



## CALIFORNIA STATEWIDE COMMISSION ON RECYCLING MARKETS & CURBSIDE RECYCLING

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December 20, 2021

To: CalRecycle, CalEPA, and the California Legislature

**Subject: Submittal of New and Updated Policy Proposals**

Greetings from the sixteen volunteer appointees of the Statewide Commission on Recycling Markets and Curbside Recycling. It has been my privilege to Chair this Commission since we were appointed and began meeting in July 2020. This Commission was appointed under AB 1583 (Eggman), providing advice to CalRecycle, the Legislature and other entities regarding policy proposals and suggestions relating to California's ambitious recycling and organic materials recovery goals from the perspective of professionals working in many aspects of the complex discard materials management industry.

The Commission issued preliminary policy recommendations in December of 2020, and the required [annual report in July 2021](#) with policy and program recommendations to achieve our source reduction, market development, greenhouse gas (GHG) reduction and recycling goals. The Commission was delighted by multiple legislative efforts and laws passed in 2021 that directly addressed or responded to Commission recommendations including: AJR 4 (Garcia), SB 343 (Allen), AB 881 (Gonzalez), AB 962 (Kamlager) AB 1201 (Ting), and AB 1311 (Wood). The Commission also appreciates the introduction of related two-year bills, including AB 661 (Bennett).

The documents attached to this letter include four new policy recommendations, and four updates of policy recommendations from the prior reports. Each of these policy recommendations have been adopted by **unanimous consensus** of all Commissioners.

Our policy recommendations suggest ways CalRecycle could support outreach to prevent waste and reduce contamination in recovery streams, and how CalRecycle could affirm some of the projected reduction in GHG emissions associated with composting or anaerobic digestion facilities. Our recommendations address the need for enforcement of existing laws related to labeling and recyclability of film plastics, and how wine and liquor bottles could be managed in California's bottle bill.

There are also four policies which have been updated based on new information and further discussion. We remain concerned about fires, and policy recommendations to extend producer responsibilities for products managed as household hazardous wastes are more focussed on products that are flammable or explosive hazards. We encourage CalRecycle to quantify how the benefits of carbon farming - GHG sequestration through the application of compost products - can be considered during environmental reviews. We updated our Right to Repair policy regarding labeling and product repair, and to reflect new information from the Federal Trade Commission and Apple supporting repair by customers.

I am quite proud of the extraordinary efforts and time commitment this Commission has made in the last 18 months to recommend ways to improve California's recycling and composting programs and infrastructure. The Commission is heartened that some of our key recommendations have become law in just this first year. We look forward to finding ways to build on this partnership as we continue to advise CalRecycle and the legislature about the best ways to continue California's leadership in waste prevention, recycling, composting, and conservation.

If you wish to have a more detailed briefing, please feel free to contact me at [heidi@nsaction.us](mailto:heidi@nsaction.us).

Sincerely,

Heidi Sanborn, Chair

California Statewide Commission on Recycling Markets and Curbside Recycling

**New Policy Proposals:**

1. [Policy 21-31: CalRecycle Outreach to Prevent Contamination and Reduce Waste](#)
2. [Policy 21-32: Glass Containers – Wine & Spirits Collection System](#)
3. [Policy 21-33: Composting GHG Emission Reductions](#)
4. [Policy 21-34: Request for Enforcement of Labelling Laws re. Plastic Bags & Film](#)

**Updated Policy Proposals:**

5. [Policy 20-01: Extending Producer Responsibilities Framework for Household Hazardous Waste](#)
6. [Policy 21-02: Transition from Single-Use Propane Cylinders to Refillable](#)
7. [Policy 20-13: Right to Repair](#)
8. [Policy 21-10: Carbon Farming Analysis and Promotion](#)

# Policy 21-31: CalRecycle Outreach to Prevent Contamination and Reduce Waste

**Commissioner Proposing:** Ward

**Addresses Which Commission Goals:**

1. 75% goal following waste management hierarchy of waste reduction first, then recycling & composting, then disposal environmentally safe transformation and land disposal.
2. Market Development (increase market demand for post-consumer waste materials, increase demand for recycled content products, promote high quality feedstocks, promote competitive collection and use of secondary waste materials),
3. Meet methane emission reduction goals to reduce organics disposed in landfills (50% by 2020, and 75% by 2025 from 2014 levels);
4. Clarify products that are recyclable and compostable;
5. Provide feedback to CalRecycle on public messaging to recycle properly and minimize contamination.

**First hearing at Commission:** 11/17/2021; **Final hearing:** 12/15/2021

**Background:** CalRecycle has budgeted outreach resources to reduce contamination so customers can recycle right and compost correctly. Reducing introduction of new contaminants and reducing confusion about what is recyclable and compostable must be central to those efforts. As the core decision-makers regarding the design and compatibility of packaging and products with California's recovery goals and programs are manufacturers and packagers, clear modes of outreach oriented to such producers should be major elements of all CalRecycle's outreach programs intended to reduce contamination.

Since 1989, PRC Section 40051 has affirmed source reduction as the top priority strategy to achieve California's recovery goals for which CalRecycle is responsible. Those recovery goals now stand at 75% and have been extended to change management of organics to reduce methane generation in landfills. Despite these lofty goals, recovery rates have declined significantly in recent years. Section 40196 of the California Public Resources Code defines source reduction as any action which causes a net reduction in the generation of solid waste. In other words, CalRecycle's mandated first strategy to help California meet recovery goals is to promote actions that reduce waste before it is generated.

Through current messaging and outreach, CalRecycle will drive much of how this and future generations of California rescue food, make clean compost and recycle right. Community outreach campaigns for recovery collections have historically focused on the diversity of communities of residents and businesses placing materials into bins. Such outreach implicitly presumes most people can learn to quickly identify what

does or does not belong in each container. Local jurisdictions can continue to recycle and compost materials that are easy to identify, separate and market, but new harder to recycle products with new chemistries and inseparable multi-material components continue to be an increasing fraction of discards.

In a 2021 statewide [survey](#), though 50-70% of California households reported that they placed what they thought was recyclable into the recycling bin, between 25% and 40% were confused into thinking non-recyclable items like expanded polystyrene cups, plastic bread bags, cookie wrappers or juice pouches were recyclable. So those confusing items were reliably placed in the wrong bins, leading to contamination. That same survey showed 39% relied upon the chasing arrows label to determine if an item belongs in the recycling cart, though that symbol has frequently been mis-applied. The Commission hopes the process under SB 343 will reduce some of the confusion related to chasing arrows. In the interim, CalRecycle should use the findings under SB 1335 to begin outreach to producers.

Time has come for significant educational and outreach resources to be directed upstream to the innovative companies based in and attracted to California markets that can help meet these goals, acting to reduce the confusion associated with the current myriad product and packages that make separation for effective recovery confusing and challenging. Until and unless these factors are addressed more directly, current factors contributing to customer confusion can be expected to continue to grow.

Producers and packagers select materials, direct product design and information on their packages. When that information is confusing, customers are less likely to recycle right or compost correctly. As customer confusion increases, so does contamination in recovery streams. At least some manufacturers and packagers are directly responsible for these common sources of confusion, and it is likely that some other manufacturers have ideas about how to address these concerns. CalRecycle can and should play a larger role in addressing issues such as:

- Incorrect or misleading labels improperly claiming recyclability or compostability, 'flushability,' biodegradable, etc. despite local and state limitations
- products that look similar or identical but require different management methods
- multiple materials layered, interwoven or affixed as part of a single product or package with differing management for sub-parts
- detachable layers of materials that impede the recyclability and/or compostability of that item or package - additional layers of shrink-wrap, labels, and other affixed or detachable parts that are contaminants
- inclusion of liquids or hazardous solids in products that do not have a clearly defined management mechanism or system or method of removal, such as vape pens.

- Inability to repair or return products and limited durability of many products without viable recovery options
- complicated or impractical pre-disposal separation instructions
- electronic products that cannot be opened for battery replacement, repair, or removal of circuitry thus limiting potential for recycling
- continuance of business models where products and packages are sold – even hazardous ones – with few tangible associated responsibilities for any rescue, recycling, composting or end-of-life management
- increases in on-line shopping and package delivery systems and associated packaging that has limited or no recyclability and for which manufacturers or retailers have no recovery options for the customer

As customer confusion leads to contamination in recycling and composting streams, CalRecycle has an opportunity to direct outreach and training to producers' trade associations with an intent to provide producers, packagers and larger retailers with information regarding the recyclability of materials they may use in their products or packages, how they can take steps to reduce customer confusion.

CalRecycle has constructively engaged producers with respect to packaging for nearly a decade, and much longer for beverage containers. The following is an excerpt of CalRecycle's webpages on waste reduction in packaging:

“The department has focused efforts since 2012 by engaging all stakeholders to identify and explore opportunities relative to packaging as one part of a comprehensive set of strategies to reach the statewide 75 percent goal.



## CalRecycle Packaging-Related Programs

CalRecycle has several packaging related programs including:

- [Rigid Plastic Packaging Container Program](#)
- [Plastic Carryout Bag Ban](#)

- [Recycled-Content Trash Bag Program](#)
- [Mandatory Commercial Recycling Program](#)
- [Beverage Container Recycling Program](#)
- [Hospital Blue Wrap Collection”](#)

The societal and persisting environmental costs of litter and improper disposal of packaging includes servicing clogged sewer and storm drain systems, and increasing persistent fragmenting pollutants in soils, waterways, river and ocean debris. These costs are real and increasing – and those costs are not included in the purchase price nor equitably shared. Reducing the increase of these persistent pollutants will require systemic approaches.

As local governments are being called to invest in food recovery systems, the packaging of such items must be considered concurrently. As rescued pre-packaged foods are often distributed to unhoused persons and families, planning for recovery of associated packaging must also be considered or such programs will risk also becoming programs for dissemination of food-packaging related litter.

The inability for California to move closer to our recovery goals while the discard streams we hope to recover have higher levels of contamination and hazards are two trends that must be reversed. CalRecycle cannot be expected to educate the public to recover 75% of a discard stream that is increasingly confusing, contaminated and less recoverable. State agencies have historically not engaged in producer-directed outreach as this policy proposes, allowing products to flow unimpeded into the market and placing directives mostly on and through local governments. This significant change in strategy is necessary because the elements of confusion that lead to contamination and reduced recovery for the most part cannot effectively be addressed by the general public or local governments.

**Purpose:** CalRecycle’s outreach programs should embrace waste prevention as a top priority. To reduce contamination in California’s recycling, composting and stormwater programs, CalRecycle should develop proactive outreach and communications to reduce the introduction of such contaminants at the source as the highest priority focus, while continuing its role coordinating and harmonizing broader outreach to the general public regarding proper separation. The sources of these contaminants in California’s recovery streams have their origins in the choices of materials, methods and messaging made by product and packaging designers intended for sale in California. CalRecycle should initiate and maintain new official portals of communication to trade associations serving the majority of manufacturers, producers and packagers of products sold in California to help guide those decisions to support the State’s waste reduction and recovery goals. CalRecycle could do this by enhancing and expanding existing packaging-related and waste prevention outreach portals.

CalRecycle could also enhance and expand outreach and networking communications to other entities that foster reuse, repair and salvage.

**Proposal(s):** Concurrent with the public outreach campaigns CalRecycle has started to develop to the general public regarding how to recycle right and compost correctly, CalRecycle should enhance, expand, initiate and maintain official portals of communication to trade associations serving the majority of manufacturers, producers and packagers of products sold in California. As related regulations and programs continue to change, there will be a continuing need to update such producer-oriented communications.

Furthermore, CalRecycle's Local Assistance and Market Development division should expand, enhance and make available tools and information that help support and foster the growth of source reduction programs implemented at the local government level. While some such outreach will be directed towards local governments, much will also need to be directed towards universities, libraries, community service organizations, and trade associations.

Building upon the webpages and outreach efforts CalRecycle has already developed, information to be presented within producer-oriented communication portals should be intended to be readily understood by the majority of manufacturers intending to sell products in California. While CalRecycle staff will continue to decide what information is presented through which portals, the following topics should be considered:

- Posting an updated list of recyclable packaging materials, and a separate list regarding compostability, including information on the process for determining or verifying claims of recyclability or compostability in California as detailed in January 2021 CalRecycle workshops re. SB 1335, and as will developed and promulgated under SB 343 (Allen).
- Communications related to packaging that reduce recyclability or increase confusion due to colors, shrink-wrap, caps, or labels. Should this Commission's policy recommendations related to design for recyclability for beverage containers and addressing shrink sleeves (20-16 and 20-17) be enacted, eliminating non-recyclable colored PET and shrink sleeves and caps that impede recycling would be prime topics to be addressed.
- Communications regarding packaging materials that are currently not recyclable or compostable in California, addressing product and packaging strategies and materials that may contribute to contamination, stormwater debris and/or litter.
- Continue development of a comprehensive, statewide, mandatory packaging policy model guided by an extensive stakeholder engagement [from Scott Smithline's comments for 9/20/16 workshop <https://www.calrecycle.ca.gov/ReduceWaste/Packaging//Events/> ]

- Communications prohibiting, discouraging or regulating the use of products and packaging that include or result in hazardous, explosive, flammable or unrecoverable product or packaging properties
- Communications regarding related training and certification requirements and opportunities for manufacturers and packaging professionals selling products in California, including communications related to waste prevention and environmental toxicology in product and packaging design
- Monitoring and enforcement of violations of related California laws and regulations
- Communications related to promotion and recognition of manufacturing and packaging companies and other partners constructively addressing these challenges, including recognition awards such as [Governor's Environmental and Economic Leadership Awards \(GEELA\)](#)
- Communicate regulations related to labelling and management requirements for consumer electronic devices, and documents related to how these programs may develop as described in the Future of Electronic Waste Management Report
- Develop measures to incentivize process and materials substitutions that reduce product and packaging toxicity, increase product life or recovery, reduce impediments to dismantling for parts salvage or materials recovery, or reduce contamination or pollution similar to the [MnTAP](#) program in Minnesota

Some of this information is already available, however it is not currently structured for ease of access by product design and packaging engineers who seek to modify their products to be in better compliance with California's laws and environmental goals. Such outreach programs should have simple modes to address questions like: "Is the following packaging resin we are considering for packaging recyclable in California, and if it isn't, what are other possible choices? If we added a shrink wrap label, would that be allowed, or could that interfere with our assertion that the package is recyclable?"

Though the greatest potential source reduction benefits may be associated with initiating new producer-focused outreach as described above, CalRecycle should also expand and enhance outreach and communications to support expansion of source reduction efforts and programs including reuse, repair, salvage and resale by local and regional governments, trade associations, educational and training institutions, and groups representing entities engaged in aspects of waste prevention, as well as documenting the costs for cleaning up such materials improperly disposed or littered. The topics and strategies for such outreach should include:

- Communications intended to foster support and expansion of the following waste prevention sectors of California's economy:



- **Food rescue:** Gleaning and redistribution, packaging management and recovery
  - **Composting:** Community, on-site and backyard composting and carbon farming programs
  - **Design to Reduce Waste:** Materials substitution for reducing hazards, LEED architecture, and xeriscaping
  - **Thrift shops:** Consignment, resale of clothing, furniture and appliances, and antique shops
  - **Vehicles:** Repair, restoration and salvage
  - **Building Materials:** Deconstruction: salvage and resale of fixtures and materials e.g. Habitat for Humanity ReStores
  - **Computer / Electronics:** Repair, salvage and resale e.g. Fixit Clinics
  - **Reusable transport products:** Slip sheets, reusable pallet netting
  - **Reusable and refillable packaging:** E.g LOOP
  - **Outreach and education** Regarding waste prevention and reuse, libraries and other modes of sharing and goods re-circulation, repair and salvage
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- Training and certification communications could include communications with the California's universities encouraging the inclusion of environmental toxicology courses for completion of chemical, manufacturing and packaging engineer degrees. Manufacturing and packaging engineers' coursework should include coursework and training in design for recovery
  - Communications related to surveys of processors or recyclables and organics, as well as wastewater treatment plant managers and stormwater pollution control managers regarding the materials or products that comprise the largest fraction of contaminants, including an estimate of the annual cost for removing such contaminants in California.
  - CalRecycle could more prominently feature the work addressing illegal dumping and cleanups from the Illegal Dumping Technical Advisory Committee, and include annual estimates of the annual cleanup costs expended by all state and local governments and volunteer organizations, including removal and related repair costs for stormdrains and wastewater treatment plants. This annual assessment should include discussion of the most prevalent items and materials collected, with those projected costs apportioned to manufacturers of those items to the extent practical. These modes of tracking and reporting materials, products, costs and impacts of wastes that have not been prevented can help inform and guide evolving waste prevention efforts and programs.

A simple measure of the degree to which waste prevention has been made a priority is the proportion of CalRecycle resources devoted to outreach efforts as described above divided by the amount of resources devoted to community and customer outreach focusing on proper separation and discard. If this ratio is less than one, outreach to producers should be increased the following budget year – at least until California meets our recovery goals.

**Related Issues:** This policy proposal relates to all policies relating to definitions of reusable, recyclable and compostable in California, including Commission Policies 20-08 regarding the enhanced role of the Governor's Office of Business and Economic Development, 20-13 regarding Right to Repair, 20-15 regarding What is Recyclable, Policies 20-16 and 20-17 regarding Design for Recyclability, 20-18 Label Restriction to Stop Plastic Bag/Film Contamination in Curbside Recycling, 20-19 regarding Compostable Products Certification, 21-21 regarding Correcting Counterproductive Incentives, 21-23 regarding Redefining Reusable Food Service Packaging and 21-30 regarding a Label System for Products and Post-consumer Management.

**Possible 2022 Legislative Priority?** The bulk of this policy recommendation is feedback to CalRecycle on public messaging regarding recycling properly and minimizing contamination in the context of their mandated priority of strategies. As such, the enhancement and expansion, and shifting emphasis of these communications portals does not require additional legislation. As waste prevention has been the legislated priority strategy since 1990, CalRecycle does not need legislation to develop producer-focused outreach portals to provide clarity regarding what can be done and is expected of manufacturers and packagers to prevent waste, contamination, and more effectively move towards meeting California's recovery goals.

Both content and emphasis of the proposed outreach portals, however, will be shaped by future legislation and regulation. For example, the improvements to California's management of consumer electronic devices as described in the Future of Electronic Waste Management Report - produced after years of stakeholder engagement - remain contingent on further legislative action.

