

STATE OF CALIFORNIA
DEPARTMENT OF RESOURCES RECYLING AND RECOVERY
(CALRECYCLE)

PUBLIC WORKSHOP
RIGID PLASTIC PACKAGING CONTAINERS (RPPC)
PROPOSED REGULATIONS

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
ROOM 550
1001 I STREET
SACRAMENTO, CALIFORNIA 95814

WEDNESDAY, OCTOBER 5, 2011

10:24 A.M.

REPORTED BY:
KENT ODELL

APPEARANCES

CALRECYCLE STAFF:

Trevor O'Shaughnessy, Section Manager
Kathleen Marsh, Unit Supervisor
Lorraine Van Kekerix, Branch Manager
Ty Moore, Counsel
Georgianna Pfof, Staff
Neal A. Johnson, Staff
Steve Petty, Staff
Karen Denz, Staff
Clark Williams, Staff

ALSO PRESENT:

* Present via Webex

*Ted Marks, JVC
*Kara Bush, California Grocers Association
*Jacob Cassady, American Cleaning Institute
*Steve Alexander, Plastic Recyclers
Matthew Prigmore, Office of Randy Polluck
*Harry Nishitani, Sharp Electronics Corporation
Mike Rogge, California Manufacturers
Sana Ouji, Cal Chamber
Brenda Coleman, Cal Chamber
Sue Vang, Californians Against Waste
Howie Norton, Norton Packaging
*Patty Enneking, Klockner Pentaplast Group
Tim Shestek, American Chemistry Council
Laurie Hausen, The Houston Group APR
Pansy Leo, PSCI

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1 P R O C E E D I N G S

2 OCTOBER 5, 2011 10:24 A.M.

3 BRANCH MANAGER VAN KEKERIX: Good morning. My
4 name is Lorraine Van Kekerix. I am the Branch Chief of
5 the Waste Evaluation and Enforcement Branch. We are
6 here today for the Rigid Plastic Packaging Container
7 Public Workshop.

8 We've been having some technical difficulties.
9 We've got information on the webinar but there is no
10 audio on the webinar so we're asking people to phone in
11 to a conference call number. You'll still be able to
12 see things on the screen, on the webinar screen, as we
13 go through but in order to hear you need to be on the
14 conference call number. This won't help the people who
15 are on the webinar and can't hear but it's 877-767-6168
16 with the Participant Passcode of 8888258.

17 I would like to ask people who are on the
18 conference call whether they can hear.

19 MR. MARKS: Yes.

20 BRANCH MANAGER VAN KEKERIX: Okay. Could I
21 get your name so we know who's made it to the conference
22 call?

23 MR. MARKS: Ted Marks with JVC.

24 BRANCH MANAGER VAN KEKERIX: Okay.

25 MS. ENNEKING: Patty Enneking with Klockner

1 Pentaplast Group.

2 BRANCH MANAGER VAN KEKERIX: Okay.

3 MS. BUSCH: Cara Busch with the California
4 Grocers Association.

5 MR. CASSADY: Jacob Cassady with the American
6 Cleaning Institute.

7 MR. NISHITANI: Harry Nishitani. Sharp
8 Electronics Corporation.

9 BRANCH MANAGER VAN KEKERIX: All right.

10 MR. ALEXANDER: Steve Alexander. Plastic
11 Recyclers.

12 BRANCH MANAGER VAN KEKERIX: Anyone else who's
13 on the Conference Call? Okay. Thank you. Thank you
14 very much. I'm glad that you can hear and that we are
15 able to get this workaroud going so that you can both
16 see and hear the workshop.

17 For those of you who are here on the 5th floor
18 at the CAL EPA Building we have several announcements
19 that we need to make at the beginning of every workshop.

20 First of all, in the event of a fire alarm we
21 are required to evacuate this room immediately. There
22 are three exits for the building. One is just outside
23 of our meeting room. And then there is one at either
24 end of each of the two main hallways. If we have to
25 exit please take your valuables with you and do not use

1 the elevators. We will exit down the stairways and
2 relocate to the Caesar Chavez Park across the street.
3 If you cannot use the stairs, please meet at the back of
4 the room and you will be provided necessary assistance.

5 Then, just for your information, there are
6 restrooms on this hall. A ladies and a men's room.
7 There is the ladies room—the men's room just outside the
8 meeting room at the corner of the two hallways. The
9 women's rooms are at the end of either hallway.

10 So the purpose of today's workshop is a recap
11 of changes in the July 29, 2011 Second 45 Day Public
12 Comment Version of the Proposed Regs, a summary of the
13 comments received during the comment period on that
14 second 45 day version, draft changes to the regulations
15 for the 15 Day Public Comment Period, Questions and Oral
16 Comments on the Second 45 Day Version as well as the 15
17 Day Proposed Revisions and our Proposed Timeline for the
18 Effort.

19 We are tentatively scheduled to wrap up by
20 noon; however, if we have discussion that takes us
21 longer we will go longer in order to provide everyone
22 with enough time to discuss the issues.

23 We do have a Court Reporter here to generate a
24 transcript of the Workshop. In order to ensure that all
25 comments are captured we ask that you wait to be

1 recognized. When you're called upon please make sure
2 that you're close to a microphone so that the recorder
3 and the people participating via the Conference Call and
4 go to meeting can hear you. For those that are
5 participating via the GoToMeeting please enter any
6 comments using the Chat function and we will call upon
7 you at the appropriate time. We do ask that when you
8 first comment, you state and spell your first and last
9 names. This helps to ensure that your name is properly
10 captured in the transcript for the meeting.

11 As a reminder, please start your comment by
12 stating your name and who you represent.

13 First, I'd like to go around the room so that
14 the people who are on our Conference Call know who is
15 here and then we'll get started on the meeting.

16 COUNSEL MOORE: Ty Moore. Staff counsel,
17 CalRecycle.

18 MS. LEO: Pansy Leo, PSCI.

19 MR. ROGGE: Mike Rogge. California
20 Manufacturers.

21 MR. SHESTEK: Tim Shestek with the American
22 Chemistry Council.

23 MS. COLEMAN: Brenda Coleman, Cal Chamber.

24 MS. OUJI: Sana Ouji, Cal Chamber.

25 MR. NORTON: Howie Norton, Norton Packaging.

1 MS. HAUSEN: Laurie Hausen, The Houston Group
2 APR.

3 MS. VANG: Sue Vang, Californians Against
4 Waste

5 MR. PRIGMORE: Matthew Prigmore, Office of-

6 BRANCH MANAGER VAN KEKERIX: Could you say
7 that closer to the microphone so we make sure that we've
8 got it?

9 MR. PRIGMORE: Matthew Prigmore, Office of
10 Randy Polluck.

11 STAFF PERSON DENZ: Karen Denz, CalRecycle.

12 STAFF PERSON JOHNSON: Neal Johnson. Actually
13 the nametag has the name of the department, which the
14 official name is CalRecycle's our email and general name
15 and the controller pays us by the old name which is the
16 Integrated Waste Management Board which doesn't exist
17 otherwise.

