

567—213.3(455D) Definitions. The following terms, as used in this chapter, shall have the following meanings:

“Department” means the department of natural resources as created under Iowa Code section 455A.2.

“Distributor” means a person who takes title to one or more packages or packaging components purchased for promotional purposes or resale. A person involved solely in delivering or storing packages or packaging components on behalf of third parties is not a distributor.

“Incidental presence” means that these elements were not intentionally introduced during manufacturing or distribution and are below the concentration levels established by the department in subrule 213.4(3).

“Intentional introduction” means an 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. Intentional introduction does not include the use of a regulated metal as a processing agent or intermediate to impart certain chemical or physical changes during manufacturing, if the incidental presence of a residue of the metal in the final package or packaging component is neither desired nor deliberate and if the final package or packaging component is in compliance with Iowa Code section 455D.19(4), paragraph “c.” Intentional introduction also does not include the use of recycled materials as feedstock for the manufacture of new packaging materials, if the recycled materials contain amounts of a regulated metal and if the new package or packaging component is in compliance with Iowa Code section 455D.19(4), paragraph “c.”

“Manufacturer” means a person who produces one or more packages or packaging components.

“Manufacturing” means physical or chemical modification of one or more materials to produce packaging or packaging components.

“Offer for promotional purposes” means any transfer of title or possession, or both, of packaging or products in packaging without consideration.

“Offer for sale” means any transfer of title or possession, or both, exchange, barter, lease, rental, conditional or otherwise, of packaging or products in packaging for a consideration in any manner or any means whatsoever.

“Package” means a container which provides a means of marketing, protecting, or handling a product, including a unit package, an intermediate package, or a shipping container. Package also includes, but is not limited to, unsealed receptacles, such as carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags, and tubs.

“Packaging component” means any individual assembled part of a package, including, but not limited to, interior and exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks, labels, and tin-plated steel.

“Regulated metal” means any metal regulated under this chapter.

“Reusable entities” means packaging or packaging components having a controlled distribution and reuse subject to the exemption provided in Iowa Code section 455D.19(5), paragraph “e.”

“Tin-plated steel” means a material that meets the American Society for Testing and Materials (ASTM) specification A-623 and shall be considered as a single package component. Electrogalvanized coated steel and hot-dipped coated galvanized steel that meets the American Society for Testing and Materials (ASTM) specifications A-879 and A-529 shall be treated in the same manner as tin-plated steel.