



NOTICE on Glass Packaging Screening Results

The Toxics in Packaging Clearinghouse (TPCH) periodically screens various types of packaging for compliance with U.S. state toxics in packaging laws. Recent screening of glass wine bottles found that approximately 19 percent of bottles tested exceeded allowable levels of lead in packaging. All bottles analyzed by TPCH that exceeded regulatory thresholds were green wine bottles originating from South America and Europe. In at least one case, the amount of lead in the wine bottle was 10 times greater than the regulatory threshold. Bottles used to package domestic wine, specifically wine originating from California, Oregon and Washington, were in compliance with U.S. state laws. Note, however, a limited number of wine bottles were tested in this screening project, and therefore the results are likely not representative of all wine bottles on the market.

Compliance with state laws is the responsibility of individuals or companies that import, distribute, or sell packaging (e.g., bottles) or packaged products (e.g., bottles of wine) in or into states with legislation.

State toxics in packaging laws prohibit the sale and distribution of packaging or packaged products with greater than 100 ppm of four metals – lead, cadmium, mercury, and hexavalent chromium – combined. A summary of the legislation is provided below, along with an explanation of the Toxics in Packaging Clearinghouse, which coordinates the administration of the legislation on behalf of its member states.

Steps towards Regulatory Compliance

By investing to make sure their bottles comply, companies can avoid the costs of removing non-compliant bottles from retail shelves. Companies can also prevent possible damage to a brand's reputation, as states may choose to take enforcement action against non-compliant packaging.

Companies may ask their suppliers to provide a [certificate of compliance](#) (attached) for bottles or have bottles tested for compliance with state laws. To assist the regulated community, TPCH recently released guidance on the analysis of glass for toxics in packaging. This [guidance](#) is available on the TPCH website.

Additional educational resources include:

- Toxics in Packaging Clearinghouse website at www.toxicsinpackaging.org
- Toxics in packaging fact sheet (attached)
- [Map of states](#) with toxics in packaging laws and [links](#) to laws of member states
- Sample certificate of compliance (also attached)
- [Frequently Asked Questions](#) on certificates of compliance

TPCH staff is available to answer queries or provide educational webinars on compliance with state toxics in packaging laws. For further information or assistance, please contact Patricia Dillon, Program Manager, Toxics in Packaging Clearinghouse, c/o Northeast Recycling Council, Inc., 139 Main Street, Suite 401, Brattleboro, VT 05301, tel. (802) 254- 8911 or info@toxicsinpackaging.org.

Additional Background

Nineteen U.S. states have Toxics in Packaging laws that prohibit the intentional use of four metals, specifically lead, cadmium, mercury, and hexavalent chromium, in any package, packaging component, or packaged product sold or distributed in the state. The purpose of the laws is to prevent the unnecessary use of these toxic substances in packaging materials that go into our nation's landfills, waste incinerators, and recycled material streams, where they are difficult to control.

These Toxics in Packaging requirements apply to all packaging and packaging components offered for sale or for promotional purposes by the manufacturer, distributor (including importers), and retailers in states with Toxics in Packaging legislation. Member states have included in their laws the ability to levy substantial monetary penalties or to ban the sale of a product for non-compliance. In New York, for example, the penalties for violations of the Hazardous Packaging Act are up to \$10,000 for the first violation and up to \$25,000 per violation for each violation thereafter, with each package on the shelf constituting a separate and distinct violation.

The TPCH website (www.toxicsinpackaging.org) provides a copy of the Model Legislation and links to the legislation of member states. The enclosed Fact Sheet provides a complete list of states that have adopted the legislation. It is important to recognize that some requirements vary from state to state. Accordingly, you should familiarize yourself with the specific requirements, including certifications, of all states whose laws apply to your industry.

The Toxics in Packaging Clearinghouse (TPCH) coordinates implementation of the legislation on behalf of member states, and serves as a single point of contact for companies seeking further information, clarification of specific details, or an exemption. TPCH member states collaborate on matters of industry compliance. Manufacturers, distributors and retailers must deal directly with states that have adopted Toxics in Packaging legislation but are not members of the TPCH.