18 STAFF PERSON PETTY: Steve Petty, clerical
19 help for CalRecycle.

20 STAFF PERSON PFOST: Georgianna Pfof for
21 CalRecycle.

22 UNIT SUPERVISOR MARSH: Kathleen Marsh,
23 CalRecycle.

24 SECTION MANAGER O'SHAUGHNESSY: Trevor
25 O'Shaughnessy, CalRecycle.

1 BRANCH MANAGER VAN KEKERIX: Okay. I am going
2 to turn this—oh, excuse me.

3 STAFF PERSON WILLIAMS: Clark Williams,
4 CalRecycle.

5 BRANCH MANAGER VAN KEKERIX: I'm going to turn
6 this over to Trevor O'Shaughnessy who will be basically
7 running our meeting here and keeping us on track.

8 SECTION MANAGER O'SHAUGHNESSY: Thank you,
9 Lorraine for taking a moment to step in for me while I
10 tried to continue to work with our IT to resolve our
11 broadcasting of this workshop.

12 As Lorraine stated, thank you very much for
13 participating in our workshop. To begin, we would like
14 to—I would like to introduce Kathy Marsh. Kathy will
15 start by reviewing our agenda and specifically taking up
16 two topics—the recapping of changes in the July 29, 2011
17 Second 45 Day Comment Version of the Proposed
18 Regulations and then she'll also be addressing and
19 covering a summary of comments received during the
20 Second 45 Day Comment Period. With that, Kathy.

21 UNIT SUPERVISOR MARSH: Hi and yay, we can
22 start. As you can see from the Agenda, the purpose of
23 today's Workshop is to briefly summarize the changes
24 included in the Second 45 Day Comment Period Version of
25 the RPPC Regulations which were outlined in the notice

1 of July 29.

2 The comments we received during that period
3 and the proposed draft changes for the next 15 Day
4 Public Comment Period, then we'll offer an opportunity
5 for you to share oral comments on the Second 45 Day
6 Version of the Regulations as well as comments or
7 questions on the draft proposed changes for the 15 Day
8 Comment Period Version of the Regulations. Finally,
9 we'll discuss the next steps staff is taking, are
10 taking, including a possible calendar to finalize the
11 regulation package.

12 Let's start with a brief review of the changes
13 included in the Second 45 Day Version of the RPPC
14 Regulations.

15 This revision to the Regulations package
16 included numerous small changes for clarity and
17 consistency. For example, we made consistent the
18 capitalization, punctuation and indentation and also
19 terminology such as using the term Calendar Days and the
20 full term Rigid Plastic Packaging Container wherever and
21 whenever appropriate. As discussed in our prior
22 Workshops, we added more specific timeframes or
23 clarified them throughout the Regulations for clarity as
24 to when submittals are due and the Department's
25 responses to times. Also, as discussed in prior

1 workshops we reordered lists of documentations required
2 in the Certifications Section 17945.3 and reorganized
3 the Compliance and Penalty Formula Sections 17945.5 and
4 17949 for clarify and consistency. We added
5 definitions to help ensure more consistent
6 interpretation of program requirements. The significant
7 new definitions which were discussed at prior workshops
8 included those shown here for concentrated product which
9 means a product which has been intensified or made
10 denser or stronger to achieve more uses per unit.

11 Container Line means a group of rigid plastic
12 packaging containers holding the same product and
13 manufactured with identical plastic resins, layers,
14 styles, shape, volume and weight.

15 Product line means a family of related
16 products, products within a line may be number one, but
17 the same type of product number two, sold to the same
18 type of customer and/or number three sold through
19 similar outlets. A product line may include more than
20 one container line.

21 Product sub-line means a group of related
22 products within a product line. Product sub-lines may
23 vary from one another due to factors such as container
24 size, fragrance or level of concentration. A product
25 sub-line may include more than one container line.

1 During the Second Public Comment Period ending
2 September 15, 2011 we received comments and questions
3 from 11 parties. The topics covered included changes to
4 specific definitions, elimination of source reduction
5 compliance credit for resin switching, general comments
6 on the statutory compliance options, the certification
7 selection process and timelines, the documentation
8 requested when claiming the source reduction
9 concentration compliance option, the exemption request
10 process, the overall rulemaking and implementation
11 timelines and a request to determine if specified
12 containers were RPPC.

13 Many of the comments were similar to those
14 submitted during the prior comment period or workshops.
15 We have reviewed them all and have proposed some revised
16 language in preparation for a 15 Day Public Comment
17 Period. The comments received in the Second 45 Day
18 Public Comment Period were both pro and con for the
19 definitions, opposed consumer material, rigid plastic
20 packaging containers sourced reduction, specifically
21 resin switching, and reusable rigid plastic packaging
22 containers. Staff has reviewed and analyzed the
23 comments received and is not recommending any additional
24 changes in the text for these four definitions in the
25 upcoming 15 Day Public Comment Period.

1 Staff proposes to use the Second 45 Day Public
2 Comment Version of the definitions of postconsumer
3 material, RPPCs and reusable RPPCs, the certification
4 process and timelines discussed in prior workshops and
5 removing resin switching as a source reduction option.

6 A large number of comments were received on
7 five specific topics. I will review staff's reasoning's
8 for no additional changes specifically for the
9 definition of postconsumer materials staff believes that
10 the Second 45 Day Public Comment Version balances both
11 industry and environmentalist's concerns thus allowing
12 finished or rejected material to be counted as
13 postconsumer material and adhering to statutes by not
14 accepting post industrial material as postconsumer
15 material.

16 The definition of reusable RPPC was questioned
17 in so much as whether long term storing of an item such
18 as a tool within the RPPC in which it was sold is the
19 same as what the Public Resources Code suggests. The
20 statute defines reuse only when the same product
21 manufacturer sells a product that is intended to
22 replenish the original contents of the RPPC at least
23 five times.

