

SB 54 June Rulemaking Workshop

Plastic Pollution Prevention and Packaging Producer Responsibility Act Regulations

SB 54 (Allen, Chapter 75, Statutes of 2022)

Department of Resources Recycling and
Recovery (CalRecycle)

June 28, 2023 (Day 1)



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Agenda

Opening Remarks

Karen Kayfetz, Branch Chief of the Product Stewardship Branch

Topic I: Covered Material Category List

Emily Zakowski, Environmental Scientist in the Knowledge Integration Section

Laura Moreno, Senior Environmental Scientist (Supervisor) in the Knowledge Integration Section

Marcus Santillano, Program Manager in the Packaging EPR Section

Topic II: Recyclability

Dan Brown, Manager of the Knowledge Integration Section

Topic III: Compostability

Grant Hisao, Senior Environmental Scientist (Specialist) in the Packaging EPR Program

Questions/Discussion

Moderated by Karen Kayfetz

Overview of Presentation

- **Topic I: Covered Material Category List**

- Overview of Covered Material Categories (CMC).
- Non-regulatory workshop on the draft CMC list.
- Regulatory workshop of regulation concepts pertaining to the CMC list.

CMC List



- **Topic II: Recyclability**

- Overview of SB 343 (Allen, Chapter 507, Statutes of 2021).
- Regulatory workshop of regulation concepts pertaining to recyclability.

Recyclability



- **Topic III: Compostability**

- Overview of the California's Compostable Products Labeling Law.
- Regulatory workshop of regulation concepts pertaining to compostability.

Compostability



*Follow along using the
Discussion Documents*

Following items may be mentioned but will be discussed in more detail at other workshops

Future Topics

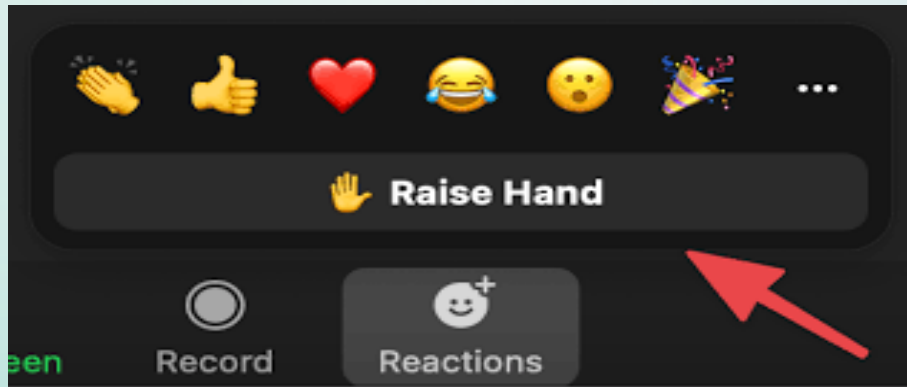
- Needs Assessment
- Recycling Rates
- Enforcement
- Data Reporting

Previously Covered

- PRO Plan
- Budgets
- Document submittals
- Annual reports
- Covered Material definition
- Source Reduction
- Responsible End Markets

Submitting Questions and Feedback

- To make a comment in-person, please line up at the microphone.
- To make an oral comment via Zoom, please raise your hand and the host will unmute you.



- To make a written comment via Zoom, please use the chat box.

Opportunity for Written Feedback

- Written feedback or questions may be submitted after the workshop to packaging@calrecycle.ca.gov with subject line “SB 54 Plastic Pollution Prevention and Packaging Producer Responsibility Act Regulations”.
- We have a documented process for providing written feedback (see *Discussion Documents*)
- We request all written feedback be submitted by **July 13, 2023**.

Topic I. Covered Material Category List

**Department of Resources Recycling and Recovery,
Knowledge Integration Section
Packaging EPR Section**

Emily Zakowski
Environmental Scientist

Laura Moreno
Senior Environmental Scientist (Supervisor)

Marcus Santillano
Environmental Program Manager

Overview of Covered Material Category (CMC) List Presentation

- **Part I (Informational Session):**
 - Key Definitions
 - Statutory Overview of CMC List
- **Part II (Non-Regulatory):**
 - Estimated Timeline for CMC List drafts and updates
 - Draft Conceptual Framework for CMC List
 - First Draft of CMC List for Feedback
- **Part III (Regulation Concepts):**
 - Amending CMC List

Follow along using the Discussion Document



Definitions (CMC List)

Note: Unless specified, CalRecycle is not currently seeking stakeholder feedback on definitions in this section.

Covered Material* – PRC 42041(e)

"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 establishment.

