



# Toxics in Packaging Clearinghouse

c/o Northeast Recycling Council, Inc. (NERC)

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## FACT SHEET

### Introduction

The Model Toxics in Packaging Legislation was developed in 1989 to reduce the amount of four heavy metals in packaging and packaging components sold or distributed throughout the states. Legislation based on this Model has been adopted by nineteen states.

- California
- Connecticut
- Florida
- Georgia
- Illinois
- Iowa
- Maine
- Maryland
- Minnesota
- Missouri
- New Hampshire
- New Jersey
- New York
- Pennsylvania
- Rhode Island
- Vermont
- Virginia
- Washington
- Wisconsin

The influence of the Model Legislation extends beyond US borders. The European Union, for example, uses the Model as the basis of its packaging requirements (94/62/EC).

### Incidental Presence Concentration Limits

No intentional introduction of any amount of the four metals is allowed. The sum of the concentration levels of incidentally introduced lead, mercury, cadmium, and hexavalent chromium present in any package or individual packaging component **shall not exceed** 100 parts per million by weight.

### Who is Responsible?

- Manufacturers of packaging and packaging components
- Suppliers of packaging and packaging components
- Product manufacturers or distributors who use packaging

### How to Comply

The manufacturer, supplier and distributor to the purchaser must submit a certificate of compliance stating that a package or packaging component is in compliance with the requirements of the law. The purchaser, manufacturer, supplier, and distributor should keep a copy of the signed certificate of compliance on file as long as that package is in use. (This provision does not apply to individual retail purchasers.) The certificate of compliance is subject to state and public review upon request.

### Enforcement

Enforcement of the Model Toxics in Packaging Legislation is at the discretion of each individual state. However, violation information will be shared among the Toxics in Packaging Clearinghouse (TPCH) member states, and will be pursued in a consistent manner, to the extent possible.

### Exemptions

Exemptions vary by state, and in some cases, such as the use of recycled materials, state exemptions may no longer be available. It is therefore advised to check individual state laws. All packages and packaging components are subject to state laws, as applicable, except:

- Packages and packaging components with a code indicating that the date of manufacture was prior to the effective date of the law.
- Packages and packaging components to which heavy metals have been added in order to comply with health and safety requirements specified by federal law. (*2-year exemption—requires approval*)
- Packages and packaging components that would not exceed the maximum contaminant levels, but for the addition of recycled materials provided that the packages and packaging components do not exceed a maximum concentration limit of 200 ppm for the sum of the four regulated metals. This exemption does not apply to use of the metals when they have already been recovered and separated for use as a metal or metallic compound.
- Packages and packaging components to which heavy metals have been added in the manufacturing process for which there are no feasible or technical alternative. (*2-year exemption—requires approval*)
- Packages and packaging components that exceed the contaminant levels, but are reused; and the enclosed product, its transportation and disposal are regulated by federal health and safety requirements. (*Expires Jan. 1, 2020—requires notification*)
- Packages and packaging components that exceed the contaminant levels but have a controlled distribution and are reused. (*Expires Jan. 1, 2020—requires approval*)
- A glass package or packaging component that has a vitrified label, when tested according to specific procedures.

### More Information Online

See [www.toxicsinpackaging.org](http://www.toxicsinpackaging.org) for:

- 2012 revised Model Legislation
- Frequently Asked Questions
- Sample certificate of compliance
- Comparative Analysis, presenting a side-by-side comparison of the Model Legislation and existing state laws.

### Interested in Joining?

Membership categories include:

- States that have enacted toxics in packaging legislation
- States considering adoption of the legislation
- Industry/Trade Associations
- Non-Profit Organizations and individuals

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For more information about the TPCH, please visit [www.toxicsinpackaging.org](http://www.toxicsinpackaging.org).