



Annual Report

Toxics in Packaging Clearinghouse July 1, 2018 – June 30, 2019

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Accepted by Members October 28, 2019

This report summarizes the activities and accomplishments of the Toxics in Packaging Clearinghouse (TPCH) from July 1, 2018 to June 30, 2019 (FY19). The first section highlights TPCH's accomplishments in FY19. The remainder of the document is organized by major activity as identified in the TPCH work plan.

FY19 HIGHLIGHTS

- Finalization of a two-year research project on packaging. Extensive compliance outreach to companies selling and distributing packaging identified as non-compliant in the 2017-2018 compliance screening project. Enforcement resulted in the removal of over 180,000 packages containing lead and cadmium from retail stores and product distribution centers in TPCH member states.
- **23,958 site visits** (18,770 of those unique visitors) to the TPCH [website](#) in FY19, with an average of **1,997 visitors per month**, an increase of 282 visitors per month compared to FY18. There were **71,520** page views on the site, an annual increase of 3,426.
- TPCH received and responded to **83 inquiries** by telephone and email (50 unique inquiries plus 33 follow-up questions, an average of 7 per month).
- **Convened** a two-day Annual Membership Meeting in Hartford, CT.
- **Outreach** to non-member state environmental agency commissioners, NAHMMA, NEWMOA, Clean Water Action MA, and more.

TPCH ADMINISTRATION BY PROGRAM MANAGER

- Manages all aspects, but for finances, of organization including coordination and facilitation of monthly two-hour conference calls with members and occasional Executive Committee planning calls.
- Coordinated and convened a 2-day face-to-face annual membership meeting in Hartford, Connecticut October 31- November 1, 2019. Coordinated travel and conference room for members, prepared and distributed agendas and all other meeting documents before meeting. Seven of nine member states attended the meeting in person.
- Planning of in-person membership meeting scheduled for October 28-29, 2019 in Providence, RI.
- Recorded and distributed minutes for all conference calls and the annual meeting to members.
- Maintained TPCH electronic file of call and meeting minutes and all other TPCH documents.
- Worked with TPCH Executive Committee to prioritize projects and meeting agendas.
- Prepared and distributed TPCH annual report for FY18.

◆ **Program Reporting**

- Prepared and distributed to members the FY18 Annual Report (July 1, 2017 – June 30, 2018).
- Posted a [FY18 Annual Report Summary](#) on the TPCCH website.
- Prepared the FY20 budget, which was approved by members in May 2019.

• **TPCH Financial Management**

TPCH's finances are administered and annually audited as part of the Northeast Recycling Council's operations. The [NERC Audit FY19](#) is available online.

- Revenues in FY19 (\$46,077.08) came in higher than expenses (\$43,252.90).
- TPCCH began FY19 with a reserve account balance of \$74,760. and ended the fiscal year up with a balance of \$76,433.
- TPCCH CA SEP funds once again covered member state travel to the annual membership meeting; spending \$713.05 of these restricted funds. As of June 30, 2019, the remaining balance in the California SEP account was \$2632.17. TPCCH is extremely frugal with spending from this account, initially funded in September 2008 with \$50,000 from a California enforcement settlement. CA SEP funds are anticipated to be enough to cover member travel to the annual membership meeting in FY19.
- Appendix A provides a financial summary for the TPCCH for FY19.

◆ **Additional Sources of Funding**

No grants or contracts funded TPCCH activities in FY19.

