

**SENATE . . . . . No. 485**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

*Ryan C. Fattman*

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*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 reduction act.

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PETITION OF:

NAME:

*Ryan C. Fattman*

DISTRICT/ADDRESS:

*Worcester and Hampden*

**SENATE . . . . . No. 485**

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By Mr. Fattman, a petition (accompanied by bill, Senate, No. 485) of Ryan C. Fattman for legislation to reform the toxic use reduction act. Environment and Natural Resources.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 534 OF 2021-2022.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
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An Act to reform the toxic use reduction 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 1. Section 11(A)(1) of chapter 21I of the General Laws, as appearing in the  
2   2020 Official Edition, is hereby amended by striking out the first sentence and inserting in place  
3   thereof the following sentence:- “On a schedule to be established by the department, but no more  
4   frequently than once every six years or when a new toxic substance is first used at a facility, and  
5   in either case on an even-numbered year, each large quantity toxics users shall prepare and  
6   complete a toxics use reduction plan for each facility for which they are required to file a report  
7   in that year.”

8           SECTION 2. Section 11(D) of said chapter 21I, as so appearing, is hereby amended by  
9   striking out the words “by July 1, two years after the first plan, and then according to the

10 schedule specified by the department” and inserting in place thereof the following words:- “by  
11 July 1, two years after the first plan, and then every six years”.

12 SECTION 3. Section 11(F) of said chapter 21I, as so appearing, is hereby amended by  
13 striking out the first sentence and inserting in place thereof the following sentence:- “Large  
14 quantity toxics users shall file a plan summary with the department on or before July 1 of the  
15 year in a which toxics use reduction plan is due.”

16 SECTION 4. Section 12(C) of said chapter 21I, as so appearing, is hereby amended by  
17 striking out the first sentence and inserting in place thereof the following sentence:- “  
18 Certification shall be for not more than six years and shall be renewable for additional six year  
19 periods.”

20 SECTION 5. Said section 12(C) of said chapter 21I, as so appearing, is hereby amended  
21 by inserting at the end thereof the following sentences:- “The continuing education requirement  
22 for initial recertification and renewal shall not exceed 45 hours per certification period for  
23 individuals certified pursuant to subsection 12(A). The continuing education requirement for  
24 initial recertification and renewal shall not exceed 36 hours per certification period for  
25 individuals certified pursuant to subsection 12(B). The continuing education requirement for  
26 subsequent recertification and renewal shall not exceed 36 hours per certification period for  
27 individuals certified pursuant to subsection 12(A). The continuing education requirement for  
28 subsequent recertification and renewal shall not exceed 36 hours per certification period for  
29 individuals certified pursuant to subsection 12(B).”

30 SECTION 6. Section 19 of said chapter 21I, as so appearing, is hereby amended by  
31 inserting the following subsection:-

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

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