

ANNUAL REPORT 2021 – 2022

Through the third year of a pandemic, the association continued its work on behalf of the state's supermarket and grocery industry at all legislative and regulatory levels, advocating for members facing unique challenges under ever-changing circumstances. At the state level, MFA continued to promote the industry with the 192nd General Court of the Commonwealth of Massachusetts as it elapsed into the second year of its two-year session. Meanwhile the State House reopened to the public on February 22 after nearly two years of being closed due to COVID-19. To date MFA has reviewed over 5,300 bills introduced in the House and over 3,300 in the Senate. The Massachusetts Food Association continues to closely track over 300 bills through the end of the session. Although the official last day of the present two-year session is January 3, 2023, formal sessions ended for the year in the early hours of August 1 due to unfinished business, a day after the official July 31 formal session deadline. Legislators adjourned to their districts through the summer and early fall months of the second year to campaign for re-election or seek election to other positions. The new two-year legislative session begins January 4, 2023 with a new legislator freshman class, new leadership and new committee assignments as the public hearing process begins all over again.

At the regulatory level, MFA continued its advocacy and participation through various councils, committees and partnerships with relevant departments, agencies, commissions and with other industry groups as appropriate. The association also continued its diligent watch on local issues to keep members informed and assist them as appropriate. Below is a report on the pandemic, legislative, regulatory and industry issues the association was involved with over the past year.

COVID 19 UPDATE

As local and state pandemic mandates began to ease in mid-2021, MFA kept vigil to keep members informed and supported at the local, state and national level, including mask policies in greater Boston and other municipalities across the state, state advisories and adoption of federal guidelines on quarantine, etc. At the federal level MFA advocated on behalf of our industry through national associations to oppose the OSHA Emergency Temporary Standard (ETS) "vaccine or test" mandate proposed for employees with over 100 employers. In late November the ETS was suspended, then reinstated as it went to the U.S. Supreme Court which blocked enforcement of the mandate on January 13. On January 26 OSHA formally withdrew its' ETS after what it stated as "...continued advocacy in opposition". MFA kept members updated as the situation evolved and requirements changed.

LEGISLATIVE UPDATE

The legislature continued to hold virtual and/or hybrid in-person public hearings through its second year as House and Senate members crafted a new FY '23 budget and sent it to the Governor who signed it into law August 2. The new fiscal year began one month earlier on July 1 as record setting tax revenue continued to pour in. Leftover federal ARPA funding and surplus revenue from the last fiscal year left the state flush in cash. Legislative proposals filed by the Association for the present two-year session and their status include the following:

- **H376 – An Act relative to retail sales.** Allows food stores/departments to sell uncooked items by the piece with proper signage, weight requirements and disclosure. This would include pre-weighed items such as uncooked fish, mixed items such as stews, meat, poultry, etc. Released favorably by Committee, remained in 2nd reading. Attempts were also made to add H376 as an amendment to Senate budget proposal and other bills filed through the session;
- **H458 – An Act to promote alcohol storage space.** Allows a food store to stock its licensed alcohol products for off-premise consumption sales in an off-premise bonded warehouse. Placed into a study;
- **H1588 – An Act relative to the theft of bulk merchandise containers.** Establishes penalty provisions for the theft of such containers. Placed into a study;
- **H372 – An Act restricting the sale of certain items at flea markets.** Establishes penalty provisions for the sale of certain items at flea markets. Placed into a study.

TESTIMONIALS/STATEMENTS SUBMITTED BY MFA

- **SUPPORT** – LETTERS TO CONFERENCE COMMITTEE URGING PASSAGE OF EGG, PORK, VEAL LEGISLATIVE COMPROMISE (H4194/S2481);
- **SUPPORT** – LETTERS TO HOUSE SPEAKER, SENATE PRESIDENT URGING SUPPORT FOR EGG, PORK, VEAL LEGISLATIVE COMPROMISE OF CONFERENCE REPORT;
- **SUPPORT** – LETTER TO GOVERNOR URGING SUPPORT AND PASSAGE OF EGG, PORK, VEAL LEGISLATIVE COMPROMISE OF CONFERENCE REPORT (H4194/S2481);
- **SUPPORT** – LETTER TO CHAIR OF COMMITTEE ON CONTINUED SUPPORT FOR H376;
- **SUPPORT** – TESTIMONY SUPPORTING H414 – AN ACT RELATIVE TO LIQUOR LICENSING;
- **OPPOSE** – TESTIMONY OPPOSING H4377 – AN ACT RELATIVE TO 21ST CENTURY ALCOHOL LICENSE REFORM;
- **SUPPORT WITH CHANGES** – TESTIMONY SUBMITTED WITH SUGGESTED CHANGES TO 330 CMR 35.00 – MDAR REGULATIONS TO PREVENT CRUELTY TO ANIMALS;

