

Rigid Plastic Packaging Container (RPPC) Rulemaking

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RPPC 2007 Informal Rulemaking Process

- March 2007 Board direction
 - Convene an Advisory Group
 - Develop revised regulations
 - June Workshop
 - August / September review of revised draft
 - October 30th Interested Parties Meeting



Reasons for Changes

Regulatory changes are needed to:

- Incorporate recent statutory changes
- Clarify key definitions
- Improve certification processes
- Improve overall readability and organization



RPPC Law – Intent

- Conserve resources
- Divert plastic packaging from disposal
- Support markets for Postconsumer material (PCM)
- Support plastic collection and processing infrastructure



Key Issues

- Proposed Definitions
 - Postconsumer Material
 - Product Manufacturer
 - Reusable Container
 - RPPC
 - Source Reduced Container
- Alternative Container Compliance Methods
- Pre-Certification Process
- Advisory Opinions



Proposed Definitions – RPPC

- Includes metal or plastic handles and other non-plastic, incidental packaging elements
- Capable of at least one closure
 - Including manufacturing process
- Includes “relatively inflexible containers,” but not film packaging
 - May be capable of being folded or collapsed

Relatively Inflexible Finite Shape

Regulated



Maintains its shape while holding other products

Regulated

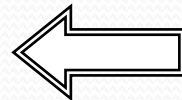


Maintains its shape while holding other products

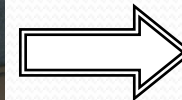
Not Regulated



Does not maintain its shape while holding other products



“Relatively Flexible”



“Relatively Inflexible”



Proposed Definitions – Source Reduced Container

- Factors for approving source reduction through resin switching:
 - Comparison of recycling rate data for both resin types
 - Availability of PCM for the resin types of appropriate quality for use in RPPCs
 - Information supplied by the manufacturer
 - Any other relevant sources of information



Agency Changes Mind

- At the November 5, 2007, Permitting and Compliance Committee meeting, the Committee directed staff to notice the proposed changes to the RPPC regulations with OAL. Based on discussions at the Committee meeting, changes will be made to Definitions, “Material Type” and “Source Reduction”.



New Definition

- Source reduction does not include the switching of one resin type to another
- Switching is now considered a material change



Regulatory Process

- October 10, 2008 through November 14, 2008, the California Integrated Waste Management Board (CIWMB, now CalRecycle) conducted an on-line Economic Impact Survey
- February 11, 2011- March 28, 2011 was the first formal 45-day public comment period
- On April 8, 2011, a public hearing was held ending the first formal 45-day public comment period
- On May 17, 2011 a public workshop was held to discuss portions of the proposed revised RPPC regulations
- On June 8th and June 22nd, 2011 another public workshop was held to discuss portions of the proposed revised RPPC regulations.
- October 5th, 2011 another public workshop



PSCI Actions

- PSCI and ACC have been aggressive in responding to the resin switching issue
- PSCI submitted letters during the Public Comment Period
- Participated in stakeholder Meetings and Public Hearings



Resin Switching Response

- Proposed Change to Definition of Source Reduced Container (Resin Switching)
 - Goes against fundamental policy objectives of the State
 - PCR is not an option for many pail manufacturers due to the supply and quality
 - Reduction in plastic reduces greenhouse gas emissions



What's Next?

- Meet with Resources Agency Undersecretary Janelle Beland and new CalRecycle Director Carroll Mortenson
- Work with partners to forge a strong coalition to make changes to the proposed regulations
- Respond during future public comment periods