
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2633 Session of
1988

INTRODUCED BY BURNS, HASAY, CORRIGAN, MELIO AND McHALE, JULY 13,
1988

REFERRED TO COMMITTEE ON CONSERVATION, JULY 13, 1988

AN ACT

1 Providing for the elimination of the use of non-biodegradable
2 packaging originating at retail establishments.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Uniform
7 Retail Packaging Law.

8 Section 2. Legislative intent.

9 The General Assembly finds and determines that:

10 (1) Discarded non-biodegradable packaging and plastic
11 containers within the waste stream of this Commonwealth is a
12 fundamental cause of problems associated with waste disposal.

13 (2) Landfill space within this Commonwealth is
14 diminishing rapidly; for both economic and environmental
15 reasons, measures to simplify the chemical complexity of
16 solid waste and, thereby, streamline solid waste management
17 must be vigorously pursued.

1 (3) The chemical composition and ability of a substance
2 to biodegrade are meaningful and useful criteria to focus
3 upon when establishing public policy that is intended to
4 improve the management and disposal of solid waste, reduce
5 the cumulative impact of litter, encourage composting and
6 other forms of recycling, minimize the potential for toxic
7 substances to form if solid waste is burned, reduce the
8 volume of ash byproducts that may be created by any burning
9 of waste plastic packaging and otherwise anticipate
10 environmental problems that may be caused by municipal solid
11 waste disposal programs.

12 (4) The use of plastics and other non-biodegradable
13 packaging has become widespread throughout this Commonwealth,
14 and the resulting mixed substance waste stream is a serious
15 impediment to many solid waste management programs that are
16 being considered for this Commonwealth.

17 (5) The widespread use of plastics, especially
18 polystyrene and polyvinyl chloride, poses a threat to the
19 environment in this Commonwealth by causing excessively rapid
20 filling of landfill space or, if incinerated, by the possible
21 introduction of toxic byproducts into the atmosphere and
22 general environment of this Commonwealth.

23 (6) The economic and environmental problems associated
24 with Pennsylvania's mixed substance waste stream are so
25 severe that a program to incrementally simplify the chemical
26 composition of solid waste, thereby reducing environmental
27 hazards and toxicity associated with solid waste incineration
28 and encouraging the composting of putrescible biodegradable
29 wastes and encouraging other forms of recycling of solid
30 waste substances, is hereby determined to be a policy goal of

1 this Commonwealth.

2 (7) The waste stream within this Commonwealth is so
3 large and diverse that any program to establish policies and
4 laws conducive to a waste management program in lieu of
5 landfilling must identify and set new policy for those
6 specific sources of waste packaging which originate within
7 this Commonwealth.

8 (8) Certain retail establishments within this
9 Commonwealth are points of origin for a substantial volume of
10 packaging waste and, therefore, are particularly susceptible
11 to actions which have significant potential for simplifying
12 the chemical composition of this portion of Pennsylvania's
13 solid waste stream, thereby improving solid waste management
14 within this Commonwealth.

15 (9) The use of polystyrene and polyvinyl chloride for
16 food packaging is problematical because neither of these
17 plastic species is readily recyclable. Their abundant
18 commercial use in lieu of other plastic species such as
19 polyethelene or polypropylene unnecessarily complicates the
20 overall chemical composition of municipal waste and subtracts
21 from the possible emergence of a viable plastic recycling
22 market for this Commonwealth; and, if burned together,
23 polystyrene and polyvinyl chloride leave a relatively heavier
24 and, therefore, more expensive ash residue to dispose of,
25 which may also create dioxin, hydrochloric acid or other
26 toxic chemicals that could be emitted into the general
27 environment of this Commonwealth.

28 (10) There are readily available plastic and/or paper
29 product substitutes for most of the polystyrene and polyvinyl
30 chloride retail food packaging now being used in this

1 Commonwealth, and the use of these alternatives would be
2 environmentally and economically advantageous to the people
3 of this Commonwealth.

4 (11) Plastic bags in the waste stream constitute an
5 impediment to the development of efficient waste separation,
6 recycling or other waste management programs and are less
7 desirable than paper bags because plastic bags are neither
8 recyclable nor compostable.

