

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Michelle L. Ciccolo

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 relative to truth in labeling of recyclable and compostable goods.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>1/14/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act relative to truth in labeling of recyclable and compostable goods.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 The General Laws are hereby amended by inserting after chapter 21O the following
2 chapter:

3 Chapter 21P

4 Section 1: Definitions

5 a. “ASTM” means the American society for testing and materials.

6 b. “Chasing arrows symbol” means an equilateral triangle, formed by three arrows curved
7 at their midpoints, depicting a clockwise path, with a short gap separating the apex of each arrow
8 from the base of the adjacent arrow. “Chasing arrows symbol” includes any similar symbols
9 likely to be interpreted by a consumer as an implication of recyclability, including, but not
10 limited to, one or more arrows arranged in a circular pattern or around a globe.

11 c. “Container” means any bottle, can, jar, case, package or other receptacle intended to
12 hold, carry, or enclose fluids, food items or nonfood products.

- 13 d. “Department” means the Department of Environmental Protection
- 14 e. “EN” means the technical specifications and guidelines developed by the European
15 Committee for Standardization.
- 16 f. “ISO” means the International Organization for Standardization.
- 17 g. “Label” is a written, printed, or graphic displayed on a product’s immediate container
18 or wrapper that provides information about the product.
- 19 h. “Packaging material” means any package or container, regardless of recyclability or
20 compostability, used for the containment, protection, delivery, presentation or distribution of a
21 product to a consumer.
- 22 i. “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means substances that
23 include any member of the class of fluorinated organic chemicals containing at least one fully
24 fluorinated carbon atom.
- 25 j. ”Plastic” means a synthetic material made from fossil fuel or organic-based polymers,
26 such as polyethylene, polystyrene, polypropylene and polycarbonate, that can be molded or
27 blown into specific shapes.
- 28 k. “Plastic packaging material” means packaging material that is composed
29 predominantly of plastic.
- 30 l. “Producer” means the following person responsible for compliance under this chapter
31 for a product, sold, offered for sale, or distributed in or into the state:“Resin identification code”
32 means a molded, imprinted or raised label on a plastic container or plastic packaging material
33 indicating the type of plastic resin used to produce the container or packaging material.

34 (1) If the product is sold under the manufacturer's own brand or lacks identification of a
35 brand, the producer is the person who manufactures the products;

36 (2) If the product is manufactured by a person other than the brand owners, the producer
37 is the person that is the licensee of the brand or trademark under which a product is used in a
38 commercial enterprise, sold, offered for sale, or distributed in or into the state, whether or not the
39 trademark is registered in the state, unless the manufacturer or brand owner of the product has
40 agreed to accept responsibility under this chapter; or

41 (3) If there is no person described in this subsection over whom the state can
42 constitutionally exercise jurisdiction, the producer is the person who imports or distributes the
43 product in or into the state.

44 m. "Resin identification code" means a molded, imprinted or raised label on a plastic
45 container or plastic packaging material indicating the type of plastic resin used to produce the
46 container or packaging material.

47 Section 2: Prohibition on Deceptive or Misleading Claims Regarding Recyclability of 48 Products and Packaging

49 Except as otherwise provided in this section, beginning 1 year after the effective date of
50 this act, a producer may not distribute, sell, or offer for sale in the State any container, or any
51 product contained in, protected by, delivered in, presented in or distributed using packaging
52 material for which a deceptive or misleading claim about the recyclability of the container or
53 packaging material is made.

54 A container or packaging material is deemed to be recyclable in the State if:

55 (1)The material type and form are collected for recycling by recycling programs for
56 jurisdictions that collectively encompass at least 60 percent of the population of the State;

57 (2) The material type and form are sorted into defined streams for recycling processes by
58 large volume transfer or processing facilities that process materials that collectively serve at least
59 60 percent of recycling programs statewide, with the aforementioned defined streams sent to and
60 reclaimed at the reclaiming facility consistent with the requirements of the Basel Convention on
61 the Control of Transboundary Movements of Hazardous Waste and their Disposal;

