



**The Association
Of
Plastic Recyclers
(APR)**

**Recognition Program
Operating Procedures**

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The Association of Plastic Recyclers

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PARTICIPATION IN THE RECOGNITION PROGRAM DOES NOT OBLIGATE APR MEMBERS OR ANY OTHER PARTY TO BUY BOTTLES CONTAINING THE INNOVATION.



The Association of Plastic Recyclers

1.0 Introduction

The Association of Postconsumer Plastic Recyclers (APR) is the national trade association representing companies who acquire, reprocess and sell the output of more than 90 percent of the post-consumer plastic processing capacity in North America. Its membership includes independent recycling companies of all sizes, processing numerous resins. APR strongly advocates the recycling of all postconsumer plastic packaging.

APR promotes development of the plastics recycling industry by providing leadership for long-term industry growth and vitality. APR strives to expand the post-consumer plastics recycling industry through a cooperative effort aimed at identifying and eliminating barriers to successful commercial recycling by:

- Developing protocols for the design of packaging for greater recyclability.
- Improving the quality of post-consumer plastics entering the system.
- Fostering a strong interface with end-user markets.
- Promoting a cooperative testing program.
- Encouraging design for recyclability with guidelines and programs.
- Using awards to recognize packages designed to be recycling-compatible and to recognize products made from recycled plastic material.

APR recognizes that packaging innovation drives the growth of bottles available for recycling, and that growth in supply of

bottles is essential to the well being of the plastic bottle recycling industry. APR also recognizes that some innovations may create bottles that present technical challenges for recycling.

While sorting capability may address some of the technical challenges presented by the introduction of innovative bottles into the current stream of recyclable bottles, Innovators are cautioned not to rely on automatic sorting or dilution as the basis for introducing a new bottle. The former implies decreased yields and the latter may lead to overall degradation of the recyclables stream.

This Program provides screening tools to help the innovator understand the approximate effect of the innovation on plastic bottle recycling in several concentration scenarios.

Currently, the screening tools address Polyethylene Terephthalate (PET) and High Density Polyethylene (HDPE) bottle recycling. Bottles of other base resins may be the subject of future guidance.

The Critical Guidance for PET and HDPE strive to accomplish the following objectives:

- They provide a limited number of critical, testable properties for PET and HDPE bottles. Other issues may also be important. The properties listed are deliberately few and represent key concerns.



The Association of Plastic Recyclers

- They offer defined test samples and test methods.
- They suggest critical guidance values for interpreting test results.
- They set the stage for further investigations into the effects on specific end uses after completion of this initial, critical issues examination.

The Critical Guidance does not address detailed questions about bottle making and performance, fiber making and performance, strapping making and performance, or sheet making and performance. In this regard, a series of extensions to the Critical Guidance address specific end use applications. Innovators are cautioned that specific end use evaluations should be conducted only after being satisfied that the innovation meets the Critical Guidance offered.

The Critical Guidance calls for testing at 0%, 25%, and 50% innovation material presence for PET and 0%, 50%, and 100% innovation material presence for HDPE. The 0% innovation testing is baseline or control testing. Commercial reality is that from time to time, reclaimers will be offered truckloads that could contain 100% innovation bottles. Innovators should consider the impacts of high levels of their innovations on the bottle reclaiming industry.

The failure to meet these evaluation criteria does not mean lack of recyclability, nor does acceptance mean a market exists for the product. In particular, the Critical Guidance, with testing at 50% innovation, could be excessively harsh for some

innovations that would be in the marketplace at 0.1% level and test as 'no problem' at 10% or 20%, but fail at the 50% introduction rate. In other words, the evaluation criteria are designed to be conservative and may exaggerate expected market presence.

The Critical Guidance and application specific protocols are intended to aid innovators and recognition is provided for successfully undertaking these evaluations. An Innovator may receive written acknowledgement that the innovation material that it produces meets or exceeds the APR's Critical Guidance. Use of a Program Logo may be provided for going on to meet or exceed all approved specific application evaluations.

