

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE DRS15199-MHa-89A (03/22)

Short Title: Protect Plastic Waste Recycling Stream.

(Public)

Sponsors: Senator Kinnaird.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT DEGRADABLE PLASTIC PRODUCTS MEET
STANDARDS FOR COMPOSTABLE PRODUCTS AND BE CLEARLY LABELED TO
PREVENT CONTAMINATION OF RECYCLED PLASTIC FEEDSTOCKS.

The General Assembly of North Carolina enacts:

SECTION 1. Legislative findings. – The General Assembly makes the following
findings regarding the threat of certain degradable plastics to the State's economy and
environment:

- (1) Recycling is a growing and viable industry in North Carolina with positive economic impacts, including nearly 1,200 jobs generated at 16 separate facilities across the State that are dependent upon recycled plastic for feedstock in the manufacture of consumer goods. The largest polyethylene terephthalate (PETE) recycler and second largest high-density polyethylene (HDPE) recycler in the United States are located in North Carolina. These and other North Carolina companies are developing innovative and effective new technologies for plastics recycling and are continuing to expand.
- (2) Some new plastic packaging is being labeled as "degradable" or "biodegradable" based on the introduction of a chemical additive which purports to cause the packaging to degrade rapidly. In fact, the use of degradable additives in plastics renders those products unrecyclable.
- (3) The use of these chemical additives to increase degradability in plastic packaging reduces or eliminates the ability of resins derived from the recycling of that packaging to be remanufactured into new products, since unexpected triggering of the degradable properties causes product failure and inability to meet necessary durability and safety standards. In some cases (such as the use of plastics in transportation strapping), product failures caused by the presence of degradable additives could threaten public safety.
- (4) No technology is currently available for recyclers to cost-effectively, rapidly, and consistently identify or segregate plastics containing degradable additives within the plastics recycling stream. Without the ability to remove additive-containing products from their recycled plastic feedstocks, North Carolina recycling processors and manufacturers of recycled plastic goods will be forced out of business, causing severe economic impacts.



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- 1 (5) The application of degradable additives in plastic packaging is not a viable
2 solution to litter control. Since littering is illegal in North Carolina, the
3 intentional design of consumer packaging for compatibility with disposal
4 via littering is legally contradictory, counterproductive, and environmentally
5 unsound. As a matter of public policy, litter prevention is best addressed
6 through education and enforcement.

7 **SECTION 2.** G.S. 130A-309.10(e) reads as rewritten:

8 **"§ 130A-309.10. Prohibited acts relating to packaging; coded labeling of plastic**
9 **containers required; disposal of certain solid wastes in landfills or by**
10 **incineration prohibited.**

11 ...

12 (e) ~~No person shall distribute, sell, or offer for sale in this State any rigid plastic~~
13 ~~container, including a plastic beverage container unless the container has a molded label~~
14 ~~indicating the plastic resin used to produce the container. The code shall consist of a number~~
15 ~~placed within three triangulated arrows and letters placed below the triangulated arrows. The~~
16 ~~three arrows shall form an equilateral triangle with the common point of each line forming each~~
17 ~~angle of the triangle at the midpoint of each arrow and rounded with a short radius. The~~
18 ~~arrowhead of each arrow shall be at the midpoint of each side of the triangle with a short gap~~
19 ~~separating the arrowhead from the base of the adjacent arrow. The triangle formed by the three~~
20 ~~arrows curved at their midpoints shall depict a clockwise path around the code number. The~~
21 ~~label shall appear on or near the bottom of the container and be clearly visible. A container~~
22 ~~having a capacity of less than eight fluid ounces or more than five gallons is exempt from the~~
23 ~~requirements of this subsection. The numbers and letters shall be as follows:~~

- 24 (1) For polyethylene terephthalate, the letters "PETE" and the number 1.
25 (2) For high density polyethylene, the letters "HDPE" and the number 2.
26 (3) For vinyl, the letter "V" and the number 3.
27 (4) For low density polyethylene, the letters "LDPE" and the number 4.
28 (5) For polypropylene, the letters "PP" and the number 5.
29 (6) For polystyrene, the letters "PS" and the number 6.
30 (7) For any other, the letters "OTHER" and the number 7.

31 (e) (1) Except as set forth in subdivision (2) of this subsection, no person shall
32 distribute, sell, or offer for sale in this State any rigid plastic container,
33 including a plastic beverage container, unless the container has a molded
34 label indicating the plastic resin used to produce the container. The code
35 shall consist of a number placed within three triangulated arrows and letters
36 placed below the triangulated arrows. The three arrows shall form an
37 equilateral triangle with the common point of each line forming each angle
38 of the triangle at the midpoint of each arrow and rounded with a short radius.
39 The arrowhead of each arrow shall be at the midpoint of each side of the
40 triangle with a short gap separating the arrowhead from the base of the
41 adjacent arrow. The triangle formed by the three arrows curved at their
42 midpoints shall depict a clockwise path around the code number. The label
43 shall appear on or near the bottom of the container and be clearly visible. A
44 container having a capacity of less than eight fluid ounces or more than five
45 gallons is exempt from the requirements of this subsection. The numbers and
46 letters shall be as follows:

- 47 a. For polyethylene terephthalate, the letters "PETE" and the number 1.
48 b. For high-density polyethylene, the letters "HDPE" and the number 2.
49 c. For vinyl, the letter "V" and the number 3.
50 d. For low-density polyethylene, the letters "LDPE" and the number 4.
51 e. For polypropylene, the letters "PP" and the number 5.

- 1 f. For polystyrene, the letters "PS" and the number 6.
- 2 g. For any other, the letters "OTHER" and the number 7.
- 3 (2) No person shall distribute, sell, or offer for sale in this State any rigid plastic
- 4 container, including a plastic beverage container, labeled "degradable,"
- 5 "biodegradable," "compostable," or other words suggesting the container
- 6 will biodegrade, unless the container meets all of the following
- 7 requirements:
- 8 a. The container complies with American Society of Testing and
- 9 Materials (ASTM) standard D6400-04, "Standard Specification for
- 10 Compostable Plastics."
- 11 b. The container includes the label "Not Recyclable, Do Not Recycle"
- 12 in print of the same color, contrast, font, and size as the label
- 13 suggesting the container is biodegradable.
- 14 c. The container does not include the molded resin identification label
- 15 described in subdivision (1) of this subsection.

16 "

17 **SECTION 3.** There is appropriated from the General Fund to the Department of
18 Environment and Natural Resources the sum of two thousand dollars (\$2,000) for the
19 2012-2013 fiscal year to support the development of printed and Internet-based educational
20 resources regarding the changes in plastics labeling under G.S. 130A-309.10, as amended by
21 this act.

22 **SECTION 4.** This act is effective when it becomes law and applies to any plastic
23 containers distributed, sold, or offered for sale after January 1, 2013.