

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 315
Committee Substitute Favorable 3/28/13

Short Title: Plastics Labeling Requirements.

(Public)

Sponsors:

Referred to:

March 18, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THAT DEGRADABLE PLASTIC PRODUCTS BE CLEARLY
3 LABELED TO PREVENT CONTAMINATION OF RECYCLED PLASTIC
4 FEEDSTOCKS.

5 Whereas, recycling is a growing industry in North Carolina that employs over
6 15,000 people and includes numerous reclaimers of plastic bottles and manufacturers who use
7 the material to make a wide range of products; and

8 Whereas, these and other North Carolina companies are developing innovative and
9 effective new technologies for plastics recycling and are continuing to expand; and

10 Whereas, some new plastic packaging is being labeled as "degradable" or
11 "biodegradable" and is designed to decompose in landfills or when exposed to soil, water, and
12 other natural elements; and

13 Whereas, degradable or biodegradable plastics are incompatible with traditional
14 hydrocarbon plastic recycling and pose potential harm to the quality and integrity of recycled
15 plastic products, many of which are designed for durable, long-term uses; and

16 Whereas, no technology is currently available for recyclers to cost-effectively,
17 rapidly, and consistently identify or segregate plastics containing degradable or biodegradable
18 additives within the plastics recycling stream; and

19 Whereas, without the ability to remove degradable or biodegradable plastics from
20 their recycled plastic feedstocks, North Carolina's plastics recycling industry will suffer costs to
21 their operations, loss of material, and serious quality concerns in their final products; and

22 Whereas, consumer recycling is critical to the ability of North Carolina's recycling
23 industry to obtain a sufficient quantity of high quality recycled plastics to use as feedstock for
24 products such as carpet, textiles, plastic bottles, automotive parts, and construction materials;
25 and

26 Whereas, simple, factual information should be provided to consumers to assist in
27 identifying plastic degradable or biodegradable products that can be harmful to the manufacture
28 of recycled plastic goods and that can restrict the growth of the plastics recycling industry in
29 North Carolina; Now, therefore,

30 The General Assembly of North Carolina enacts:

31 **SECTION 1.** G.S. 130A-309.10 reads as rewritten:

32 **"§ 130A-309.10. Prohibited acts relating to packaging; coded labeling of plastic**
33 **containers required; disposal of certain solid wastes in landfills or by**
34 **incineration prohibited.**

35 ...



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

- 13 (1) For polyethylene terephthalate, the letters "PETE" and the number 1.
- 14 (2) For high density polyethylene, the letters "HDPE" and the number 2.
- 15 (3) For vinyl, the letter "V" and the number 3.
- 16 (4) For low density polyethylene, the letters "LDPE" and the number 4.
- 17 (5) For polypropylene, the letters "PP" and the number 5.
- 18 (6) For polystyrene, the letters "PS" and the number 6.
- 19 (7) For any other, the letters "OTHER" and the number 7.

20 (e1) No person shall distribute, sell, or offer for sale in this State any rigid plastic
21 container, including a plastic beverage container labeled "degradable," "biodegradable,"
22 "compostable," or other words suggesting the container will biodegrade unless (i) the container
23 complies with the requirements of subsection (e) of this section and (ii) the container includes a
24 label with the statement "Not Recyclable, Do Not Recycle" in print of the same color, contrast,
25 font, and size as the language suggesting the container will biodegrade.

26"

27 **SECTION 2.** This act is effective when it becomes law and applies to any plastic
28 containers distributed, sold, or offered for sale after July 1, 2014.