The main features of the Recognition Program are as follows:

- An Innovator enters into agreement with APR for review of its material ("Innovation Material").
- Using APR's Critical Guidance Document(s) (CDG), and, optionally, APR's Specific Applications Guidelines (collectively referred to as the "Program Guidelines"), the Innovation Material is tested.
- Copies of test reports and other relevant information are provided to the Program Administrator for review and verification of completeness and accuracy.



The Association of Plastic Recyclers

- A Review Committee for each application will be appointed that consists of three members: the Program Administrator, one Full APR Member, and one Affiliate APR Member.
- Assuming that testing demonstrates that the Innovation Material meets or exceeds the Program Guidelines, the Program Administrator will so notify the Innovator.
- A Recognition letter will be issued for meeting or exceeding the most rigorous guidance of the Critical Guidance Documents.
- A Recognition letter will be issued and Program Logo will be available for use for meeting or exceeding the most rigorous guidance of Critical Guidance Documents and all approved Specific Applications Guidelines.
- Eligible Innovators and APR will execute a License Agreement governing the use of the Program Logo.
- All Innovators will be listed by APR in a directory published by the APR.
- Innovators may be periodically requested to demonstrate that the Innovation Material continues to meet or exceed Program Guidelines.

The Recognition Program follows very specific data needs. Innovators are asked to provide test results that respond to the publicly available criteria goals in the applicable Recognition Program Guidelines.

This type of information is not considered confidential under the Food and Drug Administration's (FDA's) regulations (e.g., 21 C.F.R. § 170.102), for example. The applications are not expected to contain confidential information. By submitting the information to the Recognition , and any information considered requested in an application.

A presentation to the APR membership by the petitioning company on the innovation is required as part of the application process. APR will announce Recognitions on its website for successful petitions.

APR encourages Innovators to voluntarily perform comprehensive recycle evaluations of innovation materials intended to be introduced into the recyclables stream through this Program.

Innovators are encouraged to consult APR as needed when generating test samples and data for review.

2.0 Recognition Program Operating Procedures

These Procedures are part of a Recognition Program for PET and HDPE bottle recycling, and meeting or exceeding them is a condition of participation in the Program. The purpose of this Program is to recognize innovations that meet or exceed one or more of APR's testing protocols.

2.1 Participation: Any manufacturer of an Innovation Material (also referred to in these procedures as the "Innovator") may participate in the Program to qualify one or



The Association of Plastic Recyclers

more products under this Program. Applicants must enter into an Agreement with the APR and pay the required non-refundable application fee.

2.2 Program Guidelines

- a. Innovation Materials will be tested using APR's Critical Guidance Document(s) (CDG), and, optionally, APR's Specific Applications Guidelines (collectively referred to as the "Program Guidelines").
- b. Program Guidelines may be established and modified as proposed by APR's Technical Committee and approved by the Board of Directors.
- c. Technical Interpretations may be published from time to time as appendices to the Program Guidelines.
- d. The current versions of the Program Guidelines will be applied.
- e. A diligent effort has been made to select appropriate guidelines and conduct a reliable Program. However, APR makes no representation, warranty or guarantee in connection with the guidelines or the Program and expressly disclaims any liability or responsibility for loss or damage resulting from participation, for any violation of federal, state, or municipal regulation with which the underlying guidelines may conflict, or for the infringement of any patent resulting from the use of the Program Guidelines.
- f. Innovation Materials to be recognized cannot be in conflict with the most current version of the APR Design for Recyclability™ Guidelines.

2.3 APR Functions

- a. APR will designate a Program Administrator.

- b. APR will establish a Review Committee for each application.
- c. APR will license Innovators to use the Program Logo.
- d. APR will maintain the official Web site for the Program, and up-date, at the Program Administrator's direction, the list of participating companies and their qualified products.

2.4 Program Administrator Functions

The Program Administrator will:

- a. Manage the review of Innovation materials and the work of the Review Committee.
- b. Communicate with the APR and the Innovator concerning the results of Program reviews.
- c. Maintain records to properly conduct the Program.
- d. Maintain all such records for a period of at least six (6) years after the close of the appropriate calendar or fiscal year. The administrator agrees to permit APR staff members, legal counsel, and/or designated, independent auditors to inspect the books and records relating to this Program upon reasonable request during normal business hours. Records maintained by Administrator shall include at minimum copies of Agreements signed by participating Innovators; the results of any testing and reports; and other correspondence and information demonstrating proper administration of the Program.
- e. Maintain an internal list of all companies and specific products which are qualified, and direct the updating of the public list on the APR Website.



