

SB 54 Informal Rulemaking Workshop:

SB 54 Plastic Pollution Prevention and Packaging Producer Responsibility Act Regulations

June 28, 2023

Department of Resources Recycling and Recovery

**SB 54 Regulation Implementation Team, Packaging EPR Section,
Knowledge Integration Section**

Regulations Unit, Legal Affairs Office

Topic: Covered Material Category List

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Overview and Purpose of Workshop

The Department of Resources Recycling and Recovery (CalRecycle) has scheduled a workshop on [June 28, 2023](#), from 10:00AM to 4:00PM, in the Byron Sher Auditorium, located on 2nd Floor, 1001 I Street, Sacramento, CA 95814, to consult with the public, the regulated community, and other interested persons to solicit feedback on some of the requirements outlined in [SB 54 \(Allen, Chapter 75, Statutes of 2022\)](#).

The topic of this discussion document will be on “covered material category list.” This topic will be split into 3 parts:

- **Part 1** will be an informational session, providing background information on the requirements discussed in this document.
- **Part 2** will discuss non-regulatory concepts to solicit feedback.
- **Part 3** will discuss several regulation concepts to solicit feedback to help prepare for the draft regulatory text.

The purpose of this document is to provide an overall outline of what is going to be discussed and the type of feedback CalRecycle plans on soliciting in advance of the workshop. All requests for feedback or informational items to share with stakeholders will be specified in a gray textbox.

This document and corresponding section of the workshop will not address the following topics:

- Needs Assessment
- Recyclability
- Recycling Rates
- Compostability
- Responsible End Markets*
- Source Reduction*
- Enforcement
- PRO Plan*
- Budgets*
- Document submittals*
- Annual reports*

The topics above marked with (*) are topics that were covered in previous workshops and others will be addressed at a subsequent workshop. Workshop information can be found on the SB 54 [webpage](#) under *Events*.

Part I. Background and Informational Items

Abbreviations and Acronym List

- CalRecycle: California Department of Resources Recycling and Recovery
- CMC: Covered Material Category
- Department: California Department of Resources Recycling and Recovery
- HDPE: High Density Polyethylene
- LDPE: Low Density Polyethylene
- MCS: Material Characterization Study
- OCC: Old Corrugated Cardboard
- PET: Polyethylene Terephthalate
- PP: Polypropylene
- PRO: Producer Responsibility Organization
- PRC: Public Resources Code (California Statute)
- PS: Polystyrene
- PVC: Polyvinyl Chloride

Relevant Definitions

Listed below are the existing statutory definitions related to the June 28, 2023 rulemaking workshop. CalRecycle may further refine these definitions in regulations.

Covered material – PRC 42041(e)

- (1) “Covered material” means both of the following:
- (A) Single-use packaging that is routinely recycled, disposed of, or discarded after its contents have been used or unpackaged, and typically not refilled or otherwise reused by the producer.
 - (B) Plastic single-use food service ware, including, but not limited to, plastic-coated paper or plastic-coated paperboard, paper or paperboard with plastic intentionally added during the manufacturing process, and multilayer flexible material. For purposes of this subparagraph, “single-use food service ware” includes both of the following:
 - (i) Trays, plates, bowls, clamshells, lids, cups, utensils, stirrers, hinged or lidded containers, and straws.
 - (ii) Wraps or wrappers and bags sold to food service establishments.
- (2) Notwithstanding paragraph (1), “covered material” does not include any of the following:
- (A) Packaging used for any of the following products:
 - (i) Medical products and products defined as devices or prescription drugs, as specified in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Secs. 321(g), 321(h), and 353(b)(1)).
 - (ii) Drugs that are used for animal medicines, including, but not limited to, parasiticide products for animals.
 - (iii) Products intended for animals that are regulated as animal drugs, biologics, parasiticides, medical devices, or diagnostics used

to treat, or administered to, animals under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.), the federal Virus-Serum-Toxin Act (21 U.S.C. Sec. 151 et seq.), or the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 et seq.).

(iv) Infant formula, as defined in Section 321(z) of Title 21 of the United States Code.

(v) Medical food, as defined in Section 360ee(b)(3) of Title 21 of the United States Code.

(vi) Fortified oral nutritional supplements used for persons who require supplemental or sole source nutrition to meet nutritional needs due to special dietary needs directly related to cancer, chronic kidney disease, diabetes, malnutrition, or failure to thrive, as those terms are defined as by the International Classification of Diseases, Tenth Revision, or other medical conditions as determined by the department.

(B) Packaging used to contain products regulated by the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 et seq.).

(C) Plastic packaging containers that are used to contain and ship products that are classified for transportation as dangerous goods or hazardous materials under Part 178 (commencing with Section 178.0) of Subchapter C of Chapter I of Subtitle B of Title 49 of the Code of Federal Regulations.

(D) Packaging used to contain hazardous or flammable products regulated by the 2012 federal Occupational Safety and Health Administration Hazard Communications Standard (29 C.F.R. 1910.1200).

(E) Beverage containers subject to the California Beverage Container Recycling and Litter Reduction Act (Division 12.1 (commencing with Section 14500)).

