

# ISRI

## New England

### Catalytic Converter Law Passes in Massachusetts

In response to the rising wave of catalytic converter thefts in recent years, the Massachusetts legislature enacted a law, effective January 2023, regulating the sale of converters to third parties, such as metals recyclers. Connecticut passed similar legislation in 2022. The new Massachusetts law imposes several requirements on the purchase of catalytic converters, including requiring sellers to provide documentation showing proof of identification and ownership of the converter.

Further, each converter transaction must include detailed information such as the license plate of the vehicle used to transport the catalytic converter; a description and photograph of the converter; photocopies or digital images of the bill of sale or other ownership documents from the seller; the price paid for each converter and the total transaction cost.

All of this documentation must be preserved by the buyer for three years and made available to local police authorities upon request. The law also prohibits a metals recycler from acquiring a catalytic converter from anyone who is not a commercial enterprise or the owner of the vehicle from which the converter was removed.

While the requirements of the new law are clear enough, it is geared toward businesses or individuals selling converters to a receiving metals recycler. The law does not explicitly address business-to-business transactions on the outbound side when, for example, a metals recycler sells its inventory of converters to third parties.

Given that these transactions likely would move in bulk, it is hard to imagine that the legislature thought it necessary for an outbound transaction to require another round of recordkeeping similar to the requirements on the inbound side. There has been some local effort from the recycling industry to add a specific business-to-business exception to the law, but it is not clear whether such an effort will gather momentum in the legislature.

### President Biden and Environmental Justice

The reach of the environmental justice movement is now extending even further with the recent Executive Order from President Biden establishing the White House Office of Environmental Justice headed by a Chief Environmental Officer. The Office will serve to advance environmental justice initiatives and coordinate the development of policies and programs in all federal agencies.

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One of the more interesting features of the Order is that it requires all federal agencies to commit to the causes of environmental justice. The Order requires each federal agency to develop its own Environmental Justice Strategic Plan. Previously, within the federal government, the main agency promoting, implementing, and overseeing environmental justice was the Environmental Protection Agency.

The President's Order makes clear that the EJ effort within the federal government is much broader:

"It is the policy of my Administration to pursue a whole-of-government approach to environmental justice...In partnership with State, Tribal, territorial, and local businesses and members of the public, the Federal Government will advance environmental justice and help create a more just and sustainable future for all."

It remains to be seen how effective the new White House Office will be in promoting these objectives. Suffice it to say that the environmental justice movement, which started at the grassroots level and worked its way into the US EPA and various state governments, now has a new champion in the White House.

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## The Language of Metals Recycling

Over the past year, ISRI-National has undertaken a major initiative focused on changing the language and messaging commonly used in the metals recycling industry to more accurately describe its value to society of the industry. The initiative is detailed in an ISRI publication (available online) entitled "A Common Language for the Recycled Materials Industry," more commonly known as the ISRI "Playbook."

The main purpose of the effort is to turn attention away from the inputs in the recycling process (collecting scrap and diverting materials from landfills) and focus more attention on the outputs/results in the process (protecting natural resources, reducing carbon emissions and reusing products and materials in the manufacturing process).

In New England, and especially Massachusetts, the state and local laws are particularly harsh and unhelpful in defining the metals recycling business. These laws, mostly written decades ago, are replete with terms such as "junkyards," "junk dealers," "collectors of old metals" and "automobile graveyards."

From an enforcement standpoint, one of the major obstacles in dealing with regulators and government attorneys is overcoming some of the unconscious (or otherwise) bias against these businesses because of the nomenclature used to describe them for so long. It is unrealistic to think that these laws will be repealed or rewritten in the foreseeable future. However, the ISRI language initiative, however provides an opportunity to educate not only the local communities, but also the regulators to truly appreciate that they are dealing with sophisticated, socially responsible businesses that are vital to the economy and society.

We wish ISRI-National all the best with this exciting program!

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