



The Voice of Plastics Recycling®

APR Design® Recognition Program Meets Preferred Guidance Operating Procedures

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PROGRAM DISCLAIMER

These Procedures were prepared by The Association of Plastic Recyclers ("APR") for the entire industry, primarily U.S. packaging manufacturers, their customers, and suppliers. The information is offered in good faith and believed to be reliable, but is made without warranty, expressed or implied, as to merchantability, fitness for a particular purpose, or any other matter. This document and the examples included herein are not directed at any particular product, activity or process, nor do they claim to satisfy all current legal requirements.

APR's MPG Review is an engineering assessment of the technical compatibility of either a package design feature, or a complete package, with today's plastics recycling processes. Recognition of an item does not qualify the item to be described or marketed as recyclable. Please review APR's [Definition of Recyclability](#). Additional critical aspects of the package, beyond technical compatibility, must be considered when making recyclability claims to the public and marketing a product. These may include consumer access to recycling, specific container design features, and the consideration whether the container is commonly accepted by the recycling industry to be sorted correctly into a marketable bale.

APR and its members do not assume any responsibility for the user's ability to meet or exceed the guidelines, applicable laws, or regulations nor for any persons relying on these materials for compliance of any kind, or for any loss or damage arising from reliance on this document by any party.

Participation in the APR Design® Recognition Program does not guarantee compliance with any U.S. law or regulation and does not guarantee that a Product is recyclable. The Recognition Program is not a mandatory specification. APR does not intend or imply in the definitions, procedures, or values offered any fitness for use, market acceptability, or any guarantee or warranty. The inability of packaging to meet specific critical values does not imply recycling failure, but a significant issue may exist, and mitigation of the issue may be needed to avoid degrading the stream of recyclables.

THIS DOCUMENT DOES NOT PERTAIN TO THE REQUIREMENTS AND ENFORCEMENT POLICIES OF THE FTC GREEN GUIDES OR INDIVIDUAL STATES. Participation in the Recognition Program does not guarantee compliance with the Federal Trade Commission (FTC) Guides for the Use of Environmental Marketing Claims ("Green Guides") (October 11, 2012) with respect to recyclability claims for consumer-facing products. In addition, several states use the plastic Resin Identification Code (RIC) and their standards or enforcement policies may differ from each other and from federal requirements. This document does not purport to address safety issues, if any, associated with use of the subject materials. It is the responsibility of the user to establish appropriate safety and health practices and determine the applicability of regulatory limitations prior to use.

Users are cautioned that this document is subject to change, which may invalidate any or all of the information contained herein. Such changes may occur without notice. It is recommended that users frequently consult the APR website, www.plasticsrecyclers.org, for the most up-to-date edition.

PARTICIPATION IN THE APR DESIGN® RECOGNITION PROGRAM DOES NOT OBLIGATE APR MEMBERS OR ANY OTHER PARTY TO BUY PRODUCTS THAT HAVE BEEN REVIEWED IN THE PROGRAM.

INTRODUCTION

Who is APR?

The Association of Plastic Recyclers is an international trade association representing the plastics recycling industry. APR member companies are committed to the success of plastics recycling. Membership spans the entire industry and through their participation APR member companies are shaping the future of our industry.

APR promotes development of the plastics recycling industry by providing leadership for long-term industry growth and vitality, including:

- Publishing [the APR Design® Guide for Plastics Recyclability](#), the consensus-based set of guidelines that help package designers create recycle-friendly packages. “Preferred” package designs contribute to the circular economy by ensuring that a package can recycle into high quality post-consumer recycled content (PCR).
- Fostering a strong interface with end-user markets via the [APR Recycling Demand Champions](#) program and our [directory of products](#) made from post-consumer recycled plastics.
- Providing a library of [rigorous testing protocols](#) to evaluate the recyclability of new packaging technologies.
- Recognizing package innovations designed to be recycling-compatible via the APR Meets Preferred Guidance (MPG) and Critical Guidance [Recognition programs](#).
- Promoting use of verified, high quality recycled plastics through [APR’s PCR Certification Program](#).
- [Advocating for the growth and sustainability](#) of plastics recycling through federal and state/provincial policy.
- [Educating](#) key audiences - including state and local recycling officials, MRF operators, legislators, and others across the plastics recycling value chain - about the challenges, realities, and needs of plastics recyclers that must be addressed for the industry to grow and thrive.