****See full definition in statute for what "covered material" does not include – PRC 42041(e)(2)***

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.

Statutory Overview

Brief Review of Covered Material Categories

- A “covered material category” is a grouping of covered material, by type and form, as determined by the department
- CalRecycle is required to establish and post a list of covered material categories by July 1, 2024 – PRC 42061(a)
- Important term as many aspects of implementation rely on this term.
- Term is used in:
 - Sections pertaining to the PRO, including budget and fee structure – PRC 42051, PRC 42051.1, and PRC 42053
 - Sections pertaining to data reporting – PRC 42052 and PRC 42060
 - Section pertaining to recyclability, compostability, and recycling rate, including material characterization study – PRC 42061
 - Section pertaining to needs assessment – PRC 42067
 - Section pertaining to compliance – PRC 42082

Pertaining to the PRO

- PRC 42051(e)

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 in subdivision (c) of Section 42050.

- PRC 42051.1(i)(4)

In developing the budget, the PRO may delineate investments the PRO will make based on covered material categories.

- PRC 42053(d)

The PRO shall structure the fee schedule required pursuant to subdivision (a), delineated by covered material category and based on the following factors...

Pertaining to Data Reporting

- PRC 42052 (a)(1-2)

(1) The aggregate quantities in total weight and the number of plastic components of covered material, by covered material category and by type of plastic component, manufactured, sold, distributed, or imported in or into the state, as the department deems necessary to determine compliance with this chapter in a form, manner, and frequency determined by the department pursuant to paragraph (2) of subdivision (a) of Section 42060.

(2) The aggregate quantities in total weight and number of plastic components, of covered material by covered material category recycled as the department deems necessary to determine compliance with this chapter in a form and manner determined by the department pursuant to paragraph (2) of subdivision (a) of Section 42060.

- PRC 42060(a)(2)(C)(i)

Data requests by the department shall be consistent with the covered material categories established and posted on the department's internet website pursuant to subdivision (a) of Section 42061.

Pertaining to Recyclability, Compostability, and Recycling Rate

- PRC 42061(a)(2)

The department shall conduct and publish on its internet website a characterization study of covered material categories that are disposed of in California landfills. The department's activities pursuant to this paragraph, including the department's determination of the appropriate facilities to include in the study, are exempt from Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

- PRC 42061(b)

By January 1, 2026, the department shall calculate and publish on its internet website the current recycling rates being achieved in the state for each covered material category. These recycling rates shall be deemed to meet the description in subdivision (g) of Section 11340.9 of the Government Code and may be filed by the Office of Administrative Law, at the request of the department, pursuant to Section 11343.8 of the Government Code.

- 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).

Pertaining to the Needs Assessment

- PRC 42067(a)

The department shall prepare one or more initial statewide needs assessments designed to determine the necessary steps and investment needed for covered material, by covered material category, to achieve the requirements of this chapter. Needs assessments, or components thereof, shall be updated every five years or as necessary to ensure the requirements of this chapter are met. An initial needs assessment for specific covered material shall be completed before the completion and approval of any producer responsibility plan that includes that covered material. The department may select an independent third-party contractor to complete the needs assessment. The department or the third-party contractor shall consult with the PRO and local jurisdictions when developing the needs assessment.

Pertaining to Compliance

- PRC 42082(a)

The department shall post on its internet website a list of covered material categories, including by material form if applicable, by producer, that are not in compliance with this chapter. The department shall update the list at least once every six months.

Non-Regulatory Items

Non-Regulatory Items

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

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

Item 3: Draft Covered Material Category List

Item 1: Estimated Timeline for CMC List Development (1/2)

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).

Item 1: Estimated Timeline for CMC List Development (2/2)

Estimated Timeline

- **June 28, 2023** (June Public Workshop) – First draft of covered material categories list provided for feedback from interested parties.
- **Fall 2023** – 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.

Item 2: Conceptual Framework for Establishing List of Covered Material Categories (1/3)

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.

Item 2: Conceptual Framework for Establishing List of Covered Material Categories (2/3)

- Conceptual Framework
 - Provide a structured approach to establishing the CMC list
 - Key set of factors, or criteria, that will be used as guiding principles for list development
- Six Framework Factors (more detail in next slides)
 - Framework Factor #1: Packaging and Food Service Ware Comprised of Multiple Separable Components
 - Framework Factor #2: Delineating Between Plastic and Nonplastic Covered Material
 - Framework Factor #3: Categorization by Dominant Material Type
 - Framework Factor #4: Addressing Recyclability and Compostability
 - Framework Factor #5: Compatibility with Material Characterization Study Sorting Categories
 - Framework Factor #6: Categorizing Small Items

Framework Factor #1: Packaging and Food Service Ware Comprise 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.

