

CalRecycle's July 23rd and 24th RPPC Program Webinar – Script Only

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Hello, and welcome to the State of California's Department of Resources, Recycling and Recovery's presentation on the Rigid Plastic Packaging Container Program, or as we refer to it, the RPPC program. My name is Jared Weathers, I am an RPPC program staff member, and our goal for this presentation today is to help inform our regulated community and all interested parties on the RPPC program.

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Today's agenda is as follows:

- RPPC Definition
- “What is an RPPC” demo
- “Container Volume Measurement” demo
- RPPC Regulations

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California's RPPC law was enacted in 1991 as part of an effort to reduce the amount of plastic waste disposed in California landfills and to increase the use of recycled postconsumer plastic. The regulations were amended in 1995 to limit the definition of containers covered by the RPPC regulations program, however, this created problems for the program when trying to identify regulated containers and product manufacturers, and it created an inequitable regulatory environment for all product manufacturers using similar containers. However, due to changes in the law in 2005 and 2006, CalRecycle took the opportunity to level the regulatory playing field and revised the regulations. The regulations revisions were accepted by the Office of Administrative Law in October of 2012, and went into effect in January, 2013.

Product manufacturers are and always have been the focus of the regulations. With the newly revised regulations being rolled out, CalRecycle wanted to further discuss the program with all of our regulated and interested entities

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As I stated previously, the focus of the RPPC program is on “Product Manufacturers”. When I refer to a product manufacturer, the regulations define it as any person, partnership, association, corporation or any other entity that, through its own action or through contract or control, *is responsible for the product produced & sold or offered for sale in California within an RPPC.* Selling or offered for sale in California includes direct sales, retail sales, and remote sales through distributors, wholesalers, and the internet. The regulations include factors that program staff will use to identify the responsible product manufacturer for a regulated product. These factors include who has ownership of the brand name of the product, and who has primary control over the product and container design.

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(JARED) I would now like to introduce Christina Vredevoe, who is another RPPC program staff member. Christina is going to give a presentation on how to better recognize what is an RPPC.

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(Christina) Welcome to CalRecycle's presentation of "What is a Rigid Plastic Packaging Container or RPPC?" My name is Christina Vredevoe and I will provide an overview of containers regulated by the RPPC program.

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"Please note that the packaging examples shown do not constitute endorsement by CalRecycle and are provided for informational purposes only. CalRecycle is providing this information in an effort to increase public awareness. Any resemblance of a container to the container shown cannot be construed as achieving compliance."

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So, what is an RPPC? As defined by statutes and regulations, in order for a container to be considered a regulated RPPC it must meet **all** of the following conditions:

An RPPC must be made of plastic; except for incidental portions of the packaging, such as handles, caps, lids, hinges, or additives like pigments or stabilizers for the plastic.

An RPPC must have a relatively inflexible shape or form. Essentially, it is a rigid container when holding a product. It also must be thicker than the ASTM guidelines for film plastic, so the container's thickness must be greater than or equal to 0.25 mm, which is 0.01 inches.

An RPPC must have a minimum capacity or volume of 8 fluid ounces up to a maximum capacity or volume of 5 gallons. Containers for products which are labeled and sold by weight or item count must be measured for the equivalent *volumetric capacity*.

An RPPC must be capable of at least one closure. This includes closure during the manufacturing process, such as containers that are heat or sonic sealed, and still includes RPPCs capable of multiple closures.

And finally, an RPPC must hold a product that is sold or offered for sale in California. Again, sold or offered for sale in California includes direct sales, retail sales, and remote sales through distributors, wholesalers, and the internet.

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An RPPC takes on many shapes, sizes, and characteristics. RPPCs can be made from acetate, Polypropylene, Polyvinyl chloride, PET, HDPE, polystyrene, and other types of plastics. In this presentation we will show many different examples of RPPC containers and the factors that determine whether a container meets the definition of a "Rigid Plastic Packaging Container."

Let's start with thermoform trays.

Thermoform trays are used because they can be made to exact specifications to package irregularly shaped items and the packaging design can help to deter theft. Many thermoform trays are sealed

during the manufacturing process which is considered a closure under the RPPC regulations. Products found in thermoform trays include electronics, auto parts, tools, home improvement items, office supplies, art supplies, and others.

