



## Annual Report

### Toxics in Packaging Clearinghouse July 1, 2020 – June 30, 2021

Prepared by Melissa Lavoie, TPCH Program Manager  
Accepted by Members November 9, 2021

This report summarizes the activities and accomplishments of the Toxics in Packaging Clearinghouse (TPCH) from July 1, 2020 to June 30, 2021 (FY21). The first section highlights TPCH's accomplishments in FY21. The remainder of the document is organized by major activity as identified in the TPCH work plan. For this fiscal year, Appendix A gives background information on the TPCH Model Legislation Update, Appendix B provides the TPCH financial summary, and Appendix C provides an analysis of inquiries received.

#### FY21 HIGHLIGHTS

- Finalization of an **update to the TPCH Model Legislation** (shared with the public in February 2021). Work on this project in FY21 included a [public comment period](#), multiple revisions of the draft language, and relevant changes to all TPCH outward facing documents and the TPCH website to reflect the change.
- **45,491 site visits** (33,462 of those unique visitors) to the TPCH [website](#) in FY21, with an average of 3,791 **visitors per month**, an increase of 1,122 visitors per month compared to FY20. There were 146,292 page views on the site, an annual increase of 64,797.
- TPCH had **157 external communications** by telephone and email (87 unique inquiries plus 70 follow-up questions), an average of 13 per month. This represents almost a 100% increase over the last fiscal year, likely due to the public comment period and subsequent release of the updated Model Legislation.
- **Convened** a two-day (virtual) Annual Membership Meeting in October 2020.
- **Outreach** to non-member state environmental agency commissioners and staff, NCEL, NEWMOA, 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 Executive Committee planning calls.
- Coordinated and convened a 2-day annual membership meeting in October 2020.
- 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 FY20.
- With assistance from members, planned and coordinated the updated model legislation public comment process, compiled comments and summaries for member review, posted the final updated model on the website, distributed it to our 'TPCH Update' listserv, and distributed press releases.

### ◆ Program Reporting

- Prepared and distributed to members the FY20 Annual Report (July 1, 2019 – June 30, 2020).
- Posted the [FY20 Annual Report](#) on the TPCH website.
- Prepared the FY22 budget, which was approved by members in May 2021.

### ◆ TPCH Financial Management

TPCH's finances are administered and annually audited as part of the Northeast Recycling Council's operations. The [NERC Audit FY20](#) is available online.

- Revenues in FY21 (\$42,000.00) came in higher than expenses (\$39,805.00).
- TPCH began FY21 with a reserve account balance of \$77,948.11. and ended the fiscal year with a balance of \$74,942.39.
- TPCH CA SEP funds were depleted in FY20. The current balance in the California SEP account is \$0.00. These monies were initially funded in September 2008 with \$50,000 from a California enforcement settlement.
- Appendix A provides a financial summary for the TPCH for FY21.

### ◆ Additional Sources of Funding

No grants or contracts funded TPCH activities in FY21.

◆ **Executive Committee**

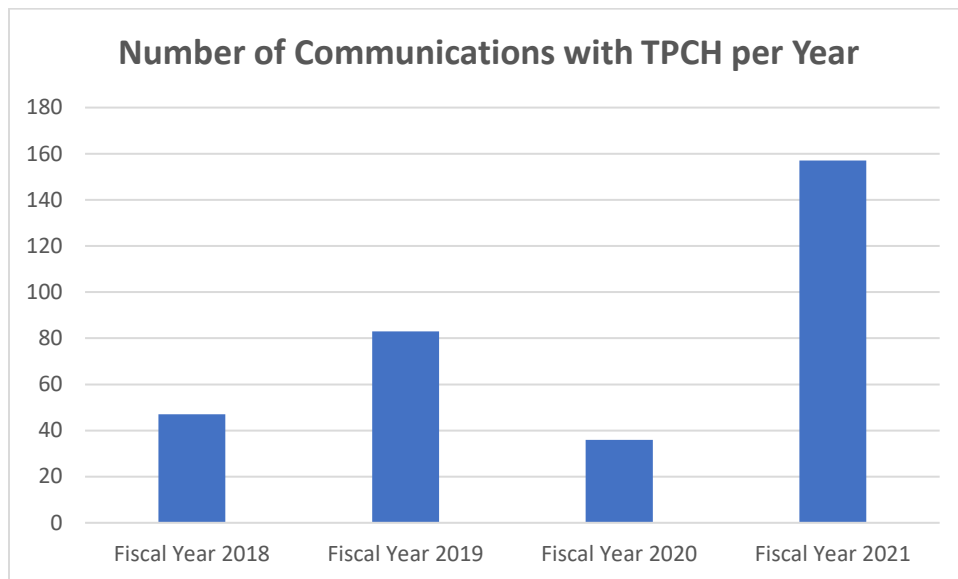
The Executive Committee was in the 2nd year of a 2-year term, which ended June 2021. Executive Committee members included: John Gilkeson, Minnesota, Chair; Matt McCarron, California, Vice-Chair; Tom Metzner, Connecticut, Member-At-Large; and Kathleen Hennings, Iowa, Member-At-Large.

