

13:1E-99.46

LEGISLATIVE HISTORY CHECKLIST

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("Toxic Packaging Reduction Act--amendment")

NJSA: 13:1E-99.46

LAWS OF: 1997 CHAPTER: 307

BILL NO: A1169

SPONSOR(S): Cohen and others

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Agriculture and Waste

SENATE: Environment

AMENDED DURING PASSAGE: Yes Amendments during passage denoted  
First reprint enacted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: May 22, 1997

SENATE: December 1, 1997

DATE OF APPROVAL: January 8, 1998

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: Yes

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

Coalition of Northeastern Governors--model legislation--attached.

KBP:pp

P.L. 1997, CHAPTER 307, *approved January 8, 1998*  
Assembly, No. 1169 (*First Reprint*)

1 AN ACT concerning the use of certain toxic substances in packaging,  
2 and amending P.L.1991, c.520 (C.13:1E-99.44 et seq.).

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 <sup>1</sup>1. Section 3 of P.L.1991, c.520 (C.13:1E-99.46) is amended to  
8 read as follows:

9 3. As used in this act:

10 "Commissioner" means the Commissioner of Environmental  
11 Protection **[and Energy;]**.

12 "Department" means the Department of Environmental Protection  
13 **[and Energy;]**.

14 "Distribution" means the practice of taking title to packages or  
15 packaging components for promotional purposes or resale.

16 "Distributor" means any person who distributes packaged products  
17 intended for retail sale in packages or packaging components**[:]** , but  
18 shall not include any person involved solely in delivering packages or  
19 packaging components on behalf of third parties.

20 "Manufacturing" means the physical or chemical modification of a  
21 material to produce packaging or packaging components.

22 "Package" means a container specifically manufactured for the  
23 purposes of marketing, protecting or handling a product and shall  
24 include a unit package, an intermediate package and a shipping  
25 container as defined by the American Society for Testing and Materials  
26 in ASTM D996; "package" shall also mean and include such unsealed  
27 receptacles as carrying cases, crates, cups, pails, rigid foil and other  
28 trays, wrappers and wrapping films, bags and tubs**[:]**.

29 "Package manufacturer" means any person who manufactures

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly AAW committee amendments adopted May 12, 1997.

1 packages or packaging components[;].

2 "Packaging component" means any individual assembled part of a  
3 package including, but not limited to, any interior or exterior blocking,  
4 bracing, cushioning, weatherproofing, exterior strapping, coating,  
5 closure, ink, label, dye, pigment, adhesive, stabilizer or any other  
6 additive; except that a "coating" shall not include a thin tin or zinc  
7 layer applied to base steel or sheet steel during manufacturing of the  
8 steel or package; except that tin-plated steel that meets ASTM  
9 specification A-623 shall be considered as a single package  
10 component, and electro-galvanized coated steel and hot dipped coated  
11 galvanized steel that meets the ASTM specification A-525 and A-879  
12 shall be treated in the same manner as tin-plated steel.

13 "Product manufacturer" means any person who purchases packages  
14 or packaging components from a package manufacturer for the  
15 purposes of marketing, protecting or handling the contents of the  
16 package or packaging component, including a product intended for  
17 retail sale[;].

18 "Retailer" means any person who engages in the sale within the  
19 State of packaged products intended for retail sale in packages or  
20 packaging components to a consumer at retail for off-premises use or  
21 consumption.<sup>1</sup>

22 (cf: P.L.1991, c.520, s.3)

23

24 <sup>1</sup>[1.] 2.<sup>1</sup> Section 4 of P.L.1991, c.520 (C.13:1E-99.47) is  
25 amended to read as follows:

26 4. a. On or after January 1, 1993, no person shall sell, offer for  
27 sale, or offer for promotional purposes in this State any package or  
28 packaging component which includes, in the package itself or in any  
29 packaging component, inks, dyes, pigments, adhesives, stabilizers or  
30 any other additives containing any lead, cadmium, mercury or  
31 hexavalent chromium which has been intentionally introduced as a  
32 chemical element during manufacturing or distribution as opposed to  
33 the incidental presence of any of these elements.

34 b. On or after January 1, 1993, no person shall sell, offer for sale,  
35 or offer for promotional purposes in this State any product contained  
36 in a package which includes, in the package itself or in any packaging  
37 component, inks, dyes, pigments, adhesives, stabilizers or any other  
38 additives containing any lead, cadmium, mercury or hexavalent  
39 chromium which has been intentionally introduced as a chemical  
40 element during manufacturing or distribution as opposed to the  
41 incidental presence of any of these elements.

42 c. The sum of the concentration levels of lead, cadmium, mercury  
43 or hexavalent chromium present in any package or packaging  
44 component, which shall constitute an incidental presence, shall not  
45 exceed the following levels:

46 (1) Not more than 600 parts per million by weight (0.06%) after

1 January 1, 1993;

2 (2) Not more than 250 parts per million by weight (0.025%) after  
3 January 1, 1994;

4 (3) Not more than 100 parts per million by weight (0.01%) after  
5 January 1, 1995.

6 As used in this section, "incidental presence" means the presence  
7 or a regulated metal as an unintended or undesired ingredient of a  
8 package or packaging component.

9 As used in this section, "intentionally introduced" means the  
10 deliberate use of a regulated heavy metal to provide a desired  
11 characteristic, appearance, or quality.

12 "Intentionally introduced" shall not include:

13 (1) Using a regulated metal as a processing agent or intermediate  
14 to impart certain chemical or physical changes during manufacturing,  
15 whereupon the incidental retention of a residue of a regulated metal in  
16 the final package or packaging component is neither desired nor  
17 deliberate, if the final package or packaging component is in  
18 compliance with this act; or

19 (2) Using recycled materials as feed stock for the manufacture of  
20 new packaging materials, where some portion of the recycled materials  
21 may contain amounts of the regulated metals if the new package or  
22 packaging component is in compliance with this act.

