



## DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

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DATE: April 13, 2012

TO: ALL INTERESTED PARTIES

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

SUBJECT: NOTICE OF CHANGES TO PROPOSED REVISED RIGID PLASTIC PACKAGING  
CONTAINER REGULATIONS (SECOND 15-DAY PUBLIC COMMENT PERIOD)

Per the Office of Administrative Law's (OAL) review of the proposed revised Rigid Plastic Packaging Container (RPPC) regulations filed on February 10, 2012, staff is initiating a second 15-day public comment period on the final changes to the proposed regulations. Additionally, within the same 15-day public comment period, CalRecycle is also providing the opportunity to review our complete rulemaking file which is further discussed below.

**The 15-day public comment period begins on April 13, 2012, and ends April 30, 2012.** The Department will only accept written comments regarding the changes made for this 15-day public comment period represented within the *shaded italics*. **The Department must receive written comments on the proposed changes no later than 5:00 p.m. on April 30, 2012.** There will not be a public hearing to provide any further comments on these changes.

Please submit your written comments to:

Jared Weathers  
Compliance and Enforcement Division  
Department of Resources Recycling and Recovery  
P.O. Box 4025, M.S. 10A-17  
Sacramento, CA 95812-4025  
e-mail: [RPPC@Calrecycle.ca.gov](mailto:RPPC@Calrecycle.ca.gov)  
Fax: (916) 319-7324  
Phone: (916) 341-6717

The documents not originally noticed within the Initial Statement of Reasons, which were relied upon for the development of the proposed regulations, are listed herein. The complete rulemaking file will be available for viewing at our offices between 9:00 a.m. and 3:30 p.m., beginning April 13, 2012, and ending April 30, 2012. To make an appointment to view the rulemaking file, please contact:

Jared Weathers  
(916) 341-6717  
[RPPC@Calrecycle.ca.gov](mailto:RPPC@Calrecycle.ca.gov)



**The following documents are being noticed:**

Please note that the numbered documents appear with the corresponding tab number in the CalRecycle rulemaking file within the indicated binder.

- The California Integrated Waste Management Act of 1989 (PRC Section 40000 et. seq.).
- The Rigid Plastic Packaging Container Act of 1991 (PRC Section 42300 et. seq.).
- Statutory changes since the RPPC regulations were adopted in 1995.

Binder 1:

10. Summary of Comments and Responses to first 45-day April 8<sup>th</sup> Public Hearing and the Public Workshops held on April 8, May 17, June 8 and June 22, 2011
11. Public Hearing and Workshop Transcripts
  - A. Public Hearing- April 8, 2011- Sign-in and Transcript
  - B. Public Workshop – April 8, 2011
  - C. Public Workshop – May 17, 2011
  - D. Public Workshop – June 8, 2011
  - E. Public Workshop – June 22, 2011
12. Written Comment Letters Received During the First 45-Day Public Comment Period

Binder 2:

18. Public Workshop Transcript (Second 45-day Public Comment Period) – October 5, 2011
19. Written Comments Received During the Second 45-day Public Comment Period
24. Summary of Comments and Responses
25. Written Comments Received During the 15-day Public Comment Period
33. Public Meeting Transcript– January 17, 2012
34. Summary of Comments and Responses
35. Written Comments Received regarding the Department’s Adoption of Proposed Revisions to the Rigid Plastic Packaging Container (RPPC) Regulations

Binder 4:

57. American Chemistry Council Resin Statistics Summary, 2010 vs 2009, American Chemistry Council Plastic Industry Producers’ Statistics Group, compiled by Veris Consulting LLC, 2009.
58. American Chemistry Council Resin Statistics Annual Summary, 2008 vs 2007, American Chemistry Council Plastic Industry Producers’ Statistics Group, compiled by Veris Consulting LLC, 2009.
59. American Society for Testing and Materials (ASTM) D6988 Guidelines for Determination of Thickness of Plastic Film Test Specimens, ASTM, November 1, 2008
60. Biannual Report of Beverage Container Sales, Returns, Redemption, and Recycling Rates, CalRecycle, May 2011.
61. Biannual Report of Beverage Container Sales, Returns, Redemption, and Recycling Rates (July through December 2004), Division of Recycling, Department of Conservation, May 2005.
62. Business Statistics, Industry Statistics, Financial Ratios, BizStats.com, 2006.
63. Calendar Year 2010 Report of Beverage Container Sales, Returns, Redemption, & Recycling Rates, California Department of Resources Recycling and Recovery, July 2011.
64. Calendar Year 2003, Biannual Report of Beverage Container Sales, Returns, Redemption, and Recycling Rates, Division of Recycling, Department of Conservation, August 2004.
65. California: 2002, 2002 Economic Census Manufacturing Geographic Area Series (NAICS 31-33), 2002 US Census of Manufacturers, US Department of Commerce, September 2005.
66. California CRV Fact Sheet, Division of Recycling, Department of Conservation, 2005.
67. California CRV Fact Sheet, Division of Recycling, Department of Conservation, 2004.
68. California Non-Bottle Rigid Plastics Recovery in 2010: Communities and MRFs, Moore Recycling Associates, Inc., September 15, 2010.

