

§1734. Exemptions

All packages and packaging components are subject to the provisions of section 1733 unless: [PL 1989, c. 849, §1 (NEW).]

1. Manufactured prior to April 1, 1992. The package or packaging component has a code indicating a date of manufacture prior to April 1, 1992; [PL 2019, c. 277, §4 (AMD).]

2. Health and safety requirements; feasibility; post-consumer materials. The manufacturer, supplier or distributor petitions the department for an exemption for a particular package or packaging component and the department grants an exemption for one or more of the following reasons.

A. The package or packaging component contains lead, cadmium, mercury or hexavalent chromium added in the manufacturing, forming, printing or distribution process in order to comply with health or safety requirements of state or federal law. [PL 1989, c. 849, §1 (NEW).]

B. There is no feasible alternative to the use of lead, cadmium, mercury or hexavalent chromium in the package or packaging component. For the purposes of this section, "no feasible alternative" means a use in which the regulated substance is essential to the protection, safe handling or function of the package's contents. [PL 1989, c. 849, §1 (NEW).]

C. The addition of post-consumer materials causes the package or packaging component to exceed the maximum concentration levels set forth in section 1733, subsection 3. [PL 1989, c. 849, §1 (NEW).]

For packages or packaging components exempted under paragraph A or B, a 2-year exemption may be granted and that exemption may be renewed for an additional 2 years. An exemption granted under paragraph C is valid for 6 years; or [PL 2019, c. 277, §4 (AMD).]

3. Alcoholic beverages bottled prior to April 1, 1992. The package or packaging component contains an alcoholic beverage bottled prior to April 1, 1992. [PL 2019, c. 277, §4 (AMD).]

4. Packaging and packaging components; reused. [PL 1995, c. 184, §5 (NEW); MRSA T. 32 §1734, sub-§4 (RP).]

SECTION HISTORY

PL 1989, c. 849, §1 (NEW). PL 1991, c. 177, §1 (AMD). PL 1991, c. 177, §2 (AFF). PL 1993, c. 310, §A1 (AMD). PL 1995, c. 184, §§3-5 (AMD). PL 1995, c. 656, §A9 (AMD). PL 2019, c. 277, §4 (AMD).

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