



The Association of Plastic Recyclers

Responsible Innovation Acknowledgment Program Operating Procedures

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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 Responsible Innovation Acknowledgment Program does not guarantee compliance with any U.S. law or regulation and does not guarantee that an innovation material is recyclable. The Responsible Innovation Acknowledgment 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 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.

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

1.0 Introduction

The Association of 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 items available for recycling, and that growth in supply of new items is essential to the well being of the plastic packaging 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 provides preliminary screening to help the innovator understand the approximate effect of the innovation on plastic packaging recycling. A more complete examination is afforded in the APR Recognition Program Operating Procedures document.

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.

The main features of the Responsible Innovation Acknowledgment Program are as follows:

- An Innovator enters into agreement with APR for review of its material (“Innovation Material”).
- Using APR’s Responsible Innovation Acknowledgment Program Operating Procedure the Innovator prepares a submission to a Review Panel of APR members.
- Copies of testimonials and other relevant information including a description of the innovation and why the innovation will benefit the plastics recycling industry are provided to the Program Administrator for review and verification of completeness and accuracy. The submission should include future plans for testing.
- The Innovator will provide a public presentation to the APR membership on the innovation. The presentation should identify the innovation and provide information relative to the questions asked for the testimonial letters and any other information the petitioner chooses to provide.
- A fee is paid.
- After the public presentation a Review Committee for each application will be appointed that consists of five members: the Program Administrator, at least three Full APR Member, and possibly one Affiliate APR Member.
- Assuming that Review Committee votes positive, the Program Administrator will so notify the Innovator.
- An Acknowledgement letter will be issued for meeting the criteria of this protocol.
- All Responsible Innovation 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.

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 Acknowledgment Program, the Innovator acknowledges all information is not confidential and may be cited by others.

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

Innovators are encouraged to consult APR as needed when generating testimonial letters and data for review. Additional information may be requested from the Innovator for the purpose of greater understanding of the petition.

2.0 Responsible Innovation Acknowledgment Program 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.

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 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 considered using this document, referred to as the "Program Guidelines").
- b. Program Guidelines may be established and modified as proposed by APR's Technical Committee or Technical Director 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.

2.3 APR Functions

- a. APR will designate a Program Administrator.
- b. APR will establish a Review Committee for each application.
- c. 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; 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.
- f. Report on the program's activities and overall operations at least once each year to the APR Board of Directors.
- g. Perform administration functions under the Program, including:
 1. Review data, suggest inclusions to the petition, and perform other services incident to the administrative function;
 2. 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, 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 means acceptance of the petition. A negative decision can be appealed to the APR Board.

2.7 Applications

- a. Applicants must give a presentation to the full APR membership at the Technical Forum or Members Meeting of the innovation being asked to be recognized upon submitting an application. An application may be filed in advance of the presentation being made; however, Responsible Innovation acknowledgment will not be awarded until such presentation is made.
- b. Applications should include the following non-confidential information:
 1. Data, a full description of the innovation.
 2. An explanation of why the innovation will benefit the plastics recycling industry.
 3. Signed Responsible Innovation Innovator Agreement.
 4. Required Nonrefundable Fee
 5. Innovator's Name and Address
 6. Innovation Material Identification and Product name
 7. Product type, series or model number
 8. Product style

9. Product color(s)
10. 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:
 - i. Has the innovation been found to not be unacceptably disruptive in the MRF handling and sorting process?
 - ii. Has the innovation been found to not create unacceptable risks to the operation of the MRF?
 - iii. Do the current facts support your willingly inclusion of the innovation with other material now and in the future?
 - iv. What additional information is needed before you answer affirmatively to the three questions above?
11. 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:
 - i. Has the innovation been found to not be unacceptably disruptive in the plastic reclaiming process?
 - ii. Has the innovation been found to not create unacceptable risks to the reclaiming operation?
 - iii. Do the current facts support your willingly inclusion of the innovation with other material now and in the future?
 - iv. What additional information is needed before you answer affirmatively to the three questions above?
 - v. 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:

 - i. 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.
 - ii. 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.
12. Other information the Innovator wishes the Review Committee to consider.

2.8 Responsible Innovation Acknowledgment Criteria

- a. 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 2.9 above.
- b. 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.

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

2.10 Acknowledgment Notice

- a. The consent of a majority (3) of the Review Committee is required to issue an Acknowledgment Notice.
- b. A Notice will be sent to the Innovator stating the date on which acknowledgment has been granted.
- c. The Notice shall contain the following nonconfidential information:
 1. Innovator's name.
 2. The specification, trade name, and company model number of the qualified innovation material.
 3. Date of review.
 4. That the Acknowledgment is not a substitute for Critical Guidance Recognition.

2.11 Notice of Failure to Qualify

- a. 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.
- b. The notice will include:
 1. Innovator's name
 2. The specification, trade name, and company model number of the submitted innovation material;
 3. Date of review.
 4. The basis on which disqualification is based.

2.12 Program Logo

There is no logo associated with the Responsible Innovation Acknowledgment Program.

2.13 Use of Responsible Innovation Acknowledgment Program Acknowledgment Notice

- a. The Innovator may use the acknowledgment letter and reference to it in promotional literature.
- 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 acknowledged, unless all of the products mentioned in the literature or advertising are acknowledged under this Program.

- d. Full line brochures and other types of general advertisements may make reference to the acknowledgment letter 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 is: “Consult the APR Web site at www.plasticsrecycling.org for a current list of acknowledged Responsible Innovation products.”

2.14 Duration of Acknowledgement Letter

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

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

- a. 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.
- b. 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.

2.16 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-specific.

2.17 Immediate Corrective Action

- a. 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.
- 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 reference to the APR acknowledgment 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.
- h. All costs for any product test will be borne by the Innovator.

2.18 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.

2.19 Requalification

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

2.20 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:
 1. On receipt of written notice of the determination, Innovator has 7 days to notify the APR Executive Director that the Innovator is seeking review.
 2. 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.
 3. 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 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.

2.21 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 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.
- c. Petitioners should understand that the Responsible Innovation Acknowledgment Program is voluntary and that APR, the Administrator, or other reviewers shall not be bound to non-disclosure agreements in association with these reviews.

2.22 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.

2.23 Program Directory: A current directory of companies and products qualifying under the Program will be maintained by APR on a publicly accessible Web site.

2.24 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.

2.25 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.

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

2.27 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.

3.0 Definitions

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

3.2 Conformance: Meeting or exceeding the specified voluntary criteria.

3.3 Control: Exercise authority over and regulate.

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

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

3.6 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.

3.7 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.

- 3.8 HDPE:** High density polyethylene.
- 3.9. LDPE:** Low density polyethylene
- 3.10 LLDPE:** Linear low density polyethylene
- 3.11 PP:** Polypropylene
- 3.12 PS:** Polystyrene
- 3.13 PET:** Polyethylene terephthalate
- 3.14 MRF:** Materials Recovery Facility
- 3.15 Innovator:** An applicant who is a manufacturer of an innovation material or item that is the subject of a Responsible Innovation acknowledgment request.
- 3.16 Innovation Material:** A resin, multilayer resin, additive, coating, label, shape, container, or adhesive that is the subject of a Responsible Innovation acknowledgment request.
- 3.17 Listing:** Refers to a list maintained by APR of specific products qualified under this Program.
- 3.18 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.
- 3.19 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.
- 3.20 Critical Guidance Document:** The Critical Guidance testing protocol includes specific testing requirements and evaluation criteria. This Responsible Innovation Acknowledgment Program and Acknowledgement Notice is not a substitute for the Critical Guidance Recognition.