

SENATE No. 436

The Commonwealth of Massachusetts

PRESENTED BY:

Harriette L. Chandler

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 requiring the establishment of recycling programs for ionization smoke detectors.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/1/2019</i>

SENATE No. 436

By Ms. Chandler, a petition (accompanied by bill, Senate, No. 436) of Harriette L. Chandler and Denise Provost for legislation to require the establishment of recycling programs for ionization smoke detectors. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act requiring the establishment of recycling programs for ionization smoke detectors.

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 21H of the General Laws is hereby further amended by inserting
2 after section 6N the following section:-

3 Section 6O. (a) As used in this section, the following words shall have the following
4 meanings unless the context clearly requires otherwise:

5 “Contractor”, a person engaged in the business of installation, service or removal of
6 heating, ventilation and air-conditioning components.

7 “Department”, the department of environmental protection.

8 “Local government authority”, a household hazardous waste facility, a solid waste
9 management agency, an environmental management agency or a department of public health.

“Manufacturer”, an organization or entity that sells or sold a ionization smoke detector under a brand or label it owns or is or was licensed to use a brand or label for a ionization smoke detector produced by other suppliers.

"Ionization smoke detector," a smoke detecting alarm device that contains a radioactive material pursuant to a license from the United States nuclear regulatory commission.

“Person”, an individual, trust, firm, joint stock company, corporation, including a government corporation, partnership, association, the federal government or any agency or subdivision thereof, a state, municipality, commission, political subdivision of a state or any interstate body.

“Smoke detector retailer”, a person that sells smoke detectors of any kind directly to homeowners, other non-professionals or contractors through any selling or distribution mechanism, including, but not limited to, sales using the internet or catalogs.

“Smoke detector wholesaler”, a person engaged in the distribution and wholesale sale of smoke detectors and other heating, ventilation and air-conditioning components to contractors who install heating, ventilation and air-conditioning components.

(b)(1) A smoke detector wholesaler shall not offer for final sale, sell at final sale or distribute any smoke detector unless that smoke detector wholesaler acts as a collection site for ionization smoke detectors.

(2) A smoke detector wholesaler shall meet the requirements of this section by participating as a collection site in a collection program established pursuant to subsection (d), or

by collecting ionization smoke detectors and managing the collected ionization smoke detectors in accordance with applicable federal and state laws governing the disposal of universal waste.

(3) A smoke detector wholesaler or smoke detector retailer acting as a collection site shall provide visible signage identifying the location as a collection location for waste ionization smoke detectors.

(4) A smoke detector wholesaler or smoke detector retailer shall not offer for final sale, sell at a final sale or distribute any smoke detector of a manufacturer that is not in compliance with this section.

(c)(1) Except as otherwise provided in this section, no person shall dispose of a ionization smoke detector in a manner other than by recycling or disposal as hazardous waste.

(2) A contractor who removes an ionization smoke detector from a building shall deliver that smoke detector to a collection site established under subsection (d) for recycling.

(3) A person who demolishes a building shall remove any ionization smoke detector from the building prior to demolition and shall deliver any removed smoke detector to a collection site established under subsection (d) for recycling or by collecting ionization smoke detectors and managing the collected ionization smoke detectors in accordance with applicable federal and state laws governing the disposal of universal waste.

(4) A person who removes a ionization smoke detector from a location that is participating in an energy efficiency or weatherization program supported or administered in whole or in part by a department, agency, authority or political subdivision of the commonwealth or conducted as a result of any statutory requirement, including, but not limited to, demand-side

management or least-cost procurement, shall deliver that smoke detector to a collection site established under subsection (d) for recycling.

(5) No municipal or private solid waste hauler or operator of a solid waste disposal facility shall knowingly dispose, or allow to be disposed, an ionization smoke detector as solid waste unless the radioactive material has been first removed by recycling or disposed as hazardous waste. A solid waste facility may knowingly accept or collect ionization smoke detectors for proper disposal if the device is segregated from solid waste and stored in an identified recycling container; provided, that the facility participates in a manufacturer's program as a collection site or has established a collection site to collect, manage and dispose of ionization smoke detectors as hazardous waste in accordance with applicable federal and state waste disposal laws and regulations. No operator of a solid waste disposal facility shall be found to be in violation of this section if the operator: (i) makes a good-faith and consistent effort to comply with this section; (ii) posts, in a conspicuous location at the facility, a sign stating that ionization smoke detectors are not accepted at the facility; and (iii) notifies, in writing, any person authorized to deposit solid waste at the facility that ionization smoke detectors are not accepted at the facility.

