



## **Determinations on Packaging Included under State Toxics in Packaging Laws**

*Compiled May 28, 2024*

Many questions have been brought to the attention of TPCH regarding whether or not a particular item would be included as packaging under states' toxics in packaging laws. These requests are reviewed by TPCH staff and members who then provide guidance as to whether such items are likely to be covered under the laws. Below are the results. This is not an exhaustive list, and many aspects of packaging aren't addressed. In no way are these determinations legally binding; this is offered as a guidance document. For further information or guidance, please contact John Fay, Project Manager for TPCH: [jfay@newmoa.org](mailto:jfay@newmoa.org), (617) 367-8558 x6.

19 states have toxics in packaging laws based on the TPCH Model Legislation:

- *TPCH Members:* California, Connecticut, Iowa, Maryland, Minnesota, New Hampshire, New Jersey, New York, Rhode Island, Washington
- *Non-TPCH members:* Florida, Georgia, Illinois, Maine, Missouri, Pennsylvania, Vermont, Virginia, Wisconsin

### Definition of "Packaging" under the TPCH Model Legislation

*"Package" means any container, produced either domestically or in a foreign country, providing a means of marketing, protecting or handling a product and shall include a unit package, an intermediate package or a shipping container as defined in American Society of Testing and Materials (ASTM) specification D 996. "Package" shall also mean and include such unsealed receptacles as carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags and tubs.*

*"Packaging Component" means any individual assembled part of a package which is produced either domestically or in a foreign country, such as, but not limited to, any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks, dyes, pigments, adhesives, stabilizers, labels or any other additives. Tin-plated steel that meets the American Society for Testing and Materials (ASTM) specification A 623 shall be considered as a single package component. Electro-galvanized coated steel and hot dipped coated galvanized steel that meets the American Society for Testing and Materials (ASTM) specifications A653, A924, A879 and A591 shall be treated in the same manner as tin-plated steel.*

### **TPCH Guidance Determinations**

*Not legally binding, examples for use as guidance only*

***This list does not cover all packages and packaging components that may be covered under the law.***

Item	Covered	Date of Inquiry	Notes
<i>Distribution</i>			
Shipping pallet	Yes	7/1/21	When used to convey goods
Pallet wrap	Yes	2/25/22	
Pallet staples/fasteners	Yes	2/25/22	
Strapping/Banding	Yes	9/17/21	
Fiberboard or plastic partitions	Yes	9/17/21	



Item	Covered	Date of Inquiry	Notes
<i>Wholesale/Shipping</i>			
Packaging from one manufacturer to the next manufacturer	Yes	4/5/21	Does not have to going to retail to be packaging
Corrugated shipping box	Yes	2/8/24	
Master Cartons	Yes	3/25/22	
Stickers on shipping box	Yes	2/8/24	
Ink printed on shipping box	Yes	11/2/21	
Box glues and tapes	Yes	10/26/21	
Inner packing	Yes	7/22/21	
Closures (staples, stitching)	Yes	10/26/21	
Individual wrappers in a box	Yes	11/2/21	
Packaging that holds bulk packaging	Yes	9/3/20	e.g. a cubic yard box holding loose product
Clear PP apparel bags	Yes	3/15/23	
Agricultural buckets/pots	Yes	4/26/23	
<i>Retail - Boxes</i>			
Reusable box with UPC	Yes	7/19/21	
IFC (Individual Folded Container)	Yes	2/1/24	
Wooden box/packaging/components	Yes	9/20/21	
Adhesive backing tape	Yes	9/14/22	
<i>Retail - Labels</i>			
Adhesive labels	Yes	2/10/23	Label must test separately below 100 ppm, i.e. not combined with box for concentration level
Stickers on product box	Yes	8/10/22	
Paper label	Yes	5/2/23	
Adhesive brown paper labels	Yes	5/2/23	
Garment hangtags	Yes	2/2/21	
Vitrified or ACL labels on glass bottles	Yes	9/26/22	
Country-of-origin or date code stickers	Yes	8/10/22	Sticker inks, backing, and adhesive as well
<i>Retail – Bottles/canisters</i>			
White glass alcohol bottle	Yes	12/27/21	
Glass bottle and metal lid for jam	Yes	7/5/22	
Propane, MAP gas canisters	Yes	8/20/22	Labels, nozzles, tubes also covered
<i>Retail – Plastic wraps</i>			
Poly bags for apparel for adults	Yes	3/15/23	
Shrink wrap around product	Yes	11/30/23	
<i>Retail – Fasteners &amp; hangers</i>			
Twist-ties, zip-ties	Yes	6/1/22	
Staples attaching cardboard hanger sleeve to plastic item pouch	Yes	7/5/22	Cardboard, ink, and pouch are also covered
Clothing hanger	Yes	3/13/23	
Clothing hanger flipper clip	Yes	3/13/23	TIP laws apply to all components separately



Item	Covered	Date of Inquiry	Notes
<i>Retail – Included with the product</i>			
Manuals/ instructions/ registration cards	Yes	6/6/22	
Microfiber sunglasses bags	Yes	6/14/23	
Paper advent calendar	Yes	10/8/21	Delivers the message or candy then thrown away
<i>Retail - Display</i>			
Point-of-Purchase/Retail displays	Yes	3/25/22	e.g. a cardboard stand that holds product
Try-me buttons	Yes	11/1/23	Those buttons customers can push to make a sound or see the product in action
Product display platform for consumer	Yes	7/19/21	e.g. a stand for a doll that the consumer can use at home
<i>Retail – Functional components</i>			
Desiccant bags/pouches	Yes	1/27/22	Intended to protect the actual product
Silica gel desiccant packets	Yes	1/31/22	Intended to protect the actual product
Agitators in aerosol cans	Yes	7/1/20	Applies to both glass and metal agitator balls
<i>Unsealed Receptacles</i>			
Reusable shopping bags	Yes	10/1/21	
Lunchboxes	Yes	5/9/14	
Agricultural buckets/pots	Yes	4/26/23	
Gift boxes	Yes	8/1/23	
Glass candle jars	Yes	8/1/23	Also applies to tin or ceramic jars
Insulated Drink Tumblers	Yes	2/13/24	
<i>Recycled Content</i>			
MRF cullet used in bottles	Yes	11/17/21	No intentional, and total incidental <100 ppm
Packaging from recycled CRT glass	Yes	4/26/23	Exemptions have phased out
Bottles imported from Europe	Yes	3/28/22	Laws of origin country do not exempt
Recycled plastic metal content	Yes	11/16/22	Last exemption for recycled content expired in 2010
Do the laws apply to packaging bound for recycling?	Yes	1/11/23	Yes, that was one of the original intents of the law. Applies even in NY where it says “incineration”
<i>Products</i>			
Decorative Bows	See notes	11/6/23	If the product being sold is a box of bows, then the bows are the product, not packaging. If the bow is ancillary to the product being sold, it is packaging
Stack of wooden pallets	See notes	2/15/22	Pallets are a product until they are used to convey other goods. Straps holding pallets together <i>would</i> be packaging.
Paper eclipse glasses	No	8/3/23	Will be used again
A cart to store and move folding tables	No	9/21/22	The cart is a product that will be used multiple times and not discarded into the solid waste stream

For further information see <https://toxicsinpackaging.org/faqs/#packaging-definition>