**Would this policy proposal require legislation, or interaction with an agency other than CalRecycle?** Partially. Some of these communications portals could be joint efforts with other agencies such as the Department of Toxic Substances Control in the case of hazardous materials, Regional Water Quality Control Boards in the case of stormwater debris, and the Coastal Commission for beach debris. Other communications portals could be developed with universities, similar to the [Minnesota Technical Assistance Program](#) through the University of Minnesota.

**Does this proposal require additional funding or changes to resource allocation?** CalRecycle may need to make some internal adjustments regarding staffing or contractor responsibilities and tasks. This proposal is primarily a recommendation for CalRecycle to re-orient and focus outreach resources intended to reduce contamination in recovery streams to include strategies directed toward producers as a source reduction strategy, which is the legislated priority for this agency.

# **Policy 21-32: Glass Containers – Wine & Spirits Collection System**

**Authors:** John Davis / Jeff Donlevy

## **Addresses Which Commission Goals (select one or more):**

1. 75% goal following waste management hierarchy of waste reduction first, then recycling & composting, then disposal environmentally safe transformation and land disposal.
2. Market Development (increase market demand for post-consumer waste materials, increase demand for recycled content products, promote high quality feedstocks, promote competitive collection and use of secondary waste materials)
4. Clarify products that are recyclable and compostable

**First hearing at Commission: 11/17/21; Second hearing: 12/1/21 Third Hearing: 12/15/21**

**Background:** California manufacturers of new glass containers must use at least 35 percent postconsumer recycled glass or 25 percent if the cullet is mixed-color. There is little use of mixed recycled glass because of inconsistent color. Likewise, fiberglass insulation manufacturers must use at least 30 percent postconsumer glass (Public Resources Code Section 14549). In recent years, the two industries in California have used more than 700,000 tons of cullet annually. California bottles were 47.9% recycled content in 2019, exceeding the statutory standards. California glass bottle manufacturers can use more source separated recycled glass to exceed mandates and meet demand. According to the Glass Packaging Institute, glass returned via California's container deposit system is 98% usable in furnaces, though contamination in curbside glass is significantly higher.

Imported glass bottles are not required to comply with California's recycled content standards. Unfilled imports of glass bottles in 2020 represented nearly 30% of all glass container domestic shipments, (roughly 7 billion empty glass containers from 70-80 countries) most with no accessible data on recycled content levels. Since they are not manufactured in California, these imports do not fall under the state's minimum content requirement and place California bottle manufacturers at a competitive disadvantage.

Wine and spirits have never been included in the California bottle bill redemption program, however they are included in other state's recycling deposit programs (curbside and commercial collection). Wine and spirits have received the benefits of curbside collection programs, able to claim high recyclability, without helping with program costs that are passed on to the consumers. The scrap value for curbside recycled glass does not cover collection and processing costs. Approximately 60% of curbside glass containers are non-CRV. These costs have been passed on to the consumers and rate payers.

The financial burden to materials recovery facilities is very high due to breakage, process loss, equipment wear and tear, damage, and material cross-contamination. Secondary processing is a prerequisite to make marketable material, adding additional MRF costs. California glass recyclers have seen a net decrease of total glass recycling in the past 10 years.

Glass is highly recyclable and redemption center glass is readily usable for bottle manufacturing. Recycled glass saves 30% energy use over virgin glass, reducing CO2 emissions by 30%. California has in-state capacity to turn more recycled glass into new bottles.

Returned whole glass bottles especially are suitable for reuse. California's 2021 AB 962 will allow refunds and processing payments for California Redemption Value (CRV) bottles that are washed for refilling.

As producers of over 800 million pounds of glass, the time has come for the wine and spirit industry and distributors to participate in supporting the California circular economy and help increase recycling, create jobs, reduce energy consumption and carbon dioxide emissions, and prevent landfilling of a highly recyclable and valuable material.

**Purpose(s):** This Policy addresses two issues. 1) Wine and spirits are not part of California's beverage container deposit system; and 2) The recycled content of imported bottles cannot be verified. This exclusion means that consumers lack opportunities to recycle glass through buy-back centers; that MRFs are denied revenue for the non-deposit glass that is recovered; and that high quality redemption glass excludes wine and spirits.

**Proposal(s):**

Wine and spirits should be included in California's current CRV container redemption program.

Inclusion of wine and spirits in the CRV program is an obvious solution to improving post-consumer glass quality and supply and increasing the recycling of other containers including aluminum and plastic bottles containing wine and spirits. Since wine and spirits are also sold in plastic and metal containers, those should also be included in the CRV program.

Over the past few years, the industry has seen an increase in single-serving "nips" that are contributing to litter in California. Inclusion of wine and spirits into the CRV program will increase the supply of clean redemption material needed for the California circular economy and will mediate and assist local governments by reducing litter.

Minimum post-consumer content requirements for glass beverage containers should be extended to all containers sold in California. The existing 35% standard should be increased to 50%.

As these policies are refined, the Commission supports having wine and spirit bottles reused and refilled to the extent possible and practical as a higher priority than crushing and recycling.

**Would this policy proposal require legislation, or interaction with an agency other than CalRecycle?** Legislation is required to include wine and spirits in the CRV program; and to apply recycled content requirements to glass containers sold in California.

**Possible 2022 Legislative Priority?** Yes, glass wine and liquor containers need to share in statewide systems costs; and glass minimum content requirements need updating to match other container standards.

**Does this proposal require additional funding or changes to resource allocation?** Enforcement would require additional funding, potentially through distributor or manufacturer fees sufficient to verify compliance.

**Related Issues:** CRV program reform and refillable container policies are related to this proposal.

# Policy 21-33: COMPOSTING GHG EMISSION REDUCTIONS

**Authors:** Cadena, Davis

## ***Addresses Which Commission Goals (select one or more):***

1. 75% goal following waste management hierarchy of waste reduction first, then recycling & composting, then disposal environmentally safe transformation and land disposal.
2. Market Development (increase market demand for post-consumer waste materials, increase demand for recycled content products, promote high quality feedstocks, promote competitive collection and use of secondary waste materials),
3. Meet methane emission reduction goals to reduce organics disposed in landfills (50% by 2020, and 75% by 2025 from 2014 levels)

**First hearing at Commission:** 11/17/21; **Second hearing:** 12/01/21

**Background:** The California Air Resources Board published its Final Draft “Method for Estimating Greenhouse Gas Emission Reductions from Diversion of Organic Waste from Landfills to Compost Facilities” in May 2017. Using a life-cycle method, the document quantifies California-specific GHG emission reductions from diverting organic waste from landfills and avoiding methane emissions, and reductions from compost use as well as emissions associated with compost production.

Values for food waste, yard trimmings and mixed organics show that 1 ton of material results in 0.44 to 0.62 Metric Tons of Carbon Dioxide Equivalent (CO<sub>2</sub>E) reduction. CARB uses the draft factors in its Benefits Calculator Tool as part of the California Climate Investments quantification methodology. CalRecycle’s Waste Diversion, Organics Composting, Community Composting, Anaerobic Digestion/Co-Digestion, Food Waste Prevention and Rescue Grants utilize CARB’s calculations.

CARB’s Compost Emission Reductions Factors (CERF) shows methane as 25 times CO<sub>2</sub>E, consistent with California’s AB 32 GHG inventory using the Intergovernmental Panel on Climate Change’s 2007 Fourth Assessment Report Global Warming Potential (GWP).

However, the CO<sub>2</sub>E approach understates the methane reduction when measured as a Short-Lived Climate Pollutant (SLCP) under SB 1383. Methane has 84 times carbon dioxide's GWP when measured on its 20-year atmospheric life than CO<sub>2</sub>'s 100 years. Composting one ton of organic material reduces 0.71 to 1.31 tons of CO<sub>2</sub>E with this SLCP approach.

Edible food recovery, anaerobic digestion and community composting projects also reduce methane emissions, which are more accurately measured as short-lived climate pollutants.

**Purpose(s):** California's needs substantial additional and expanded composting infrastructure to meet its Short Lived Climate Pollutant Reduction goals under SB 1383. Lead agency environmental review and land use permitting are local government responsibilities that benefit from reliable data and facility analysis. Updating CERF to show SLCP performance would inform local decisions, demonstrating positive environmental impacts.

CalRecycle worked with the Governor's Office of Planning and Research (OPR) to include recycling and composting in its 2017 General Plan Guidelines. CEQA Guidelines require GHG emissions analysis, including consistency with California's climate goals. Updated CERF/SLCP factors can inform that CEQA analysis by showing compost facilities' net positive impacts and their important role in meeting the state's goals.

CalRecycle is a CEQA responsible agency for compost projects because of its solid waste facility permit concurrence. A responsible agency must consider the adequacy of environmental review and provide consultation with the lead agency to assist in preparing adequate project documentation. CalRecycle should receive Notice of Preparation and Notice of Determination in its responsible agency role. In addition, the CEQA process relies on circulation through the State Clearinghouse.

**Proposal(s):** To assure that compost facilities receive accurate project review, the Commission recommends that:

1. California Air Resources Board should update its Compost Emission Reduction Factors to include Short Lived Climate Pollutants
2. CalRecycle should work with the State Clearinghouse to assure that compost facility projects are identified

3. CalRecycle should prepare a response to CEQA lead agencies documenting compost facility GHG emission reductions to aid in environmental review and land use permitting decisions
4. CalRecycle should articulate its SB 1383 process to determine equivalence for non-composting or AD projects, focusing on equivalent reduction of organic materials impacts
5. ARB's Quantification Methodology for CalRecycle's Organics Programs should be updated to include Short Lived Climate Pollutant Factors for edible food recovery, anaerobic digestion, and community composting projects

**Related Issues:** Compost facility permitting

**Possible 2022 Legislative Priority?** No

**Would this policy proposal require legislation, or interaction with an agency other than CalRecycle?** Air Resources Board to update factors for its programs

**Does this proposal require additional funding or changes to resource allocation?** No



# Policy 21-34: Request for Enforcement of Labeling Laws



## CALIFORNIA STATEWIDE COMMISSION ON RECYCLING MARKETS & CURBSIDE RECYCLING

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December 3, 2021

To: CalRecycle Director Rachel Machi-Wagoner, via email

### **SUBJECT: Request for Enforcement of California Laws on Recyclable Labels on Plastic Bags and Films**

California's Statewide Commission on Recycling Markets and Curbside Recycling consists of representatives of public agencies, private solid waste enterprises, and environmental organizations. We are an independent commission chartered by California law to improve curbside recycling and organics management. Contamination of recycling and organics bins are at an all-time high, causing serious economic, safety, and environmental harms.

Flexible plastic bags and film are a major source of contamination in curbside recycling bins. The flexible plastic materials are harming curbside recycling systems by clogging machinery in material recovery facilities (MRFs) and fiber processors. There is not a comprehensive store takeback system for plastic bags or film in California. In MRFs, the plastic bags and film contaminate paper and cardboard bales and lower the quality and material value of the paper bales. Flexible plastic bags and films that depict the word "recycle" or the chasing arrows recycling symbol cause consumer confusion and contribute to contamination.

We write to request that California's existing laws on labeling of plastic bags be enforced and that retailers and product manufacturers be required to remove the word "recycle," "recyclable" and/or the recycling symbol from plastic bags and plastic films. Based on existing California law, it is our opinion that recyclable labels used on many plastic bags and films in California described below are not legal in State of California and are contributing to consumer confusion and contamination. Furthermore, it is our opinion that the recycling label (sometimes depicted as chasing arrows) is not compliant with the United States Federal Trade Commission (FTC) Green Guides and is not legal in the United States (U.S.). We also request that a portal be established for receiving complaints regarding inappropriate labeling of other products.

Common label errors on plastic bags and films distributed in California are described below. In Appendix 1, Table 1 provides a summary of plastic bags and films distributed by retailers and sold by product companies in California in 2021 that have incorrect recyclable labels. Photos and details of each bag are also provided in Appendix 1.

#### **Common Label Errors on Plastic Bags and Films**

- 1) **"100% Recyclable" or other forms of "Recyclable."** Use of the word "recyclable" in any form is not correct because plastic bags are not widely accepted in curbside bins in California or across the U.S. Mixed post-consumer plastic film waste has minimal-to-no market demand or current processing. This text should be eliminated from the bag.
- 2) **"Can be recycled at a participating store" or "Store Dropoff."** There is not a comprehensive store takeback system in California. California law (Cal. Bus. & Prof. Code § 17580 and Cal. Pub. Res. Code § 42355.5) and the federal Green Guides (16 C.F.R. § 260.2) require substantiation for recycling for claims such as this. It is our opinion that this claim is not provable. This text should be eliminated from the bag.



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- 3) **Large chasing arrows recycling symbol.** The FTC Green Guides only allow small resin identification codes on non-recyclable plastic products in inconspicuous locations.<sup>1</sup> We recommend changing the chasing arrows to a solid triangle and minimizing the size to make it inconspicuous.

These labels will likely cause consumers to place the bag in curbside recycle bins.

### **The Harms Caused by Plastic Film Contamination**

According to The Recycling Partnership (TRP), more than half of Californians think plastic bags are accepted in their curbside recycling program, even though plastic bags are a top contaminant. This behavior is driven by the misunderstanding that the chasing arrows recycling symbol means the item is recyclable curbside and the recycling system will fix mistakes that the residents make. The brands know this is a problem: The Consumer Brands Association comprised of companies such as Coca-Cola, Keurig-Dr. Pepper, and Kellogg's published a report called "Reduce, Reuse, Confuse" that states on page 6 "92% of Americans did not understand the labels: 68% said they assume that any product with symbols for all seven codes would be recyclable. Upon learning that only two of the seven codes were typically recyclable curbside, 73% were surprised".

In CalRecycle's 2018 Waste Characterization Report, it was reported that 3.4 billion lbs. per year of plastic bag film and wrap waste was generated. (This amount does not include plastic bags intended for use as trash bags.) In the same report, CalRecycle states that plastic bag, film and wrap contamination is the largest type of contamination in curbside recycling bins at 12% by weight. Since plastic films are very light, the contamination volume is much higher.

According to TRP: "Plastic bags cause MRF operators to shut down the recycling line many times a day to cut off bags that have wrapped around equipment. This maintenance shut down reduces throughput for a facility, raises cost of labor to sort materials and maintain equipment, increases waste coming out of the MRF, and puts workers at risk of injury when they are performing maintenance."

MRFs and paper/cardboard processors agree that contamination of paper bales by plastic bags/films is a significant, costly problem. Paper/cardboard is a vital, valuable resource that must be recycled to avoid sourcing new feedstock (trees). Plastic contamination lowers the quality and material value of the paper and cardboard bales.

### **Next Steps**

We look forward to your response and action on this matter.

Sincerely,

Heidi Sanborn, Chairperson, Richard Valle, Vice-Chair, and all Commissioners

cc: California Attorney General, Rob Bonta, via online  
submission California State Legislature, via email

Appendix: Common labeling errors on plastic bags and films

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<sup>1</sup> [U.S. FTC Green Guides, 260.13 \(d\) Example 8.](#)

## Appendix 1. Examples of Plastic Bags and Films with Incorrect Recyclable Labels Distributed in California in 2021

### Common Label Errors on Plastic Bags and Films

- 1) **“100% Recyclable” or other forms of “Recyclable.”** Use of the word “recyclable” in any form is not correct because plastic bags are not widely accepted in curbside bins in California or across the U.S. Mixed post-consumer plastic film waste has minimal-to-no market demand or current processing. This text should be eliminated from the bag.
- 2) **“Can be recycled at a participating store” or “Store Dropoff.”** There is not a comprehensive store takeback system in California because (1) it is not required by law and (2) mixed post-consumer plastic film waste has few-to-no buyers so there is no reason for stores to voluntarily collect it. California law (Cal. Bus. & Prof. Code § 17580 and Cal. Pub. Res. Code § 42355.5) and the federal Green Guides (16 C.F.R. § 260.2) require substantiation for recycling for claims such as this. It is our opinion that this claim is not provable. This text should be eliminated from the bag.
- 3) **Large chasing arrows recycle symbol.** The FTC Green Guides only allow small resin identification codes on non-recyclable plastic products in inconspicuous locations.<sup>1</sup> We recommend changing the chasing arrows to a solid triangle and minimizing the size to make it inconspicuous.

These labels will likely cause consumers to place the bag in curbside recycle bins.