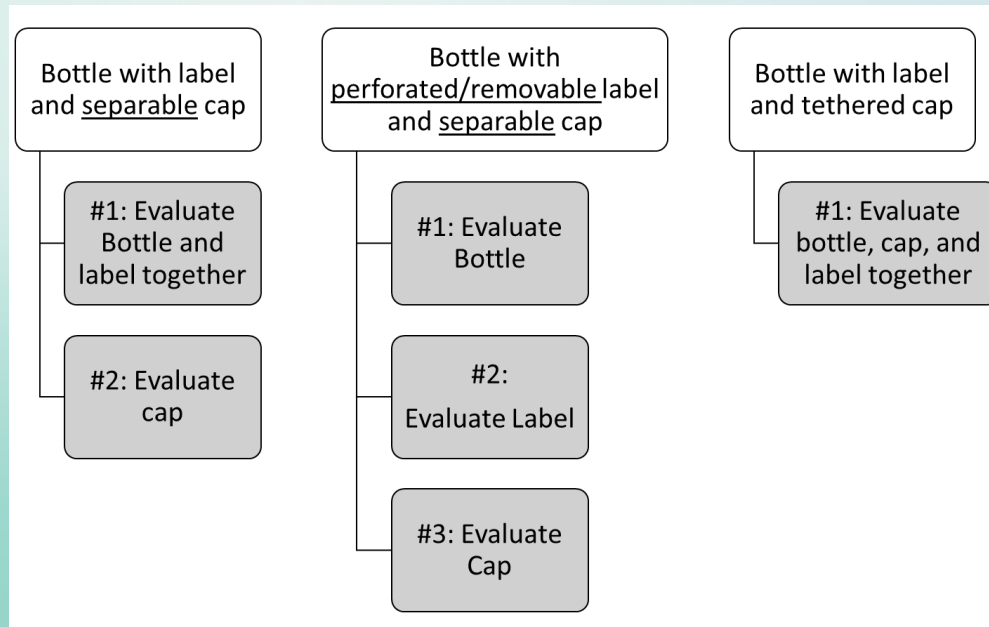


Figure 1. Example of how separability would influence evaluation of packaging and food service ware into covered material categories

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).
- Reasoning: There are different requirements under SB 54 for 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).

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.

Item 2: Conceptual Framework for Establishing List of Covered Material Categories (3/3)

- Six Framework Factors
 - Framework Factor #1: Packaging and Food Service Ware Comprised of Multiple Separable Components
 - Framework Factor #2: Delineating Between Plastic and Nonplastic Covered Material
 - Framework Factor #3: Categorization by Dominant Material Type
 - Framework Factor #4: Addressing Recyclability and Compostability
 - Framework Factor #5: Compatibility with Material Characterization Study Sorting Categories
 - Framework Factor #6: Categorizing Small Items

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.

Item 3: Draft Covered Material Category (CMC) List (1/7)

- Two sets of categories, each defined by three or four major characteristics
 - (1) Items with smallest side greater than 2 inches
 - (2) Small items with largest side less than 2 inches

**Items Larger
than 2 inches**



Item 3: Draft Covered Material Category (CMC) List (2/7)

For items larger than 2 inches, covered material categories are organized around the four major characteristics:

(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 on next slide 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 for Material Type

Item 3: Draft Covered Material Category (CMC) List (3/7)

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.

Item 3: Draft Covered Material Category (CMC) List (4/7)

For items larger than 2 inches, covered material categories are organized around the four major characteristics:

(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

Item 3: Draft Covered Material Category (CMC) List (5/7)

For items smaller than 2 inches, covered material categories are organized around the three major 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

Reviewing the Draft Covered Material Categories

- We will review all 130 categories, by Material Class

CMC ID	Material Type	Form	Plastic or Nonplastic CMC?
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- After reviewing all CMCs, there will be time to provide:
 - Overarching feedback about the entire list
 - Feedback specific to each Material Class

Item 3: Draft Covered Material Category (CMC) List (6/7)

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.

Specifically, CalRecycle is seeking feedback on a number of items: (1) Whether there are covered materials 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.

