

**HOUSE . . . . . No. 2934**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***John J. Mahoney***

*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 to reform the Toxic Use Reductions Act.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>John J. Mahoney</i>	<i>13th Worcester</i>	<i>1/20/2017</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	

**HOUSE . . . . . No. 2934**

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By Mr. Mahoney of Worcester, a petition (accompanied by bill, House, No. 2934) of John J. Mahoney and Daniel M. Donahue for legislation to further regulate toxic use reduction plans. Environment, Natural Resources and Agriculture.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
\_\_\_\_\_

An Act to reform the Toxic Use Reductions Act.

*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 11(A)(1) of chapter 21I of the General Laws, as appearing in the 2014 Official  
2 Edition, is hereby amended by striking out the first sentence and inserting in place thereof the  
3 following sentence: “On a schedule to be established by the department, but no more frequently  
4 than once every six years or when a new toxic substance is first used at a facility, and in either  
5 case on an even-numbered year, each large quantity toxics users shall prepare and complete a  
6 toxics use reduction plan for each facility for which they are required to file a report in that  
7 year.”

8           Section 11(D)(1) of chapter 21I of the General Laws, as appearing in the 2014 Official  
9 Edition, is hereby amended by striking out the words “by July 1, two years after the first plan,  
10 and then according to the schedule specified by the department” and inserting in place thereof  
11 “every six years”.

12           Section 11(F) of chapter 21I of the General Laws, as appearing in the 2014 Official  
13 Edition, is hereby amended by striking out the first sentence and inserting in place thereof the  
14 following sentence: “Large quantity toxics users shall file a plan summary with the department  
15 on or before July 1 of the year in which a toxics use reduction plan is due.”

16           Section 12(A) of chapter 21I of the General Laws, as appearing in the 2014 Official  
17 Edition, is hereby amended by adding after the last sentence the following sentence: “The  
18 continuing education requirement for initial recertification shall not exceed 45 hours.”

19           Section 12(B) of chapter 21I of the General Laws, as appearing in the 2014 Official  
20 Edition, is hereby amended by adding after the last sentence the following sentence: “The  
21 continuing education requirement for initial recertification of individuals shall not exceed 36  
22 hours.”

23           Section 12(C) of chapter 21I of the General Laws, as appearing in the 2014 Official  
24 Edition, is hereby amended by striking out the first sentence and inserting in place thereof the  
25 following sentence: “Certification shall be for not more than six years and shall be renewable for  
26 additional six year periods.”

27           Section 12(C) of chapter 21I of the General Laws, as appearing in the 2014 Official  
28 Edition, is hereby amended by adding after the last sentence the following sentences: “The  
29 continuing education requirement for subsequent recertification and renewal shall not exceed 36  
30 hours per certification period for individuals certified pursuant to subsection 12(A). The  
31 continuing education requirement for subsequent recertification and renewal shall not exceed 30  
32 hours per certification period for individuals certified pursuant to subsection 12(B).”

33           Section 19 of chapter 21I of the General Laws, as appearing in the 2014 Official Edition,  
34 is hereby amended by inserting after new subsection (I) the following subsection:

35           (J) The requirements to pay any fees under this Section 19 shall not be applicable to any  
36 use of a toxic substance that is mandated by law, regulation, drug or other product registration,  
37 design specification of a United States governmental authority including, but not limited to, the  
38 United States Armed Services, Department of Homeland Security or other similar United States  
39 Governmental authority, or any other legally enforceable requirement.

40           A toxics user shall demonstrate the applicability of the exemption by providing an  
41 affidavit identifying, to the extent permitted under applicable national security and  
42 confidentiality requirements, the governmental body whose law, regulation, registration or  
43 specification requires the use of the toxic substance.