

# Schools and Local Education Agencies Questions and Answers

## Requirement Questions

- 1. Will schools be informed about the regulations and provided with compliance resources?**

Yes. CalRecycle will be providing guidance and training to regulated entities including schools.

- 2. Do public unified school districts report data to CalRecycle or the jurisdiction?**

If a local education agency is a commercial edible food generator, they are required to keep records (and make them available to CalRecycle upon request) but not report to CalRecycle. Local education agencies must keep records for five years if they self-haul organic material. They are not required to keep records or report on their organic waste collection program.

- 3. What constitutes adequate space for organic waste collection containers for local education agencies? In other words, what space limitations qualify for a waiver?**

CalRecycle is developing guidelines for issuing waivers to local education agencies that do not have adequate space for collection containers. CalRecycle may conduct a site visit to better understand the space limitations and determine if a waiver is appropriate.

- 4. Can a hauler or jurisdiction report on behalf of local education agencies?**

Local education agencies do not have specific organic waste reporting requirements under the regulations. A hauler or jurisdiction may conduct tasks on behalf of the local education agencies.

- 5. Are local jurisdictions responsible for ensuring local education agencies comply with SB 1383 regulations?**

The regulations clearly state that jurisdictions must enforce requirements on generators subject to their authority, and not those outside their authority like local education agencies.

## Education and Outreach Questions

- 1. Are jurisdictions responsible for the initial education and offer of services to schools? How does a jurisdiction determine if schools are under the jurisdiction's oversight or the state's?**

Jurisdictions are not required to provide collection services or enforce on local education agencies that are not subject to local control, but they must provide education and outreach to all organic waste generators.

- 2. Are jurisdictions required to provide education and outreach to local education agencies?**

Local jurisdictions are required to provide education to local education agencies within their geographic boundaries, as they already are doing under PRC Sections 42649.8-42649.87 (AB 1826) and PRC Sections 42649-42649.7 (AB 341).

It is important for these entities to know what collection options are available locally. CalRecycle will also provide assistance to local education agencies with implementing programs. CalRecycle will enforce compliance.

- 3. Are local education agencies required to report to local jurisdictions regarding their education and outreach activities to employees?**

No. Jurisdictions are required to monitor generators subject to their authority for compliance, but generators are not specifically required to report information to jurisdictions.

## Container, Labelling, and Collection Questions

- 1. What type of containers are required for classroom use?**

Classroom containers should reflect the type of collection service the local education agency has. Additionally, if organics are not present in the classroom, organics bins are not required in the classroom.

- 2. Do local education agencies need to ensure that internal containers are labeled and match the color requirements of the local collection service?**

Local education agencies must provide collection containers that conform to the container colors of the organic waste recovery service provided by their jurisdiction, or provide containers with labels that comply with the requirements of Article 3, Section 18984.8.

- 3. Do the container color requirements apply if the containers are located within wood cabinets?**

Containers located in wood cabinets do not have to have the specified color, but they do have to comply with the container label requirements of Section 18984.8. Labels help students, teachers, and personnel know how to properly sort the materials in the appropriate containers that are located within the wood cabinets. In short, either the body or lid of the container needs to be the correct color or it needs to be properly labeled.

**4. Do compactors need to be the specified color or can they be labeled with the specified color?**

It depends on who owns the compactor. If the compactor is owned by the local education agency, they may either conform to the container color or label their compactor in accordance with the labeling requirements in Article 3, Section 18984.8.

If the compactor is not owned by the local education agency, the jurisdiction must provide a compactor container that complies with the color and labeling requirements prior to the end of the useful life of the compactor, including compactors purchased prior to January 1, 2022, or prior to January 1, 2036, whichever comes first.

**5. The law requires that a green organics collection container be placed next to blue recycling and grey solid waste containers. Does this apply if a particular waste stream is not present? Food waste is prohibited in our classrooms to deter pests and rodents.**

If your host jurisdiction has a three-collection system and there is no food waste stream present in the classroom, then a green container for the collection of food waste is not necessary [see Section 18986.3(a)]. However, a blue recycling container would still need to be provided for the collection of other organic waste, such as paper products and cardboard. If schools have “snack time” that occurs in the classroom, would the classroom need an organics bin?

It depends on the type of collection service the school has. For example, if organics is present in the classroom and the school has a three-container collection service, then an organics container would be required to be placed alongside the trash and recycling containers in the classroom.

## **6. How often should local education agencies inspect containers?**

Though there is no set number of inspections specified, local education agencies are required to inspect containers periodically to ensure organics recycling participation and container contamination minimization. For example, entities may inspect more frequently at the onset of a program and taper off inspections after users are educated and adequately participating.

## **Edible Food Recovery Questions**

### **1. Will schools with vending machines be required to comply?**

Some vending machines, such as vending machines with temperature control units, are required to have a food facility permit and be inspected as a food facility. If a vending machine at a local education agency does meet the California Health and Safety Code definition of “food facility,” or the local education agency has any other food facility on- site, then the local education agency will be required to comply with the commercial edible food generator requirements of SB 1383 and to recover the maximum amount of edible food that would otherwise be disposed.