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August 24, 2020

Toxics In Packaging Clearinghouse
139 Main Street
Suite 401
Brattleboro, VT 05301

To Whom It May Concern,

Thank you for the opportunity to comment on the draft legislative proposal issued by the Toxics In Packaging Clearinghouse (TPCH) to amend its Toxics In Packaging Legislative Model.

The PRINTING United Alliance (PrUA) represents the interests of companies engaged in producing a wide variety of products, including packaging, via commercial print, screen and/or digital printing technologies. Additionally, PrUA represents the associated supply base, including the manufacturers of the components for packaging such as inks, adhesives, etc. These companies have been instrumental in efforts to reduce the levels of the four heavy metals contained in the original legislation. Based on our involvement with both the implementation of the original legislation as well as ongoing efforts adopted by state regulatory and legislative bodies, PrUA offers the following comments on the draft legislative language. Our goal in offering these comments is to work towards establishment of a national model, so once adopted by states, there is a logical progression to the development of program goals and objectives by individual states.

Section 6, lines 167 to 207

The current draft legislation includes a provision allowing states to revise and publish a list of packaging chemicals of high concern. In the introduction to this legislative proposal, the TPCH provides several examples of states' programs that implement the intent of this legislative language. Several of the states' programs mentioned include a very important provision and it is the requirement to conduct an alternatives assessment to determine and document the availability, technical feasibility, and economics of safer alternatives. We urge the inclusion of similar language in the draft legislation that would require states to conduct alternative assessments prior to the adoption of any new chemicals. The use of alternative assessments has gained wide support and is used by both state and federal agencies as the tool to ensure that the alternatives to the chemicals under consideration exist and can be used for that particular application.

Chemical alternatives assessment emerged from regulatory efforts adopted by the states, as well as the US Environmental Protection Agency (EPA). Referring to a process for identifying, comparing, and selecting safer alternatives to chemicals of concern, the goal of is to facilitate an informed consideration of the advantages and disadvantages of alternatives to a chemical of concern. Using this process for

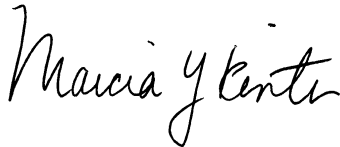
identifying, comparing, and selecting safer alternatives to chemicals of concern on the basis of their hazards, comparative exposure, performance, and economic viability, represents a uniform path forward towards identification of potentially safer alternatives to a particular chemical of concern that may include a chemical substitute or a change in materials or design that eliminates the need for a chemical alternative.

US EPA's Design for the Environment Alternatives Assessment Criteria indicates that chemical choices based on these *alternative* assessments (emphasis added) can minimize the potential for unintended consequences that might occur in moving from a potentially problematic chemical to a poorly understood alternative, that could be more hazardous. Further, the use of the alternative assessment process, as shown through the actions taken by both the states of Washington and California, include a strong element of transparency, that is so important in this process. Full disclosure of the assessment methodologies, default assumptions, logic and rationale by state agencies are essential as this process moves forward.

Without clear legislative direction from the Clearinghouse, a myriad of different approaches will be adopted by states with implications for interstate commerce. If the goal of the Clearinghouse is to promote adoption of a model legislative package to encourage states to adopt similar packages, the current language falls short of that effort.

Thank you for the opportunity to provide comments on this important legislative initiative. The industry represented by the PRINTING United Alliance has long been in compliance with the provisions of the current legislative package that has been adopted by 19 states. Our goal is to continue the development of uniform legislative language that does not impede interstate commerce or impose undue burden on our industry sector through the enactment of differing state legislative approaches. If you have any questions regarding our comments, please do not hesitate to reach out to me at mkinter@printing.org or 703-359-1313.

Sincerely,

A handwritten signature in black ink that reads "Marcia Y. Kinter". The signature is written in a cursive, flowing style.

Marcia Y. Kinter
Vice President – Government & Regulatory Affairs