



Increasing Plastic Container Collection & Recycling Conference

**California's Rigid Plastic Packaging
Container Certification Process**

Sacramento, CA

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History of the Law

**In 1991, the California
Legislature passed the
Rigid Plastic Packaging
Container law
(SB 235, Hart)**



RPPC Implementation Protocol

**At its December 2004 meeting
the Board adopted a protocol
for the implementation of the
RPPC law through annual
certifications of 75 - 100
Product Manufacturers.**

Product Manufacturers are expected to be in compliance with the RPPC law at all times regardless of whether or not they are required to certify compliance to the Board.

What are considered RPPCs?

Currently, California Regulations define RPPCs as containers that:

- Are made entirely of plastic, except for lids, caps, or labels.
- Have a capacity of at least 8 fluid ounces but no more than 5 gallons, or the equivalent volumes.
- Can maintain their shape while holding a product.
- Are capable of multiple reclosures, and are sold with an attached or unattached lid or cap.



What are not considered

RPPCs?

Currently:

- Packaging that cannot be reclosed.
- Flexible packages that do not maintain their shape while holding a product.
- Plastic boxes that have at least one side that is not made of plastic.
- Plastic buckets with an attached metal handle.
- Proposed changes will be discussed after the rulemaking presentation

RPPCs which are exempt from demonstrating compliance with the law

Pursuant to Public Resources Code (PRC) section 42340:

- **Containers which are produced in or outside of California that are destined for shipment outside California and that remain with the products upon shipment.**
- **Containers which are specifically used for shipping drugs, medical devices, cosmetics, food, medical food, or infant formula as defined by the Federal Food, Drug, and Cosmetic Act.**

RPPCs which are exempt from demonstrating compliance with the law (cont.)

Pursuant to Public Resources Code (PRC) section 42340:

- Containers which are specifically used for shipping toxic or hazardous products regulated by the Federal Insecticide, Fungicide, and Rodenticide Act.**
- Containers which are manufactured and specifically used for shipping hazardous materials that are prohibited by federal law from being manufactured with “used material” (postconsumer resin) by federal packaging material specifications, or are subject to specified federal testing standards, or to which recommendations of the United Nations on the transport of dangerous goods are applicable.**

Product Manufacturer

**The Product Manufacturer is
the company name that
appears on the container label
of a product.**



Container Manufacturer Requirements

- **Containers Manufacturer's do not submit certifications to the Board**
- **Containers Manufacturer's submit certifications to the Product Manufacturer to whom they supplied containers.**
- **Containers Manufacturer's certify under penalty of perjury their container information to verify compliance.**
- **Empty containers are not regulated by the RPPC law until they hold a product.**

Current Law Requirements

Every RPPC sold or offered for sale in California must, on average, meet one of the following criteria:

- **be made from at least 25 percent postconsumer material.**
- **be source reduced by at least 10 percent;**
- **be reusable or refillable, at least 5 times; or**
- **have a recycling rate of 45 percent if it is a product associated RPPC;**

These options are calculated by the Product Manufacturer



Postconsumer Material Option

"Postconsumer Material" is material that would otherwise be destined for solid waste disposal, having completed its intended end-use and product life cycle. Postconsumer material does not include materials and by-products generated from, and commonly reused within, an original manufacturing and fabrication process.

Postconsumer Material Calculation

x = total gram weight of container

**y = gram weight of Postconsumer Material per
container**

z = number of containers

$$\left(\frac{yz}{xz} \times 100 \right) = \text{Percent Postconsumer Material}$$

(calculation must be done on a line by line basis)

Postconsumer Material Calculation

$$x = 138.00g \quad y = 40.00g \quad z = 4,268 \text{ containers}$$

$$\left(\frac{(40.00)(4,268)}{(138.00)(4,268)} \right) \times 100 = 28.99 \% \text{ Postconsumer Material}$$

To comply under this option the Percent of Postconsumer Material must be equal to or greater than 25.00

(calculation must be done on a line by line basis)



Source Reduction Option

"Source reduced container" is a rigid plastic packaging container for which the manufacturer seeks compliance as of January 1, 1995, whose package weight per unit or use of product has been reduced by 10 percent when compared with the packaging used for that product by the manufacturer.

Source Reduction Calculation

x = container gram weight before Source Reduction

y = container gram weight after Source Reduction

z = number of containers

$$\left(\frac{xz - yz}{xz} \times 100 \right) = \text{Percent Source Reduced}$$

(calculation must be done on a line by line basis)

Source Reduction Calculation

$$x = 52.00\text{g} \quad y = 47.00\text{g} \quad z = 5,153 \text{ containers}$$

$$\left[\frac{(52.00)(5,153) - (47.00)(5,153)}{(52.00)(5,153)} \right] \times 100 = 9.62 \% \text{ Source Reduced}$$

To comply under this option the Percent Source Reduced must be equal to or greater than 10.00

(calculation must be done on a line by line basis) 17

Reusable Container Option

"Reusable package" is a rigid plastic packaging container which is routinely reused by consumers at least five times to store the original product contained by the package.