Here is one example of a clamshell. Clamshells are used to give products visibility while offering protection from tampering. They can be heat-sealed or re-closable and can stand on a shelf, sit on a display, or hang on a wall display. Example products found in clamshells include cell phone accessories, sports equipment, tools, hardware items, office supplies, pet products, automotive products, and others.

Bottles come in a wide array of shapes and sizes and may or may not have handles, such as the yellow one gallon jug pictured at the top right. There are many styles of closures available for bottles such as flip-tops, threaded caps, pour spouts, pumps, and spray tops such as the one pictured at the bottom right. The tops may include overcaps as well, as seen on this spray bottle. Example products include cleaning supplies, household products, home improvement supplies, automotive care products and others.

Tubes, such as these two, are used to combine good visibility with optimal storage capacity and utilization of shelf-space. Tube closures come in many types such as hanger caps, plugs, flip-tops, and dispenser tops. Tubes that are sealed during the manufacturing process **are also** included in the RPPC program. Some products found in tubes include toys, office supplies, sports equipment, home improvement products, construction materials, automotive supplies, household products, cleaning wipes, and others.

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More examples of regulated RPPCs include:

Buckets, Tubs, and Pails.

Buckets, tubs and pails are used to hold a variety of fluid and solid materials that require a container with a larger size and durability. They usually have a handle for transportability and can be round, square, or oblong. Lids come in a variety of styles including threaded, hinged, pry-off, and pour-spout. Example products contained within these RPPC can include cleaning supplies, pet supplies, home improvement products, gardening supplies, construction items, automotive care products, toys and others.

The last two general container examples we have to show today are Boxes and Rounds:

Boxes and rounds are used because they are economical, versatile, easy to ship, and maximize shelf-space. They are found in a wide array of sizes and shapes and many can fold flat when not holding a product. Some products found in boxes and rounds include jewelry, household products, art supplies, office supplies, CDs, DVDs, tools, and others.

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For the purpose of this presentation, we will assume that all of the example RPPCs shown are sold in California and meet the capacity requirements of 8 ounces up to 5 gallons in volume.

The RPPC law impacts a wide spectrum of packaging containers with volume capacities equivalent to 8 ounces, or 1 cup, up to 5 gallons or its equivalent volume. We would like to note that the 5 gallon bucket shown here has a capacity greater than 5 gallons. However, the majority of businesses that use this

bucket report this as a 5 gallon bucket due to the labeled capacity of the product. The difference in capacity is due to the headspace needed for the transport and storage of liquids and the settlement properties of dry goods.

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These are some examples of containers that may need further clarification due to changes from previous RPPC regulations.

Here you see a 5 Gallon Bucket with a lid and metal handle, a gray plastic box with metal hinges, a rectangular collapsible box, one tube that opens and closes, and one tube that is sealed during the manufacturing process.

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These containers **do** meet the criteria of being RPPC. They all:

- have a minimum capacity or volume of eight ounces up to a maximum capacity or volume of five gallons,
- are relatively inflexible ,
- are made entirely of plastic (except for incidental portions of the packaging, such as metal handles),
- and are capable of at least one closure (which includes closure during the manufacturing process)

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This bucket and this gray plastic box have incidental metal portions. Under previous RPPC definitions, incidental non-plastic parts were not subject to the law. Under the revised definitions, these containers **are** regulated.

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Additionally, containers that were sealed during the manufacturing process and not capable of multiple closures were previously excluded. Under the revised definitions, both of these containers are subject to the law.

Tubes are just one example of containers that are sealed, such as by heat or sonic sealing, during the manufacturing process. Thermoform trays and clamshells are also commonly sealed in this way.

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Here we see a container that can change volume depending on its use. Although this plastic carton can be folded and lay flat for transportation, it is assembled allowing for a product to be placed inside. This action forms the packaging into an RPPC. Boxes are just one type of packaging that is capable of collapsing in this way.

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This next slide shows two examples of containers **not** regulated by the RPPC program.

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These fiberboard-backed containers are not RPPCs because they are not made entirely of plastic.

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This example bucket, though made entirely of plastic, is not considered an RPPC. In this case, the container does not have a lid, so is not capable of at least one closure.

Slide 21:

Several types of containers were represented in this presentation, but the examples are by no means all-encompassing. For further information on the RPPC program's definitions of a regulated container, please visit our website at: calrecycle.ca.gov/Plastics/RPPC/

Now that we've reviewed kinds of packaging containers included in the RPPC program, we would now like to review the volume of a container. At this time, I would like to introduce our next presenter, Anne Snider, who will discuss container volume determination methods.