(F) Packaging used for the long-term protection or storage of a product that has a lifespan of not less than five years, as determined by the department.

(G) Packaging associated with products covered under the architectural paint recovery program established pursuant to Chapter 5 (commencing with Section 48700) of Part 7.

(H)

(i) Covered material for which the producer demonstrates to the department that the covered material meets all of the following criteria:

(I) The covered material is not collected through a residential recycling collection service.

(II) The covered material does not undergo separation from other materials at a commingled recycling processing facility.

(III) The covered material is recycled at a responsible end market.

(IV) The material has demonstrated a recycling rate of 65 percent for three consecutive years prior to January 1, 2027, and on and after that date demonstrates a recycling rate at or over 70 percent annually, as demonstrated to the department every two years.

(ii) If only a portion of the covered material sold in or into the state by a producer meets the criteria of clause (i), only the portion of the covered material that meets the criteria of clause (i) is exempt from this chapter and any portion that does not meet the criteria is a covered material for purposes of this chapter.

Covered material category – PRC 42041(f)

“Covered material category” means a category that includes covered material of a similar type and form, as determined by the department.

Plastic – PRC 42041(t)

“Plastic” means a synthetic or semisynthetic material chemically synthesized by the polymerization of organic substances that can be shaped into various rigid and flexible forms, and includes coatings and adhesives. “Plastic” includes, without limitation, polyethylene terephthalate (PET), high density polyethylene (HDPE), polyvinyl chloride (PVC), low density polyethylene (LDPE), polypropylene (PP), polystyrene (PS), polylactic acid (PLA), and aliphatic biopolyesters, such as polyhydroxyalkanoate (PHA) and polyhydroxybutyrate (PHB). “Plastic” does not include natural rubber or naturally occurring polymers such as proteins or starches.

Plastic Component – PRC 42041(u)

“Plastic component” means any single piece of covered material made partially or entirely of plastic. A plastic component may constitute the entirety of the covered material or a separate or separable piece of the covered material.

Overview of Covered Material Categories

Covered material categories (CMCs), as defined in PRC 42041(f), are groupings of covered material by type and form. There are multiple uses of covered material categories in statute ranging from producers reporting data by covered material category to CalRecycle publishing a list of covered material categories considered recyclable or compostable.

Summary of Uses of Covered Material Categories in Statute – CalRecycle

Responsibilities

- CalRecycle is required to establish and post a list of covered material categories by July 1, 2024 – PRC 42061(a)
- CalRecycle is required to make data requests consistent with the established covered material categories – PRC 42060(a)(2)(C)(i)
- CalRecycle is required to conduct a material characterization study of covered material categories that are disposed of in California landfills and publish the results on its internet website – PRC 42061(a)(2)

- CalRecycle is required to calculate and publish recycling rates being achieved in the state for each covered material category by January 1, 2026 – PRC 42061(b)
- CalRecycle must publish a list of covered material categories that are determined to be recyclable by January 1, 2024 – PRC 42061(c)
- CalRecycle is required to publish a list of covered material categories that are determined to be compostable by January 1, 2024 – PRC 42061(d)
- CalRecycle is required to conduct a needs assessment designed to determine the necessary steps and investment needed for covered material, by covered material category– PRC 42067(a)
- CalRecycle is required to publish a list of covered material categories that are not in compliance with the requirements of SB 54 – PRC 42082(a)

Summary of Uses of Covered Material Categories in Statute – Producer & PRO Responsibilities

- The PRO may organize itself into subcommittees or some other similar structure, including delineation by covered material category, to ensure sufficient focus on each covered material category to better enable each category to meet the recycling rates required – PRC 42051(e)
- In developing the budget, the PRO may determine investments the PRO will make based on covered material categories – PRC 42051.1(i)(4)
- The PRO is required to annually report data, some of which is reported by covered material category – PRC 42052
- The PRO is required to create a fee structure that is categorized by covered material category - PRC 42053(d)

Part II. Workshop of Non-Regulatory Items

Non-Regulatory Item:

CalRecycle is seeking feedback on items that may not require the department to promulgate regulations. At this time, CalRecycle is informally seeking feedback on topics and concepts that are important to implementing SB 54 but are outside of the scope of proposed regulatory concepts in Part 3.

CMC Item 1: Estimated Timeline for Covered Material Category List Development

Statute Sections: PRC 42061(a)(1), PRC 42061(c), PRC 42061(d)

PRC 42061(a)(1)

By July 1, 2024, the department shall establish and post on its internet website a list of covered material categories. The department may consider material types and forms referenced in waste characterization studies or material characterization studies for determining the categories.

PRC 42061(c)

By January 1, 2024, the department shall publish on its internet website a list of covered material categories that are, based on available collection and processing infrastructure and recycling markets, deemed recyclable as of January 1, 2024. Covered material is deemed recyclable if it meets the requirements of Section 17989.2 of Title 14 of the California Code of Regulations, as that section existed on January 1, 2023, and Section 42355.51. The list shall include covered material categories identified by the department and considered recyclable pursuant to clause (vi) of subparagraph (B) of paragraph (1) of subdivision (d) of Section 42355.51.