24 For the definition of RPPC, staff believes
25 language that has been developed levels the playing

1 field for RPPCs that are essentially the same in terms
2 of environmental impacts. For example, buckets that can
3 both carry the same amount of material but one has a
4 metal handle and one does not, clam shells that open
5 multiple times and those that are heat sealed shut
6 during the manufacturing process. Staff also included
7 using the ASTM D 6988.8592 to define what is film thus
8 flexible versus rigid.

9 The definition of source reduction containers
10 is another widely commented subsection. There were
11 arguments for and against the allowance of resin
12 switching to meet the 10 percent reduction goal using as
13 a guide both the Public Resources Code and one of the
14 goals of the Department which is reusing as much
15 postconsumer material as possible. Staff is not
16 proposing changes for the 15 Day Public Comment Period
17 Version.

18 Container requirements are defined by the
19 Public Resources Code and further explained within
20 regulations. Comments received regarding compliance
21 methods addressed each individually and did not
22 acknowledge the other compliance options. There are
23 five ways to comply with this law. A 25 percent
24 postconsumer material within the item, 45 percent
25 recycling rate for similar products, reuse or refillable

1 containers, source reduced containers or the floral
2 industry container option. Furthermore, there is an
3 averaging allowance in which a company can use a case,
4 in that case, instead of the other options if it's not
5 able to meet the mandates using the other particular
6 options. Also, there seems to be a misunderstanding
7 whether or not blister packs are RPPCs. Staff has
8 determined that they are not RPPCs and there are no
9 requirements within this law about them therefore staff
10 does not need to analyze this blister pack issue since
11 it does not fall under purview of this law.

12 Are there any further questions or any
13 questions about any of these items at this time?

14 SECTION MANAGER O'SHAUGHNESSY: Before we go
15 on to questions, one thing that I overlooked when we
16 were doing our introductions was those that may be
17 participating on the now Conference Call, if you could
18 just take a moment to introduce yourselves-

19 BRANCH MANAGER VAN KEKERIX: They did.

20 SECTION MANAGER O'SHAUGHNESSY: Oh, you did?
21 I apologize for that. My error, I was out of the room
22 at that time.

23 So then, with that, we'll start here in the
24 room. Are there any comments or questions with regards
25 to the overview of the recap of the Second 45 Day

1 Comment Version as well as the summary of comments
2 before we continue on with our agenda?

3 MR. MARKS: Yes. May I ask a question?

4 SECTION MANAGER O'SHAUGHNESSY: Yes, please.

5 If you could state your name for the record and who you
6 represent and spell your name as well.

7 MR. MARKS: My name is Ted Marks. That's T-e-
8 d M-a-r-k-s with JVC. I had a question regarding the
9 clamshell packaging. I understand both that blister
10 packs are not included as a rigid plastic. Are there
11 other kinds of containers such as a clamshell or two
12 hard plastic halves that hold some component but that
13 are not reclosable which is used once and then
14 discarded.

15 SECTION MANAGER O'SHAUGHNESSY: A clamshell if
16 it meets the volume or capacity requirements for 8
17 ounces to 5 gallons—8 ounces to 5 gallons—that's if it's
18 liquid. If it's a solid product, a plug in or a phone
19 or other electronic for your example then it would be an
20 equivalent of that capacity.

21 MR. MARKS: Of 8 ounces?

22 SECTION MANAGER O'SHAUGHNESSY: Of an 8 ounce
23 volume, yes.

24 MR. MARKS: An ounce 8 volume. Okay. Yes.

25 And those would be—fall under this regulation.

1 SECTION MANAGER O'SHAUGHNESSY: That is
2 correct.

3 MR. MARKS: Okay. Thank you.

4 SECTION MANAGER O'SHAUGHNESSY: Are there any
5 other questions from the phone? And I'm not seeing any
6 questions here in our meeting room. Again Tim, if you'd
7 state your full name and who you're representing.

8 MR. SHESTEK: Sure. Tim Shestek with the
9 American Chemistry Council. Just a couple of questions.
10 We had submitted some comments, just first on the
11 definition of postconsumer material. We had made some
12 comments suggesting that CalRecycle ought to, in
13 drafting the regulations, use the Federal Trade
14 Commission's guidelines for marketing environmental
15 claims as a standard. So the example that we provided
16 was that if I were to purchase, for instance, from Mike
17 Rogge's company material that he was going to be
18 discarding and he could demonstrate that that material
19 was headed to a landfill, I purchased the material and
20 then subsequently used that material to manufacture a
21 new product, that ought to count toward the recycled
22 content compliance option. I wasn't sure if that was
23 the actual case in terms of the proposed regs or if it
24 wasn't. I do think there ought to be, and we tried to
25 make a case that there ought to be—situations where if a

1 company can demonstrate that the material they're using
2 whether it's postconsumer or post-industrial scrap is
3 destined for landfill and they're actually using that
4 material to manufacture a new product. That ought to be
5 considered as in compliance with the requirement so I
6 was hoping to see some clarification of that.

7 UNIT SUPERVISOR MARSH: Okay.

8 MR. SHESTEK: At some point.

9 UNIT SUPERVISOR MARSH: Yeah.

10 MR. SHESTEK: Whether it's today or in the
11 future.

12 SECTION MANAGER O'SHAUGHNESSY: Great.

13 BRANCH MANAGER VAN KEKERIX: Okay. So some of
14 the material that you're talking about would be post-
15 industrial material?

16 MR. SHESTEK: Correct.

17 BRANCH MANAGER VAN KEKERIX: Which the
18 proposed regs were looking at not allowing?

19 MR. SHESTEK: Correct.

20 BRANCH MANAGER VAN KEKERIX: And how would you
21 demonstrate that this material was destined for
22 landfills and disposable.

23 MR. SHESTEK: Well, it's my understanding
24 under the FTC Guidelines that you have to substantiate
25 those environmental marketing claims if you were to say

1 that my container contains recycled content material,
2 you'd have to substantiate that that material as, at
3 some point, destined for disposal. So there ought to be
4 some sort of option. I don't know how we could craft
5 that but if a company can demonstrate that they're using
6 material that otherwise would have been disposed of, it
7 seems in our sense that it ought to be an acceptable use
8 of that material if we're demonstrating compliance with
9 the law.

10 BRANCH MANAGER VAN KEKERIX: So—

11 MR. SHESTEK: And perhaps you could make that
12 substantiation under the container certification
13 requirements or even from a product manufacture
14 certification standpoint. If you could make that
15 determination. We just think that ought to be a part of
16 the overall ability to comply with the law.