**GENERAL INQUIRIES & EXEMPTION REQUESTS**

◆ **General Inquiries**

The TPCH program manager managed a total of 157 external communications by phone and email in FY21, an almost 100% increase over the last fiscal year. Each initial inquiry can require multiple emails or phone calls to resolve, and many involve multiple discussions with analysis by TPCH members. The TPCH program manager coordinates all incoming communications from industry, policy makers, advocates and the general population. All inquiries are documented and shared with TPCH members each year.

The bar chart below tracks the number of external communications with TPCH from FY18 through FY21. The most frequent inquiries this year dealt with the update to the model legislation, followed by communications about the basic requirements of state toxics in packaging laws, obtaining 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**

- TPCH received no new requests for exemption.

## EDUCATION & OUTREACH

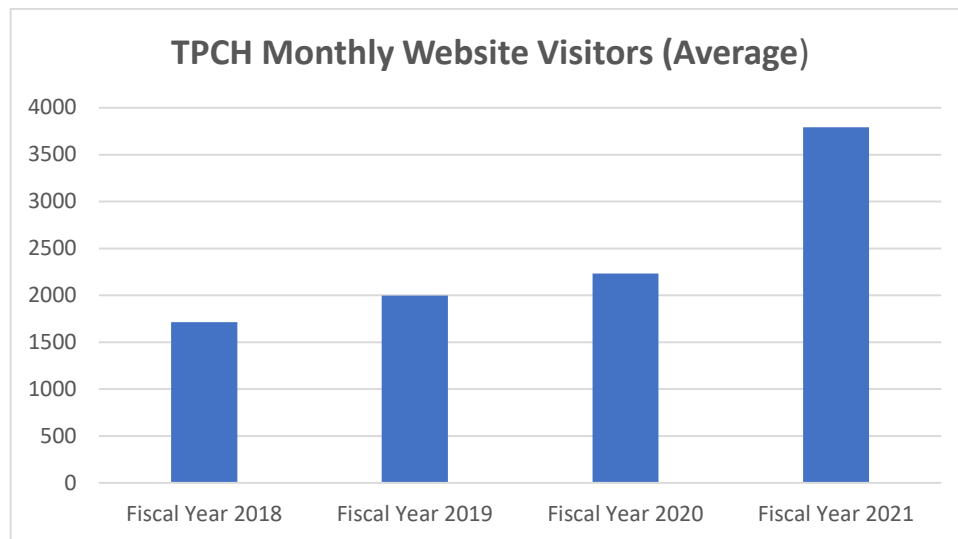
### ◆ TPCCH Technical Testing Subcommittee

In May 2021, TPCCH formed a subcommittee to further explore and research best available testing technologies for PFAS and ortho-phthalates in packaging. The subcommittee plans to provide a guidance document to be available in 2022.

### ◆ TPCCH Website

TPCCH had 45,491 site visits to the Toxics in Packaging Clearinghouse website in FY21, an average of 3,791 visitors per month, an increase of 1,122 visitors per month compared to FY20. New site visitors made up 86% of the visitors, with 14% returning visitors. There were 146,292 page views in the year, an annual increase of 64,797, averaging 12,191 visits per month to the TPCCH website. The top viewed web page resources were the [Sample Certificate of Compliance](#), the [Update to the Model Legislation](#), and the [Call for Comments to the Model Legislation Update](#). There were extensive updates to the TPCCH website due to the update in the model legislation as well as general updates as new documents and resources are added to the website to keep all up to date and accessible to all seeking information on the toxics in packaging laws and how to be in compliance.

