

PCR Rule Advisory Committee Meeting Notes on Draft Rule – Part B

June 9, 2022

- The Department of Ecology (Ecology) hosted a meeting on Zoom to collect feedback on draft post-consumer recycled rule language for [RCW 70A.245](#), [WAC 173-925](#).
- The PCR Draft Rule advisory committee (committee) was chosen to represent the regulated community and other interested stakeholder groups.
- Committee meetings are open to the public and anyone may comment

Advisory Board members:

In attendance:

Emily Alexander: Darigold

Chris Cary: Tree Top, Inc

Holly Chisa: Northwest Grocery Association

John Cook: Niagara Bottling

Megan Daum: American Beverage Association

Kate Eagles: Association of Plastic Recyclers

Kyla Fisher: Ameripen

Christopher Finarelli: Household & Commercial Products Association

Brennan Georgianni: American Cleaning Institute

Sally Jefferson: The Wine Institute

Charles Knutson: Amazon

Carolyn Logue: Washington Food Industry Association

Lauren Shapiro: Personal Care Products Council

Mark Smith: Clorox

Heather Trim: Zero Waste Washington

Not present: Charles Knutson, Kate Eagles, Mark Smith

Other meeting attendees are listed below.

Agenda

- Overview of draft Part B language
- Ecology equitable fee calculation presentation and walk-through
- Group input and discussion

Powerpoint slides available on [PCR Rule Website](#)¹

Draft Rule Part B Language

Shannon Jones shared Ecology's draft language for the following topics:

- Producer information required for annual registration:
 - Producer name
 - Mailing address
 - Website
 - Tax ID
 - Contact person/info

PCR Draft Rule Advisory Committee – Part B meeting notes

- List of covered product brand names
- List of subsidiary brands/collections/vendors owned by the brand
- Calendar year for data submitted
- Total pounds plastic within each covered product category
- De minimis info (if relevant)
 - Proof that producer, including all owned subsidiary brands, meets de minimis threshold
- Timeline for annual reporting requirements:
 - April 1, 2024 - plastic trash bags and non-dairy or wine plastic beverage containers
 - April 1, 2026 -plastic household cleaner and personal care product containers
 - April 1, 2029 -plastic dairy milk containers and 187 milliliter plastic wine containers
- Information required in annual reports:
 - All original registration info (once reporting timeline begins, annual reports will take the place of registration)
 - Average PCR content weight, in pounds, by resin type by product category
 - Total PCR resin as percent of total weight
 - If providing national or regional data:
 - Method for calculating/separating WA specific data
 - Explanation for why state-level data cannot be obtained
 - Ecology is considering draft language pertaining to self-certifying or attaining 3rd party verification of data. This will be further explored in Draft Rule Part C.
- Confidentiality:
 - Reporting information is public
 - Confidentiality requests are considered on case by case basis (per Ecology procedure)
 - Request for confidentiality must include information certifying unique production processes or adverse competitive consequences of sharing PCR data (per [RCW 43.21A.160](#))

Lori Peterson presented on Equitable Distribution of Fees:

- Walked through example fee calculation illustration
- Covered the following topics:
 - Ecology's statutory authority and requirements
 - Estimated costs from workload analysis
 - Categories of costs included in calculation
 - PCR oversight
 - General administration
- See the Powerpoint presentation on the website for complete [information](#)

