



New York State Department of  
**ENVIRONMENTAL CONSERVATION**

## What Is the New York State Hazardous Packaging Act, and How Does It Affect Me or My Company?

### **What is Hazardous Packaging?**

Some packaging contains certain heavy metals, specifically cadmium, lead, mercury and hexavalent chromium. New York State passed a law that prevents inclusion of these metals in product packaging and packaging components above certain concentrations.

### **The Hazardous Packaging Act**

The Hazardous Packaging Act states that after January 1, 1994, a package or packaging component may not have excessive levels of these four regulated metals.

The total concentration of these toxic metals may not exceed 100 parts per million (ppm) by weight TOTAL for all of these metals for a package or packaging component. The Hazardous Packaging Act may be found in New York State Environmental Conservation Law (NYSECL), Article 37, sections 37-0201 to 37-0213.

### **Exemptions**

While there are exemptions for certain packaging or packaging components, the law is very specific on what packaging and packaging components qualify and why. For example, packaging or packaging components used to comply with health or safety requirements of federal law may be exempt. Please see NYSECL, section 37-0207 for a complete list of these exemptions. If your product meets exemption requirements, you should maintain records documenting the exemption.

**What kind of packaging is included?**

All packaging and packaging components used for products that are sold, distributed or promoted in New York State must comply with this law. These range from the containers that hold products from the point of purchase to paints and pigments used in packaging, to metal bands and twist ties.

**Who is responsible for making sure that packaging doesn't contain these metals?***Manufacturers and distributors*

All manufacturers and distributors must ensure and certify that their packaging or packaging components do not contain these regulated metals if they are sold, distributed or promoted in New York State. This requirement also applies to packaged products sold, distributed or promoted in New York State. Manufacturers and distributors must maintain a Certificate of Compliance as an assurance that their packaging or packaging components meet these requirements. Additionally, manufacturers and suppliers may need to provide certificates of compliance and documentation of compliance if requested by the New York State Department of Environmental Conservation (NYSDEC).

*Purchaser*

If you are a purchaser of packaging or packaging components, you should verify that the products you sell, distribute or promote are compliant or have the proper exemption from the law. If your manufacturer or supplier does not provide you with a Certificate of Compliance, you should ask for one.

**What is NYSDEC doing to help?**

NYSDEC encourages manufacturers to find alternatives to using cadmium, lead, mercury and hexavalent chromium in producing product packaging. If they do not use these metals, they will not end up as waste products for generations to come.

NYSDEC has established a website with specific information about hazardous packaging for interested parties: [www.dec.ny.gov/chemical/8824.html](http://www.dec.ny.gov/chemical/8824.html)

E-mail: [dshmwrr@gw.dec.state.ny.us](mailto:dshmwrr@gw.dec.state.ny.us)

or call 518-402-8705 for additional information.

**What is happening nationally?**

New York State is a member of the national Toxics In Packaging Clearinghouse, which coordinates the efforts of states that have similar laws and requirements, [www.toxicsinpackaging.org](http://www.toxicsinpackaging.org)