



Plastic Beverage Container Minimum Content Workshop

will start @ 10:00 AM (PST)



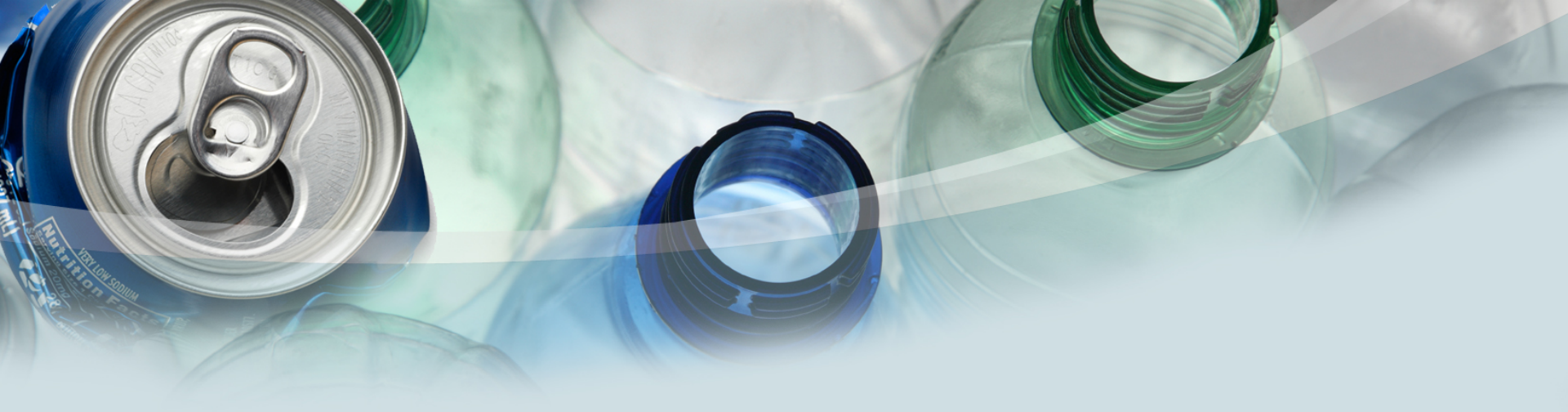
Plastic Beverage Container Minimum Content Workshop

April 29th, 2021



Introductions

- Jennifer Akins, Certification and Registration Branch Chief
- Hieu Le, Statistical Information Section Supervisor
- Kris Chisholm, Attorney
- Sharon Siozon, Rulemaking Coordinator



Workshop Ground Rules

- There will be an opportunity for comments and questions after each draft regulation section is presented
- Confine discussion to the current topic
- Everyone's input is equally valid

A collage of recycled plastic bottles and a metal can lid. The background features several clear and green plastic bottles, some with their caps removed, and a blue metal can lid with a pull tab. The items are arranged in a slightly overlapping, artistic composition.

Questions & Comments

CalRecycle comments portal using the “Workshop Comment” option in the drop down menu:

<https://www2.calrecycle.ca.gov/Forms/Feedback/PublicComments>

Or type directly in the question box located on the webinar menu box to the right of your screen




Agenda

- Workshop Purpose
- AB793 Proposed Draft Regulations:
 - 14 CCR §2000 Definitions
 - 14 CCR §2235 Recordkeeping
 - 14 CCR §2240 Reporting
 - 14 CCR §2250 Petitions to Adjust the Minimum Content
 - 14 CCR §2260 Corrective Action Plans
 - 14 CCR §2265 Penalty Reduction
- Questions & Comments




Workshop Purpose

To present the public, beverage manufacturers, the regulated community, and other interested persons for public feedback preliminary draft regulations to implement AB 793 Plastic Beverage Container Minimum Content



Proposed addition to **CCR § 2000. Definitions**

(34.1) “Postconsumer Recycled Material” means material generated by households or by commercial, industrial and institutional facilities in their role as end-users of the product which has been used for its intended use or can no longer be used for its intended purpose. This includes return of material from the distribution chain.



