

Calif. waste board votes to tighten plastic container rules

By Steve Toloken

SACRAMENTO, CALIF. (April 16) -- Companies that sell plastic containers in California for nonfood applications could be required to use recycled content or take other steps aimed at reducing plastic waste, if a state agency has its way.

The California Integrated Waste Management Board voted April 13 to tighten exemptions in state laws and essentially require that container makers for products such as detergents and oils prove that their bottles are environmentally friendly.

But the board first must get approval from the California legislature, where industry groups plan to contest the proposal strongly.

At issue is an agency decision to stop calculating the recycling rate for plastic containers in California. Under California's complicated environmental laws, if the recycling rate dips below 25 percent, the packaging industry has to do things like use recycled content.

But if the agency stops calculating the rate, it means companies will have to comply with the law ù no exemptions. The last year for which the rate was calculated, 2002, it was 26.1 percent.

The board said it no longer can be sure its calculations are accurate, in part because it can't get precise data from industry, and it said figuring the rate is not a good use of its limited resources. One of the state's leading environmental groups welcomes the decision, saying it will prod industry and support lagging recycling markets.

But industry groups, including detergent companies and plastics manufacturers, said the board decision will mean cumbersome administrative burdens for companies that already meet the law, because they will have to prove they are in compliance every year.

Randy Pollack, a Sacramento lobbyist for the Soap and Detergent Association, said most of SDA's members already comply with the law. Proving it to the state is expensive, however, if a company has 40 separate product lines, Pollack said.

One company, he said, spent \$25,000 to prove to the agency that its oil containers were not suitable for using recycled content. The law does not apply to companies that make containers for food, beverage, cosmetic or hazardous materials.

Tim Shestek, a lobbyist in Sacramento for the American Plastics Council, said plastic containers make up only about 1 percent of the waste stream. He said the agency should spend its time working cooperatively with industry, as it is doing on other programs such as resin pellet cleanup and plastic film recycling.

But a spokesman for Californians Against Waste said a plastic container recycling rate of 25 percent is a failure because it is well short of the state goal of diverting 50 percent of waste from landfills.

Waste board member Michael Paparian said the agency has worked hard to accommodate business and has exempted many small businesses from the container law, but is struggling to implement the waste reduction goals mandated by the state legislature.

Still, it's not clear how many companies would be required to prove compliance. Agency staff said they might sample only 100 companies a year, but Pollack said he worries that the number could increase.

Toloken is a reporter for Crain Communications' Plastics News.