69. California's Bottle Bill – Plastic Market Development Payment Program, Californians Against Waste, 2011.
70. Commodity Thermoplastics, Estimated U.S. Market Prices, PlasticsNews.com, December 15, 2011
71. Consideration Of The Rigid Plastic Packaging Container (RPPC) All-Container And Polyethylene Terephthalate (PET) Recycling Rates, To Be Used For Compliance Year 2004, Agenda Item 17 (Revised), California Integrated Waste Management Board, June 15-16, 2004.
72. Final Revised Report: Cradle-to-Gate Life Cycle Inventory of Nine Plastic Resins and Four Polyurethane Precursors, Prepared for the Plastics Division of the American Chemistry Council by Franklin Associates, February 2011.
73. Final Revised Report: Cradle-to-Gate Life Cycle Inventory of Nine Plastic Resins and Two Polyurethane Precursors, Prepared for the Plastics Division of the American Chemistry Council by Franklin Associates, December 2007.
74. Demand for Recycled Content Resin Still on the Rise, North American Plastic Recycling Industry Calls for Stronger Supplies of Bales Association of Postconsumer Plastic Recyclers, May 2011.
75. 2009 Distribution of Plastic Resin Sales and Captive Use by Major Markets—All Resins, American Chemistry Council Plastic Industry Producers' Statistics Group, compiled by Veris Consulting LLC., 2010.
76. Environmental Impacts of 5-Gallon Pail Systems, Dr. Brian Coleman, Simply Sustain, September 17, 2009.
77. Federal Trade Commission, Part 260 – Guides for the Use of Environmental Marketing Claims (Green Marketing Guidelines), October 2011.
78. (Revised) Final Report: Life-Cycle Inventory of 100% Postconsumer HDPE and PET Recycled Resin from Postconsumer Containers and Packaging, Prepared for the Plastics Division of the American Chemistry Council by Franklin Associates, January 19, 2011.
79. Final Report: Life-Cycle Inventory of 100% Postconsumer HDPE and PET Recycled Resin from Postconsumer Containers and Packaging, Prepared for the Plastics Division of the American Chemistry Council by Franklin Associates, April 7, 2010.
80. General Summary, 2002, 2002 Economic Census Manufacturing Subject Series (NAICS 31-33), 2002 US Census of Manufacturers, US Department of Commerce, October 2005.

Binder 5:

81. Historical Statistics for the Industry, 2002 and Earlier Years, Plastic Bottle Manufacturers (NAICS 326160), 2002 U.S. Census of Manufacturers, U.S. Department of Commerce.
82. How to Depreciate Property, Publication 946, 2008 and 2010 Returns, Internal Revenue Service, U.S. Department of the Treasury.
83. Manufacturers: Employment, Payroll, Value Added, and Total Capital Expenditures by Industry Group in California, 2005 and 2006, Bureau of Census, U.S. Department of Commerce, Table H-4, California Statistical Abstract, California Department of Finance, 2009.
84. Table 968 Manufacturers: Summary by State: 2006, U.S. Census of Manufacturers, U.S. Department of Commerce, 2005.
85. Table 966. Manufacturing Establishments, Employment, and Payroll by State: 2006, Table 966, U.S. Census of Manufacturers, U.S. Department of Commerce, 2005.
86. Manufacturing Reporting Units by Size of Employment California, 1990 to 2006, Table H-1, California Statistical Abstract, California Department of Finance, 2009.
87. Mechanical Compatibilization of High Density Polyethylene-Poly(ethylene terephthalate) Blends, Journal of Applied Polymer Science, 1983.
88. Monthly Resin Production and Sales Stats, Selected Months, American Chemistry Council Plastic Industry Producers' Statistics Group, compiled by Veris Consulting LLC, 2008, 2009, 2010.
89. Municipal Solid Waste in the United States, 2009 Facts and Figures, U.S. EPA, December 2010.
90. 2010 National Postconsumer Non-Bottle Rigid Plastic Recycling Report, prepared by Moore Recycling, Inc., January 2012.
91. 2009 National Report on Postconsumer Non-Bottle Rigid Plastic Recycling, American Chemistry Council, prepared by Moore Recycling, Inc., 2011.