Why Focus on Packaging that meets APR Design® Preferred Guidance?

The APR and its member companies are publicly committed to creating a circular economy for plastics recycling. To enable a circular economy, packaging should be designed to have negligible detrimental or no impact on the quality of recycled plastics as well as negligible detrimental or no impact on the productivity of the recycling process. APR guidance helps to ensure that good quality recycled plastic is available in the market for brand companies to use in their products.

This Meets Preferred Guidance (MPG) Program allows those companies to obtain an independent assessment from APR that their product meets the Preferred Guidance Criteria presented in the APR Design® Guide for Plastics Recyclability.

The MPG assessment can apply to a material, a specific design feature, or a complete package listed in the Appendix of these operating procedures. Items are listed in the Appendix once an APR Committee

has confirmed that the Guidance given in the APR Design® Guide provides a complete listing of objective “Preferred” criteria.

APR Design® Recognition Program Operating Procedures

These Procedures are part of an APR Design® Recognition Program for Meets Preferred Guidance, and meeting or exceeding them is a condition of participation in the Program. The purpose of this Program is to recognize packaging products that meet Preferred APR Design® Guidance.

Participation

Any manufacturer or supplier (hereafter referred to as the “Supplier”) of a packaging material, design feature, or finished package, also referred to in these procedures as the “Product”, may participate in the Program to qualify one or more products under this Program. Applicants must enter into an Agreement with the APR, agree to conduct certain tests, fill out an application, and pay the required non-refundable application/review fee.

Program Guidelines

- Products will be evaluated against criteria given in the APR Design® Guide for Plastics Recyclability as well as tests cited for the product in the Design Guide. These criteria and test results are referred to collectively as the Program Guidelines.
- Program Guidelines may be established and modified by APR’s Committees and approved by the Board of Directors according to typical APR operating standards.
- Technical interpretations may be published from time to time as appendices to the Program Guidelines.
- The current versions of the Program Guidelines will be applied. Data generated no more than one year previously will be considered under the Program Guidelines in place at the time of generation. The most current testing protocol must have been conducted.
- A diligent effort has been made to identify 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.
- Products to be recognized cannot conflict with the most current version of the APR Design® Guide for Plastics Recyclability.

APR Functions

- APR will designate a Program Administrator.
- APR will establish a Review Committee for each application or a standing review committee when several applications of a particular product type are being considered concurrently.
- APR will license Suppliers to use the MPG Program Badge.

- APR will maintain the official website for the Program, and update the list of participating companies and their qualified products.
 - The Program Administrator will
 - Organize and manage the review of submitted applications
 - Recruit, manage, and actively participate in the activities of Review Committees
 - Communicate with the APR and the Supplier concerning the results of Program reviews.
 - Maintain records to properly conduct the Program.
 - 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 Suppliers; the results of any testing and reports; and other correspondence and information demonstrating proper administration of the Program. These documents will not be available to others unless legally compelled to provide them.
 - 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.
 - Report on the program's activities and overall operations at least twice each year to the APR Board of Directors.
 - Review test data and perform other services incident to the administrative function;
 - Notify Program participants promptly of revisions to the Program Guidelines and how continued qualification will be managed.

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 a Product material, other than for its own use, or supplies a Product material. A conflict exists if the Administrator is retained as an independent consultant by a Supplier for a Product 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 alternate APR staffmember will be appointed in his stead.

Review Committee

Those selected to participate in product reviews 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 alternate APR staff member will be appointed to manage the Review Committee for that application.

Testing Laboratories

Suppliers may submit test results from testing laboratories that have demonstrated familiarity with, and have the technical capability of performing, the applicable APR test methods for specific items. A list of candidate labs may be found on APR's [website](#).