23 (cf: P.L.1991, c.520, s.4)

24

25 <sup>1</sup>[2.] 3. Section 5 of P.L.1991, c.520 (C.13:1E-99.48) is  
26 amended to read as follows:

27 5. a. Any package manufacturer, product manufacturer or  
28 distributor may, in accordance with rules or regulations adopted by the  
29 department pursuant to the "Administrative Procedure Act," P.L.1968,  
30 c.410 (C.52:14B-1 et seq.), claim an exemption from the provisions of  
31 section 4 of this act for any package or packaging component meeting  
32 any of the following criteria:

33 (1) Those packages or packaging components labeled with a code  
34 indicating a date of manufacture prior to January 1, 1993; except that  
35 the labeling requirement may be waived by the department in those  
36 instances where it is not feasible or practical to label individual  
37 packages or packaging components provided that suitable alternative  
38 evidence of date of manufacture is furnished to the department;

39 (2) Those packages or packaging components used to contain  
40 alcoholic beverages, including liquor, wine, vermouth and sparkling  
41 wine, bottled prior to January 1, 1993;

42 (3) Those packages or packaging components which are glass  
43 containers with ceramic labeling used to contain pharmaceutical  
44 preparations; except that the exemption provided in this paragraph  
45 shall expire on January 1, 1995;

46 (4) Those packages or packaging components which are glass

1 containers with ceramic labeling used to contain cosmetics; except that  
2 the exemption provided in this paragraph shall expire on January 1,  
3 1995;

4 (5) Those packages or packaging components to which lead,  
5 cadmium, mercury or hexavalent chromium have been added in the  
6 manufacturing, forming, printing or distribution process in order to  
7 comply with health or safety requirements of federal law <sup>1</sup>, provided  
8 that the package manufacturers of such package or packaging  
9 component shall petition the department for an exemption and receive  
10 approval from the department based upon a satisfactory demonstration  
11 that the criterion is met; provided that an exemption under this  
12 paragraph shall be for a period of no more than two years, except that  
13 the package manufacturer may apply to the department for renewals  
14 of the exemption for periods of no more than two years<sup>1</sup> ;

15 (6) Those packages or packaging components to which lead,  
16 cadmium, mercury or hexavalent chromium have been added in the  
17 manufacturing, forming, printing or distribution process <sup>1</sup>[and]<sup>1</sup> for the  
18 use of which there is no feasible or practical alternative <sup>1</sup>[or substitute;  
19 except that the exemption provided in this paragraph shall expire on  
20 January 1, 1995] , provided that the package manufacturers of such  
21 package or packaging component shall petition the department for an  
22 exemption and receive approval from the department based upon a  
23 satisfactory demonstration that the criterion is met; provided that an  
24 exemption under this paragraph shall be for a period of no more than  
25 two years, except that the package manufacturer may apply to the  
26 department for renewals of the exemption for periods of no more than  
27 two years<sup>1</sup>;

28 (7) Those packages or packaging components that would not  
29 exceed the maximum contaminant levels set forth in subsection c. of  
30 section 4 of this act but for the addition of <sup>1</sup>[post-consumer waste]  
31 recycled<sup>1</sup> materials; except that the exemption provided in this  
32 paragraph shall expire on January 1, [1997] 2000;

33 (8) Those packages or packaging components composed of metal  
34 and commonly referred to as "tin cans" that are used to contain food  
35 or food products intended for human consumption and that may  
36 exceed the maximum contaminant levels set forth in subsection c. of  
37 section 4 of this act due to the incidental presence of lead as a  
38 naturally occurring chemical element in the metal that is unrelated to  
39 the manufacturing process; or

40 (9) Those packages or packaging components composed of metal  
41 and commonly referred to as "tin cans" that are used to contain paint,  
42 chemicals or other nonfood products, to which lead has been added in  
43 the manufacturing process for the purposes of forming, soldering or  
44 sealing the can, or that may exceed the maximum contaminant levels  
45 set forth in subsection c. of section 4 of this act due to the incidental  
46 presence of lead as a naturally occurring chemical element in the metal

1 that is unrelated to the manufacturing process.

2 (10) Those packages or packaging components that are reused,  
3 provided that the related product is regulated under federal or State  
4 health or safety requirements and that the transportation of the related  
5 product is regulated under federal or State transportation  
6 requirements, and the disposal of the related product is performed  
7 according to federal or State radioactive or hazardous waste disposal  
8 requirements; provided that <sup>1</sup>[the]<sup>1</sup> an exemption under this paragraph  
9 shall expire on January 1, 2000.

10 (11) Those packages or packaging components having a  
11 controlled distribution and reuse, provided that the manufacturers or  
12 distributors of such package or packaging component shall petition the  
13 <sup>1</sup>[commissioner] department<sup>1</sup> for <sup>1</sup>an<sup>1</sup> exemption and receive approval  
14 from the <sup>1</sup>[commissioner] department <sup>1</sup>based on satisfactory  
15 demonstration that the environmental benefit of the controlled  
16 distribution and reuse is significantly greater as compared to the same  
17 package manufactured in compliance with the contaminant levels;  
18 provided that <sup>1</sup>[the]<sup>1</sup> an exemption under this paragraph shall expire  
19 on January 1, 2000.

20 The manufacturer shall submit with the petition a plan that shall  
21 include:

22 (a) A means of identifying in a permanent and visible manner those  
23 reusable entities containing regulated metals for which an exemption  
24 is sought;

25 (b) A method of regulatory and financial accountability so that a  
26 specified percentage of the reusable entities manufactured and  
27 distributed to other persons are not discarded by those persons after  
28 use but are returned to the manufacturer or designee;

29 (c) A system of inventory and record maintenance to account for  
30 the reusable entities placed in, and removed from, service;

31 (d) A means of transforming returned entities, that are no longer  
32 reusable, into recycled materials for manufacturing or into  
33 manufacturing waste that are subject to existing federal or State laws  
34 or regulations governing manufacturing waste to ensure that these  
35 wastes do not enter the commercial or municipal waste stream; and

36 (e) A system of annually reporting to the commissioner changes  
37 to the system and changes in designees.

38 <sup>1</sup>[The exemption provided in paragraph (6) may be renewed by the  
39 department for periods not to exceed two years, except that any  
40 renewal granted by the department for the exemption provided in  
41 paragraph (6) shall be based on evidence furnished to the department  
42 that there is no feasible or practical alternative or substitute for the  
43 specified package or packaging component.]