The Association of Plastic Recyclers

- f. Report on the program's activities and overall operations at least twice each year to the APR Board of Directors.
- g. Perform administration functions under the Program, including:
 - i. verify test sample selection and preparation, review test data and perform other services incident to the administrative function;
 - ii. notify Program participants promptly of revisions to the Program Guidelines and how continued qualification will be managed.

2.5 Avoidance of Conflicts: APR and the Program Administrator will avoid activities that present a conflict of interest with the impartial conduct of this Program. For example, a conflict of interest exists if the Administrator manufactures, designs, installs, or purchases an innovation material, other than for its own use, or supplies an innovation material. A conflict exists if the Administrator is retained as an independent consultant by an Innovator for an Innovation Material under Program review. A conflict exists if the Administrator accepts future work that interferes with the Administrator's ability to successfully manage this Program. In the case of any such conflicts, the Administrator will recuse himself from the Review Committee for the application and an APR full member will be appointed in his stead.

2.6 Review Committee: In addition to the Program Administrator, one full member and one affiliate member of the APR shall be selected to review each application. Members will be selected from a pool of volunteers for the duration of one

application consideration. The process will avoid selections that present a conflict of interest with the impartial conduct of this Program. The Review Committee shall operate under the direction of the Program Administrator. If the Program Administrator is recused, an APR full member will be appointed to manage the Review Committee for that application in his stead.

2.7 Testing Laboratories: For purpose of quality control and to ensure familiarity with APR Program Guidelines, Innovators will submit test results from laboratories who are members of the APR.

2.8 Testing and Consultation:

- a. Each unique Innovation Material shall be separately tested. Manufacturers may contact the Administrator in advance to discuss the testing to be performed.
- b. Samples must be submitted to an approved laboratory in a sufficient quantity to conduct all testing.

2.9 Applications

- a. Applicants must give a presentation to the full APR membership at the Technical Forum of the data being asked to be recognized upon submitting an application. An application may be filed in advance of the presentation being made; however, Recognition will not be awarded until such presentation is made.
- b. Applications should include the following non-confidential information:
 - 1. Data, a full dossier of analytical methods, samples and results for all Guidance topics.



The Association of Plastic Recyclers

2. Description of work done, exceptions noted.
 3. Identification of laboratory and its statement that procedures followed.
 4. Signed Application Agreement.
 5. Required Nonrefundable Fee
 6. Innovator's Name and Address
 7. Innovation Material Identification and Product name
 8. Product type, series or model number
 9. Product style
 10. Product color(s)
- b. For each test performed, the Protocol used, the test description, the applicable criteria measurement for the specification, and the test results are to be listed.
- c. Supporting documentation must be adequate to verify all of the sampling and specimen preparation, evaluation, data recordation and value calculation requirements.
- d. When changes are made to the test specimen all such changes shall be noted in the test report.
- e. Test reports must be signed by an authorized laboratory representative.
- f. Each test report and its related documentation constitute the basic reference material for validation by the Administrator that the qualifying specimen meets or exceeds the applicable specifications.

2.10 Recognition Criteria

- a. Recognition is conditioned upon meeting or exceeding the selected protocol and recommended specifications in their entirety. Recognition of innovations will not be made for products that meet the

Program Guideline criteria at levels below the highest designated levels (such as the 50% innovation test level in Critical Guidance protocol for PET) or that do not meet the most rigorous guidance.

b. Questions as to the applicability of a recommended specification to an Innovation Material are to be determined by the Program Administrator.

c. If the Review Committee encounters the need for interpretation or the resolution of ambiguities not resolved by the Program Guidelines referenced in the preceding subparagraph, the Administrator shall report these to APR for mutually agreeable resolution or clarification.

d. The Review Committee has the right to contest the data and require retesting.