PRC 42061(d)

By January 1, 2024, the department shall create and post on its internet website a list of covered material categories that are deemed compostable as of January 1, 2024. Covered material is deemed compostable if it meets the requirements to be labeled as compostable pursuant to Chapter 5.7 (commencing with Section 42355).

Pursuant to PRC 42061(a)(1), CalRecycle is required to establish and post a list of covered material categories by July 1, 2024. Additionally, CalRecycle is required to publish lists of covered material categories deemed recyclable and compostable by January 1, 2024. This effectively requires a list of covered material categories to be established by January 1, 2024.

CalRecycle is developing the covered material categories list using information from: (1) existing producer reporting systems and other categorizations relevant to single-use packaging and plastic single-use food service ware; (2) sorting categories being used in the SB 343 material characterization study and findings from SB 343 data collection; and (3) feedback from interested parties.

The following estimated timeline provides information on when CalRecycle anticipates providing draft versions of the covered material categories list for feedback and when CalRecycle anticipates publishing and updating the list over the next year. CalRecycle plans to provide draft lists at two public workshops for feedback prior to publishing a list by January 1, 2024.

Estimated Timeline:

- **June 28, 2023** (June Public Workshop) – First draft of covered material categories list provided for feedback from interested parties.
- **August 29/30, 2023** (August Public Workshop) – Second draft of covered material categories list provided for feedback from interested parties.
- **By January 1, 2024** – Publication of list of covered material categories that are deemed recyclable and compostable, along with list of covered material categories.
- **By July 1, 2024** – Publication of updated list of covered material categories.

Informational Item for Interested Parties:

The above estimated timeline provides information on expected public review periods and when the list will be published and updated.

CMC Item 2: Conceptual Framework for Establishing List of Covered Material Categories

Statute Sections: PRC 42041(f), PRC 42061(a)(1)

PRC 42041(f)

“Covered material category” means a category that includes covered material of a similar type and form, as determined by the department.

PRC 42061(a)(1)

By July 1, 2024, the department shall establish and post on its internet website a list of covered material categories. The department may consider material types and forms referenced in waste characterization studies or material characterization studies for determining the categories.

The covered material category (CMC) list must capture the universe of covered materials and be usable across the many uses of covered material categories in statute. An additional consideration in developing the covered material categories list is to minimize the burden of implementation, compliance, reporting, and enforcement to the extent feasible for all parties, while meeting the various requirements set forth in SB 54.

The following proposed framework was drafted to provide a structured approach for establishing the covered material categories list.

Proposed Conceptual Framework

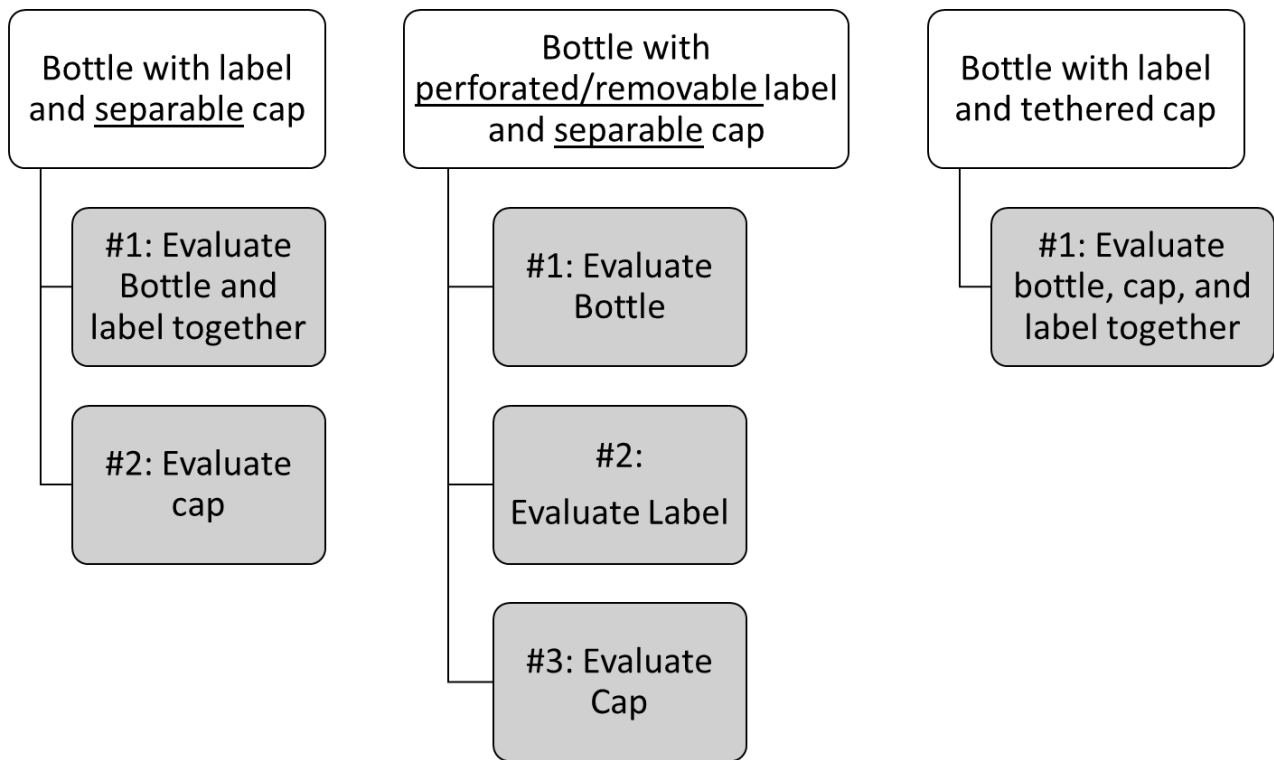
The following conceptual framework was created to guide the development of the covered material categories list. The framework is a set of key factors, or criteria, that will be used as the guiding principles for the development of the list.