44 (12) Those packages or packaging components that are glass or  
45 ceramic that have a vitrified decoration and when tested in accordance  
46 with the toxicity characteristic leaching procedure (TCLP) of the

1 United States Environmental Protection Agency Test Method SW-846  
2 does not exceed 1.0 ppm for cadmium and 5.0 ppm for lead; provided  
3 that an exemption under this paragraph shall expire on January 1,  
4 2000.<sup>1</sup>

5 The exemptions provided in paragraphs (8) and (9) shall expire on  
6 January 1, 1997, except that any exemption provided in paragraphs (8)  
7 or (9) may be renewed by the department after this date for periods  
8 not to exceed two years. Any renewal granted by the department for  
9 the exemption provided in paragraphs (8) or (9) shall be based on  
10 evidence furnished to the department that there is no feasible method  
11 to reduce the concentration levels of lead for the specified package or  
12 packaging component.

13 For the purposes of this subsection, a use for which there is "no  
14 feasible or practical alternative or substitute" means one in which the  
15 use of lead, cadmium, mercury or hexavalent chromium is essential to  
16 the protection, safe handling, or function of the contents of the  
17 package.

18 b. Any package manufacturer, product manufacturer or distributor  
19 claiming an exemption pursuant to subsection a. of this section shall  
20 maintain on file a written declaration of exemption for each specified  
21 package or packaging component for which an exemption is claimed.  
22 Copies of each declaration of exemption shall be furnished to the  
23 department upon its request and to members of the public in  
24 accordance with the provisions of section 14 of this act.

25 c. Any product contained in a package or packaging component  
26 for which an exemption is claimed may be sold by a retailer provided  
27 that the declaration of exemption claimed is valid and in accordance  
28 with the criteria provided in subsection a. of this section, as may be  
29 verified by the department pursuant to section 9 of this act.

30 (cf: P.L.1991, c.520, s.5)

31

32 <sup>1</sup>[3.] 4.<sup>1</sup> Section 13 of P.L.1991, c.520 (C.13:1E-99.56) is  
33 amended to read as follows:

34 13. The department, in consultation with the Source Reduction  
35 **Task Force** of the Coalition of Northeastern Governors  
36 (CONEG), shall review the effectiveness of this act no later than 42  
37 months after its effective date and shall provide to the Governor and  
38 the Legislature a written report based upon that review.

39 a. The report shall include:

40 (1) a recommendation whether to continue the exemptions  
41 provided in paragraphs (7), (8) and (9) of subsection a. of section 5 of  
42 this act; and

43 (2) a description of the nature of the substitute elements used in  
44 lieu of lead, cadmium, mercury or hexavalent chromium during the  
45 manufacturing or distribution of a package or packaging component.

46 b. The report may contain recommendations to include additional

1 toxic substances contained in packages or packaging components on  
2 the list set forth in section 4 of this act in order to further reduce the  
3 toxicity of packaging waste.

4 Any recommendation to include an additional toxic substance on  
5 the list set forth in section 4 of this act shall include:

6 (1) a determination as to whether the continued use of the  
7 proposed substance presents or will present an unreasonable risk to  
8 health or the environment, which determination shall utilize a  
9 nationally recognized risk assessment protocol taking into account the  
10 magnitude and severity of the environmental harm against the benefits  
11 of the substance to product manufacturers and the general public;

12 (2) a determination as to the availability of a substitute element to  
13 be used in lieu of the proposed substance; and

14 (3) a description of other adverse effects which the addition of the  
15 proposed substance to the list set forth in section 4 of this act may  
16 have on product manufacturers or the general public.

17 (cf: P.L.1991, c.520, s.13)

18

19 <sup>1</sup>[4.] 5.<sup>1</sup> This act shall take effect immediately.

20

21

22

23

24 Amends the "Toxic Packaging Reduction Act."



1 which an exemption is claimed may be sold by a retailer provided that  
2 the declaration of exemption claimed is valid and in accordance with  
3 the criteria provided in subsection a. of this section, as may be verified  
4 by the department pursuant to section 9 of this act.<sup>2</sup>  
5 (cf: P.L.1991, c.520, s.5)

6

7 3. Section 13 of P.L.1991, c.520 (C.13:1E-99.56) is amended to  
8 read as follows:

9 13. The department, in consultation with the Source Reduction  
10 **【Council】** Task Force of the Coalition of Northeastern Governors  
11 (CONEG), shall review the effectiveness of this act no later than 42  
12 months after its effective date and shall provide to the Governor and  
13 the Legislature a written report based upon that review.

14 a. The report shall include:

15 (1) a recommendation whether to continue the exemptions  
16 provided in paragraphs (7), (8) and (9) of subsection a. of section 5 of  
17 this act; and

18 (2) a description of the nature of the substitute elements used in  
19 lieu of lead, cadmium, mercury or hexavalent chromium during the  
20 manufacturing or distribution of a package or packaging component.

21 b. The report may contain recommendations to include additional  
22 toxic substances contained in packages or packaging components on  
23 the list set forth in section 4 of this act in order to further reduce the  
24 toxicity of packaging waste.

25 Any recommendation to include an additional toxic substance on  
26 the list set forth in section 4 of this act shall include:

27 (1) a determination as to whether the continued use of the  
28 proposed substance presents or will present an unreasonable risk to  
29 health or the environment, which determination shall utilize a  
30 nationally recognized risk assessment protocol taking into account the  
31 magnitude and severity of the environmental harm against the benefits  
32 of the substance to product manufacturers and the general public;

33 (2) a determination as to the availability of a substitute element to  
34 be used in lieu of the proposed substance; and

35 (3) a description of other adverse effects which the addition of the  
36 proposed substance to the list set forth in section 4 of this act may  
37 have on product manufacturers or the general public.

38 (cf: P.L.1991, c.520, s.13)

39

40 4. This act shall take effect immediately.