Committee Discussion and Questions

- In response to member questions around the workload analysis and administrative costs, Ecology explained how the agency tracks staff time to ensure that in year two we have an expectation of how much oversight was actually required in year one.
- Based on questions, Ecology clarified that producers registering on behalf of numerous brands may aggregate costs under total resin weight, but still need to register by covered product category.
 - Ecology requested committee members suggest clarifying language to better communicate this
- Ecology reviewed the combined fee structure - incorporating both Ecology's oversight and the PCR costs which take effect for a producer when their covered product category is required to start reporting based on the timeline.
 - Ecology will prorate when producers have obligations for only half of a year (due to fiscal year accounting – Ecology's fiscal year starts July 1 and ends June 30)
- Discussed intent of language around producer definition in regard to covered products.
 - Member noted that "single category of a covered product" could be interpreted to mean an item in one of the larger categories rather than the category itself, and this language should be clarified in rule.
 - Members requested language to address and prevent this potential issue
- Discussed potential for fees based on the weight of all plastics (regardless of their percentage of PCR or virgin content) to dis-incentivize producing packaging containing PCR rates higher than required.
 - Members liked that Ecology's draft producer fee calculation model is based on weight.
- Members suggested clarifying that the rule is referring to a US standard U.S. ton of 2,000 lbs.
- Members advocated for adjusting fee payment window/deadline after invoicing (currently 30 days). Stated that companies need more time – 90 days or more - to budget and adjust
 - Ecology requests information about factors that influence this need and suggested language for a more reasonable amount of time to pay fees after invoicing
 - Members requested that invoices include information about payment expectations and logistics (Ecology's tax ID number, allowance for money order/checks, etc.)
 - Note: Ecology does not charge a registration fee
- Members requested more graphic and simple representation of timelines and expectations (a table). Ecology will work on creating this based on the table at the bottom of these notes.

Next Meeting and to-do items

- **Next committee meeting is [July 28, 2022 at 9 a.m. Pacific time.](#)**
 - We will discuss revised parts A (definitions) and B (registration and reporting) and Ecology's first draft of Part C (PCR content).
 - Ecology will share revised draft parts A-C with the committee in mid-July to review prior to the meeting.

- Continue to submit online comments via [SmartComments](#) or e-mail written comments to Shannon Jones. Any format for providing input is acceptable. We request comments on revised Parts A (definitions) and B (registration and reporting)
 - We have received written comments and feedback from several committee members and are using them in our analysis for revised draft language.
 - Prior to the July meeting, we are especially interested in input on the following topics:
 - Issues that came up during this year’s registration and could be improved with draft rule language or additional guidance
 - Ecology is considering language that addresses 3rd party verification of PCR content. Please provide information about the potential impacts of including requirements for 3rd party PCR verification
 - Provide information about factors that may negatively affect a business’ ability to meet annual PCR content requirements.
 - Provide information about how PCR rates are determined. If relevant, provide information about mass balance calculation in your data collection. Are there issues that arise in this type of accounting?

For more information:

- Contact PCR registration and implementation staff by [email](#)
- Sign up for our [email list](#)
- Visit the [PCR Rule \(WAC 173-925\) Website](#)
- Contact Rule Lead, Shannon.Jones@ecy.wa.gov

List of Attendees (excluding board members)

Interested Parties	Ecology Staff
Alejandra Viso, Refresco	PCR Team
Alex Bisbikis- Sutter Winery	Alli Kingfisher
Alimatou Lene	Heather Curtis
Andy Weinstein	Christina Kullberg
Brooke Davies, WA Beverage Assn	Shannon Jones
Charmain Rodrigues	Other staff support
Cubie Lamb	Alaina Young
David Aremu	Dan Weston
Giulia Maiorino	Kara Steward
Harvey Remz - Ithos Global Software	Janine Bogar
Isaac Hull	Caleb Carlson
Jennifer Ziegler – Poly America	Tina Schaefer
John Salvador	
Kathleen Brown	

Interested Parties

Ecology Staff

Katie Doyle- WFA
 Lisa Zwack - Kroger
 Margaret Brown – Cascade Governmentt Affairs
 Mary Vihstadt
 Max Martin – Bottled Water Association
 McKenna Morigan- SPU
 Pamela Barrow
 Preston Peck- City of Tacoma
 Ross Holthouse – P&G
 Stephanie Collier
 Scott Sigmon, Consumer Healthcare Products Association

Minimum recycled-content phases

Year	Plastic trash bags	Beverage containers*	Household cleaner and personal care containers	Plastic wine container (187 milliliters)	Dairy milk container
2022	All producers must register by June 15, 2022				
2023	10 percent	15 percent			
2024					
2025	15 percent		15 percent		
2026		25 percent			
2027	20 percent				
2028			25 percent	15 percent	15 percent
2029					
2030					
2031		50 percent	50 percent	25 percent	25 percent
2032					
2033					
2034					
2035					
2036				50 percent	50 percent

*Excluding plastic wine and milk containers.