Categories in 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

Categories in Metal Material Class (1/2)

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

Categories in Metal Material Class (2/2)

CMC ID	Material Type	Form	Plastic or Nonplastic CMC?
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

Categories in Paper/Fiber Material Class (1/2)

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/ a 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

Categories in Paper/Fiber Material Class (2/2)

CMC ID	Material Type	Form	Plastic or Nonplastic CMC?
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
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

Categories in Plastic Material Class (1/3)

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

Categories in Plastic Material Class (2/3)

CMC ID	Material Type	Form	Plastic or Nonplastic CMC?
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
P33P	PS(#6)	Utensils	Plastic
P34P	PS(#6)	Other Densified Forms	Plastic

Categories in Plastic Material Class (3/3)

CMC ID	Material Type	Form	Plastic or Nonplastic CMC?
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

Categories in 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

Item 3: Draft Covered Material Category (CMC) List (7/7)

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.

Specifically, CalRecycle is seeking feedback on a number of items: (1) Whether there are covered materials 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.

Regulatory Concepts

Rulemaking Process

- 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.

Regulatory Concepts

Item 1: Process and timeline for making amendments to the CMC list

Item 1: Process and Timeline for Making Amendments to the CMC List - 1

- 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.

Item 1: Process and Timeline for Making Amendments to the CMC List - 2

- 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).

Item 1: Process and Timeline for Making Amendments to the CMC List - 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.

Item 1: Process and Timeline for Making Amendments to the CMC List - 4

- 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.

Item 1: Process and Timeline for Making Amendments to the CMC List - 5

- 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.

Item 1: Amendments to the CMC List - 6

Request for Feedback:

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

Topic II. Recyclability

**Department of Resources Recycling and Recovery,
Knowledge Integration Section**

Dan Brown

Environmental Program Manager I

Overview of Recyclability Presentation

- **Part I (Informational Session):**

- Background
- Key Definitions

- **Part II (Informational Session):**

- SB 343 Recyclability Criteria
- SB 1335 Recyclability Criteria
- Recyclability Standards

- **Part III (Regulation Concepts):**

- Definitions

*Follow along using the
Discussion Document*



Key Definitions (Recyclability)

Note: Unless specified, CalRecycle is not currently seeking feedback on definitions in this section.

Recycle* – PRC 42041(aa)

(1)“Recycle” or “recycling” means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise ultimately be disposed of onto land or into water or the atmosphere, and returning them to, or maintaining them within, the economic mainstream in the form of recovered material for new, reused, or reconstituted products, including compost, that meet the quality standards necessary to be used in the marketplace.

**See full statutory definition for what “recycle” does and does not include, as well as additional provisions regarding “recycle” – PRC 42041(aa)(2-5)*

Responsible End Market* – PRC 42041(ad)

“Responsible end market” means a materials market in which the recycling and recovery of materials or the disposal of contaminants is conducted in a way that benefits the environment and minimizes risks to public health and worker health and safety. The department may adopt regulations to identify responsible end markets and to establish criteria regarding benefits to the environment and minimizes risks to public health and worker health and safety.

**Note that the definition for “responsible end market” may be made more specific in regulations.*

Statutory Overview (Recyclability)

Brief Review of Recyclability

- SB 54 establishes requirements that covered materials meet recyclability standards established by SB 343 (Allen, Chapter 507, 2021) and regulations promulgated pursuant to SB 1335 (Allen, Chapter 610, 2018).
- SB 54 establishes requirements for CalRecycle to determine covered material categories that meet the recyclability standards.
- This presentation will focus primarily on the criteria and process for determining if a covered material meets the recyclability standards.

Statutory Requirements for Producers

PRC 42050

Consistent with the policy goal established in Section 41780.01 and consistent with the waste hierarchy established in Section 40051, producers of covered material sold, offered for sale, imported, or distributed in the state shall achieve all of the following with respect to the materials for which they are the producers:

(b) Ensure that all covered material offered for sale, distributed, or imported in or into the state on or after January 1, 2032, is recyclable in the state or eligible for being labeled “compostable” in accordance with Chapter 5.7 (commencing with Section 42355).

Statutory Requirements for CalRecycle

- PRC 42061(a)(3)(B)

By January 1, 2024, CalRecycle is required to submit a report to the legislature summarizing the status of material types relative to SB 343 (Allen, Chapter 507, Statutes of 2021).

- PRC 42061(c)

By January 1, 2024, CalRecycle is mandated to publish a list of covered material categories that are deemed recyclable. Covered material is recyclable if it meets the criteria specified in Section 17989.2 of Title 14 of the CCR and Section 42355.51 of the PRC.

- PRC 42061(e)

CalRecycle is required to update the list of covered material categories deemed recyclable at least annually until January 1, 2032. After January 1, 2032, the list will be updated no less than once every two years.

