

Initiative Petition for a Law Relative to Less Chemicals for Ecosystems

Be it enacted by the People, and by their authority:

SECTION 1. The purpose of this act is to limit chemical risks and to protect our ecosystems in a way that is sustainable for humanity.

SECTION 2. To reduce hazardous industrial chemicals in our environment with , the General Laws of Massachusetts shall be amended to require the following:

(a) Adopt regulations comparable to the European Union's 'Registration, Evaluation, Authorisation and Restriction of Chemicals.' Key provisions include:

- (i) The burden of proof is upon companies to prove safety, in addition to information on chemicals used;
- (ii) Authorities may ban substances which pose unmanageable risks or, if the use is needed for a necessary health benefit without any alternative, restrict the use of the substance;
- (iii) Authorities may ban a group or class of similar substances;
- (iv) Any country may propose chemicals to be banned or restricted for a public consultation on which anyone can submit comments – for parity, any Massachusetts municipality and nonprofit should be able to propose chemicals to be banned or restricted, and anyone allowed to submit comments on whether to do so.
- (v) Penalties for noncompliance exist in these areas:
 - (A) Registration and evaluation, such as marketing an unregistered substance;

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(B) Authorization and restrictions, such as using a restricted chemical without a use authorization;

(C) Supply chain, such as supplying a substance without providing the recipient with a safety data sheet.

(D) Downstream users, such as failing to control risks identified in the safety data sheet.

(vi) Penalties are required and must be 'effective, proportionate, and dissuasive.'

(b) Require that products, including but not limited to pesticides, food, and cosmetics, sold in the Commonwealth meet the chemical safety standards established by the European Union;

(c) Adopt the following further restrictions to limit use of hazardous chemical substances:

(i) Adopt all the bans and restrictions on chemical substances that exist in the European Union that shall be complete within 3 years of the effective date of this section.

(ii) Adopt the provisions of 'An Act for Massachusetts Toxic Free Kids', in the 2021 – 2022 legislative session, bill number H.939 & S. 207.

(iii) Adopt the provisions of 'An Act restricting toxic PFAS chemicals in consumer products to protect our health' H. 4818 in the 2021 – 2022 legislative session of the General Court.

(iv) Establish a tax on lithium and any other other toxic batteries for the General Fund.

(d) Additionally restrict pesticides, herbicides, and fertilizer as follows:

(i) With exceptions for commercial agriculture, establish a ban on the use of synthetic pesticides and herbicides for turf, landscape, and outdoor pest management on both public and private property, like Portland, Maine, and allow use only of pesticides certified under the USDA national organic program.

(ii) On Massachusetts farms, support the transition to and use of pesticides and herbicides certified under the USDA national organic program over non-certified pesticides.

(iii) Restrict all pesticides, herbicides, and fertilizer, whether allowed or prohibited, within 75 feet of a water body or wetland, except as expressly defined for the larvacide in the mosquito management program that follows.

(iv) Except for supporting a pesticide and herbicide ban as described in paragraph (i) of subsection (c) above, adopt the mosquito management program proposed in the 2021 – 2022 legislative session of the General Court in S. 556 and H.937, 'An Act providing for the public health by

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establishing an ecologically based mosquito management program in the Commonwealth' to limit pesticide use.

(v) Ban neonicotinoids, pesticides or herbicides belonging to the neonicotinoid class of chemicals which act selectively on nicotine acetylcholine receptors of organisms and are absorbed into plant tissue and can be present in pollen and nectar, including but not limited to, imidacloprid, acetamiprid, clothianidin, dinotefuran, nithiazine, nitenpyram, thiacloprid, and thiamethoxam and any other pesticide identified as a neonicotinoid by the United States Environmental Protection Agency.

(v) Ban any pesticide or herbicide with per- or polyfluoroalkyl substances (PFAS).

(e) Take the following steps to reduce plastic pollution, which is also a synthetic chemical:

(i) Within two years, establish a bottle deposit system for plastic bottles like Norway's that makes returning the bottle worthwhile, where the customer pays a deposit and for which the deposit increases over time through being tied to inflation or interest. To return, the customer can then go to a 'reverse vending machine' which returns a deposit after scanning the barcode of the bottle, or they can return it to various small shops and gas stations for cash or store credit.

(ii) Within two years, establish a proportionate plastic sales tax at the consumer level, at 50 cents per pound of plastic included in the single item and minimum 5 cents. Plastic is defined as composed totally or partially of organic polymers of synthetic origin.

(iii) Phase out single-use plastic products for which environmentally friendly alternatives already exist, and establish a ban on these products within 3 years. Plastic should be defined as composed totally or partially of organic polymers of synthetic origin.

(iv) Phase out all plastic products for which environmentally friendly alternatives already exist, and establish a ban on these products within 10 years. Plastic should be defined as composed totally or partially of organic polymers of synthetic origin.

(f) As part of this plan to reduce chemical pollution, establish a research program to examine reducing and remediating chemical pollution, with a focus on areas near waterways, as follows:

(i) research and provide grants for research of ecologically-friendly, non-patented bioremediation to break down hazardous chemicals, with a focus on using native plants and fungi;

(ii) research how to reduce inputs of chemical pollution, including pharmaceutical pollution;

(iii) review relevant research;

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(iii) recommend best practices within Massachusetts;

(iv) establish locations equitably across Massachusetts where bioremediation of chemical pollution and waste takes place, including microplastics, sludge, PFAS, pharmaceuticals, other waste, and soil, insuring communities with substantial environmental pollution receive more attention;

(v) monitor potential chemical pollution and results of bioremediation.

(g) To insure the success of this act, establish an authority to manage databases, public consultations, and check compliance with the law established in this act, and insure the authority has the means and resources to check whether chemicals are being used improperly through scientific study and research. Prevent conflicts of interest conventionally but also by requiring that any money received from industry, such as for registering chemicals, be credited to the Massachusetts General Fund for distribution by the General Court.

(h) To insure the success of this act, regarding violations of subsection (a) of this section, establish penalties including administrative, criminal, economic, and financial with minimum fines of \$70,000 for the chemical industry and manufacturers. For farmers and residences, establish fines ranging from \$300 to \$500. Allow for injunctions, such as market withdrawal orders to stop an infringing procedure, and product confiscation. Provide that the attorney general may enforce this law and that others may do so as a *qui tam* relator. To support compliance, whistleblowers who voluntarily provide original information that leads to successful enforcement actions, including regarding hazards, may receive an award of between 10% and 30% of the total monetary sanctions collected. All other money awarded by a court under this paragraph shall be credited to the general fund.

SECTION 2. Unless otherwise specified, the requirements of this act shall be in place within one year of the effective date of this act. All financial penalties and taxes of this act are to be inflation adjusted.

SECTION 3. The provisions of this act are severable, and if any clause, sentence, paragraph or section of this law or an application thereof shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or application adjudged invalid and such clause, sentence, paragraph, section or application shall be reformed and construed so that it would be valid to the maximum extent permitted.

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