For the case of the MPG Program only, Suppliers may develop test data in their own laboratories. However, the test will be conducted exactly as prescribed in the APR test protocol, pictures of each phase of the test submitted in the application and the report will be signed by the technician conducting the test.

Testing and Consultation

- Each unique Product Family shall be separately tested. Manufacturers may contact the Administrator in advance to discuss the testing to be performed and the Product Family description
- Samples must be of a sufficient quantity to conduct all testing.

Process and Applications

1. Interested suppliers will first confirm that their Product is listed as eligible for the Program in the Appendix of these Operating Procedures.
2. Suppliers should then review the Preferred criteria listed for the product in the APR Design® Guide for Plastics Recyclability.
3. The Supplier sends copies of successful test reports and other relevant application information to the APR Program Administrator for review and verification of completeness and accuracy. The Supplier can then schedule a conference call (if needed) with the APR Program Administrator to review the Product and any test data that has been developed. With mutual agreement of the Supplier and the Program Administrator that the Product is eligible, both sign the APR Design® Recognition Program: Meets Preferred Guidance Agreement.
4. APR issues an invoice and the Supplier promptly pays this application/review fee.
5. A Review Committee for each application will be appointed that consists of three members: the Program Administrator, and two additional individuals who are technical professionals experienced with plastics recycling. Those conducting a review can be drawn from the APR staff or from the APR membership.
6. If the Review Committee determines that the submitted information demonstrates that the Product meets or exceeds APR Preferred Guidance for that Product, APR will:
 - a. Issue an MPG Recognition letter.
 - b. List the Supplier and Product on the APR [website](#).
 - c. Highlight the Supplier and Product at the next APR member meeting.

7. Applications should include the following technical non-confidential information:
- Supplier's Name and Address
 - Product Material Identification and Product name (individual or family)
 - Product type, series or model number
 - Product style
 - Product color(s)
 - Identification of the testing laboratory and its statement that procedures were followed.
 - Data to include a full dossier of analytical methods, samples and results
 - Description of completed work, exceptions noted.
 - Signed Application Agreement.
 - Required Nonrefundable Fee
 - Supporting documentation adequate to verify all of the sampling and specimen preparation, evaluation, data recordation and value calculation requirements.
 - Test reports must be signed by an authorized laboratory representative.
 - 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.

Recognition Criteria

- Recognition is conditioned upon meeting published Preferred Design Guidance for the given product in its entirety and being listed in the Appendix of items qualified for consideration.
- 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.
- The Review Committee has the right to contest the data and require retesting.

Review

- The Review Committee will strive to review and initially respond to submissions within 30 days.
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- The Program Administrator will retain all test results and other product information submitted pursuant to the APR Design® Recognition Program.

Notice of Recognition

- Unanimous consent of the Review Committee is required to issue a Notice of Recognition for the MPG Program.
- A Notice will be sent to the Supplier stating the date on which recognition has been granted.
- The Notice shall contain the following nonconfidential information:
 - Supplier's name, code number and plant location;
 - The specification, trade name, and company model number of the qualified Product material; and

Notice of Failure to Qualify

- If the tested Product does not comply with all the recommended specifications, a notice will be sent to the Supplier stating that its Product did not qualify under the Program.
- The notice will include:
 - Supplier's name, code number and plant location;
 - The specification, trade name, and company model number of the qualified Product material;
 - Report number and date; and
 - The specific test failure or failures on which disqualification is based.
- The Supplier will have 90 days to correct any deficiencies and re-submit their product for review.

Program Badge

- The Supplier may enter a Licensing Agreement with APR for use of the MPG program badge in advertising, promotions, and sales literature purposes.
- A separate agreement will be required between the Supplier and APR containing licensing terms and appropriate terminology for use of the MPG badge. The terms of the license agreement will be adhered to.