◆ **Executive Committee**

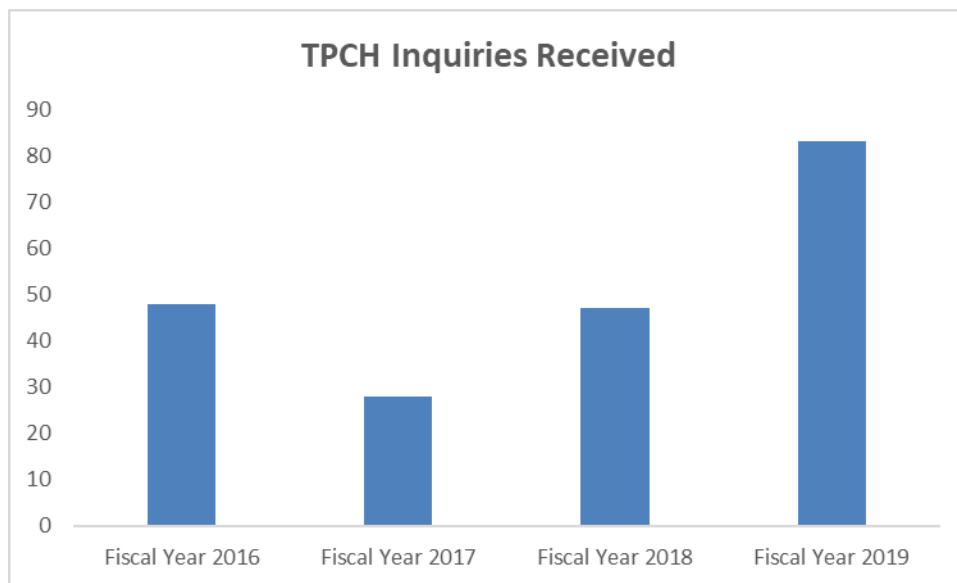
The Executive Committee was in the 2nd year of a 2-year term, which ended in June 2019. Executive Committee members included: John Gilkeson, Minnesota, Chair; Peter Pettit, New York, Vice-Chair (July 1, 2018 – December 31, 2018); Tom Metzner, Connecticut, Member-At-Large (effective January 8, 2019) Matt McCarron, California, Member-At-Large; and Kathleen Hennings, Iowa, Member-At-Large.

GENERAL INQUIRIES & EXEMPTION REQUESTS

◆ **General Inquiries**

TPCH received and responded to 83 inquiries by telephone and email, an average of 7 per month. Each inquiry usually requires multiple emails or phone calls to resolve, and many involve multiple discussions with analysis by TPCCH members. The TPCCH program manager coordinates all incoming communications from industry, policy makers, advocates and the general population. All inquiries are documented and shared with TPCCH members each year. The number of call and email inquiries in FY19 was dramatically higher than the previous year FY18 (47). The increase in calls and email inquiries was in addition to an increase in website traffic. Website documents and website pages are continually updated throughout the year by TPCCH program staff.

The bar chart below tracks the number of phone and email inquiries to TPCCH from FY16 through FY19. The most frequent inquiries continue to deal with the basic requirements of state toxics in packaging laws; how to obtain a Certificate of Compliance; whether a specific item was considered “packaging” under state laws; and testing of packaging components. Appendix B provides a brief analysis of the general inquiries, focusing on the types of organizations requesting information and assistance.



◆ **Exemption and Other Requests**

- TPCCH received no new requests for exemption.
- In 2019, the California Senate introduced a bill that would increase the regulated metals limit due to recycled content in packaging. TPCCH responded to two inquiries, from the bill sponsor and from a CA Senate legislative analyst.