Proposed addition to CCR § 2000. Definitions

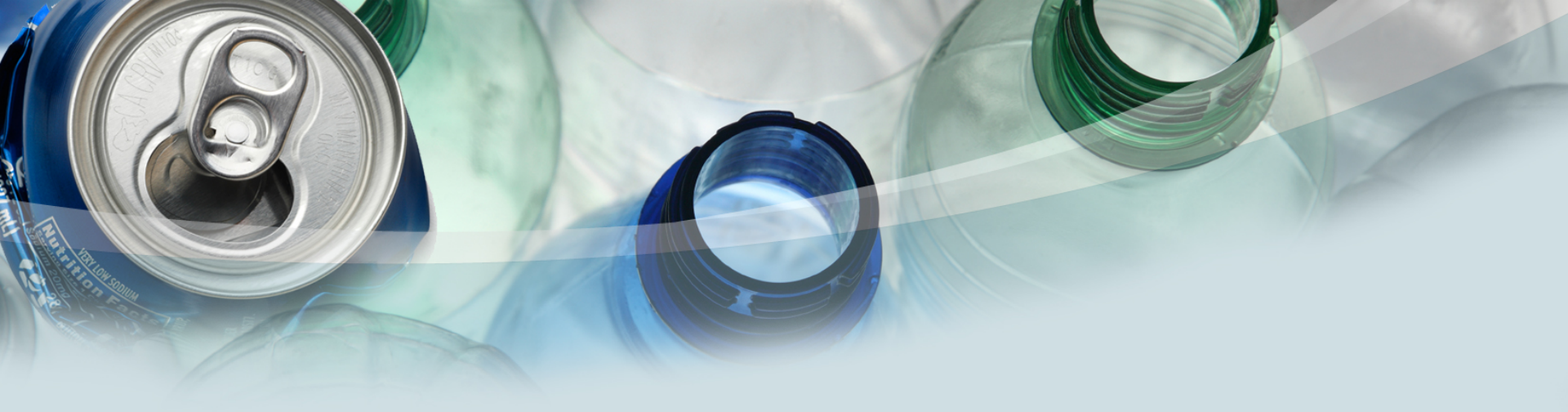
(34.2) “Post-Industrial Recycled Material” means material diverted from the waste stream during a manufacturing process. Included as PIR and excluded as PCR is reutilization of materials such as rework, regrind or scrap generated in a process and capable of being reclaimed with the same process that generated it.



Questions and Comments for **§ 2000.** **Definitions**



The following are proposed additions to
**Subchapter 3, Article 3. Registration,
Accounting and Reporting
Requirements for Beverage
Manufacturers**



