



**The Voice of
Plastics Recycling®**

**APR Design® Recognition Program for Responsible
Innovation Operating Procedures**

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PROGRAM DISCLAIMER

These Procedures were prepared by The Association of Plastics 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 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 for Responsible Innovation does not guarantee compliance with any U.S. law or regulation and does not guarantee that an innovation material is recyclable. The APR Design® Recognition Program for Responsible Innovation 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 an innovative bottle 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 recyclable plastic items.

Several states have adopted the use of 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 pertain to requirements and enforcement policies of individual states. 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 for Responsible Innovation does not obligate APR members or any other party to buy items containing the innovation.

Introduction

Who Is APR?

The Association of Plastic Recyclers (APR) 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:

- Developing protocols for packaging design for greater recyclability.
- Improving the quality of postconsumer plastics entering the system.
- Fostering a strong interface with end-user markets.
- Promoting a cooperative testing program for new packaging.
- 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.
- Educating key audiences including state and local recycling officials, MRF operators, legislators, as well as the general plastic recycling industry.

Why Focus on Packaging Innovation?

APR recognizes that packaging innovation drives the growth of items available for recycling, and that growth in supply of new items is essential to the well-being of the plastic recycling industry. APR also recognizes that some innovations may create plastic items that present technical challenges for recycling.

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

This Program relies on testimonial statements for key industry representatives addressing specific questions about disruption potential of the innovation. It also requires the petitioner to publicly present information about the innovation to APR members.

When such are available, presumed not at this time, the innovation should be compared to the APR Design[®] Guide and the appropriate Critical Guidance document for more complete examination.

Application Process

1. The Innovator enters into agreement with APR for review of its material (“Innovation Material”). Applicant and APR both sign the APR Design® Recognition Program for Responsible Innovation Agreement.
2. The Innovator submits an application to a Review Panel of APR members. This application must address requirements in the Program Guidelines outlined below, including but not limited to:
 - a. Description of the innovation
 - b. Why the innovation will benefit the plastics recycling industry
 - c. Testimonials from MRFs and reclaimers
3. APR issues an invoice and applicant promptly pays this application fee.
4. Applicant delivers a presentation to the APR membership about the innovation, either in-person at an APR member or virtually by webinar.
5. The Review Committee votes on the submission. Additional information may be requested from the Innovator to better understand the innovation.
6. Assuming a positive vote, APR will
 - a. Issue an Acknowledgement letter for meeting the criteria of this protocol.
 - b. Promote the Innovator and innovation on the APR [website](#)
 - c. Highlight the Innovator and innovation at the next APR member meeting.
7. Innovators may be periodically requested to demonstrate that the Innovation Material continues to meet or exceed Program Guidelines.

Any type of information provided 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 for the Responsible Innovation Recognition Program, the Innovator acknowledges all information is not confidential and may be cited by others.

APR Design® Recognition Program for Responsible Innovation Operating Procedures

These Procedures are part of APR’s interest in improving the recyclability of postconsumer plastic items. The purpose of this Program is to recognize innovations that meet the requirements of this protocol.

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

Program Guidelines

- Innovation Materials will be considered using this document, referred to as the “Program Guidelines”.
- Program Guidelines may be established and modified as proposed by APR’s Technical Committee or Technical Director and approved by the Board of Directors.
- 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.
- 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.

APR Functions

- APR will designate a Program Administrator.
- APR will establish a Review Committee for each application.
- APR will maintain the official website for the Program and update the list of participating companies and their qualified products.

Program Administrator Functions

The Program Administrator will:

- Manage the review of Innovation materials and the work of the Review Committee.
- Communicate with the APR and the Innovator 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 Innovators; reports; and other correspondence and information demonstrating proper administration of the Program.
- 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 once each year to the APR Board of Directors.
- Perform administration functions under the Program, including:
 - Review data, suggest inclusions to the petition, 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 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.

Review Committee

In addition to the Program Administrator, at least three Full members and potentially one Affiliate member of the APR, five in all, 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. Input from other APR members will be considered. Three positive votes mean acceptance of the petition. A negative decision can be appealed to the APR Board of Directors.

