

By Ms. Resor of Acton, petition of Pamela P. Resor, Lois G. Pines, J. James Marzilli, Jr., and Stephen Kulik for legislation to require that package labels contain information indicating the amount of post-consumer recycled material contained in packaging. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

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

AN ACT REGARDING RECYCLED CONTENT LABELING.

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 21A of the Massachusetts General Laws, as appearing
2 in the 1994 Official Edition, is hereby amended by adding after
3 section 18A the following new sections:—

4 Section 18B. Definitions.

5 For the purposes of sections 18B through 18D, inclusive, the
6 following words shall have the following meanings:

7 “Packaging”, containers made of glass, metal, paper, plastic,
8 or any combination of such materials used to protect, store,
9 handle, transport, display or market products, including unit
10 packages, intermediate packages, and shipping containers.

11 “Post-consumer”, material or end product that has served its
12 intended use and has been discarded for disposal or has been
13 separated and diverted from the solid waste stream for recovery.
14 Waste generated during production of an end product is
15 excluded.

16 “Recycled content”, the percentage by weight of the materials
17 used to produce a given product or package which is recycled
18 material.

19 “Recycled material”, any material recovered or otherwise
20 diverted from the solid waste stream either during manufacturing
21 or after consumer use (post-consumer recycled material). To the
22 extent that the source of recycled content includes material other

23 than post-consumer recycled material, such material must other-
24 wise enter the solid waste stream.

25 Section 18C. Labeling Program for Retail Packaging.

26 (a) As of July 1, 1998, all retail packaging used or sold in
27 Massachusetts shall display in a conspicuous size and in a con-
28 spicuous place, as determined by the director of standards, a con-
29 sumer information label stating the total annual weighted
30 average percentage of recycled content and post-consumer recy-
31 cled content contained in the package, as cited in the Federal
32 Trade Commission Act Guide for the Use of Environmental
33 Marketing Claims.

34 (b) In addition, retail packaging in Massachusetts may display
35 a consumer information label relating to recyclable packaging
36 and source reduced packaging, as cited in the Federal Trade
37 Commission Act Guide for the Use of Environmental Marketing
38 Claims.

39 Section 18D. Administration, Rules, and Regulations.

40 (a) The Secretary of Environmental Affairs shall administer
41 the provisions of sections 18B through 18D and shall promulgate
42 regulations by July 1, 1998 as to 1) the enforcement of said sec-
43 tions, 2) the penalties for non-compliance with said sections, and
44 3) the exemptions from said sections for small packages, small
45 quantity imports, and packages which contain drugs, medical
46 devices, medical food or infant formula as defined by the Federal
47 Food, Drug, Cosmetic Act (21 USC 301, et seq.) and to other-
48 wise effectuate the purposes of said sections.

49 (b) The Secretary of Environmental Affairs shall also review
50 other applicable state and federal regulations and laws and rec-
51 ommend to the General Court adjustments to sections 18B
52 through 18D as she deems necessary and appropriate.