



Rigid Plastic Packaging Containers: State Laws

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Wisconsin: RPPCs

- Applies to “an individual, separate, rigid plastic bottle, jar, or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.”



Wisconsin: RPPCs

- Size: 8 oz or larger
- Retail sale
- Exemption: Food, beverage, drug, cosmetic, and medical device containers regulated under FFDCA



Wisconsin

Content Requirement

- Plastic containers must consist of at least 10% recycled or remanufactured material
 - Includes pre-consumer scrap

Oregon

State Recycling Rate

- If the state rate exceeds 25%, all RPPCs are deemed in compliance
- In 2003, the rate was 27%



Oregon: Recycling Rate

Rate for Compliance Purposes

- Estimate of what rate is expected to be
- If state determines that the rate will be above 25% for the upcoming year, all companies may rely on the figure



Oregon: RPPCs

- Size: 8 oz to 5 gallons
- Composed primarily of plastic resin
- Maintain shape when empty or full
- Does not need to be a “complete package”



Oregon: RPPCs

Exemptions

1. Food containers
2. Medical packagings
3. Containers shipped outside Oregon
4. Tamper resistant parts
5. Blister packs and tubes
6. Reduced containers: reduced in size by 10%

Oregon: RPPCs

Substantial Investment Exemption

1. Substantial investment in reaching 25% recycling goal
2. Viable markets for material collected
3. Actual recycling rate at least 20%
4. Reasonable projections indicate that material will be recycled at 25% rate within 2 years



Oregon: Compliance Options

Recycled Content Option

- RPPC must consist of at least 25% post-consumer material

Reuse Option

- Must be used five or more times

Oregon: Compliance Options

Recycling Rate Option

Package is of a specific type that is recycled at a rate that exceeds 25%

- *Specific Types of RPPCs*: particular product in a specific type of RPPC (i.e.: milk jugs)
- *Specific Types of Plastic*
- *Product Associated Packages*: brand-specific RPPC line (i.e.: Brand 'X' salad dressing)



California: RPPCs

- Made entirely of plastic
- Capable of multiple reclosures
- Not flexible; can maintain shape
- Size: 8 fl.oz to 5 gallons
- Normally used to store a product for seven days or longer



California: RPPCs

Exemptions

1. Export Packaging: Sold outside of CA
2. Drug, cosmetic, food and medical device containers
3. RPPCs containing FIRA regulated products
4. RPPCs manufactured for use in the shipment of hazmat and prohibited from being manufactured with used material by federal packaging specs and standards



California: Who is Subject?

- The law applies to all “product manufacturers”
- Includes all manufactures, distributors or importers of products packaged in an RPPC and offered for sale in CA
- Any company whose name appears on the label can be considered the manufacturer



California: Compliance Options

Recycled Content

- Must consist of at least 25% post-consumer resin

Reusable or Refillable

- Must be routinely reused or refilled at least 5 times

California: Compliance Options

Source Reduction

- Must be “lightweighted” compared with:
 1. Packaging used on January 1, 1995
 2. Packaging used for that product during the course of its first full year of commerce in CA
 3. Packaging used in commerce the same year for similar products (“particular type RPPCs”)



California: Compliance Options

Product Associated RPPCs

- Brand specific RPPCs used in conjunction with a particular product line must be recycled at a 45% rate (i.e.: Brand 'X' detergent bottles)



California: Compliance

- It is not necessary for each RPPC to individually comply with the law
- Companies may establish compliance by averaging
- The average may include only RPPCs sold in CA or all sold nationwide



California: Compliance

- The average may be based on an entire product line or on sublines
- The average may only include those RPPCs for which the same compliance option is cited
- Every RPPC must be included in one of the averages or individually comply with the law



California: Certification

- Surveys are sent to randomly selected “product manufacturers”
- Survey consists of two forms
 - Product manufacturer form
 - Container manufacturer form
- 60 days to return completed forms



California: Certification

Response Options

1. Demonstrate compliance
2. Admit non-compliance
3. Claim containers are not RPPCs
4. Claim an exemption under the law
5. Deny selling products in CA

California: Enforcement

Compliance Agreements

- Historically allowed by CIWMB (in lieu of fine or other penalty)
- July 2005: CIWMB announces that compliance agreements will no longer be entered into

California: Enforcement

Penalties

1. Public offense subject to fines of up to \$100,000
2. Civil penalties of up to \$50,000
3. Providing false information may be prosecuted as fraud
4. Chem-Lite fined \$20,000 for 1996