

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

**SESSION LAW 2013-74
HOUSE BILL 315**

**AN ACT TO REQUIRE THAT DEGRADABLE PLASTIC PRODUCTS BE CLEARLY
LABELED TO PREVENT CONTAMINATION OF RECYCLED PLASTIC
FEEDSTOCKS.**

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

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

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

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

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

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

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

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

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-309.10 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.

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

...."

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

In the General Assembly read three times and ratified this the 6th day of June, 2013.

s/ Daniel J. Forest
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

s/ Pat McCrory
Governor

Approved 4:16 p.m. this 12th day of June, 2013