

US "Model Toxics in Packaging Legislation" is Updated

In USA, the "Toxics in Packaging Clearinghouse" (TPCH) maintains the Model Toxics in Packaging Legislation and coordinates implementation of state legislation, based on the Model, on behalf of its member states, with the goal of promoting consistency across states. TPCH is a resource and single point of contact for companies seeking information on toxics in packaging requirements or an exemption.

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

Changes:

In February 2021, TPCH announced the organization's 2021 update to their Model Toxics in Packaging Legislation. The update includes:

1. the addition of the class of perfluoroalkyl and polyfluoroalkyl substances (PFAS) and ortho-phthalates as regulated chemicals.
2. new processes and criteria for identifying and regulating additional chemicals of high concern in packaging.
3. limit the total incidental concentration of the four metals (cadmium, lead, mercury, and hexavalent chromium) to 100 ppm.
4. take a pollution prevention approach by prohibiting intentional use.
5. place the primary burden of compliance on the supply chain by requiring manufacturers and suppliers to verify that their products are in compliance.
6. The finished package or packaging component must comply with the total concentration limit of 100 ppm for the four metals or ortho-phthalates.
7. Add PFAS and ortho-phthalate bans for all packaging, effective 2 years after enactment. PFAS shall not be present above the detection limit, ortho-phthalates may be present up to 100 ppm incidental presence.

Effective Date:

This Act shall become effective immediately upon adoption.

References:

<https://toxicsinpackaging.org/model-legislation/model/>

<https://toxicsinpackaging.org/wp-content/uploads/2020/07/TPCH-Call-for-Comments-For-Model-Legislation-Update-2020-Revised-7.24.20.pdf>

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