Framework Factor #1 – Packaging and Food Service Ware Comprised of Multiple Separable Components

- Concept: For packaging or food service ware comprised of multiple separable components, each separable component should be individually evaluated and classified into a covered material category. In this case, a multi-component packaging or food service ware item could include components that are in different covered material categories.
- Note: The following definition for “separable” was included in the April 2023 informal rulemaking workshop: “Separable” means any covered material designed by the producer to be detachable upon use.
- Example: An example of multi-component packaging is a bottle that includes a label and a cap. Whether the cap and label are considered separable from the bottle will influence how each component should be categorized (see Figure 1). If

the bottle has a non-separable label and separable cap, the bottle and label would be considered jointly when being classified into a covered material category and the cap would be considered on its own. If the bottle has a separable label and a cap, each component would be considered individually classified. For a bottle where both the label and cap are non-separable, all three components would be considered jointly and classified into one covered material category.

Figure 1. Example of how separability would influence evaluation of packaging and food service ware into covered material categories – Gray boxes are the components that would be evaluated to determine how each component should be classified into a covered material category depending on which components are separable from each other.



Framework Factor #2 – Delineating Between Plastic and Nonplastic Covered Material

- Concept: Plastic and nonplastic covered material should be in separate categories (i.e., covered material categories should not be mixtures of plastic and nonplastic covered material).
- Note: The following definition for “nonplastic” was included in the May 2023 informal rulemaking workshop: “Nonplastic” means any material that does not contain any plastic as defined in PRC Section 42041(t).
- Reasoning: There are different requirements under SB 54 for plastic and nonplastic covered material.

Framework Factor #3 – Categorization by Dominant Material Type

- Concept: Covered material should be categorized based on the dominant material type, however, covered material categories will capture whether covered material contains multiple material types.
- Reasoning: Covered materials may be mixtures of material types. For example, a paperboard box with a plastic window has a dominant material type of paperboard, but also includes a plastic component. It should be categorized by its dominant material type, paperboard.

Framework Factor #4 – Addressing Recyclability and Compostability

- Concept: To the extent feasible, cluster covered materials of similar recyclability and/or compostability into the same covered material category.
- Reasoning: Clustering items of similar recyclability and/or compostability will allow for easier determinations of recyclability and compostability, as required by statute.

Framework Factor #5 – Compatibility with Material Characterization Study (MCS) Sorting Categories

- Concept: To the extent feasible, make covered material categories compatible with SB 343 (Allen, Chapter 507, Statutes of 2021) and SB 54 MCS sorting categories.
- Reasoning: CalRecycle is required to estimate covered material categories disposed in CA landfills through an MCS. Additionally, SB 343 MCS data will be an important data source for determining recyclability, by covered material category. Covered material categories should be aligned with sorting categories and limitations of sorting in the field should be considered in covered material categories list development.

Framework Factor #6– Categorizing Small Items

- Concept: For components of covered material where the largest side is less than 2 inches, use a simpler categorization scheme than for items larger than 2 inches. Categorize small items by a combination of material class (type) and size (form) to classify them into covered material categories specifically for small items.
- Reasoning: Generally, material characterization studies conducted by CalRecycle only sort items greater than 2 inches, which is in line with industry standards for how small items are handled in processing facilities. Given this, small items will be aggregated into categories based on material class (e.g., not to the level of resin code) and size.

Request for Feedback:

CalRecycle is seeking feedback on the above conceptual framework being considered to establish the covered material category list pursuant to PRC 42061(a)(1). CalRecycle is also soliciting information on proposed framework factors, or alternative factors, not proposed above.

Specifically, CalRecycle is seeking feedback on how the dominant material type should be identified (see Framework Factor #3), including whether this should be done by mass or other terms.

CMC Item 3: Draft Covered Material Category List

A draft covered material category list was developed based on the conceptual framework described in the previous item.