17 BRANCH MANAGER VAN KEKERIX: So the—do—have
18 you specifically used those guidelines or know what the
19 substantiation is required under those guidelines or—

20 MR. SHESTEK: I know that that information is
21 available and I certainly could get that to you.

22 BRANCH MANAGER VAN KEKERIX: Okay.

23 MR. SHESTEK: We did suggest that using the FTC
24 guidelines as a model, at least, in this particular
25 instance might be appropriate.

1 UNIT SUPERVISOR MARSH: Well working beyond
2 that, the regulations proposed regulations state that
3 this is the term post-industrial is material that—let me
4 read that section—subsection. For postconsumer
5 material, postconsumer material does not include
6 materials and by-products generated from and commonly
7 used within an original manufacturing and fabrication
8 process. So I'm thinking here that the scraps made
9 within that one manufacturing process, not scraps made
10 in that process and perhaps sold to another manufacturer
11 that could fall within those guidelines that you're
12 speaking of.

13 MR. SHESTEK: Okay. There were some questions
14 that were raised about that interpretation so I just
15 wanted to reiterate that again today.

16 SECTION MANAGER O'SHAUGHNESSY: In part, Tim,
17 we definitely want to get that specific information. As
18 I recall, from the comments, there was no direct
19 reference that you had to a section. So if you do have
20 that available, that would be wonderful so that we could
21 in part review that, analyze that so we could move
22 forward.

23 The other element that I would like to refer
24 to is within—and sorry for this—17943Q, which is
25 postconsumer material, in past workshops and past

1 efforts specifically Q2. This may be addressing part of
2 your concern, not entirely, but finished plastic
3 packaging that has been rejected by a container or
4 product manufacturer and that has been commonly disposed
5 may be considered postconsumer material if it is later
6 used in a process other than the original manufacturing
7 and fabrication process. Throughout our workshops,
8 throughout the input we've been having on this entire
9 process that was some language that as a working group
10 we've come to consensus with. That may, in part, be
11 addressing exactly what you had presented but you are
12 also now adding to that the FTC standards, I believe if
13 I heard you correctly, and we would want to make sure
14 what we have here is consistent with that as well.

15 MR. SHESTEK: Yeah. I recall that
16 conversation during the workshops and I think there was
17 consensus that we're not talking about material that a
18 manufacturer would sweep up off their shop floor and
19 use--

20 UNIT SUPERVISOR MARSH: Exactly.

21 MR. SHESTEK: And in this instance though if a
22 company, and I understand this has happened in the
23 marketplace, if a company purchased the material from
24 another company that has that shop floor scrap that
25 they're not reusing for whatever reason and they're

1 going to end up just disposing of it, if there's a
2 market for that material, we just think that ought to be
3 included in the ability to demonstrate compliance under
4 the Content Compliance Option.

5 UNIT SUPERVISOR MARSH: Again, I think the key
6 term here is original manufacturing process. I think
7 that would be the common business practice of cleaning
8 up the scraps off the floor and throwing them back into
9 the bucket, if you will.

10 MR. SHESTEK: Right. And I think we all have
11 come to the agreement that that's not what we're talking
12 about but that we're talking about—

13 UNIT SUPERVISOR MARSH: Precisely.

14 MR. SHESTEK: Okay.

15 SECTION MANAGER O'SHAUGHNESSY: Are there any
16 other comments with regard to the two initial topics on
17 the agenda?

18 MR. SHESTEK: Trevor, just minimally—

19 SECTION MANAGER O'SHAUGHNESSY: No, please.
20 The purpose here—don't feel bad—our purpose here and
21 intent is to get the feedback and comments so thank you.

22 MR. SHESTEK: I know we've talked about this
23 issue ad nauseum over the summer dealing with the resin
24 switching proposal. I think we're looking, from our
25 association standpoint, and some others looking for some

1 substantiation from CalRecycle as to why this change is
2 necessary. Why it's being proposed and what the
3 objective is that you're trying to achieve by
4 eliminating that option. As we filed our comments, we
5 also filed some materials we felt made the case, that
6 since this law has been enacted---that since this
7 regulation was initially adopted, this provision has
8 been part of the program ever since the inception.
9 During that time we've seen tremendous growth in the
10 infrastructure for collecting material, not just bottle
11 material but rigid material as well, as well as demand
12 for that material in terms of the recycling to market.
13 We're not sure what the objective is and believe that
14 CalRecycle should be providing some substantiations for
15 why that change is being proposed and what the objective
16 is. We'd like to see that. We don't feel that it's
17 appropriate to make that change, as we've mentioned in
18 our written comments and I wanted to reiterate that
19 again today.

20 SECTION MANAGER O'SHAUGHNESSY: Thank you.
21 Any additional comments? All right. At the end of the
22 workshop we have today, we'll have an opportunity to
23 come back and have any questions and all comments,
24 everything we're addressing as well as the regulations
25 in general. So if you think of things, please make your

1 notes and at the end of our workshop we will come to
2 that.

3 At this point we would like to move on with
4 our agenda with regards to the draft changes to the
5 regulations for the 15 Day Public Comment Period and,
6 again, Kathy will make this presentation.

7 UNIT SUPERVISOR MARSH: All right. Now we'll
8 look at the proposed draft changes for the 15 Day Public
9 Comment Period Version of our state regulations. We
10 will be publishing the next draft of the regulations for
11 a 15 Day Comment Period so staff have been working to be
12 sure that the regulations are as clearly worded as
13 possible. To that end, besides making some changes in
14 response to some public comments, which I will get to
15 momentarily, staff have identified and drafted
16 clarifications to several sections. For example, we
17 noticed that references to the Public Resources Code
18 were unintentionally formatted differently so we're
19 making them the same.

20 Similarly, we noticed some certification items
21 such as contact information or container type included
22 in parenthetical examples and sometimes did not so we're
23 making those consistent.

24 Okay. Now at this point, we're going to ask
25 that you pull out the handout that we provided you

1 because we will be referring to that from here on out.

2 On page—Okay. So just so you know how we're
3 working on this with the 15 Day Public Comment Period.
4 There's been a lot of underlining and underlining and
5 crossing out and we've had to go to double underlining
6 and double strikeout and now we're onto bigger and
7 bolder things. So we've got larger fonts for the newer
8 language that we are and are not including within the
9 regulations. We have highlighted for simplicity of
10 read, hopefully, the sections at least so you can follow
11 along where they are.

12 Okee-dokey. On page 1 of the handout, we are
13 removing the phrase on the term "Container Line"
14 17945.3C "holding the same product" from the definition
15 of Container Line as product manufacturers certify
16 compliance by Container Line and the same Container Line
17 may be used for multiple products. As you can see, we
18 have the clean version up on the screen and if you have
19 any questions or comments at this time about this
20 change, please let us know now.