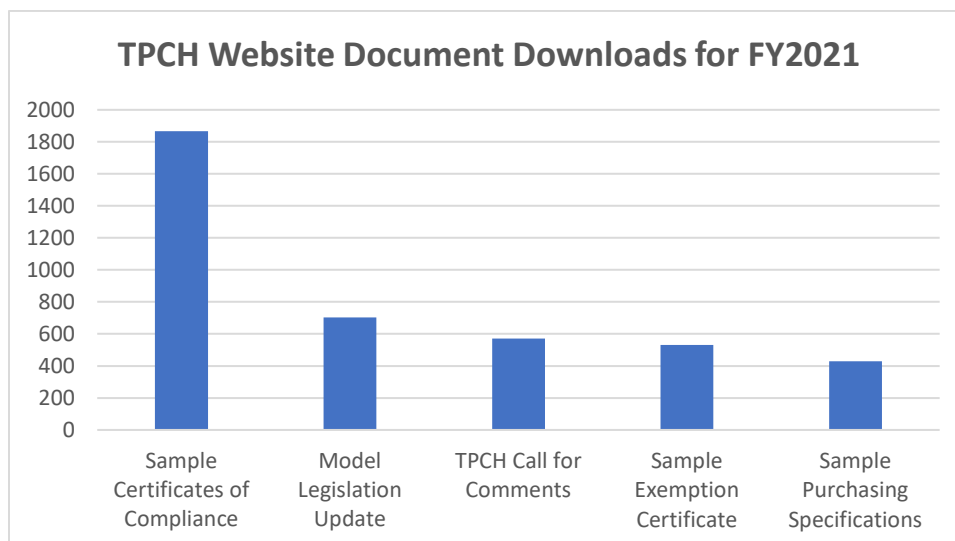
The bar chart below tracks the average number of monthly website visitors from FY17 through FY20.



### ◆ Website Utilization

**5,653** documents were downloaded from the TPCCH website in FY21, an increase of 3,275 from FY20. The TPCCH documents most downloaded were:

- Sample Certificates of Compliance – 1867
- Model Legislation Update - 703
- TPCCH Call for Comments on Draft Model Legislation Update - 571
- Sample TPCCH Exemption Certificate – 530
- Sample TPCCH Purchasing Spec – 430



Document additions to the TPCB website in FY21:

- [TPCB FY2020 Annual Report July 2018 - June 2019](#)
- [TPCB Webinar Presentation on the Model Legislation Update](#)
- [TPCB Requests Comments on Updates to their Model Legislation for Toxics in Packaging](#) (the linked document includes background materials and draft model legislation update language)
- [Compilation of Public Comments Received for the TPCB Model Legislation Update](#)
- [TPCB Response to Comments](#)

#### ◆ Presentations

- [April 2021 Webinar Presentation by TPCB Chair John Gilkeson](#) to the public on the TPCB 2021 Model Legislation Update, jointly hosted by the Interstate Chemicals Clearinghouse (IC2), a program of the Northeast Waste Management Official's Association (NEWMOA) and the Northeast Recycling Council (NERC)
- June 2021 Webinar Presentation by TPCB Program Manager Melissa Lavoie on the TPCB 2021 Model Legislation Update to attendees of the PLASTICS Food Packaging Summit

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

- INFORMATION RELEASED THROUGH TPCB WEB LISTSERV: TPCB REQUESTS COMMENTS ON UPDATES TO THEIR MODEL LEGISLATION FOR TOXICS IN PACKAGING
- February 2021 Information Released Through TPCB Web listserv: TPCB Updates its Toxics in Packaging Model Legislation, Adds PFAS and Ortho-Phthalates as Regulated Chemicals, New Processes for Identifying and Regulating Additional Chemicals of High Concern in Packaging
- [UPDATED TOXICS IN PACKAGING LEGISLATION ADDS PFAS AND PHTHALATES](#). ARTICLE BY PACKAGINGLAW.COM

- [TOXICS IN PACKAGING CLEARINGHOUSE PUBLISHES UPDATE TO MODEL LEGISLATION.](#)  
ARTICLE BY BUREAU VERITAS

## MEMBERSHIP

### ◆ TPCCH Members

TPCCH had 13 members (9 states, 3 industry affiliate members, and 1 independent subject matter expert) in FY21. Member states included California, Connecticut, Iowa, Minnesota, New Hampshire, New Jersey, New York, Rhode Island, and Washington. Affiliate members included the American Chemistry Council (no longer a member as of March 2021); the Glass Packaging Institute; the Steel Recycling Institute (no longer a member as of 2021); and Walter “Chip” Foley (subject matter expert).

Following is a list of the lead representative for each member in FY21:

- **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:** Emily DeMaio
  - **New York Department of Environmental Conservation:** Katie Kidalowski & Conor Shea (who became lead representative June 1, 2021)
  - **Rhode Island Department of Environmental Management:** Ann Battersby
  - **Washington Department of Ecology:** Kathleen Gilligan
  - **American Chemistry Council:** Kuper Jones
  - **Glass Packaging Institute:** Scott DeFife
  - **Steel Recycling Institute:** Mark Thimons
  - **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.