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(Anne) Welcome to CalRecycle's measurement presentation. My name is Anne Snider and I will provide an overview of techniques that can help determine a container's volume.

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The volume of an RPPC is one factor for determining whether a product's plastic packaging is an RPPC. Through this presentation, we are going to share some methods for measuring the volume of rigid plastic packaging containers.

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More specifically, an RPPC with a volume capacity of 8 ounces up to a maximum of 5 gallons falls within the program.

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If you are unsure of a particular product's total packaging volume, you may consider:

- Contacting the container manufacturer to request the total volume capacity of the container, or
- Contacting a package design engineer to obtain the container's volume capacity.

If neither of these options is available, you may need to conduct the measurement yourself.

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Regular shaped containers can easily be calculated using a standard formula. For example...

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...the volume of a cube or rectangular prism can be calculated by multiplying the width times the length times the height.

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Using this rectangular box as an example, the width is 2.25 inches, the length is 2.75 inches, and the height is 2.5 inches.

2.25 times 2.75 times 2.5 is equal to 15.47 cubic inches. Therefore, the volume of this box is 15.47 cubic inches. Now all you need to do is convert 15.47 cubic *inches* into *ounces*. Here is the formula for converting inches to ounces.

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15.47 cubic inches divided by 1.8046875 equals 8.57 fluid ounces. Therefore, this container would meet the volume requirements of an RPPC.

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As another example, a cylinder's volume can be calculated by multiplying π times the radius squared times the height. Using this cylindrical container as an example, π is always 3.14...

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... and the radius is 1.4 inches. The radius squared would be 1.4 times 1.4, or 1.96 inches, and the height is 2.5 inches. Therefore π or 3.14, times 1.96 times 2.5 is equal to 15.39 cubic inches. The volume of this container is 15.39 cubic inches.

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Now convert 15.39 cubic inches into ounces. Using our formula, again: 15.39 cubic inches divided by 1.8046875 equals 8.53 fluid ounces. This container would meet the volume requirements of an RPPC.

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For additional information on formulas to calculate regular shaped containers, such as cubes, rectangles, cylinders and other shapes go to the RPPC website at: calrecycle.ca.gov/Plastics/RPPC/SelfDetermin, without an "e". Once on this webpage, scroll to the bottom of the screen where you will find tools for "Determining a Container's Volume or Equivalent Capacity".

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Effective product packaging is used to maximize sales. However, the total volume capacity of the packaging container may not be easy to measure. In cases where irregular shaped packaging is being used, and you need to conduct an evaluation on your own, several techniques are available.

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The techniques include: the Rice Measurement Method, the Water Measurement Method, and the Volume Displacement or Water Dunk Test. Each of these methods can be used to determine the volume of a container. However, container determinations are almost always done for those containers that are questionably close to 8oz.

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The first method is the rice measurement method. We suggest using rice however any fine grain material, including sand, can be substituted.

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As a regular shaped container, this rectangular box could easily be calculated by multiplying the width times the length times the height. However, for demonstration purposes, we will show you an alternative method for calculating this container's volume.

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First, you will need to tape any gaps or small openings that may allow rice to slip through.

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Next, using a standard kitchen measuring cup, measure 8 ounces of rice and level off the top. 1 cup is equivalent to 8 ounces volumetric capacity.

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Finally, pour the rice into the empty container. Be sure to fill-in all the crevices.

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In this case, there is room for more rice. Using this method, the container has a volume *greater* than 8 ounces. Given the product inside, it could be considered an RPPC covered by the program.

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Smaller containers hold a variety of products. Using the rice measurement technique, we are going to determine if this *irregular shaped container* meets the minimum volumetric capacity requirement.

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If necessary, tape any gaps or small openings that may allow rice to slip through.

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Next, measure 8 ounces of rice using a standard kitchen measuring cup.

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Finally, pour the rice into the empty container and be sure to fill-in all the crevices. In this case, we were not able to get all of the rice into the container. Using this method, the container has a volume *less* than 8 ounces.

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For irregular shaped containers that have several contours and indentations, the *water measurement* method might be preferred. This technique is slightly more accurate than the rice measurement technique. Using this technique helps to evaluate a container that is very close to 8oz.

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Using a standard kitchen measuring cup, measure eight ounces of water.

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Next, pour the water into the empty container. Be sure to fill-in all the spaces.

