

HOUSE No. 4926

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 29, 2024.

The committee on Consumer Protection and Professional Licensure, to whom was referred the 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, reports recommending that the accompanying bill (House, No. 4926) ought to pass.

For the committee,

TACKEY CHAN.

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

An Act related to truth in 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. The General Laws, as appearing in the 2022 Official Edition, are hereby
2 amended by inserting after chapter 93L the following new chapter:-

3 Chapter 93M. Environmental Marketing

4 Section 1. (a) For the purposes of this section the following terms shall, unless the
5 context clearly requires otherwise, have the following meanings:

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

10 “Person”, includes a corporation, trust, partnership, retailer, wholesaler or other business
11 or legal entity.

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

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

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

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

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

28 (d) The company shall furnish the information and documentation maintained pursuant to
29 this section to the department of environmental protection or the office of the attorney general
30 upon request.

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

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

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

41 Section 2. The attorney general shall have exclusive authority to enforce the provisions
42 of this chapter. Each violation of this chapter shall be punished by a civil fine not to exceed
43 \$1,000 per violation. The attorney may also seek injunctive relief to prevent further violations of
44 this chapter.

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