

**“CONTAINS BUSINESS INFORMATION NOT FOR PUBLICATION OR  
INCLUSION IN THE PUBLIC RULEMAKING FILE”**

Documents Relied Upon:

Rigid Plastic Packaging Container Compliance Certification Documents (“Certifications”) for the reporting periods 1996, 1997-1999 (combined into one certificate), 2000, 2001 and 2005.

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.