



Reducing Heavy Metal Toxic Materials in Packaging

WHO IS AFFECTED BY THIS ADVISORY?

Retailers selling packaged products, distributors distributing/selling packaged products and manufacturers and suppliers of packaging and packaging components being sold, offered for sale, or offered for promotional purposes in the State of New Jersey.

WHY IS DEP ISSUING THIS ADVISORY?

The New Jersey Toxics in Packaging Reduction Act (N.J.S.A. 13:1E-99.44 *et. seq.*), prohibits the sale of any package (including pre-packaged products) or packaging component which includes, in the package itself or in any packaging component (inks, dyes, pigments, adhesives, stabilizers or any other additives) any lead, cadmium, mercury or hexavalent chromium containing over 100 parts per million by weight (0.01%) which has been intentionally introduced as a chemical element during manufacturing or distribution.

WHAT IS DEP DOING?

DEP is providing this advisory to increase awareness and remind manufacturers, suppliers, distributors, and retailers of their regulatory obligations and encourage compliance. DEP representatives are authorized to visit affected businesses to evaluate the toxicity of packages and packing components, check compliance certificates (see below), and gather other necessary information to effectuate compliance. Results of packaging evaluations are shared among other states having similar packaging rules to help ensure cross-state compliance.

WHAT SHOULD I DO?

Package manufacturers are required to furnish to product manufacturers or distributors of the product packaged in that specified package or packaging component, a written certification of compliance stating that a package or packaging component is in compliance with the requirements of this Act. These certifications of compliance are required to be retained for as long as the package or packaging component is in use. Affected businesses should ensure they have completed, distributed or received these certifications of compliance as required. A sample certificate of compliance can be found at: [SAMPLE \(toxicsinpackaging.org\)](https://toxicsinpackaging.org).

WHO SHOULD I CONTACT WITH QUESTIONS?

Division of Waste and UST Compliance & Enforcement

609-633-1205

Bureau of Sustainability
Emily DeMaio

609-633-1336

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WHERE CAN I GET MORE INFORMATION?

Visit [Toxics in Packaging | The Toxics in Packaging Clearinghouse](https://toxicsinpackaging.org) (<https://toxicsinpackaging.org>) for general information, “Frequently Asked Questions” and a sample of a certificate of compliance.

Please note this advisory is intended to be a summary explanation of DEP requirements. It does not include all potentially applicable requirements. If you have any questions, please contact the phone number listed above.