

HOUSE No. 770

The Commonwealth of Massachusetts

PRESENTED BY:

Mike Connolly and 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 reducing packaging waste.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/20/2023</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/20/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/20/2023</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/1/2023</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/7/2023</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>2/8/2023</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>2/8/2023</i>
<i>Margaret R. Scarsdale</i>	<i>1st Middlesex</i>	<i>2/9/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/9/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>2/13/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/23/2023</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>2/23/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/4/2023</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>3/30/2023</i>

HOUSE No. 770

By Representatives Connolly of Cambridge and Rogers of Cambridge, a petition (accompanied by bill, House, No. 770) of Mike Connolly, David M. Rogers and others for legislation to reduce packaging waste. Environment and Natural Resources.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 871 OF 2021-2022.]

The Commonwealth of Massachusetts

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

An Act reducing packaging waste.

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 are hereby amended by inserting after chapter 21O the
2 following chapter:

3 CHAPTER 21P: The Sustainable Food Service Ware Act.

4 Section 1. Definitions

5 “Compostable” refers (i) a product comprised of wood or fiber-based substrate only; or
6 (ii) bioplastic materials that meet the American Society for Testing and Materials International
7 Standards D6400 or D6868, as those standards may be amended, or international equivalents.

8 ASTM D6400 is the specification for plastics designed for compostability in municipal or
9 industrial aerobic composting facilities. D6868 is the specification for aerobic compostability of

10 plastics used as coatings on a compostable substrate. A bioplastic product must use a logo
11 indicating the product has been certified by a recognized third-party independent verification
12 body as meeting the ASTM standard specification; and displays the word "compostable," where
13 possible indicating the product has been tested by a recognized third-party independent body and
14 meets the ASTM standard specification. Fiber-based products or product components would
15 need to be (a) free from any organic fluorine substances that a manufacturer has intentionally in
16 any amount; and (b) not contain total organic fluorine at or above 100 parts per million as
17 measured by an independent laboratory.

18 “Disposable food service ware” All food and beverage containers, bowls, plates, trays,
19 cartons, cups, lids, straws, stirrers, forks, spoons, knives, film wrap, and other items designed for
20 one-time or non-durable uses on or in which any food vendor directly places or packages
21 prepared foods or which are used to consume foods. This includes, but is not limited to, service
22 ware for takeout foods and leftovers from partially consumed meals prepared at food
23 establishments.

24 “Food establishment” An operation that stores, prepares, packages, serves, vends, or
25 otherwise provides food for human consumption. This includes without limitation restaurants
26 and food trucks.

27 “Recyclable Material” that can be sorted, cleansed, and reconstituted using the local
28 municipality’s regular year-round collection program for the purpose of using the altered form in
29 the manufacture of a new product. Regular year-round collection means either the municipal
30 curbside pickup or else a municipal transfer station in communities that do not have curbside
31 pickup. All recyclable plastic material must be identified by its plastic resin code in a visible

32 manner on the food service ware. "Recycling" does not include burning, incinerating, converting,
33 or otherwise thermally destroying solid waste.

34 "Reusable Products" Those that will be used more than once in its same form by a food
35 establishment. Reusable food service ware includes: tableware, flatware, food or beverage
36 containers, packages or trays, such as, but not limited to, soft drink bottles and milk containers
37 that are designed to be returned to the store or distributor that provided the take-out containers.
38 Reusable materials include aluminum and glass. Reusable also includes cleanable durable
39 containers, packages, or trays used on-premises or returnable containers brought back to the food
40 establishment.

41 Section 2. (a) Except as provided in this section on and after January 1, 2025, all retail
42 food establishments will use food service ware that is compostable, recyclable, or reusable for
43 any food prepared or packaged on premises.

44 (b) The Department of Environmental Protection shall promulgate regulations with
45 regard to the enforcement of this chapter.