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2009 New Hampshire Statutes TITLE X — PUBLIC HEALTH (Includes Chapters 125 - 149-O) CHAPTER 149-M — SOLID WASTE MANAGEMENT Section 149-M:33 Definitions.

In this subdivision:

I. "Distribution" means the practice of taking title to a package or packaging components for promotional purposes or resale. Persons involved solely in delivering a package or packaging components on behalf of third parties are not considered distributors.

II. "Distributor" means any person, firm, or corporation which takes title to goods produced either domestically or in a foreign country purchased for resale.

III. "Incidental presence" means the presence of a regulated metal as an unintended or undesired ingredient of a package or packaging component.

IV. (a) "Intentional introduction" means the act of deliberately utilizing a regulated metal in the formulation of a package or packaging component where its continued presence is desired in the final package or packaging component to provide a specific characteristic, appearance, or quality.

(b) "Intentional introduction" does not mean:

(1) The use of a regulated metal as a processing agent or intermediate to impart certain chemical or physical changes during manufacturing, whereupon the incidental retention of a residue of such metal in the final package or packaging component is neither desired nor deliberate, if the final package or packaging component is in compliance with RSA 149-M:34, III.

(2) The use of recycled materials as feed stock for the manufacture of new packaging materials, where some portion of the recycled materials may contain amounts of the regulated metals, if the new package or packaging component is in compliance with RSA 149-M:34, III.

V. "Manufacturer" means any person producing a package or packaging component.

VI. "Manufacturing" means physical or chemical modification of a material to produce packaging or packaging components.

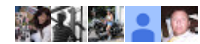
VII. "Package" means any container, produced either domestically or in a foreign country, providing a means of marketing, protecting, or handling a product. "Package" shall include a unit package, an intermediate package, or a shipping container as defined in the American Society for Testing and Materials (ASTM), public number D-996. "Package" shall also mean and include such unsealed receptacles as carrying cases, crates, cups, pails, rigid foil, and other trays, wrappers and wrapping films, bags, and tubs.

VIII. "Packaging component" means any individual assembled part of a package which is produced either domestically or in a foreign country, including, 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 (ASTM) specification A-623 shall be considered as a single package component. Electro-galvanized coated steel and hot dipped coated galvanized steel that meets the American Society for Testing and Materials (ASTM) specifications A-525 and A-879 shall be treated in the same manner as tin-plated steel.

IX. "Post-consumer material" means only those products generated by either a commercial entity or consumer which have served their intended end uses and which have been separated or diverted from solid waste for the purposes of collection,

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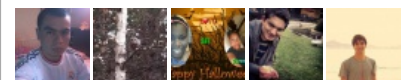
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recycling, and disposition.

X. "Supplier" means any person who sells, offers for sale, or offers for promotional purposes packages or packaging components which shall be used by any other person to package a product.

Source. 1996, 251:2. 1999, 54:3, 4, eff. July 20, 1999.

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