Most covered material categories, aside from those for small items, are defined by four major characteristics that together describe the covered material included within that category:

- (1) **Material Class** – Broad category of material for which the covered material is predominantly composed of.
 - a. Options: Glass, Metal, Paper/Fiber, Plastic, Wood/Other Organics
- (2) **Material Type** – More specific category of material, within Material Class, for which the covered material is predominantly composed of
 - a. Options: See Figure 3 for list of Material Types by Material Class.
 - b. Note: For items significantly comprised of two or more Material Classes (e.g., a mixture of glass and metal), “Mixed Material Class” should be chosen as the Material Type.
- (3) **Form** – Categories based on shape and other form-related factors. Forms are specific to Material Type.
 - a. Options: See tables below for Forms, by Material Class and Material Type.
- (4) **Presence of Plastic** – Items with a non-excluded plastic component will be characterized as a plastic covered material category while items with no plastic component will be considered a nonplastic covered material category.
 - a. Options: Nonplastic, Plastic

Figure 2 – Material Types by Material Class

Material Classes	Glass	Metal	Paper/Fiber	Plastic	Wood & Other Organic
Material Types	<ul style="list-style-type: none"> • Glass 	<ul style="list-style-type: none"> • Aluminum • Tin/Steel/Bimetal • Other Ferrous • Other Nonferrous 	<ul style="list-style-type: none"> • OCC • Kraft Paper • Paperboard • White Paper • Molded Paper • Multi-Material Laminates (Paper Dominant) • Other/Mixed Paper 	<ul style="list-style-type: none"> • PET (#1) • HDPE (#2) • LDPE (#3) • PVC (#4) • PP (#5) • PS (#6) • Plastics Designed for Potential Compostability • Multi-Material Laminates (Plastic Dominant) • Other Plastics 	<ul style="list-style-type: none"> • Bamboo • Wood • Other Organic Materials

Note: Each Material Class has additional categories for items comprised of multiple material classes (in significant amounts) and small items.

In addition to the category structure described above, specific covered material categories were created for small items, which are items with their largest side less than two inches in length. Categories for small items are defined by three characteristics:

- (1) **Material Class** – Broad category of material for which the covered material is predominantly composed of. Material Type is not considered for categories of small items.
 - a. Options: Glass, Metal, Paper/Fiber, Plastic, Wood/Other Organics
- (2) **Size** – Two sizes categories based on the largest side of the component.
 - a. Options: 1 to 2 inches; and Less than 1 inch.
- (3) **Presence of Plastic** – Items with a non-excluded plastic component will be characterized as a plastic covered material category while items with no plastic component will be considered a nonplastic covered material category.
 - a. Options: Nonplastic, Plastic

Draft Covered Material Category List by Material Class

In the following section, the draft covered material categories are provided in tables, by Material Class. Each table has four columns. The first column is an identification code for each covered material category to allow for interested parties making comments to easily identify the covered material category they are referencing. The second column describes the Material Type and the third column describes the Form of the covered materials included in that covered material category, including whether that covered material includes a plastic component. The final column indicates whether that covered material would be considered a plastic or nonplastic covered material category.

Table 1. Covered Material Categories within the Glass Material Class

CMC ID	Material Type	Form	Plastic or Nonplastic CMC?
GL1N	Glass	Bottle w/o plastic component	Nonplastic
GL1P	Glass	Bottle w/ plastic component	Plastic
GL2N	Glass	Jar w/o plastic component	Nonplastic
GL2P	Glass	Jar w/ plastic component	Plastic
GL3N	Glass	Other Forms w/o plastic component	Nonplastic
GL3P	Glass	Other Forms w/ plastic component	Plastic
GL4N	Mixed Material Class	All Forms with significant amount of other Material Class w/o plastic component	Nonplastic
GL4P	Mixed Material Class	All Forms with significant amount of other Material Class w/o plastic component	Plastic
GL5N	Glass	Small - Largest Side 1"-2" w/o plastic component	Nonplastic
GL5P	Glass	Small - Largest Side 1"-2" w/ plastic component	Plastic
GL6N	Glass	Small - Largest Side less than 1" w/o plastic component	Nonplastic
GL6P	Glass	Small - Largest Side less than 1" w/ plastic component	Plastic