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In this case we have found that there is room for more water. Using this method, the container has a volume *greater than* 8 ounces.

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Again, using the water measurement technique, we are going to determine the volume of this small container.

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Begin by measuring 8 ounces of water using a standard kitchen measuring cup.

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Next, pour the water into the empty container and fill-in all the spaces.

In this case, we have found that there is not enough room for 8 ounces of water. Using this method, the container has a volume *less than* 8 ounces.

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Another method that works well to measure the volume of *irregular* shaped containers is the *Volume Displacement* or *Water Dunk Test*.

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For example, the volume of this irregular shaped container would be difficult to calculate using a standard formula. Therefore, the *volume displacement* test would work very well for this type of container.

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First, fill the RPPC with sand to sufficiently weight the container so that it will sink into the water.

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Next, tape any tiny openings that could allow water to seep from, or into, the container.

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Now, pour any amount of water into a large measuring device, such as the one shown here. Just make sure the water level is enough to submerge the container without spilling over. For this demonstration, we're using 40 ounces of water.

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Lower the container into the water.

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Finally, measure the amount of water that goes up. In our example, we placed 40 ounces of water in the measuring device and the water level went up to approximately 56 ounces after adding the container. The amount of water that the container displaced is about 16 ounces.

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Therefore, the volume of this packaging container is about 16 ounces.

Using all of these methods that we have demonstrated, provides the total capacity of the container, not the volume of the *product*. In summary, be sure to measure the total capacity of the *packaging* container.

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We hope that this presentation has been helpful for better understanding a container's volume. For further information on conducting self-determination, please visit our website at: calrecycle.ca.gov/Plastics/RPPC/selfDetermin, without an "e".

At this time, I would like to re-introduce Jared to continue our webinar.

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Thank you, Christina and Anne for your presentations. We will be adding more helpful tools to the website, please check it periodically.

Now that we have gone through the overview and background of the RPPC Program as well as examples of RPPCs and how to determine the volume of a container, you may believe you have products held in regulated RPPCs.

I would now like to move on and discuss the phases of the certification process within the RPPC Program.

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The certification process for the RPPC program takes a three-phased approach. The three phases are: Registration, Precertification, and Compliance certification. This three-phased approach provides Product Manufacturers who sell their product or products within an RPPC a year's advanced notice in order to have them review their inventory and possibly any container specifications that need to be addressed to meet California's regulations.

Now I will walk through each phase and explain them in greater detail.

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During our ongoing registration phase, any Product Manufacturers that are identified by CalRecycle as potentially using RPPCs are notified of registration requirements via a written notice. CalRecycle has developed an online registration to streamline the registration process. All Product Manufacturers are welcome to register whether or not CalRecycle has sent their business a notice. However, if a product manufacturer does receive a registration notice from CalRecycle, they must respond within 90 calendar days of their receipt of the registration notice, otherwise they may be subject to penalties.

Registration will help facilitate a more timely manner of communication between CalRecycle and Product Manufacturers, which could include notifications of new compliance certification tools or updates to the website.

If you haven't received something from us, we encourage you to register as soon as possible.

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In the precertification phase, we randomly select a small percentage of product manufacturers who have registered with CalRecycle and notify them in writing that they have been selected for precertification. This precertification notice provides the selected product manufacturers with one year's notice that they **may** be selected to certify their product's compliance with the RPPC law.

This advanced notice provides product manufacturers the opportunity to review RPPC requirements and to identify and resolve any compliance issues they may have with their RPPCs.

Product manufacturers who do not provide official contact information within 90 calendar days of receipt of the precertification notice may be subject to penalties, as well.

If you haven't heard from us, your company has not been chosen for 2013 precertification.

Our next precertification will take place in 2014.

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For the compliance certification phase, a small number of product manufacturers who were notified of being in the precertification phase will be randomly selected to submit a compliance certification.

Product manufacturers will have one year to submit their full certification, and are required to include all products sold or offered for sale in California that are held in regulated RPPCs comply with the RPPC container requirements.

CalRecycle is currently developing model forms that could be downloaded from our website. They will be available in time for the 2014 certification cycle.

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In summary, CalRecycle has a three phase certification program. They include:

Registration

-Ongoing phase. All product manufacturers are welcome to register.

-Product manufacturers who receive a registration notice must respond within 90 days.

Precertification

-Product manufacturers are randomly selected each year and notified in writing that they *may* be selected to certify their product's compliance.