**Table #. Summary of Plastic Bags Distributed in California with Incorrect Recyclable Labels**

Ref #	Retailer/Product	Incorrect Label Requiring Enforcement and Elimination
1	99cents Only Store Plastic Shopping Bag	<ul style="list-style-type: none"> <li>• “Recyclable in your supermarket bin”</li> <li>• Large chasing arrows recycle symbol</li> </ul>
2	Airspace Plastic Ecommerce Shopping Bag	<ul style="list-style-type: none"> <li>• “Recycle if Clean &amp; Dry”</li> <li>• Large chasing arrows recycle symbol and “Store Dropoff”</li> </ul>
3	Albertsons Plastic Shopping Bag	<ul style="list-style-type: none"> <li>• “Recycle if Clean &amp; Dry”</li> <li>• Large chasing arrows recycle symbol and “Store Dropoff”</li> <li>• “Recycle”</li> <li>• Chasing arrows recycling symbol:</li> <li>• “Please return this bag to a participating store for recycling”</li> <li>• “Recyclable”</li> </ul>
\$	Albertsons Pavilions Plastic Bread Bag	<ul style="list-style-type: none"> <li>• “Window film is polypropylene #5 and is recyclable”</li> <li>• Recycle symbol</li> </ul>
5	Aldi Plastic Shopping Bag	<ul style="list-style-type: none"> <li>• “100% Recyclable”</li> <li>• “Can be recycled at participating store”</li> </ul>

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<sup>1</sup>[U.S. FTC Green Guides, 260.13 \(d\) Example 8.](#)

Ref #	Retailer/Product	Incorrect Label Requiring Enforcement and Elimination
		<ul style="list-style-type: none"> <li>• Large recycle symbol</li> </ul>
6	Aldi Tortilla Plastic Bag	<ul style="list-style-type: none"> <li>• “Recycle if Clean &amp; Dry”</li> <li>• Large chasing arrows recycle symbol and “Store Dropoff”</li> </ul>
7	Amazon Plastic Pouch	<ul style="list-style-type: none"> <li>• “Remove Paper Label Before Recycling”</li> <li>• Large chasing arrows recycle symbol and “Store Dropoff”</li> </ul>
8	Amazon Whole Foods Paper Towel Plastic Bag	<ul style="list-style-type: none"> <li>• “Please attempt to recycle plastic wrap if facilities exist in your area”</li> <li>• Large chasing arrows recycle</li> </ul>
9	AM PM Plastic Shopping Bag	<ul style="list-style-type: none"> <li>• “Please return to participating store for recycling”</li> <li>• Large chasing arrows recycle</li> <li>• “Recyclable”</li> </ul>
10	Baja Fish Taco Restaurant Plastic Bag	<ul style="list-style-type: none"> <li>• Recycle if Clean &amp; Dry”</li> <li>• Large chasing arrows recycle symbol and “Store Dropoff”</li> <li>• “100% Recyclable”</li> <li>• “Return to a participating location for recycling”</li> <li>• Two large recycling symbols</li> </ul>
11	Best Buy Plastic Shopping Bag	<ul style="list-style-type: none"> <li>• “Recycle”</li> </ul>
12	Big Five	<ul style="list-style-type: none"> <li>• “100% recyclable”</li> <li>• Large chasing arrows recycle symbol</li> </ul>
13	Big Lots Plastic Shopping Bag	<ul style="list-style-type: none"> <li>• “Recycle”</li> <li>• “Please return to participating store for recycling”</li> <li>• Large chasing arrows recycle symbol</li> </ul>
14	BJs Restaurant Plastic Bag	<ul style="list-style-type: none"> <li>• “Recycle if Clean &amp; Dry”</li> <li>• Large chasing arrows recycle symbol and “Store Dropoff”</li> <li>• “100% Recyclable”</li> <li>• “Please recycle this bag”</li> <li>• Large recycling symbol</li> </ul>
15	Buy Buy Baby Plastic Shopping Bag	<ul style="list-style-type: none"> <li>• “Please recycle this bag”</li> <li>• “Recycle Plastic Bags” and circular symbol</li> </ul>
16	Cheesecake Factory Plastic Bag	<ul style="list-style-type: none"> <li>• “Recyclable”</li> <li>• “Please recycle bags in participating curbside recycling programs and stores”</li> <li>• Large chasing arrows recycle symbol</li> </ul>
17	Chevron Plastic Shopping bag	<ul style="list-style-type: none"> <li>• “Removing plastic from landfills one bag at a time”</li> <li>• “Please recycle”</li> <li>• “Please recycle bags in participating curbside recycling programs and stores”</li> <li>• Three large chasing arrows recycle symbol</li> <li>• “Recycle if Clean &amp; Dry”</li> <li>• Two large chasing arrows recycle symbol and “Store Dropoff”</li> <li>• “100% recyclable”</li> </ul>
18	Chick-fil-A Plastic Bag	<ul style="list-style-type: none"> <li>• “100% Recyclable”</li> </ul>

Ref #	Retailer/Product	Incorrect Label Requiring Enforcement and Elimination
		<ul style="list-style-type: none"> <li>• Large recycle symbol</li> </ul>
19	Circle K Plastic Shopping Bag	<ul style="list-style-type: none"> <li>• Recycle”</li> <li>• Large chasing arrows recycle symbol</li> <li>• “Recyclable Bag Design”</li> </ul>
20	Clorox Plastic Film Wrap	<ul style="list-style-type: none"> <li>• “Recycle if Clean &amp; Dry”</li> <li>• Large chasing arrows recycle symbol and “Store Dropoff”</li> </ul>
21	Coca-Cola Dasani Plastic Wrap	<ul style="list-style-type: none"> <li>• “Recycle if Clean &amp; Dry”</li> <li>• Large chasing arrows recycle symbol and “Store Dropoff”</li> </ul>
22	CVS Plastic Shopping Bag	<ul style="list-style-type: none"> <li>• Please recycle this bag in participating stores</li> <li>• Large chasing arrows recycle symbol</li> </ul>
23	Del Taco Plastic Bag	<ul style="list-style-type: none"> <li>• “Recycle if Clean &amp; Dry”</li> <li>• Large chasing arrows recycle symbol and “Store Dropoff”</li> <li>• “100% Recyclable”</li> <li>• “Return to a participating location for recycling”</li> </ul>
24	Denault’s Ace Hardware Plastic Shopping Bag	<ul style="list-style-type: none"> <li>• “An Environmentally Friendly Product”</li> <li>• “This bag contains biodegradable materials and is formulated to be completely degradable, making it more environmentally friendly”</li> <li>• “Please Return To a Participating Store for Recycling”</li> <li>• Two large chasing arrows recycle symbols</li> </ul>
25	Dollar Tree Plastic Shopping Bag	<ul style="list-style-type: none"> <li>• “100% Recyclable”</li> <li>• “Please Return To a Participating Store for Recycling”</li> </ul>
26	El Pollo Loco Plastic Bag	<ul style="list-style-type: none"> <li>• “Recycle Plastic Bags” and circular symbol</li> </ul>
27	Gelson’s Plastic Shopping Bag	<ul style="list-style-type: none"> <li>• Chasing arrows recycling symbol:</li> <li>• “Please return this bag to a participating store for recycling”</li> </ul>
28	General Mills Nature Valley Granola Bars Plastic Wrapper	<ul style="list-style-type: none"> <li>• “Recycle if Clean &amp; Dry”</li> <li>• Large chasing arrows recycle symbol and “Store Dropoff”</li> <li>• Store Drop-Off”</li> <li>• “Recyclable Wrappers”</li> </ul>
29	Georgia Pacific Dixie Cups Plastic Bag	<ul style="list-style-type: none"> <li>• “Recycle if Clean &amp; Dry”</li> <li>• Large chasing arrows recycle symbol and “Store Dropoff”</li> </ul>
30	Georgia Pacific Quilted Northern Toilet Paper Plastic Bag	<ul style="list-style-type: none"> <li>• “Recycle if Clean &amp; Dry”</li> <li>• Large chasing arrows recycle symbol and “Store Dropoff”</li> </ul>
31	Harbor Freight Plastic Shopping Bag	<ul style="list-style-type: none"> <li>• Please return to participating store for recycling”</li> <li>• Large chasing arrows recycle symbol</li> <li>• “Recyclable”</li> </ul>
32	Hobby Lobby Plastic Shopping Bag	<ul style="list-style-type: none"> <li>• “Please recycle this bag at a participating store”</li> </ul>
33	Home Depot Plastic Shopping Bag	<ul style="list-style-type: none"> <li>• “Recycle”</li> <li>• Large chasing arrows recycle symbol</li> </ul>
34	Home Depot Plastic Drop Cloth	<ul style="list-style-type: none"> <li>• “Recycle”</li> <li>• Large chasing arrows recycle symbol</li> </ul>

<b>Ref #</b>	<b>Retailer/Product</b>	<b>Incorrect Label Requiring Enforcement and Elimination</b>
35	Home Goods Plastic Shopping Bag	<ul style="list-style-type: none"> <li>• “Recycle Plastic Bags” and circular symbol</li> <li>• Please recycle</li> </ul>
36	JOANN Plastic Shopping Bag	<ul style="list-style-type: none"> <li>• “Recycle Plastic Bags” and circular symbol</li> <li>• “Please recycle</li> </ul>
37	Kellogg Bear Naked Granola Plastic Pouch	<ul style="list-style-type: none"> <li>• “Recycle if Clean &amp; Dry”</li> <li>• Large chasing arrows recycle symbol and “Store Dropoff</li> <li>• “Recycle In Store”</li> </ul>
38	KFC Plastic Bag	<ul style="list-style-type: none"> <li>• “Recycle”</li> <li>• Large chasing arrows recycle symbol</li> </ul>
39	Keurig Dr. Pepper Snapple Plastic Film Wrap	<ul style="list-style-type: none"> <li>• “Recycle if Clean &amp; Dry”</li> <li>• Large chasing arrows recycle symbol and “Store Dropoff</li> </ul>
40	Kimberly Clark Scott Paper Towels Plastic Film Wrap	<ul style="list-style-type: none"> <li>• Recycle if Clean &amp; Dry”</li> <li>• Large chasing arrows recycle symbol and “Store Dropoff</li> </ul>
41	Kroger Hamburger Bun Plastic Bag	<ul style="list-style-type: none"> <li>• Recycle if Clean &amp; Dry”</li> <li>• Large chasing arrows recycle symbol and “Store Dropoff</li> </ul>
42	Kohls Ecommerce Garment Shipping Pouch	<ul style="list-style-type: none"> <li>• “This bag is recyclable”</li> <li>• Large chasing arrows recycle symbol</li> </ul>
43	Macys Plastic Shopping Bag	<ul style="list-style-type: none"> <li>• “Please recycle this bag”</li> <li>• Large chasing arrows recycle symbol</li> </ul>
44	Marshalls Plastic Shopping Bag	<ul style="list-style-type: none"> <li>• “Recycle Plastic Bags” and circular symbol</li> <li>• Large chasing arrows recycle symbol</li> </ul>
45	Michaels Plastic Shopping Bag	<ul style="list-style-type: none"> <li>• “Recycle Plastic Bags” and circular symbol</li> </ul>
46	Nestle Purina Dog Food Plastic Wrapper	<ul style="list-style-type: none"> <li>• Recycle if Clean &amp; Dry”</li> <li>• Large chasing arrows recycle symbol and “Store Dropoff</li> </ul>
47	Pavilions Plastic Shopping Bag	<ul style="list-style-type: none"> <li>• “Recycle if Clean &amp; Dry”</li> <li>• Large chasing arrows recycle symbol and “Store Dropoff”</li> <li>• “Please return to a participating store for recycling”</li> </ul>
48	Pepsico SodaStream Plastic Shipping Bag	<ul style="list-style-type: none"> <li>• “Don’t call me trash”</li> <li>• “I’m 100% Recyclable”</li> <li>• Numerous large recycle symbol</li> <li>• Recycle bin graphic</li> </ul>
49	PetSmart Plastic Shopping Bag	<ul style="list-style-type: none"> <li>• “Recycle Plastic Bags” and circular symbol</li> <li>• Large chasing arrows recycle symbol</li> </ul>
50	Pizza Hut Plastic Bag	<ul style="list-style-type: none"> <li>• “Recycle”</li> <li>• Large chasing arrows recycle symbol</li> </ul>
51	Procter & Gamble: Bounty Paper Towel Film Wrap	<ul style="list-style-type: none"> <li>• Recycle if Clean &amp; Dry”</li> <li>• 2 Large chasing arrows recycle symbols and “Store Dropoff”</li> </ul>

<b>Ref #</b>	<b>Retailer/Product</b>	<b>Incorrect Label Requiring Enforcement and Elimination</b>
52	Procter & Gamble Charmin Toilet Paper Film Wrap	<ul style="list-style-type: none"> <li>• Recycle if Clean &amp; Dry”</li> <li>• 2 Large chasing arrows recycle symbols and “Store Dropoff”</li> </ul>
53	Raising Canes Plastic Bag	<ul style="list-style-type: none"> <li>• “Recycle”</li> <li>• Large recycle symbol</li> </ul>
54	Ralphs Plastic Shopping Bag	<ul style="list-style-type: none"> <li>• Recycle”</li> <li>• “Please return it to a participating store for recycling”</li> </ul>
55	Reynolds Hefty Foam Plates Plastic Bag	<ul style="list-style-type: none"> <li>• “Recycle if Clean &amp; Dry”</li> <li>• Large chasing arrows recycle symbol and “Store Dropoff”</li> <li>• “Rinse Before Recycling”</li> <li>• Large chasing arrows recycle symbol and “Check Locally”</li> </ul>
56	Rite Aid Plastic Shopping Bag	<ul style="list-style-type: none"> <li>• “Please return to participating store for recycling”</li> <li>• “This bag is 100% recyclable”</li> </ul>
57	Save Mart Plastic Shopping Bag	<ul style="list-style-type: none"> <li>• “Please return to participating store for recycling”</li> <li>• Large chasing arrows recycle symbol and “Check Locally”</li> </ul>
58	Save.com Advertising Flyer Plastic Wrapper	<ul style="list-style-type: none"> <li>• “See how to recycle this bag at <a href="http://plasticfilmrecycling.org">plasticfilmrecycling.org</a>”</li> <li>• Large recycle symbol</li> </ul>
59	SC Johnson Ziploc Plastic Bag	<ul style="list-style-type: none"> <li>• “Recycle if Clean &amp; Dry”</li> <li>• Large chasing arrows recycle symbol and “Store Dropoff”</li> </ul>
60	Sealed Air Plastic Ecommerce Pouch	<ul style="list-style-type: none"> <li>• “Recycle if Clean &amp; Dry”</li> <li>• Large chasing arrows recycle symbol and “Store Dropoff”</li> <li>• “Recycle with Ease”</li> </ul>
61	Silver Palace Restaurant Plastic Bag	<ul style="list-style-type: none"> <li>• “Please return to participating store for recycling”</li> <li>• Large chasing arrows recycle symbol</li> <li>• “Recyclable”</li> </ul>
62	Smart & Final Plastic Shopping Bags	<ul style="list-style-type: none"> <li>• “Please return to participating store for recycling”</li> <li>• Large chasing arrows recycle symbol</li> </ul>
63	Sprouts Plastic Shopping Bag	<ul style="list-style-type: none"> <li>• Recycle if Clean &amp; Dry”</li> <li>• Large chasing arrows recycle symbol and “Store Dropoff”</li> <li>• “Recycle”</li> <li>• Chasing arrows recycling symbol</li> <li>• “Please return this bag to a participating store for recycling”</li> <li>• “Recyclable”</li> </ul>
64	Staples Plastic Shopping Bag	<ul style="list-style-type: none"> <li>• “Please return to participating store for recycling”</li> </ul>
65	Stater Brothers Plastic Shopping Bag	<ul style="list-style-type: none"> <li>• “Recycle if Clean &amp; Dry”</li> <li>• Large chasing arrows recycle symbol and “Store Dropoff”</li> <li>• Large chasing arrows symbol</li> <li>• “Please recycle this bag”</li> <li>• “Please recycle bags in participating curbside recycling programs and stores”</li> </ul>
66	Storo pack Plastic Ecommerce Bag	<ul style="list-style-type: none"> <li>• Recycle if Clean &amp; Dry”</li> <li>• Large chasing arrows recycle symbol and “Store Dropoff”</li> <li>• “Recycle with Ease”</li> </ul>

Ref #	Retailer/Product	Incorrect Label Requiring Enforcement and Elimination
67	Target Store Brand Cups Plastic Bag	<ul style="list-style-type: none"> <li>Recycle if Clean &amp; Dry”</li> <li>Large chasing arrows recycle symbol and “Store Dropoff”</li> </ul>
68	Target Plastic Shopping Bag	<ul style="list-style-type: none"> <li>“Recycle if Clean &amp; Dry”</li> <li>Large chasing arrows recycle symbol and “Store Dropoff”</li> <li>“This is recyclable, so please return it to a participating store for recycling”</li> </ul>
69	TJ Maxx Plastic Shopping Bag	<ul style="list-style-type: none"> <li>“Recycle Plastic Bags” and circular symbol</li> </ul>
70	Trusted Media Brands: Taste of Home Magazine Plastic Wrapper	<ul style="list-style-type: none"> <li>“This poly-bag is recyclable where #4 is accepted. Please go to <a href="http://plasticfilmrecycling.org">plasticfilmrecycling.org</a> for collection locations near you.:</li> <li>Large chasing arrows recycle symbol</li> </ul>
71	ULTA Beauty Plastic Shopping Bag	<ul style="list-style-type: none"> <li>“Recyclable”</li> </ul>
72	Unilever Seventh Generation Plastic Film Wrap	<ul style="list-style-type: none"> <li>“Recycle if Clean &amp; Dry”</li> <li>Large chasing arrows recycle symbol and “Store Dropoff”</li> </ul>
73	Walgreens Plastic Shopping Bag	<ul style="list-style-type: none"> <li>Recycle if Clean &amp; Dry”</li> <li>Large chasing arrows recycle symbol and “Store Dropoff”</li> <li>Large chasing arrows symbol</li> <li>“Thank you for recycling this bag”</li> <li>“Recycle”</li> </ul>
74	Walmart Plastic Shopping Bags	<ul style="list-style-type: none"> <li>Recycle if Clean &amp; Dry”</li> <li>Large chasing arrows recycle symbol and “Store Dropoff”</li> </ul>
75	Walmart Plastic Food Bags	<ul style="list-style-type: none"> <li>Recycle if Clean &amp; Dry”</li> <li>Large chasing arrows recycle symbol and “Store Dropoff”</li> </ul>
76	Walmart Plastic Bubble Wrap	<ul style="list-style-type: none"> <li>“100% Recyclable”</li> </ul>
77	Walmart Plastic Cup Bag	<ul style="list-style-type: none"> <li>Recycle if Clean &amp; Dry”</li> <li>Large chasing arrows recycle symbol and “Store Dropoff”</li> </ul>
78	Wendy’s Plastic Bag	<ul style="list-style-type: none"> <li>“Recycle if Clean &amp; Dry”</li> <li>Large chasing arrows recycle symbol and “Store Dropoff”</li> <li>“Return to a participating location for recycling”</li> <li>“100% Recyclable”</li> <li>Chasing arrows recycling symbol</li> </ul>
79	WinCo Foods Plastic Shopping Bag	<ul style="list-style-type: none"> <li>“Recycle”</li> <li>Large chasing arrows recycle symbol</li> <li>“Recyclable Bag Design”</li> </ul>
80	WinCo Foods Plastic Produce Bag	<ul style="list-style-type: none"> <li>Please return this bag to a participating store for recycling”</li> <li>Large chasing arrows recycle symbol</li> </ul>



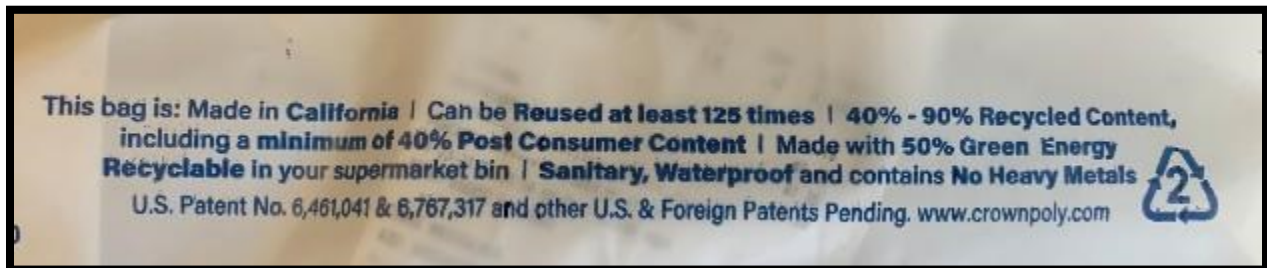
### 1. 99cents Only Store Plastic Shopping Bag

Purchased by a consumer in 2021 at a 99cents Only Store in Whittier, CA.

