



# Toxics in Packaging Clearinghouse Fact Sheet

## Original 1989 Model Legislation

The original [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. 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).

Legislation based on this Model has been adopted by the following [nineteen states](#) (states in bold are TPCH members): **California, Connecticut**, Florida, Georgia, Illinois, **Iowa**, Maine, **Maryland, Minnesota**, Missouri, **New Hampshire, New Jersey, New York**, Pennsylvania, **Rhode Island**, Vermont, Virginia, **Washington**, Wisconsin

## 2021 Model Legislation Update

The 2021 update of the model legislation 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. No state has amended its current toxics in packaging law to add the updated model legislation language in its entirety. Some states have adopted certain provisions of the 2021 model legislation, found [here](#). TPCH released guidance for the 2021 update that can be found [here](#).

## Incidental Presence Concentration Limits

For compliance with the 19 original toxics in packaging laws, 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 for Compliance?

- Manufacturers of packaging and packaging components
- Suppliers of packaging and packaging components
- Product manufacturers or distributors who use packaging
- For Iowa, manufacturers and distributors are responsible for compliance.

## 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. TPCH provides a sample certificate of compliance for your use on the TPCH website [here](#).

## Exemptions

All packages and packaging components are subject to state laws, as applicable, except:

- 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)

## Concentration Limits for Post Consumer Recycled Content

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 100 ppm for the sum of the four regulated metals, except for New Hampshire which has a 200 ppm limit.

## Vitrified Label Standard

Two of the member states' laws (NH and CT) currently allow the "intentional use" of the regulated metals for vitrified labels or decorations applied to glass and ceramic containers, subject to the standard in Section 5g of the [2012 version of the Model Legislation](#).

## 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.

**For more information**, visit <http://www.toxicsinpackaging.org> for the 2021 updated Model Legislation, Frequently Asked Questions, Sample certificate of compliance, and a Comparative Analysis, presenting a side-by-side comparison of the Model Legislation and existing state laws.

\*Please note that this Comparative Analysis does not yet reflect the language changes in the 2021 update of the TPCH Model Legislation.

## 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