

Rigid Plastic Packaging Container (RPPC) Proposed Regulations

Public Workshop

Oct. 5, 2011

Workshop Agenda



- 10:00 Introductions and Overview
- 10:10 Recap of Changes in the 2nd 45-Day Version of the Proposed Regulations
- 10:20 Summary of Comments Received During the 2nd 45-Day Public Comment Period
- 10:30 Proposed Draft Changes to the Regulations for the 15-Day Public Comment Period
- 11:15 Questions and Oral Comments
- 11:50 Next Steps and Wrap Up (or lunch break)

Recap of Changes in the 2nd 45-Day Version of Regulations

2nd 45-Day Version



Proposed changes included:

- General changes for clarity and consistency of terminology, punctuation and format
- More specific (or clarified) timeframes
- Additional definitions (e.g., concentrated product, container line, product line, product sub-line)

Added definitions in Section 17943:

- “(b) “Concentrated Product” means a product which has been intensified, or made denser or strong, to achieve more uses per unit.”
- “(c) “Container Line” means a group of rigid plastic packaging containers holding the same product and manufactured with identical plastic resin(s), layers, style, shape, volume and weight.”

2nd 45-Day Version



Added definitions in Section 17943:

- “(s) “Product Line” means a family of related products. Products within a line may be: 1) the same type of product, 2) sold to the same type of customer, and/or 3) sold through similar outlets. A product line may include more than one container line.”

Added definitions in Section 17943:

- “(u) “Product Sub-Line” means a group of related products within a product line. Product sub-lines may vary from one another due to factors such as container size, fragrance, or level of concentration. A product sub-line may include more than one container line.”

2nd 45-Day Comments



Summary of Comments Received:

- Changes to PCM, RPPC and Reusable RPPC definitions
- Elimination of credit for resin switching
- Feasibility of various compliance options
- Certification process and timeline
- Documentation re: concentration option
- Exemption request process
- Rulemaking and implementation timelines
- Request for container determination

2nd 45-Day Comments



Response to Comments Received:

- No additional changes to PCM, RPPC and Reusable RPPC definitions
- No change to removing resin switching as source reduction
- No change to the certification process and timelines
- No review of specific containers at this time

2nd 45-Day Version



COMMENTS RECEIVED – No Additional Changes
Proposed

Revised definitions in Section 17943:

- (q) Postconsumer Material (PCM)

2nd 45-Day Version



COMMENTS RECEIVED – No Additional Changes
Proposed

Revised definitions in Section 17943:

- (z) Reusable RPPC

2nd 45-Day Version



COMMENTS RECEIVED – No Additional Changes
Proposed

Revised definitions in Section 17943:

- (aa) RPPC

2nd 45-Day Version



COMMENTS RECEIVED – No Additional Changes
Proposed

Revised definitions in Section 17943:

- (af) Source Reduced Container

2nd 45-Day Version



COMMENTS RECEIVED – No Additional Changes
Proposed

Revised Section 17944 – Container
Requirements

**Proposed Draft Changes for
15-Day Public Comment
Period Version
of Regulations**

Draft 15-Day Version



Overview of Draft Changes:

- General changes for clarity and consistency of terminology, punctuation and format
- Clarifying definitions
- Clarifying the documentation required
- Clarifying penalty implementation

Specific examples of proposed draft revisions:

Definitions --

- 17943(c): ““Container Line” means a group of rigid plastic packaging containers manufactured with identical plastic resin(s), layers, style, shape, volume and weight.”

SEE HANDOUT FOR VERSION WITH CHANGES

Product Manufacturer Cert Info

- 17945.3(b)(2): “A statement of product manufacturer compliance including whether the product manufacturer sold or offered for sale products held in rigid plastic packaging containers into California, and whether some or all of the products were approved for a waiver pursuant to Section 17946, and whether some or all of the containers qualified for an exemption pursuant to Section 17946.5”

Source Reduction

- 17945.3(d)(2)(C), 17945.3(d)(3)(C) and 17945.3(d)(4)(E): “The date (e.g., month/year) of the source reduction.”

Violations and Penalties

- 17949(c): “....Total fines and penalties are not to exceed \$100,000 per annum (i.e., calendar year certification cycle) for each violator.”

Draft 15-Day Version



- Documentation re: Product Concentration Option

17945.3(d)(3)(A) and (d)(4)(B): “The number of product uses per unit before and after the product concentration. This shall be supported by providing the methodology used to calculate the change.”

- Exemption Request Process
 - (b) To claim an exemption, a product manufacturer, within 90 calendar days of receiving a certification notice pursuant to Section 17945.1(d), shall submit to the Department a written report containing the following information:

Draft 15-Day Version

- 17946.5(b) continued...
 - (1) A photograph of the rigid plastic packaging container(s) and label(s) which clearly shows the product's name for which the exemption is being claimed;
 - (2) The basis for the exemption, which shall include specific citation and supporting documentation to any applicable federal statutes, regulations, any applicable registration numbers, written evidence needed to support the exemption claim; and

Questions and Comments on the Draft 15-Day Revisions?

Any oral comments on
the 2nd 45-Day Version
of the Regulations?

Next Steps

Proposed Timeline:

15-Day Public Comment	October 2011
CEQA	November 2011
Hearing to Adopt Regs	December 2011 or January 2012
Package to OAL	February 2012

Please note these dates may be subject to change

Wrap Up