Address: [15345 Whittier Blvd, Whittier, CA 90603](https://www.google.com/maps/place/15345+Whittier+Blvd,+Whittier,+CA+90603)

There are two elements that require correction:

- 1) "Recyclable in your supermarket bin": Remove
- 2) Chasing arrows recycling symbol: Remove or make into a solid triangle.



## 2. Air Space Plastic ECommerce Bags

Received by a consumer in California in 2021.

There are two elements that require correction:

- 1) "Deflate Before Recycling": Remove
- 2) Large chasing arrows recycle symbol and "Store Dropoff": Remove



### 3. Albertsons Plastic Shopping Bag

Purchased by a consumer in 2021 at Albertsons in Laguna Niguel, CA.  
Address: [29941 Alicia Pkwy, Laguna Niguel, CA 92677](https://www.albertsons.com/locations/29941)

There are six elements that require correction:

- 1) "Recycle if Clean & Dry": Remove
- 2) Large chasing arrows recycle symbol and "Store Dropoff": Remove
- 3) "Recycle": Remove
- 4) Chasing arrows recycling symbol: Remove or make into a solid triangle.
- 5) "Please return this bag to a participating store for recycling": Remove
- 6) "Recyclable": Remove



#### 4. Albertsons Pavilions Bread Plastic Wrapper

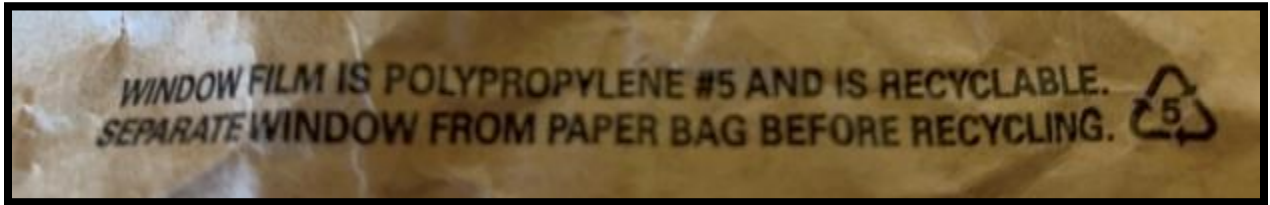
Purchased by a consumer in 2021 at Pavilions in Laguna Niguel, CA.

Address: [27320 Alicia Pkwy, Laguna Niguel, CA 92677](https://www.albertsons.com/locations/ca/92677)

There are two elements that require correction:

- “Window film is polypropylene #5 and is recyclable”: Remove
- Recycle symbol: Remove

Note that the paper is a coated material that is also not recyclable.



## 5. Aldi Plastic Shopping Bag

Purchased at Aldi store in Laguna Woods, California in 2021.

Address: [24270 El Toro Rd, Laguna Woods, CA 92637](https://www.aldi.us/locations/24270-el-toro-rd-laguna-woods-ca-92637)

There are three elements that require correction:

- 1) "100% Recyclable": Remove
  - 2) "Can be recycled at a participating store" or "Please recycle this bag in participating stores": Remove
  - 3) Large chasing arrows recycle symbol: Remove or change to solid triangle
- Bag is made in Germany.



## 6. Aldi Tortilla Plastic Bag

Purchased at Aldi store in Laguna Woods, California in 2021.

Address: [24270 El Toro Rd, Laguna Woods, CA 92637](https://www.aldi.us/locations/24270-el-toro-rd-laguna-woods-ca-92637)

There are two elements that require correction:

- 1) "Recycle if Clean & Dry": Remove
- 2) Two large chasing arrows recycle symbol and "Store Dropoff": Remove



## 7. Amazon Shipping Pouch

Received by a consumer in California in 2021.

There are two elements that require correction:

- 1) "Remove Paper Label Before Recycling": Remove
- 2) Large chasing arrows recycle symbol and "Store Dropoff": Remove



## 8. Amazon Whole Foods Paper Towel Plastic Wrap

Purchased at Whole Foods store in Laguna Niguel, California in 2021.

Address: [23932 Aliso Creek Rd, Laguna Niguel, CA 92677](https://www.wholefoodsmarket.com/locations/23932-aliso-creek-rd-laguna-niguel-ca-92677)

There are two elements that require correction:

- 1) "Please attempt to recycle plastic wrap if facilities exist in your area": Remove
- 2) Large chasing arrows recycle symbol: Remove or change to solid triangle





### 9. AMPM Plastic Bag

Purchased by a consumer at an AM PM store in 2021 in Whittier, CA.

Address: [15306 East Whittier Blvd, Whittier, CA 90603](https://www.google.com/maps/place/15306+East+Whittier+Blvd,+Whittier,+CA+90603)

There are three elements that require correction:

- 1) "Please return to participating store for recycling": Remove
- 2) Large chasing arrows recycle symbol: Remove or change to solid triangle
- 3) "Recyclable": Remove



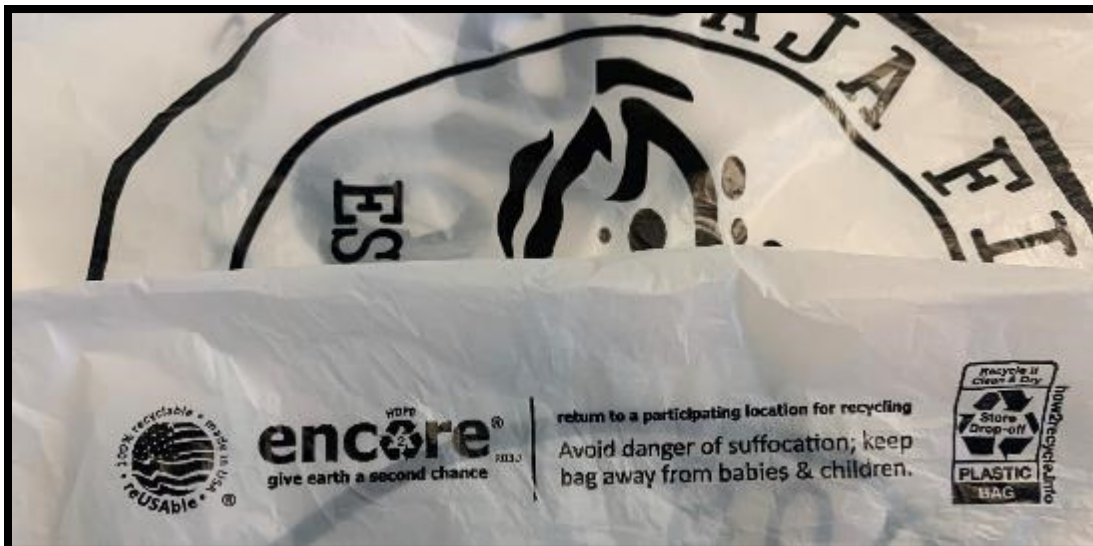
### 10. Baja Fish Tacos Restaurant Plastic Bag

Received at Baja Fish Tacos Restaurant in Laguna Niguel, California in 2021.

Address: [30242 Crown Valley Pkwy, Laguna Niguel, CA 92677](https://www.google.com/maps/place/30242+Crown+Valley+Pkwy,+Laguna+Niguel,+CA+92677)

There are five elements that require correction:

- 1) "Recycle if Clean & Dry": Remove
- 2) Two large chasing arrows recycle symbol and "Store Dropoff": Remove
- 3) "100% recyclable": Remove
- 4) "Please recycle this bag": Remove
- 5) Large chasing arrows recycle symbol: Remove or change to solid triangle



### 11. Best Buy Plastic Shopping Bag

Received at Best Buy store in Mission Viejo, California in 2021.

Address: [25422 El Paseo, Mission Viejo, CA 92691](https://www.bestbuy.com/locations/25422-el-paseo-mission-viejo-ca-92691)

There is one element that requires correction:

- 1) "Recycle": Remove



## 12. Big Five Plastic Shopping Bag

Seen by a consumer at an AM PM store in 2021 in Sacramento, CA.

Address: [3420 Arden Way, Sacramento, CA 95825](https://www.google.com/maps/place/3420+Arden+Way,+Sacramento,+CA+95825)

There are two elements that require correction:

- 1) "100% recyclable": Remove
- 2) Large chasing arrows recycle symbol: Remove or change to solid triangle



### 13. Big Lots Plastic Shopping Bag

Purchased at Big Lots store in Laguna Hills, California in 2021.

Address: [23641 Moulton Pkwy, Laguna Hills, CA 92653](https://www.biglots.com/locations/23641-Moulton-Pkwy-Laguna-Hills-CA-92653)

There are three elements that require correction:

- 1) "Recycle": Remove
- 2) "Please Return To a Participating Store for Recycling": Remove
- 3) Large chasing arrows recycle symbol: Remove or change to solid triangle



#### 14. BJs Restaurant Plastic Bag

Received at BJs Restaurant in City of Industry, California in 2021.

Address: [17615 Castleton St, City of Industry, CA 91748](https://www.google.com/maps/place/17615+Castleton+St,+City+of+Industry,+CA+91748)

There are five elements that require correction:

- 6) "Recycle if Clean & Dry": Remove
- 7) Two large chasing arrows recycle symbol and "Store Dropoff": Remove
- 8) "100% recyclable": Remove
- 9) "Please recycle this bag": Remove
- 10) Large chasing arrows recycle symbol: Remove or change to solid triangle



### 15. Buy Buy Baby Plastic Shopping Bag

Received at Buy Buy Baby store in Mission Viejo, California in 2021.

Address: [25322 El Paseo, Mission Viejo, CA 92691](https://www.google.com/maps/place/25322+El+Paseo,+Mission+Viejo,+CA+92691)

There are three elements that require correction:

- 1) "Recycle Plastic Bags" and circular symbol: Remove
- 2) "Please reuse or recycle this bag" (used twice): Remove



## 16. Cheesecake Factory Plastic Bag

Received at Cheesecake Factory store in Mission Viejo, California in 2021.

Address: [42 The Shops At Mission Viejo, Mission Viejo, CA 92691](#)

There are three elements that require correction:

- 1) "Recyclable": Remove
- 2) "Please recycle bags in participating curbside recycling programs and stores": Remove
- 3) Large chasing arrows recycle symbol: Remove or change to solid triangle





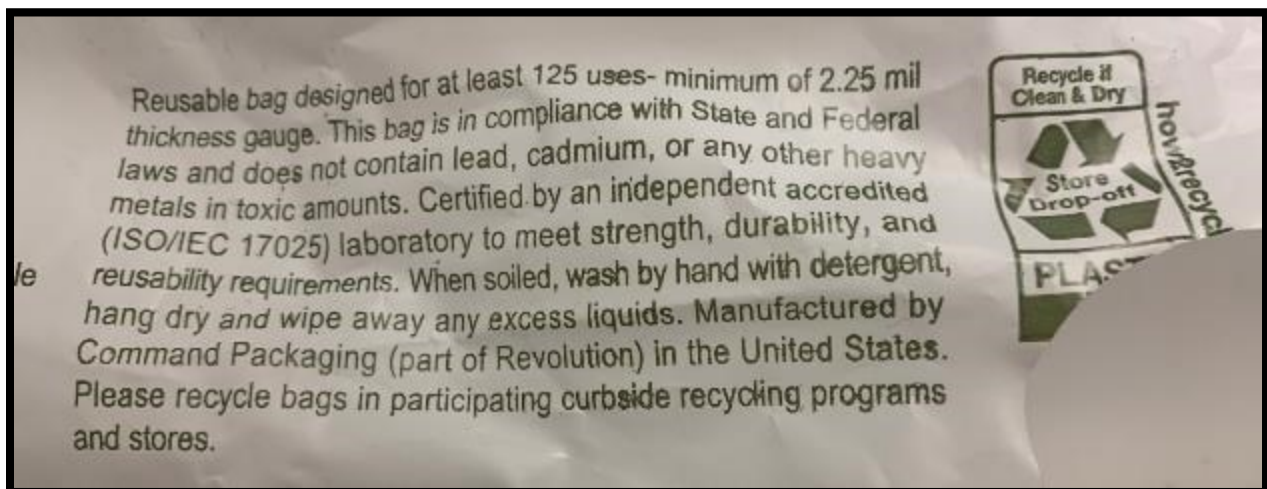
## 17. Chevron Plastic Shopping Bag

Purchased at Chevron Station in Laguna Beach, California in 2021.

Address: [604 S Coast Hwy, Laguna Beach, CA 92651](https://www.google.com/maps/place/604+S+Coast+Hwy,+Laguna+Beach,+CA+92651)

There are seven elements that require correction:

- 1) "Removing plastic from landfills one bag at a time": Remove
- 2) "Please recycle": Remove
- 3) "Please recycle bags in participating curbside recycling programs and stores": Remove
- 4) Three large chasing arrows recycle symbol: Remove or change to solid triangle
- 5) "Recycle if Clean & Dry": Remove
- 6) Two large chasing arrows recycle symbol and "Store Dropoff": Remove
- 7) "100% recyclable": Remove



### 18. Chick-fil-A Plastic Bag

Received at Chick-fil-A store in Whittier, California in 2021.

Address: [15600 Whittier Blvd, Whittier, CA 90603](https://www.chick-fil-a.com/locations/whittier)

There are two elements that require correction:

- 1) "100% Recyclable": Remove
- 2) Large chasing arrows recycle symbol: Remove or change to solid triangle



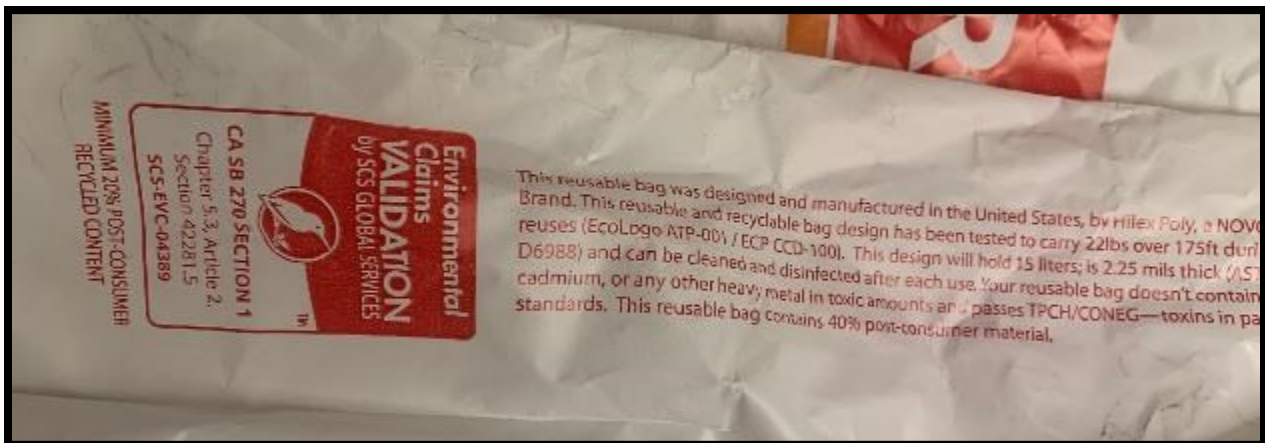
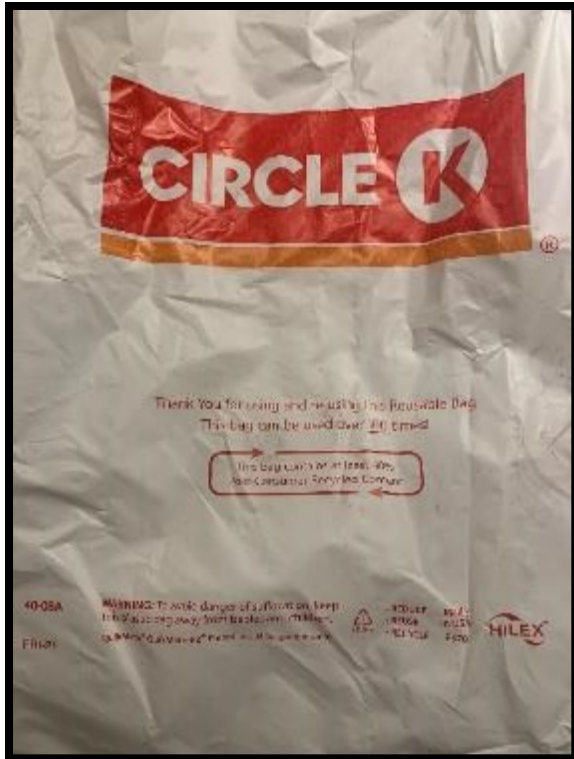
## 19. Circle K Plastic Shopping Bag

Purchased by a consumer at a Circle K store in 2021 in Laguna Beach, CA.

Address: [885 Glenneyre St, Laguna Beach, CA 92651](https://www.google.com/maps/place/885+Glenneyre+St,+Laguna+Beach,+CA+92651)

There are three elements that require correction:

- 1) "Recycle": Remove
- 2) Large chasing arrows recycle symbol: Remove or change to solid triangle
- 3) "Recyclable Bag Design": Remove



## 20. Clorox Plastic Film Wrap

Purchased by a consumer in 2021 at Costco in Laguna Niguel, CA.

Address: [27220 Heather Ridge, Laguna Niguel, CA 92677](https://www.google.com/maps/place/27220+Heather+Ridge,+Laguna+Niguel,+CA+92677)

There are two elements that require correction:

- 1) "Recycle if Clean & Dry": Remove
- 2) Two large chasing arrows recycle symbol and "Store Dropoff": Remove



## 21. Coca-Cola Plastic Film Wrap

Seen by a consumer in 2021 at Target in San Clemente, CA.

