

MAR 7 1995

ENVIRONMENTAL PROTECTION

HOUSE FILE 267
BY SHOULTZ

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to packaging by establishing a package review
2 board and an advisory committee to the board and establishing
3 a fee.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 267

1 Section 1. NEW SECTION. 455D.22 PACKAGING REVIEW BOARD.

2 1. DEFINITIONS. As used in this section, unless the
3 context otherwise requires:

4 a. "Board" means the packaging review board established
5 pursuant to this section.

6 b. "Committee" means the packaging review advisory
7 committee established in this section.

8 c. "Package" means package as defined in section 455D.19.

9 2. PACKAGING REVIEW BOARD.

10 a. A packaging review board is established within the
11 department of natural resources. The board consists of the
12 following members:

13 (1) The director of the department of natural resources or
14 the director's designee.

15 (2) The secretary of agriculture or the secretary's
16 designee.

17 (3) The director of the director of the department of
18 economic development or the director's designee.

19 b. The director of the department of natural resources or
20 the director's designee shall serve as chairperson of the
21 board. The board shall meet as frequently as the business of
22 the board requires, but at least quarterly.

23 c. The chairperson shall designate an employee of the
24 department to act as secretary of the board.

25 3. The board shall do all of the following:

26 a. Adopt rules under chapter 17A to implement this
27 section.

28 b. Monitor the development of national standards relating
29 to the environmental benefit claims of packaging; seek to
30 assist in the development of the standards; and seek to host,
31 as necessary, national and regional forums on promotion of the
32 environmental benefits of packaging.

33 c. Educate the public on the issue of promotion the
34 environmental benefits of packaging.

35 d. Gather information relating to claims of environmental

1 benefit made for packaging used in this state and provide
2 annual reports to the consumer protection division of the
3 office of attorney general.

4 e. Establish standards for the awarding of the
5 environmental benefits logo to applicants. The standards
6 shall include but are not limited to a determination that the
7 material used in the packaging is environmentally acceptable,
8 a determination that the packaging will not have a negative
9 impact on product recovery and is reusable or recyclable, and
10 a determination that the benefits of the product to the public
11 outweigh the environmental costs of the packaging.

12 4. ENVIRONMENTAL BENEFITS LOGO - AUTHORIZATION OF USE.

13 a. The board shall develop a program using a logo or logos
14 authorized for use in promotion the environmental benefits of
15 packaging, which shall include standards for authorizing the
16 use of a logo or logos.

17 b. The program shall include a process for application for
18 and awarding of the logo to manufacturers or users of
19 packaging or representatives of manufacturers or users who
20 apply for authorization to display the logo.

21 c. Upon application of a manufacturer or user of a package
22 or class of packages, or a representative of a manufacturer or
23 user, the applicant shall pay an application fee of one
24 thousand dollars. The board shall determine whether to
25 recommend the use or discontinuance of the use of the
26 environmental benefits logo by the applicant. The board shall
27 make its recommendations to the director of the department of
28 natural resources after a hearing on the application.

29 d. The board may require the applicant to provide
30 information the board deems necessary to make its
31 determination, including, but not limited to, data regarding a
32 cost benefits analysis of the packaging.

33 e. At the request of the applicant, the board and any
34 members or staff of the board shall hold any information
35 submitted to the board as confidential proprietary

1 information, and such information is not subject to disclosure
2 under chapter 21 or 22 or upon any other basis.

3 f. In authorizing the use of a logo under this program,
4 the board, the state, and any state agency, official, or
5 employee involved in the authorization is immune from a civil
6 suit for damages, including, but not limited to, a suit based
7 on contract, breach of warranty, negligence, strict liability,
8 or tort. Authorization of the use of a logo by the board, the
9 state, or any state agency, official, or employee is not an
10 express or implied guarantee or warranty concerning the
11 environmental benefit of the applicant's packaging. This
12 paragraph does not create a duty of care to the applicant or
13 any other person.

14 g. Moneys collected from applicants shall be deposited in
15 the waste volume reduction and recycling fund created under
16 section 455D.15 to be used for administration, research, and
17 other costs of the packaging review program.

18 6. PACKAGING REVIEW ADVISORY COMMITTEE.

19 a. The governor shall appoint in accordance with sections
20 69.16 and 69.16A, an eight-member packaging review advisory
21 committee for the purpose of providing technical advice to the
22 packaging review board. The members shall serve without
23 compensation. The members' terms of office shall be three
24 years and shall be staggered. The committee shall consist of
25 a representative from each of the following categories:

- 26 (1) The department of natural resources.
- 27 (2) The retail food industry.
- 28 (3) An environmental group.
- 29 (4) The packaging manufacturing industry.
- 30 (5) Local government.
- 31 (6) The waste disposal or recycling industry.
- 32 (7) The restaurant industry.
- 33 (8) The waste reduction center.

34 b. The representative of the department shall serve as the
35 committee chairperson.

1 c. The committee shall provide technical advice and
2 recommendations to the board concerning the environmental
3 benefits and impacts of the manufacture, use, and disposal of
4 packages.

5 d. A list of the members of the committee shall be
6 submitted with a progress report of the committee and the
7 board in the report filed by the department pursuant to
8 section 7A.3.

9 e. The governor shall make initial appointments to the
10 packaging review advisory committee as follows:

- 11 (1) Three members to one-year terms.
- 12 (2) Two members to two-year terms.
- 13 (3) Three members to three-year terms.

14 Subsequent appointments shall be for three-year terms.

15 Sec. 2. Section 455D.15, subsection 3, Code 1995, is
16 amended by adding the following new paragraph:

17 NEW PARAGRAPH. j. To provide for administration,
18 research, and other costs associated with the packaging review
19 program pursuant to section 455D.22.

20 EXPLANATION

21 This bill creates a packaging review board to promote the
22 manufacture and use of environmentally beneficial packaging.
23 The board is directed to develop a logo for use in identifying
24 environmentally beneficial packaging and to evaluate
25 applicants and authorize use of the environmental benefits
26 logo. A packaging advisory committee is created to provide
27 the board with technical advice in related areas. A
28 manufacturer or user may seek authorization of the board to
29 use the logo for environmentally beneficial packaging through
30 an application process including payment of an application
31 fee. Moneys collected from the authorization application
32 process are deposited in the waste volume reduction and
33 recycling fund and are to be used for administrative,
34 research, and other costs associated with the packaging review
35 program.