HOUSE DOCKET, NO. 3089 FILED ON: 1/18/2013

HOUSE . . . . . No. 696

The Commonwealth of Massachusetts

PRESENTED BY:

Lori A. Ehrlich

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 passage of the accompanying:

An Act to reduce plastic pollution.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Lori A. Ehrlich	*8th Essex*
Cory Atkins	*14th Middlesex*
Denise Andrews	*2nd Franklin*
William N. Brownsberger	*Second Suffolk and Middlesex*
Linda Campbell	*15th Essex*
Sonia Chang-Diaz	*Second Suffolk*
Thomas P. Conroy	*13th Middlesex*
Carolyn C. Dykema	*8th Middlesex*
James B. Eldridge	*Middlesex and Worcester*
Jonathan Hecht	*29th Middlesex*
Timothy R. Madden	*Barnstable, Dukes and Nantucket*
Sarah K. Peake	*4th Barnstable*
Denise Provost	*27th Middlesex*
Tom Sannicandro	*7th Middlesex*
Martha M. Walz	*8th Suffolk*
Peter V. Kocot	*1st Hampshire*
Kenneth I. Gordon	*21st Middlesex*
David M. Rogers	*24th Middlesex*

Jason M. Lewis	*31st Middlesex*
Chris Walsh	*6th Middlesex*
Brian R. Mannal	*2nd Barnstable*
Peter J. Durant	*6th Worcester*
Marjorie C. Decker	*25th Middlesex*
Ruth B. Balser	*12th Middlesex*
Frank I. Smizik	*15th Norfolk*
Robert M. Koczera	*11th Bristol*
Aaron Vega	*5th Hampden*
Paul R. Heroux	*2nd Bristol*
Louis L. Kafka	*8th Norfolk*

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By Ms. Ehrlich of Marblehead, a petition (accompanied by bill, House, No. 696) of Lori A. Ehrlich and others for legislation to reduce plastic bag pollution. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

An Act to reduce plastic pollution.

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

An Act to reduce plastic pollution

SECTION 1. Chapter 21 , as appearing in the Official Edition, is hereby amended by inserting after section 21N the following chapter:-

CHAPTER 21O PLASTIC BAG REDUCTION ACT

Section 1. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Commissioner", the commissioner of the department of environmental protection.

"ASTM D6400", the American Society for Testing and Materials (ASTM) International "Standard Specification for Compostable Plastics".

"ASTM D7081", the American Society for Testing and Materials (ASTM) International "Standard Specification for Biodegradable Plastics in the Marine Environment".

"Compostable plastic bag", a plastic bag that (1) conforms to the current ASTM D6400 for compostability; (2) is certified and labeled as meeting the ASTM D6400 standard specification by a recognized verification entity; and (3) conforms to any other standards deemed acceptable by the commissioner, provided additional, commissioner approved standards are as stringent at ASTM D6400; standards may be amended from time to time.

"Checkout bag", a carryout bag provided by a store to a customer at the point of sale.

"Department", the department of environmental protection.

"Film", plastic product used in the manufacture of plastic bags.

20 “Marine degradable plastic bag”, a plastic bag that (1) conforms to the current ASTM
21 D7081 standard specification for marine degradability; (2) is certified and labeled as meeting the
22 ASTM D7081 standard specification by a recognized verification entity; and (3) conforms to any
23 other standards deemed acceptable by the commissioner, provided additional, commissioner
24 approved standards are as stringent at ASTM D7081; standards may be amended from time to
25 time.

26 "Recyclable paper bag", a paper bag that is 100 per cent recyclable and displays the
27 words "Reusable" and "Recyclable" in a highly visible manner on the outside of the bag.

28 “Reusable carryout bag”: a bag with handles that is specifically designed and
29 manufactured for multiple reuse and meets all of the following requirements: (1) has a minimum
30 lifetime of 100 uses, which means the capability of carrying a minimum of 20 pounds 100 times
31 over a distance of at least 175 feet; (2) has a minimum volume of 15 quarts; (3) is machine
32 washable or is made from a material that can be cleaned or disinfected; (4) does not contain lead,
33 cadmium, or any other heavy metal in toxic amounts; (5) if made of plastic, is a minimum of at
34 least 3.0 mils (.0762mm) thick.

35 “Retail establishment”, any retail store that satisfies at least one of the following
36 requirements:

37 (a) a retail space of 4,000 square feet or larger or at least three (3) locations under the
38 same ownership within the Commonwealth; or

39 (b) a retail pharmacy with at least five (5) locations under the same ownership within the
40 Commonwealth; or

41 (c) a full-line, self-service supermarket that had annual gross sales in excess of
42 $1,000,000 during the previous tax year, and which sells a line of dry grocery, canned goods or
43 nonfood items and some perishable items.

44 Section 2.

45 (a.) No retail establishment shall provide carryout bags to customers that are
46 manufactured with a film of high-density polyethylene (HDPE), low density polyethylene
47 (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene
48 terephthalate (PET), polypropylene (other than woven and non-woven polypropylene fabric) if
49 said film is less than 3.0 mils (.0762mm) in thickness.

50 (b) If a retail establishment provides carryout bags to customers, the bags must be one of
51 the following:

52 (i) recyclable paper bag,

53 (ii) reusable carryout bag,

54 (iii) made from a polymer which meets the specifications of ASTM D6400, or

55 (iv) made from a combination of a recycled paper bag and a polymer which meet the
56 standards of ASTM D6400,

57 (c) If a retail establishment provides carryout bags to customers, the bags must be one of
58 the following:

59 (i) recyclable paper bag,

60 (ii) reusable carryout bag,

61 (iii) a polymer which meets the specifications of ASTM D6400 and ASTM 7081, or

62 (iv) a combination of a recycled paper bag and a polymer which meet the standards of
63 ASTM D6400 and ASTM 7081,

64 (d) The enforcement and penalty provisions of section 16 of chapter 21A shall apply to
65 this chapter.

66 (e) The commissioner shall promulgate rules and regulations to implement this section.

67 SECTION 2. Subsection (b) of section 2 of Chapter 21O shall take effect 6 months after
68 this act takes effect.

69 SECTION 3. Subsection (c) of section 2 of Chapter 21O shall take effect 5 years after
70 this act takes effect.