

What's in California Landfills: Measuring Single-Use Packaging and Plastic Food Service Ware Disposed Of 2025

Appendix 2 – Public Comments Received

Revised Preliminary Findings

CalRecycle Publication Number DRRR-2025-1757

Public Comments and Data Availability

CalRecycle is committed to conducting the Material Characterization Study required by the Plastic Pollution Prevention and Packaging Producer Responsibility Act (the Act), Senate Bill 54 (Allen, Chapter 75, Statutes of 2022) through a public process. As such, all public feedback is reviewed and actively considered to improve the study and help California achieve the goals of the Act. This appendix includes all public comments received by CalRecycle, including those sent to the CalRecycle Solid Waste Characterization inbox and CalRecycle Packaging inbox, regarding the contents of the [What's in California Landfills: Measuring Single-Use Packaging and Plastic Food Service Ware Disposed Of \(2025\) - Preliminary Findings \(DRRR-2025-1755\)](#) publication, during the open comment period from July 1, 2025, to September 15, 2025.

For accessibility purposes, images, figures, tables, and data (non-text items) have not been included in this Appendix and are denoted as "Non-text item(s) included in body of email are not reproduced here" or "Non-text items incorporated into documents submitted to CalRecycle are not reproduced here." To see the original letter, submit a public records request through the [CalRecycle Public Records Center](#).

July 2025

Comment 1:

Name: Walter Reiter

Date received: July 23, 2025

Source: Email (wreiter@epsindustry.org)

Email includes attachments: Yes

Comment: Dear CalRecycle:

Attached please find EPS Industry Alliance's concerns and observations regarding the 2025 Material Characterization Study released in late June 2025. (What's in California Landfills: Measuring Single-Use Packaging and Plastic Food Service Ware Disposed 2025)

Thank you for the opportunity to submit this feedback and please let me know if I can provide additional information or if you would like to further discuss these concerns.

Walter

Walter A. Reiter, III

Director, Advocacy & Regulatory Affairs

EPS Industry Alliance

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Attachment text:

Department of Resource Recycling and Recovery
1001 Eye Street
Sacramento, California 95814
Via email only
packaging@calrecycle.ca.gov

Re: Concerns regarding the SB 54 Material Characterization Study released June 30, 2025

CalRecycle:

Thank you for releasing the Material Characterization Study (MCS 2025) and thank you for considering these comments and observations regarding values reported for expanded polystyrene (EPS) transport packaging.

The EPS Industry Alliance is the North American trade association for the expanded polystyrene industry. Our members manufacture EPS transport packaging used to protect durable and temperature sensitive goods. EPS is essential for safe and efficient transportation of electronics, appliances, furniture and other heavy but delicate products. EPS is also essential for shipment of pharmaceuticals, laboratory samples, fresh foods and produce.

EPS transport packaging is a rigid, non-flexible material sometimes identified with #6 under the Resin Identification Code system.

We recognize that MCS 2025 report aligns with the material categories list developed under SB 54 rulemaking. EPS transport packaging would be properly characterized as 24 P42P "Plastic PS (#6) Other Expanded/Foamed Forms." However, the description of this category in Appendix 1 of MCS 2025 includes in that category items such as: "foam rolls, convoluted foam, foam netting, foam tubing." These descriptors are not associated with EPS or any EPS packaging application known or utilized in the industry.

These terms more accurately describe flexible foam formats made of expanded polyethylene (EPE), not EPS. EPS is a rigid, molded material, while EPE is flexible and commonly used for protective tubing, corner protectors, and wrap — all of which could be visually mistaken for EPS in the field.

The lack of explicit differentiation between EPE and EPS raises concerns that some portion of the reported EPS tonnage in MCS 2025 may reflect misclassified EPE. This has direct implications for material-specific policy development and fee assessments under SB 54.

A review of the reported data and a comparison with the values reported in the 2018 Material Characterization Study further establish the likelihood of significant misclassification of expanded polyethylene and perhaps other foams as EPS in MCS 2025.

This possibility is made far more probable upon comparison of MCS 2025 with MCS 2018 as set out in the table below:

Study Year	Combined EPS Transport and Food Service Estimate	Source/Category
2018	87,147 tons	“Other Rigid Plastic (#6 PS and Other Rigid Foamed Plastics)” (2018 Waste Characterization Study)
2025	206,210 tons	24_P42P (EPS transport): 187,115 tons 24_P23P (EPS foodware): 19,095 tons

Despite a more than doubling (2.37X) in reported EPS-related tonnage, the 2025 MCS does not reference the 2018 study or provide any reconciliation or rationale for this dramatic increase.

The Appendix to the 2025 MCS raises further concerns regarding the likelihood of misclassification. Although there are references to field methodology and visual identification protocols, there is no mention of guidance for differentiating EPS from EPE and there is no reference to training or an identification guide or the provision of samples or even photographs for the surveyors. These materials typically do not carry resin identification codes, further challenging surveyors to accurately characterize the materials.

SB 54 imposes legal, enforceable requirements regarding rates and values. CalRecycle is charged with developing methodology to calculate these rates. The regulated community has neither access to nor the ability to compel entities outside the regulated community to produce the data necessary to establish compliance with the statutory requirements. Proposed regulations limit the source of data that can be used to demonstrate compliance and empowers CalRecycle to make the ultimate determination as to the reliability of data.

It is reasonable to presume that, notwithstanding the concerns and observations regarding the 2025 MCS, this report and the possible errors would lead to an arbitrary determination of the regulated community’s compliance or non-compliance with statutory requirements.

Without clarification on the material survey process and reconciliation of the drastic reported differences, this 2025 MCS should not be utilized to determine compliance with the statute or assess the performance of the producer responsibility organization.

Thank you for your attention to these important technical issues. CalRecycle’s continued commitment to science-based policy development is appreciated. Please contact us if we can provide any additional information or answer any questions.

Respectfully,
Walter Reiter
Director Advocacy
EPS Industry Alliance