Recognition listing sunset, and Recognition listing renewal

- Recognized products will be listed on the APR website for a period of three years from the Notice of Recognition date.
- Letters of recognition will expire after three years' time.
- The Program Administrator will give 6 months' notice to a Supplier when a product recognition is due to expire. This letter will list requirements for a re-new a recognition listing.
- Supplier and APR can re-new Recognition for a new three-year period by mutual agreement, and meeting any necessary requirements as outlined above.
- There will be a fee to confirm and publish the renewal.

Changes in Guidelines or Adoption of New Guidelines

- In any cases where guidelines have changed, the Product will have to meet those new guidelines when the three-year sunset period occurs, and the Supplier wishes to renew Recognition. Any testing or retesting 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.

Change in Manufacturing Location

If a product was recognized while made at a particular facility, the Supplier may produce the product at a different facility. Recognition is not facility-specific.

Changes in Recognized Product; Minor Modification of a Recognized Product

- Any change to the design and performance of the innovation that departs from the description of the Recognized Product is excluded from the Recognition provided by APR, unless otherwise allowed in this section. Such products will need to be retested and requalified.
- Minor changes in product formulation or bill of materials refer to changes in raw materials, except that substitution of equivalent materials from different suppliers is not considered a change in product formulation.
- A Supplier may submit a Waiver from the retesting required. 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.
- The Administrator can waive retesting when the Supplier 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.
- The responsibility for the accuracy of a request for a Waiver of Retest rests on the Supplier.

Immediate Corrective Action

- If APR discovers that a recognized Product fails to meet or exceed the Program Guidelines, the Supplier will be given the opportunity to correct it immediately.
- In such case, APR will issue a notice of disqualification to the Supplier after a discovery has been made. The specific failures alleged will be outlined in the communication by APR.
- If the Supplier 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.
- If the Supplier 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 Supplier in writing that use of the Program badge and license agreement, if applicable, must cease.
- Reasons for receiving a notice include failure to: (1) make faithful reproductions of tested products; and (2) follow these Guidelines or the underlying Agreements.
- The Supplier may request consultation with the Program Administrator in relation to the corrective action required.
- The Supplier 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.
- 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 Supplier.
- All costs for any product test will be borne by the Supplier.

Disqualification

A final determination of disqualification based on the results of the Supplier's response to the corrective action will be made by a Review Committee. A decision to issue a notice of failure to qualify will require discontinuing the use of the Program badge by the Supplier for the material.

Requalification

- To requalify disqualified products, the Supplier must reapply and submit the same full testing data and fees that apply to new products.

Confidentiality

- The APR Design® Recognition Program follows very specific data needs. Suppliers are asked to provide test results that respond to the published test methods and data needs in the applicable sections of the APR Design® Guide. This type of information is not considered confidential. APR does not sign non-disclosure agreements for APR Design® Recognition Program submissions and any submission should not contain data the petitioner wishes to keep confidential. However, APR does not make a practice of publicizing petitioner data.
- Suppliers waive the confidentiality of all of the information provided in an application.
- 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 Supplier in advance of discussing the application with a third party.
- Petitioners should understand that the APR Design® 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.

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 Suppliers who chose to discontinue participation in this Program. As used here, "public comments" include statements at APR meetings. Following a determination, the ability of the Supplier to use APR's name and badge will be governed by a separate agreement between the parties.

Program Directory

A current directory of companies and products qualifying under the Program will be maintained by APR on a publicly accessible website.

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.

Fees

- APR shall establish an application fee schedule for participating Suppliers for services under this Program. Fees may be adjusted from time to time.
- The review fee is non-refundable.
- The Supplier must remit payment of the non-refundable review fee before the application review can begin.
- Companies that are not APR member companies may pay an additional administrative fee to recorded into the APR billing and program tracking system.
- There will be a fee associated with a three-year renewal.
- Should a Supplier make a request to re-issue a letter with new content, such as a name change or an address change, that does not impact the technical aspects of the product, there will be a fee to re-issue a letter.

Warranties

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

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.

Appendix One
Listing of Products Qualified for
The MPG Review Program

All plastic dispensers for use with PET, HDPE and PP containers.