41

42

43

#### STATEMENT

44

45 This bill would amend the "Toxic Packaging Reduction Act"  
46 according to recommendations by the Coalition of Northeast

1 Governors (CONEG). The bill would extend to January 1, 2000 the  
2 exemption for packaging or packaging components with  
3 post-consumer waste material. The bill would clarify the definition of  
4 "incidental presence" and "intentionally introduced." The bill would  
5 also add an exemption for reusable packaging. Finally, the bill revises  
6 a reference to the Source Reduction Task Force of CONEG.

7

8

9

10

11 Amends the "Toxic Packaging Reduction Act."

[Passed Both Houses]

[First Reprint]

ASSEMBLY, No. 1169

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# STATE OF NEW JERSEY

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PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman COHEN, Assemblywoman MURPHY,  
Assemblyman Bucco, Assemblywoman Gill and Senator McNamara

1 AN ACT concerning the use of certain toxic substances in packaging,  
2 and amending P.L.1991, c.520 (C.13:1E-99.44 et seq.).

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 <sup>1</sup> 1. Section 3 of P.L.1991, c.520 (C.13:1E-99.46) is amended to  
8 read as follows:

9 3. As used in this act:

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11 Protection **[and Energy;]**.

12 "Department" means the Department of Environmental Protection  
13 **[and Energy;]**.

14 "Distribution" means the practice of taking title to packages or  
15 packaging components for promotional purposes or resale.

16 "Distributor" means any person who distributes packaged products  
17 intended for retail sale in packages or packaging components**;** but  
18 shall not include any person involved solely in delivering packages or  
19 packaging components on behalf of third parties.

20 "Manufacturing" means the physical or chemical modification of a  
21 material to produce packaging or packaging components.

22 "Package" means a container specifically manufactured for the  
23 purposes of marketing, protecting or handling a product and shall  
24 include a unit package, an intermediate package and a shipping  
25 container as defined by the American Society for Testing and Materials  
26 in ASTM D996; "package" shall also mean and include such unsealed

EXPLANATION - Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly AAW committee amendments adopted May 12, 1997.

1 receptacles as carrying cases, crates, cups, pails, rigid foil and other  
2 trays, wrappers and wrapping films, bags and tubs[;].

3 "Package manufacturer" means any person who manufactures  
4 packages or packaging components[;].

5 "Packaging component" means any individual assembled part of a  
6 package including, but not limited to, any interior or exterior blocking,  
7 bracing, cushioning, weatherproofing, exterior strapping, coating,  
8 closure, ink, label, dye, pigment, adhesive, stabilizer or any other  
9 additive; except that a "coating" shall not include a thin tin or zinc  
10 layer applied to base steel or sheet steel during manufacturing of the  
11 steel or package; except that tin-plated steel that meets ASTM  
12 specification A-623 shall be considered as a single package  
13 component, and electro-galvanized coated steel and hot dipped coated  
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22 State of packaged products intended for retail sale in packages or  
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24 consumption.<sup>1</sup>

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35 chemical element during manufacturing or distribution as opposed to  
36 the incidental presence of any of these elements.

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43 element during manufacturing or distribution as opposed to the  
44 incidental presence of any of these elements.

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46 or hexavalent chromium present in any package or packaging

1 component, which shall constitute an incidental presence, shall not  
2 exceed the following levels:

3 (1) Not more than 600 parts per million by weight (0.06%) after  
4 January 1, 1993;

5 (2) Not more than 250 parts per million by weight (0.025%) after  
6 January 1, 1994;

7 (3) Not more than 100 parts per million by weight (0.01%) after  
8 January 1, 1995.

9 As used in this section, "incidental presence" means the presence  
10 or a regulated metal as an unintended or undesired ingredient of a  
11 package or packaging component.

12 As used in this section, "intentionally introduced" means the  
13 deliberate use of a regulated heavy metal to provide a desired  
14 characteristic, appearance, or quality.

15 "Intentionally introduced" shall not include:

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17 to impart certain chemical or physical changes during manufacturing,  
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19 the final package or packaging component is neither desired nor  
20 deliberate, if the final package or packaging component is in  
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22 (2) Using recycled materials as feed stock for the manufacture of  
23 new packaging materials, where some portion of the recycled materials  
24 may contain amounts of the regulated metals if the new package or  
25 packaging component is in compliance with this act.

26 (cf: P.L.1991, c.520, s.4)

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28 <sup>1</sup>**[2.] 3.**<sup>1</sup> Section 5 of P.L.1991, c.520 (C.13:1E-99.48) is  
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35 any of the following criteria:

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37 indicating a date of manufacture prior to January 1, 1993; except that  
38 the labeling requirement may be waived by the department in those  
39 instances where it is not feasible or practical to label individual  
40 packages or packaging components provided that suitable alternative  
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43 alcoholic beverages, including liquor, wine, vermouth and sparkling  
44 wine, bottled prior to January 1, 1993;

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46 containers with ceramic labeling used to contain pharmaceutical

1 preparations; except that the exemption provided in this paragraph  
2 shall expire on January 1, 1995;

3 (4) Those packages or packaging components which are glass  
4 containers with ceramic labeling used to contain cosmetics; except that  
5 the exemption provided in this paragraph shall expire on January 1,  
6 1995;

7 (5) Those packages or packaging components to which lead,  
8 cadmium, mercury or hexavalent chromium have been added in the  
9 manufacturing, forming, printing or distribution process in order to  
10 comply with health or safety requirements of federal law <sup>1</sup>, provided  
11 that the package manufacturers of such package or packaging  
12 component shall petition the department for an exemption and receive  
13 approval from the department based upon a satisfactory demonstration  
14 that the criterion is met; provided that an exemption under this  
15 paragraph shall be for a period of no more than two years, except that  
16 the package manufacturer may apply to the department for renewals  
17 of the exemption for periods of no more than two years<sup>1</sup> ;

18 (6) Those packages or packaging components to which lead,  
19 cadmium, mercury or hexavalent chromium have been added in the  
20 manufacturing, forming, printing or distribution process <sup>1</sup>[and]<sup>1</sup> for  
21 the use of which there is no feasible or practical alternative <sup>1</sup>[or  
22 substitute; except that the exemption provided in this paragraph shall  
23 expire on January 1, 1995] , provided that the package manufacturers  
24 of such package or packaging component shall petition the department  
25 for an exemption and receive approval from the department based  
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27 that an exemption under this paragraph shall be for a period of no  
28 more than two years, except that the package manufacturer may apply  
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30 more than two years<sup>1</sup> ;