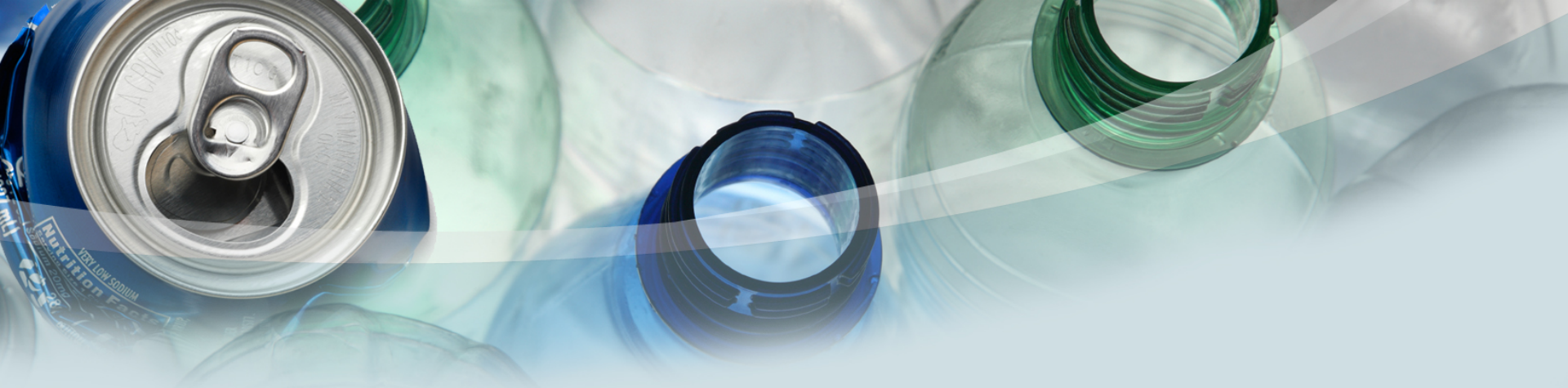
§ 2235. Recordkeeping

(e) Minimum recycled plastic content documentation. A beverage manufacturer shall maintain the following records evidencing the minimum recycled plastic content of beverage containers sold or transferred to distributors, dealers, or consumers. Suitable records for examination and audit by the Department shall include of the following:



§ 2235. Recordkeeping Cont.

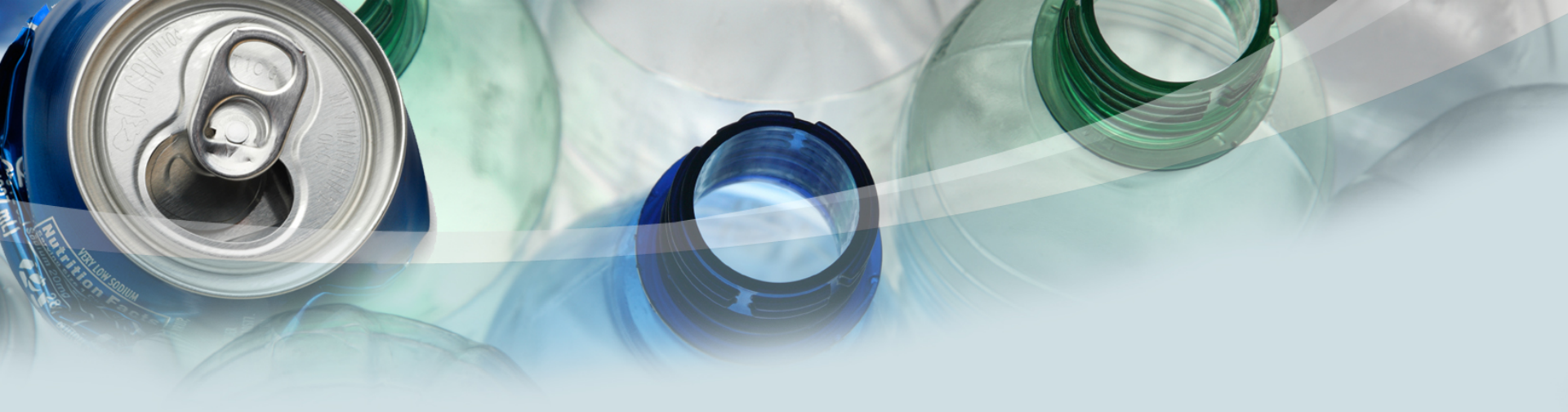
- (1) Material Data Sheets and purchase records associated with the beverage container,
- (2) Manifest, bills of lading or other sales documents to show shipping of beverage containers with postconsumer material content,
- (3) Purchase records of Postconsumer Recycled Material and Virgin Material used to manufacture beverage containers,



§ 2235. Recordkeeping Cont.

(4) Certifications made by a Container Manufacturer of the postconsumer recycled material content of the beverage containers, and

(5) Financial, transactional, or legal documentation provided by the Container Manufacturer that documents the postconsumer recycled material content of the beverage containers.



Questions and Comments for **§ 2235.** **Recordkeeping**



§ 2240. Reporting.