Compliance Certification

-A small random selection of product manufacturers who were in the Precertification phase of the prior year will be notified to submit a compliance certification following the specific measurement period outlined within the compliance certification notification.

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We've just discussed the three phases of the certification process. It now begs the question, "How do I comply? What are my options?" This next section is designed to address those two questions.

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There are several compliance options providing Product Manufacturers with flexibility in how they comply with the requirements.

Each compliance option has specific requirements that must be met.

I will now take the opportunity to explain each compliance option with a little more detail.

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In past certifications, usage of 25% PCM has been the most utilized option.

In order to claim compliance through the Postconsumer Material Content compliance option, an RPPC must be made from at least 25 percent postconsumer material.

Section 17943 (q)

"Postconsumer Material (PCM)" means a material that would otherwise be destined for solid waste disposal, having completed its intended end-use and product life cycle. This includes material that comes from California diversion/curbside recycling programs. However, postconsumer material also includes:

- RPPCs holding obsolete or unsold products that are commonly disposed, and not commonly reused within an original manufacturing process, shall be considered postconsumer material when used as feedstock for new rigid plastic packaging containers
- Finished plastic packaging that has been rejected by a container or product manufacturer, and that is commonly disposed, may be considered postconsumer material if it is later used in a process other than the original manufacturing and fabrication process.

Materials and by-products generated from, and commonly reused within, an original manufacturing and fabrication process are **NOT** considered postconsumer material under the RPPC regulations, rather a standard operating procedure *also known as post-industrial material*.

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In order to claim compliance through the source reduction compliance option, an RPPC must meet one of the following four compliance options:

- The RPPC's weight must be reduced by at least 10 percent
- Product held within the RPPC must be concentrated by at least 10 percent
- The RPPC has a combination of increased product concentration and reduced container weight, which balances out to 10% reduction.
- The RPPC, when compared to another container that is alike in material type (resin), shape and volume, and with a similar product inside must weigh at least 10 percent less.

Section 17943 (af)

"Source Reduced Container" means:

(1) An RPPC whose container weight per unit or per number of product uses has been reduced by 10 percent.

(A) The RPPC used for the product by the product manufacturer as of January 1, 1995.

(B) The RPPC used for the product by the product manufacturer over the course of the product's first full year of commerce in California.

(C) The RPPC used in commerce during the same year for similar products in similar RPPCs by the product manufacturer or other product manufacturers that are held by "particular type RPPCs," whose containers have not been considered source reduced.

(2) An RPPC is not a source reduced container if the reduction was achieved by any of the following:

(A) Substituting a different material type for a material that previously constituted the principle material of the container (Resin Switching).

(B) Increasing a container's weight per unit or per number of product uses after January 1, 1991.

(C) Packaging changes that adversely affect the potential for the RPPC to be recycled or to be made of postconsumer material. The Department may review any information provided by the product manufacturer, as well as other available information, to determine if the packaging change adversely affects the potential for the RPPC to be recycled or to be made of postconsumer material.

(3) Any source reduction achieved by changing the RPPC to a non-rigid plastic container may be credited to other containers as part of the averaging method of compliance.

(4) If an RPPC for a specific product is entirely eliminated and that product is sold in California without any packaging, the source reduction may be credited to other regulated containers used by the product manufacturer as part of the averaging method of compliance

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With these next two compliance options, the Reusable RPPC and the Refillable RPPC compliance options, there has been some confusion in the past when differentiating between them, so I will try to make a simple enough distinction between the two to alleviate some of the confusion.

With the Reusable RPPC compliance option, an RPPC must be reused by the end user at least five times where the reuse is to hold a replacement product. An example would be hand washing soap that can be refilled by buying a large container of replacement soap is considered a reusable RPPC.

Note that if the replacement product is packaged in an RPPC, it must also comply under another compliance option!

This does not refer to a container that is intended to be used or may be permanently used to hold the original product sold in that container, such as a drill container.

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With the Refillable RPPC compliance option, the RPPC must be replenished at least 5 times, where the RPPC is returned to the product manufacturer and the product manufacturer refills the RPPC. An example is a kitty litter manufacturer refilling 5 gallon pails.

