

HOUSE No. 3418

The Commonwealth of Massachusetts

PRESENTED BY:

Paul McMurtry

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act reducing packaging waste in the Commonwealth.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|---------------------------|-----------------------|
| <i>Paul McMurtry</i> | <i>11th Norfolk</i> |
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> |
| <i>Jonathan Hecht</i> | <i>29th Middlesex</i> |
| <i>Benjamin Swan</i> | <i>11th Hampden</i> |
| <i>Chris Walsh</i> | <i>6th Middlesex</i> |

HOUSE No. 3418

By Mr. McMurtry of Dedham, a petition (accompanied by bill, House, No. 3418) of Paul McMurtry and others relative to reducing packaging waste. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act reducing packaging waste in the Commonwealth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 21A of the General Laws, as appearing in the 2012 Official
2 Edition, is hereby amended by inserting after section 11C the following section:-

3 Section 11D. (a) For the purposes of this section the following terms shall, unless the
4 context clearly appears otherwise, have the following meanings:-

5 “Department”, the department of environmental protection.

6 “Fee”, the packaging reduction and recovery fee.

7 “Packaging”, any material used to hold, protect, and present goods for sale.

8 “Producer”, a manufacturer or importer of packaged products with over \$1,000,000 per
9 year in annual revenues from their sale in the commonwealth.

10 “Product”, any physical product sold to consumers in the commonwealth through retail
11 establishments or mail order.

12 (b) A product sold in the commonwealth contained in packaging by a producer shall be
13 subject to a fee. The department shall promulgate a fee schedule for packaging based on the
14 following:-

15 (1) end of life management cost per unit volume, including collection, disposal,
16 recycling, contamination cost at material recovery facilities;

17 (2) environmental impact of production, recovery and disposal as determined by
18 independent third party life cycle assessment; and

19 (3) recovery rate for material based on audits of incoming loads at representative disposal
20 and recovery facilities in the commonwealth.

21 The department shall evaluate the fee every 4 years based on packaging category,
22 updated recovery rate evaluation and management cost. Amounts collected by the commissioner
23 of revenue pursuant to this section shall be deposited in the Sustainable Packaging Trust
24 established by section 35BBB of chapter 10.

25 (c) There shall be a sustainable packaging advisory board who shall assist the
26 commissioner of the department with the purposes of this section and the Sustainable Packaging
27 Trust established in section 35BBB of chapter 10. The board shall consist of 10 members
28 appointed by the governor: 1 of whom shall be the secretary of environmental affairs or a
29 designee; 1 of whom shall be the commissioner of the department of environmental protection or
30 a designee, 2 of whom shall be representatives of producers subject to the fee; 2 of whom shall

31 be representatives of the solid waste management and recycling industries; 2 of whom shall be
32 representatives of statewide environmental organizations; and 2 of whom shall be representatives
33 of municipal solid waste programs.

34 (d) The commissioner of environmental protection shall file with the chairs of the house
35 and senate committees on ways and means and report within 90 days of each fee re-evaluation
36 regarding recovery rates for beverage packaging.

37 SECTION 2. Chapter 10 of the General Laws is hereby amended by inserting after
38 section 35AAA the following section:-

39 Section 35BBB. (a) There shall be established on the books of the commonwealth an
40 expendable trust to be known as the Sustainable Packaging Trust. Amounts deposited in the trust
41 shall be used for programs described in subsections (c) and (d). Proceeds of the trust shall be
42 invested by the treasurer and shall be under the care and custody of the commissioner of the
43 department of environmental protection, in consultation with the packaging recovery advisory
44 board established in section 11D of chapter 21A. Interest earnings on funds deposited in said
45 trust shall be credited to and become part of the trust. The proceeds of the trust shall be expended
46 by said commissioner without further appropriation to cover administrative costs for the
47 implementation and enforcement of this section.

48 (b) The commissioner of environmental protection shall cause to be filed with the chairs
49 of the house and senate committees on ways and means an annual report regarding the revenues
50 and expenditures provided from the trust.

51 (c) Not more than 80 per cent of amounts deposited in the trust shall be used for material
52 recovery programs including, but not limited to: establishment of commercial recycling

53 collection programs; establishment and operation of public space recycling programs; statewide
54 waste reduction educational programs; zero interest loans to recycling processors for equipment
55 upgrades; municipal performance-based incentive grants; unit-based pricing programs; and
56 municipal grants for recycling equipment and technical assistance, based on the
57 recommendations of the board.

58 (d) Not more than 20 per cent of amounts deposited in the fund shall be used for the
59 administration and enforcement of the provisions of this section and section 11D of chapter 21A
60 including the hiring of 2 full-time equivalent department of environmental staff. Funds shall be
61 distributed to the department of environmental protection and local authorities based initially on
62 the projected costs, and thereafter on actual costs.

63 SECTION 3. The department of environmental protection shall, on or before July 1,
64 2016, promulgate regulations to set a timeline for the types of packaging to be covered by the fee
65 set forth in section 1, with priority materials being those that are most costly to manage based on
66 aggregate disposed weight and aggregate contamination volume at material recovery facilities.
67 All packaging types as defined in section 1 shall be included by 5 years from initial
68 promulgation.

69 SECTION 4. Effective January 1, 2017, packaged products sold in the commonwealth
70 shall become subject to a packaging reduction and recovery fee according to the schedule set by
71 the department as authorized by section 11D of chapter 21A.