

Frequently Asked Questions (FAQs) About California's Rigid Plastic Packaging Container (RPPC) Law

Changes for 2005

What is the RPPC law?

The California State Legislature enacted the rigid plastic packaging container (RPPC) statute as part of an effort to reduce the amount of plastic waste disposed in California landfills and increase the use of recycled plastic. The law regulates companies who produce or generate products that are held in RPPCs, which are sold or offered for sale in California. The company name that appears on the container label of a product is designated by California law as the product manufacturer. The RPPC regulations are available online at:

www.ciwmb.ca.gov/regulations/title14/ch4a3a.htm.

How has the law changed?

On September 16, 2004, Governor Schwarzenegger signed into law Senate Bill 1729 (Chesbro, Chapter 561, Statutes of 2004), which repeals the requirement for the Board to annually publish recycling rates for all RPPCs—the “all container rate”—and for polyethylene terephthalate (PET) containers. As of January 1, 2005, these rates are no longer available as a compliance option to regulated product manufacturers. Product manufacturers must now demonstrate compliance through one of the remaining options provided under the law. Regulated companies are expected to be in compliance at all times regardless of whether or not they are included in a Board certification.

What are rigid plastic packaging containers?

Currently, the California Code of Regulations (CCR) defines 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.

RPPCs are not...

- Containers/blister packaging that cannot be reclosed.
- Flexible packages that do not maintain their shape while holding a product.
- Service packages that do not normally store a product for seven days.
- Plastic boxes that have at least one side that is not made of plastic.
- Plastic buckets with an attached metal handle.

Why is my company considered a product manufacturer?

The company name that appears on the container label of a product is designated by California law as the product manufacturer. When a company's name, or any of its brand names or subsidiaries or affiliates, appears on the container label of a product that is sold or offered for sale into the State of California, either directly or indirectly (for example, through distributors, franchises, internet sales, etc.), then that company is subject to the requirements of the RPPC law.

What will happen to companies that ignore or do not respond to a request from the Board for certification or cannot demonstrate compliance?

California statute allows the Board to assess penalties of up to \$50,000 for any violation up to a maximum of \$100,000. Violations include, but are not limited to, failure to submit all required forms, or submitting incomplete forms, or non-compliance with the RPPC law. In the past the Board has assessed penalties, after public hearing, for failure to submit forms. The law requires the Board to publish a list of penalties that have been levied against any violator; product manufacturers who are assessed penalties will be listed on the Board's web page. Full listings of penalty regulations are available online at: www.ciwmb.ca.gov/regulations/title14/ch4a3b.htm (see section 17949).

Certifications submitted late will be assessed the following penalties:

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

If my company packages its products in containers that are recyclable, does that mean my company is in compliance?

No. Although using resins that are recyclable is recommended, compliance with the RPPC law is based on whether or not the container includes 25 percent postconsumer resins in its total weight, or has been source-reduced (light-weighted) by 10 percent. A container that is recyclable, unless

Penalties for specified violations of program requirements are as follows:

Violation	Description of Violation	Penalty
1. CCR section 17944; PRC section 42310	Product manufacturer did not comply with container requirements. Penalty determined by degree of noncompliance.	\$5,000–\$50,000
2. CCR section 17946	Product manufacturer did not submit certification by due date.	\$1,000–\$50,000
3. CCR section 17946	Product manufacturer did not submit complete or accurate certification by due date. Degree of incompleteness or inaccuracies include, but are not limited to, misreporting exemptions; failure to account for all products; failure to account for subsidiaries and divisions; lack of container manufacturer's verification of number of containers sold or weight of containers; inconsistencies in information from product manufacturer and container manufacturer; lack of signatures; mathematical inaccuracies.	\$1,000–\$50,000
4. CCR section 17946; PRC section 42321	Product manufacturer submitted false or misleading information on certification.	Referral to Attorney General for prosecution for fraud within 30 days of discovery by Board; maximum fine, \$100,000.

it also meets one of the compliance options, would not be compliant with the RPPC law.

What are my compliance options?

The CIWMB may require regulated companies to demonstrate compliance through a certification process. Compliance options for regulated RPPCs include containers that:

- Are made from at least 25 percent postconsumer resin.
- Are source-reduced (light-weighted) by 10 percent.
- Are reused or refilled at least five times.¹
- Have a recycling rate of 45 percent if it is a brand-specific or a particular type of RPPC.

¹The reuse or refill option requires supplemental information; pursuant to Title 14 CCR 17946.5(3) which is available online at: www.ciwmb.ca.gov/regulations/title14/ch4a3b.htm.

Must every RPPC meet one of the compliance options individually or can I average?

A company may demonstrate compliance by separately “averaging” the postconsumer content, the source reduction, or the refill or reuse data of its containers (Title 14 CCR 17946.5). An average may be calculated using either data specific to containers sold in California, or nationwide. Averaging may be based on an entire product line or sub lines, but it can only include regulated RPPCs for which the same compliance option is claimed. Every regulated RPPC must be included in the “average” or on its own meet one of the compliance options. Non-regulated or exempt RPPCs cannot be included when calculating the average.

Are any containers exempt from demonstrating compliance with the RPPC law?

Pursuant to Public Resources Code (PRC) section 42340, some RPPCs are exempt from demonstrating compliance with this law. These include containers:

- Produced in or outside of California that are destined for shipment outside California and that remain with the products upon shipment.
- Specifically used for shipping drugs, medical devices, cosmetics, food, medical food, or infant formula as defined by the Federal Food, Drug, and Cosmetic Act.
- Specifically used for shipping toxic or hazardous products regulated by the Federal Insecticide, Fungicide, and Rodenticide Act.
- 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.

Where can I get more information?

If you have further questions regarding the RPPC program or would like to read the RPPC law, please visit the California Integrated Waste Management Board’s Rigid Plastic Packaging Container website:

www.ciwmb.ca.gov/plastic/rppc/.

Join Governor Schwarzenegger to Keep California Rolling. Every Californian can help to reduce energy and fuel consumption. For a list of simple ways you can reduce demand and cut your energy and fuel costs, Flex Your Power and visit www.fypower.com.