In summary:

Reusable – end user refills

Refillable – product manufacturer refills

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For the Particular Type, Product Associated, or Single Resin Type RPPC Recycling Rate compliance option, the product manufacturer must prove that the RPPC is recycled at a minimum of a 45 percent recycling rate. The product manufacturer must submit a methodology to CalRecycle that shall explain in detail how the recycling rate figures will be derived and obtained, and this proposed methodology must be submitted within 90 calendar days of the product manufacturer's receipt of a compliance certification notice. CalRecycle will review the proposed methodology and approve or disapprove it within 90 calendar days of receipt.

If disapproved, the product manufacturer may resubmit a revised methodology for review as CalRecycle must approve of the methodology prior to its use by the product manufacturer for determining compliance.

If the methodology is approved, that methodology shall be used to determine the rates submitted as part of a compliance certification. The methodology remains valid to determine compliance in future

years. If the approved methodology is not used and the product manufacturer selects this compliance option, the product manufacturer may be subject to penalties.

Note

The PM needs to submit objective, scientific evidence of the RPPC's comparable recyclability, recycled content, recycling rate, regulated status, impact on California's market place, and ability to be made of postconsumer material. All plastic of a specific resin in California must be accounted for in recycling rate, not just the rates for bottles or clamshells.

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For the floral industry compliance option, the product manufacturer must prove that the RPPC is reused within the floral industry for a minimum of two years. The product manufacturer must submit a methodology to CalRecycle that shall explain in detail how each RPPC will meet the two-year reuse criteria, and this proposed methodology must be submitted within 90 calendar days of the product manufacturer's receipt of a compliance certification notice. CalRecycle will review the proposed methodology and approve or disapprove it within 90 calendar days of receipt.

If disapproved, the product manufacturer may resubmit a revised methodology for review as CalRecycle must approve of the methodology prior to its use by the product manufacturer for determining compliance.

If the methodology is approved, that methodology shall be used to determine the rates submitted as part of a compliance certification. The methodology remains valid to determine compliance in future years. If the approved methodology is not used and the product manufacturer selects this compliance option, the product manufacturer may be subject to penalties.

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For the alternative container compliance method, a product manufacturer will be in compliance if it demonstrates through its own actions, or the actions of another company under the same corporate ownership, that postconsumer material generated in California was consumed in the manufacturing of either RPPCs subject to this law, or rigid plastic packaging containers or other plastic products or packaging that is not subject to this law. The amount of postconsumer material consumed must be equivalent to, or exceed the postconsumer material that the RPPC is otherwise required to contain.

Another way to meet compliance is for the product manufacturer to arrange by contractual agreement with any company under the same corporate ownership for the purchase and consumption of postconsumer material generated in California and exported to another state for the manufacturer of either RPPCs subject to this law, or rigid plastic packaging containers or other plastic products or packaging that is not subject to this law. The amount of postconsumer material consumed must be equivalent to, or exceed the postconsumer material that the RPPC is otherwise required to contain.

CalRecycle staff is continuing to develop tools to further assist our stakeholders in their available compliance options.

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After you've reviewed the various compliance options, you'll want to ensure you've actually attained compliance by doing the calculations.

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When it comes time for a product manufacturer to calculate their claim of compliance, they must use the formulas provided in Section 17945.5 of the RPPC regulations. These formulas ensure that product manufacturers use and report the appropriate data when submitting a claim for a particular compliance option. The formulas will also be made available on CalRecycle's website.

For PMs that have several products within RPPCs, compliance may be achieved based on averaging.

Averages may be calculated using either data specific to California or nationwide.

If averages are used to achieve compliance, all RPPCs must be accounted for in the calculation or achieve compliance through any another compliance option.

- Refillable, Reusable, Alternative Compliance

Other Compliance options:

There are many other compliance options as well.

Reusable RPPC: The RPPC is routinely reused at least five times where the reuse is to hold a replacement product. This does not refer to a container that is intended to be used or may be used to permanently hold the original product sold in that container.

Refillable RPPC: The RPPC is routinely returned to and refilled by the product manufacturer or its agent at least five times to replenish the contents of the original RPPC.

Alternative Container Compliance Method: The product manufacturer, or another company under the same corporate ownership, consumes postconsumer material generated in California in the manufacture of RPPCs or other plastic product or plastic packaging that is equivalent to or exceeds 25 percent postconsumer material.

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Once a product manufacturer has been selected for precertification or compliance certification, they are able to correspond with CalRecycle regarding questions or concerns pertaining to their specific product containers. Advisory opinions – either a question asked of the Department or a request of a container determination, can only be requested by product manufacturers who have been selected for either the precertification or compliance certification phase, while waivers and exemptions can only be requested by product manufacturers who have been selected for the compliance certification phase.

