



January 25, 2010

The Toxics in Packaging Clearinghouse (TPCH) recently received an inquiry regarding the interpretation of “packaging component” *in the absence of the vitrified label exemption* for glass and ceramic packages (exemption 5g). TPCH responded that *in the absence of an exemption*, each enamel used to create a vitrified label is considered a distinct packaging component for the purposes of toxics in packaging laws, and therefore is subject to the 100 ppm concentration limit for the sum of the four regulated metals incidentally present in any packaging component. Further, the enamels are also subject to the “no intentional introduction” requirement.

It should be noted that the TPCH previously recommended that the various TPCH member states adopt an exemption that reflected the properties of vitrification, and treat glass with vitrified labels as one packaging component. As with all provisions of the model legislation, however, exemptions are only applicable if enacted into law by the individual states, as each state has its own body of law.

The model legislation’s glass exemption does not exist in eight of the ten current TPCH member states. Accordingly, *in the absence of an exemption* for vitrified labels on glass, such items are given the same status under the toxics in packaging laws as are all other packages and packaging components. That is, there can be no intentional introduction of any of the regulated metals into any packaging component and the sum total concentration of all the regulated metals cannot exceed 100 parts per million.

Finally, because there have been no recent changes in the requirements of the laws in member states, there is no need for an implementation period.