Applications

- Applicants must give a presentation to the APR membership, either in-person during an APR member meeting or virtually via a webinar. If the webinar option is selected, APR will organize and host the webinar at a mutually convenient time for all involved parties. Responsible Innovation acknowledgment will not be awarded until such presentation is made and the application fee is paid.
- Applications should include the following non-confidential information:
 - Data, a full description of the innovation.
 - An explanation of why the innovation will benefit the plastics recycling industry.
 - Signed APR Design® Recognition Program for Responsible Innovation Agreement.
 - Innovator’s Name and Address
 - Innovation Material Identification and Product name

- Product type, series or model number
- Product style
- Product color(s)
- Testimonial letters from at least two (2) materials recycling facilities (MRF) that would handle the innovation, with the understanding that while APR will not publish their letter, its contents will not be confidential. The testimonial letter should address at least the following:
 - Has the innovation been found to not be unacceptably disruptive in the MRF handling and sorting process?
 - Has the innovation been found to not create unacceptable risks to the operation of the MRF?
 - Do the current facts support your willingly inclusion of the innovation with other material now and in the future?
 - What additional information is needed before you answer affirmatively to the three questions above?
- Testimonial letters from reclaimers, with the understanding that while APR will not publish their letter, its contents will not be confidential. The testimonial letter should address at least the following:
 - Has the innovation been found to not be unacceptably disruptive in the plastic reclaiming process?
 - Has the innovation been found to not create unacceptable risks to the reclaiming operation?
 - Do the current facts support your willingly inclusion of the innovation with other material now and in the future?
 - What additional information is needed before you answer affirmatively to the three questions above?
 - Does the innovation appear to represent a valuable addition to the stream of material to be recycled?
- The number of testimonial letters from plastics reclaimers shall be at least as many as follows:
 - For PET or HDPE container innovations, two (2) letters if the innovation is not in conflict with the APR Design™ Guide or if in the opinion of the Program Administrator the innovation is in conflict with the APR Design™ Guide, four (4) letters.
 - For PP, PS, LDPE, LLDPE, and other resins, one (1) letter if the innovation is not in conflict with the APR Design™ Guide, or if in the opinion of the Program Administrator the innovation is in conflict with the APR Design™ Guide, two (2) letters.
 - The plastic reclaimers shall be Full members of APR.
- Other information the Innovator wishes the Review Committee to consider.

APR Design® Recognition Program for Responsible Innovation

Acknowledgment Criteria

- The criteria for a positive review are satisfactory testimonial responses to the required topics and the judgment of the reviewers of the Innovation using the same topics as required above.
- 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.

Review

- 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.
- If the Review Committee has reason to question information of the submission, it may seek clarification to its satisfaction of such questions as it may have.
- Administrator will retain all test results and other product information submitted pursuant to the Responsible Innovation Acknowledgment Program.

Acknowledgment Notice

- The consent of a majority of the Review Committee is required to issue an Acknowledgment notice.
- A notice will be sent to the Innovator stating the date on which acknowledgment has been granted.
- The Notice shall contain the following nonconfidential information:
 - Innovator's name.
 - The specification, trade name, and company model number of the qualified innovation material.
 - Date of review.
 - That the Acknowledgment is not a substitute for Critical Guidance Recognition.

Notice of Failure to Qualify

- If the examined innovation does not comply with the criteria a notice will be sent to the Innovator stating that its innovation material did not qualify under the Program.
- The notice will include:
 - Innovator's name
 - The specification, trade name, and company model number of the submitted innovation material;
 - Date of review.
 - The basis on which disqualification is based.

Program Logo

There is no logo associated with the APR Design® Recognition Program for Responsible Innovation.

