California Environmental Protection Agency

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Governor

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Secretary for Environmental Protection

Department of Resources Recycling and Recovery

Ken DaRosa
Acting Director for CalRecycle

Date: December 11, 2020

To: Interested Parties

From: Zack Bradford, Senior Environmental Scientist (Specialist)

Subject: Notice of Changes to Proposed Regulation for the Sustainable Packaging for the State of California Act of 2018 (SB 1335)

A 15-day written public comment period for the Proposed Regulation for the Sustainable Packaging for the State of California Act of 2018 (SB 1335), Public Resources Code sections 42370 through 42370.7, will begin on December 12, 2020, and end on December 26, 2020, at 11:59 pm.

After considering comments received during the previous comment period that ran from October 6, 2020 to October 20, 2020, CalRecycle staff revised the proposed regulation. These revisions will add further clarity to the existing language, make grammatical corrections, and incorporate documents by reference.

The revised proposed regulation is available on the SB 1335 rulemaking website at: https://www.calrecycle.ca.gov/laws/rulemaking/foodservice. The revisions are depicted as follows:

- Text in single underline depicts first draft Proposed Regulation additions.
- Text in double underline depicts second draft Proposed Regulation additions.
- Text shown in double ~~strikethrough~~ depicts second draft Proposed Regulation deletions.
- Text in gray highlight (no underline or strikethrough) depicts third draft Proposed Regulation additions.
- Text in ~~gray highlight with single strikethrough~~ depicts third draft Proposed Regulation deletions.

CalRecycle staff is only required to respond to comments related to the newly proposed changes to the regulation. Please submit written comments to: SB1335@calrecycle.ca.gov.

During this 15-day written comment period, CalRecycle is providing the opportunity to review an additional technical document that was relied upon for the development of the proposed regulation but was not previously included in the Initial Statement of Reasons. This document is available for viewing online at the link below and at our offices, upon request.

- Narancic, Tanja; Verstichel, Steven; Chaganti, Srinivasa Reddy; Morales-Gamez, Laura; Kenny, Shane T.; De Wilde, Bruno; Padamati, Ramesh Babu; O'Connor, Kevin E. *Biodegradable Plastic Blends Create New Possibilities for End-of-Life Management of Plastics but They Are Not a Panacea for Plastic Pollution*. Environmental Science & Technology 2018 52 (18), 10441-10452. https://pubs.acs.org/doi/10.1021/acs.est.8b02963

The following documents are incorporated by reference in the proposed regulation and are available for purchase, as indicated below, and for in-person viewing as part of the rulemaking record, upon request:

- ASTM D5338-15, "Standard Test Method for Determining Aerobic Biodegradation of Plastic Materials Under Controlled Composting Conditions, Incorporating Thermophilic Temperatures," ASTM International, June 2015. Available for purchase from ASTM International. https://www.astm.org/Standards/D5338.htm
- ASTM D6400-19, "Standard Specification for Labeling of Plastics Designed to be Aerobically Composted in Municipal or Industrial Facilities," ASTM International, May 2019. Available for purchase from ASTM International. https://www.astm.org/Standards/D6400.htm
- ASTM D6868-19, "Standard Specification for Labeling of End Items that Incorporate Plastics and Polymers as Coatings or Additives with Paper and Other Substrates Designed to be Aerobically Composted in Municipal or Industrial Facilities," ASTM International, October 2019. Available for purchase from ASTM International. https://www.astm.org/Standards/D6868.htm
- ISO 14855-1:2012, "Determination of the ultimate aerobic biodegradability of plastic materials under controlled composting conditions – Method by analysis of evolved carbon dioxide – Part 1: General method," International Organization for Standardization, December 2012. Available for purchase from ISO. https://www.iso.org/standard/57902.html
- ISO 14855-2:2018, "Determination of the ultimate aerobic biodegradability of plastic materials under controlled composting conditions – Method by analysis of evolved carbon dioxide – Part 2: Gravimetric measurement of carbon dioxide evolved in a laboratory-scale test," International Organization for Standardization, July 2018. Available for purchase from ISO. https://www.iso.org/standard/72046.html

- ISO/IEC 17025:2017, “General Requirements for the Competence of Testing and Calibration Laboratories,” International Organization for Standardization/International Electrotechnical Commission, November 2017. Available for purchase from ISO. https://www.iso.org/standard/66912.html

To make an appointment to view these documents or submit comments by mail, please contact:

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