Table 2. Covered Material Categories within the Metal Material Class

CMC ID	Material Type	Form	Plastic or Nonplastic CMC?
M1N	Aluminum	Can (non-aerosol) w/o plastic component	Nonplastic
M1P	Aluminum	Can (non-aerosol) w/ plastic component	Plastic
M2N	Aluminum	Bottle w/o plastic component	Nonplastic
M2P	Aluminum	Bottle w/ plastic component	Plastic
M3P	Aluminum	Cup w/ plastic component	Plastic
M4N	Aluminum	Foil Sheets w/o plastic component	Nonplastic
M4P	Aluminum	Foil Sheets w/ plastic component	Plastic
M5N	Aluminum	Foil Molded Containers w/o plastic component	Nonplastic
M5P	Aluminum	Foil Molded Containers w/ plastic component	Plastic
M6N	Aluminum	Aerosol Can w/o plastic component	Nonplastic
M6P	Aluminum	Aerosol Can w/ plastic component	Plastic
M7N	Aluminum	Other Forms w/o plastic component	Nonplastic
M7P	Aluminum	Other Forms w/ plastic component	Plastic
M8N	Tin/Steel/Bimetal	Can (non-aerosol) w/o plastic component	Nonplastic
M8P	Tin/Steel/Bimetal	Can (non-aerosol) w/ plastic component	Plastic
M9N	Tin/Steel/Bimetal	Aerosol Can w/o plastic component	Nonplastic
M9P	Tin/Steel/Bimetal	Aerosol Can w/ plastic component	Plastic
M10N	Tin/Steel/Bimetal	Other Forms w/o plastic component	Nonplastic
M10P	Tin/Steel/Bimetal	Other Forms w/ plastic component	Plastic
M11N	Other Nonferrous	All Forms w/o plastic component	Nonplastic
M11P	Other Nonferrous	All Forms w/ plastic component	Plastic
M12N	Other Ferrous	All Forms w/o plastic component	Nonplastic
M12P	Other Ferrous	All Forms w/ plastic component	Plastic
M13N	Mixed Material Class	All Forms with significant amount of other Material Class w/o plastic component	Nonplastic
M13P	Mixed Material Class	All Forms with significant amount of other Material Class w/o plastic component	Plastic
M14N	Metal	Small - Largest Side 1"-2" w/o plastic component	Nonplastic
M14P	Metal	Small - Largest Side 1"-2" w/ plastic component	Plastic
M15N	Metal	Small - Largest Side less than 1"w/o plastic component	Nonplastic
M15P	Metal	Small - Largest Side less than 1"w/ plastic component	Plastic

Table 3. Covered Material Categories within the Paper/Fiber Material Class

CMC ID	Material Type	Form	Plastic or Nonplastic CMC?
PF1N	Kraft Paper	Mailing Pouches & Shipping Envelopes w/o plastic component	Nonplastic
PF1P	Kraft Paper	Mailing Pouches & Shipping Envelopes w/ plastic component	Plastic
PF2N	Kraft Paper	Other Forms w/o plastic component	Nonplastic
PF2P	Kraft Paper	Other Forms w/ plastic component	Plastic
PF3P	Molded Fiber	All Forms of Food Service Ware w/ plastic component	Plastic
PF4N	Molded Fiber	All Forms of Packaging w/o plastic component	Nonplastic
PF4P	Molded Fiber	All Forms of Packaging w/ plastic component	Plastic
PF5P	Multi-Material Laminate	Aseptic Containers	Plastic
PF6P	Multi-Material Laminate	Gabletop Cartons	Plastic
PF7P	Multi-Material Laminate	Hot Cups and Cold Cups w/ plastic component	Plastic
PF8N	Multi-Material Laminate	Other Forms w/o plastic component	Nonplastic
PF8P	Multi-Material Laminate	Other Forms w/ plastic component	Plastic
PF9N	OCC	Waxed Cardboard w/o plastic component	Nonplastic
PF9P	OCC	Waxed Cardboard w/plastic component	Plastic
PF10N	OCC	Other Forms w/o plastic component	Nonplastic
PF10P	OCC	Other Forms w/ plastic component	Plastic
PF11N	Paperboard	All Forms w/o plastic component	Nonplastic
PF11P	Paperboard	All Forms w/ plastic component	Plastic
PF12N	White Paper	All Forms w/o plastic component	Nonplastic
PF12P	White Paper	All Forms w/ plastic component	Plastic
PF13N	Other/Mixed Paper	All Forms w/o plastic component	Nonplastic
PF13P	Other/Mixed Paper	All Forms w/ plastic component	Plastic
PF14N	Mixed Material Class	All Forms with significant amount of other Material Class w/o plastic component	Nonplastic

CMC ID	Material Type	Form	Plastic or Nonplastic CMC?
PF14P	Mixed Material Class	All Forms with significant amount of other Material Class w/o plastic component	Plastic
PF15N	Paper/Fiber	Small - Largest Side 1"-2" w/o plastic component	Nonplastic
PF15P	Paper/Fiber	Small - Largest Side 1"-2" w/ plastic component	Plastic
PF16N	Paper/Fiber	Small - Largest Side less than 1"w/o plastic component	Nonplastic
PF16P	Paper/Fiber	Small - Largest Side less than 1"w/ plastic component	Plastic