92. 2008 National Postconsumer Report on Non-Bottle Rigid Plastic Recycling, American Chemistry Council, 2010.
93. 2007 National Post-Consumer Report on Non-Bottle Rigid Plastic Recycling, American Chemistry Council, 2009.
94. PE and PP Prices are Climbing Again, Plasticsnews.com, February 19, 2009
95. Plastic Bag and Film, Recyclyourplastics.org, 2012.
96. The PlasticsMarketPlace, IDES.com, February 24, 2009.
97. The PlasticsMarketPlace, IDES.com, May 22, 2009.
98. Plastic Recycling Collection: California Reach Study, American Chemistry Council, Prepared by Moore Recycling Associates Inc., July 2011.
99. Plastic Recycling Collection: National Reach Study, Prepared by Moore Recycling Associates Inc., May 2011.
100. Plastic Resin Prices, IDES.com, February 24, 2009.
101. Population of California and United States, Table B-1, California Statistical Abstract, California Department of Finance, 2009.
102. Production and Sales & Captive Use of Thermosetting & Thermoplastic Resins, Full Year 2002 Report, Plastic Industry Producers' Statistics Group, compiled by Veris Consulting LLC, April 8, 2003.
103. Production and Sales & Captive Use of Thermosetting & Thermoplastic Resins, March 2008 Monthly Resin Report, American Chemistry Council Plastic Industry Producers' Statistics Group, compiled by Veris Consulting LLC., 2008.
104. PSCI White Paper Committee 25% PCR Content Proposal, ExxonMobil Technical Input, C.K. Schram, ExxonMobil Chemical, April 18, 2006.
105. Recycle Demand and Prices Up, Allbusiness.com, March 3, 2009.
106. Region 7 Solid Waste, U.S. EPA, August 24, 2009.
107. Region 9 Basic Facts about Solid Waste, U.S. EPA, June 7, 2011.
108. 2010 Report on Postconsumer PET Container Recycling Activity, National Association of PET Container Resources, 2011.
109. 2009 Report on Postconsumer PET Container Recycling Activity, National Association of PET Container Resources, 2010.
110. 2008 Report on Postconsumer PET Container Recycling Activity, National Association of PET Container Resources, 2009.
111. Resin Pricing—Commodity Thermoplastics for July 27, 2009, PlasticNews.com.
112. Resin Pricing—Commodity Thermoplastics for May 25, 2009, PlasticNews.com.
113. Resin Pricing—Commodity Thermoplastics for February 24, 2009, PlasticNews.com.
114. Resin Pricing—Recycled Plastics for December 26, 2011, PlasticNews.com.
115. Resin Pricing—Recycled Plastics for December 19, 2011, PlasticNews.com.
116. Resin Pricing—Recycled Plastics for July 27, 2009, PlasticNews.com.
117. Resin Pricing—Recycled Plastics for May 25, 2009, PlasticNews.com
118. Resin Pricing—Recycled Plastics for February 23, 2009, PlasticNews.com.
119. Resin Pricing—Recycled Plastics for January 30, 2012, PlasticNews.com.
120. Resin Prices Bottom Out, Plastics Technology, February 2009
121. Statewide Waste Characterization Study, California Integrated Waste Management Board, December 2004.
122. Statewide Waste Characterization Study, Results and Final Report, California Integrated Waste Management Board, December 1999.
123. 2009 Strategic Directives SD-02: Recycling-Waste Management and Climate Change, CalRecycle, August 2009.
124. 2009 Strategic Directives SD-03: Minimize Waste, CalRecycle, August 2009.
125. Taxable Sales in California by Type of Business, 2006, California Board of Equalization, Table K-6, California Statistical Abstract, California Department of Finance, 2009.
126. Tensile Properties and Morphology of Blends of Polyethylene and Polypropylene, Journal of Applied Polymer Science, 1980.

127. Thermoplastic Resin Sales by Major Market 2006—2010, American Chemistry Council Plastic Industry Producers' Statistics Group, compiled by Veris Consulting LLC, 2011.
128. Thermoplastic Resin Sales by Major Market 2004—2008, American Chemistry Council Plastic Industry Producers' Statistics Group, compiled by Veris Consulting LLC, 2009.
129. Trend of Sales and Captive Use for Major Plastic Resins, American Chemistry Council Plastic Industry Producers' Statistics Group, compiled by Veris Consulting LLC, 2011.
130. 2010 United States National Postconsumer Plastics Bottle Recycling Report, American Chemistry Council, Association of Postconsumer Plastic Recyclers, 2011.
131. 2009 United States National Postconsumer Plastics Bottle Recycling Report, American Chemistry Council, Association of Postconsumer Plastic Recyclers, 2010.
132. 2008 United States National Postconsumer Plastics Bottle Recycling Report, American Chemistry Council, Association of Postconsumer Plastic Recyclers, 2009.
133. 2007 United States National Postconsumer Plastics Bottle Recycling Report, American Chemistry Council, Association of Postconsumer Plastic Recyclers, 2009.