EDUCATION & OUTREACH

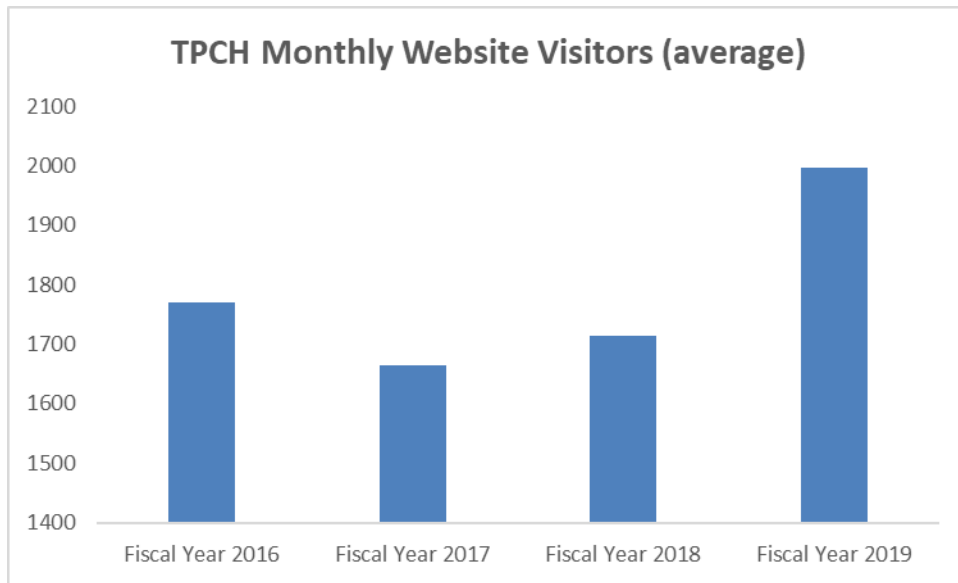
◆ **TPCH Website**

TPCH had 23,958 site visits (18,770 of those unique visitors) to the Toxics in Packaging Clearinghouse website in FY19, with an average of 1,997 visitors per month, an increase of 282 visitors per month compared to FY18. There were 71,520 page views on the site, an annual increase of 3,426. Consistent with prior years, the top three web page resources most viewed were the [Model Legislation](#), [Sample Certificate of Compliance](#) and [Frequently Asked Questions \(FAQs\)](#). There is continued need to maintain the website pages and documents to keep all up to date and accessible to all seeking information on the toxics in packaging laws and how to be in compliance.

Document additions to the website in FY19:

- [FY18 Annual Report Summary](#)

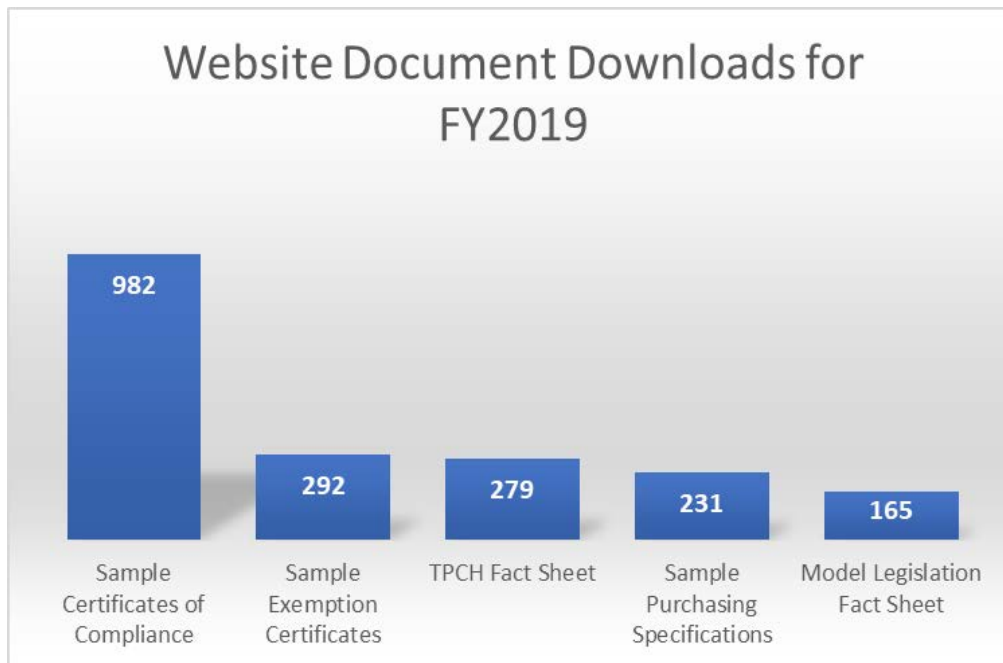
The bar chart below tracks the average number of monthly website visitors from FY16 through FY19.



◆ **Website Utilization**

2,938 PDF documents were downloaded from the TPCCH website in FY19. The TPCCH documents most downloaded were:

- Sample Certificates of Compliance – 982
- Sample Exemption Certificates - 292
- TPCCH Fact Sheet - 279
- Sample Purchasing Specs – 231
- Model Legislation Fact Sheet – 139



◆ **Presentations**

TPCH staff presented [Heavy Metals Continued Presence in Consumer Packaging](#) at the August 2018 North American Hazardous Materials Management Association (NAHMMA) in Portland, Maine.

◆ **Articles, News Briefs and Press Releases**

- None for FY19

MEMBERSHIP

◆ **TPCH Members**

TPCH had 13 members (9 states, 3 industry affiliate members, and 1 independent subject matter expert) in FY19. Member states included California, Connecticut, Iowa, Minnesota, New Hampshire, New Jersey, New York, Rhode Island, and Washington. Affiliate members included the American Chemistry Council; the Glass Packaging Institute; the Steel Recycling Institute; and Chip Foley (subject matter expert).

