



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

DECLARATION OF EMERGENCY NOTICE **(Title 49 CFR Part 390.23)**

Pursuant to 49 CFR Section 390.23, I, Governor Charles D. Baker, declare that an emergency exists pertaining to an essential service, the intrastate pickup of residential and commercial refuse from residences and businesses and delivery of such refuse to recycling and landfill sites within the Commonwealth of Massachusetts.

This emergency exemption is issued as a result of the effects on the Commonwealth of the COVID-19 outbreak which was declared a pandemic by the World Health Organization on March 11, 2020. Some of the anticipated impacts on the waste and recycling industry include interruptions of normally scheduled waste service operations from facility operations (landfills, waste-to-energy plants, transfer stations and recycling stations) as well as collection operations (office dispatch, mechanics, drivers and helpers) as employees report absent from work due to self-quarantining, school closures, illness and other related COVID-19 demands. This emergency declaration provides regulatory relief for commercial motor vehicles operation while providing direct assistance in the pickup and disposal of refuse during the emergency. This emergency exemption is effective immediately and will remain in effect until 11:59 P.M., EDT, April 12, 2020 unless rescinded sooner by appropriate order.

The following is ordered:

1. An emergency exists that requires relief from regulations adopted in Massachusetts and Federal Statutes and Regulations pertaining to hours of service of motor carriers and drivers of commercial motor vehicles, while transporting and collecting refuse. (49 CFR Part 395).
2. Nothing contained in this declaration shall be construed as an exemption from the Controlled Substances and Alcohol Use and Testing requirements (49 CFR 382), the Commercial Driver's License requirements (49 CFR 383), the Financial Responsibility requirements (49 CFR 387), applicable Size and Weight requirements, or any other portion of the regulation not specifically identified.
3. No motor carrier operating under the terms of this agreement shall require or allow a fatigued or ill driver to operate a motor vehicle. A driver who informs a carrier that he or she needs immediate rest shall be given at least ten consecutive hours off-duty before the driver is required to return to service.

4. Motor carriers that have an Out of Service Order in effect **may not** take advantage of the relief from regulations that this declaration provides under Title 49 CFR 390.23.
5. Drivers for motor carriers that operate under this Declaration of Emergency Notice should have a copy of it in their possession.
6. Consistent with Title 49 CFR Section 390.23, the emergency notice will remain in effect through April 12, 2020, 11:59 p.m. EDT or sooner if terminated by the Governor.



Charles D. Baker
Governor

DATE: March 20, 2020

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