



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

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DATE: July 29, 2011

TO: ALL INTERESTED PARTIES

FROM: CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY - WASTE EVALUATION AND ENFORCEMENT BRANCH

SUBJECT: NOTICE OF CHANGES TO PROPOSED REGULATIONS FOR THE RIGID PLASTIC PACKAGING CONTAINER REGULATIONS (SECOND 45-DAY COMMENT PERIOD)

An initial 45-day public comment period for these proposed regulations ran from February 11, 2011 through March 28, 2011. CalRecycle staff held a public hearing on the proposed regulations on April 8, 2011, and public workshops on April 8, May 17, June 8 and June 22, 2011. After considering comments received during the 45-day comment period and comments made at the public hearing and workshops, staff modified the proposed regulations.

The second 45-day comment period for this rulemaking begins July 29, 2011 and ends at 5:00 p.m. on September 15, 2011. Please submit written comments as directed below. The Department will also accept oral and written comments during the public workshop scheduled for September 15, 2011, beginning at 10:00 a.m. and concluding after the public provides all comments. The workshop will be held in Room 2540, 25th floor, at the Joe Serna, Jr. Cal/EPA Building, 1001 I Street, Sacramento, California. The room is wheelchair accessible.

A copy of the full text of the regulations as originally proposed with the latest proposed changes clearly indicated is available on the RPPC Rulemaking page of CalRecycle's website at www.calrecycle.ca.gov/Laws/Rulemaking/RPPC. Paper copies may also be obtained by contacting the program staff at the address or e-mail listed below.

These proposed revisions to the Rigid Plastic Packaging Container (RPPC) program regulations will add clarity, consistency and completeness to the existing language by:

- Making consistent the capitalization, punctuation, indentation and terminology (e.g., "calendar days," "rigid plastic packaging container") *[throughout the regulations]*
- Adding back in the titles of otherwise deleted sections for clarity and completeness in the Code of Regulations *[throughout the regulations]*
- Adding definitions, including "container line," "product line," and "product sub-line" *[Section 17943]*
- Specifying that "postconsumer material" may include obsolete and unused packaging that would otherwise be disposed but not post-industrial scrap that would commonly be reused in the container manufacturing process *[Sections 17943(q) and 17945.3(e)(1)(f)]*



- Referencing the ASTM guidelines to clarify that an RPPC is not flexible packaging [*Section 17943(aa)(3)(b)*]
- Adding more specific timeframes for various submittals required during the certification process [*Sections 17945.1, 17946(c), 17946.5(b)*]
- Providing for future electronic mailings and signatures, and updating the certification statement per industry comments and for consistency with other minimum content programs [*Sections 17943(ab), 17945.3(b)(3), 17945.4(b), 17946(c)(4), 17946.5(b)(3)*]
- Reordering the lists of documentation required with certifications to include the items required of all certifications up front and then the additional items by unique compliance option following [*Section 17945.3*]
- Restructuring the compliance formulas to show them all in symbols and in a similar format [*Section 17945.5*]
- Clarifying records retention for product and container manufacturers [*Section 17948*]
- Reorganizing the compliance penalty formulas to a similar order as the options in 17945.5, and adding detail of the penalty structure for incomplete and inaccurate certifications [*Sections 17949(e) and (g)*]

Please submit your written comments to:

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General inquiries concerning the proposed rulemaking should be directed to the program via the above e-mail address or phone number.

Additional information regarding the public workshop may be posted on the program's website closer to that date.