



CITY OF CAMBRIDGE

AMENDED TEMPORARY EMERGENCY ORDER BY REGARDING PROVISIONS OF CHAPTER 8.68 OF THE CAMBRIDGE MUNICIPAL CODE, THE "BRING YOUR OWN BAG" ORDINANCE

AMENDED ON JULY 23, 2020

WHEREAS, COVID-19, also known as Coronavirus, has become a pandemic and a public health emergency worldwide, including in the City of Cambridge (the "City"); and

WHEREAS, national governments around the world, as well as state and local governments, have promulgated emergency orders and continue to do so in an effort to slow the spread of this highly infectious disease; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC"), Massachusetts Department of Public Health ("DPH") and the Cambridge Public Health Department recommend that measures be taken to slow the spread of COVID-19, such as avoiding close contact with others as much as possible and disinfecting frequently touched surfaces and objects; and

WHEREAS, Chapter 8.68 of the Cambridge Municipal Code, entitled "Bring Your Own Bag" (the "Ordinance"), encourages the use of reusable checkout bags and the reduction of the use of disposable checkout bags by retail establishments which are defined in the Ordinance as any commercial enterprise, whether for or not for profit, including, but not limited to restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, jewelry stores, and household goods stores (hereinafter, "Retail Establishments"); however, this does not include bazaars operated by nonprofit organizations or religious institutions; and

WHEREAS, the Cambridge Commissioner of Public Health had determined that the use of reusable checkout bags that had not been sufficiently disinfected would likely contribute to the spread of COVID-19 among the staff and patrons of such establishments; and

WHEREAS, on March 23, 2020, the Cambridge Commissioner of Public Health and the City Manager issued the Temporary Emergency Order by Commissioner of Public Health and City Manager Regarding Provisions of Chapter 8.68 of the Cambridge Municipal Code, the "Bring Your Own Bag" Ordinance and Temporary Measures to be Taken by Retail Establishments to Reduce the Spread of COVID-19 (the "March 23, 2020 Order"), which prohibited Retail Establishments from bagging retail products if reusable checkout bags were used and prohibited customers from using reusable checkout bags. The March 23, 2020 Order also provided that the provisions of the Ordinance, and Regulations promulgated thereunder, requiring that Retail Establishments assess a ten-cent charge for use of recyclable paper or compostable plastic checkout bags would not be enforced; and

WHEREAS, on March 25, 2020 the Commissioner of DPH issued an Emergency Order declaring grocery stores and pharmacies as essential businesses and ordering such stores to take certain actions in the interest of the public health, including prohibiting the use of reusable bags and prohibiting the assessment of a charge for non-reusable bags, and on April 7, 2020 the Commissioner of DPH issued guidance for grocery stores consistent with her March 25, 2020 Emergency Order; and

WHEREAS, the CDC has since updated its guidance to reflect that the primary means of transmission of COVID-19 is from person-to-person transmission and there is less of a risk of transmission from surfaces; and

WHEREAS, on July 10, 2020, the Commissioner of DPH rescinded the March 25, 2020 Emergency Order and April 7, 2020 guidance concerning grocery stores and pharmacies, noting that on June 8, 2020, the Governor issued Sector Specific Workplace Safety Standards for Retail Businesses to Address COVID-19 incorporated the COVID-19 reduction strategies included in the March 25, 2020 Emergency Order and April 7, 2020 guidance; and

WHEREAS, the Commissioner of DPH's July 10, 2020 rescission of the March 25, 2020 Emergency Order and April 7, 2020 guidance included rescission of the prohibition on the use of reusable bags and prohibition on the assessment of a charge for non-reusable bags; and

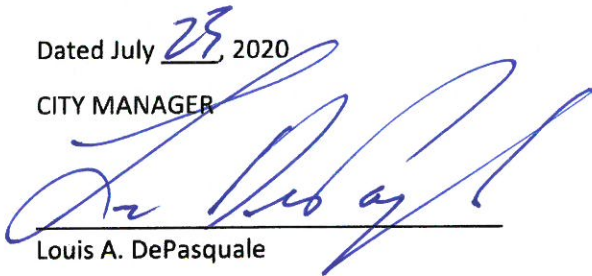
WHEREAS, the Cambridge Commissioner of Public Health and the City Manager have statutory and regulatory authority to take emergency public health measures including ordering a change in standard operating procedures in private businesses;

NOW THEREFORE, the Cambridge Commissioner of Public Health and the City Manager hereby order, effective as of July 25, 2020, that customers at Retail Establishments and Retail Establishments may resume use of reusable checkout bags. In addition, the Cambridge Commissioner of Public Health and the City Manager hereby order that all Retail Establishments comply with the Sector Specific Workplace Safety Standards for Retail Businesses to Address COVID-19, and recommend that employees placing retail items in reusable checkout bags for customers wear disposable gloves as an additional safety measure.

Furthermore, the Commissioner of the Department of Public Works, the Executive Director of the License Commission, the Commissioner of Inspectional Services Department, and the Commissioner of Public Health will continue to temporarily cease enforcement of the provisions of Section 8.64.040(C) of Chapter 8.68 of the Cambridge Municipal Code, and the Regulations promulgated thereunder, which require a fee of ten cents be charged for each recyclable paper bag or compostable plastic bag provided by a Retail Establishment, only until August 10, 2020.

Dated July 28, 2020

CITY MANAGER



Louis A. DePasquale

COMMISSIONER OF PUBLIC HEALTH



Dr. Assaad J. Sayah, MD