



## For Immediate Release

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# TOXIC HEAVY METALS FOUND IN PACKAGING IN VIOLATION OF STATE LAWS

*Packaging of Imported Products are Most Likely to Contain the Regulated Metals*

Concord, NH - The New Hampshire Department of Environmental Services has joined with seven other states in releasing the results of the first comprehensive report on heavy metals in packaging. According to the report prepared by the Toxics in Packaging Clearinghouse (TPCH), sixteen percent of retail packaging failed a screening test for toxic heavy metals and are likely in violation of state laws. Plastic packaging of products imported from China and other Asian countries were most likely to contain these toxic metals, including lead and cadmium, known environmental and health hazards.

With grant support from the U.S. Environmental Protection Agency, the TPCH screened 355 packages for the presence of four restricted metals (lead, cadmium, mercury, and hexavalent chromium) between October 2005 and February 2006 using a portable x-ray fluorescence analyzer. Aluminum, glass, paper, plastic, and steel packaging materials were tested. Of the 19 states with toxics in packaging laws, eight states -- California, Connecticut, Iowa, Minnesota, **New Hampshire**, New Jersey, New York, and Rhode Island -- collaborated on this study.

Flexible plastic bags made of polyvinylchloride (PVC) were among the packaging types most likely to contain lead and cadmium. Historically, these metals were used as inexpensive stabilizers to retard the degradation of plastics exposed to heat and ultraviolet light. The study found that over 60% of this packaging type did not comply with state toxics in packaging laws. Almost all of the flexible PVC samples were from products imported from Asia, according to the product label. This "heavy-duty" plastic is frequently used to package home furnishings, cosmetics, inexpensive toys, and pet supplies.

Inks and colorants used on plastic shopping and mailing bags were the other packaging materials with frequently detected heavy metals. Lead was most often found in the shopping bags that failed the screening test, but mercury and chromium were also detected in some samples.

Test results for one package, a plastic mail order bag, indicated that the package was almost 1% lead by weight. The elevated levels of the restricted metals again appear to be largely from packaging of imported products, where solvent-based inks that contain these heavy metals are still used.

“States like New Hampshire entered into enforcement mode only in cases where companies were unresponsive,” said Sharon Yergeau of the New Hampshire Department of Environmental Services. “We were willing to educate companies about the laws, but not willing to be ignored, which is a violation of the law. Companies are required to respond to state’s requests for Certificates of Compliance within 60 days.”

These state laws prohibit the sale or distribution of packaging containing intentionally added cadmium, lead, mercury, and hexavalent chromium, and set limits on the incidental concentration of these materials in packaging. Companies selling or distributing packaging that failed the screening test were notified of the test results and requested to certify compliance with state toxics in packaging laws, or to notify TPCCH of non-compliant packaging and discontinue the sale and distribution of the packaging.

“We’re concerned about the high incidence of violations of state toxics in packaging laws,” said Peter Pettit of the New York Department of Environmental Conservation and Chairman of the Toxics in Packaging Clearinghouse. “The results of this study make it clear that toxic metals are still entering our solid waste and recycling streams through discarded packaging almost 15 years after 19 U.S. states passed laws prohibiting these substances in packaging in order to protect the environment and public health.”

Some companies acknowledged that state toxics in packaging requirements had “fallen off the radar screen” over the years with dwindling state attention to the issue and increasing pressure to reduce costs to remain competitive. The study also found some companies thought they were taking all necessary steps to ensure the quality of packaging supplies, only to find out that their packaging was indeed tainted with heavy metals and in violation of state laws.

"The Clearinghouse plans to undertake additional compliance screening projects, and companies can expect more aggressive enforcement of state toxics in packaging laws in the future," said David Westcott of the Connecticut Department of Environmental Protection.

Penalties for non-compliance vary by state. In New Hampshire, for example, the penalties for violations of the Toxics Reduction law are up to \$25,000 per violation for each day of continuing violation constitutes a separate violation.

The full report, An Assessment of Heavy Metals in Packaging, is available for download from the Toxics in Packaging Clearinghouse website at [www.toxicsinpackaging.org](http://www.toxicsinpackaging.org). The Clearinghouse was created to support states and help coordinate the implementation of individual states' toxics in packaging laws. The TPCCH serves as a central location for processing information requests from external constituencies and promoting compliance with the laws.

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