Address: Address: [990 Avenida Vista Hermosa, San Clemente, CA 92673](#)

There are two elements that require correction:

- 1) "Recycle if Clean & Dry": Remove
- 2) Two large chasing arrows recycle symbol and "Store Dropoff": Remove



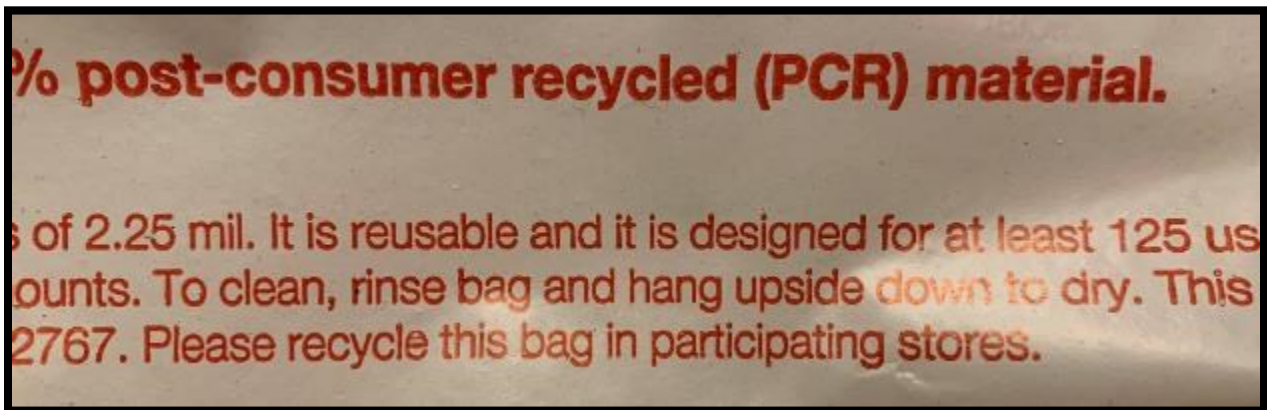
## 22. CVS Plastic Shopping Bag

Purchased at CVS store in Laguna Niguel, California in 2021.

Address: [27251 La Paz Rd, Laguna Niguel, CA 92677](https://www.google.com/maps/place/27251+La+Paz+Rd,+Laguna+Niguel,+CA+92677)

There are two elements that require correction:

- 1) "Recycle": Remove
  - 2) Chasing arrows recycling symbol: Remove or make into a solid triangle
- Bag is made in Germany.



### 23. Del Taco Plastic Bag

Received by a consumer in 2021 at Del Taco in Dana Point, CA.

Address: [34289 Pacific Coast Hwy, Dana Point, CA 92629](https://www.google.com/maps/place/34289+Pacific+Coast+Hwy,+Dana+Point,+CA+92629)

There are four elements that require correction:

- 1) "Recycle if Clean & Dry": Remove
- 2) Two large chasing arrows recycle symbol and "Store Dropoff": Remove
- 3) "100% recyclable": Remove
- 4) "Return to a participating location for recycling": Remove



## 24. Denault's Ace Hardware Plastic Shopping Bag

Received by a consumer in 2021 at Denault's Ace Hardware in Laguna Niguel, CA.

Address: [34289 Pacific Coast Hwy, Dana Point, CA 92629](#)

There are four elements that require correction:

- 1) "An Environmentally Friendly Product": Remove
- 2) "This bag contains biodegradable materials and is formulated to be completely degradable, making it more environmentally friendly": Remove
- 3) "Please Return To a Participating Store for Recycling": Remove
- 4) Two large chasing arrows recycle symbols: Remove





## 25. Dollar Tree Plastic Shopping Bag

Purchased at Dollar Tree store in Laguna Woods, California in 2021.

Address: [24280 El Toro Rd, Laguna Woods, CA 92637](https://www.dollartree.com/locations/24280-el-toro-rd-laguna-woods-ca-92637)

There are three elements that require correction:

- 1) "100% Recyclable": Remove
- 2) "Please Return To a Participating Store for Recycling": Remove



## 26. El Pollo Loco Bag

Received at El Pollo Loco store in Laguna Niguel, California in 2021.

Address: [28261 Crown Valley Pkwy, Laguna Niguel, CA 92677](https://www.google.com/maps/place/28261+Crown+Valley+Pkwy,+Laguna+Niguel,+CA+92677)

There is one element that requires correction:

- 1) "Recycle Plastic Bags" and circular symbol: Remove



## 27. Gelson's Plastic Shopping Bag

Received (no charge) at Gelson's store in Dana Point, California in 2021.

Address: [24 Monarch Bay Plaza, Dana Point, CA 92629](https://www.gelsons.com/locations/dana-point)

There are two elements that require correction:

- 1) "Please Return To a Participating Store for Recycling": Remove
- 2) Large chasing arrows recycle symbol: Remove or change to solid triangle



## 28. General Mills Nature Valley Granola Bar Wrapper

Purchased by a consumer in 2021 at Albertsons in Laguna Niguel, CA.

Address: [29941 Alicia Pkwy, Laguna Niguel, CA 92677](https://www.albertsons.com/locations/ca/92677)

There are multiple elements that require correction:

### Wrappers:

- 1) "Recycle if Clean & Dry": Remove
- 2) Two large chasing arrows recycle symbol and "Store Dropoff": Remove

### Box

- 1) "Store Drop-Off": Remove
- 2) "Recyclable Wrappers": Remove



### 29. Georgia Pacific Dixie Cups Plastic Bag

Purchased by a consumer in 2021 at Albertsons in Laguna Niguel, CA.

Address: [29941 Alicia Pkwy, Laguna Niguel, CA 92677](https://www.albertsons.com/locations/29941-alicia-pkwy-laguna-niguel-ca-92677)

There are two elements that require correction:

- 1) "Recycle if Clean & Dry": Remove
- 2) Large chasing arrows recycle symbol and "Store Dropoff": Remove



### 30. Georgia Pacific Quilted Northern Toilet Paper Plastic Bag

Purchased by a consumer in 2021 at Albertsons in Laguna Niguel, CA.

Address: [29941 Alicia Pkwy, Laguna Niguel, CA 92677](https://www.albertsons.com/locations/29941-alicia-pkwy-laguna-niguel-ca-92677)

There are two elements that require correction:

- 1) "Recycle if Clean & Dry": Remove
- 2) Large chasing arrows recycle symbol and "Store Dropoff": Remove

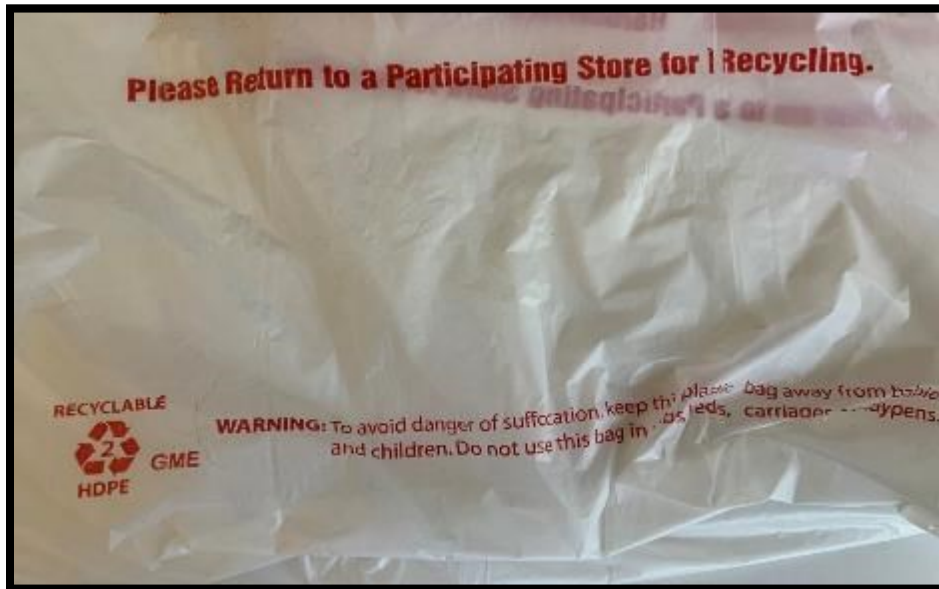


### 31. Harbor Freight Plastic Shopping Bag

Received by a consumer at a Harbor Freight store in 2021 in Whittier, CA.  
Address: [15214 East Whittier Blvd, Whittier, CA 90603](https://www.harborfreight.com/15214-East-Whittier-Blvd-Whittier-CA-90603)

There are three elements that require correction:

- 1) "Please return to participating store for recycling": Remove
- 2) Large chasing arrows recycle symbol: Remove or change to solid triangle
- 3) "Recyclable": Remove



### 32. Hobby Lobby Plastic Shopping Bag

Received by a consumer in 2021 at Albertsons in Laguna Niguel, CA.

Address: [27200 Alicia Pkwy, Laguna Niguel, CA 92677](https://www.google.com/maps/place/27200+Alicia+Pkwy,+Laguna+Niguel,+CA+92677)

There is one element that requires correction:

- 1) "Please return to a participating store": Remove



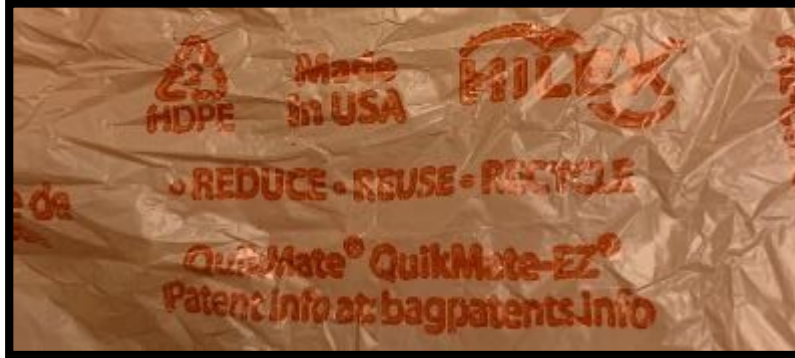
### 33. Home Depot Plastic Shopping Bag

Received by a consumer in 2021 at Home Depot in Laguna Niguel, CA.

Address: [27401 La Paz Rd, Laguna Niguel, CA 92677](https://www.homedepot.com/27401-La-Paz-Rd-Laguna-Niguel-CA-92677)

There is one element that requires correction:

- 1) "Recycle": Remove
- 2) Large chasing arrows recycle symbol: Remove or make into solid triangle



### 34. Home Depot Plastic Drop Cloth

Purchased by a consumer in 2021 at Home Depot in Laguna Niguel, CA.

Address: [27401 La Paz Rd, Laguna Niguel, CA 92677](https://www.homedepot.com/27401-La-Paz-Rd-Laguna-Niguel-CA-92677)

There is one element that require correction:

- 1) "Recycle": Remove
- 2) Large chasing arrows recycle symbol: Remove





### 35. Home Goods Plastic Shopping Bag

Received at Home Goods store in Ladera Ranch, California in 2021.

Address: [27482 Antonio Pkwy, Ladera Ranch, CA 92694](https://www.google.com/maps/place/27482+Antonio+Pkwy,+Ladera+Ranch,+CA+92694)

There are two elements that require correction:

- 1) "Recycle Plastic Bags" and circular symbol: Remove
- 2) "Please recycle this bag": Remove



### 36. JOANN Plastic Shopping Bag

Received at JOANN store in Orange, California in 2021.

Address: [1411 N Tustin St, Orange, CA 92867](https://www.joann.com/locations/orange-ca)

There are two elements that require correction:

- 1) "Recycle Plastic Bags" and circular symbol: Remove
- 2) "Please recycle": Remove



### 37. Kellogg Naked Bear Granola Pouch

Purchased by a consumer in 2021 at Walmart in Laguna Niguel, CA.

Address: [27470 Alicia Pkwy, Laguna Niguel, CA 92677](https://www.walmart.com/store/27470-laguna-niguel-ca)

There are three elements that require correction:

- 1) "Recycle if Clean & Dry": Remove
- 2) Two large chasing arrows recycle symbol and "Store Dropoff": Remove
- 3) "Recycle In Store": Remove



### 38. Keurig Dr. Pepper Snapple Plastic Film Wrap

Purchased by a consumer in 2021 at Smart & Final in Laguna Niguel, CA.  
Address: [30252 Crown Valley Pkwy, Laguna Niguel, CA 92677](https://www.google.com/maps/place/30252+Crown+Valley+Pkwy,+Laguna+Niguel,+CA+92677)

There are three elements that require correction:

- 1) "Recycle if Clean & Dry": Remove
- 2) Two large chasing arrows recycle symbol and "Store Dropoff": Remove



### 39. Kimberly Clark Scott Paper Towels Plastic Film

Purchased at CVS store in Laguna Niguel, California in 2021.

Address: [27251 La Paz Rd, Laguna Niguel, CA 92677](https://www.google.com/maps/place/27251+La+Paz+Rd,+Laguna+Niguel,+CA+92677)

There are two elements that require correction:

- 1) "Recycle if Clean & Dry": Remove
- 2) Large chasing arrows recycle symbol and "Store Dropoff": Remove



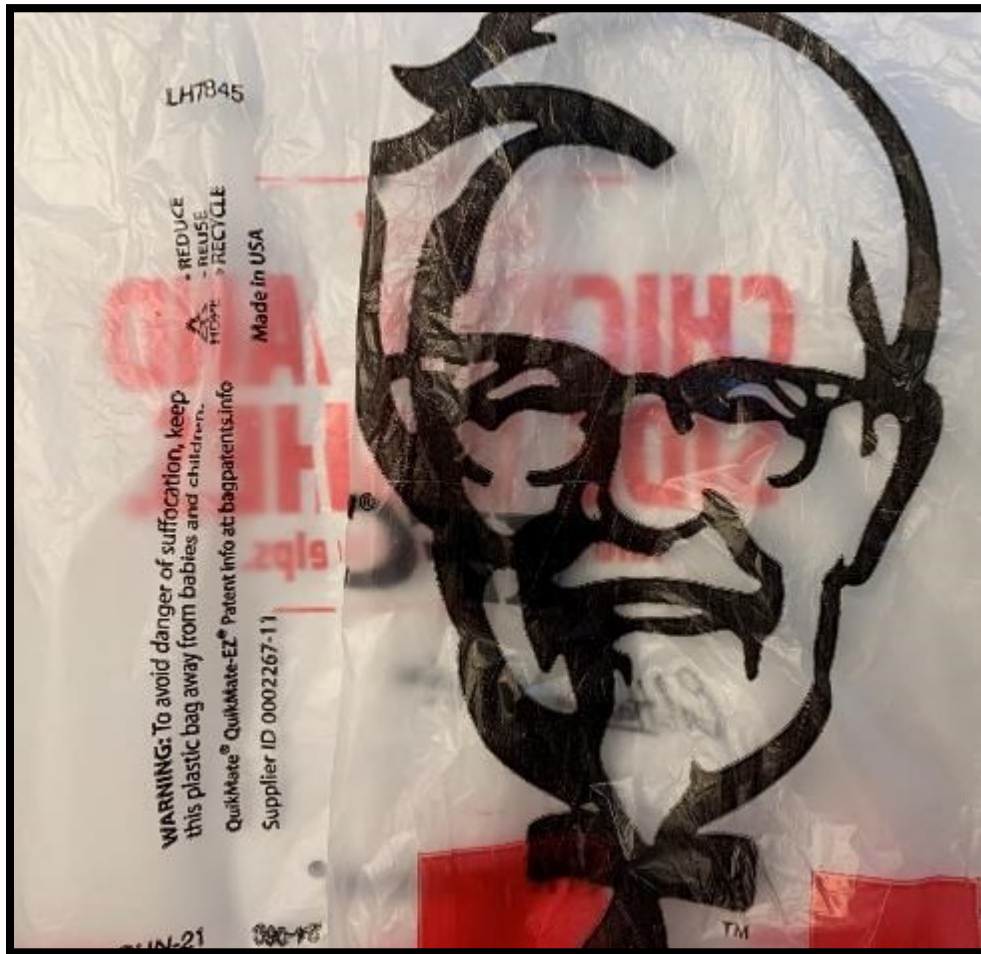
#### 40. KFC Plastic Bag

Received at KFC store in Laguna Niguel, California in 2021.

Address: [30071 Alicia Pkwy, Laguna Niguel, CA 92677](https://www.kfc.com/locations/30071-Alicia-Pkwy-Laguna-Niguel-CA-92677)

There are two elements that requires correction:

- 1) "Recycle": Remove
- 2) Large recycle symbol: Remove or use solid triangle



#### 41. Kohls Ecommerce Garment Shipping Pouch

Received by a consumer California in 2021.

There are two elements that require correction:

- 1) "This bag is recyclable": Remove
- 2) Large chasing arrows recycle symbol: Remove or change to solid triangle



#### 42. Kroger Hamburger Bun Plastic Bag

Purchased at Ralphs store in Dana Point, California in 2021.

Address: [24871 Del Prado Ave, Dana Point, CA 92629](https://www.ralphs.com/locations/ca/dana-point)

There are two elements that require correction:

- 1) "Recycle if Clean & Dry": Remove
- 2) Large chasing arrows recycle symbol and "Store Dropoff": Remove





### 43. Macy's Plastic Shopping Bag

Received at Macy's store in Mission Viejo, California in 2021.

Address: [200 The Shops At Mission Viejo, Mission Viejo, CA 92691](#)

There are two elements that require correction:

- 1) "Please recycle this bag": Remove
- 2) Large chasing arrows recycle symbol: Remove



#### 44. Marshalls Plastic Shopping Bag

Received at Marshalls store in Laguna Niguel, California in 2021.

Address: [27080 Alicia Pkwy Ste A, Laguna Niguel, CA 92677](https://www.marshalls.com/locations/27080-Alicia-Pkwy-Ste-A-Laguna-Niguel-CA-92677)

There are two elements that require correction:

- 1) "Recycle Plastic Bags" and circular symbol: Remove
- 2) "Please recycle this bag": Remove



#### 45. Michaels Plastic Shopping Bag

Received at Michaels store in Aliso Viejo, California in 2021.

Address: [26503 Aliso Creek Rd, Aliso Viejo, CA 92656](https://www.michaels.com/store/aliso-viejo)

There is one element that requires correction:

- 1) "Recycle Plastic Bags" and circular symbol: Remove



#### 46. Nestle Purina Dog Food Plastic Wrapper

Seen by a consumer in 2021 at Pavilions in Laguna Niguel, CA.

Address: [27320 Alicia Pkwy, Laguna Niguel, CA 92677](https://www.pavilions.com/locations/27320-alicia-pkwy-laguna-niguel-ca-92677)

There are two elements that require correction:

- 1) "Recycle if Clean & Dry": Remove
- 2) Two large chasing arrows recycle symbol and "Store Dropoff": Remove



#### 47. Pavilions Plastic Shopping Bags

Purchased by a consumer in 2021 at Pavilions in Laguna Niguel, CA.

