

## **Appendix I**

### **Polyethylene Sheeting**

#### **Table of Contents**

	<b>Page</b>
Berry Plastics Corporation.....	I3
Sigma Stretch Film .....	I5

THIS PAGE INTENTIONALLY LEFT BLANK



101 Oakley Street  
P.O. Box 959  
Evansville, IN 47706-0959  
Phone: 812-424-2904  
Fax: 812-424-0128

January 8, 2009

NIST, Weights & Measures Division  
100 Bureau Drive  
Gaithersburg, MD 20899-2600  
E-mail: lisa.warfield@nist.gov

Attn: Lisa Warfield  
Weights & Measures, Coordinator

RE: **Proposed Changes to Handbook 130, Method of Sale Regulation Section 2.13.4.  
“Declaration of Weight”**

Dear Ms. Warfield:

This letter is in reference to the proposed changes to Handbook 130, Method of Sale Regulation Section 2.13.4. “Declaration of Weight” (copy attached).

**Background**

Berry Plastics Corporation is a leading manufacturer and marketer of HDPE and LLDPE Institutional Can Liners. Berry Plastics is a long time participant in this market and is well versed in the mechanics of the category.

**Recommendation**

For the following reasons, Berry Plastics respectfully requests the NCWM Laws and Regulations Committee reject the above referenced proposal.

**Rationale**

We urge the Committee to reject the proposed rule change for three reasons. First, the proposed change will cause a significant increase in plastic entering the waste stream. Second, the proposed change would modify a clearly established and well accepted rule, thereby upsetting the settled expectations of market participants and causing confusion in the marketplace. Finally, the proposed change is unfair to manufacturers because it would require the inclusion of more HDPE material than is necessary or desirable for a useful product.

- 1) **Sustainability** – The strongest reason for rejecting this proposal relates to Sustainability. The Institutional Can Liner market is untracked; however, we estimate its size at 400 million pounds per year.

Visit us online at [www.berryplastics.com](http://www.berryplastics.com)



101 Oakley Street  
P.O. Box 959  
Evansville, IN 47706-0959  
Phone: 812-424-2904  
Fax: 812-424-0128

- a. If the .95 density factor is adopted, product weights will have to be increased by 3%, resulting in over **12 million additional pounds** of plastic finding its way into the waste stream.
  - b. Just the production of this additional plastic will generate an additional **18.5 million pounds of CO<sub>2</sub>**.
  - c. Additional CO<sub>2</sub> would be generated to transport and package the heavier product.
- 2) **Convention** – HDPE product weights based on the .92 density factor are well accepted in the industry and the category participants (manufacturers, distributors and end users) are very accustomed to these product weights. Instead of clarifying the issue, changing the density factor will actually lead to confusion in the marketplace.
- 3) **Blends** – Most HDPE Can Liners utilize blends of various materials (HDPE, LLDPE, LDPE and post consumer and post industrial resins as well as additives). The current use of the .92 density factor sets a bottom limit on product weight. If the .95 density factor is adopted it will require manufacturers to overstate the weight of the product.

Therefore, given the above, we strongly recommend that this proposed revision be rejected. We look forward to discussing this further with you at the upcoming conference in Nashville or at any other time and place that is convenient for you.

Thank you for your time.

Sincerely,

Randy Hobson  
Executive Vice President Commercial Development  
Berry Plastics Corporation  
101 Oakley Street  
Evansville, IN 47710  
812-434-9369

Visit us online at [www.berryplastics.com](http://www.berryplastics.com)

# $\Sigma$ *Sigma Stretch Film*

**P.O. Box 808 • Lyndhurst, NJ 07071**  
**Phone (201) 507-9100 Fax (201) 507-0447**

**Joe Graves**

Sigma Stretch Film  
901 Commerce Circle  
Shelbyville, KY 40065  
Phone: 502-633-4857

► **Lisa Warfield**  
**Weights & Measures, Coordinator**  
**NIST, Weights & Measures Division**

100 Bureau Drive  
Gaithersburg, MD 20899  
Phone: 301-975-3308

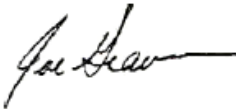
---

**Dear Ms. Warfield**

I am writing in regards to the proposed changes of NIST Handbook 133, agenda items 270-6, 270-7, and 270-8. Although a Sigma Stretch Film representative is unable to attend these important meetings, we are offering support of the changes. A clear procedure outlining and acknowledging that the densities of HDPE and LLDPE are different will help maintain a fair marketplace.

If I can be of any further assistance, please do not hesitate to contact me directly at 502-633-4857.

Best Regards,



---

**Joe Graves**  
Technical Director  
Sigma Stretch Film  
1/22/2010

THIS PAGE INTENTIONALLY LEFT BLANK