31 (7) Those packages or packaging components that would not  
32 exceed the maximum contaminant levels set forth in subsection c. of  
33 section 4 of this act but for the addition of <sup>1</sup>[post-consumer waste]  
34 recycled<sup>1</sup> materials; except that the exemption provided in this  
35 paragraph shall expire on January 1, [1997] 2000;

36 (8) Those packages or packaging components composed of metal  
37 and commonly referred to as "tin cans" that are used to contain food  
38 or food products intended for human consumption and that may  
39 exceed the maximum contaminant levels set forth in subsection c. of  
40 section 4 of this act due to the incidental presence of lead as a  
41 naturally occurring chemical element in the metal that is unrelated to  
42 the manufacturing process; or

43 (9) Those packages or packaging components composed of metal  
44 and commonly referred to as "tin cans" that are used to contain paint,  
45 chemicals or other nonfood products, to which lead has been added in  
46 the manufacturing process for the purposes of forming, soldering or

1 sealing the can, or that may exceed the maximum contaminant levels  
2 set forth in subsection c. of section 4 of this act due to the incidental  
3 presence of lead as a naturally occurring chemical element in the metal  
4 that is unrelated to the manufacturing process.

5 (10) Those packages or packaging components that are reused,  
6 provided that the related product is regulated under federal or State  
7 health or safety requirements and that the transportation of the related  
8 product is regulated under federal or State transportation  
9 requirements, and the disposal of the related product is performed  
10 according to federal or State radioactive or hazardous waste disposal  
11 requirements; provided that <sup>1</sup>['the']<sup>1</sup> an exemption under this  
12 paragraph shall expire on January 1, 2000.

13 (11) Those packages or packaging components having a  
14 controlled distribution and reuse, provided that the manufacturers or  
15 distributors of such package or packaging component shall petition the  
16 <sup>1</sup>['commissioner.'] department<sup>1</sup> for <sup>1</sup>'an'<sup>1</sup> exemption and receive  
17 approval from the <sup>1</sup>['commissioner.'] department<sup>1</sup> , based on  
18 satisfactory demonstration that the environmental benefit of the  
19 controlled distribution and reuse is significantly greater as compared  
20 to the same package manufactured in compliance with the contaminant  
21 levels; provided that <sup>1</sup>['the']<sup>1</sup> an exemption under this paragraph shall  
22 expire on January 1, 2000.

23 The manufacturer shall submit with the petition a plan that shall  
24 include:

25 (a) A means of identifying in a permanent and visible manner those  
26 reusable entities containing regulated metals for which an exemption  
27 is sought;

28 (b) A method of regulatory and financial accountability so that a  
29 specified percentage of the reusable entities manufactured and  
30 distributed to other persons are not discarded by those persons after  
31 use but are returned to the manufacturer or designee;

32 (c) A system of inventory and record maintenance to account for  
33 the reusable entities placed in, and removed from, service;

34 (d) A means of transforming returned entities, that are no longer  
35 reusable, into recycled materials for manufacturing or into  
36 manufacturing waste that are subject to existing federal or State laws  
37 or regulations governing manufacturing waste to ensure that these  
38 wastes do not enter the commercial or municipal waste stream; and

39 (e) A system of annually reporting to the commissioner changes  
40 to the system and changes in designees.

41 <sup>1</sup>['The exemption provided in paragraph (6) may be renewed by  
42 the department for periods not to exceed two years, except that any  
43 renewal granted by the department for the exemption provided in  
44 paragraph (6) shall be based on evidence furnished to the department  
45 that there is no feasible or practical alternative or substitute for the  
46 specified package or packaging component.']

1       (12) Those packages or packaging components that are glass or  
2 ceramic that have a vitrified decoration and when tested in accordance  
3 with the toxicity characteristic leaching procedure (TCLP) of the  
4 United States Environmental Protection Agency Test Method SW-846  
5 does not exceed 1.0 ppm for cadmium and 5.0 ppm for lead; provided  
6 that an exemption under this paragraph shall expire on January 1,  
7 2000.<sup>1</sup>

8       The exemptions provided in paragraphs (8) and (9) shall expire on  
9 January 1, 1997, except that any exemption provided in paragraphs (8)  
10 or (9) may be renewed by the department after this date for periods  
11 not to exceed two years. Any renewal granted by the department for  
12 the exemption provided in paragraphs (8) or (9) shall be based on  
13 evidence furnished to the department that there is no feasible method  
14 to reduce the concentration levels of lead for the specified package or  
15 packaging component.

16       For the purposes of this subsection, a use for which there is "no  
17 feasible or practical alternative or substitute" means one in which the  
18 use of lead, cadmium, mercury or hexavalent chromium is essential to  
19 the protection, safe handling, or function of the contents of the  
20 package.

21       b. Any package manufacturer, product manufacturer or distributor  
22 claiming an exemption pursuant to subsection a. of this section shall  
23 maintain on file a written declaration of exemption for each specified  
24 package or packaging component for which an exemption is claimed.  
25 Copies of each declaration of exemption shall be furnished to the  
26 department upon its request and to members of the public in  
27 accordance with the provisions of section 14 of this act.

28       c. Any product contained in a package or packaging component  
29 for which an exemption is claimed may be sold by a retailer provided  
30 that the declaration of exemption claimed is valid and in accordance  
31 with the criteria provided in subsection a. of this section, as may be  
32 verified by the department pursuant to section 9 of this act.

33 (cf: P.L.1991, c.520, s.5)

34

35       <sup>1</sup>~~3.~~ 4.<sup>1</sup> Section 13 of P.L.1991, c.520 (C.13:1E-99.56) is  
36 amended to read as follows:

37       13. The department, in consultation with the Source Reduction  
38 **Task Force** of the Coalition of Northeastern Governors  
39 (CONEG), shall review the effectiveness of this act no later than 42  
40 months after its effective date and shall provide to the Governor and  
41 the Legislature a written report based upon that review.