Overview of Recyclability Criteria

Review of SB 343 (Allen, Chapter 507, 2021)

- SB 343, which is sometimes referred to by interested parties as the “Truth in Recycling” or “Truth in Labeling” law, establishes criteria for the use of the chasing arrows or any other indicator of recyclability on products and packaging.
- SB 343 requires CalRecycle to publish information to facilitate interested parties in determining if products or packaging meets the criteria.
- SB 343 does not authorize CalRecycle to determine if products or packaging meet the criteria.

SB 343 Criteria (1)

- PRC 42355.51(d)(2)

Subject to paragraph (3), a product or packaging is considered recyclable in the state if, based on information published by the department pursuant to subparagraph (B) of paragraph (1), the product or packaging is of a material type and form that meets both of the following requirements:

- (A) The material type and form is collected for recycling by recycling programs for jurisdictions that collectively encompass at least 60 percent of the population of the state.
- (B) (i) The material type and form is sorted into defined streams for recycling processes by large volume transfer or processing facilities, as defined in regulations adopted pursuant to Section 43020, that process materials and collectively serve at least 60 percent of recycling programs statewide, with the defined streams sent to and reclaimed at a reclaiming facility consistent with the requirements of the Basel Convention.
- (ii) The department may adopt regulations modifying this requirement to encompass transfer or processing facilities other than large volume transfer or processing facilities, as the department deems appropriate for achieving the purposes of this section.

SB 343 Criteria (2)

- PRC 42355.51(d)(3)

In order for a product or packaging to be deemed recyclable in the state, it must satisfy all of the applicable criteria outlined below.

(A) For plastic packaging, the plastic packaging is designed to not include any components, inks, adhesives, or labels that prevent the recyclability of the packaging according to the APR Design® Guide published by the Association of Plastic Recyclers.

(B) For plastic products and non-plastic products and packaging, the product or packaging is designed to ensure recyclability and does not include any components, inks, adhesives, or labels that prevent the recyclability of the product or packaging.

SB 343 Criteria (3)

- PRC 42355.51(d)(3)
 - (C) The product or packaging does not contain an intentionally added chemical identified pursuant to the regulations implementing subparagraph (4) of subdivision (g) of Section 42370.2.
 - (D) The product or packaging is not made from plastic or fiber that contains perfluoroalkyl or polyfluoroalkyl substances or PFAS that meets either of the following criteria:
 - (i) PFAS that a manufacturer has intentionally added to a product or packaging and that have a functional or technical effect in the product or packaging, including the PFAS components of intentionally added chemicals and PFAS that are intentional breakdown products of an added chemical that also have a functional or technical effect in the product.
 - (ii) The presence of PFAS in a product or product component or packaging or packaging component at or above 100 parts per million, as measured in total organic fluorine.

SB 343 Criteria (3)

- PRC 42355.51(d)(4)

Notwithstanding paragraphs (2) and (3), a product or packaging is recyclable in the state if the product or packaging has a demonstrated recycling rate of at least 75 percent, meaning that not less than 75 percent of the product or packaging sorted and aggregated in the state is reprocessed into new products or packaging.

SB 343 Criteria (4)

- PRC 42355.51(d)(5)

Before January 1, 2030, a product or packaging can be considered recyclable in the state if it is not collected through curbside collection but is part of a non-curbside collection program that recovers at least 60 percent of the material and has commercial value for recycling. After January 1, 2030, the requirement increases to a minimum recovery rate of 75 percent for non-curbside collection programs. The material must still have commercial value and be transported to a facility for sorting and aggregation by material type and form at the end of its useful life.

SB 343 Criteria (5)

- PRC 42355.51(d)(6)

To be deemed recyclable in the state, a product or packaging must be included in a program established on or after January 1, 2022, in accordance with state or federal law. The program must specifically address the recyclability or disposal of said product or packaging, as long as the director determines that it does not contribute to increased contamination of curbside recycling or mislead consumers about its recyclability.

Criteria from Section 17989.2 of Title 14 of the CCR

- CCR 17989.2(a)

Food service packaging items included on the List shall satisfy all the following criteria to minimize public health and litter impacts:

- (1) A food service packaging item that is subject to the Toxics in Packaging Prevention Act (Health and Safety Code Sections 25214.11 through 25214.26) shall not contain lead, mercury, cadmium, or hexavalent chromium, or any "regulated metal" as described in subsection 17989.1(f) in an amount that exceeds 100 parts per million by weight, as measured by the sum of the total concentration levels of all such metals.
- (2) The names of all chemicals included on the Proposition 65 list that are used in the manufacturing of the food service packaging item shall be disclosed to the department by the manufacturer seeking to add the item to the List.
- (3) A food service packaging item made from plastic or fiber and that is recyclable or compostable shall not contain PFASs. A food service packaging item shall be deemed not to contain PFASs if its total fluorine concentration is not more than 100 parts per million, as determined by combustion ion chromatography, particle-induced gamma-ray emission spectroscopy, instrumental neutron activation analysis, or other technique utilized by an ISO/IEC 17025:2017 accredited laboratory.

