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Fact Sheet, January 2009

Senate Bill (SB) 774 and Changes to the Toxics in Packaging Prevention Act

Introduction

The California Legislature passed the Toxics in Packaging Prevention Act, which became effective on January 1, 2006. The Department of Toxic Substances Control (DTSC) prepared this fact sheet to help you understand and comply with recent amendments to the Toxics in Packaging Prevention Act. SB 774 (2007) makes some specific changes to existing law, and these changes became effective January 1, 2008. This fact sheet will introduce you to the changes that occurred in this law. You should consult the actual statutes to be sure you are in compliance.

What are the changes in the law?

SB 774 made two changes to the Toxics in Packaging Prevention Act. These are:

- On January 1, 2008, SB 774 amended the Toxics in Packaging Prevention Act to prohibit a glass bottle with paint or applied ceramic decoration from qualifying for an exemption if the paint or decoration contains lead or lead compounds in excess of 0.06% (600 parts per million [ppm]) by weight.
- On January 1, 2008, SB 774 clarified the law, now stating that a Certificate of Compliance must be furnished to the purchaser, even when the purchaser is also a supplier.

How does this affect me?

If you manufacture or supply decorated glass bottles (that meet the definition of “package”, pursuant to Health & Safety Code (Health & Saf. Code), section 25214.12 (h)) with paint or applied ceramic decoration, you have specific responsibilities to ensure that the paint or applied ceramic decoration complies with the law. In order to claim an exemption under the Toxics in Packaging Prevention Act, if you manufacture or supply glass bottles, you must make sure that the level of lead or lead compounds in your paint or applied ceramic decoration does not exceed 0.06% (600 ppm).

As a manufacturer or supplier of glass bottles with paint or applied ceramic decoration, you are also required to provide a Certificate of Compliance to your purchasers stating that your bottles conform to the Toxics in Packaging Prevention Act. If your Certificate of Compliance is based on an exemption stated in the law, you must furnish a copy of the Certificate of Compliance to DTSC,





DEPARTMENT OF TOXIC SUBSTANCES CONTROL

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along with the required documentation listed in Health & Saf. Code, section 25214.15(h). You must keep Certificates of Compliance as long as you are selling or promoting your glass bottles.

If you are a purchaser of glass bottles with paint or applied ceramic decoration, you must make sure to obtain a Certificate of Compliance from your supplier, and keep this Certificate of Compliance on file. DTSC may request copies of your Certificates of Compliance, which you must provide.

What if the bottles are manufactured outside of California or the United States?

This law applies to manufacturers, suppliers, and purchasers of bottles when the product is sold in California regardless of the source of the bottles.

Examples of Certificates of Compliance may be obtained at our website:

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

These are just examples, and need to be modified for your company's information.

What does it mean if the purchaser is also a supplier?

It is possible that you can be both a purchaser and a supplier, which means you must comply with all the requirements of being a purchaser as well as all the requirements of being a supplier.

I have multiple locations for my company. Can I keep my Certificates of Compliance at a central location, or must I keep them at each company location?

You may keep the Certificates of Compliance at a central location, as long as you can provide them within a reasonable time if they are requested by DTSC.

Where can I find more information on Toxics in Packaging?

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

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

If you have questions, you can reach us by:

Email: tipinfo@dtsc.ca.gov

Telephone: (916) 322-4819

Our site includes other Fact Sheets, specific information for Manufacturers, Suppliers, and Purchasers, and links to other sites including the Toxics in Packaging Prevention Act. 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 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>.

