



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

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NOTICE

DATE: January 15, 2014
TO: All Certified and Registered Program Participants
SUBJECT: New Regulations for Imported Empty Beverage Container Materials

On January 13, 2014, the Department of Resources Recycling and Recovery (CalRecycle) received official notification from the Office of Administrative Law approving the Division of Recycling's (Division) proposed emergency regulations for out-of-state beverage container importation. The adopted emergency regulations are to implement the reporting and inspection provisions for imported empty beverage container materials contained in Public Resources Code section 14596, as amended by AB1933 in September 2012. The adopted regulations make amendments to Title 14, Division 2, Chapter 5 of the California Code of Regulations (CCR), consisting of changes to sections in Subchapters 1, 2, & 6, and the addition of a new Subchapter 11.1. (14CCR §§ 2000, 2085, 2501 (amended) and 2830-2835 (new).)

The emergency regulations require specific information associated with the importation of empty beverage container materials to be reported and that all vehicles importing empty beverage container material above certain weights be inspected at a California Department of Food and Agriculture (CDFA) quarantine inspection station (border station). The information gathered will be used by CalRecycle, CDFA, and law enforcement agencies to investigate and prosecute individuals and businesses that illegally redeem imported empty beverage container materials for refund value and other recycling program payments.

The emergency regulations apply to any person importing more than 25 pounds of aluminum, bimetal, or plastic empty beverage container material, or more than 250 pounds of glass empty beverage container material, in a motor vehicle and will require the following:

- Entering California only through an open and staffed CDFA border station and declaring empty beverage container material is being imported.
- Submitting to a vehicle inspection conducted by CDFA border station agents or other appropriate officials and securing a Proof of Inspection (POI) document.
- Completing an Imported Material Report (IMR) and presenting it to a CDFA border station agent upon seeking entry into California. The report requires specific information about the material, point of origin, destination, vehicle, driver, trucking company, and receiver. An online version of the IMR will be posted on CalRecycle's web site and hardcopies will be available at all CDFA border

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stations once the program has been fully implemented. The Division intends to have the program fully implemented in early February 2014.

- Providing a copy of a certified weigh master certificate when the weight of the imported empty beverage container material is 100 pounds or more.
- Retaining possession of both the IMR and POI until the load is delivered to the destination indicated on the IMR.
- Prohibiting delivery of imported empty beverage container materials to a registered curbside program or a certified recycling center, dropoff or collection program, or community service program. Individuals will not be restricted from delivering imported materials to a certified processor, or to a junk dealer as defined in the Business and Professions Code beginning at Section 21600. Although imported material is ineligible for refund value and other program payments, certified recycling centers have been permitted to purchase the material for its scrap value. That will no longer be allowed under the new regulations.
- Requiring that aluminum beverage containers sold to junk dealers be handled as nonferrous material subject to the laws governing scrap metal and alloys in accordance with applicable sections of the Business and Professions Code beginning at Section 21600.
- Restricting any person from taking delivery in California of any empty beverage container material the person knew, or should have known, was imported into CA, unless the material is accompanied by a POI, IMR, and certain other supporting documents.
- Maintaining designated records (POI, IMR, weight ticket) and making them available for review by CalRecycle for a period of five years following their preparation.

You can access the full text of the emergency regulations on CalRecycle's website via the following link:

<http://www.calrecycle.ca.gov/Laws/Rulemaking/Archive/>

If you have any questions regarding compliance or enforcement of the importation, reporting and inspection statutes and regulations detailed in this notice, please contact either Ben Shelton, Senior Management Auditor, at (916) 324-1975 if you are located in Northern California, or, Alex Hernandez, Senior Management Auditor, at (951) 782-4121 if you are in Southern California.