

**2024 -- S 2850 SUBSTITUTE A**

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LC005790/SUB A  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2024**

**A N A C T**

**RELATING TO HEALTH AND SAFETY -- TOXIC PACKAGING REDUCTION ACT**

Introduced By: Senators Valverde, Murray, LaMountain, Kallman, Britto, Gu, DiMario,  
and Miller

Date Introduced: March 22, 2024

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 23-18.13-3 and 23-18.13-4 of the General Laws in Chapter 23-18.13  
2 entitled "Toxic Packaging Reduction Act" are hereby amended to read as follows:

3           **23-18.13-3. Definitions.**

4           (1) "Department" means the department of environmental management.

5           (2) "Distribution" means the practice of taking title to a package(s) or packaging  
6 component(s) for promotional purposes or resale. Persons involved solely in delivering a  
7 package(s) or packaging component(s) on behalf of third parties are not considered distributors.

8           (3) "Distributor" means any person, firm, or corporation who or that takes title to goods  
9 purchased for resale.

10          (4) "Food packaging" means any package or packaging component that is applied to or in  
11 direct contact with any food or beverage.

12          (5) "Incidental presence" means the presence of a regulated metal as an unintended or  
13 undesired ingredient of a package or packaging component.

14          (6)(i) "Intentional introduction of PFAS" means deliberately utilizing PFAS in the  
15 formulation of a package or packaging component where its continued presence is desired in the  
16 final package or packaging component to provide a specific characteristic, appearance, or quality.

17          (ii) ~~The use of a regulated chemical as a processing agent, mold release agent, or~~  
18 ~~intermediate is considered intentional introduction for the purposes of this chapter where the~~  
19 ~~regulated chemical is detected in the final package or packaging component.~~

1 (iii) *[Expires July 1, 2027.]* The use of post-consumer recycled materials as feedstock for  
2 the manufacture of new packaging materials, where some portion of the post-consumer package or  
3 packaging component may contain amounts of the regulated chemicals but is neither desired nor  
4 deliberate, is not considered intentional introduction for the purposes of this chapter where said  
5 final package or packaging component is in compliance with § 23-18.13-4(d). (The provisions of  
6 subsection (6)(iii) of this section shall sunset on July 1, 2027).

7 [\(iv\) Effective July 1, 2027, the use of a regulated chemical as a processing agent, mold](#)  
8 [release agent, or intermediate is considered intentional introduction for the purposes of this chapter](#)  
9 [where the regulated chemical is detected in the final package or packaging component.](#)

10 (7)(i) “Intentional introduction of regulated materials” means the act of deliberately  
11 utilizing a regulated metal in the formation of a package or packaging component where its  
12 continued presence is desired in the final package or packaging component to provide a specific  
13 characteristic, appearance, or quality.

14 (ii) The use of a regulated metal as a processing agent or intermediate to impart certain  
15 chemical or physical changes during manufacturing, whereupon the incidental retention of a residue  
16 of a regulated metal in the final package or packaging component is neither desired nor deliberate,  
17 is not considered intentional introduction for the purposes of this chapter where the final package  
18 or packaging component is in compliance with § 23-18.13-4(c).

19 (iii) The use of post-consumer recycled materials as feedstock for the manufacture of new  
20 packaging materials where some portion of the recycled materials may contain amounts of the  
21 regulated metals is not considered intentional introduction for the purposes of this chapter where  
22 the new package or packaging component is in compliance with § 23-18.13-4(c).

23 (8) “Manufacturer” means any person, firm, association, partnership, or corporation who  
24 sells, offers for sale, or offers for promotional purposes packages or packaging components which  
25 shall be used by any other person, firm, association, partnership, or corporation to package a  
26 product(s).

27 (9) “Manufacturing” means physical or chemical modification of a material(s) to produce  
28 packaging or packaging components.

29 (10) “Package” means a container providing a means of marketing, protecting or handling  
30 a product and shall include a unit package, an intermediate package and a shipping container as  
31 defined in ASTM D996. “Package” also means and includes such unsealed receptacles as carrying  
32 cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags, and tubs.

33 (11) “Packaging component” means any individual assembled part of a package including,  
34 but not limited to, any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior

1 strapping, coatings, closures, inks and labels. Tin-plated steel that meets the American Society for  
2 Testing and Materials (ASTM) specification A-623 is considered a single package component.  
3 Electro-galvanized coated steel and hot-dipped coated galvanized steel that meets the ASTM  
4 specifications A-525 and A-879 shall be treated in the same manner as tin-plated steel.

5 (12) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means all members of the  
6 class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

7 (13) “Post-consumer recycled material” means a material generated by households or by  
8 commercial, industrial, and institutional facilities in their role as end-users of the product that can  
9 no longer be used for its intended purpose, including returns of material from the distribution chain.  
10 Refuse-derived fuel or other material that is destroyed by incineration is not a recycled material.

11 (14) “Substitute material” means a material used to replace lead, cadmium, mercury,  
12 hexavalent chromium, PFAS, or other regulated chemical in a package or packaging component.

13 **23-18.13-4. Prohibition — Schedule for removal of incidental amounts.**

14 (a) No package or packaging component shall be offered for sale or for promotional  
15 purposes by its manufacturer or distributor in the state, which includes, in the package itself or in  
16 any packaging component, inks, dyes, pigments, adhesives, stabilizers, or any other additives, any  
17 lead, cadmium, mercury, or hexavalent chromium that has been intentionally introduced as an  
18 element during manufacturing or distribution as opposed to the incidental presence of any of these  
19 elements.

20 (b) No product shall be offered for sale or for promotional purposes by its manufacturer or  
21 distributor in the state in a package which includes, in the package itself or in any of its packaging  
22 components, inks, dyes, pigments, adhesives, stabilizers, or any other additives, any lead, cadmium,  
23 mercury, or hexavalent chromium that has been intentionally introduced as an element during  
24 manufacturing or distribution as opposed to the incidental presence of any of these elements.

25 (c) The sum on the concentration levels of lead, cadmium, mercury, and hexavalent  
26 chromium present in any package or packaging component shall not exceed 100 parts per million  
27 by weight (0.01%).

28 (d) Effective ~~July 31, 2024~~ [January 1, 2025](#), no food package to which PFAS have been  
29 intentionally introduced during manufacturing or distribution in any amount shall be offered for  
30 sale or for promotional purposes by its manufacturer or distributor in the state.

31 (e) No substitute material used to replace a chemical regulated by this chapter in a package  
32 or packaging component may be used in a quantity or manner that creates a hazard as great as or  
33 greater than the hazard created by the chemical regulated by this act. The certificate of compliance  
34 required by § 23-18.13-6 shall require an assurance to this effect.

1           (f) **Interstate clearinghouse.** The department is authorized to participate in the  
2 establishment and implementation of a regional or national, multi-state clearinghouse to assist in  
3 carrying out the requirements of this chapter and to help coordinate reviews of the regulatory  
4 applicability, certificates of compliance, education and outreach activities, and any other related  
5 functions. The clearinghouse may also maintain reports on the effectiveness of the program,  
6 certificates of analysis and compliance for product packaging.

7           SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO HEALTH AND SAFETY -- TOXIC PACKAGING REDUCTION ACT

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1           This act updates the existing Toxic Packaging Act by delaying the ban on PFAS in  
2 processing agents, until July 1, 2027. The act also grants DEM additional time to write rules and  
3 regulations that ban PFAS in food packaging.

4           This act would take effect upon passage.

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