2.11 Review

a. The Review Committee shall review and initially respond to submissions within 30 days. The initial response may indicate whether or not the product qualifies and will confirm whether the submission is complete.

b. If the Review Committee has reason to question test findings, even though such findings may indicate that protocols and specifications are met, it may seek clarification to its satisfaction of such questions as it may have as to the Innovator's qualification prior to reaching its decision on qualification.

c. Administrator will retain all test results and other product information submitted pursuant to the Recognition Program.



The Association of Plastic Recyclers

2.12 Notice of Recognition

- a. The consent of a majority of the Review Committee is required to issue a Notice of Recognition.
- b. A Notice will be sent to the Innovator stating the date on which recognition has been granted.
- c. The Notice shall contain the following nonconfidential information:
 1. Innovator's name, code number and plant location;
 2. The specification, trade name, and company model number of the qualified innovation material; and
 3. Report number and date.

2.13 Notice of Failure to Qualify

- a. If the tested innovation does not comply with all of the recommended specifications, a notice will be sent to the Innovator stating that its innovation material did not qualify under the Program.
- b. The notice will include:
 1. Innovator's name, code number and plant location;
 2. The specification, trade name, and company model number of the qualified innovation material;
 3. Report number and date; and
 4. The specific test failure or failures on which disqualification is based.

2.14 Program Logo

- a. APR has developed a Program Logo for qualified Innovation Materials that meet or exceed the most rigorous guidance for all currently approved Specific Application Guidelines that are applicable to the intended use of the Innovation Material.
- b. Participating Innovators may be requested to provide copies of current

product labels and literature using the Program Logo and should maintain records of same for this purpose.

- c. Use of the Program Logo is conditioned upon the Innovator entering a Licensing Agreement with the APR.
- d. The Program Logo represents that the Innovator is producing a product that is a faithful representation of the tested and qualified product in design, construction and fabrication. By affixing the Program Logo to such an Innovation Material, the Innovator warrants that its product has been sampled, tested, and manufactured in accordance with the applicable recommended specifications.
- e.

Neither APR nor the Administrator represents, warrants or guarantees that products bearing the Program Logo do in fact conform to the Program specifications.

- f. Non-participants in the Recognition Program must not use the Program Logo to promote or insinuate in any way that the company is affiliated with the Program.
- g. No other use of APR's name, logos, seal, trademarks, or other indicia is authorized by this Program.

2.15 Use of Program Logo on Labels and Shipping Containers

- a. Innovator must use the Program Logo in the following manner:
 - i. The Program Logo may be printed on or affixed to the label and/or shipping container for the innovation material.
 - ii. The Program Logo may not be affixed to a product of which the innovation material is only a component thereof, or its shipping container, unless the entire package has been qualified under



The Association of Plastic Recyclers

this Program or is else wise qualified by APR.

iii. The Program Logo must be used in its entirety and shall not be modified by the Innovator.

iv. The Program Logo shall not be used or placed in such a manner as to imply additional recognition by APR beyond the innovation material that has been qualified or to imply that this Program recognizes any non-qualified material or compliance with other requirements.

b. An Innovator shall not knowingly release an innovation material for sale with the Program Logo affixed where the innovation material does not meet or exceed the Program Guidelines. If an Innovator

knowingly releases an innovation material for sale that does not meet or exceed Program Guidelines, the previously qualified innovation material will be automatically disqualified from use of the Program Logo pending requalification.

2.16 Use of Program Logo in Product Literature

a. The Program Logo Use may be used in promotional literature upon execution of a License Agreement with APR.

b. Appropriate clarifications, highlights, footnotes, etc., must be used to ensure clarity on which Innovation Materials are qualified under the Program and which are not, especially in any situation or communication involving both qualified and non-qualified products.

c. To avoid misunderstanding, references to the Program in the Innovator's literature must specify the

particular innovation materials that are recognized with the Logo, unless all of the products mentioned in the literature or advertising are recognized under this Program.

d. Full line brochures and other types of general advertisements may display the Program Logo if it is used in conjunction with clarifying language that will avoid confusion concerning the identity of the qualified innovation material.

e. An example of acceptable language used in connection with the Program Logo is: "Consult the APR Web site at www.plasticsrecycling.org for a current list of recognized products."