42       a. The report shall include:

43       (1) a recommendation whether to continue the exemptions  
44 provided in paragraphs (7), (8) and (9) of subsection a. of section 5 of  
45 this act; and

46       (2) a description of the nature of the substitute elements used in



1 lieu of lead, cadmium, mercury or hexavalent chromium during the  
2 manufacturing or distribution of a package or packaging component.

3 b. The report may contain recommendations to include additional  
4 toxic substances contained in packages or packaging components on  
5 the list set forth in section 4 of this act in order to further reduce the  
6 toxicity of packaging waste.

7 Any recommendation to include an additional toxic substance on  
8 the list set forth in section 4 of this act shall include:

9 (1) a determination as to whether the continued use of the  
10 proposed substance presents or will present an unreasonable risk to  
11 health or the environment, which determination shall utilize a  
12 nationally recognized risk assessment protocol taking into account the  
13 magnitude and severity of the environmental harm against the benefits  
14 of the substance to product manufacturers and the general public;

15 (2) a determination as to the availability of a substitute element to  
16 be used in lieu of the proposed substance; and

17 (3) a description of other adverse effects which the addition of the  
18 proposed substance to the list set forth in section 4 of this act may  
19 have on product manufacturers or the general public.

20 (cf: P.L.1991, c.520, s.13)

21

22 <sup>1</sup>**[4.] 5.**<sup>1</sup> This act shall take effect immediately.

23

24

25

26

27 Amends the "Toxic Packaging Reduction Act."

ASSEMBLY AGRICULTURE AND WASTE MANAGEMENT  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1169**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 12, 1997

The Assembly Agriculture and Waste Management Committee favorably reports Assembly Bill No. 1169 with committee amendments.

The "Toxic Packaging Reduction Act," P.L.1991, c.520 (C.13:1E-99.44 et seq.) requires manufacturers of packaging or packaging materials to reduce the amounts of toxic substances added to packages or packaging components used to market products sold within New Jersey. The act is based on model legislation drafted by the Coalition of Northeastern Governors (CONEG). Eighteen states nationwide have enacted legislation based on the model.

As amended, this bill would revise the "Toxic Packaging Reduction Act" according to recommendations proposed by CONEG. The bill would extend to January 1, 2000 the exemption for packaging or packaging components with post-consumer waste material, and broaden that exemption to apply to recycled materials. The bill would clarify the definition of "incidental presence" and "intentionally introduced." The bill would also add an exemption for reusable packaging. Additional provisions of the bill provide for two year renewals of certain exemptions, incorporate an exemption for decorated glass and ceramic packaging, and define various terms. Finally, the bill revises a reference to the Source Reduction Task Force of CONEG.

Committee amendments incorporate recent recommendations of CONEG.

This bill was pre-filed for introduction in the 1996-1997 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 1169**

**STATE OF NEW JERSEY**

DATED: NOVEMBER 17, 1997

The Senate Environment Committee favorably reports Assembly Bill No. 1169 (1R).

The "Toxic Packaging Reduction Act," P.L.1991, c.520 (C.13:1E-99.44 et seq.) requires manufacturers of packaging or packaging materials to reduce the amounts of toxic substances added to packages or packaging components used to market products sold within New Jersey. The act is based on model legislation drafted by the Coalition of Northeastern Governors (CONEG). Eighteen states nationwide have enacted legislation based on the model.

This bill would revise the "Toxic Packaging Reduction Act" according to recommendations proposed by CONEG. The bill would extend to January 1, 2000 the exemption for packaging or packaging components with post-consumer waste material, and broaden that exemption to apply to recycled materials. The bill would clarify the definition of "incidental presence" and "intentionally introduced." The bill would also add an exemption for reusable packaging. Additional provisions of the bill provide for two year renewals of certain exemptions, incorporate an exemption for decorated glass and ceramic packaging, and define various terms. Finally, the bill revises a reference to the Source Reduction Task Force of CONEG.

This bill is identical to Senate Bill No. 2268.

# CONEG

COALITION OF NORTHEASTERN GOVERNORS

TO: INTERESTED PARTIES  
FROM: TRACEY L. TOTTEN  
RE: TOXICS IN PACKAGING CLEARINGHOUSE (TPCH)  
- Change in Administration  
DATE: DECEMBER 31, 1996

Created in the Fall of 1992, the Toxics in Packaging Clearinghouse was formed to encourage consistent implementation of individual state toxics in packaging laws through joint consideration of exemption and/or clarification requests. Through this forum, the Clearinghouse is recognized for its many achievements, including the minimization of the administrative procedures for state and industry, and the creation of a centralized location for receipt and processing of written requests. However, in the face of resource constraints and other pressing issues now assuming greater prominence, the CONEG Policy Research Center will no longer administer the Clearinghouse.

If you were granted an exemption through the Clearinghouse and the exemption status is currently active, or if you are seeking an exemption and/or clarification to the Toxics in Packaging laws, please contact the appropriate state representative from the attached list. Additionally, if as a condition to your exemption approval, you were required to submit quarterly reports, you should forward this information directly to the appropriate state(s).

As of December 31, 1996 the Toxics In Packaging Clearinghouse (TPCH) is unable to process exemption and/or clarification requests. All correspondence should be directed to the individual state for processing.

Attachment

Post-it® Fax Note	7671	Date	3-12	# of PAGES	9
To	Kay Palitz	From			
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	(609) 984-7901	Fax #			



COALITION OF NORTHEASTERN GOVERNORS

## MODEL TOXICS IN PACKAGING LEGISLATION

### Summary

The legislation calls for the reduction of lead, mercury, cadmium and hexavalent chromium in packaging or packaging materials used or sold within the state.

Manufacturers and distributors have two years to clear inventory and make necessary adjustments to their operations in order to comply with the law.

Manufacturers and distributors of packaging or packaging materials would be required to reduce the sum of the concentration levels of incidentally introduced lead, cadmium, mercury and hexavalent chromium to 600 parts per million two (2) years after the legislation is signed into law; 250 parts per million 3 years after it is signed into law; and 100 parts per million 4 years after it is signed into law. The legislation prohibits the intentional introduction of the four heavy metals during manufacturing or distribution.