LEGISLATIVE ISSUES UPDATE

2016 EGG, PORK & VEAL LAW – With overwhelming approval of a 2016 ballot question (77.64% - 22.36%) on animal welfare going into effect January 1, 2022, legislation was once again introduced to address the problems it created for the sale of egg, pork and veal products in MA. By late last year legislation reforming state standards for animal housing affecting the sale of those products remained before a conference committee working to reach a compromise on differing House and Senate proposals. In December 2021 a compromise was reached and sent to the Governor, who signed it into law two days later. MFA had strongly advocated for quick passage of the legislation with the 2016 law and regulations going into effect. The new law updated the 2016 ballot law standards by allowing differing egg farms to have certain floor space requirements, and delayed state standards for pork products. It also took the regulatory authority away from the Attorney General and placed it with the MA Department of Agricultural Resources. Throughout this entire process, MFA advocated on behalf of all retail and non-retail industry members affected by the law, remaining in constant contact with the Baker administration, the legislature, the department and others involved in the implementation.

LIQUOR LICENSING - MFA continued to work with its Liquor Sub-Committee through the session as proponents of a ballot initiative to alter off-premise liquor license restrictions continued their efforts to appear on the November ballot. The legislative proposal requirement for the ballot question was discussed by MFA and other industry groups with proponents (the liquor store industry) to try and reach a compromise, however proponents were intent on proceeding to the ballot and would not alter those plans after submitting over 109,000 required signatures, more than 20,000+ required. MFA also offered testimony on specific liquor licensing legislation, including this proposal and others filed.

SALE BY THE PIECE - Legislation sponsored on behalf of the association (H376) would allow food stores/departments to sell meat, poultry, seafood and combined ingredients by the piece, count or serving as opposed to the present limit that restricts sales of such items only by weight. The bill was released favorably from the Committee while MFA also tried to advance the proposal as an amendment to other legislation towards the end of formal sessions.

PLASTIC BAGS - MFA continued its efforts with environmental activist groups and the retailer's association to create a statewide plastic bag ban supported by all groups. General consensus was

reached, testimony was presented in support of proposals that: ban plastic bags; mandatory fee on paper and plastic while plastic is phased out; state preemption of local ordinances, and; adequate time for phasing in these requirements. All bag legislation stalled in their respective Ways & Means Committees. MFA also tracked legislation that would allow towns to implement their own bag fee and ban on plastic bags filed for the towns of Acton, Lincoln and Sudbury. They remain before the House. [U/I ASSESSMENT](#) – MFA continued support of funding for the state’s unemployment trust fund as proposed in the legislature’s FY ’23 budget and an economic development bill to help offset future increased payments by employers. To date the legislature continues working to finalize UI funding.

REGULATORY UPDATE

MFA continued to serve on numerous state advisory boards, committees, and task forces on behalf of our industry and responded to member inquiries including the following issues:

- **EGG, PORK & VEAL REGULATIONS** – MA ATTORNEY GENERAL (AG) – Worked with Counsel to obtain and distribute final draft of regulations effective January 1, 2022. MA DEPT. OF AGRICULTURAL RESOURCES (MDAR) – Worked with Commissioner and Director on regulations effective June 10, 2022, superseding AG regulations. FAQ produced by MDAR in July 2022. MFA continued advocacy for the industry through these processes, ongoing.
- **ALCOHOL LICENSING** – MFA continues to participate in ABCC group meetings as appropriate, communication with Executive Director ongoing and as appropriate.
- **RECYCLING** – MA DEPT. OF ENVIRONMENTAL PROTECTION ORGANICS SUB-COMMITTEE – Continue participation on Sub-Committee regarding organics diversion, and lowering threshold to ½ ton/week of organic waste (now 1 ton). RECYCLING MARKET DEVELOPMENT WORK GROUP – Monitoring new DEP Group created from updated MA Solid Waste Master Plan. Continue work with members and DEP on relevant issues as appropriate.
- **EBT/SNAP** – MA DEPT OF TRANSITIONAL ASSISTANCE (DTA) –Maintain relationship with the Department and staff for communication and informational purposes regarding outages, fraud prevention, member inquiries, etc.
- **WIC ISSUES** – WIC ADVISORY COUNCIL AND WIC VENDOR ADVISORY COUNCIL – Continued participation on both councils on behalf of industry regarding all WIC issues including WIC product shortages, supply disruptions, food package waivers, formula recalls, etc.
- **FOOD ESTABLISHMENT ADVISORY COMMITTEE (FEAC)** – Continue membership on Committee, served as Chair, past-chair. Due to pandemic meetings have been suspended.
- **GREATER BOSTON FOOD BANK** – Continue membership on Advisory Committee.
- **MA HEALTH CONNECTOR** – Continue participation in Health Connector Advisory Council as appropriate.
- **OTHER** - MFA continued to serve as a liaison between members and other state regulatory agencies and departments such as the Department of Public Health, the Attorney General’s office, the Division of Standards and others to foster discussion and seek resolution to circumstances faced by members.
- MFA also continued to work with other trade groups and industries including business organizations, taxpayer foundations, restaurants, small business groups and others on issues that affect all our industries, including wages, health care, automated sales tax remittance, employee leave, benefits and other proposals and related issues.