2.17 Changes in Guidelines, Adoption of New Guidelines, or Minor Modification of a Recognized Product

a. Unless the Administrator notifies participants that a longer period will be provided, recognized products must meet or exceed current requirements (i) no later than 6 months after the publication of a new or revised Program Guideline; and (ii) prior to the market introduction of minor changes in product formulation.

b. Testing or re-testing according to the most current Program Guidelines must be conducted to substantiate that the recognized product continues to meet Program Guidelines and the results must be submitted to the Program Administrator for verification.

c. Minor changes in product formulation refer to changes in raw materials, except that substitution of equivalent materials from different suppliers is not considered a change in product formulation.



d. An Innovator may submit a Waiver from the re-testing required under subsection b. Such requests should be submitted to the Program Administrator. The request must be accompanied by a statement justifying the waiver and relate the details as to why the recognized product continues to meet or exceed the Program Guidelines.

f. The Administrator can waive retesting when the Innovator has clearly demonstrated, based on previous test results or other supporting information, that its product meets or exceeds the most current Guideline or when the most current Guideline establishes less stringent criteria.

g. The responsibility for the accuracy of a request for a Waiver of Retest rests on Innovator.

2.18 Change in Manufacturing Location: If a product was recognized while made at a particular facility, the Innovator may produce the product at a different facility. Recognition is not facility-specific.

2.19 Immediate Corrective Action

a. If APR discovers that a recognized Innovation Material fails to meet or exceed the Program Guidelines, the Innovator will be given the opportunity to correct it immediately.

b. In such case, APR will issue a notice of disqualification to the Innovator within 10 days after a discovery has been made. The specific failures alleged will be outlined in the communication by APR.

c. If the Innovator is to take immediate corrective action, he must inform the Administrator within ten (10) days from the

date of the receipt of the notice from APR of the action to be taken.

d. If the Innovator does not notify the Administrator within 10 days of its intent to take corrective action, APR may issue a notice of disqualification for the product from the Program, and shall advise the Innovator in writing that use of the Program Logo, if applicable, must cease.

e. Reasons for receiving a notice include failure to: (1) make faithful reproductions of tested products; and (2) follow these Guidelines or the underlying Agreements.

f. The Innovator may request consultation with the Program Administrator in relation to the corrective action required.

g. The Innovator shall file a corrective action response within 30 days of receiving a notice from APR. Such notice shall include the results of testing in accordance with Program protocols.

h. Should the results of testing indicate the failure to meet Program Guidelines, the testing laboratory will describe the mode of failure(s), and indicate the likely cause for the deficiency in consultation with the Innovator.

i. All costs for any product test will be borne by the Innovator.

2.20 Disqualification: A final determination of disqualification based on the results of the Innovator's response to the corrective action will be made by a Review Committee. A decision to issue a notice of failure to qualify pursuant to section 2.13 will require discontinuing the use of the Program Logo by the Innovator for the material.



The Association of Plastic Recyclers

2.21 Requalification

- a. To requalify disqualified products, the Innovator must reapply and submit the same full testing data and fees that apply to new products.
- b. When a product has been disqualified, and is subsequently requalified, the Innovator must demonstrate that the product is meeting the Program criteria for at least 50 production hours.

2.22 Resolution

- a. A thorough understanding of the Program Guidelines and proper operation of the Program should minimize any disputes or disagreements. However, an Innovator has the right to appeal a notice of failure to qualify issued under section 2.13 or 2.20 to the APR Board of Directors.
- b. Appeals shall be handled as follows:
 - i. On receipt of written notice of the determination, Innovator has 7 days to notify the APR Executive Director that the Innovator is seeking review.
 - ii. The Innovator's notice must be in writing and contain sufficient information to accurately identify the factual background, the nature of the dispute, and the decision or action sought.
 - iii. After receipt of Innovator's notice, the APR Board will assess the Innovator's request for review. APR will strive to complete its review within 30 days.
- c. Except when it appears to the APR that the alleged defect or other deficiency may have a significant adverse impact on the public health or safety or adversely affect the quality or performance of the product in question, Innovator's appealing a dis-qualification under section 2.20 may

continue to use the Program Logo pending a decision by the APR on the dispute. If disqualification is sustained by APR, the Innovator will cease use of the Program Logo. Any master list of qualified products will be changed promptly if disqualification is upheld.