Following is a list of the lead representative for each member in FY19:

- **California Department of Toxic Substances Control:** Matt McCarron
- **Connecticut Department of Energy and Environmental Protection:** Tom Metzner
- **Iowa Department of Natural Resources:** Kathleen Hennings
- **Minnesota Pollution Control Agency:** John Gilkeson
- **New Hampshire Department of Environmental Services:** Melissa Zych
- **New Jersey Department of Environmental Protection:** Steven Rinaldi
- **New York Department of Environmental Conservation:** Peter Pettit July 2018 – December 31, 2018); Katie Kidalowski (January 1, 2019 – June 30, 2019)
- **Rhode Island Department of Environmental Management:** Ann Battersby
- **Washington Department of Ecology:** Saskia van Bergen
- **American Chemistry Council:** Kuper Jones
- **Glass Packaging Institute:** Scott DeFife
- **Steel Recycling Institute:** Dave Keeling
- **Independent Subject Matter Expert:** Walter (Chip) Foley

◆ **Member Communication**

Routine correspondence with members was predominantly completed via email and calls, and included conference call agendas and minutes, queries, requests for document review, and compliance issues.

TESTING/RESEARCH

COMPLIANCE INITIATIVES

◆ Coordinated State Efforts

- TPCH finalized a two-year research project on packaging. Extensive outreach to companies selling and distributing packaging identified as non-compliant in the 2017-2018 compliance screening project on behalf of member states, resulting in the **removal of over 180,000 packages containing lead from retail stores and product distribution centers in TPCH member states**. This outreach resulted in the redesign of packaging to eliminate the presence of cadmium in packaging subsequently placed on the market by one of these companies.

Appendix A

FY2019 Financial Summary

TPCH's finances are administered and annually audited as part of the Northeast Recycling Council's operations.

TPCH Reserve Account¹

Opening Balance (7/1/18): \$74,760

Closing Balance (6/30/19): \$76,433

FY2019 Revenues & Expenses

	Budget	Actual	Actual vs. Budget
Revenue – Budgeted			
Membership dues	\$43,000	\$46,000	107%
Interest	\$50	\$77	154%
Total	\$43,050	\$46,077	107%
Revenue – Unbudgeted			
Grants/Projects			
Operating Expenses			
Administrative fees	\$10,000	\$10,000	100%
Personnel	\$29,295	\$30,647	105%
Meeting expense	\$1,000	\$254	25%
Telephone	\$350	\$299	86%
Postage & delivery	\$100	\$99	100%
Printing, copying, supplies	\$100	\$31	31%
GoToWebinar	\$250	\$250	100%
Web design/maintenance	\$200	\$0	0%
Travel	\$1,000	\$958	96%
Total	\$42,295	\$42,790	101%
CA SEP Personnel			
CA SEP Non-Personnel	\$3,345	\$713	
TOTAL CA SEP		\$713	
TOTAL EXPENSES		\$43,253	

CA SEP Account Summary

Balance Carried Over from Fiscal Year 2018	\$3,345
FY19 Expenses Charged to CA SEP:	
Member travel	\$713
Product purchases, misc.	\$0
Total Expenses:	\$713
Balance to Carry Over to Fiscal Year 2020	\$2,632

¹Account includes CA SEP funds and carryover funds from prior fiscal years.
TPCH FY19 Annual Report (July 1, 2018 – June 30, 2019)

Appendix B

Analysis of Inquiries

In FY19, TPCCH received and responded to 50 unique inquiries plus 33 follow-ups, an average of 7 per month. Each inquiry generally takes multiple emails or phone calls to resolve, and some require extensive discussion by members.

Below is a brief analysis of the inquiries, focusing on the types of organizations that requested information and assistance.

- By type of organization:
 - Attorneys
 - Companies (manufacturers, distributors, retailers)
 - Consultants
 - Government
 - Research (students, advocates)
 - Testing labs

- By industry sector (for companies and trade associations only):
 - Manufacturers/distributors of finished goods
 - Packaging and packaging components (manufacturers and distributors)
 - Retailers
 -

- By mode of inquiry (note: some queries were by both phone and email):
 - Emails
 - Telephone calls
 - Website “contact us” form

- By location:
 - China
 - Germany
 - Japan
 - Mexico
 - United States