62 (3)It is designed to ensure recyclability and does not include any components, inks,
63 adhesives, or labels that prevent the recyclability of the product or packaging;

64 (4) It does not contain any intentionally added chemical that impacts recyclability;

65 (5) It does not contain perfluoroalkyl or polyfluoroalkyl substances or PFAS;

66 Notwithstanding the requirements of this section, a container or packaging is considered
67 recyclable in the state if the product or packaging has an acceptable demonstrated recycling rate
68 as defined by the department of environmental protection through regulations the department
69 shall promulgate considering in its rulemaking whether or not the materials of the product or
70 packaging are routinely sorted and aggregated in the state and reprocessed into new products or
71 packaging.

72 The provisions of this section shall not apply to:

73 The use of a chasing arrows symbol in combination with a clearly visible line placed at a
74 45-degree angle over the chasing arrow symbol to convey that an item is not recyclable; or The
75 use of a resin identification code placed inside a solid equilateral triangle.

76 Section 3: Prohibition on Deceptive or Misleading Claims Regarding Compostability of
77 Certain Products and Containers

78 Except as otherwise provided in this section, beginning 1 year after the effective date of
79 this act, a producer may not distribute, sell, or offer for sale in the State any container or any
80 product contained in, protected by, delivered in, presented in, or distributed using packaging
81 material for which a deceptive or misleading claim about the compostability of the container or
82 packaging material is made.

83 A container, product, or packaging is considered compostable in the state if it meets at
84 least one of the following standard specifications.

85 (1) ASTM standard specification D6400;

86 (2) ASTM standard specification D6868;

87 (3) ASTM standard specification D8410;

88 (4)ISO standard specification 17088;

89 (5) EN standard specification 13432;

90 (6)A standard specification that is substantially similar to those provided above, as
91 determined by the department; or is composed only of raw or untreated wood, which includes
92 renewable wood, or a fiber-based substrate that contains no plastic, plastic polymer or wax
93 additives, or plastic wax coatings.

94 Section 4: Prohibition on the Use of Chasing Arrows Symbol for Compostable Products

95 A producer of packaging that is compostable, shall not market or advertise such
96 packaging using a chasing arrows symbol, resin identification code, or recycling symbol of any
97 form.

98 Section 5: Labeling Requirements for Compostable Products

99 A compostable product or packaging must feature a label that:

100 (1) Meets industry standards for being distributable upon quick inspection in both public
101 sorting areas and in processing facilities. (2) Uses a logo indicating the product has been certified
102 by a recognized third-party independent verification body as meeting the applicable standard
103 specification; (3) Displays the words “compostable,” where possible, to indicate the product has
104 been tested by a recognized third-party independent body and meets the applicable standard
105 specification; and (4) Uses green, beige, or brown labeling, color stripping, or other green, beige,
106 or brown symbols, colors, or tinting, marks, or design patterns that help differentiate
107 compostable items from non-compostable items. (5) Distinguishes between commercial and
108 residential composting as may be further defined by the department.

109 Section 6: Prohibition on the Use of Certain Terms on Plastic Products and Packaging

110 No person may sell, offer for sale, or distribute for use in the State a plastic container or
111 plastic packaging material that is labeled with the terms “biodegradable,” “degradable,”
112 decomposable,” “oxo-degradable,” or any similar form of these terms, or in any way impact that
113 the plastic product or packaging will break down, fragment, biodegrade, or decompose in a
114 landfill or other environment.

115 Section 7: Rulemaking

116 The Department shall adopt regulations to administer and enforce the provisions of this
117 act.

118 Section 8: Enforcement

119 The Department is responsible for administering and enforcing the requirements of this
120 act.

121 The Department shall issue a written warning to any person who violates the
122 requirements of this act, or any rule or regulation adopted pursuant to it.

123 After receiving a warning, a person who subsequently violates the requirements of this
124 act, or any rule or regulation adopted pursuant to it, shall be subject to a civil penalty of:

125 No more than \$10,000 dollars for the second violation;

126 No more than \$20,000 dollars for the third violation; and

127 No more than \$40,000 dollars for the fourth violation.

128 Each day a violation occurs is considered a separate violation.