The legislation provides an exemption for packaging made from recycled materials; packages and packaging components manufactured prior to the effective date of the legislation; packaging that is essential to the protection, safe handling or function of the package's contents - for example, medical products related to radiation therapy, x-rays, etc.; packages and packaging components for which there is no feasible alternative; reusable packaging for products that are subject to other Federal or state health, safety, transportation, or disposal requirements (i.e., hazardous waste); packaging having a controlled distribution and reuse (i.e., beverage containers subject to mandatory deposit requirements); and packaging or packaging component that is glass or ceramic where the decoration has been vitrified and when tested, meets specific requirements.

Manufacturers and suppliers of packaging and packaging components are required to furnish a certificate of compliance to the purchasers of packaging. (This applies to companies who actually put their products in the package and does not apply to the retailer or the individual consumer). The public and the state have access to these certificates.

The legislation also provides for a review process by the state to determine the effectiveness of the Act. More specifically, that review will address the need to continue the recycling exemption and will determine if other toxic substances contained in packaging should be subject to reduction.

The following states have enacted the CONEG Model Toxics in Packaging Legislation:

<u>States Passed</u>	<u>Adoption Date</u>	<u>Compliance Date</u>
● Connecticut***	June 6, 1990	June 6, 1992
● Florida	May 12, 1993	July 1, 1994
● Georgia	July 1992	July 1, 1994
● Illinois	July 1992	July 1, 1994
● Iowa+	May 8, 1990	July 1, 1992
● Maine**+	April 4, 1990	April 1, 1992
● Maryland	May 1992	July 1, 1993
● Minnesota+	June 4, 1991	August 1, 1993
● Missouri	July 1, 1993	July 1, 1994
● New Hampshire***	April 27, 1990	April 27, 1992
● New Jersey***	January 20, 1992	January 1, 1993
● New York**+	January 1, 1990	January 1, 1992
● Pennsylvania***	December 2, 1994	December 2, 1996
● Rhode Island**+	July 5, 1990	July 1, 1992
● Vermont**+	June 26, 1990	July 1, 1992
● Virginia	April 1, 1994	July 1, 1995
● Washington	May 21, 1991	July 1, 1993
● Wisconsin	April 27, 1990	June 1, 1992

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**\*\* CONEG states**  
**+ Clearinghouse Member States**

as of December 30, 1996

**Model Toxics in Packaging Legislation  
of  
CONEG Source Reduction Task Force**

**Section 1.** (Title)

**Section 2.** The legislature finds and declares that:

- a. The management of solid waste can pose a wide range of hazards to public health and safety and to the environment;
- b. Packaging comprises a significant percentage of the overall solid waste stream;
- c. The presence of heavy metals in packaging is a part of the total concern in light of their likely presence in emissions or ash when packaging is incinerated, or in leachate when packaging is landfilled;
- d. Lead, mercury, cadmium and hexavalent chromium, on the basis of available scientific and medical evidence, are of particular concern;
- e. It is desirable, as a first step in reducing the toxicity of packaging waste, to eliminate the addition of these heavy metals to packaging; and
- f. The intent of this Act is to achieve this reduction in toxicity without impeding or discouraging the expanded use of post-consumer materials in the production of packaging and its components.

**Section 3.** Definitions

**"Package"**: means a container providing a means of marketing, protecting or handling a product and shall include a unit package, an intermediate package and a shipping container as defined in ASTM D996. "Package" shall also mean and include such unsealed receptacles as carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags and tubs.

**"Distributor"**: means any person, firm or corporation who takes title to goods purchased for resale.

**"Packaging Component"**: means any individual assembled part of a package such as, but not limited to, any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks and labels. Tin-plated steel that meets the American Society for Testing and Materials (ASTM) specification A-623 shall be considered as a single package component. Electro-galvanized coated steel and hot dipped coated galvanized steel that meets the American Society for Testing and Materials (ASTM) specification A-525 and A-879 shall be treated in the same manner as tin-plated steel.

**"Manufacturing" means:** Physical or chemical modification of (a) material(s) to produce packaging or packaging components.

**"Distribution" means:** The practice of taking title to (a) package(s) or packaging components(s) for promotional purposes or resale. Persons involved solely in delivering (a) package(s) or packaging component(s) on behalf of third parties are not considered distributors.

**"Manufacturer" means:** Any person, firm, association, partnership, or corporation producing (a) package(s) or packaging component(s) as defined in this Act.

**"Supplier" means:** Any person, firm, association, partnership, or corporation who sells, offers for sale, or offers for promotional purposes packages or packaging components which shall be used by any other person, firm, association, partnership, or corporation to package (a) product(s).

**"Intentional Introduction" means:** The act of deliberately utilizing a regulated metal in the formation of a package or packaging component where its continued presence is desired in the final package or packaging component to provide a specific characteristic, appearance, or quality.

The use of a regulated metal as a processing agent or intermediate to impart certain chemical or physical changes during manufacturing, whereupon the incidental retention of a residue of said metal in the final package or packaging component is neither desired nor deliberate, is not considered intentional introduction for the purposes of this Act where said final package or packaging component is in compliance with subsection c of Section 4 of this Act.

The use of recycled materials as feedstock for the manufacture of new packaging materials, where some portion of the recycled materials may contain amounts of the regulated metals, is not considered intentional introduction for the purposes of this Act where the new package or packaging component is in compliance with subsection c of Section 4 of this Act.

**"Incidental Presence" means:** The presence of a regulated metal as an unintended or undesired ingredient of a package or packaging component.



