

HOUSE No. 382

The Commonwealth of Massachusetts

PRESENTED BY:

David M. Rogers

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 related to environmental marketing claims.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/19/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/19/2023</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>1/30/2023</i>

HOUSE No. 382

By Representative Rogers of Cambridge, a petition (accompanied by bill, House, No. 382) of David M. Rogers, Lindsay N. Sabadosa and Carol A. Doherty for legislation to further regulate the packaging of consumer goods that contain deceptive or misleading claims about the recyclability of the product or packaging. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act related to environmental marketing claims.

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 93A of the General Laws is hereby amended by adding the
2 following section:-

3 Section 12. (a) For the purposes of this section the following terms shall, unless the
4 context clearly requires otherwise, have the following meanings:

5 “Chasing arrows symbol” or “triangle of arrows”, an equilateral triangle, formed by 3
6 arrows curved at their midpoints, depicting a clockwise path, with a short gap separating the
7 apex of each arrow from the base of the adjacent arrow, and versions of that symbol that are
8 likely to be interpreted as implying recyclability.

9 “Person”, includes a corporation, partnership, retailer, wholesaler or other business entity.

10 (b) No person shall represent, in advertising or on the packaging of a consumer good that
11 it manufactures or distributes, a deceptive or misleading claim about the recyclability of a
12 product or packaging.

13 (c) Whoever represents in advertising or on the packaging of a consumer good that the
14 consumer good is not harmful to, or is beneficial to, the natural environment, through the use of
15 such terms as “biodegradable”, “compostable”, “earth-friendly”, “eco”, “ecologically friendly”,
16 “environmentally safe”, “green product”, “recyclable” or any other like term, or through the use
17 of the chasing arrows symbol or by otherwise directing a consumer to recycle the consumer
18 good, shall maintain in writing all of the following information and documentation:

19 (i) an attestation that the product is recyclable in the commonwealth;

20 (ii) any significant adverse environmental impacts directly associated with the
21 production, distribution, use and disposal of the consumer good and any measures taken by the
22 company to reduce these impacts;

23 (iii) whether, if applicable, the consumer good conforms with the uniform standards
24 contained in the Federal Trade Commission Guides for the Use of Environmental Marketing
25 Claims.

26 (d) The company shall furnish the information and documentation maintained pursuant to
27 this section to any member of the public upon request.

28 (e) A wholesaler or retailer who does not initiate a representation by advertising or by
29 placing the representation on a package shall not be deemed to have made the representation.

30 (f) If a product or packaging contains multiple material types, a chasing arrows symbol or
31 statement indicating recyclability may be displayed on the components that are recyclable in the
32 commonwealth; provided, that the packaging makes it clear which other components of the
33 product or packaging are not recyclable.

34 (g) Displaying a chasing arrows symbol or otherwise directing a consumer to recycle a
35 consumer good shall not be considered misleading if the consumer good is: (i) required by any
36 law or regulation to display a chasing arrows symbol; or (ii) a plastic bottle or rigid plastic
37 container that complies with the requirements of section 323A of chapter 94.

38 SECTION 2. This act shall take effect 1 year after passage.