21 SECTION MANAGER O'SHAUGHNESSY: So please take
22 the opportunity to review the proposed language and if
23 you have any comments and for those online if you have
24 any comments just note your name.

25 UNIT SUPERVISOR MARSH: All righty.

1 SECTION MANAGER O'SHAUGHNESSY: So the
2 proposed language is what we are proposing to put on the
3 street for the 15 Day Comment period. You will have
4 additional opportunity to review this but at this time
5 are there any comments within the room with regard to
6 the Container Line and the proposed language?

7 There is none at this time. Is there anyone
8 on the phone who wishes to comment? All righty, thank
9 you. Kathy?

10 UNIT SUPERVISOR MARSH: All right. Moving on
11 to Product Manufacturer's Certification Information,
12 17945.3(b) 2, also on page one of the handout. For
13 clarity and completeness we added language to the
14 section on the general product manufacturer information
15 to be provided in the certification. Specifically the
16 changes will clarify the question as to whether the
17 product manufacturer offers products in RPPCs in
18 California and not just the containers themselves, and
19 asks that the manufacturer lists both its products with
20 a waiver as well as containers for which its claiming an
21 exemption. Again the clean version is on the screen and
22 we are opening up for comments or questions.

23 SECTION MANAGER O'SHAUGHNESSY: So this is
24 addressing Section 17945.3(b) 2. We're looking to add
25 some clarity to the language proposed in the

1 regulations. The text that's in the larger font and
2 double underlined is the proposed changes. Are there
3 any comments in the room at this time? Are there any
4 comments on the line?

5 STAFF PERSON PETTY: Nothing from GoTo at this
6 time.

7 SECTION MANAGER O'SHAUGHNESSY: Thank you.
8 Kathy?

9 UNIT SUPERVISOR MARSH: Moving on to Source
10 Reduction. In 17945.3(d)2(C), (d)3(C) and (d)4(E) on
11 pages two and three of the handout, these three sections
12 within Source Reduction subsections for product
13 manufacturers certification information, staff realized
14 a missing piece of information for those claiming source
15 reduction compliance by weight and/or reduction.
16 Specifically—oh, sorry—weight and/or reduction
17 concentration. Specifically the date of the source
18 reduction. We've added that "and" at the end of those
19 three subsections in 17945.3(d) the specific language is
20 the date also known as month and year of the source
21 reductions. Again, the clean version is on the screen.
22 And, again, do you have any questions or comments at
23 this time?

24 SECTION MANAGER O'SHAUGHNESSY: So within
25 17945.3 this is dealing with the product manufacturer

1 certification information specifically the title of the
2 section and the clarification that's being proposed is
3 that the date of the source reduction is provided so
4 that a full analysis can be conducted to determine and
5 pull those elements together within subsection
6 17945.3(d) 2(C), (d) 3(C) and (d) 4(E). Are there any
7 comments or questions related to that clarity that's
8 being proposed? Nothing in the room. Anything on the
9 line?

10 STAFF PERSON PETTY: Nope.

11 UNIT SUPERVISOR MARSH: All right.

12 SECTION MANAGER O'SHAUGHNESSY: Kathy, please.

13 UNIT SUPERVISOR MARSH: Moving onto 17949(c)
14 which is on page five of the handout, the change within
15 the penalty section of 17949 staff clarified that the
16 statutory per annum penalty cap of \$100,000 relates to
17 the calendar year of the certification cycle. Again,
18 the clean copy is on the screen and we are opening up
19 for comments or questions regarding the change.

20 SECTION MANAGER O'SHAUGHNESSY: 17949, the
21 title of this section is The Violations and Penalties.
22 And, again, we're looking at adding some clarity to the
23 language with regards to the penalty not exceeding the
24 calendar year of the certification cycle. Are there
25 comments or questions? Any comments or questions

1 online?

2 STAFF PERSON PETTY: None.

3 SECTION MANAGER O'SHAUGHNESSY: Kathy, please.

4 UNIT SUPERVISOR MARSH: On the handout pages
5 two and three, subsection 17945.3(d)(3)(A) and (4)(B)
6 the product concentration options, staff is proposing to
7 clarify the documentation required for those claiming
8 compliance by product concentration. Some commenters
9 expressed concerns about proprietary and trade secrets
10 that might be revealed in describing how the product
11 manufacturer concentrated the product. Staff proposed
12 removing this phrase and instead clarifying that the
13 product manufacturers provide the methodology for
14 calculating the change and uses per unit. The clean
15 version of the text is up on the screen and we're
16 opening up for comments and/or questions.

17 SECTION MANAGER O'SHAUGHNESSY: 17945.3 is
18 addressing the product manufacture certification
19 information and the proposed language is trying to
20 address the product concentration as an option of
21 compliance. Are there any comments or questions on the
22 proposed language? Are there any comments online?

23 STAFF PERSON PETTY: None.

24 SECTION MANAGER O'SHAUGHNESSY: Kathy, please.

25 UNIT SUPERVISOR MARSH: Okay. Moving on,

1 staffed received a few comments on the fact that the
2 section on exemptions 17946.5, handout pages four and
3 five, is repeated from statute. Staff acknowledges
4 these comments and has proposed clarification to this
5 section. Section 17946.5(a) has minor changes to
6 clarify wording and 17946.5(b) has undergone some other
7 changes. Regarding the comments about why product
8 manufacturers would need to request an exemption while
9 they're already given in statute, the proposed language
10 will clarify what staff needs to review the product
11 manufacturer—when the product manufacturer is claiming
12 an exemption. So if there are questions, staff can
13 alert the requester in advance of the certification due
14 date. Within 17946.5(b) we've revised language to
15 change the term "receive to claim and request to report"
16 to more accurately state the intent. Again, the clean
17 version is up on the screen and we're opening up for
18 comments on this portion.

19 SECTION MANAGER O'SHAUGHNESSY: So within
20 section 17946.5 Exempt Rigid Plastic Package Containers,
21 staff is proposing language to clarify some information
22 that's needed to support the exemption of a product and
23 its container from the regulation. Are there any
24 comments within the room? Are there any comments
25 online?

