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Packaging – The Future of Regulation

FDRA
Footwear Product Safety Workshop,
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EPR – How it works

- Extended Producer Responsibility - is a policy approach that assigns producers responsibility for the end-of-life of products.
- Holding Corporations Accountable for Wasteful Packaging
- EPR for packaging and paper products is gaining attention in the United States.
- This can include both financial responsibility and operational responsibility. Producers are required to provide funding and/or services that assist in managing covered products after the use phase.

Good source of Information

- <https://sustainablepackaging.org/>

US states adopting EPR

- Maine (LD 1541)
- Oregon (SB 582)
- California (SB 54)
- Colorado (HB 1355)

Maine (LD 1541)

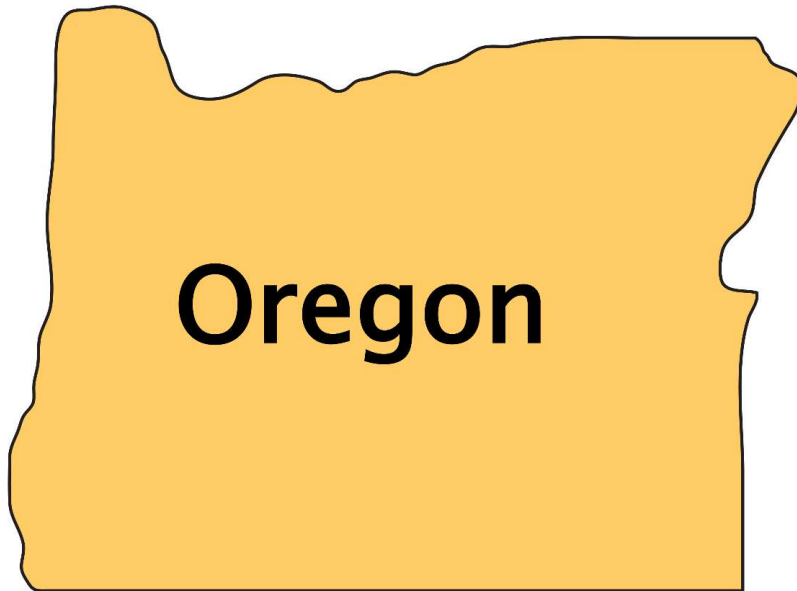
- On July 12, 2021, Maine became the first state in the nation to pass EPR
- Law established packaging stewardship organization (PSO) will control producer waste recycling, and all companies that produce packaging waste in the state will pay into the PSO.
- Companies will pay a specified rate based on the quantity and type of packaging brought into the state. Maine's law provides for only one PSO to conduct recycling efforts.



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Oregon (SB 582)

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- The packaging EPR law ([OR SB 582](#)) will require companies to join a producer responsibility organization (PRO) and pay annual fees to the PRO based on environmental impact.
- Funding raised from this program will be used to upgrade recycling facilities. The state will specify what materials will be recyclable but exclude beverage containers.
- In Oregon, multiple PROs may be created, which some view as adding another layer of complexity to the program.

Colorado (HB 1355)

- Colorado Gov. Jared Polis has signed this bill into law on June 3, 2022
- Colorado is the first state in the U.S. to develop an extended producer responsibility (EPR) system
- The legislation is designed to reduce plastic waste and improve Colorado's recycling rate.
- This bill also bans PFAS in eight product categories including food packaging by January 1, 2024. The bill also obligates the state to purchase only PFAS-free products.
- On or before June 1, 2023, they are scheduled to designate PRO



Colorado

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California (SB 54)



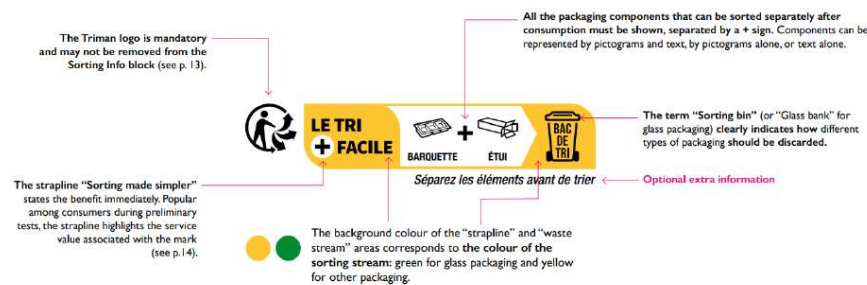
- Plastic Pollution Prevention and Packaging Producer Responsibility Act (SB 54) signed on Jun 30, 2022
- requiring all packaging in the state to be recyclable or compostable by Jan 1, 2032
- The law will impact manufacturers and sellers of all goods offered for sale in California.
- Law will require all plastic-covered materials offered in California to be recycled at the following levels:
 - At least 30 percent on and after Jan 1, 2028.
 - At least 40 percent on and after Jan 1, 2030.
 - At least 65 percent on and after Jan 1, 2032.
- In addition, the producers of covered material are required to join a producer responsibility organization (PRO) by Jan 1, 2024, or be prohibited from selling importing or distributing covered materials in California.