Overview (Recyclability)

Review of Recyclability Standards

- Recyclability standards include criteria that can be evaluated at a covered material category-level and criteria that can only be evaluated at a product-specific level.
- CalRecycle will not be determining the recyclability of specific products or packaging.
- CalRecycle will develop a list of covered material categories that ***potentially*** meet the standards of recyclability, so long as the specific product or package also meets applicable product-specific standards.

Review of Recyclability Standards

- Product-Specific Criteria (all covered material must meet these criteria to be recyclable)
 - PRC 42355.51(d)(3)
 - CCR Title 14, Section 17989.2(a)
- Covered Material Category-Level Criteria (covered material categories must meet these criteria to be considered potentially recyclable)
 - PRC 42355.51(d)(2)(A)
 - PRC 42355.51(d)(2)(B)(i)
- Product-Specific Exceptions to Covered Material Category-Level Criteria (instead of meeting the covered material category-level criteria, a product can meet the criteria of one of the product-specific exceptions)
 - PRC 42355.51(d)(4)
 - PRC 42355.51(d)(5)
 - PRC 42355.51(d)(6)

Regulatory Concepts

Rulemaking Process

- 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 is seeking to clarify terms used in SB 343 criteria to ensure a consistent determination process.

Regulation Concept Items

- **Item 1:** Proposed definition of “Recycling Program”
- **Item 2:** Proposed definition of “Defined Stream”
- **Item 3:** Proposed definition of “Reclaimed”

Proposed Definition of “Recycling Program”

- PRC 42355.51(d)(2)(A)

The material type and form is collected for recycling by recycling programs for jurisdictions that collectively encompass at least 60 percent of the population of the state.

Proposed Definition of “Recycling Program”

- CalRecycle proposes the definition below:
 - “Recycling program” means a program that provides or facilitates collection of materials for the purpose of recycling those materials.*
 - “Recycling program” includes, but is not limited to, services provided by a hauler that is authorized by a State or local government entity pursuant to a contract, agreement, permit, or other authorization to regularly collect materials within the government entity's jurisdiction for recycling.*

Request for Feedback:

CalRecycle is seeking feedback on the proposed definition of “recycling program.”

Proposed Definition of “Defined Stream”

- PRC 42355.51(d)(2)(B)(i)

The material type and form is sorted into defined streams for recycling processes by large volume transfer or processing facilities, as defined in regulations adopted pursuant to Section 43020, that process materials and collectively serve at least 60 percent of recycling programs statewide, with the defined streams sent to and reclaimed at a reclaiming facility consistent with the requirements of the Basel Convention.

Proposed Definition of “Defined Stream”

- CalRecycle proposes the definition below:
“Defined stream” means that the subject material is separate from solid waste, sorted, aggregated, and sent to further recycling or an end market. “Defined stream” may include subject materials that were not discarded or mixed with solid waste.

Request for Feedback:

CalRecycle is seeking feedback on the proposed definition of “defined stream.”

Proposed Definition of “Reclaimed”

- PRC 42355.51(d)(2)(B)(i)

The material type and form is sorted into defined streams for recycling processes by large volume transfer or processing facilities, as defined in regulations adopted pursuant to Section 43020, that process materials and collectively serve at least 60 percent of recycling programs statewide, with the defined streams sent to and reclaimed at a reclaiming facility consistent with the requirements of the Basel Convention.

Proposed Definition of “Reclaimed”

- CalRecycle proposes the definition below:
“Reclaimed” means that the defined stream is sent to and accepted by a “responsible end market”, as defined in these regulations.

Request for Feedback:

CalRecycle is seeking feedback on the proposed definition of “reclaimed.”

Topic III. Compostability

**Department of Resources Recycling and Recovery,
Packaging EPR Section**

Grant S. Hisao

Senior Environmental Scientist (Specialist)

Overview of Compostability Presentation

- **Part I (Informational Session):**
 - Overview of the California's Compostable Products Labeling Law.

- **Part II (Regulation Concepts):**
 - Regulatory workshop of regulation concepts pertaining to compostability.