1 STAFF PERSON PETTY: Nope.

2 SECTION MANAGER O'SHAUGHNESSY: Kathy, please.

3 UNIT SUPERVISOR MARSH: Also within the
4 comments about this exemption subsection, there was
5 concern about the requirement to essentially submit a
6 certification to determine whether or not a product
7 within an RPPC meets the exemption requirements. Due to
8 that, staff has drafted proposed language to change
9 description to photograph of the container as well as
10 the documentation for the claim such as the USDA-USFDA
11 labeling or the US EPA FIFRA Registration number. The
12 rest of 17946.5 has only grammatical changes which are
13 not substantive. And again we're opening up for
14 comments or questions.

15 SECTION MANAGER O'SHAUGHNESSY: So we're
16 recognizing that this language in the proposed changes
17 are new and are being presented to you at this point.
18 We do want to take as much time as we can to allow you
19 to review that. Is there anything online that's coming
20 in?

21 STAFF PERSON PETTY: Nope.

22 SECTION MANAGER O'SHAUGHNESSY: Is there
23 anyone on the phone that wishes to comment?

24 STAFF PERSON PETTY: Nothing at this time.

25 SECTION MANAGER O'SHAUGHNESSY: Those are the

1 sections that staff has—that we’re proposing in addition
2 to, as Kathy noted early on, there are some areas that
3 have grammatical and/or other minor changes for
4 consistency with the language of the regulations.

5 So are there any questions with regards to the
6 comments of any portion of the presentations today or
7 any comments in general to the regulation package and
8 the proposed language of the regulations? Pansy?

9 MS. LEO: Pansy Leo, representing PSCI. P-a-
10 n-s-y.

11 SECTION MANAGER O'SHAUGHNESSY: Pansy, I don't
12 think your microphone is on. If you could push the
13 button. There you go.

14 MS. LEO: Okay. Pansy Leo. P-a-n-s-y L-e-o.
15 Representing PSCI which is the Plastic Shipping
16 Container Institute which is an industry trade
17 association. I represent over 90 percent of pail
18 manufacturers in North America. We have submitted
19 comments before through Randy Polluck but we would like
20 to add some comments on the market demand for PCR from
21 our pail industry. We have research from our own PSCI
22 membership base and compared to the supply of PCR
23 material that is non-bottle injection grade since this
24 is the type of PCR that can be used in manufacturing of
25 our pails.

1 PSCI has been collecting market data from its
2 members in terms of units of containers sold per year.
3 In 2009 the 1-5 gallon pail industry demand requires
4 109,009, 737 pounds of HDPE non-bottle, injection grade
5 PCR material in order to comply with the RPPC regulation
6 assuming the metal handle exemption will go away.

7 This figure excludes food, UN and FIFRA
8 regulated products. The numbers should be even larger
9 since it does not include 8 ounce to 1 gallon sized
10 containers. The figure includes units sold to U.S. and
11 Canada since it is very difficult for pail manufacturers
12 to know which of its pails will end up for sale in
13 California due to the significant amount of pails sold
14 to distributors who in turn resell into California
15 without our knowledge. Therefore, we need to treat each
16 pail as if it were destined for sale in California in
17 order to comply with the regulation. However, in 2009
18 there was potentially 58,675,010 pounds from U.S. and
19 Canada of HDPE, non-bottled injection grade PCR material
20 available for pail manufacturers and this is based on
21 the Moore Recycling Study entitled, "2009 National
22 Report on Postconsumer Non-Bottled Rigid Plastic
23 Recycling and 2009 Moore Recycling Report completed for
24 the CPIA" which is the Canadian Plastic Industry
25 Association. This potential supply does not take into

1 account other considerations such as melt index,
2 consistent quality and color of PCR supply that pail
3 manufacturers have to use in order to meet our
4 customer's demands such as in clear pails in which we
5 cannot use PCR and maintain the clarity of containers or
6 light colored containers which requires a light color of
7 PCR material of which there is short supply. The
8 pigmented PCR material available is largely for black
9 pail applications that represents a small complement of
10 the overall pail demand.

11 These considerations would further
12 significantly erode the amount of usable PCR materials
13 available to pail manufacturers. This shows that there
14 is insufficient supply to meet demand. Also, the 58
15 million figure assumes that all the recollected material
16 is captured and that reclamation facilities exist to
17 convert it into usable resin which does not currently
18 exist at this moment.

19 Another point is the pail industry is but one
20 of the users of the recycled HDPE that is suitable and
21 available for incorporation into pails. Other injection
22 molding applications also vie for the same type of
23 resin. Examples include the crate industry and the cart
24 industry.

25 We cannot incorporate bottle-grade HDPE, which

1 is fractional melt, having a melt index of less than 1
2 with our injection molded HDPE pails that have a melt
3 index of around 6-8, without adversely affecting
4 processability, cost and performance. Performance that
5 is needed to comply with the necessary fit, form,
6 function and safety required by our customers so their
7 employees don't have any accidents involving our pails
8 that crack open, spilling product in a warehouse or
9 throughout their supply chain and injuring people.

10 The vast majority of PCSI members still
11 experience, to this day, great difficulty in obtaining
12 sufficiently quantities of consistent high quality, HDPE
13 or polypropylene PCR material. And the key emphasis is
14 material that is certified to meet our quality
15 requirements. This is a serious issue for pail
16 manufacturers who must meet rigorous performance and
17 safety requirements for our customer's shipping, packing
18 and stacking needs.

19 And because of those, pail manufacturers need
20 options to meet compliance. Until a recycling
21 infrastructure is developed to address our issues there
22 needs to be more compliance options.

23 SECTION MANAGER O'SHAUGHNESSY: Thank you,
24 Pansy for those comments. Are there other general
25 comments and are there any oral comments on the Second

1 45 Day Version of the regulations that have not already
2 been discussed?

3 MS. LEO: I have one final comment.

4 SECTION MANAGER O'SHAUGHNESSY: Please do.

5 MS. LEO: Pansy Leo. P-a-n-s-y L-e-o. Just a
6 comment about the 10 percent source reduction with HDPE.
7 Most pails in North America are made out of HDPE and
8 it's well known in our industry and tried improvement
9 out that we can maximize source reductions by switching
10 from HDPE to polypropylene while maintain performance
11 due to the physical chemical properties of
12 polypropylene. The key is maintaining performance since
13 we cannot achieve this by source reducing an HDPE
14 container by 10 percent or more with the same type of
15 resin without incorporating a brand new technology which
16 requires a significant time and capital investment. We
17 need to maintain performance and safety criteria for our
18 customers.

19 SECTION MANAGER O'SHAUGHNESSY: Yes, please.
20 Again, please state your name and who you represent for
21 the record.

22 MR. NORTON: My name is Howie Norton. I'm
23 with Norton Packaging. Our corporate offices are in
24 Hayward. We manufacture—we're the largest manufacturer
25 of 5 gallon plastic pails in the state of California.