EU Directive (94/62/EC)

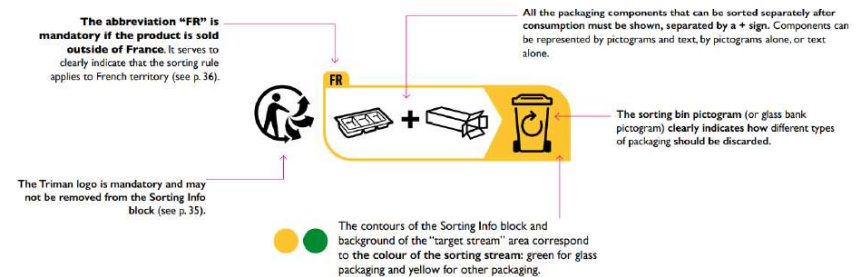
- Aims to reduce the environmental impact of packaging by reducing waste generated and promoting recycling/recovery of packaging materials
- Shifts the burden of recycling from consumers to producers (Extended Producer Responsibility)
- Requires producers of packaging to either establish a take-back program for packaging waste or pay fees commensurate to the amount of packaging waste generated
- Incentivizes waste reduction through fees and mandated reduction / recycled content targets
- But making this directive mandatory did not work
- Each member state implements the directive as they see fit, usually through PRO who collects data and sets fees based on the local recycling needs, capabilities and market conditions.

France

- They prohibited the use of Green dot label as of April 1 2021, there is a penalty in place for for using green dot label
- established new requirements for the use of sorting labels on packaging
- Triman Logo Article 17 of the French AGEC Law and its implementing Decree No. 2021 835 establish the legal basis of the requirement). Became mandatory on Jan 1 , 2022 and became effective as of dec 15, 2022



Sample label for packaging marketed in France in accordance with CITEO Guidelines



Sample label for packaging marketed in France & abroad in accordance with CITEO Guidelines

Italy

- The Italian Legislative Decree n°152 of April 2006 has been amended by the Legislative Decree n° 116 of 3 September 2020
- The amendment introduced mandatory environmental labelling on packaging in Italy for B2C and B2B packaging.
- In short, it makes environmental labelling mandatory on all packaging in Italy.
- There are two specific obligations for environmental labelling in Italy
 - First, Producers must indicate the material of the packaging. The alphanumeric code shall be used for this purpose
 - Second: Packaging intended for end consumers must be clearly labelled with appropriate instructions for disposal. The notes must be written in Italian.
- On Feb 28, 2022, the amendments become a law but postponed the application of the environmental labeling to January 1, 2023.

Testing: TPCH Model Toxics in Packaging Legislation

- Toxics in Packaging Clearinghouse (TPCH) published an update of their Model Toxics in Packaging Legislation in February 2021
- Scope: packaging (including food packaging)



	Current	New
Analytes	4 heavy metals (lead, cadmium, mercury, chromium VI): 100 ppm	<ul style="list-style-type: none"> • 4 heavy metals (lead, cadmium, mercury, chromium VI): 100 ppm • Phthalates: 100 ppm (sum or each) • PFAS: Not used
States adopted	19 US states	None (Note: certain states e.g. NY, Washington adopted for food packaging only)
Effective date	Already in effect	Likely to apply 2 years later (depending on states' decision)



Testing- AFIRM Packaging RSL

Substance	Fibers			Coatings, Dyes & Prints	Natural Materials Including paper and cardboard	Polymers, Plastics, Foams, Natural Rubber & Synthetic Rubber	Metal	Glue	Leather	
	Natural	Blended	Synthetic						Natural	Artificial
Alkylphenol (AP) and Alkylphenol Ethoxylates (APEOs), including all isomers	1	1	1	1	1	1A		1	1	1
Azo-amines and Arylamine Salts	1	1	1		1				1	1
Bisphenols		2	2	2B	1C	2D			2	2
Butylhydroxytoluene (BHT)						2E				
Dimethylfumarate (DMFu)						2F			2	
Formaldehyde	2	2	2	1	1	3		1	2	2
Heavy Metals, Chromium VI [†]				2	2	3G	3		1	2
Heavy Metals, Cadmium Total [†]				2	2H	3J	2		2	2
Heavy Metals, Lead Total [†]				2	2H	3J	2		2	2
Heavy Metals, Mercury Total [†]				2	2	3			2	2
Organotin Compounds	3	3	3	1		1		1	3	1
Perfluorinated and Polyfluorinated Chemicals (PFCs) or "PFAS"	2K	2K	2K	2K	2K			2K	2K	2K
Phthalates				1L		1M		1	2N	1



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