### ◆ Screening

TPCCH did not conduct any screening projects during FY21.

## Appendix A – Model Legislation Update

In February 2021, the [Toxics in Packaging Clearinghouse](#) (TPCH) announced the organization's 2021 [update to their Model Toxics in Packaging Legislation](#). The previous version of the Model (as revised in 2012) can be found [here](#). The update includes the addition of the class of perfluoroalkyl and polyfluoroalkyl substances (PFAS) and ortho-phthalates as regulated chemicals, as well as new processes and criteria for identifying and regulating additional chemicals of high concern in packaging.

The previous (prior to 2021) [TPCH Model Legislation](#) and laws enacted in 19 states prohibit the intentional use of cadmium, lead, mercury, and hexavalent chromium in any finished package or packaging component. The laws also limit the total incidental concentration of the four metals to 100 ppm. Incidental concentration may result from the use of post-consumer recycled content to manufacture new packaging and components.

The laws take a pollution prevention approach by prohibiting intentional use, and they place the primary burden of compliance on the supply chain by requiring manufacturers and suppliers to verify that their products are in compliance.

*It will be up to each state to adopt changes to their existing laws or adopt a new law to address toxics in packaging.*

### **Background**

In June 2020, the Toxics in Packaging Clearinghouse (TPCH) announced it was seeking comments on the organization's draft update to their Toxics in Packaging Model Legislation. The update includes the addition of PFAS and phthalates as regulated chemicals, as well as new processes for identifying additional chemicals of high concern in packaging.

[Call for Comments, Background Materials and the Draft Update to the Model Legislation.](#)

Public Comments Received:

[Listing of Comments](#)

[TPCH Response to Comments Document](#)

## Appendix B - FY2021 Financial Summary

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

### **TPCH Reserve Account:**

Opening Balance (7/1/20): \$77,948.10    Closing Balance (6/30/21): \$74,942.39

### FY2021 (July 1, 2020 – June 30, 2021) Revenues & Expenses

	BUDGET	Total TPCH
<b>Revenue - Budgeted</b>	<b>Revenue</b>	
Membership Dues	\$43,000.00	\$42,000.00
Interest	\$50.00	\$21.14
<b>Total</b>	<b>\$43,050.00</b>	<b>\$42,021.14</b>
<b>Outside of budget</b>		
State Travel		<b>\$0.00</b>
<b>Total revenue</b>		<b>\$42,021.14</b>
<b>Expenses</b>	<b>Expenses</b>	
Administrative fees	\$10,000.00	\$10,000.00
Personnel	\$30,169.20	\$29,211.39
Meeting Expense	\$1,000.00	\$0.00
Telephone	\$350.00	\$270.92
Postage & Delivery	\$100.00	\$7.50
Printing, copying, supplies	\$100.00	\$.09
State Travel Costs	\$0.00	\$0.00
GoToWebinar annual subscription	\$250.00	\$312.36
Web Design/Maintenance	\$200.00	\$0.00
Travel	\$1,000.00	\$3.43
<b>Total</b>	<b>\$43,169.20</b>	<b>\$39,805.69</b>
<b>Expenses - Unbudgeted</b>		
Gifts	\$0.00	\$0.00
<b>Total</b>	<b>\$0.00</b>	<b>\$0.00</b>
CA SEP (48) Personnel	\$0.00	\$0.00
Member travel	\$2,000.00	\$0.00
Packaging Testing	\$345.00	\$0.00
Non-personnel	\$0.00	\$0.00
<b>TOTAL CA (48) SEP</b>	<b>\$2,345.00</b>	<b>\$0.00</b>
<b>TOTAL</b>	<b>\$45,514.20</b>	<b>\$39,805.69</b>



## CA SEP Account Summary

	<b>\$0.00</b>
<b>Balance Carried Over from Fiscal Year 2020</b>	
<b>FY21 Expenses Charged to CA SEP:</b>	
Member travel	\$0.00
<b>Total Expenses:</b>	<b>\$0.00</b>
<b>Balance to Carry Over to Fiscal Year 2022</b>	<b>\$0.00</b>

## Appendix C - Analysis of Inquiries

In FY21, TPCB had 157 external communications responding to incoming inquiries. 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
  - Media
  - Non-governmental organizations
  
- 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
  - United States
  - Australia
  - Mexico
  - Japan