

2010 Maryland Code
ENVIRONMENT
TITLE 9 - WATER, ICE, AND SANITARY
FACILITIES
Subtitle 19 - Toxics in Packaging
Section 9-1901 - Definitions.

§ 9-1901. Definitions.

(a) In general.- In this subtitle the following words have the meanings indicated.

(b) Distributor.- "Distributor" means any person that:

(1) Sells a packaged product to a retailer; or

(2) Receives a shipment or consignment of, or in any other manner acquires, packaged products for distribution to a retailer for:

(i) Sale to a consumer; or

(ii) Promotional purposes.

(c) Manufacturer.-

(1) "Manufacturer" means any person that manufactures a package or packaging component.

(2) "Manufacturer" includes any person that sells a package or packaging component to a distributor.

(d) Package.-

(1) "Package" means a container used to market, protect, or handle a product.

(2) "Package" includes:

(i) A unit package, an intermediate package, and a shipping container as defined by the American Society for Testing and Materials; and

(ii) An unsealed receptacle such as a carrying case, crate, cup, pail, rigid foil or other tray, wrap, wrapping film, bag, and tub.

(e) Packaging component.-

(1) "Packaging component" means any individual assembled part of a package.

(2) "Packaging component" includes any interior or exterior blocking, bracing, cushioning, weatherproofing, coating, closure, label, ink, dye, pigment, adhesive, or any other additive.

(3) "Packaging component" does not include any package or packaging component that contains cadmium and is intended for reuse more than 5 times.

[1992, ch. 491.]

§ 9-1902. Prohibited acts.

(a) In general.- Except as provided in §§ 9-1903 and 9-1904 of this subtitle, on or after July 1, 1993, a manufacturer or distributor may not sell or offer for sale or for promotional purposes any package or packaging component or any product in a package or packaging component to which any of the following was intentionally added during manufacture or distribution:

- (1) Lead;
- (2) Cadmium;
- (3) Mercury; or
- (4) Hexavalent chromium.

(b) Concentration levels.- The sum of the concentration levels of lead, cadmium, mercury, and hexavalent chromium incidentally present in a package or packaging component may not exceed:

- (1) By July 1, 1993, 600 parts per million by weight or 0.06%;
- (2) By July 1, 1994, 250 parts per million by weight or 0.025%;
and
- (3) By July 1, 1995, 100 parts per million by weight or 0.01%.

(c) Tin plated steel.- Tin plated steel that meets the American Society for Testing and Materials Specification A-623 shall be

considered a single packaging component.

[1992, ch. 491.]

§ 9-1903. Applicability.

The provisions of this subtitle do not apply to:

(1) If it contains a code indicating the date of manufacture, a package or packaging component that was manufactured prior to July 1, 1993;

(2) Until July 1, 1997, a package and packaging component that would not exceed the concentration levels set forth in § 9-1902 of this subtitle but for the addition of recycled materials;

(3) A package or packaging component conditionally exempt under § 9-1904 of this subtitle; and

(4) Any alcoholic beverage bottled before October 1, 1992.

[1992, ch. 491.]

2010 Maryland Code ENVIRONMENT TITLE 9 - WATER, ICE, AND SANITARY FACILITIES

Subtitle 19 - Toxics in Packaging

Section 9-1904 - Conditional exemption.

§ 9-1904. Conditional exemption.

(a) Application.- A manufacturer or distributor of a package or packaging component may submit to the Department an application for a conditional exemption from the provisions of this subtitle.

(b) Conditions for grant.- On the written application of a manufacturer or distributor, the Department may grant a conditional exemption if the Department finds that:

(1) In order to comply with a health or safety requirement of federal law, lead, cadmium, mercury, or hexavalent chromium have been added to the package or packaging component in the manufacturing, forming, printing, or distribution process; or

(2) The regulated substance is essential to the protection, safe handling, or function of the package contents.

(c) Expiration; renewal.- A conditional exemption granted under this section:

(1) Expires 2 years after the date the Department grants the exemption; and

(2) If the manufacturer or distributor meets the criteria under subsection (b) of this section, may be renewed for additional

periods of 2 years.

[1992, ch. 491.]

§ 9-1905. Enforcement.

(a) Powers of Department.- To enforce the provisions of this subtitle, the Department may:

(1) Notify a manufacturer that there are grounds for suspecting that a package or packaging component produced by the manufacturer may not be in compliance with the provisions of this subtitle; and

(2) Request the manufacturer to certify that the package or packaging component is in compliance.

(b) Certification of exemption.- If the manufacturer certifies that the package or packaging component is exempt under § 9-1903 of this subtitle, the manufacturer shall identify the specific basis on which the exemption is claimed.

(c) Injunction.- If the manufacturer fails to certify that the package or packaging component is in compliance or is exempt, the Department may seek an injunction under § 9-1906 of this subtitle to require the manufacturer to withdraw the package or packaging component in question from sale or promotional use

within the State.

[1992, ch. 491.]

§ 9-1906. Penalties.

(a) In general.-

(1) Any person who violates any provision of this subtitle or any regulation adopted under this subtitle, including making a false statement in a certificate of compliance, shall be liable to the State for a civil penalty of up to \$1,000 for each violation, but not exceeding a total of \$10,000 for any action.

(2) Each package or packaging component in violation constitutes a separate violation.

(3) The State shall recover the civil penalties under this subsection in a civil action in any county.

(b) Criminal penalties.- Any person who previously has been assessed a civil penalty under this section and who willfully violates any provision of this subtitle or any regulation adopted under this subtitle, including making a false statement in a certificate of compliance, is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$20,000.

(c) Injunction.- The Department may seek an injunction to require the removal of a package or packaging component from sale or promotional use within the State against:

(1) Any person who violates or threatens to violate any provision of this subtitle or any regulation adopted under this subtitle; and

(2) A manufacturer who fails to certify on request of the Department that a package or packaging component produced by the manufacturer is in compliance with or is exempt under the provisions of this subtitle.

[1992, ch. 491; 1993, ch. 281.]

§ 9-1907. Regulations.

The Department may adopt regulations to administer the provisions of this subtitle.

[1992, ch. 491.]