9 (12) Plastic bags used by retail establishments selling
10 food constitutes the largest single retail source of plastic
11 bags in the waste stream.

12 Therefore, the purpose of this act is to incrementally, to the
13 maximum extent practicable, eliminate the use of non-
14 biodegradable packaging originating at retail establishments
15 within this Commonwealth in order to protect the air, land and
16 waters of this Commonwealth against environmental contamination
17 and degradation.

18 Section 3. Definitions.

19 The following words and phrases when used in this act shall
20 have the meanings given to them in this section unless the
21 context clearly indicates otherwise:

22 "Biodegradable packaging." Packaging made of cellulose-based
23 substance or other substances that are capable of being readily
24 attacked, decomposed, assimilated and otherwise completely
25 oxidized or broken down by bacteria or other natural biological
26 organisms into carbonaceous soil material or water and carbon
27 dioxide.

28 "Packaging." All food-related wrappings, adhesives, cords,
29 bindings, strings, bags, boxes and containers and disposable or
30 nonreusable plates, cups or drinking utensils intended for use

1 within this Commonwealth.

2 "Retail food establishment." All sales outlets, stores,
3 shops or other places of business located within this
4 Commonwealth which operate primarily to sell or convey food
5 directly to the ultimate consumer, which food is predominantly
6 contained, wrapped or held in or on packaging. The term shall
7 include, but not be limited to, any place where food is
8 prepared, mixed, cooked, baked, smoked, preserved, bottled,
9 packaged, handled, stored, manufactured and sold or offered for
10 sale, including, but not limited to, any fixed or mobile
11 restaurant, drive-in, coffee shop, cafeteria, shortorder cafe,
12 delicatessen, luncheonette, grill, sandwich shop, soda fountain,
13 tavern, bar, cocktail lounge, nightclub, roadside stand,
14 prepared food take-out place, industrial feeding establishment,
15 catering kitchen, commissary, grocery store, public food market,
16 food stand or similar place in which food or drink is prepared
17 for sale or for service on the premises or elsewhere, and any
18 other establishment or operation, including homes, where food is
19 processed, prepared, stored, served or provided for the public
20 for charge.

21 Section 4. Prohibition.

22 (a) Packaging.--No retail food establishment located and
23 doing business within this Commonwealth shall sell or convey
24 food directly to ultimate consumers within this Commonwealth
25 unless such food is placed, wrapped or packaged in biodegradable
26 packaging at the conclusion of a sales transaction for the
27 purchase of such food which takes place on the premises of the
28 retail food establishment at or near a sales counter or
29 equivalent customer purchasing station but prior to removal of
30 the food from the premises of the retail food establishment.

(b) Eating utensils and food containers.--No retail food establishment located and doing business within this Commonwealth shall sell, give or provide eating utensils or food containers to any consumers within this Commonwealth if such eating utensils or food containers are composed of polystyrene or polyvinyl chloride.

Section 5. Exemptions.

Section 4 shall not apply to the following items:

(1) Any flexible transparent covering for uncooked or raw meat, poultry, raw fish, hard cheese, cold cuts, fruit and vegetable produce, baked goods or bread.

(2) Any food packaging used at hospitals or nursing homes.

(3) Any paper or other cellulose-based packaging that is coated with polyethelene plastic on only one side.

(4) Any plastic covers, covering material, food containers, lids, eating utensils or straws that are not polystyrene or polyvinyl chloride.

Section 6. Enforcement.

The Department of Agriculture of the Commonwealth shall be responsible for the enforcement of this act.

Section 7. Regulations.

The Secretary of Agriculture shall promulgate such rules and regulations as may be necessary to implement and carry out the provisions of this act.

Section 8. Penalties.

Willful failure to comply with section 4 shall constitute a violation punishable by a civil penalty of \$500 for each violation.

Section 9. Severability.

1 The provisions of this act are severable. If any provision of
2 this act or its application to any person or circumstance is
3 held invalid, the invalidity shall not affect other provisions
4 or applications of this act which can be given effect without
5 the invalid provision or application.

6 Section 10. Applicability.

7 This act shall apply to retail transactions consummated on or
8 after July 1, 1989.

9 Section 11. Effective date.

10 This act shall take effect immediately.