



1 intentional design of consumer packaging for compatibility with disposal  
2 via littering is legally contradictory, counterproductive, and environmentally  
3 unsound. As a matter of public policy, litter prevention is best addressed  
4 through education and enforcement.

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

6 **"§ 130A-309.10. Prohibited acts relating to packaging; coded labeling of plastic**  
7 **containers required; disposal of certain solid wastes in landfills or by**  
8 **incineration prohibited.**

9 ...  
10 (e) ~~No person shall distribute, sell, or offer for sale in this State any rigid plastic~~  
11 ~~container, including a plastic beverage container unless the container has a molded label~~  
12 ~~indicating the plastic resin used to produce the container. The code shall consist of a number~~  
13 ~~placed within three triangulated arrows and letters placed below the triangulated arrows. The~~  
14 ~~three arrows shall form an equilateral triangle with the common point of each line forming each~~  
15 ~~angle of the triangle at the midpoint of each arrow and rounded with a short radius. The~~  
16 ~~arrowhead of each arrow shall be at the midpoint of each side of the triangle with a short gap~~  
17 ~~separating the arrowhead from the base of the adjacent arrow. The triangle formed by the three~~  
18 ~~arrows curved at their midpoints shall depict a clockwise path around the code number. The~~  
19 ~~label shall appear on or near the bottom of the container and be clearly visible. A container~~  
20 ~~having a capacity of less than eight fluid ounces or more than five gallons is exempt from the~~  
21 ~~requirements of this subsection. The numbers and letters shall be as follows:~~

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

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

- 45 a. For polyethylene terephthalate, the letters "PETE" and the number 1.
- 46 b. For high-density polyethylene, the letters "HDPE" and the number 2.
- 47 c. For vinyl, the letter "V" and the number 3.
- 48 d. For low-density polyethylene, the letters "LDPE" and the number 4.
- 49 e. For polypropylene, the letters "PP" and the number 5.
- 50 f. For polystyrene, the letters "PS" and the number 6.
- 51 g. For any other, the letters "OTHER" and the number 7.

1           (2) No person shall distribute, sell, or offer for sale in this State any rigid plastic  
2 container, including a plastic beverage container, labeled "degradable,"  
3 "biodegradable," "compostable," or other words suggesting the container  
4 will biodegrade, unless the container meets all of the following  
5 requirements:

6           a. The container complies with American Society of Testing and  
7 Materials (ASTM) standard D6400-04, "Standard Specification for  
8 Compostable Plastics."

9           b. The container includes the label "Not Recyclable, Do Not Recycle"  
10 in print of the same color, contrast, font, and size as the label  
11 suggesting the container is biodegradable.

12           c. The container does not include the molded resin identification label  
13 described in subdivision (1) of this subsection.

14       ...."

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

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