Use of APR Design® Recognition Program for Responsible Innovation Acknowledgment Notice

- The Innovator may use the acknowledgment letter and reference to it in promotional literature.
- 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.
- To avoid misunderstanding, references to the Program in the Innovator’s literature must specify the particular innovation materials that are acknowledged, unless all of the products mentioned in the literature or advertising are acknowledged under this Program.
- Full line brochures and other types of general advertisements may reference the acknowledgment letter if it is used in conjunction with clarifying language that will avoid confusion concerning the identity of the qualified innovation material.
- An example of acceptable language used in connection with the Program is: “Consult the APR website at www.plasticsrecycling.org for a current list of acknowledged Responsible Innovation products.”

Duration of Acknowledgement Letter

The APR Design® Recognition Program for Responsible Innovation Acknowledgment letter will be listed on the APR website for three (3) years, or longer at the discretion of APR. If the Innovator wishes to extend the listing for an additional three years, new or updated testimonial letters are required.

Changes in Guidelines, Adoption of New Guidelines, or Minor Modification of an Acknowledged Product

- Unless the Administrator notifies participants that a longer period will be provided, acknowledged products must meet 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.
- Testimonials according to the most current Program Guidelines must be obtained to substantiate that the acknowledged product continues to meet Program Guidelines and the Testimonials 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 Innovator may produce the product at a different facility. Acknowledgment is not facility site-specific.

Immediate Corrective Action

- If APR discovers that an acknowledged Innovation Material fails to meet or exceed the Program Guidelines, the Innovator will be given the opportunity to correct it immediately.
- 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.
- 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.
- 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 reference to the APR acknowledgment 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 Innovator may request consultation with the Program Administrator in relation to the corrective action required.
- The Innovator shall file a corrective action response within 30 days of receiving a notice from APR.
- All costs for any product test will be borne by the Innovator.

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 reference to the acknowledgment letter by the Innovator for the material.

Requalification

To requalify disqualified products, the Innovator must reapply and submit the same submission and fees that apply to new products.

Resolution

- 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 to the APR Board of Directors.
- Appeals shall be handled as follows:

- On receipt of written notice of the determination, Innovator has seven days to notify the APR Executive Director that the Innovator is seeking review.
- 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.
- 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.
- 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 disqualification may continue to use the Acknowledgement Notification pending a decision by the APR on the dispute. If disqualification is sustained by APR, the Innovator will cease use of the Acknowledgement Notification. Any master list of qualified products will be changed promptly if disqualification is upheld.

Confidentiality

- Innovators 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 Responsible Innovation review. In the event it is necessary to consult with a third party outside of APR that could materially contribute to the examination, permission will be sought from the Innovator in advance of discussing the application with a third party.
- Petitioners should understand that the APR Design[®] Recognition Program for Responsible Innovation 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 Innovators who chose to discontinue participation in this Program. As used here, "public comments" include statements at APR meetings.

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 Innovators for services under this Program. Fees may be adjusted from time to time.
- The application fee is non-refundable.
- The Innovator must remit payment of the non-refundable application fee before the application review can begin.

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 or Technical Director and approved by the Board of Directors.

Definitions

Administrator: Entity designated by the APR Board of Directors to manage the application and review process established by the APR Design® Recognition Program for Responsible Innovation Acknowledgment.

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.

Conformance: Meeting or exceeding the specified voluntary criteria.

Control: Exercise authority over and regulate.

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

Critical Guidance Document: The Critical Guidance testing protocol includes specific testing requirements and evaluation criteria. This APR Design® Recognition Program for Responsible Innovation and Acknowledgement Notice is not a substitute for the Critical Guidance Recognition.

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

Delisted: The term “delisted” means that a previously qualified product is removed from the official list of acknowledged innovation materials maintained by APR based on the Administrator’s disqualification of the product.

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.

HDPE: High density polyethylene

Innovation Material: A resin, multilayer resin, additive, coating, label, shape, container, or adhesive that is the subject of a Responsible Innovation acknowledgment request.

Innovator: An applicant who is a manufacturer of an innovation material or item that is the subject of a Responsible Innovation acknowledgment request.

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

LDPE: Low density polyethylene

LLDPE: Linear low density polyethylene

MRF: Materials Recovery Facility

PET: Polyethylene terephthalate

PP: Polypropylene

PS: Polystyrene

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