



2021 Exemption Revisions to Model Toxics in Packaging Legislation

Member states of the Toxics in Packaging Clearinghouse made revisions to the Exemption section of the Model Toxics in Packaging Legislation in February 2021 (language below). Individual state laws may vary.

Section 5. Exemptions. All packages and packaging components shall be subject to this Act, unless, an individual state adopts into their law, any or all of the below exemptions, which shall then apply only in that state.

a. those packages or packaging components to which lead, cadmium, mercury or hexavalent chromium have been added in the manufacturing, forming, printing or distribution process in order to comply with health or safety requirements of State or Federal law, provided that the manufacturer of a package or packaging component must petition the [state administrative agency] for any exemption from the provisions of this subsection for a particular package or packaging component based upon either criterion; and provided further that the [state administrative agency] may grant an exemption for up to two years if warranted by the circumstances; and provided further that such an exemption may, upon reapplication for exemption and meeting the criteria of this subsection, be renewed at two-year intervals; or

b. those packages or packaging components to which lead, cadmium, mercury or hexavalent chromium have been added in the manufacturing, forming, printing or distribution process for which there is no feasible alternative, provided that the manufacturer of a package or packaging component must petition the [state administrative agency] for any exemption from the provisions of this subsection for a particular package or packaging component based upon the criterion and submit such documentation as necessary to support the request for the exemption; and provided further that the [state administrative agency] may grant an exemption for up to two years if warranted by the circumstances; and provided further that such an exemption may, upon reapplication for exemption and meeting the criterion of this subsection, be renewed at two-year intervals. For purposes of this subsection, a use for which there is no feasible alternative is one in which the petitioner conclusively demonstrates that the regulated substance is essential to the protection, safe handling, or function of the package's contents and that technical constraints preclude the use of alternatives. "No feasible alternative" does not include use of any of the regulated metals for the purposes of marketing.