



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

MAR03'15 PM12:35 D



39  
*Burack*

February 11, 2015

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

**REQUESTED ACTION**

Authorize the Department of Environmental Services (DES) to **retroactively** pay the fiscal year 2015 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, 2014 through June 30, 2015, effective upon Governor and Council approval. 100% general funds.

Funding is available in the accounts as follows:

	<u>FY 2015</u>
03-44-44-444010-5402-026-500251	\$3,000.00
Dept of Environmental Services, Solid Waste Program, Organizational Dues	

**EXPLANATION**

This request for dues is **retroactive** because the invoice was not received until after the start of the fiscal year covered by these dues. 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 has shown that a significant number of packages distributed or sold in the state are not in compliance with the law ([www.toxicsinpackaging.org](http://www.toxicsinpackaging.org)). 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 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.

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. The Clearinghouse typically holds one annual face-to-face meeting and when funding is available, DES has sent the one staff member that participates in the organization.

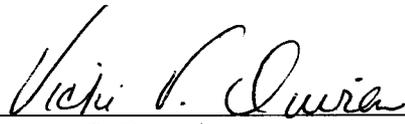
- **Which state agency employees are directly involved with this organization? (Indicate if they are members, voting members, committee members, and/or officers of the organization.)**

Sharon Yergeau, Supervisor of the Solid Waste Compliance Assurance Section, has been the agency's voting representative to the TPCH since 1993. Over the past 21 years, she has been an officer and a committee member many times. 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](http://www.toxicsinpackaging.org) • [info@toxicsinpackaging.org](mailto:info@toxicsinpackaging.org)

**Invoice for Annual TPCH Membership**

**Date:** July 8, 2014

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

**Service:** Fiscal year 2015 (July 1, 2014 – June 30, 2015)

**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!**

5402-026  10/31/14

DES ACCOUNTING

NOV 03 2014

**RECEIVED**