1 We've been doing businesses in the state of California
2 for 110 years. We have an operation in Los Angeles and
3 an operation in Indiana.

4 I take issue with what Pansy has been telling
5 you. First of all, Pansy is employed by Ropak. Ropak
6 is an outfit owned and controlled out of England and
7 they, at this time, she can correct me, at this time,
8 there are no manufacturing points in California for
9 Ropak. The nearest one being, I believe, in Vancouver,
10 British Columbia. I take issue with it because I have
11 in front of me here a statement from CalRecycle's
12 Department of Resources, Recycling and Recovery. We
13 didn't ask for this but the records are out there,
14 excuse me, and they are notifying us that in the first
15 quarter of January through March of this year we
16 purchased 49 tons of high density polyethylene plastic
17 recycled material and 17.8 tons of polypropylene plastic
18 material to be used in our operations for compliance and
19 for some of our customers in some of our smaller
20 containers.

21 We should be aware that we see no shortage in
22 our purchasing of this recyclable material and we have
23 never seen a shortage in recycling material. Also,
24 Pansy, I was disappointed that she didn't identify
25 herself as being an employee of Ropak. The organization

1 that she is referring to, the Plastic Shipping Container
2 Institute. We are members and have been members for
3 many, many years and Ropak is also a member. The
4 consensus of the total population of the Plastic
5 Shipping Container Institute there are some people like
6 ourselves that are opposing a switch from polyethylene
7 to polypropylene in pail manufacturing.

8 It would require completely new tooling. Just
9 one mode alone is worth about \$300,000 and you can
10 multiply that by many that we operate and we are opposed
11 to any switch from polyethylene to polypropylene at this
12 point. I've been in these meetings. I started in 1989.
13 I was in every meeting for the original law that was put
14 together at that time and at that time I was very
15 concerned about the five gallon pail and working with
16 the people in the meeting in 1989 when they adopted the
17 volumetric volume theory on the pail. I convinced them
18 that with the general freight being used for many, many
19 5 gallon plastic pails everyday in California we have to
20 be very, very careful on what our container will do if
21 we get a container that opens up in shipment it can do a
22 great amount of damage to a general freight load. We
23 are—our quality control is very extensive and we have
24 to, on the 5 gallon pail, there's so much material and
25 so much weight and if there's a stress crack it can

1 damage so much freight in the container. You can
2 imagine a 5 gallon supply of black paint opening up with
3 many, many commodities in a general freight. Any
4 consideration would have to be taken up with the
5 California Trucking Association and their response on
6 it.

7 The only reason that I've jumped in on this is
8 that there's been some misstatements here otherwise in
9 all my meetings I really haven't, in the last several
10 years, had anything to say but I do on this one. And
11 that's what I had to say.

12 MS. LEO: I'd like to respond to that.

13 SECTION MANAGER O'SHAUGHNESSY: Thank you, Mr.
14 Norton for your comments. Pansy.

15 MS. LEO: Pansy Leo. Yes, I do work for Ropak
16 Packaging but I was authorized to also represent PSCI of
17 which we are a member of. Mr. Norton's company may not
18 have issues with getting supplies of PCR but other big
19 members have this concern about getting enough PCR. I
20 do have email confirmation from these other major
21 companies that are also part of the PSCI and have
22 problems with this and wanted me to bring that issue up.

23 The other thing is, I know Mr. Norton opposes
24 from going from polyethylene to polypropylene. Yes that
25 will require a significant capital investment. No one

1 is forcing you to do that but we see it as giving pail
2 manufacturers flexibility in choosing the proper
3 material to meet fit, form, function and safety
4 requirements for our customers. By limiting that,
5 you're limiting the flexibility of pail manufacturers to
6 choose the appropriate type of material that technically
7 meets the specs for our customers.

8 SECTION MANAGER O'SHAUGHNESSY: Thank you,
9 Pansy. Are there any additional comments or oral
10 comments with regards to the Second 45 Day Version of
11 the regulations? Is there anything online?

12 STAFF PERSON PETTY: Nothing from GoTo.

13 SECTION MANAGER O'SHAUGHNESSY: Is there
14 anything on the phone at this time? Okay. No. And we
15 do have someone here in the audience. Yes, thank you.
16 We have two separate microphones. One of them is the
17 Court Reporter's microphone and the other is our
18 broadcast microphone as well. So thank you for pulling
19 those two together.

20 MS. VANG: Sure.

21 SECTION MANAGER O'SHAUGHNESSY: And again, for
22 the record, if you could state your first and last
23 names, spelling and also who you represent, please.

24 MS. VANG: Sue Vang. S-u-e V-a-n-g.
25 Californians Against Waste. We'd also just like to

1 disagree with the statement that there's insufficient
2 supply to meet demand. Looking at U.S. EPA number and
3 extrapolating for California we found that the total
4 plastic containers for both food and non-food RPPCs
5 generated in our state include about 327,471 tons of
6 PET, 327,471 tons of HDPE and 144,472 tons of
7 polypropylene. So if all the plastic containers sold in
8 California had to meet the 25 percent RPPC recycled
9 content requirement, manufacturers would need about
10 200,000 tons of plastic and thanks to our successful
11 collection of recycling infrastructure. There are
12 currently more than 275,000 tons of plastics that are
13 collected which is more than enough to meet that 25
14 percent recycled content requirement.

15 We also just want to reiterate of our support
16 of the changes that have been made in the regulations
17 and thank staff for their hard work on this.

18 There is a growing—there is a growth in
19 domestic recycling facilities, especially here in our
20 state, and we need to continue to feed this growth.

21 Thank you.

22 SECTION MANAGER O'SHAUGHNESSY: Thank you.

23 Yes, please. Pansy.

24 MS. LEO: Pansy Leo. I have two comments to
25 make. One comment I forgot to make to Mr. Norton who

1 was accusing us having no manufacturing plant in
2 California which we have closed. That is not relevant
3 to the point because containers can be manufactured all
4 across the U.S. or Canada but if it's sold in California
5 it's regulated by RPPC. So that has no relevance. I
6 didn't appreciate that.