Reusable Container Calculation

x = number of replacement product packages sold

y = number of original product containers sold

z = number of times the replacement product packages will fill the original container to accomplish the same number of units or uses of product held by the original container

$$\left(\frac{xz}{y} \right) = \text{Average Reuse per Container Line}$$

(calculation must be done on a line by line basis) 19

Refillable Container Option

"Refillable package" means a rigid plastic packaging container which is routinely returned to and refilled by the Product Manufacturer at least five times with the original product held by the package.



Refillable Container Calculation

x = number of original containers sold during the measurement period

y = number of new original containers used by the Product Manufacturer during the measurement period

$$\left(\frac{x}{y} \right) = \text{Average Refills per Container}$$

(calculation must be done on a line by line basis) 21



Corporate Average

A company may demonstrate compliance by separately “averaging” the postconsumer content, the source reduction, or the refill or reuse data of its containers. An average may be calculated using either data specific to containers sold in California, or nationwide.

45 Percent Recycling Rate Option

Product Manufacturers using the particular type or product associated recycling rate compliance option shall submit to the Board for review and approval a methodology for demonstrating the recycling rate for that specific particular type of container sold in California and the number of those containers collected in California for recycling. The manufacturer shall submit their proposed methodology to the Board on or before July 1 of the calendar year immediately prior to the year the manufacturer intends to use this compliance option.

**2005 Product Manufacturer
and Container Manufacturer
Forms and Data Sheets are
now available on the Board's
web site:**

www.ciwmb.ca.gov/Plastic/RPPC/Certification/#2005

Product Manufacturer Data Sheet

- **Identify Associated Container Manufacturer(s)**
- **Container Description** (e.g. bottle, tube, clamshell, etc.)
- **Associated Product** (e.g. cleaning solutions, car care, etc.)
- **Container Size** (fl. oz.; ml; liters; etc.)
- **Resin Type**

Product Manufacturer Data Sheet (cont.)

		Compliance Option 1:	Compliance Option 2:	Compliance Option 3:
Number of Containers sold or offered for sale in California* directly or indirectly e.g. through distributors, franchises, internet sales, etc. (for each product line)	Individual Container Weight** (grams)	Post Consumer Resin (PCR)	Source Reduction	Refill / Reuse Container*** <u>If yes, MUST SUPPLY supporting documentation,</u> pursuant to Title 14 CCR 17946.5(a)(3) (yes*** or no)
		Container's PCR weight (grams per individual container) "N/A" if none	Container's NON-Source Reduced Weight (grams per individual container) "N/A" if none	

* If California numbers cannot be obtained, national numbers can be used. Without number of containers compliance cannot be verified, constitutes an incomplete submittal.

** Without container weight compliance cannot be verified, constitutes an incomplete submittal.

*** Without supporting documentation compliance cannot be verified, constitutes an incomplete submittal.

Product Manufacturer EXEMPT PRODUCTS Data Sheet

REQUIRED INFORMATION:

- Contact Name
- Phone Number
- Mailing Address
- RPPC for which the exemption is being claimed
- Basis for exemption**

** For all exemption claims, Product Manufacturer must cite the specific statutory or regulatory provision under one of the following: Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.) - or - Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) - or - Federal packaging material specifications and testing standards set forth in Title 49 of the Code of Federal Regulations.

Container Manufacturer Data Sheet

- **Container Description** (e.g. bottle, tube, clamshell, etc.)
- **Container Size** (fl. oz.; ml; liters; etc.)
- **Resin Type**
- **Number of Containers Supplied to Individual Product Manufacturer** (for each product line)



Container Manufacturer Data Sheet (cont.)

<p>Individual Container Weight (grams)</p>	<p>Container's PCR weight (grams PCR per individual container) "N/A" if none</p>	<p>Container's NON-Source Reduced Weight (grams per individual container) "N/A" if none</p>
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NOTE: Container Manufacturer's corporate average cannot be used to demonstrate Product Manufacturer container compliance. Each Product Manufacturer must demonstrate individual container compliance.

Time - Frames

**From Receipt of the certified mailing
from the Board, Product
Manufacturers have:**

- **90-days to submit a complete certification package to the Board.**
- **One 30-day extension is available with cause**

Time - Frames

Certifications submitted late will be assessed the following penalties:

<u>Days Late</u>	<u>Penalty Amount</u>
1–30	\$1,000
31–60	\$5,000
More than 60 (Considered nonresponsive)	Up to \$50,000



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Waste Prevention and Market Development

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zero waste
CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD



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