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CalRecycle has provided product manufacturers the opportunity to request CalRecycle for written advice with respect to the product manufacturer's compliance with the RPPC Law. Only product manufacturers who have received a precertification or compliance certification notice may request an advisory opinion, and must submit their request in writing within 90 calendar days of receipt of their notice.

Advisory Opinions are product-specific, therefore must be prepared by the product manufacturer on a case-by-case basis. The product manufacturer must provide CalRecycle with sufficient and relevant information providing the specific facts related to the specific question being asked. If a written request for advice does not meet the requirements listed in Section 17948.2 of the RPPC regulations, CalRecycle will notify the requestor of that fact in writing. Otherwise, CalRecycle will issue a written opinion with 90 calendar days of receiving a request that meets the requirements for an Advisory opinion request.

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CalRecycle can grant waivers from RPPC compliance for newly introduced products sold in California, upon petition by a product manufacturer. A product manufacturer can petition for a waiver only within 90 calendar days of receipt of a compliance certification notice, or by the end of the certification period for newly introduced containers not known within 90 calendar days of the notice. Waivers are valid for 12 months from the date when the newly introduced product is first sold or offered for sale in California (remember that “offered for sale” includes remote sales through distributors and online sales).

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There are a few categories of containers and products that do not fall under the scope of the RPPC program.

The first category of exemptions are RPPCs that are produced in or out of California which are destined for shipment to other destinations outside the state and which remain with the products during that shipment. “Destined for shipment to other destinations outside the state” means that the sale of the RPPC to the final end user occurs outside of California.

The second category of exemptions include RPPCs that contain drugs, medical devices, cosmetics, food, medical food, or infant formula as defined in the Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.)

The third category of exemptions includes RPPCs that contain toxic or hazardous products regulated by the federal Insecticide, Fungicide, and Rodenticide Act.

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A fourth category of RPPCs that are exempt from the regulations are RPPCs that are manufactured for use in the shipment of hazardous materials and are prohibited from being manufactured with used material by federal packaging material specifications and testing standards.

*If asked: Material specifications and testing standards set forth in Section 178.509 and 178.522 of Title 49 of the Code of Federal Regulations, or are subject to testing standards set forth in Sections 178.600 to 178.609, inclusive, of Title 49 of the Code of Federal Regulations.

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In order for a Product Manufacturer to claim an exemption, they must submit their claim under certain conditions. Exemption claims must be submitted within 90 calendar days of the Product Manufacturer receiving a certification compliance notification, and need to include:

-Photographs of the rigid plastic packaging container or containers, along with their corresponding label that clearly shows the name of the product or products for which the exemption is being claimed;

-The basis for the exemption, including specific citation to any applicable federal statutes, regulations, any applicable registration numbers, and any other supporting documentation needed to validate the claim.

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And, finally, what happens if compliance hasn't been met? CalRecycle must use penalty assessments and calculations that are written into the California Code of Regulations, Title 14, Section 17949.

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CalRecycle will review the PM compliance certification to verify the information and compliance with the law.

In addition to CalRecycle's issuance of fines and penalties, submittal of false or misleading compliance certifications may result in a referral to the Attorney General for prosecution for fraud.

On or before July 1, 2016 CalRecycle will publish the fines and penalties that have been levied for the 2013 Registration and 2014 precertification period.

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Container manufacturers that provide PMs with false or misleading information can be found in violation of the RPPC law, and are subject to the same penalties and fines that are imposed upon PMs should CalRecycle determine that a container manufacturer provided false or misleading information.

In addition to CalRecycle's issuance of fines and penalties, submittal of false or misleading compliance certifications may result in a referral to the Attorney General for prosecution for fraud.

Slide 88:

The RPPC program's website contains a lot of useful information, including an overview of the program, explanations of the different compliance options, tools to help interested parties identify what product and containers may be regulated under the law, and links to all applicable regulations, just to name a few things. We will regularly update our site and we are able to provide more information, tools, and demos.

Slide 89:

This is the end of our presentation. On behalf of CalRecycle I would like to thank our audience for participating in this webinar. I hope it was informative and useful for everyone. We will be posting a recording of this webinar, along with a copy of this powerpoint presentation and video demonstrations for the RPPC examples and volumetric capacity determinations in the near future.