#### Binder 6

- A. Board Meeting Agenda Item and Presentation – March 13, 2007
- B. Transcript of Board Meeting – March 13, 2007
- C. Presentation for RPPC Advisory Committee Meeting – April 17, 2007
- D. Attendee Sign-In Sheet – April 17, 2007
- E. Summary of Survey from first Advisory Committee Meeting
- F. Transcript of RPPC Advisory Committee Meeting – April 17, 2007
- G. Draft Text of Proposed RPPC Regulations – May 3, 2007
- H. Presentation for RPPC Advisory Committee Meeting – May 16, 2007
- I. Transcript of RPPC Advisory Committee Meeting – May 16, 2007
- J. Draft Text of Proposed RPPC Regulations – June 14, 2007
- K. Presentation for RPPC Advisory Committee Meeting – June 26, 2007
- L. Transcript of RPPC Advisory Committee Meeting – June 26, 2007
- M. Draft Summary of Comments and Responses - August 30, 2007
- N. Permitting & Compliance Committee Meeting Agenda Item – October 9, 2007
- O. Agenda Item and Presentation for Permitting & Compliance Committee Meeting– November 5, 2007
- P. Draft Text of Proposed RPPC Regulations - November 5, 2007
- Q. Transcript of Permitting & Compliance Committee Meeting (RPPC segment) – November 5, 2007
- R. Board Meeting Agenda Item – November 13, 2007
- S. Text of Presentation for Board Meeting Item – November 13, 2007
- T. Draft Text of Proposed RPPC Regulations – November 13, 2007
- U. Summary of Comments and Responses – November 13, 2007
- V. Transcript of Board Meeting – November 13, 2007
- W. Written Comments on May, June and August drafts of regulations
- X. Invitations to Participate in the Advisory Committee Process – March 29, 2007

#### Other

Additionally, staff is providing notice that it relied upon proprietary Rigid Plastic Packaging Container Compliance Certification Documents (“Certifications”) for the reporting periods 1996, 1997-1999 (combined into one certification period), 2000, 2001 and 2005; these documents are not available to the public.

Certifications were provided to the Department by various product manufacturers, as required pursuant to Public Resources Code (PRC) Section 42310.1 and 42310.2 and Title 14 of the California Code of Regulations, Section 17946 and were relied upon during this rulemaking. These certifications contain proprietary information. Such information is protected and confidential as required under PRC Section 42323 and Title 14 of the California Code of Regulations Section 17946.

These Certifications were relied upon to obtain aggregate data on the relevant lines on Form 399 (Binder 2, Tab 26) and for the *Detailed Economic and Financial Impact Analysis of Amendments to the Rigid Plastic Packaging Container Regulations* (Binder 2, Tab 28). Aggregated manufacturer certification data was used to estimate the total amount of RPPCs that would need to comply with each of the several container compliance options (e.g., use of postconsumer material) as enumerated in PRC Section 42310. Aggregated certification data was also used to estimate the total amount of RPPCs that are not regulated (i.e., containers that hold food, drugs, cosmetics and other products and are exempt pursuant to PRC section 42340). Finally, aggregated RPPC container weight data from the Certifications was used to estimate the total number of RPPCs used in California.

Even though these Certifications, and the raw data therein, are not being submitted to OAL and are not being made available for public inspection for 15 days, they will be maintained by the Department along with the agency's rulemaking file and will be included with the rulemaking file for purposes of any judicial review pursuant to Government Code Section 11350 et seq.

A copy of the full text of the regulations with the latest proposed changes indicated in *shaded italics* is available on the RPPC Rulemaking page of CalRecycle's website at [www.calrecycle.ca.gov/Laws/Rulemaking/RPPC](http://www.calrecycle.ca.gov/Laws/Rulemaking/RPPC). Paper copies of the proposed revised regulations may also be obtained by contacting the program staff at the address, phone number or e-mail listed above.

The complete Table of Contents for the full Rulemaking file, as well as an explanation of the changes made since the first 15-day public comment period are available within the "Additional Documents" section of the RPPC Rulemaking page at [www.calrecycle.ca.gov/Laws/Rulemaking/RPPC/default.htm](http://www.calrecycle.ca.gov/Laws/Rulemaking/RPPC/default.htm).

If you need any additional information, please contact our office at 916-341-6717.