



Our mission is to provide the highest level of safety, and to protect public health and the environment from toxic harm.

Fact Sheet, January 2009

Toxics In Packaging Information for Manufacturers and Suppliers

Introduction

The Department of Toxic Substances Control (DTSC) prepared this fact sheet for manufacturers and suppliers of packaging and packaging components, in order to describe the laws and requirements to institute pollution prevention measures to reduce and eliminate heavy metals in packaging and packaging components. The new approach addresses the pollution problem at the source rather than regulating a material when it becomes a waste. DTSC created this fact sheet to introduce you to the requirements and outline exemptions to the law and the required reporting. You should consult the actual laws to be sure that you are complying.

DTSC is charged with enforcing the requirements of the law that are found in the [Health and Safety Code \(Health & Saf. Code\), sections 25214.11-25214.26](#), also known as the Toxics in Packaging Prevention Act.

As a manufacturer or supplier, you have the ultimate responsibility to ensure that the packaging and packaging components you produce or provide conform to California law.

Packaging and Packaging Components

Beginning on January 1, 2006, it became illegal to produce, sell, or promote packaging or packaging components that contain cadmium, lead, mercury, or hexavalent chromium, if the metals have been *intentionally introduced* during manufacture or distribution. However, this law allows selling or promoting packaging containing those metals if their combined presence is *incidental and not more than 100 parts per million* (ppm) by weight, or the packaging otherwise qualifies for one or more specified exemptions.

A *package* is any container used for marketing, protecting, or handling a product. This also includes unsealed containers, such as carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags, and tubs.

A *packaging component* is any assembled part of a package, not necessarily limited to any interior or exterior additives. The package component is one produced either domestically or internationally.





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Packaging includes packages and packaging components.

Intentional introduction is the deliberate use of the metals as ingredients in the manufacturing or distribution process.

Incidental presence is when one or more of the regulated metals is an unintended or undesired ingredient of packaging.

Manufacturers are required to provide certificates of compliance to the purchaser of the packaging or packaging component stating that the package or packaging component is in compliance with the requirements of this law. Health & Saf. Code section 25214.16 sets out the required contents for this certificate.

Exemptions

There are some exemptions to this law, specified in statute. For example, packaging manufactured and visibly dated prior to January 1, 2006 is exempt. This can be determined by the manufacturing date code on many products. **You must provide and retain documentation** certifying that the packaging or packaging component is exempt. Another possible exemption is where there is no feasible alternative to the regulated metal(s). Details on the exemption requirements and documentation required are provided in Health & Saf. Code section 25214.15. The manufacturer of the product has a responsibility to provide this certification of exemption to DTSC and the purchaser of the packaging or packaging components.

For a list of other exemptions, please refer to Health & Saf. Code section 25214.14.

Additional Information

For more information about Toxics in Packaging, please visit our website at:

<http://www.dtsc.ca.gov/ToxicsInPackaging/>

Our site includes a more general fact sheet, specific information for Manufacturers, Suppliers, and Purchasers, and links to other sites. We also maintain an email list (ListServ) that you may sign up for, so that anyone may receive updates from DTSC regarding Toxics in Packaging.

If you have questions, you can reach us by:

Email: tipinfo@dtsc.ca.gov

Telephone: (916) 322-4819

If you would like more information on toxics in packaging, including other states that have these laws, please visit the Toxics in Packaging Clearinghouse. California is a member state. Their phone number is (802) 254-8911, and their website is at <http://www.toxicsinpackaging.org>.

