

Questions and Answers from the workshop, "RDRS Regulations Rulemaking Workshop 2"

Workshop Date: 07/26/2022 10:00 AM – 12:00 PM PDT

Workshop Public Notice Hyperlink: <https://www2.calrecycle.ca.gov/PublicNotices/Details/4737>

Number Questions Asked: 14

Table 1: Questions asked during workshop 2 and their corresponding answers.

Last Name	First Name	Question Asked Date/Time	Question Asked	Answer Given
Boisson	Edward	10:30:48 AM PDT	Will MRFs be required to report the specific materials included in outbound mixed waste paper bales?	If, based on industry standards, a mixed waste paper bale could be said to include more specific industry-standard types of paper, then the regulatory updates would require you to list those specific material types. For example, if your mixed waste paper was a mixture of uncoated corrugated cardboard and newspaper, then it would probably be reasonable for you to list the sub-materials in the mixture as cardboard and newspaper.
Boisson	Edward	10:34:14 AM PDT	Do you envision additional RDRS regulation changes to RDRS to implement SB54?	At this time we do not anticipate significant changes to the RDRS regulations as a result of SB 54.
Boisson	Edward	10:47:32 AM PDT	On the material characterizations can you please repeat - will you be sampling inbound streams to MRFs or outbound? Or both?	The exact details of sampling at facilities for the SB 343 material characterization study will be determined by the contractor. We cannot yet say whether both inbound and outbound materials will be sampled.
Chavez	Carlos	10:56:07 AM PDT	Can you go through the questions now so we can see them?	This question referred to the economic impacts survey. We covered the survey after the Q&A session.
Chavez	Carlos	11:04:23 AM PDT	Is the economic impact only meant to cover reporting expense or the total effect of these changes?	It is meant to cover the total cost to the impacted entity. If regulations required an entity to report something in RDRS, and that reporting required the entity to collect new information, the impact statement would estimate the cost of reporting in RDRS and the cost of gathering the new information.
Mowrer	Chris	10:31:30 AM PDT	Will you make the slide deck used today available online for participants to access/download? Thank you.	Yes. See the rulemaking website.

Last Name	First Name	Question Asked Date/Time	Question Asked	Answer Given
Robison	Megan	10:40:19 AM PDT	If no list is being published listing what packaging meets the criteria listed in SB343, what information, if any, will be published by CalRecycle for companies to make these decisions on what to claim on pack in California?	CalRecycle will publish a material characterization study, pursuant to 42355.51(d)(1)(B). CalRecycle may also publish other information as it becomes available, such as information from the Electronic Annual Report regarding materials accepted for recycling by jurisdictions' recycling programs.
Shapiro	Lauren	10:31:09 AM PDT	Re regulating SB343 - Will CalRecycle provide guidance on what businesses should do when the ban conflicts with other states' and foreign jurisdiction's recycling symbol and/or chasing arrow requirements based on CalRecycle's eventual criteria? This is not discussed in the law.	No. CalRecycle is not empowered by SB 343 to determine what is recyclable. Nor can CalRecycle provide legal advice on the intersection between SB 343 and the laws of other governments.
Shapiro	Lauren	10:31:24 AM PDT	Re regulating SB343 - if a product or package does not meet the criteria of being "recyclable" as defined by CalRecycle (i.e., municipally collection and reprocessing/recycling), but one or more alternative non-municipal recycling solutions are available for that object (i.e., store take-back), can the product or packaging use the statement "recycle through X program(s)" or can CalRecycle provide guidance on how such a product can communicate how one may recycle it? This is not discussed in the law.	SB 343 does not allow CalRecycle to provide guidance on whether a product meets SB 343's requirements.
Shapiro	Lauren	10:31:59 AM PDT	Re regulating SB343 - Can a recycling specific-firm (example, Terra Cycle) continue to claim recyclable when qualified by label language that states "through X program"? The key issue is whether Terra Cycle and other "recycling specific" firms can continue to claim recyclable when qualified by label language that states "through X program." In this way, consumers are provided specific recycling instructions and are not led to believe the item is broadly recyclable through curbside collection. This is not discussed in the law.	SB 343 does not allow CalRecycle to provide guidance on whether a product meets SB 343's requirements.
Sweetser	Larry	10:30:57 AM PDT	What time is the August 30th workshop? Will language be available prior to the workshop?	The August 30th workshop will be from 10am - 12pm. We hope to provide the language prior to the workshop.

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Sweetser	Larry	10:32:44 AM PDT	Can you repeat the proposed change to reporting residuals by jurisdiction?	The proposed change to reporting residuals by jurisdiction was that we are now providing entities the option to determine jurisdiction in three different ways. 1) Entities may track origins specifically for their outflows; 2) entities may estimate origins for outflows based on the origins of inflows (if inflows are, e.g., 60% from jurisdiction X and 40% from jurisdiction Y, then outflows could be assumed to follow those same percentages); 3) host assign as currently allowed in the regulations.
Sweetser	Larry	10:40:10 AM PDT	Since allocation of residuals has been used for years for contractual compliance but not allowed in RDRS previously, can we amend previous submitted RDRS reporting to reflect the residuals.	Once the new regulations become effective, you may revise previous reports appropriately. However, note that the residuals jurisdiction issue would show up only in the reports of T/Ps and disposal facilities. If you represent a recycler, you would have to pass those origins along to the T/P or disposal facility, and that facility would have to revise its reports appropriately. Also note that revisions to RDRS reports will not affect data already in the Electronic Annual Report.
Sweetser	Larry	11:06:25 AM PDT	How can we complete the economic impact when we do not know the details of the purposes regulations?	The survey has detailed questions based on our current draft language. We will use answers to these questions to estimate economic impacts. We greatly appreciate your effort and time involved in completing the survey! Thanks!