

1 Pollution Control Agency

2 Waste Management Grants and Assistance

4 Adopted Permanent Rules Relating to Plastic Container Labeling

6 Rules as Adopted

7 9230.0010 DEFINITIONS.

8 Subpart 1. **Scope.** For the purposes of parts 9230.0010 to
9 9230.0050, the following terms have the meanings given them
10 unless the context requires otherwise.

11 Subp. 2. **Agency.** "Agency" means the Minnesota Pollution
12 Control Agency.

13 Subp. 3. **Code.** "Code" means the number and acronym or
14 word representing a particular resin category that is printed,
15 embossed, molded, or otherwise attached to a plastic container.

16 Subp. 4. **Distributor.** "Distributor" means a person
17 engaged in a business that ships or transports products to
18 retailers in this state to be sold by those retailers.

19 Subp. 5. **Labeling.** "Labeling" means attaching information
20 to or embossing or printing information on a plastic container.

21 Subp. 6. **Manufacturer.** "Manufacturer" means any
22 manufacturer offering for sale and distribution a product
23 packaged in a container.

24 Subp. 7. **Plastic.** "Plastic" means any material made of
25 the following resins or similar polymeric organic compounds and
26 additives that can be shaped by flow:

- 27 A. high density polyethylene;
- 28 B. low density polyethylene;
- 29 C. polyethylene terephthalate;
- 30 D. polypropylene;
- 31 E. polystyrene; and
- 32 F. polyvinyl chloride.

33 Subp. 8. **Plastic container.** "Plastic container" means an
34 individual, separate plastic bottle, can, or jar with a capacity
35 of 16 ounces or more.

1 9230.0020 SCOPE.

2 Parts 9230.0010 to 9230.0050 establish labeling
3 requirements for plastic containers with a capacity of 16 ounces
4 or more offered for sale in Minnesota on or after January 1,
5 1991.

6 9230.0030 PROHIBITION.

7 Subpart 1. **Prohibition.** In accordance with Minnesota
8 Statutes, section 325E.044, all plastic containers as defined in
9 part 9230.0010, subpart 7, manufactured or distributed in
10 Minnesota must be labeled with a code listed under part
11 9230.0040. After January 1, 1991, a manufacturer or distributor
12 who does not comply with this requirement shall be subject to
13 civil penalty.

14 Subp. 2. **Nonrecyclable containers.** Plastic containers
15 that are restricted from being recycled by state or federal laws
16 and regulations are exempt from the labeling requirements of
17 parts 9230.0010 to 9230.0050. Manufacturers must not label
18 exempt plastic containers.

19 9230.0040 LABELING.

20 Subpart 1. **Labeling required.** The code identifying the
21 resin used in the plastic container as specified in subpart 2
22 must be molded, printed, embossed, or otherwise attached to
23 plastic containers subject to regulation under parts 9230.0010
24 to 9230.0050.

25 Subp. 2. **Identification of resin.** To identify the resin
26 used in a plastic container, the codes in items A to G must be
27 used:

28 A. for polyethylene terephthalate, the number "1" and
29 the letters "PETE";

30 B. for high density polyethylene, the number "2" and
31 the letters "HDPE";

32 C. for polyvinyl chloride, the number "3" and the
33 letter "V";

34 D. for low density polyethylene, the number "4" and

1 the letters "LDPE";

2 E. for polypropylene, the number "5" and the letters
3 "PP";

4 F. for polystyrene, the number "6" and the letters
5 "PS"; and

6 G. for a plastic container made up of other resins or
7 multiple resins, the number "7" and the word "OTHER."

8 Subp. 3. **Purity standard.** To be labeled with a single
9 resin code specified in subpart 2, items A to F, a plastic
10 container must not contain resins different from the resin
11 indicated by the code that exceed two percent by weight of the
12 total mass. In calculating the percentage, affixed materials
13 and additives other than the single plastic resin container
14 structure must be included. Removable caps, lids, and labels
15 shall be excluded. Plastic containers that exceed this two
16 percent purity standard must be labeled with the code specified
17 in subpart 2, item G.

18 Subp. 4. **Exception to purity standard.** Polyethylene
19 terephthalate soft drink bottles with affixed high density
20 polyethylene base cups are an exception to the purity standard
21 as specified in subpart 3 and must be labeled with the number 1
22 and the acronym "PETE."

23 Subp. 5. **Code design.** The code specified in subpart 2
24 must be designed to facilitate reading at a glance and to
25 withstand container handling. The code must meet the
26 specifications in items A to C.

27 A. The numbers and acronyms required under subpart 2
28 must be at a minimum one-fourth of an inch in height.

29 B. Each acronym required under subpart 2 must be
30 positioned directly beneath the code number.

31 C. The code must be placed on the bottom of the
32 container.

33 If a plastic container is designed so that a code of the
34 size specified in item A cannot be added to it, the manufacturer
35 must use the largest code that can be applied. If a plastic
36 container is designed so that a code cannot be placed on the

1 bottom of the container, the manufacturer must place the code so
2 that it is visible and readable at a glance.

3 9230.0050 CIVIL PENALTY AND NOTICE OF VIOLATION.

4 If the commissioner of the agency becomes aware of a
5 violation of parts 9230.0010 to 9230.0050, the commissioner of
6 the agency shall notify the violator of the nature of the
7 violation, and request that the violator comply with the rules.

8 Each violation of parts 9230.0010 to 9230.0050 is subject
9 to a civil penalty of \$50 up to a maximum of \$500, as provided
10 in Minnesota Statutes, section 325E.044, subdivision 4.