GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2011

S SENATE BILL 822

Short Title:	Protect Plastic Waste Recycling Stream.	(Public)
Sponsors:	Senators Kinnaird; Bingham, East, and Jackson.	
Referred to:	Agriculture/Environment/Natural Resources.	

May 21, 2012

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.
- (5) The application of degradable additives in plastic packaging is not a viable solution to litter control. Since littering is illegal in North Carolina, the



34

35

36

37

38

39

40

41 42

43

44

45

46

47

48

49

50

51

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

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

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

.

- (e) No person shall distribute, sell, or offer for sale in this State any rigid plastic container, including a plastic beverage container unless the container has a molded label indicating the plastic resin used to produce the container. The code shall consist of a number placed within three triangulated arrows and letters placed below the triangulated arrows. The three arrows shall form an equilateral triangle with the common point of each line forming each angle of the triangle at the midpoint of each arrow and rounded with a short radius. The arrowhead of each arrow shall be at the midpoint of each side of the triangle with a short gap separating the arrowhead from the base of the adjacent arrow. The triangle formed by the three arrows curved at their midpoints shall depict a clockwise path around the code number. The label shall appear on or near the bottom of the container and be clearly visible. A container having a capacity of less than eight fluid ounces or more than five gallons is exempt from the requirements of this subsection. The numbers and letters shall be as follows:
 - (1) For polyethylene terephthalate, the letters "PETE" and the number 1.
 - (2) For high density polyethylene, the letters "HDPE" and the number 2.
 - (3) For vinyl, the letter "V" and the number 3.
 - (4) For low density polyethylene, the letters "LDPE" and the number 4.
 - (5) For polypropylene, the letters "PP" and the number 5.
 - (6) For polystyrene, the letters "PS" and the number 6.
 - (7) For any other, the letters "OTHER" and the number 7.
 - (e) (1)

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

- <u>a.</u> For polyethylene terephthalate, the letters "PETE" and the number 1.
- b. For high-density polyethylene, the letters "HDPE" and the number 2.
- <u>c.</u> For vinyl, the letter "V" and the number 3.
- d. For low-density polyethylene, the letters "LDPE" and the number 4.
- e. For polypropylene, the letters "PP" and the number 5.
- <u>f.</u> For polystyrene, the letters "PS" and the number 6.
- g. For any other, the letters "OTHER" and the number 7.

Page 2 S822 [Edition 1]

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

17

18

19

20

21

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

S822 [Edition 1] Page 3