#### **Section 4. Prohibition/Schedule for Removal of Incidental Amounts**

a. As soon as feasible but not later than two years after the adoption of this Act, no package or packaging component shall be offered for sale or for promotional purposes by its manufacturer or distributor in the state of \_\_\_\_\_, which includes, in the package itself or in any packaging component, inks, dyes, pigments, adhesives, stabilizers or any other additives, any lead, cadmium, mercury or hexavalent chromium which has been intentionally introduced as an element during manufacturing or distribution as opposed to the incidental presence of any of these elements.

b. As soon as feasible, but not later than two years after the adoption of this Act, no product shall be offered for sale or for promotional purposes by its manufacturer or distributor in the state of \_\_\_\_\_ in a package which includes, in the package itself or in any of its packaging components, inks, dyes, pigments, adhesives, stabilizers or any other additives, any lead, cadmium, mercury or hexavalent chromium which has been intentionally introduced as an element during manufacturing or distribution as opposed to the incidental presence of any of these elements.

c. The sum of the concentration levels of lead, cadmium, mercury and hexavalent chromium present in any package or packaging component shall not exceed the following:

- 600 parts per million by weight (0.06%) effective two (2) years after adoption of this statute;
- 250 parts per million by weight (0.025%) effective three (3) years after adoption of this statute; and
- 100 parts per million by weight (0.01%) effective four (4) years after adoption of this statute.

#### **Section 5. Exemptions**

All packages and packaging components shall be subject to this Act except the following:

a. those packages or package components with a code indicating date of manufacture that were manufactured prior to the effective date of this statute; 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 in order to comply with health or safety requirements of 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

c. packages and packaging components that would not exceed the maximum contaminant levels set forth in subsection c of Section 4 of this Act but for the addition of recycled materials; and provided that the exemption for this subparagraph shall expire January 1, 2000; or

d. 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 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 regulated substance is essential to the protection, safe handling, or function of the package's contents; or

e. packages and packaging components that are reused but exceed contaminant levels set forth in subsection c of Section 4 of this Act, provided that the product being conveyed by such package and/or the package\packaging component is (are) regulated under Federal and/or State health or safety requirements; and provided that transportation of such packaged product is regulated under Federal and/or State transportation requirements, and provided that disposal of such package is performed according to Federal and/or State radioactive or hazardous waste disposal requirements, and provided that an exemption under this subparagraph shall expire on January 1, 2000; or

f. packages and packaging components having a controlled distribution and reuse that exceed the contaminant levels set forth in subsection c of Section 4 of this Act, provided that the manufacturer or distributor of such packages or packaging components must petition the (State administrative agency) for exemption and receive approval from the (State administrative agency, working with the CONEG Toxics in Packaging Clearinghouse) according to standards in subsection f.1 below set by such agency and based upon satisfactory demonstrations that the environmental benefit of the controlled distribution and reuse is significantly greater as compared to the same package manufactured in compliance with the contaminant levels set forth in subsection c of Section 4; and provided that an exemption under this subparagraph shall expire on January 1, 2000; and

f1. Standards - A plan, to be proposed by the manufacturer seeking the exemption of his designee, shall include each of the following elements:

- i. a means of identifying in a permanent and visible manner those reusable entities containing regulated metals for which an exemption is sought;
  - ii. a method of regulatory and financial accountability so that a specified percentage of such reusable entities manufactured and distributed to other persons are not discarded by those persons after use, but are returned to the manufacturer or his/her designee;
  - iii. a system of inventory and record maintenance to account for reusable entities placed in, and removed from, service;
  - iv. a means of transforming returned entities, that are no longer reusable, into recycled materials for manufacturing or into manufacturing wastes which are subject to existing Federal and/or State laws or regulations governing such manufacturing wastes to ensure that these wastes do not enter the commercial or municipal waste stream; and
  - v. a system of annually reporting to the (appropriate State administrative agency) changes to the system and changes in designees.
- g. a package or packaging component that is glass or ceramic which has a vitrified decoration and when tested in accordance with the Toxicity Characteristic Leaching Procedures of USEPA Test Method SW-846 does not exceed 1.0 ppm for cadmium and 5.0 for lead; and provided that an exemption under this subparagraph shall expire on January 1, 2000.

#### **Section 6. Certificate of Compliance**

As soon as feasible, but not later than two years after the adoption of this Act, a Certificate of Compliance stating that a package or packaging component is in compliance with the requirements of this Act shall be furnished by its manufacturer or supplier to its purchaser provided, however, where compliance is achieved under the exemption(s) provided in subsection 5 b or c, the Certificate shall state the specific basis upon which the exemption is claimed. The Certificate of Compliance shall be signed by an authorized official of the manufacturing or supplying company. The purchaser shall retain the Certificate of Compliance for as long as the package or packaging component is in use. A copy of the Certificate of Compliance shall be kept on file by the manufacturer or supplier of the package or packaging component. Certificates of Compliance, or copies thereof, shall be furnished to the [state administrative agency] upon its request and to members of the public in accordance with section 9.

If the manufacturer or supplier of the package or packaging component reformulates or creates a new package or packaging component, the manufacturer or supplier shall provide an amended or new Certificate of Compliance for the reformulated or new package or packaging component.

**Section 7. Enforcement**

[Each state to add its own enforcement provisions]

**Section 8. State Review**

[The state administrative agency] shall, in consultation with the Source Reduction Task Force of CONEG, review the effectiveness of this Act no later than forty-two (42) months after its adoption and shall provide a report based upon that review to the Governor and legislature. The report may contain recommendations to add other toxic substances contained in packaging to the list set forth in this Act in order to further reduce the toxicity of packaging waste, and a description of the nature of the substitutes used in lieu of lead, mercury, cadmium, and hexavalent chromium.

[The State administrative agency] shall, in consultation with the Source Reduction Task Force of CONEG, review the extension of the recycling exemption as it is provided for in subsection c of Section 5 of this Act. This review shall commence no later than January 1, 1997. A report based upon that review shall be provided to the Governor and Legislature by January 1, 1999.

**Section 9. Public Access**

Any request from a member of the public for any Certificate of Compliance from the manufacturer or supplier of a package or packaging component shall be:

- a. Made in writing with a copy provided to the [state administrative agency];
- b. Made specific as to package or packaging component information requested; and
- c. Responded to by the manufacturer or supplier within 60 days.

**Section 10. Effective Date**

This Act shall become effective immediately upon adoption.

**Section 11. Severability and Construction**

The provisions of this Act shall be severable, and if any court declares any phrase, clause, sentence, or provision of this Act to be invalid, or its applicability to any government, agency, person, or circumstance is declared invalid, the remainder of the Act and its relevant applicability shall not be affected. The provisions of this Act shall be liberally construed to give effect to the purposes thereof.

As revised, December 1996.