and get your name in the paper, that's another," Warner said.

The final voice vote was nearly unanimous with only one or two in the group of about 75 at the meeting voicing opposition to the measure. The effective date of the local ordinance is Sept. 1 of this year and those who fail to comply face a $100 per day fine.