Follow along using the Discussion Document



Compostability and SB 54

PRC 42050

Consistent with the policy goal established in Section 41780.01 and consistent with the waste hierarchy established in Section 40051, producers of covered material sold, offered for sale, imported, or distributed in the state shall achieve all of the following with respect to the materials for which they are the producers:

(b) Ensure that all covered material offered for sale, distributed, or imported in or into the state on or after January 1, 2032, is recyclable in the state or **eligible for being labeled “compostable” in accordance with Chapter 5.7 (commencing with Section 42355).**

Chapter 5.7 refers to Public Resources Code Division 30, Part 3, Chapter 5.7, which includes California’s compostable product labeling law.

California's Compostable Product Labeling Law

- Applies to any product sold or offered for sale in the state.
- Product, for the purposes of the labeling statute, means:
 - A consumer product (further defined to mean a product or part of a product that is used, bought, or leased for use by a person for any purpose).
 - A package or packaging component.
 - A bag, sack, wrap, or other thin plastic sheet film product.
 - A food or beverage container or a container component, including, but not limited to, a straw, lid, or utensil.
- Products are prohibited from being labeled “compostable,” unless, at the time of sale, the product meets all specified standards and requirements (discussed further in following slides) – PRC 42357

Standards and Requirements for Compostable Products - 1

- Item 1:
 - The product shall meet either the ASTM D6400-19 or ASTM D6868-19 standards
 - ASTM D6400-19: ASTM Standard Specification for Labeling of Plastics Designed to be Aerobically Composted in Municipal or Industrial Facilities (published in 2019).
 - ASTM D686-19: ASTM Standard Specification for Labeling of EndItems that Incorporate Plastics and Polymers as Coatings or Additives with Paper and Other Substrates Designed to be Aerobically Composted in Municipal or Industrial Facilities (published in 2019).
 - Fiber products that do not incorporate plastic or polymers are not required to meet these standards.
- Item 2: Beginning January 1, 2026, the product must be an allowable agricultural organic input under the requirements of the United States Department of Agriculture's National Organic Program.

Standards and Requirements for Compostable Products - 2

- Item 3: The product does not have a total organic fluorine concentration of greater than 100 ppm.
- Item 4: The product is labeled in a manner that distinguishes it from a noncompostable product upon reasonable inspection by consumers and to help enable efficient processing by solid waste processing facilities.
- Item 5: The product is designed to be associated with the recovery of desirable organic wastes, such as food scraps and yard trimmings, that are collected for composting.

How does the labeling law apply to SB 54?

- The labeling law specifies the minimum standards for a product to be labeled “compostable.”
- SB 54 requires covered materials to be either recyclable (as discussed in Topic II of today’s workshop) or eligible to be labeled compostable pursuant to the compostable product labeling law.

Regulatory Concepts

Regulation Concept Items

- **Item 1:** Proposed definition of “compostable.”
- **Item 2:** Revised Responsible End Market concept for compostable covered materials.

Item 1: Proposed Definition of “Compostable” - 1

- “Compostable” is not defined in SB 54.
- Defining “compostable” for the purposes of this program through regulations is deemed necessary for implementation.
- Proposed definition will mirror the requirements of the labeling statute.

Item 1: Proposed Definition of “Compostable” - 2

“Compostable” means that the covered material meets all of the following criteria:

- (1) Unless the covered material is fiber-based and does not contain or incorporate plastic or polymers, the covered material shall meet either of the following standards:
 - (A) The ASTM Standard Specification for Labeling of Plastics Designed to be Aerobically Composted in Municipal or Industrial Facilities D6400, as published in 2019.
 - (B) The ASTM Standard Specification for Labeling of End Items that Incorporate Plastics and Polymers as Coatings or Additives with Paper and Other Substrates Designed to be Aerobically Composted in Municipal or Industrial Facilities D6868, as published in 2019.
- (2) On or after January 1, 2026, the covered material is an allowable agricultural organic input under the requirements of the United States Department of Agriculture National Organic Program.
- (3) The covered material does not have a total organic fluorine concentration of greater than 100 parts per million.
- (4) The covered material is designed to be collected for recovery with organic waste, such as food scraps and yard trimmings.

Item 1: Proposed Definition of “Compostable” - 3

Request:

CalRecycle is seeking feedback on the proposed definition of “compostable.”

Item 2: Revised Responsible End Market concept for compostable covered materials - 1

On May 31, 2023, CalRecycle held a public workshop on SB 54 and presented a proposed concept regarding “responsible end markets.”

Please refer to the REM discussion document from May for more information.

Brief Review of the REM Concept:

- Defined “end market” for glass, metal, paper, plastics, and compostable materials.
- Defined the standards for responsible.
(Compliant, Transparent, Max. benefits to env. and min. risks to public health and safety, 60% yield)
- States that a REM requires both the end market and intermediate supply chain entities to meet the standards for responsible.
- Specified verification and reporting requirements.

