

HOUSE No. 768

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 to ensure plastic bottle recycling.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>1/20/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/3/2023</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>3/8/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>3/8/2023</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>3/8/2023</i>

HOUSE No. 768

By Representative Ciccolo of Lexington, a petition (accompanied by bill, House, No. 768) of Michelle L. Ciccolo and others relative to plastic bottle recycling. Environment and Natural Resources.

The Commonwealth of Massachusetts

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

An Act to ensure plastic bottle recycling.

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. Definitions

2 In this Act, these words are defined as follows:

3 (A) "Recycle" means the series of activities by which a covered product is (i) collected,
4 sorted, and processed; (ii) converted into a raw material with minimal loss of material quality,
5 and (iii) used in the production of a new product, including the original product.

6 (B) The term "recycle" does not include:

7 (i) the method of sorting, processing, and aggregating materials from solid waste that
8 does not preserve the original material quality, and, as a result, the aggregated material is no
9 longer usable for a substantially similar product, and can only be used for inferior purposes or
10 products (commonly referred to as 'downcycling'),

11 (ii) the use of waste a) as a fuel or fuel substitute; b) for energy production; c) for
12 repurposing into infrastructure, including pavement and construction materials,

13 (iii) the conversion of waste into alternative products, such as chemicals, feedstocks,
14 fuels, and energy, through incineration, pyrolysis, methanolysis, gasification, solvolysis,
15 molecular or advanced recycling, or a similar technology determined by the Agency.

16 SECTION 2.

17 (A) Two years after the passage of this act, the total number of plastic beverage
18 containers filled with a beverage sold by a beverage manufacturer subject to The Beverage
19 Container Recovery Law, M.G.L. Chapter 94, Sections 321-327, for sale in the Commonwealth
20 of Massachusetts shall, on average, contain no less than 15 percent postconsumer recycled
21 plastic per year.

22 (B) Five years after the passage of this act, the total number of plastic beverage
23 containers filled with a beverage sold by a beverage manufacturer subject to The Beverage
24 Container Recovery Law, M.G.L. Chapter 94, Sections 321-327, for sale in the Commonwealth
25 of Massachusetts shall, on average, contain no less than 25 percent postconsumer recycled
26 plastic per year.

27 (C) Eight years after the passage of this act, the total number of plastic beverage
28 containers filled with a beverage sold by a beverage manufacturer subject to The Beverage
29 Container Recovery Law, M.G.L. Chapter 94, Sections 321-327, for sale in the Commonwealth
30 of Massachusetts shall, on average, contain no less than 50 percent postconsumer recycled
31 plastic per year.

32 SECTION 3.

33 (a) On or before March 1 of each year, a manufacturer of a beverage sold in a plastic
34 beverage container subject to The Beverage Container Recovery Law, M.G.L. Chapter 94,
35 Sections 321-327 shall report to the Department of Environmental Protection of the
36 Commonwealth of Massachusetts (hereafter referred to as “the Department”) the amount in
37 pounds and by resin type of virgin plastic and postconsumer recycled plastic used by the
38 manufacturer for plastic beverage containers subject to the The Beverage Container Recovery
39 Law, M.G.L. Chapter 94, Sections 321-327 for sale in the Commonwealth in the previous
40 calendar year. The manufacturer shall submit this information to the Department under penalty
41 of perjury pursuant to standardized forms in the form and manner prescribed by the Department.

42 (b) On or before March 1 of the second year after the passage of this act, and annually
43 thereafter, a plastic material reclaimer shall report to the Department the amount in pounds and
44 by resin type of empty plastic beverage containers subject to The Beverage Container Recovery
45 Law, M.G.L. Chapter 94, Sections 321-327, that the plastic material reclaimer has collected and
46 sold in the previous calendar year. The report shall specify the amount in pounds and by resin
47 type of empty plastic containers sold in the Commonwealth for beverage processing. The plastic
48 material reclaimer shall submit this information to the Department under penalty of perjury
49 pursuant to standardized forms in the form and manner prescribed by the Department.

50 (c) On or before March 1 of the second year after the passage of this act, and annually
51 thereafter, a manufacturer of postconsumer recycled plastic shall report to the Department the
52 amount in pounds of food-grade flake, pellet, sheet, fines, or other forms that were sold in the
53 previous calendar year and their capacity to produce food-grade material. The report shall

54 specify the amount in pounds of material that meets beverage manufacturer specifications for
55 bottle-grade material. The report shall include the amount in pounds of food-grade material sold
56 in the state for beverage processing. The manufacturer shall submit this information to the
57 Department under penalty of perjury pursuant to standardized forms in the form and manner
58 prescribed by the Department.

59 (d) The Department shall post the information reported pursuant to subdivision (a) within
60 45 days on the Department's internet website.

61 (e) This section does not apply to a refillable plastic beverage container.

62 SECTION 4.

63 This law shall not apply to rigid plastic containers or rigid plastic bottles that are medical
64 devices, medical products that are required to be sterile, prescription medicine, or packaging
65 used for those products.