Address: [27320 Alicia Pkwy, Laguna Niguel, CA 92677](https://www.pavilions.com/locations/27320-Alicia-Pkwy-Laguna-Niguel-CA-92677)

There are three elements that require correction:

- 1) "Recycle if Clean & Dry": Remove
- 2) Large chasing arrows recycle symbol and "Store Dropoff": Remove
- 3) "Please return to a participating store for recycling": Remove



**48. PepsiCo Sodastream Plastic Shipping Bag**  
Received by a consumer in California in 2021.

There are three elements that require correction:

- 1) "Don't call me trash": Remove
- 2) "I'm 100% Recyclable": Remove
- 3) Numerous large recycle symbol: Remove
- 4) Recycle bin graphic: Remove



#### 49. PetSmart Shopping Bag

Received at PetSmart store in Aliso Viejo, California in 2021.

Address: [26761 Aliso Creek Rd, Aliso Viejo, CA 92656](https://www.petSMART.com/locations/26761-Aliso-Creek-Rd-Aliso-Viejo-CA-92656)

There are two elements that require correction:

- 5) "Recycle Plastic Bags" and circular symbol: Remove
- 6) Large recycle symbol: Remove



## 50. Pizza Hut Shopping Bag

Received at Pizza Hut store in Foothill Ranch, California in 2021.

Address: [26781 Portola Pkwy #4A, Foothill Ranch, CA 92610](https://www.google.com/maps/place/26781+Portola+Pkwy,+Foothill+Ranch,+CA+92610)

There are two elements that requires correction:

- 1) "Recycle": Remove
- 2) Large recycle symbol: Remove or use solid triangle





**51. Procter and Gamble: Bounty Paper Towel Film Wrap**

Purchased by a consumer in 2021 at Albertsons in Laguna Niguel, CA.

Address: [29941 Alicia Pkwy, Laguna Niguel, CA 92677](https://www.albertsons.com/locations/ca/laguna-niguel)

There are two elements that require correction:

- 1) "Recycle if Clean & Dry": Remove
- 2) Two large chasing arrows recycle symbol and "Store Dropoff": Remove



**52. Procter and Gamble: Charmin Toilet Paper Film Wrap**

Purchased by a consumer in 2021 at Albertsons in Laguna Niguel, CA.

Address: [29941 Alicia Pkwy, Laguna Niguel, CA 92677](https://www.albertsons.com/locations/ca/laguna-niguel)

There are two elements that require correction:

- 1) "Recycle if Clean & Dry": Remove
- 2) Two large chasing arrows recycle symbol and "Store Dropoff": Remove



### 53. Raising Canes Bag

Received at Raising Canes store in Aliso Viejo, California in 2021.

Address: [26801 Aliso Creek Rd, Aliso Viejo, CA 92656](https://www.raisingcanes.com/locations/aliso-viejo)

There are two elements that requires correction:

- 1) "Recycle": Remove
- 2) Large recycle symbol: Remove or use solid triangle



#### 54. Ralphs Shopping Bag

Received at Ralphs store in Dana Point, California in 2021.

Address: [24871 Del Prado Ave, Dana Point, CA 92629](https://www.ralphs.com/locations/dana-point)

There are two elements that requires correction:

- 1) "Recycle": Remove
- 2) "Please return it to a participating store for recycling": Remove



### 55. Reynolds Hefty Foam Plates Plastic Bags

Purchased by a consumer in 2021 at Walmart in Laguna Niguel, CA.

Address: [27470 Alicia Pkwy, Laguna Niguel, CA 92677](https://www.google.com/maps/place/27470+Alicia+Pkwy,+Laguna+Niguel,+CA+92677)

There are four elements that require correction:

- 1) "Recycle if Clean & Dry": Remove
- 2) Large chasing arrows recycle symbol and "Store Dropoff": Remove
- 3) "Rinse Before Recycling": Remove
- 4) Large chasing arrows recycle symbol and "Check Locally": Remove



## 56. Rite Aid Plastic Shopping Bag

Purchased by a consumer in 2021 at Rite Aid in Laguna Niguel, CA.

Address: [30222 Crown Valley Pkwy, Laguna Niguel, CA 92677](https://www.google.com/maps/place/30222+Crown+Valley+Pkwy,+Laguna+Niguel,+CA+92677)

There are two elements that require correction:

- 1) "Please return to participating store for recycling": Remove
- 2) "This bag is 100% recyclable": Remove

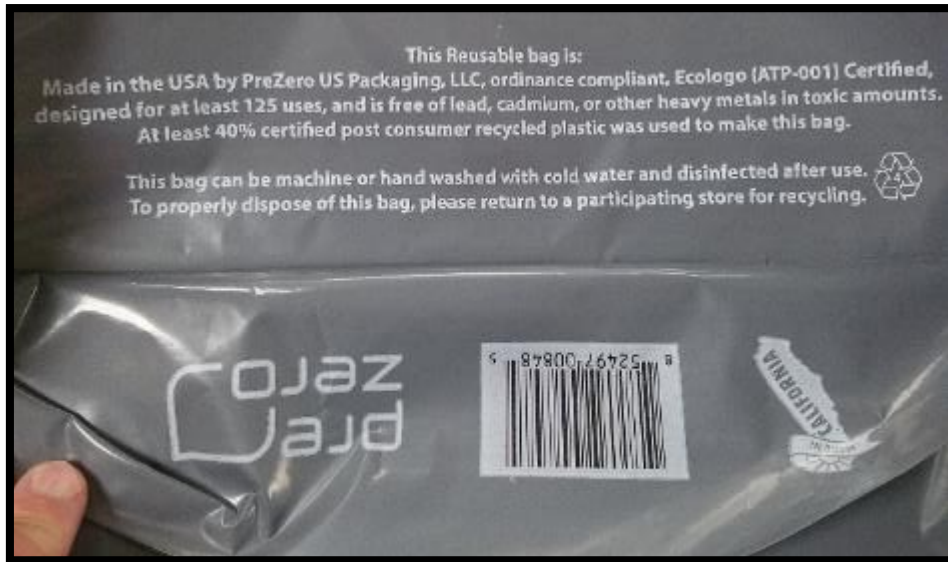


### 57. Save Mart Plastic Shopping Bag

Save Mart by a consumer in 2021 at a Save Mart in Fair Oaks, CA.  
Address: [2501 Fair Oaks Blvd, Sacramento, CA 95825](https://www.google.com/maps/place/2501+Fair+Oaks+Blvd,+Sacramento,+CA+95825)

There are two elements that require correction:

- 1) "Please return to participating store for recycling": Remove
- 2) Large chasing arrows recycle symbol and "Check Locally": Remove

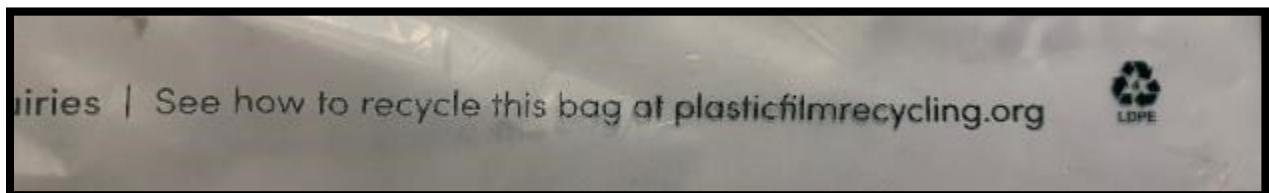


### 58. Save.com Advertising Flyer Plastic Wrapper

Received by a California consumer in 2021.

There are two elements that requires correction:

- 1) "See how to recycle this bag at plasticfilmrecycling.org": Remove
- 2) Large recycle symbol: Remove or use solid triangle



## 59. SC Johnson Ziploc Plastic Bags

Purchased by a consumer in 2021 at Albertsons in Laguna Niguel, CA.

Address: [29941 Alicia Pkwy, Laguna Niguel, CA 92677](https://www.albertsons.com/locations/ca/92677)

There are two elements that require correction:

- 1) "Recycle if Clean & Dry": Remove
- 2) Large chasing arrows recycle symbol and "Store Dropoff": Remove



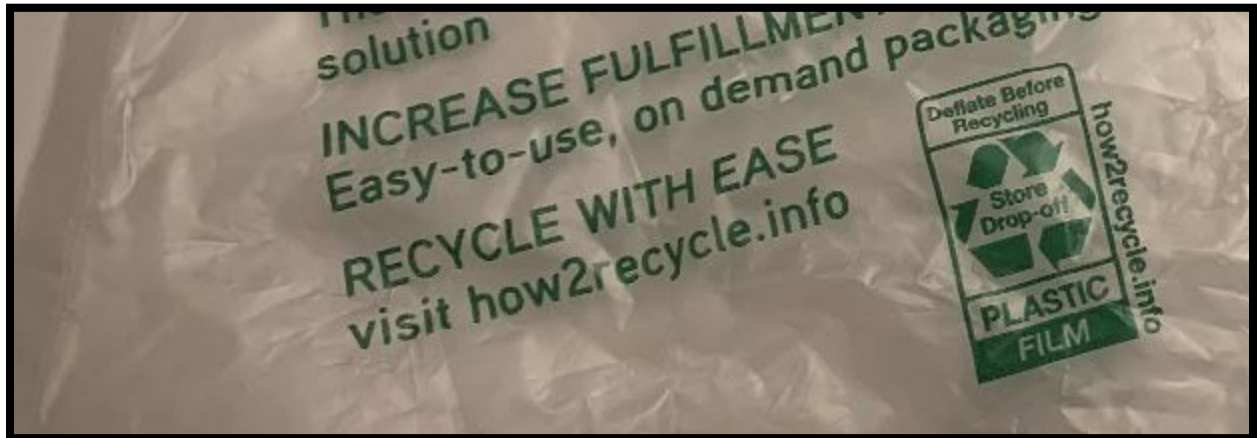


## 60. Sealed Air Plastic Air Pouch Bags

Received by a consumer in California in 2021.

There are two elements that require correction:

- 1) "Deflate Before Recycling": Remove
- 2) Large chasing arrows recycle symbol and "Store Dropoff": Remove
- 3) "Recycle with Ease": Remove



**61. Silver Palace Restaurant Plastic Bag**

Received by a consumer in 2021 in Whittier, CA.

Address: [15326 East Whittier Blvd, Whittier, CA 90603](https://www.google.com/maps/place/15326+East+Whittier+Blvd,+Whittier,+CA+90603)

There are three elements that require correction:

- 4) "Please return to participating store for recycling": Remove
- 5) Large chasing arrows recycle symbol: Remove or change to solid triangle
- 6) "Recyclable": Remove



## 62. Smart & Final Plastic Shopping Bag

Purchased by a consumer in 2021 at Smart & Final in Laguna Niguel, CA.

Address: [30252 Crown Valley Pkwy, Laguna Niguel, CA 92677](https://www.smartandfinal.com/locations/30252-Crown-Valley-Pkwy-Laguna-Niguel-CA-92677)

There are two elements that require correction:

- 1) "Please return to participating store for recycling": Remove
- 2) Large chasing arrows recycle symbol: Remove or change to solid triangle



### 63. Sprouts Plastic Shopping Bag

Purchased by a consumer in 2021 at Albertsons in Laguna Niguel, CA.

Address: [29941 Alicia Pkwy, Laguna Niguel, CA 92677](https://www.albertsons.com/locations/29941-alicia-pkwy-laguna-niguel-ca-92677)

There are six elements that require correction:

- 1) "Recycle if Clean & Dry": Remove
- 2) Large chasing arrows recycle symbol and "Store Dropoff": Remove
- 3) "Recycle": Remove
- 4) Chasing arrows recycling symbol: Remove or make into a solid triangle.
- 5) "Please return this bag to a participating store for recycling": Remove
- 6) "Recyclable": Remove



#### 64. Staples Plastic Bag

Received at Staples store in Aliso Viejo, California in 2021.

Address: [26791 Aliso Creek Rd, Aliso Viejo, CA 92656](https://www.google.com/maps/place/26791+Aliso+Creek+Rd,+Aliso+Viejo,+CA+92656)

There is one element that requires correction:

- 1) "Please return to participating store for recycling": Remove



### 65. Stater Brothers Plastic Shopping Bags

Purchased by a consumer in 2021 at Stater Brothers in Aliso Viejo, CA.  
Address: [26892 La Paz Rd, Aliso Viejo, CA 92656](https://www.staterbrothers.com/locations/aliso-viejo)

There are five elements that require correction:

- 1) "Recycle if Clean & Dry": Remove
- 2) Large chasing arrows recycle symbol and "Store Dropoff": Remove
- 3) Large chasing arrows symbol: Remove
- 4) "Please recycle this bag": Remove
- 5) "Please recycle bags in participating curbside recycling programs and stores": Remove



### 66. Target Store Brand Cup Plastic Bags

Purchased by a consumer in 2021 at Target in San Clemente, CA.  
Address: [990 Avenida Vista Hermosa, San Clemente, CA 92673](https://www.target.com/locations/san-clemente)

There are two elements that require correction:

- 1) "Recycle if Clean & Dry": Remove
- 2) Large chasing arrows recycle symbol and "Store Dropoff": Remove



## 67. Storopack Plastic ECommerce Bags

Received by a consumer in California in 2021.

There are two elements that require correction:

- 1) "Deflate Before Recycling": Remove
- 2) Large chasing arrows recycle symbol and "Store Dropoff": Remove



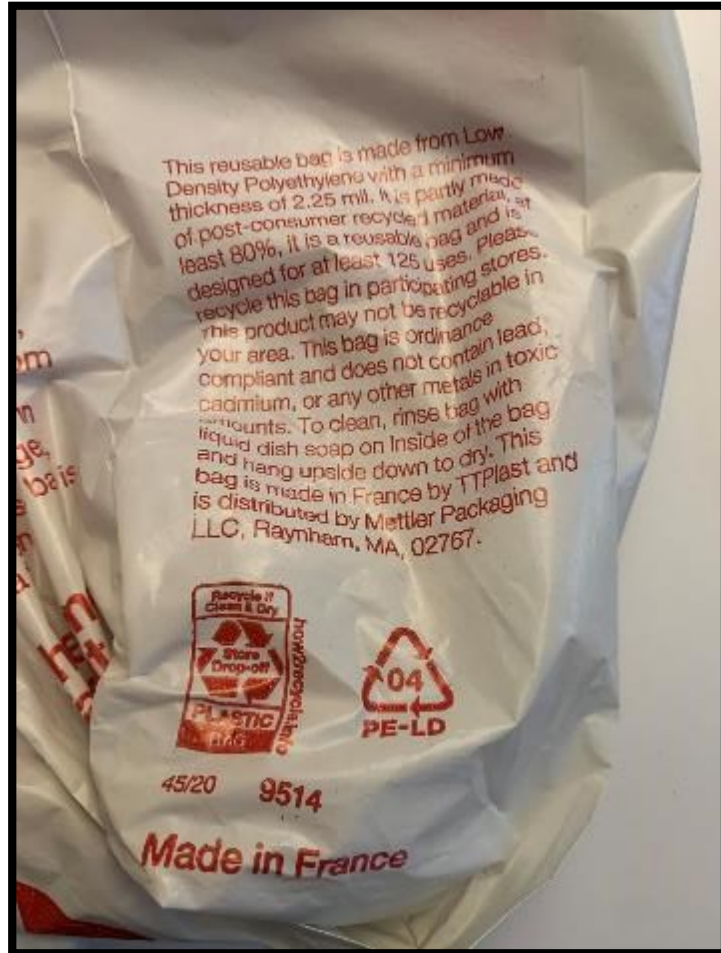
## 68. Target Plastic Shopping Bag

Purchased by a consumer in 2021 at Target in San Clemente, CA.

Address: [990 Avenida Vista Hermosa, San Clemente, CA 92673](#)

There are three elements that require correction:

- 1) "Recycle if Clean & Dry": Remove
- 2) Large chasing arrows recycle symbol and "Store Dropoff": Remove
- 3) "This is recyclable, so please return it to a participating store for recycling": Remove  
Bag made in France.





#### 69. TJ Maxx Shopping Bag

Received at TJ Maxx store in Aliso Viejo, California in 2021.

Address: [26781 Aliso Creek Rd, Aliso Viejo, CA 92656](https://www.tjmaxx.com/locations/aliso-viejo-ca)

There is one element that requires correction:

- 1) "Recycle Plastic Bags" and circular symbol: Remove



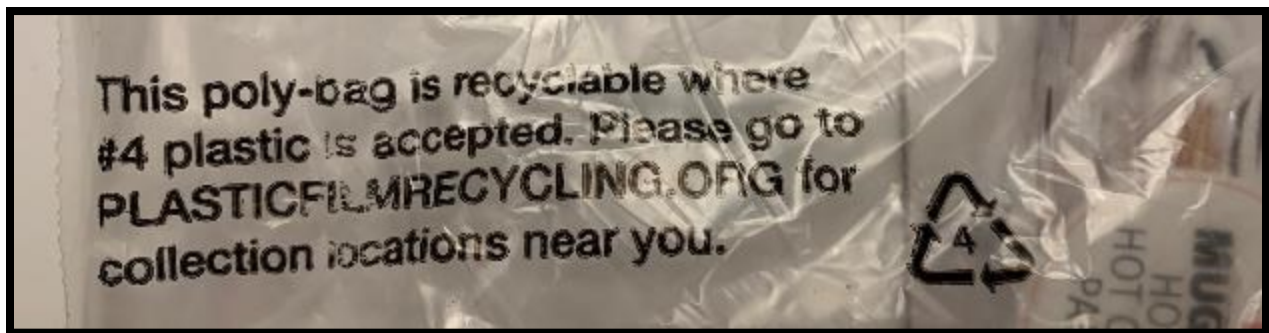
**70. Trusted Media Brands: Taste of Home Magazine Plastic Bag**  
Received by a consumer in California in 2021.

There are two elements that require correction:

- 1) "This poly-bag is recyclable where #4 plastic is accepted. Please go to plasticfilmrecycling.org for collection locations near you": Remove
- 2) Large chasing arrows recycle symbol: Remove or change to a solid recycle



1



**71. ULTA Beauty Shopping Bag**

Received at ULTA Beauty store in Laguna Niguel, California in 2021.

