

## **Rigid Plastic Packaging Container Rulemaking Summary of Proposed Changes**

### I. Section 17943 Purpose and Definitions – Changes

A. Capable of Multiple Re-Closures - deleted

B. (12) Manufacturer or Product Manufacturer – redefined as follows

“Manufacturer” or Product Manufacturer” means the producer or generator of a product that is sold or offered for sale in the state and that is stored inside of a rigid plastic packaging container. Manufacturer includes all divisions, subsidiaries, and any other entity, or brand name, for which the manufacturer has responsibility, regardless of whether the manufacturer’s name is on the label. Any licensee of a trade name that is the producer or generator of that product is considered the manufacturer.

(A) 1-3 are deleted, (B) and (C) no changes

(A) now states the following: Sold or offered for sale includes but is not limited to direct sales, and sales through distributors, franchises and the Internet.

C. (26) “Refillable package” is redefined to clarify that the RPPC is returned to and refilled by the product manufacturer at least five times to replenish the original product that was held by the package. It also clarifies that the product manufacturer or its agent shall refill the container.

D. (27) “Reusable package” is redefined to clarify that the RPPC is routinely reused by consumers at least five times to replenish the original product and that the product manufacturer or its agent shall offer the replacement product.

E. (28) “Replacement product” is redefined to clarify that the replacement product shall be the same product, manufactured by the same company or its agent.

F. (29) “Rigid Plastic Packaging Container” is redefined to delete that RPPCs are capable of multiple re-closure and that RPPCs are composed entirely of plastic, except that rigid plastic containers may have 1) caps, lids, labels, handles, and hinges made of non-plastic material; and 2) additives such as pigments, colorants, fillers, and stabilizers that are part of the plastic polymer compound.

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(B) Is redefined to clarify that the size of the container shall be determined by its labeled fluid volume, or if not labeled, then by its equivalent fluid volumetric capacity.

(E) Is added to clarify that durable products (e.g. toys, tools, appliances) is sold in a permanent storage case, then the case is considered part of the product and not a RPPC.

II. 17944 Container Requirements – No changes

III. Section 17945 is renamed to Compliance with Regulations

IV. Section 17946 is changed to Section 17945.2 and renamed Submitting Certification

- A. (c) Where can I get certification form is deleted and used in the new section 17945.3 Product Manufacturer Certification Information.
- B. (g) and (h) are deleted. (g) is redefined in Section 17945.3 Product Manufacturer Certification Information. (h) is redefined in Section 17945.4 Container Manufacturer Certification Information.
- C. (i) is Changed to Section 17945.3 Product Manufacturer Certification Information

V. Section 17945.3

The new section takes language from the old 17946 (i) and also adds new language that is specific to certification information that must be submitted by the product manufacturer.

VI. Section 17945.4 Container Manufacturer Certification Information

This section takes language from the old 17946 (h) for ease and clarification.

VII. Section 17946.5 is changed to 17945.5 and renamed Compliance Calculation and Formulas

- A. This new section is to clarify what the formulas are that the Board will use to analyze a manufacturer's compliance. The formulas for postconsumer material option, source reduction through reduction in the container weight, reuse, remain the same. A new formula for source reduction by either concentrating the product or by a combination of concentrating the product and reducing the weight of the container that holds the product is added, in addition to correcting the formula for refill so that the average is equal to or

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greater than 5 as required in statute as opposed to 6 as previously stated in the regulation.

- B. Particular Type or Product Associated Recycling Rate and Floral Industry Reuse of Containers are changed to clarify that the manufacturer must develop their own formulas. The previous language for particular type or Product Associated Recycling Rate and Floral Industry Reuse is redefined in the new Section 17945.3 Product Manufacturer Certification Information.
- C. Subsections (b) (c) and (d) of Section 17946.5 are deleted and redefined in Section 17945.2

VIII. Section 17944.2 How Will Waivers Be Granted

This section is changed to Section 17946 and renamed Waivers

IX. Section 17944.5 Exempt Rigid Plastic Packaging Containers

This section is changed to 17946.5 for consistency with some clarification changes to (b)

X. Section 17947 Auditing - minor clarification changes are made within the section.

XI. Section 17948 Proprietary Information - No changes to this section.

XII Section 17949 Violations and Penalties - This section is amended to include language on how the Board will determine the violation and the amount of the penalty. It also includes the methodology and an example to follow to calculate penalty dollars. Clarification has also been made to subsection (f) mitigating factors.

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