Table 4. Covered Material Categories within the Plastic Material Class

CMC ID	Material Type	Form	Plastic or Nonplastic CMC?
P1P	PET(#1)	Bottles	Plastic
P2P	PET(#1)	Hinged & Lidded Containers (Thermoformed)	Plastic
P3P	PET(#1)	Cups & Lids	Plastic
P4P	PET(#1)	Plates & Trays	Plastic
P5P	PET(#1)	Jugs & Jars	Plastic
P6P	PET(#1)	Other Rigid Containers	Plastic
P7P	PET(#1)	Other Rigid Items (excluding containers)	Plastic
P8P	PET(#1)	Flexible or Film Items	Plastic
P9P	HDPE(#2)	Natural Bottles	Plastic
P10P	HDPE(#2)	Pigmented Bottles	Plastic
P11P	HDPE(#2)	Natural Jugs & Jars	Plastic
P12P	HDPE(#2)	Pigmented Jugs & Jars	Plastic
P13P	HDPE(#2)	Pails & Buckets	Plastic
P14P	HDPE(#2)	Bags, Sacks, & Pouches	Plastic
P15P	HDPE(#2)	Other Rigid Containers	Plastic
P16P	HDPE(#2)	Other Rigid Items (excluding containers)	Plastic
P17P	PVC(#3)	All Forms	Plastic
P18P	LDPE(#4)	Bottles	Plastic
P19P	LDPE(#4)	Bags, Sacks, & Pouches	Plastic
P20P	LDPE(#4)	Non-Bag Film	Plastic
P21P	LDPE(#4)	Other Rigid Items	Plastic
P22P	PP(#5)	Hinged & Lidded Containers (Thermoformed)	Plastic
P23P	PP(#5)	Lids	Plastic
P24P	PP(#5)	Bags, Sacks & Pouches (film)	Plastic
P25P	PP(#5)	Bags, Sacks, & Pouches (mesh)	Plastic
P26P	PP(#5)	Non-Bag Film	Plastic
P27P	PP(#5)	Utensils	Plastic
P28P	PP(#5)	Other Rigid Items	Plastic
P29P	PS(#6)	Expanded/Foamed Hinged Containers, Plates, Cups, Tubs, Trays, and Other Foamed Containers	Plastic
P30P	PS(#6)	Expanded/Foamed Cushioning and Void Fill	Plastic
P31P	PS(#6)	Other Expanded/Foamed Forms	Plastic
P32P	PS(#6)	Densified Hinged Containers, Plates, Cups, Tubs, Trays, and Other Densified Containers	Plastic

CMC ID	Material Type	Form	Plastic or Nonplastic CMC?
P33P	PS(#6)	Utensils	Plastic
P34P	PS(#6)	Other Densified Forms	Plastic
P35P	Plastics and Polymers Designed for Potential Compostability	All Forms	Plastic
P36P	Multi-Material Laminate	Mailing Pouches & Shipping Envelopes	Plastic
P37P	Multi-Material Laminate	Other Pouches	Plastic
P38P	Multi-Material Laminate	Other Forms	Plastic
P39P	Other/Mixed Plastics	Textiles	Plastic
P40P	Other/Mixed Plastics	Rigid Items	Plastic
P41P	Other/Mixed Plastics	Film Items	Plastic
P42P	Other/Mixed Plastics	Flexible Items	Plastic
P43P	Mixed Material Class	All Forms with significant amount of other Material Class	Plastic
P44P	Plastic	Small - Largest Side 1"-2"	Plastic
P45P	Plastic	Small - Largest Side less than 1"	Plastic

Table 5. Covered Material Categories within the Wood & Other Organics Material Class

CMC ID	Material Type	Form	Plastic or Nonplastic CMC?
WO1N	Bamboo	All Forms w/o plastic component	Nonplastic
WO1P	Bamboo	All Forms w/ plastic component	Plastic
WO2N	Wood	All Untreated Forms w/o plastic component	Nonplastic
WO2P	Wood	All Untreated Forms w/ plastic component	Plastic
WO3N	Wood	All Treated or Painted Forms w/o plastic component	Nonplastic
WO3P	Wood	All Treated or Painted Forms w/ plastic component	Plastic
WO4N	Other/Mixed Organic	Textiles w/o plastic component	Nonplastic
WO4P	Other/Mixed Organic	Textiles w/ plastic component	Plastic
WO5N	Other/Mixed Organic	Other Forms w/o plastic component	Nonplastic
WO5P	Other/Mixed Organic	Other Forms w/ plastic component	Plastic
WO6N	Mixed Material Class	All Forms with significant amount of other Material Class w/o plastic component	Nonplastic
WO6P	Mixed Material Class	All Forms with significant amount of other Material Class w/ plastic component	Plastic
WO7N	Wood & Other Organics	Small - Largest Side 1"-2" w/o plastic component	Nonplastic
WO7P	Wood & Other Organics	Small - Largest Side 1"-2" w/ plastic component	Plastic
WO7N	Wood & Other Organics	Small - Largest Side less than 1"w/o plastic component	Nonplastic
WO7P	Wood & Other Organics	Small - Largest Side less than 1"w/ plastic component	Plastic

Request for Feedback:

CalRecycle is seeking feedback on the draft list of covered material categories presented in the tables above. The feedback provided will help inform the next draft of the covered material category list that will be provided at the August 2023 Public Workshop.

Specifically, CalRecycle is seeking feedback on a number of items: (1) Whether there are covered material that would not fit in any of the categories proposed; (2) Whether color of covered materials (e.g., color of glass or plastic) should be more heavily emphasized; and (3) Whether specific covered material categories should be combined or split up further.

