

**HOUSE . . . . . No. 828**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***John J. Mahoney***

*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.**

PETITION OF:

NAME:

*John J. Mahoney*

DISTRICT/ADDRESS:

*13th Worcester*

**HOUSE . . . . . No. 828**

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By Mr. Mahoney of Worcester, a petition (accompanied by bill, House, No. 828) of John J. Mahoney for legislation to further regulate toxic use reduction plans. Environment, Natural Resources and Agriculture.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

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 11(A)(1) of chapter 21I of the General Laws, as appearing in the 2016 Official  
2 Edition, is hereby amended by striking out the first sentence and inserting in place thereof the  
3 following sentence: “On a schedule to be established by the department, but no more frequently  
4 than once every six years or when a new toxic substance is first used at a facility, and in either  
5 case on an even-numbered year, each large quantity toxics users shall prepare and complete a  
6 toxics use reduction plan for each facility for which they are required to file a report in that  
7 year.”

8           Section 11(D) of chapter 21I of the General Laws, as appearing in the 2016 Official  
9 Edition, is hereby amended by striking out the words “by July 1, two years after the first plan,  
10 and then according to the schedule specified by the department” and inserting in place thereof  
11 “by July 1, two years after the first plan, and then every six years”.

12 Section 11(F) of chapter 21I of the General Laws, as appearing in the 2016 Official  
13 Edition, is hereby amended by striking out the first sentence and inserting in place thereof the  
14 following sentence: “Large quantity toxics users shall file a plan summary with the department  
15 on or before July 1 of the year in which a toxics use reduction plan is due.”

16 Section 12(C) of chapter 21I of the General Laws, as appearing in the 2016 Official  
17 Edition, is hereby amended by striking out the first sentence and inserting in place thereof the  
18 following sentence: “Certification shall be for not more than six years and shall be renewable for  
19 additional six year periods.”

20 Section 12(C) of chapter 21I of the General Laws, as appearing in the 2016 Official  
21 Edition, is hereby amended by adding after the last sentence the following sentences: “The  
22 continuing education requirement for initial recertification and renewal shall not exceed 45 hours  
23 per certification period for individuals certified pursuant to subsection 12(A). The continuing  
24 education requirement for initial recertification and renewal shall not exceed 36 hours per  
25 certification period for individuals certified pursuant to subsection 12(B). The continuing  
26 education requirement for subsequent recertification and renewal shall not exceed 36 hours per  
27 certification period for individuals certified pursuant to subsection 12(A). The continuing  
28 education requirement for subsequent recertification and renewal shall not exceed 30 hours per  
29 certification period for individuals certified pursuant to subsection 12(B).”

30 Section 19 of chapter 21I of the General Laws, as appearing in the 2016 Official Edition,  
31 is hereby amended by inserting after new subsection (I) the following subsection:

32 (J) The requirements to pay any fees under this Section 19 shall not be applicable to any  
33 use 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 demonstrate the applicability of the exemption by providing an  
38 affidavit identifying, to the extent permitted under applicable national security and  
39 confidentiality requirements, the governmental body whose law, regulation, registration or  
40 specification requires the use of the toxic substance.