(d) Each smoke detector manufacturer that has distributed, offered for final sale or sold at final sale any ionization smoke detector within the commonwealth shall, individually or collectively:

(i) make collection containers available to each smoke detector wholesaler, smoke detector retailer, and local government authority within the commonwealth that requests a container, ensuring that those containers are accompanied by information regarding the proper

management of ionization smoke detectors as universal waste, in accordance with the collection program and the department's rules and regulations;

(ii) establish a system to collect, transport and properly manage, which may include, but shall not be limited to, recycling, out-of-service ionization smoke detectors from all collection sites established under this section; and

(iii) collect no fees or other charges for participation in the program, except that each smoke detector wholesaler, smoke detector retailer, and local government authority that is provided with 1 or more collection containers may be charged a 1-time program administration fee not to exceed \$25 per collection container.

(e) On or before March 1, each smoke detector manufacturer that has distributed, offered for final sale or sold at final sale any ionization smoke detector within the commonwealth shall, individually or collectively, submit an annual report to the department that shall include, but not be limited to, the following information:

(i) the number of ionization smoke detectors collected and recycled by the manufacturer under this section during the previous calendar year;

(ii) the estimated total amount of radioactive material contained in the smoke detector components collected by the manufacturer under this section in the previous calendar year;

(iii) an evaluation of the effectiveness of the manufacturer's collection program;

(iv) an accounting of the administrative costs incurred in the course of administering the collection and recycling program; and

(v) a list of all locations to which collection containers have been provided, including any locations which received containers during the year, and the date on which each location received a collection container.

(f) The department shall maintain and post on its website a list of all locations that are collection points for ionization smoke detectors.

In conjunction with any education and outreach programs implemented by manufacturers, the department may conduct an education and outreach program directed toward smoke detector wholesalers, smoke detector retailers, contractors and homeowners to promote the collection of out-of-service ionization smoke detectors.

(g) The department shall collect and maintain data on the collection and recycling programs established in subsection (d), including the number of ionization smoke detectors collected and recycled and the number of wholesalers, retailers, and local government authorities participating in the program. On or before September 30 of each year, the department shall prepare an annual report detailing the data collected under this subsection during the prior calendar year and shall file copies of those reports with the clerks of the senate and house of representatives and the co-chairs of the joint committee on environment, natural resources and agriculture.

SECTION 2. From January 1, 2020 through December 31, 2027, each smoke detector manufacturer that has distributed, offered for final sale or sold at final sale any ionization smoke detector within the commonwealth shall, individually or collectively conduct education and outreach efforts including, but not limited to: (i) promoting the availability of collection containers to smoke detector wholesalers, smoke detector retailers, and units of local government

in the commonwealth; (ii) educating contractors, homeowners and other interested persons of the importance of properly managing out-of-service ionization smoke detectors and opportunities for the collection of those smoke detectors and the availability of manufacturer supported programs; (iii) providing signage to participating collection locations that can be prominently displayed to promote the collection and recycling of out-of-service ionization smoke detectors; and (iv) providing written materials or templates of written materials for reproduction by participating smoke detector wholesalers and smoke detector retailers to be provided to customers at the time of purchase or delivery of a smoke detector. These materials shall include, but not be limited to, information on the importance of properly managing out-of-service ionization smoke detectors and opportunities for the collection of those smoke detectors. Each annual report required by subsection (e) of Section 6O of chapter 21H of the General Laws shall include a description of the education and outreach efforts conducted under this section.

SECTION 3. Upon the completion of the first calendar year of the collection and recycling program established by Section 6O of chapter 21H of the General Laws, the department of environmental protection shall conduct an assessment and evaluation of that program, including the number of smoke detectors collected and proposed measures to increase that number in future years. The department of environmental protection shall, on or before December 31, 2021, file a report of its findings, including any recommendations of legislation, with the clerks of the senate and house of representatives and the co-chairs of the joint committee on environment, natural resources and agriculture.

SECTION 4. Subsections (e) and (g) of section Section 6O of chapter 21H of the General Laws, inserted by section 1, shall take effect on January 1, 2021.

137 SECTION 5. Subsection (f) of Section 6O of chapter 21H of the General Laws, as so
138 inserted, shall take effect on July 1, 2021.