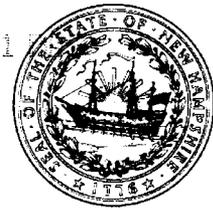




The State of New Hampshire
Department of Environmental Services
 Thomas S. Burack, Commissioner

JUL 19 2016 PM 1:01



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July 18, 2016

Her Excellency, Governor Margaret Wood Hassan
 And the Honorable Council
 State House
 Concord, NH 03301

REQUESTED ACTION

Retrospective

Authorize the Department of Environmental Services (DES) to pay the fiscal year 2017 membership dues to the Toxics in Packaging Clearinghouse (TPCH) (VC# 160635-B001), Brattleboro, VT in the amount of \$3,000 for the period July 1, 2016 through June 30, 2017, effective upon Governor and Council approval. 100% general funds.

Funding is available in the account as follows:

	<u>FY 2017</u>
03-44-44-444010-5402-026-500251	\$3,000.00
Dept of Environmental Services, Solid Waste Program, Organizational Dues	

EXPLANATION

In 1990, New Hampshire passed a toxics-in-packaging law (RSA 149-M:32-40) to curb the amount of toxic metals entering the municipal solid waste stream, and ultimately, landfills and incinerators. The law prohibits manufacturers from intentionally introducing lead, mercury, cadmium, and hexavalent chromium in packaging and packaging components that are distributed in New Hampshire. Nineteen states have adopted the same model as New Hampshire and 9 of these states, New Hampshire included, work together to ensure consistent application of the law through the Toxics in Packaging Clearinghouse (TPCH). Testing undertaken by the Clearinghouse begun in 2008 found that 52% of flexible PVC packaging, mostly imported from China and Pakistan, were likely to be in violation of state laws; in 2011 testing, the number was 40%. (See www.toxicsinpackaging.org/projects-publications/). DES and other member states work together through the TPCH to educate industry; enforcement is at the discretion of the states. DES devotes about one week of staff time per year to toxics in packaging, yet is still able to implement the law through the interstate effort. Being a member allows New Hampshire to take advantage of the group's resources and to be much more active than it would ever be able to be on its own. The monetary value of the laboratory testing alone exceeds the cost of annual membership.

Standard questions required for Governor and Council organization dues and membership approval submissions:

- **How long has this organization been in existence and how long has this agency been a member of this organization?**

The Toxics in Packaging Clearinghouse (TPCH) was formed in 1992 to promote the Model Toxics in Packaging Legislation prepared by the Source Reduction Council of the Coalition of Northeastern Governors in 1989. New Hampshire has been an active member from the beginning.

- **Is there any other organization which provides the same or similar benefits which your agency belongs to?**

The TPCH is specific to toxics in packaging; no other organization addresses the issue.

- **How many other states belong to this organization and is your agency the sole New Hampshire state agency that is a member?**

Currently, there are eight other state members (CA, CT, IA, MN, NJ, NY, RI, and WA); DES is the only member agency in New Hampshire.

- **How is the dues structure established? (Standard fee for all states, based on population, based on other criteria, etc.)**

There is a fee structure based on state population. The dues for a state with a population of 1 million to 4.9 million are \$3,000.

- **What benefit does the state receive from participating in this membership?**

Membership in the TPCH has allowed DES to implement RSA 149-M:32-40 with minimal expenditures. It provides access to the other member states' staff knowledge and testing laboratory resources, which are not available on a state level. In particular, as a result of TPCH testing, DES has assessed administrative fines against one company and civil penalties against another for selling/distributing packages with lead and cadmium.

- **Are training or educational/research materials included in the membership? If so, is the cost included? Explain in detail.**

The one staff person at the TPCH conducts research and prepares educational materials with the assistance of staff from member states. These services are included with the fee. Any training to DES staff is incidental to the screening/testing of particular packages.

- **Is the membership required to receive any federal grants or required in order to receive or participate in licensing or certification exams? Explain. No.**
- **Is there any travel included with this membership fee? Explain in detail any travel to include the number of employees involved, the number of trips, destination if known and purposes of membership supported trips.**

The membership fee does not include the cost of travel, but funds from a toxics in packaging civil penalty by the State of California reimbursed DES and other states' travel, so there was no cost to DES to send one staff member to recent annual meetings. The 2016 annual meeting is in Portsmouth, so there will be no out-of-state travel.

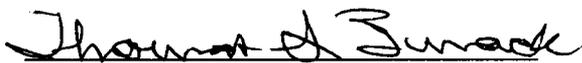
- **Which state agency employees are directly involved with this organization? (Indicate if they are members, voting members, committee members, and/or officers of the organization.)**

Sharon Yergeau was the agency's voting representative to the TPCH from 1993 through her retirement in July 2016 and had been an officer and a committee member many times. Stephanie D'Agostino will take over the program as of August 1, 2016. DES does not have additional staff resources to participate in this program, making membership crucial to implementation of the statutory requirements.

- **Explain in detail any negative impact to the State if the Agency did not belong to this organization.**

DES's Solid Waste Program does not have the resources to implement New Hampshire's Toxics in Packaging law without access to TPCH staff and the organization.

We respectfully request your approval.



Thomas S. Burack
Commissioner



TPCH is administered by:

NERC

Northeast Recycling Council, Inc.

139 Main Street, Suite 401 • Brattleboro, Vermont 05301-2800
802.254.8911 • www.toxicsinpackaging.org • info@toxicsinpackaging.org

Invoice for TPCH Membership

Date: July 11, 2016

Member: NH Department of Environmental Services
P.O. Box 95
29 Hazen Drive
Concord, NH 03301
Contact: Sharon Yergeau

OK to pay
5402-026
Sharon G. Yergeau
7-12-16

Service: FY2017 annual membership dues (July 1, 2016 – June 30, 2017)

Dues Amount: \$3,000.00

Please remit payment to Lynn Rubinstein at the Northeast Recycling Council, Inc.
Federal ID No. 03-036-7144.

NERC provides administrative services to the Toxics in Packaging Clearinghouse.

Thank you!

DES ACCOUNTING

JUL 12 2016

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