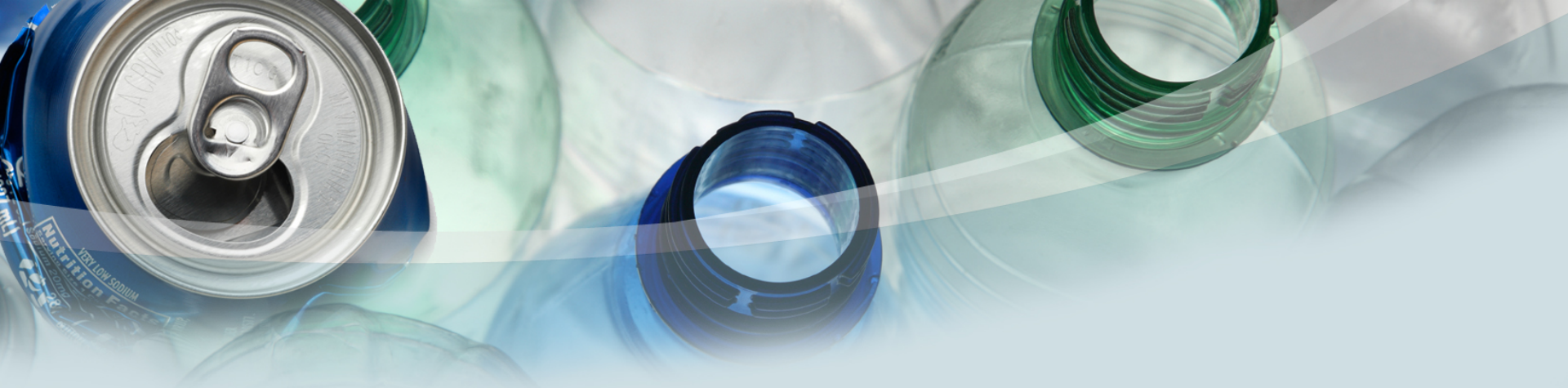
(b) For each year, a beverage manufacturer shall prepare and submit to the Division the Plastic Beverage Container Virgin and Postconsumer Resin Report. The Plastic Beverage Container Virgin and Postconsumer Resin Report shall contain the following information in accordance with the general requirements for reporting as contained in section 2090 of these regulations.

(1) Plastic Beverage Container Virgin and Postconsumer Resin Report. Each report shall contain all of the following information:



§ 2240. Reporting. Cont.

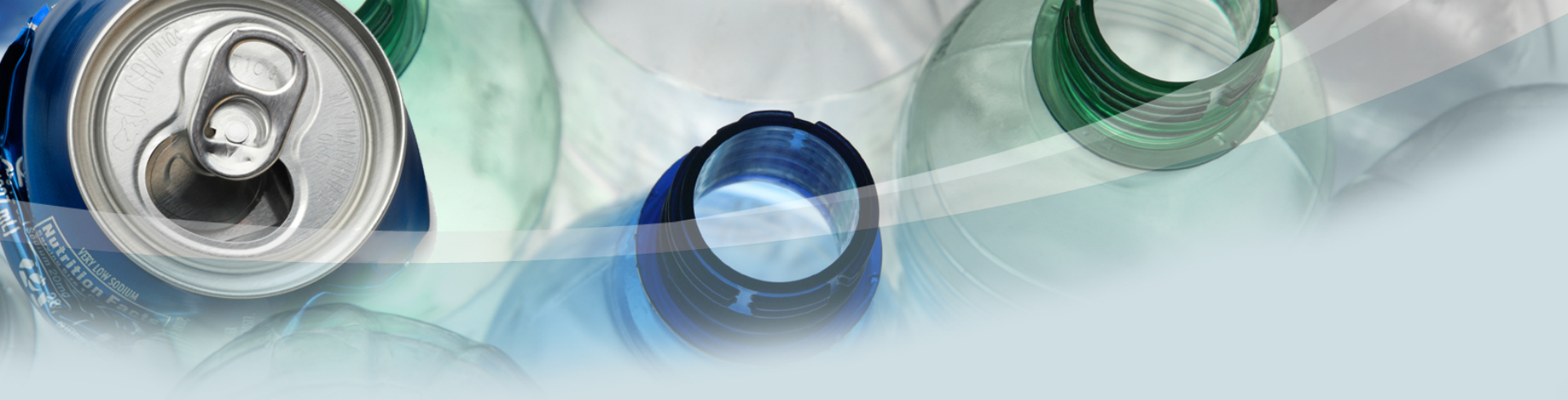
- (A) The Beverage Manufacturer's name and Manufacturer identification number; and
- (B) The reporting period; and
- (C) The amount of virgin plastic, by resin type and in pounds, used by the manufacturer for plastic beverage containers subject to the California Redemption Value for sale in the state; and