Address: [27080 Alicia Pkwy Ste B, Laguna Niguel, CA 92677](https://www.ulta.com/27080-Alicia-Pkwy-Ste-B-Laguna-Niguel-CA-92677)

There is one element that requires correction:

- 1) "Recyclable": Remove



## 72. Unilever Seventh Generation Plastic Film Wrap

Purchased by a consumer in 2021 at Rite Aid in Laguna Niguel, CA.

Address: [30222 Crown Valley Pkwy, Laguna Niguel, CA 92677](https://www.google.com/maps/place/30222+Crown+Valley+Pkwy,+Laguna+Niguel,+CA+92677)

There are two elements that require correction:

- 1) "Recycle if Clean & Dry": Remove
- 2) Large chasing arrows recycle symbol and "Store Dropoff": Remove



### 73. Walgreens Plastic Shopping Bags

Purchased by a consumer in 2021 at Walgreens in Laguna Niguel, CA.  
Address: [30192 Town Center Dr, Laguna Niguel, CA 92677](https://www.walgreens.com/locations/walgreens-laguna-niguel-ca)

There are five elements that require correction:

- 1) "Recycle if Clean & Dry": Remove
- 2) Large chasing arrows recycle symbol and "Store Dropoff": Remove
- 3) Large chasing arrows symbol: Remove or make into solid triangle
- 4) "Thank you for recycling this bag": Remove
- 5) "Recycle": Remove



#### 74. Walmart Plastic Shopping Bags

Purchased by a consumer in 2021 at Walmart in Laguna Niguel, CA.

Address: [27470 Alicia Pkwy, Laguna Niguel, CA 92677](https://www.google.com/maps/place/27470+Alicia+Pkwy,+Laguna+Niguel,+CA+92677)

There are two elements that require correction:

- 1) "Recycle if Clean & Dry": Remove
- 2) Large chasing arrows recycle symbol and "Store Dropoff": Remove



### 75. Walmart Store Brand Plastic Food Bags

Purchased by a consumer in 2021 at Walmart in Laguna Niguel, CA.

Address: [27470 Alicia Pkwy, Laguna Niguel, CA 92677](https://www.walmart.com/location/details/27470-Alicia-Pkwy-Laguna-Niguel-CA-92677)

There are two elements that require correction:

- 1) "Recycle if Clean & Dry": Remove
- 2) Large chasing arrows recycle symbol and "Store Dropoff": Remove



### 76. Walmart Store Brand Plastic Bubble Wrap

Purchased by a consumer in 2021 at Walmart in Laguna Niguel, CA.

Address: [27470 Alicia Pkwy, Laguna Niguel, CA 92677](https://www.walmart.com/location/details/27470-Alicia-Pkwy-Laguna-Niguel-CA-92677)

There are two elements that require correction:

- 1) "100% Recyclable": Remove
- 2) Large chasing arrows recycle symbol: Remove



### 77. Walmart Store Brand Plastic Cup Bags

Purchased by a consumer in 2021 at Walmart in Laguna Niguel, CA.

Address: [27470 Alicia Pkwy, Laguna Niguel, CA 92677](https://www.google.com/maps/place/27470+Alicia+Pkwy,+Laguna+Niguel,+CA+92677)

There are two elements that require correction:

- 1) "Recycle if Clean & Dry": Remove
- 2) Large chasing arrows recycle symbol and "Store Dropoff": Remove





### 78. Wendy's Plastic Bag

Received by a consumer in 2021 at Wendy's in Aliso Viejo, CA.

Address: [27002 La Paz Rd, Aliso Viejo, CA 92656](https://www.google.com/maps/place/27002+La+Paz+Rd,+Aliso+Viejo,+CA+92656)

There are five elements that require correction:

- 1) "Recycle if Clean & Dry": Remove
- 2) Large chasing arrows recycle symbol and "Store Dropoff": Remove
- 3) "Return to a participating location for recycling": Remove
- 4) "100% Recyclable": Remove
- 5) Chasing arrows recycling symbol: Remove or make into a solid triangle.



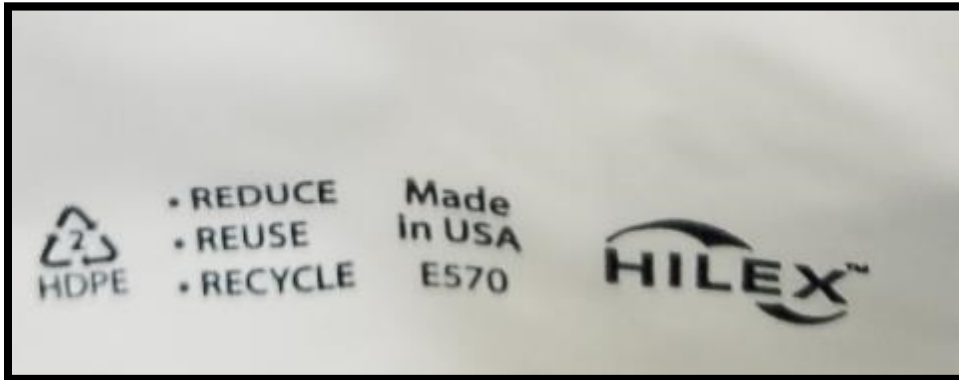
### 79. WinCo Foods Plastic Shopping Bag

Seen by a consumer at a WinCo Foods store in 2021 in Sacramento, CA.

Address: [2300 Watt Ave #133, Sacramento, CA 95825](https://www.wincofoods.com/locations/sacramento)

There are three elements that require correction:

- 1) "Recycle": Remove
- 2) Large chasing arrows recycle symbol: Remove or change to solid triangle
- 3) "Recyclable Bag Design": Remove



### 80. WinCo Foods Plastic Shopping Bag

Seen by a consumer at a WinCo Foods store in 2021 in Sacramento, CA.

Address: [2300 Watt Ave #133, Sacramento, CA 95825](#)

There are three elements that require correction:

- 1) "Please return this bag to a participating store for recycling": Remove
- 2) Large chasing arrows recycle symbol: Remove or change to solid triangle



# Policy 20-01: Extending Producer Responsibilities Framework for Household Hazardous Waste (HHW)

**Primary Authors:** Ward and Sanborn

**Adopted:** December 18, 2020      **Revised:** Nov. 17, 2021

**Background:** Extended Producer Responsibility (EPR) is a policy strategy used widely around the world for HHW and other products to place a shared responsibility for end-of-life product management on the producers, and all entities involved in the product chain, instead of the public, while encouraging product design changes that minimize a negative impact on human health and the environment at every stage of the product's lifecycle. This allows the costs of treatment and disposal to be incorporated into the total cost of a product. It places primary responsibility on the producer, or brand owner, who makes design and marketing decisions. It also creates a setting for markets to emerge that truly reflect the environmental impacts of a product, and to which producers and consumers respond.

In March of 2008, the [California Integrated Waste Management Board adopted an EPR policy framework](#) which still applies today. (add link)

HHW is both a small proportion of discarded materials and the source of the most significant concerns related to discard management. HHW is illegal to dispose of in the trash. HHW recovery programs generally recover less than a quarter of such material disposed at great expense. Even so, those programs are largely irrelevant with respect to the state's recovery goals and have been relatively ignored. The largest fraction of HHW remains included in the materials disposed. When improperly placed in recycling or organic materials recovery streams, HHWs pose chemical and explosive hazards within those streams, significantly increasing the costs of those operations. The costs to manage HHW, including costs for load checking, and the construction and operation of permanent HHW facilities across the state, though a significant continuing expense, is proving inadequate to the task of removing the increasing density and diversity of hazards in materials discarded. Continuing municipal support for the diversity of HHW programs required also takes limited local funds away from other programs such as composting. Municipalities continue HHW programs in part to reduce potential long-term liabilities but have limited resources to fund a program that is sufficiently effective. If a community under-performs in its efforts to remove hazardous materials from materials landfilled, that community becomes more vulnerable to potential future expenses associated with superfund cleanups for such a landfill. Companies selling such products have not shared these municipal expenses or liabilities.

In other words, our current system for managing HHW is both a significant public expense, and also an expensive failure. If we had to grade the HHW system effectiveness, it would be an F-, not because the efforts of those providing HHW services are deficient, but because the current HHW system has proven inadequate to these challenges. To manage discards more safely and efficiently, hazardous, and explosive materials need to be a decreasing and more readily managed proportion of discards. Those are not the current trends.

Because HHW is illegal to dispose with mixed wastes, management of HHW outside of landfills is not counted as “diversion.” Though the costs to properly manage HHW are quite high, mis-managed HHW poses hazards to the environment and to those in the waste management system as well as those processing organic materials and recyclables. As this is another discard stream without adequate revenues for proper management, the cost to manage the fraction of HHW that is properly handled takes limited local funds away from other programs such as composting.

EPR is used widely and successfully for HHW in British Columbia, Canada and in many other provinces and countries for products including anti-freeze, batteries, fluorescent oil, paint, pesticides, electronics, and more.

California implemented the paint stewardship law in 2010 and ten years later, it is working very well. Paint is being reused first, then recycled, and only disposed of when it has no higher and better use. This program is saving local governments millions of dollars they previously spent annually managing just paint. We believe it is in the best interests of California to move as quickly as possible toward EPR for all HHW to ensure all HHW is fully funded for proper management that is convenient and safe while preserving limited local funds for other mandated diversion programs.

CalRecycle just completed another HHW grant cycle HD-37 which was underfunded by over \$300,000 and only 20 of 25 grants were funded. The government will never have enough money to fund these programs, therefore, we need the producers who profit to provide the funding and management of these systems.

There is an urgent need to reduce the fire risks posed by HHW considering the extended duration and increasing severity of California’s fire season. In October 2019, a trash truck caught fire in the foothills of the San Bernardino Mountains. When the driver unloaded the truck to try to extinguish the flames, winds spread the fire quickly to the surrounding hillsides, soon encompassing 500 acres. Within minutes the fire had spread to a mobile home community, leading to the deaths of two people and the destruction of dozens of homes, burning over 1,000 acres. Though the source of the fires is under investigation, this Commission believes that action is required to reduce known sources of fires including lithium-ion batteries.

Additionally, the [South Bayside Waste Management Authority had a 4-alarm fire](#) at their Recycling Processing Center (80,000 tpy) in San Carlos, California which they believe was directly caused by an (almost) expired lithium-Ion battery. This incident resulted in over \$8.5M in damages. This vital facility was closed for four months, 50+ employees were furloughed, and the building was not fully operational for a year. They were extremely fortunate to report that no facility workers or any of the 100 firefighters were injured in this incident. They may not be so fortunate in future incidents.

Additional threats to their solid waste program from this incident include a dramatic, five-fold increase in property insurance premiums; a rapidly shrinking pool of insurers willing to write coverage for recycling facilities; and the real possibility of having to self-insure their facilities in the future. This agency believes that self-insurance may not be financially feasible.

In summary, it is important that California establish a clear regulatory framework that establishes a legal and reliable recovery system for all hazardous products.

In the absence of such a system, the variety and volume of hazards in the discard and recovery streams continues to expand. Such hazards currently include potentially explosive batteries and hazardous fluids that cannot be safely removed. The disposal of Lithium-Ion batteries in the trash and recycling whether separate or in products represents a clear and present safety danger to our industry's frontline workers, as well as an existential threat to the recycling industry's ability to secure proper insurance coverage for these valuable facilities. No insurance means no facilities, no jobs, and no programs.

Lithium-ion batteries and their increasing diversity of uses are one of the most significant increasing fire hazards for discard management and processing operations. For some facilities, several fires can be directly traced back to such batteries. From either a public safety, fire control, or insurance cost-control perspective, getting batteries that pose flammable and explosive hazards out of the discard stream is an urgent priority.

The Commission, in the absence of an EPR framework law for HHW, wants to address these products in order of priority due to their ability to harm people and the environment and cause fires/explosions, and their cost to handle, and those safer alternatives are already on the market:

**Purpose(s): The purposes of this HHW policy proposal are:**

1. To eliminate the mismanagement of hazardous home-generated waste (HHW)
2. To ensure HHW management is fully funded
3. To reduce the costs that have traditionally been externalized to local and state government for management HHW
4. To eliminate the hazard to the waste management workers when they are disposed of improperly
5. To ensure producers pay for externalized costs and hopefully rethink chemistries of hazardous materials to reduce their toxicity and thereby reduce the cost to manage
6. To establish clear criteria that hazardous products are subject to EPR programs, and new hazardous products require the establishment of new EPR programs or the inclusion of such products under existing EPR programs.

**Would this policy proposal require legislation, or interaction with an agency other than CalRecycle? Yes.**

**Possible 2021 Legislative Priority? Yes.**

**Does this proposal require additional funding or changes to resource allocation?**

Yes. The EPR programs should pay for state oversight and reimburse local governments for any management of their product and the use of the facilities.

**Proposal(s): In order of priority,**

1) **EPR Framework bill pass in California** delegating to either CalEPA, CalRecycle, and/or DTSC the authority to develop criteria and identify toxic products each year to be transitioned to EPR programs until such a time that no toxic or hazardous products are costing local governments money to manage. The authority to establish EPR programs and begin removing hazardous products from municipal management would begin in 2023.

2) As an urgent measure to reduce fire hazards, legislation introduced and passed in 2022 to establish an EPR program for all the following:

i. "Sealed single-use products containing Li-Ion batteries such as vaping products, should be banned. Reusable products with Li-ion batteries should be mandated to have take-back programs. In products that use Li-Ion batteries for significant energy storage, such as those used for battery walls or electric vehicles, must urgently incorporate design for disassembly to reduce the hazards associated with disassembly for recycling and should also have EPR programs.

ii. **1 lb. propane gas cylinders** - this is NOT a traditional EPR program but should ban the sale of single-use cylinders as reusables are already on the market broadly in California and the costs to manage cylinders are most often more than the cost to buy them.,

iii. **Projectile or explosive marine flares** should be banned from sale altogether. They are a 100-year-old technology, pollute water, are a chronic problem for boaters to dispose of safely as they expire every 3 years. Now that less hazardous and more reliable electronic signals are an option, these flares should be banned from sale. They pollute water and are dangerous and have literally no end-of-life management plan.

iv. **Aerosol cans (paint aerosol cans should be added to the PaintCare program as soon as feasibly possible; and all other aerosol cans should be required to have an implemented EPR system by 2025.**

**i. Solar panels for all products larger than a laptop computer.**

i. Additionally, some products are just toxic and unnecessary and have safer, cheaper alternatives making their sale unnecessary and costly. Marine flares (as explained above) and fluorescent lamps fit this category and we recommend that California ban their sale to stop adding costly, dangerous and unnecessary mercury into homes and the environment since LED lamps are more energy efficient, durable, non-toxic, and can be disposed of in the regular trash.

**Related Issues:** California already has several product-specific programs that utilize EPR policy including:

**Mercury Thermostats:** (internalized costs) The [Mercury Thermostat Collection Act of 2008](#) provides for producer responsibility of mercury thermostats. The Department of Toxic Substances Control is the lead department for implementing this law.

**Pesticide Containers:** (internalized costs) [Food and Agricultural Code Section 12841.4](#), covering [pesticide container recycling](#), requires sellers using certain pesticide containers to demonstrate participation in a certified high-density polyethylene (HDPE) pesticide container recycling program and annually submit certifying documents to the director of the Department of Pesticide Regulation.

**Paint:** The [Paint Stewardship Program](#) ensures that leftover paint is properly managed in a manner that is funded by a visible fee with CalRecycle oversight.

**Carpet:** The [Carpet Stewardship Program](#) ensures that discarded carpet becomes a resource for new products with CalRecycle oversight.

**Mattresses:** The [Mattress Stewardship Program](#) aims to reduce illegal dumping, increase recycling, and substantially reduce local government costs for the end-of-use management of used mattresses, with CalRecycle oversight.

**Pharmaceuticals and Sharps:** (internalized costs) The [Pharmaceutical and Sharps Waste Stewardship Program](#) requires safe and convenient disposal options for pharmaceutical drug and home-generated sharps waste with CalRecycle oversight and consultation with the Board of Pharmacy. This program will be implemented in 2022.



# Policy 21-02: Transition from Single-Use Propane Cylinders to Refillable

Primary Authors: Ward and Sanborn

## *Addresses Which Commission Goals:*

1. 75% goal following waste management hierarchy of waste reduction first, then recycling & composting, then disposal environmentally safe transformation and land disposal.
2. Market Development (increase market demand for post-consumer waste materials, increase demand for recycled content products, promote high quality feedstocks, promote competitive collection and use of secondary waste materials),
3. Meet methane emission reduction goals to reduce organics disposed in landfills (50% by 2020, and 75% by 2025 from 2014 levels);
4. Clarify products that are recyclable and compostable;
5. Provide feedback to CalRecycle on public messaging to recycle properly and minimize contamination.

First Hearing: 12/2/21; Second Hearing: 12/16/21 Revised: 11/17/21

**Background:** Single-use 1 lb. propane cylinders are a threat to human and environmental health. When “empty,” single-use cylinders often still contain a small amount of gas, posing a danger to sanitation workers due to risk of explosion and resulting fires. Because of the high hazard level, this waste stream is very costly to manage and dispose of properly. Ironically, 80% of the purchase price is for the single-use packaging, the steel cylinder, which is the main culprit of the disposal issue.

Every year in North America, approximately 40 million single-use 1 lb. propane cylinders are used, with an estimated of **over four million in California alone\***. Because of limited disposal options, the empty cylinders are often disposed of improperly in landfills, dumpsters, household trash or recycling bins, campsites, on the roadside or in recycling containers and can cause explosions. A MRF in [Grand Rapids, Michigan in 2017](#) had an explosion that was proven to be caused by three of these 1 lb gas cylinders.

Made of hot rolled steel, these cylinders have very high GHG impacts with an estimated 11 million lbs of GHG emissions avoided if CA moved to refillables only. All other sizes of propane cylinders have been made refillable for decades including BBQ size 5 gallon and the 20-gallon size used on fork lifts. The public is trained to refill BBQ tanks and can do the same with 1lb cylinders in California, but when the cost of the 1lb cylinders has been externalized onto local governments via HHW programs when the refillables now exist and are sold and refilled in California, we believe the sale of disposables

should be banned in short order. The propane cylinder is 80% of the cost of the product- the gas costs approximately 25 cents. Costs to dispose single-use cylinders in California range from \$2 - \$40 each.