Part III. Workshop of Regulation Concepts

Regulation Concepts:

The rulemaking process is for implementing, interpreting, or making specific statutes the department administers or enforces. Generally, the rulemaking process must follow the requirements of the Administrative Procedures Act, commencing with Government Code section 11340. Currently, CalRecycle is in the period of public participation prior to the publication of the Notice of Proposed Regulatory Action. This means CalRecycle is informally seeking feedback on proposed regulatory concepts for consideration when drafting proposed regulations to implement, interpret, or make specific provisions of SB 54 necessary for the Department's implementation of its provisions.

CalRecycle would like to solicit initial feedback on regulatory concepts pertaining to the covered material category list. The regulation concepts discussed in this workshop include:

- CMC Item 1 – Amendments to the Covered Material Category List

We welcome written feedback and suggestions on the proposed concepts. Guidance for providing written feedback is specified on page 24.

CMC Item 1: Amendments to the Covered Material Category List

Statute Sections: PRC 42061

Pursuant to PRC 42061(e), the department is required to determine a process for updating the CMC list.

Pursuant to PRC 42061(f)(3), the statute states that “a producer that seeks to have a rate included or changed on the list, or a covered material category added to the list, may be required by the department to submit data for purposes of the department’s determination of the rate to include on the list or the appropriateness of adding the category.”

CalRecycle proposes to promulgate regulations to develop a process and overall timeline for making amendments to the CMC list, including the events that trigger this process.

Regulation Concept:

The amendments process will be triggered by one of two situations:

Situation 1: The list is updated based on the data the department collects through a material characterization study.

Situation 2: The list is updated when the PRO, an Independent Producer, or the Advisory Board seek a reasonable amendment due to unforeseeable circumstances that occur during periods where MCSs are not being conducted or when a producer seeks a change pursuant to PRC 42061(f)(3).

For Situation 1, the Department conducts material characterization studies, pursuant to PRC 42061. CalRecycle is required to conduct an initial material characterization study by July 1, 2025, and in the following years: 2028, 2030, 2032 and every four years thereafter. The process includes:

- The department shall evaluate the data collected through the study and determine if the CMC list needs to be amended.
- The department shall make any necessary amendments to the CMC list within 90 days of publication of the results from the material characterization study.

For Situation 2, CalRecycle is seeking to allow a process to amend the CMC list if the PRO, Independent Producer (IP), or the Advisory Board has a reasonable request to amend the list due to unforeseeable circumstances occurring in periods when material characterization studies are not being conducted, or when a producer seeks a change pursuant to PRC 42061(f)(3). The process includes:

- For the PRO or IPs, the request must first be reviewed by the Advisory Board before it is sent to the department.
- The PRO, the IPs, or the Advisory Board shall submit their amendment request in writing to the department.
- CalRecycle shall exercise discretion in determining the merits of the proposed amendments.

- If CalRecycle concurs with the proposed amendment, the CMC list will be amended and the PRO, IPs, and the Advisory Board shall be notified.

Request from Stakeholders:

CalRecycle is seeking feedback on the proposed concepts to amend the CMC list following regular MCS's or at the discretion of the Department based on reasonable and unforeseeable circumstances.

Process for Submitting Written Feedback

CalRecycle has developed a process for requesting written feedback or questions from interested stakeholders. While this process is not a specific requirement, CalRecycle requests all written feedback and questions to be submitted using the specified format below, for the purposes of maintaining consistency in the way in which the information is received, and to aid with expedited review and processing. All written feedback can be submitted to packaging@calrecycle.ca.gov with the subject line: *SB 54 Plastic Pollution Prevention and Packaging Producer Responsibility Act Regulations*. Written feedback can be provided prior to the workshop and after. CalRecycle requests all feedback specific to the June 28, 2023 Workshop is submitted no later than **July 13, 2023**. Preferred formats include e-mail, .docx and PDF.

Requested Feedback on Non-regulatory concepts (Part II):

When providing feedback or asking questions on the non-regulatory concept discussed in Part II, please specify *CMC Part II – Non-regulatory Concept*.

Requested Feedback on Specific Regulation Concepts (Part III):

When providing feedback or asking questions on a specific regulation concept, please include (1) the Item Number [e.g., Item 1, Item 2], including the specific title, (2) feedback or questions related to that regulation concept. For example, when providing feedback on *CMC Item 1 – Amendments to the Covered Material Category List*, the preferred format would be:

CMC Item 1 – Amendments to the Covered Material Category List
Specific feedback related to this item...

This process can be repeated for each regulation concept a stakeholder wants to address. All feedback and questions can be included in the same email or document.

Questions or Feedback for Specific Public Resources Code (PRC)

Sections:

When providing feedback or asking questions on a specific section in the statute, please include (1) the full section number, including any subsections associated with it, (2) feedback or questions related to that section. For example:

PRC 42051.1(b)(3)
Specific feedback or question related to this section...

This process can be repeated for each section a stakeholder wants to address. All feedback and questions can be included in the same email or document.

General Questions or Comments:

When asking general questions or providing general comments on topics related to this workshop that do not focus on a specific regulation concept or specific PRC section, please list each question and comment in numerical order:

Question 1: *General question on this discussion document*
Comment 1: *General comment on this discussion document*