

1987 Assembly Bill 650

Date of enactment: **April 18, 1988**
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1987 Wisconsin Act 293

AN ACT to create 100.33 of the statutes, relating to labeling requirements for plastic containers, providing a penalty and granting rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 100.33 of the statutes is created to read:

100.33 Plastic container labeling. (1) DEFINITIONS.
In this section:

(a) "Labeling" means attaching information to or embossing or printing information on a plastic container.

(b) "Material recovery" means the reuse, recycling, reclamation, composting or other the recovery of useful materials from solid waste, with or without treatment.

(c) "Plastic container" means an individual, separate, rigid plastic bottle, can, jar or carton that is originally used to contain a product that is the subject of a retail sale, as defined under s. 100.30 (2) (h).

(d) "Reclamation" means the treatment of solid waste and its return to productive use in a form or for a use that is different from its original form or use.

(e) "Recycling" means the treatment of solid waste and its return to productive use in a form and for a use that is the same as or similar to the original form and use.

(f) "Reuse" means the return of solid waste to productive use without treatment and without changing its form or use.

(2) LABELING RULES REQUIRED. The department shall promulgate rules establishing labeling requirements for plastic containers. The requirements shall be designed to provide information needed by operators of material recovery programs to facilitate the recycling, reclamation or reuse of plastic containers. The rules promulgated under this subsection shall permit a manufacturer of plastic containers and a person who places products in plastic containers to choose an appropriate method of labeling plastic containers. The department shall make an effort to develop rules which are consistent, to the greatest extent practicable, with national industry-wide plastic container coding systems. The rules shall exempt from the labeling requirements plastic containers that are readily identifiable because of their appearance and plastic containers for which there is no technological capability for recycling, reclamation or reuse or for which recycling, reclamation or reuse is not economically feasible. The rules may exempt from the labeling requirements plastic containers of a capacity of less than a specified minimum size. In determining the types of plastic containers to exempt from the labeling requirements, the

department shall consult with the department of natural resources.

(3) PROHIBITION. On and after January 1, 1990, no person may sell or offer for sale in this state a plastic container or a product in a plastic container that does not comply with the labeling requirements under sub. (2).

(4) PENALTY. Any person who violates sub. (3) shall forfeit not more than \$500 for each violation. Each day of violation constitutes a separate offense.

SECTION 2m. Nonstatutory provisions; marketing; trade practices. (1) PLASTIC CONTAINER LABELING. The department of agriculture, trade and consumer protection shall establish an advisory committee under section 227.13 of the statutes to advise the department on the drafting of rules under section 100.33 of the statutes, as created by this act. The advisory committee shall consist of representatives of the plastics industry, manufacturers of plastic containers, retailers, plastic recyclers, environmental or citizens groups, and any other persons affected by or interested in the subject matter of the rules.