

§1732. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1989, c. 849, §1 (NEW).]

1. Agency.

[PL 1995, c. 656, Pt. A, §7 (RP).]

1-A. Department. "Department" means the Department of Environmental Protection.

[PL 1995, c. 656, Pt. A, §8 (NEW).]

1-B. Alternative. "Alternative" means a substitute process, product, material, chemical, strategy or combination of these that serves a functionally equivalent purpose to a chemical in a package or packaging component.

[PL 2019, c. 277, §2 (NEW).]

1-C. Chemical. "Chemical" means a substance with a distinct molecular composition or a group of structurally related substances and includes the breakdown products of the substance or substances that form through decomposition, degradation or metabolism.

[PL 2019, c. 277, §2 (NEW).]

2. Distributor. "Distributor" means any person, firm or corporation that sells a packaged product to a retailer in this State or any person, firm or corporation that receives a shipment or consignment of, or in any other manner acquires, packaged products outside the State for sale to consumers in the State.

[PL 1989, c. 849, §1 (NEW).]

2-A. Incidental presence. "Incidental presence" means the presence of a regulated metal or other regulated chemical as an unintended or undesired ingredient of a package or packaging component.

[PL 2019, c. 277, §2 (AMD).]

2-B. Intentional introduction. "Intentional introduction" means the act of deliberately using a regulated metal or other regulated chemical in the formation of a package or packaging component when its continued presence is desired in the final package or packaging component to provide a specific characteristic, appearance or quality.

The use of a regulated metal or other regulated chemical as a processing agent or intermediate to impart certain chemical or physical changes during manufacturing, when the incidental retention of a residue of the metal or chemical in the final package or packaging component is neither desired nor deliberate, is not considered intentional introduction for the purposes of this chapter.

The use of recycled materials as feedstock for the manufacture of new packaging materials, when a portion of the recycled materials may contain amounts of the regulated metals or other regulated chemicals, is not considered intentional introduction for the purposes of this chapter when the new package or packaging component is in compliance with section 1733.

[PL 2019, c. 277, §2 (AMD).]

2-C. Food package. "Food package" means a package that is designed for direct food contact. "Food package" includes, but is not limited to, a food or beverage product that is contained in a food package or to which a food package is applied, a packaging component of a food package and plastic disposable gloves used in commercial or institutional food service.

[PL 2019, c. 277, §2 (NEW).]

3. Manufacturer. "Manufacturer" means any person that manufactures a package or packaging component.

[PL 2019, c. 277, §2 (AMD).]

4. Package. "Package" means a container used in marketing, protecting or handling a product. "Package" includes a unit package and a shipping container defined by the American Society for

Testing and Materials in its annual book of standards as ASTM, D996; a food package; and unsealed receptacles such as carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags and tubs.

[PL 2019, c. 277, §2 (AMD).]

5. Packaging component. "Packaging component" means any individual assembled part of a package such as, but not limited to, any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks and labels. Tin-plated steel that meets the American Society for Testing and Materials specification A-623 must be considered as a single package component. Electrogalvanized coated steel and hot-dipped coated galvanized steel that meets the American Society for Testing and Materials specifications A-525 and A-879 must be treated in the same manner as tin-plated steel.

[PL 1995, c. 184, §2 (AMD).]

5-A. Perfluoroalkyl and polyfluoroalkyl substances; PFAS. "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means any member of the class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

[PL 2019, c. 277, §2 (NEW).]

5-B. Phthalates. "Phthalates" means any member of the class of organic chemicals that are esters of phthalic acid and that contain 2 carbon chains located in the ortho position.

[PL 2019, c. 277, §2 (NEW).]

5-C. Safer alternative. "Safer alternative" means an alternative that, when compared to a chemical that it could replace, would reduce the potential for harm to human health or the environment or that has not been shown to pose the same or greater potential for harm to human health or the environment as that chemical.

[PL 2019, c. 277, §2 (NEW).]

6. Supplier. "Supplier" means any person, firm or corporation that sells packages or packaging components to a distributor.

[PL 1989, c. 849, §1 (NEW).]

SECTION HISTORY

PL 1989, c. 849, §1 (NEW). PL 1995, c. 184, §§1,2 (AMD). PL 1995, c. 465, §A9 (AMD). PL 1995, c. 465, §C2 (AFF). PL 1995, c. 656, §§A7,8 (AMD). PL 2019, c. 277, §2 (AMD).

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