7 The other thing regarding insufficient
8 quantities of PCR materials. You're giving very general
9 types of PCR materials. Pail manufacturers can only use
10 non-bottle, rigid injection grade and has to be
11 consistent quality. Even an article written in *Plastics*
12 *News* by the APR published July 5, 2011 and I can read
13 this statement. It says:

14 Demand for recycled plastic grows as an
15 increasing number of consumer goods and
16 packaging look to PCR as a clean and viable
17 feedstock. The Association of Postconsumer
18 Plastic Recyclers Members have invested in the
19 technology, developed the flexibility and
20 pursued the growth potential needed to keep up
21 with demand for our materials. The demand is
22 there. The processing capacity is there.
23 What's missing? Reliable quantities of high
24 grade bales. It is well understood that the
25 current capacity to process PCR outpaces

1 domestically-sourced supply.

2 SECTION MANAGER O'SHAUGHNESSY: Pansy. If you
3 don't mind, if you have an additional copy of that
4 article, that would be appreciated. And that was from
5 *PlasticNews.com* was the reference and it was posted on
6 July 5, 2011 and we thank you for that. Yes?

7 MR. NORTON: Howie Norton. Norton Packaging.
8 A little rebuttal here.

9 SECTION MANAGER O'SHAUGHNESSY: If I could get
10 you to use both microphones, that'd be appreciated.
11 Thank you. Sorry.

12 MR. NORTON: A little rebuttal here. She's
13 referring to high density polyethylene versus low
14 density polyethylene. In the 50 tons of material that
15 we process, the first quarter quite a bit of that we
16 intentionally bought as low density polyethylene and
17 we're not having any troubles of mixing it in in a
18 certain minimal amount of low density with the high
19 density recycled material into the prime material. So
20 that there—the high density, she's right, the high
21 density there is some shortage and maybe I can be
22 corrected on this but we are mixing the two and not
23 having any problems with it. Perhaps they should try
24 it.

25 SECTION MANAGER O'SHAUGHNESSY: Thank you for

1 that, Mr. Norton. Are there any other comments,
2 questions with regards to our presentation today and/or
3 the Second 45 Day Version of the Regulations?

4 MR. MARKS: Yes. This is Ted Marks with JVC.

5 SECTION MANAGER O'SHAUGHNESSY: Yes, Ted?

6 MR. MARKS: I wanted to know if these
7 presentations would be made available I guess on your
8 site?

9 SECTION MANAGER O'SHAUGHNESSY: If you could
10 provide some clarity to what you're saying. Are you
11 referring to the PowerPoint presentation and the
12 handouts?

13 MR. MARKS: Yes. That's correct.

14 SECTION MANAGER O'SHAUGHNESSY: The PowerPoint
15 presentation and the handouts will be made available on
16 our website and they are all posted under the RPPC
17 Rulemaking page, if you will, that's been developed and
18 it contains all the information.

19 MR. MARKS: Okay. Thank you.

20 UNIT SUPERVISOR MARSH: And the transcripts
21 will be added to that as well.

22 SECTION MANAGER O'SHAUGHNESSY: Yes, please.

23 MR. SHESTEK: Tim Shestek with the American
24 Chemistry Council. You mentioned earlier, I think
25 someone mentioned, the you'd be responding or drafting

1 responses to comments. Is that the case?

2 BRANCH MANAGER VAN KEKERIX: As part of the
3 regulations process, the Department does have to draft a
4 response to comments, yes.

5 MR. SHESTEK: Do you have any sense of when
6 those will be posted or made available?

7 BRANCH MANAGER VAN KEKERIX: We're still
8 talking about the timeline. They do have to be made
9 available to go over to the Office of Administrative Law
10 prior to the deadline for finishing up the regs package.
11 We have to have them done by then.

12 MR. SHESTEK: And just on the next 15 Day
13 Comment Period. Are you only asking for comments
14 associated with this latest go around or is the entire
15 reg package still open for comment?

16 BRANCH MANAGER VAN KEKERIX: Yeah. We only
17 have to take comments on the changes for the 15 Days;
18 however, everyone has a chance to comment on the final
19 set of regs at the hearing. If you have issues, we'd
20 prefer to hear about them earlier. I mean we have been,
21 we have had a number of comment periods here so we'd
22 like to get issues identified earlier so we're able to
23 do our best to address those.

24 MR. SHESTEK: Thank you.

25 SECTION MANAGER O'SHAUGHNESSY: So that's kind

1 of the natural segueway that goes to the next part of
2 this workshop presentation which is the next steps. On
3 the screen is the estimated timelines for the remainder
4 of the rulemaking process. It is subject to change but
5 we are proposing in October to put out the package for
6 the 15 Day Public Comment and then in November we will
7 distribute and put out the CEQA notification, the
8 California Environmental Quality Act Requirement, and
9 we're looking at the hearing to adopt the regulations
10 either in December 2011 or January of 2012 depending on
11 how those components come together previously mentioned.
12 We are working to meet our deadline if you will of
13 submitting the package to the Office of Administrative
14 Law, or OAL, in February of 2012. And that is the
15 overview or outline of the proposed timeline for the
16 finalization of this rulemaking process.

17 STAFF PERSON PETTY: We do have some comments
18 saying that it's difficult for the people on the webcast
19 to hear the speakers. Please speak into the microphone
20 as much as possible.

21 SECTION MANAGER O'SHAUGHNESSY: Are there any
22 questions or comments on the timeline that's being
23 presented? Any comments from those on the phone? We
24 did receive the one comment about the use of microphones
25 for those that are talking or presenting and we will do

1 our best to continue doing that but are there any other
2 comments online?

3 STAFF PERSON PETTY: No.

4 MR. SHESTEK: Trevor, just real quick?

5 SECTION MANAGER O'SHAUGHNESSY: No please.

6 MR. SHESTEK: Just on the October date, maybe
7 you have a sense of when that is going to start
8 specifically?

9 SECTION MANAGER O'SHAUGHNESSY: Not
10 specifically. We are working to finalize and pull those
11 things together. This workshop does help bide some
12 guidance for what we're working towards and we're just
13 working as diligently as possible to move things
14 forward. There is no specific date at this time.
15 Sorry.

16 MR. SHESTEK: Thank you.

17 SECTION MANAGER O'SHAUGHNESSY: Anything else
18 at this time? Well, in closing, I'd like to thank you
19 for taking the time to participate in today's workshop.
20 All of your comments have been recorded and we will
21 consider them as we continue to move forward with the
22 revisions of the RPPC regulations.

23 One thing I would like to note, that if you
24 had your comments in a written format today and you read
25 from them, if you could make those available to us, that

1 would be appreciated. That is something that if we get
2 a little quicker, the transcript does take a little time
3 to get to us and we could try to grab those comments if
4 you have that.

5 Again, thank you very much for your
6 participation. Our next step is the 15 Day released
7 here in October. Thank you.

8 [Adjourned at 11:35 a.m.]

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