

By Mr. Lambert of Fall River, petition of Edward M. Lambert, Jr., for legislation to regulate the disposal and recycling of refrigerators, ranges, stoves, freezers, air conditioners and other "white goods". Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Five.

AN ACT REGULATING THE DISPOSAL AND RECYCLING OF WHITE 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 Chapter 93 of the General Laws is hereby amended by adding
2 the following four sections:—

3 Section 104. For the purpose of this section and sections one
4 hundred and five to one hundred and seven, inclusive, the
5 following words shall have the following meaning:—

6 "White Good", a large household appliance including, but not
7 limited to, a refrigerator, range, stove, freezer, air conditioner, or
8 other similar domestic and commercial large appliances used in a
9 household.

10 "White Goods Merchant", a person who sells white goods in
11 the ordinary course of business.

12 A white goods merchant upon delivery of a white good shall be
13 responsible for the removal of any white good which is being
14 replaced. At the time of purchase of a white good the customer
15 shall sign a statement indicating whether or not the white good is
16 to be removed. The statement shall:

17 (1) list all hazardous substances that may be contained in the
18 replaced white good;

19 (2) recite all laws, rules and regulations relative to disposal of
20 white goods;

21 (3) list all recycling costs and any penalties and fines for failure
22 to comply with disposal requirements.

23 The department of environmental protection may promulgate
24 rules and regulations to implement the provisions of this section and
25 sections one hundred and four to one hundred and seven, inclusive.

26 Section 105. Any operator of a facility which accepts a white
27 good for processing or disposal shall recycle the white good and
28 may assess a reasonable charge therefor.

29 Section 106. Any person who violates the provisions of sec-
30 tions one hundred and four and one hundred and five or any rules
31 or regulation thereunder shall be:

32 (1) punished by a fine of not more than twenty-five thousand
33 dollars, or by imprisonment for not more than two years in a
34 house of correction, or both, for each such violation; or

35 (2) subject to a civil penalty not to exceed twenty-five thousand
36 dollars for each such violation. Attorney's fees shall be awarded
37 in addition to any civil penalty assessed. Each day such violation
38 occurs or continues shall be a separate offense.

39 The superior court shall have jurisdiction to enjoin violations
40 of, or grant such additional relief as it deems necessary or appro-
41 priate to secure compliance with the provisions of this section and
42 sections one hundred and four and one hundred and five and any
43 rules and regulations thereunder upon the petition of the attorney
44 general or the commissioner of the department of environmental
45 protection.

46 Section 107. Any person aggrieved by a determination of the
47 department of environmental protection under sections one hun-
48 dred and four to one hundred and six, inclusive, may request an
49 adjudicatory hearing before the department pursuant to the provi-
50 sions of chapter thirty A. Any person aggrieved by a final decision
51 in any adjudicatory hearing hereunder may obtain judicial review
52 thereof pursuant to the provisions of chapter thirty A.