Thank you to our participants and commenters from our May workshop.

Item 2: Revised Responsible End Market concept for compostable covered materials - 2

CalRecycle received substantive feedback on the compostable portion.

Summary of comments on the compostable materials portion:

- Pertaining to 60% yield requirement:
 - 60% yield may be reasonable for recycling but not for composting.
 - 60% yield would be very difficult to measure for compostable materials.
- General comments:
 - Many composters don't accept compostable plastics.
 - How do we ensure compostable plastics are converted into finished compost or another organic waste product and not disposed?

CalRecycle is proposing an alternative to the yield requirement for compostable covered material.

Item 2: Adequate Biodegradation - 1

In lieu of having a yield standard for compostable materials, CalRecycle proposes:

For an end market for compostable covered materials to be deemed responsible, the end market shall achieve adequate biodegradation of the covered material.

Adequate biodegradation of compostable covered materials means:

- Compostable covered materials achieve 90% biodegradation within a timeframe required by the end market. If the end market does not allow for 90% biodegradation and subsequently disposes the unconverted portion as residual material, the end market shall not be deemed responsible.
- If the end market disposes compostable covered materials, the end market shall not be deemed a responsible end market for the purposes of this chapter.

Continued on next slide.

Item 2: Adequate Biodegradation - 2

Adequate biodegradation for compostable materials means (continued):

- If an end market chooses not to accept compostable covered materials, the end market shall notify the department, the PRO, and any independent producers of such actions in writing and include the following information:
 - The type of covered material or covered material category that the entity will not accept.
 - The reason for not accepting the covered material or covered material category.
- If a compostable covered material or compostable covered material category is not accepted by at least 50 percent of organic waste recycling programs statewide and not processed by at least 50 percent of mixed material composting facilities or anaerobic digestion facilities statewide, the PRO or independent producer shall take the following actions:
 - Develop an alternative collection program statewide for compostable covered materials and transport the collected covered materials to a responsible end market.
 - Increase investments to develop responsible end markets for compostable covered materials statewide.

Item 2: Request for Feedback on Revised REM Proposal

Request:

CalRecycle is seeking feedback on the proposed modification to the standards of “responsible” in the Responsible End Markets concept that was presented on May 31, 2023.

Recap: Topics of Today's Workshop

- **Topic I: CMC List**

- Overview of Covered Material Categories (CMC).
- Non-regulatory workshop on the draft CMC list.
- Regulatory workshop of regulation concepts pertaining to the CMC list.

- **Topic II: Recyclability**

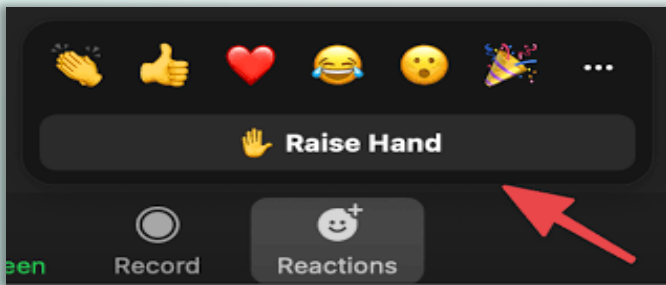
- Overview of recyclability criteria
- Regulatory workshop of regulation concepts pertaining to recyclability.

- **Topic III: Compostability**

- Overview of the California's Compostable Products Labeling Law.
- Regulatory workshop of regulation concepts pertaining to compostability.

Questions and Comments

- To make a comment in-person, please line up at the podium.
- To make an oral comment via Zoom, please raise your hand and the host will unmute you.



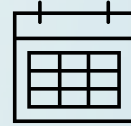
- To make a written comment via Zoom, please use the chat box.

Opportunity for Written Feedback

- Written feedback or questions may be submitted after the workshop to packaging@calrecycle.ca.gov with subject line “SB 54 Plastic Pollution Prevention and Packaging Producer Responsibility Act Regulations”.
- We have developed a process for providing written feedback (see *Discussion Documents*)
- We request all written feedback be submitted by **July 18, 2023**.



[Sign-up for our SB 54 Listserv](#)



July SB 54 Informational Session and Informal Rulemaking Workshop:

- July 24, 2023 at 10:00 AM
- July 25, 2023 at 10:00 AM
- Located in the Byron Sher Auditorium (CalEPA HQ)
- Hybrid (Zoom/Webcast)



More information forthcoming; will be distributed through our [listserv](#) and available on the [SB 54 Webpage](#).

Email: Packaging@CalRecycle.ca.gov

Break

**Please return by:
1:00 PM**