§ 2240. Reporting. Cont.

(D) The amount of postconsumer recycled plastic, by resin type and in pounds, used by the manufacturer for plastic beverage containers, including caps and labels, subject to the California Redemption Value for sale in the state; and

(E) The printed name, title, and signature of the person preparing the report; and



§ 2240. Reporting. Cont.

1. The Signature block shall state the information in the report is true and correct, subject to penalty of perjury, and the person signing is authorized to do so; and

(F) The date and the place the report was signed.

(2) The Plastic Beverage Container Virgin and Postconsumer Resin Report shall be submitted no later than March 1 of each year for plastic beverage containers subject to the California Redemption Value for sale in the state for the previous calendar year.



Questions and Comments for **§ 2240.** **Reporting**



The following are new proposed sections to be added to **Subchapter 3, Article 3. Registration, Accounting and Reporting Requirements for Beverage Manufacturers**



§2250. Petition to the Director to adjust the minimum postconsumer recycled content percentage.

(a) On or after January 1, 2025, and annually thereafter, an association that represents companies that manufacture beverages may petition to the director to adjust the minimum postconsumer recycled content percentage required to meet the minimum recycled plastic content requirements for plastic beverage containers.

(b) The petition shall be submitted as a written request to the director of the Department of Resources Recycling and Recovery and shall include:



§2250. Petition to the Director... Cont.

- (1) The name of the association; and
- (2) The percentage, above 35%, of registered Beverage Manufacturers that the association represents; and
- (3) The Filer identification number granted by the Secretary of State that demonstrates the association is registered to engage in lobbying the legislature or a state administrative agency; and
- (4) Information documenting the following factors to be considered by the director of the Department of Resources Recycling and Recovery:



§2250. Petition to the Director... Cont.

- (A) Changes in market conditions, including supply and demand for postconsumer recycled plastics, collection rates, and bale availability both domestically and globally;
- (B) Recycling rates as determined by the Department of Resources Recycling and Recovery; and
- (C) The availability of recycled plastic suitable to meet the minimum recycled content requirements, including the availability of high-quality recycled plastic, and food-grade recycled plastic from the state's and other beverage container recycling programs; and