The [ReFuel Your Fun \(RFYF\)](#) campaign was developed by the California Product Stewardship Council in 2015 using CalRecycle HHW grants to transition communities to choose reusable cylinders over their single-use counterparts. The campaign works to educate the public about the advantages of using reusable 1 lb. propane cylinders as compared to the disadvantages of the single-use cylinders noted earlier. This is accomplished through a variety of methods including, although not limited to, conducting outreach/exchange events to get more reusable cylinders into circulation. CPSC, through its RFYF campaign utilizing HHW grants, has worked with dozens of local jurisdictions throughout the state to implement the campaign which has led to U-Haul selling and refilling 1lb propane gas cylinders statewide at nearly every store that offers propane services. The map of all the locations already selling and refilling is [here](#).

**Purpose(s):** This proposal would be to:

- Protect curbside programs from fires in trucks and at MRFs
- Increase safety of the workers in the discard system
- Reduce waste from single-use propane cylinders of 1lb size
- Expand locations to refill and properly manage cylinders
- Expand education about refillables
- Save HHW programs money – cylinders can be very expensive to recycle
- Encourage more manufacturers to stop making single-use cylinders and instead manufacture refillables and develop the sales and marketing program to educate the public about them

**Proposal(s):**

- Establish a ban on the sale of single-use 1lb propane gas cylinders as soon as feasible that are sold in CA (and are not legally refillable).

**Related Issues:**

## Dangers in the Waste Stream

<https://www.mlive.com/news/grand-rapids/2017/06/propane-tanks-cause-explosion.html>



- Above: 2017 fire started by three 1 lb. propane cylinders at MRF in Kent County, MI
- Another explosion at facility in 2016 caused by one 1 lb. propane cylinder **cost \$90K!**
- **Risks including injuries/death, facility damage, loss of insurance coverage**

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NATIONAL STEWARDSHIP ACTION COUNCIL

## Yosemite National Park

*"Between fuel and the staff we pay, it's at least \$3 a piece to dispose of them," says Jodi Bailey, program manager for the Zero Landfill Initiative at Yosemite National Park. "We have seven drivers and 42 people emptying small trash cans, and it's a seven-day-a-week operation. These are challenging times for federal land management agencies, and we'd rather spend that money providing better services to our visitors."*

*Propane Tanks Wreak Havoc at MRFs and Disposal Sites, Waste 360, 5/23/19*



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NATIONAL STEWARDSHIP ACTION COUNCIL

## Greenhouse Gas Emissions Reductions



- 73 million lbs. of GHG emissions from production of an estimated 36.7 million lbs. of steel prevented over a **10-year lifespan** of a typical reusable
- 11 million lbs. of GHG emissions could be prevented from adopting 1lb. reusables in CA (propane emissions)
- Total: 84 million lbs. over product lifespan



Calculations by: U-Haul's Chief Sustainability Scientist Allan Yang, Ph.D. & MBA



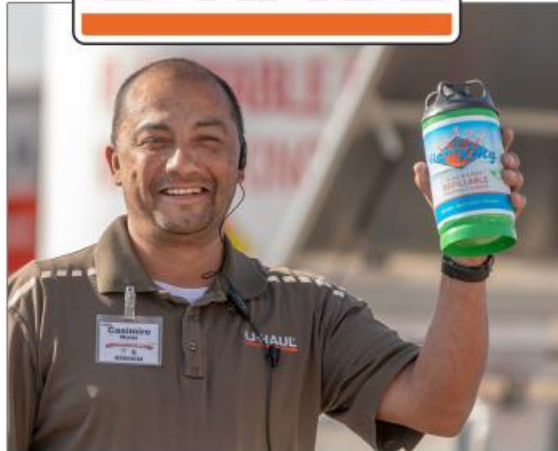
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## U-Haul Launch



- 135+ locations in CA with propane
- Plans to expand strategically nationwide – **must have local commitment for promotion**
- Selling and refilling

# U-HAUL



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## Industrial Environmental Association's 2016 Environmental Excellence Award



Award video: <https://www.youtube.com/watch?v=rxQTV-YbU80>



*Pictured L to R:  
Sam Newman, Flame King; Jordan Wells & Heidi Sanborn, CPSC; Kevin Scofield, U-Haul*

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## RFYF in the U.S.



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**Would this policy proposal require legislation, or interaction with an agency other than CalRecycle?** Yes, legislation would be required to provide the regulatory mechanisms needed to implement the proposal. This would include, but not be limited to, DTSC and CalRecycle.

**Possible 2022 Legislative Priority?** Yes. The sooner the cut-off date for sales of such single-use propane containers is set, the faster the concerns about safe disposal and GHG impacts will be addressed. Due to the unexpected costs resulting from COVID-19, local jurisdictions are increasingly unable to bear the cost burdens associated with repairing and rebuilding waste management facilities damaged due to single-use cylinders. Due to these factors, we recommend making this a 2021/2022 legislative priority. As there are refillable alternatives, a ban of the sale of single-use propane containers could be a viable alternative to an EPR program for these 1 lb propane products.

**Does this proposal require additional funding or changes to resource allocation?** The costs to oversee an EPR program, if needed, would be paid for by the producers of the single-use cylinders.

# Policy 20-13: Right to Repair

**Authors:** Davis, Ward      **Updated:** 12/01/2021

**Addresses Which Commission Goals:** Policies that promote repair and parts salvage from existing products are essential aspects to waste prevention, and important strategies to keeping products and materials in circulation to meet the following goals:

1. 75% goal following waste management hierarchy of waste reduction first, then recycling & composting, then disposal environmentally safe transformation and land disposal.
2. Market Development (increase market demand for post-consumer waste materials, increase demand for recycled content products, promote high quality feedstocks, promote competitive collection and use of secondary waste materials),

**First hearing at Commission: 11/03/2021; Second hearing: 12/01/2021**

**Background:** Commission Recommendation 20-13 was that legislation is needed to establish Right to Repair, referencing AB 1163 (Eggman) from 2019/2020. That bill failed to move out of the Assembly Privacy and Consumer Protection Committee and no parallel legislation was introduced in 2021.

However on July 21, 2021 the Federal Trade Commission unanimously [voted to ramp up law enforcement against repair restrictions](#) that prevent small businesses, workers, consumers, and even government entities from fixing their own products. FTC's policy statement is aimed at manufacturers' practices that make it extremely difficult for purchasers to repair their products or shop around for other service providers to do it for them. By enforcing against restrictions that violate antitrust or consumer protection laws, the Commission is taking important steps to restore the right to repair.

In May, the FTC released [a report to Congress](#) that concluded that manufacturers use a variety of methods—such as using adhesives that make parts difficult to replace, limiting the availability of parts and tools, or making diagnostic software unavailable—that have made consumer products harder to fix and maintain. The policy statement notes that such restrictions on repairs of devices, equipment, and other products have increased the burden on consumers and businesses. In addition, manufacturers and sellers may be restricting competition for repairs in a number of ways that might violate the law.

The Report found that “although manufacturers have offered numerous explanations for their repair restrictions, the majority are not supported by the record.”

“These types of restrictions can significantly raise costs for consumers, stifle innovation, close off business opportunity for independent repair shops, create unnecessary electronic waste, delay timely repairs, and undermine resiliency,” FTC Chair Lina M.

Khan said during an open FTC meeting. “The FTC has a range of tools it can use to root out unlawful repair restrictions, and today’s policy statement would commit us to move forward on this issue with new vigor.”

In the policy statement, the FTC said it would target repair restrictions that violate antitrust laws enforced by the FTC or the FTC Act’s prohibitions on unfair or deceptive acts or practices. The FTC also urged the public to submit complaints of violations of the Magnuson-Moss Warranty Act, which prohibits, among other things, tying a consumer’s product warranty to the use of a specific service provider or product, unless the FTC has issued a waiver.

The Federal Trade Commission also stands ready to work with legislators, either at the state or federal level, in order to assure that consumers have choices when they need to repair products that they purchase and own.

On November 17, 2021 Apple “announced Self Service Repair, which will allow customers who are comfortable with completing their own repairs access to Apple genuine parts and tools.” Kyle Wiens, iFixit’s Founder and CEO, responded that “all of the reasons not to pass right to repair have sort of been negated by this announcement. Apple’s saying consumers can make repairs safely if they have the right information.”

As part of a comprehensive Circular Economy law, France adopted repairability labeling. To fight against the practice of planned obsolescence, certain electric and electronic products must display a “repairability rating” starting in 2021, and a “durability rating” starting in 2024. The new repairability rules require manufacturers to display ratings that are calculated using five measures: ease of repairability, price of spare parts, availability of spare parts, availability of repair documentation and a final measure that varies depending on the type of device.

The California-based organization iFixit rates repairability of smartphones, tablets and laptops. Their engineers disassemble and analyze each device, assigning a repairability score between 0 and 10, with 10 being the easiest to repair. A device with a perfect score will be relatively inexpensive to repair because it is easy to disassemble and has a service manual available. Points are docked based on the difficulty of opening the device, the types of fasteners found inside, and the complexity involved in replacing major components. Points are awarded for upgradability, use of non-proprietary tools for servicing, and component modularity.

**Purpose(s):** This proposal would establish the most basic foundations for asserting that products should be repairable by the owner: to protect and maximize the ability of a purchaser/owner of an item to determine the item’s disposition; to repair it at a reasonable cost and be able to have a third party of their choosing repair it at a reasonable cost.



Establishing and defending Right to Repair is a foundational effort to assert that waste prevention activities like repair should take precedence in policy and practice to recycling or disposal. This proposal would require manufacturers to make available sufficient service documentation and functional parts, on fair and reasonable terms, to owners of the equipment or products, independent service and repair facilities, and service dealers. This proposal would establish an “ease of repair” requirement on manufacturers such that products can be reasonably disassembled and reassembled by the consumer to replace consumable or defective parts.

This proposal would also expand the category of products to which these provisions apply to explicitly include software, digital diagnostic tools, and other (digital) documentation necessary to keep the manufactured product in good working order.

Additionally, if a manufacturer stops selling or supporting an item: all of the documentation necessary to independently maintain that item -- technical diagrams, schematics, bills of material and other documentation necessary to continue to keep the item in service -- should become public domain.

**Proposal(s):** Durable products like electronics and appliances would benefit from information not just on how the end-user should recycle it at the end of life, but also information on how the end-user can keep the item in service for its originally intended use for as long as possible. For example: products might be labelled, maybe with a QR code or some other associated documentation like serial number or model number, which directs users to a web-based repository with information on repair, maintenance, and servicing of that product.

#### Updated Recommendations:

1. The Commission reasserts that California needs to adopt Right to Repair legislation. The Federal Trade Commission considered issues that are similar to those raised in prior California legislative analyses. FTC’s input can inform new analyses and assure that Californians can repair products they own more easily and affordably.
2. The Commission urges inclusion of repair consideration in State procurement, specifically:
  1. Establish/work with a company to develop third party verification of recycled content, reuse and repair claims
  2. Incentivize/include durable, reusable, refillable and repairable options when possible
  3. Require repair information for all purchases, including electronics
  4. Preference be given to vendors who provide the state with repair manuals, repair parts and diagnostic tools
2. The Commission recommends product repairability labeling to inform consumer purchasing decisions. If numeric scales are used to reflect repairability, they should be subject to third party verification with verification costs paid by product manufacturers.

**Related Issues:** Aspects of Right to Repair are included in several Commission policy proposals. The Commission's Policy 20-05 on the State Agency Buy-Recycled Campaign also addresses Right to Repair issues. Commission Policy 21-30 Labeling System for Products and Post-Consumer Management includes three repair labeling recommendations.

**Possible 2022 Legislative Priority? Yes**

**Would this policy proposal require legislation, or interaction with an agency other than CalRecycle?** Legislation is needed to establish these basic principles of Right to Repair

**Does this proposal require additional funding or changes to resource allocation?** No.

# Policy 21-10: Carbon Farming Analysis and Promotion

**Primary Author: Ward**

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**Background:** Efficient markets respond to market demand. Expanding the demand for compost, mulch and soil amendments will be essential as the volumes of these products increase. Thus, it is exceedingly fortunate that the need to address global climate change is driving the need to manage organics differently. Making compost from organic discards and using compost to sequester carbon has multiple climate benefits. As they decompose in a landfill, organic discards generate methane - a potent greenhouse gas. Even better, a one-time application of finished compost can help soils sequester carbon for multiple decades. While there are many aspects to California's Healthy Soils Initiative, several farming and landscaping practices can help sequester carbon. Carbon farming involves implementing practices that are known to improve the rate at which CO<sub>2</sub> is removed from the atmosphere and converted to plant material and soil organic matter. Carbon farming is successful when carbon gains resulting from enhanced land management or conservation practices exceed carbon losses.

Research by Whendee Silver of UC Berkeley indicates that a single application of a half-inch layer of compost on grazed rangelands can significantly increase forage production (by 40-70%), increase soil water holding capacity (by roughly 26,000 liters per hectare), and increase soil carbon sequestration by at least 1 ton per hectare per year for 30 years, without re-application. Compost provides a source of energy to the soil ecosystem, and improves soil moisture conditions, which leads to increased plant growth. More plant growth leads to more carbon dioxide being removed from the atmosphere through the process of photosynthesis, leading to increased transfer of carbon dioxide through the plant to the soil as roots, root exudates and detritus, yielding additional soil carbon and water holding capacity, in an ascending spiral of soil carbon increase, all from one initial compost application.

With half the state's land area in rangelands – about 56 million acres – the potential for land-based carbon sequestration is enormous. The New York Times reports that compost treatment of just 5% of that area could offset 80% of current emissions from the agricultural sector. Compost transport and application costs remain significant barriers.

California has committed to moving towards a system where food and organic materials are rarely landfilled. While SB 1383 does include procurement requirements for compost, coordinated research about and promotion of carbon farming techniques, measurement and reporting will further demonstrate the multiple benefits of compost application.

Compost application increases water retention in soils, and can be part of a comprehensive strategy to reduce fire hazards between wildlands and urban areas.

Most California communities have embraced promotion of backyard composting as a waste prevention strategy. The basic information about how use of finished compost and mulch and other gardening techniques can help sequester carbon in the soils should be included as part backyard and on-site curricula statewide. Backyard composting and carbon farming are simple, practical, tangible actions individuals can take to address climate change.

Recently, the California Department of Food and Agriculture has expanded its Healthy Soils Incentives Program to provide financial incentives (\$67.5 Million in FY 21/22) to California growers and ranchers to implement conservation management practices that sequester carbon, reduce atmospheric greenhouse gases (GHGs), and improve soil health. GHGs benefits are estimated using quantification methodology and tools developed by California Air Resources Board (CARB), USDA-NRCS and CDFA and soil health improvement will be assessed by measuring soil organic matter content. CDFA also offers technical assistance including workshops and Climate Smart Education Specialists as a partnership with the University of California.

**Purpose(s):** This proposal would:

- Assess the potential for the strategic and general application of compost and mulch materials and techniques to sequester carbon as an important part of California's efforts to reduce greenhouse gas emissions.
- Assess the potential for establishing standards for the application of finished compost and mulch materials where appropriate and practical in the aftermath of fires, along wildland/urban boundaries or as part of mine reclamation.
- Assess potential concerns and controls for reducing the potential for application of finished compost to be a vector for the spread of invasive weeds.
- Build partnerships between communities promoting different carbon farming practices for agricultural sectors, municipal parks, schools, and volunteer networks supporting carbon farming to support consistent measurement and analysis.
- Develop adaptable outreach materials, in partnership with CDFA and other state agencies, to promote carbon farming activities for specific types of land and agricultural application, erosion control, for municipalities, community gardens, parks and schools, and for individuals.

**Proposal(s):** That CalRecycle technical staff hire a qualified consultant or coordinate staff efforts to produce a report that would:

- Provide a basis for quantifying the GHG-reduction benefits of strategic application of compost and mulch materials in agricultural, landscaping, restoration, erosion control, conservation and general application of compost and mulch materials and similar techniques to sequester carbon, so such benefits may be considered under environmental reviews.
- Assess the potential for establishing standards for the application of finished compost and mulch materials where appropriate and practical in the aftermath of fires, along wildland/urban boundaries or as part of mine reclamation.

- Address the potential for the application of compost and mulch to spread contaminants such as non-degradable materials or invasive species or pathogens, and suggest controls to be established to address those ongoing concerns.
- Establish a criteria-based assessment of the optimal strategies to document and implement the benefits of carbon farming through voluntary and state-directed initiatives.
- Summarize municipal programs promoting different carbon farming practices for agricultural sectors, municipal parks, community gardens, schools, and volunteer networks, with commentary regarding measurement and analysis of the sequestered carbon as measured or reported under different programs.
- Assess ways that carbon farming efforts can be acknowledged and supported through procurement under SB 1383-related programs.
- CalRecycle should actively participate in further development of the *California 2030 Natural and Working Lands Climate Change Implementation Plan* so this plan incorporates compost and carbon farming to further help carbon sequestration and market demand for finished compost and mulch.

Also, that CalRecycle staff further develop webpages devoted to Carbon Farming, highlighting California communities with carbon farming programs. CalRecycle's web resources on this topic would include adaptable outreach materials to promote carbon farming and related community-engagement activities for specific types of land and agricultural application, erosion control, for municipalities, parks and schools, and for individuals.

**Would this policy proposal require legislation, or interaction with an agency other than CalRecycle?** Not immediately. CalRecycle staff responsible for fostering the development of markets for finished compost could begin coordinating these potential carbon farming efforts with other entities with interest in soil or water conservation, including the California Association of Resource Conservation Districts, the California Farm Bureau, agricultural trade associations like CCOF, the California Department of Food and Agriculture, the State Soils Staff from the USDA Natural Resources Conservation Service, and the Department of Conservation Division of Mine Reclamation.

The Healthy Soils Program (HSP) provides technical and financial incentives for farmers and ranchers to adopt healthy soils practices, including compost application. Approximately, two-thirds of HSP grantees are using compost as part of their healthy soils project.

**Possible 2021 Legislative Priority?** No.

**Does this proposal require additional funding or changes to resource allocation?**

No. This would be part of CalRecycle's larger effort to administer SB 1683 and related requirements for shifting management of organic materials away from disposition in

landfills (and associated methane generation) and towards processing those materials as resources.

**Related Issues:** Promoting and realizing the benefits of carbon farming are an essential aspect to building customer demand for mulch and finished compost.

Eco-Cycle has initiated a Community Carbon Farming Campaign, from which much can be learned:

<https://www.ecocycle.org/take-action/community-carbon-farming>