2.23 Confidentiality

- a. Innovators waive the confidentiality of all of the information provided in an application.
- b. The distribution and review of the application and associated submitted information will be limited to those parties conducting the Recognition review. In the event it is necessary to consult with a third party that could materially contribute to the examination, permission will be sought from the Innovator in advance of discussing the application with a third party.
- c. Petitioners should understand that the Recognition program is voluntary and that APR, the Administrator, or other reviewers shall not be bound to non-disclosure agreements in association with these reviews.

2.24 Public Statements: APR and Administrator will not make any public comments on the status of a particular product or test result while an application is pending. At no time shall comments be made concerning Innovators who chose to discontinue participation in this Program. As used here, "public comments" include statements at APR meetings.

2.25 Program Directory: A current directory of companies and products qualifying under



The Association of Plastic Recyclers

the Program will be maintained by APR on a publicly accessible Web site.

2.26 No Patent Rights: Nothing contained in this Program is to be construed as granting any rights, by implication or otherwise, for the manufacture, sale, or use in connection with any method, apparatus, or product covered by letters patent, nor as insuring anyone against liability for infringement of letters patent.

2.27 Fees:

- a. APR shall establish an application fee schedule for participating Innovators for services under this Program. Fees may be adjusted from time to time.
- b. The application fee is non-refundable.
- c. The Innovator must remit payment of the non-refundable application fee before the application review can begin.

2.28 Warranties - Neither APR nor the Program Administrator shall make any statements or warranties (express or implied) concerning products tested and recognized under this Program.

2.29 Modification of Program Operating Procedures: These Procedures may be amended from time to time as proposed by APR's Technical Committee and approved by the Board of Directors.

3.0 Definitions

3.1 Administrator: Entity designated by the APR Board of Directors to manage the application and review process established by the Recognition Program.

3.2 BtB: Bottle to Bottle, as in making a new bottle from a postconsumer bottle

3.3 b*: The "b" measurement in the CIE L*, a*, and b* color measurement.

3.4 Conformance: Meeting or exceeding the specified voluntary criteria.

3.5 Control: Exercise authority over and regulate.

3.6 Corrective Action: Measures taken to rectify conditions adverse to quality and to minimize recurrence.

3.7 Day or Days: In measuring time, the term "day" or "days", refers to calendar and not business days.

3.8 Delisted: The term "delisted" means that a previously qualified product is removed from the official list of recognized innovation materials maintained by APR based on the Administrator's disqualification of the product.

3.9 Disqualified or Disqualification: While described in more detail elsewhere, the term "disqualified" or "disqualification" means a finding by the Administrator that a specific, qualified siding product manufactured at a particular facility fails to meet the Program requirements.

3.10 HDPE: High density polyethylene.

3.11 Innovator: An applicant who is a manufacturer of a PET resin innovation material that is the subject of a recognition request.



The Association of Plastic Recyclers

3.12 Innovation Material: A PET or HDPE resin, multilayer resin, additive, coating, label, or adhesive that is the subject of a recognition request.

3.13 IV: Intrinsic viscosity, measured by solution viscosity per ASTM D 4603.

3.14 Listing: Refers to a list maintained by APR of specific products qualified under this Program.

3.15 PET: Polyethylene terephthalate.

3.16 APR Logo: Refers to the Registered Mark of the APR, which consists of the stylized initials “APR” with horizontal chasing arrow symbols and surrounding descriptive name.

3.17 Recognition Program Logo: Refers to the Registered Mark developed for this Program. The Logo may be affixed or printed on a container indicating that the recognized Innovation Material in the container is qualified under this Program. The design, use, and information in the Logo is determined and governed by these Procedures and a Licensing Agreement entered into by the Innovator.

3.18 Qualified: The term “qualified” means that the Administrator has completed its verification of test data and other information and concluded that the specific innovation material meets the applicable Program requirements.

3.19 Solid Stating: Solid state polymerization as conducted on PET material.