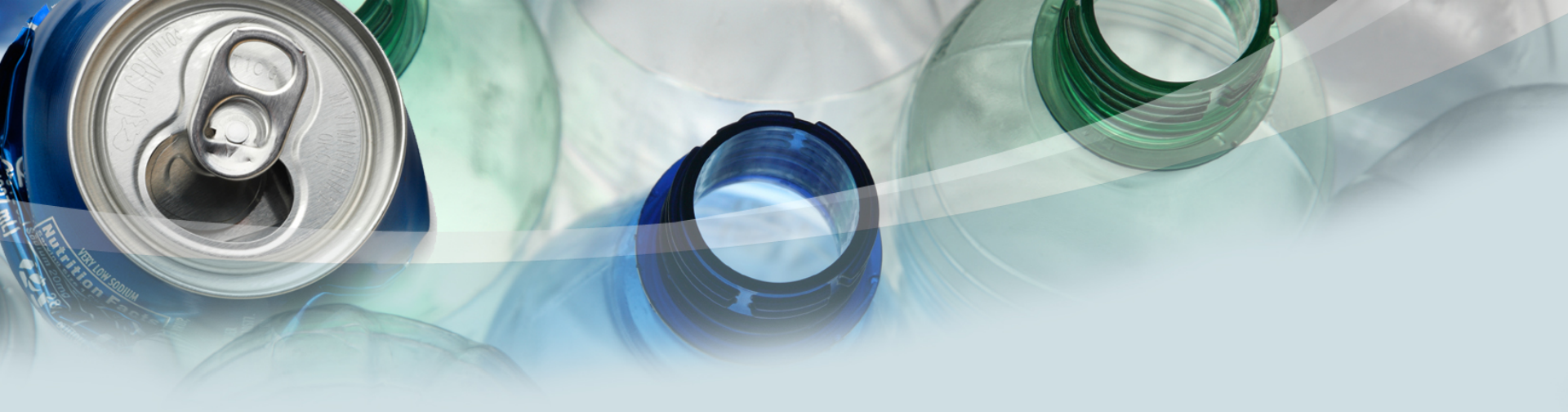


§2250. Petition to the Director... Cont.

(D) The capacity of recycling or processing infrastructure; and

(E) The progress made by beverage manufacturers in achieving the goals related to meeting the minimum recycled plastic content requirements.

(5) The association's preferred reduced minimum postconsumer recycled content percentage as supported by the factors identified in the petition.



Questions and Comments for **§ 2250.**
**Petition to the Director to adjust
the minimum postconsumer
recycled content percentage.**



§2260. Corrective Action Plan

(a) A beverage manufacturer shall submit, in writing, to the director of the Department of Resources Recycling and Recovery a corrective action plan before the beverage manufacturer obtains a reduction of an administrative penalty.

(b) Each corrective plan shall include the following:

(1) The beverage manufacturer's name and manufacturer identification number; and

(2) The reporting period; and



§2260. Corrective Action Plan Cont.

(3) Reasons why the beverage manufacturer will fail to meet or has failed to meet the minimum postconsumer recycled content standard; and

(4) Steps the beverage manufacturer will take to comply with the minimum postconsumer recycled standard within the next reporting year; and

(5) Dates for when the beverage manufacturer will implement the identified steps.

(b) The Department will approve or deny the corrective action plan 60 calendar days after receipts of the corrective action plan.



Questions and Comments for § 2260. **Corrective Action Plan.**



§2265. Reduction in Administrative Penalties.

(a) The Department shall consider granting a reduction of the administrative penalties assessed to beverage manufacturers that does not meet the minimum recycled plastic content requirements for a reporting year based on the following factors:

- (1) Anomalous market conditions; and
- (2) Disruption in, or lack of supply, of recycled plastics; and
- (3) Other factors that have prevented a beverage manufacturer from meeting the minimum recycled plastic content requirements; and



§2265. Reduction in... Cont.

(A) Other factors that have prevented a beverage manufacturer from meeting the minimum recycled plastic content requirements shall not include :

1. A beverage manufacturer's inability to obtain supporting documentation from the container manufacturer or other vendor;
or
2. A beverage manufacturer's inability to pay the assessed administrative penalty.



§2265. Reduction in... Cont.

(4) The department approved beverage manufacturer corrective action plan.

(b) The department will either grant or deny the reduction in administrative penalties 30 calendar days after the acceptance of a corrective action plan.



Questions and Comments for **§ 2265.**
**Reduction in Administrative
Penalties.**



Reminder

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Additional Resources/ Stay Informed

- If you have additional questions, comments or feedback after the workshop, please email them to:
MarketInformation@calrecycle.ca.gov
- See our website for further information regarding the plastic minimum content program:
<https://www.calrecycle.ca.gov/bevcontainer/bevdistman/plasticcontent/>
- Subscribe to the listserv for new updates:
<https://www2.calrecycle.ca.gov/Listservs/Subscribe/132>



Thank you!