LOCAL ISSUES UPDATE

MFA continued to monitor town meeting proposals to ban plastic bags, beverage bottles, bottled water, straws and packaging restrictions across the commonwealth utilizing an alert system to identify issues as they are proposed in municipalities, then issuing a notification to affected members in the respective municipality. Testimony, information and talking points is available to affected members as appropriate. MFA also continues to work with other industry groups such as the MA Beverage Association on bottled water bans, including repeals of bottled water bans. MFA also continues working with non-profit group

Cares for Cape & Islands to distribute free signage to retail members encouraging recycling of bottles and cans rather than support of deposits or product bans. Through the pandemic MFA continuously updated membership on the status of local mask mandates and other local requirements as identified.

EMERGENCY PREPAREDNESS UPDATE

MFA continued serving as a member of the Massachusetts Emergency Management Agency's (MEMA) Emergency Support Function team 5 (MAESF-5). MAESF-5's function is to represent the business community and the private sector, and is responsible for providing a framework of coordination and cooperation among public and private sector partners before, during, and after disasters, emergencies, or planned events in Massachusetts. MEMA calls for close collaboration between public and private sector partners over all phases of emergency management to improve community resilience and ensure effective use of resources during incidents. As outlined in the MAESF-5 *Business and Industry* annex, the duties of the Association include:

- Provide information and situational awareness on the status, location, needs, and available resources of food retailers, distribution centers, wholesalers, and distributors.
- Work with member organizations to develop a list of critical commodities that can be pre-positioned in advance of an event.
- Provide staffing for the MAESF-5 work station at the SEOC as needed.
- Act as a conduit for providing situational awareness and information on ongoing operations from the SEOC to member organizations.
- As requested, coordinate private sector resources to support SEOC operations.
- As needed, obtain information from member organizations to provide to the SEOC.

MFA continued to serve on MEMA's Hurricane Working Group and its Mass Feeding Working Group during the hurricane seasons. MFA continues to provide up-to-date information from MEMA on weather, important announcements and other relevant information in a timely manner to members.

COMMUNICATION UPDATE

- MFA continued to serve as the leading voice of the state's grocery and supermarket industry, responding to media inquiries both in and out of state, and by participating in editorials and webinars on important issues on behalf of the entire industry, including: COVID related issues, supply chain shortages, effect of egg, pork and veal state laws and regulations on those commodities, etc.
- MFA is in constant communication with members and the public through weekly publications, editorials, articles and publications in media outlets.
- MFA works with other state and national groups to educate and inform others while also working to reach consensus on issues of interest to our members.
- MFA maintained its website to keep members informed and up to date on Association and industry related issues. In addition, MFA continued to grow its social media platform to reach a broader audience of the membership and beyond.

ASSOCIATION STATUS, FINANCES & SOCIAL EVENTS UPDATE

- MFA continued to remain in a strong position both fiscally and in membership recruitment and retention. MFA also continued to remain financially strong while facing unprecedented conditions from the pandemic.
- MFA continued to work with regional and state organizations such as the Food Industry Association Executives (FIAE), the national associations including the Food Marketing Institute (FMI), the National Grocers Association (NGA) and others to further the causes of the industry.
- MFA's social events including its Annual Meeting & Awards Ceremony and its Annual Convention held over the Memorial Day Weekend were once again financial successes and exceeded expectations during the ongoing pandemic. Membership dues, convention sponsorships and other financial resources leave the Association in a strong financial position.