

# **SB 54 Informal Rulemaking Workshop: July 2023 Workshop Discussion Document**

## **SB 54 Plastic Pollution Prevention and Packaging Producer Responsibility Act Regulations**

**July 25, 2023**

**Department of Resources Recycling and Recovery**

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

**Regulations Unit, Legal Affairs Office**

## **Topic: Ecomodulated Fee**

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## Overview and Purpose of Workshop

The Department of Resources Recycling and Recovery (CalRecycle) has scheduled a workshop on [July 25, 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 parties to solicit feedback on some of the requirements outlined in [SB 54 \(Allen, Chapter 75, Statutes of 2022\)](#).

One of the topics of this workshop will be the Ecomodulated PRO fee. This workshop is split into two parts:

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

The purpose of this document is to provide public participants 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 are specified in a gray textbox.

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

- Recyclability (6/28/2023 workshop)
- Compostability (6/28/2023 workshop)
- Responsible End Markets (5/31/2023 workshop)
- Covered Material Category Determination\* (4/25/2023 and 6/28/2023 workshop)
- Source Reduction (5/31/2023 workshop)
- PRO Plan (3/29/2023 workshop)
- Budgets (3/29/2023 workshop)
- Document submittals (3/29/2023 workshop)
- Annual reports (4/25/2023 workshop)

The topics above were topics that were covered in previous workshops. Others will be addressed at a subsequent workshop. Workshop information can be found on the SB 54 [webpage](#) under *Events*. For other topics being discussed at the July workshop, please refer to the corresponding discussion document for that topic.

## **Part I. Background and Informational Items**

The Producer Responsibility Organization (PRO) is required to establish and charge a fee for each participant producer. The fee shall be used to fund the PRO's budget. This section provides a statutory overview of the fee.

### **Abbreviations and Acronym List**

- CalRecycle: California Department of Resources Recycling and Recovery
- Department: California Department of Resources Recycling and Recovery
- PRO: Producer Responsibility Organization
- Plan: Producer Responsibility Plan
- PRC: Public Resources Code (California Statute)
- REM: Responsible End Market

### **Relevant Statutory Definitions**

Listed below are the existing statutory definitions relevant to this rulemaking workshop topic. CalRecycle may further refine these definitions in regulations.

#### Malus fee – PRC 42041(o)

“Malus fee” means a charge imposed by a PRO on a participant producer for a covered material due to the adverse environmental or public health impacts of the covered material.

#### Needs assessment – PRC 42041(q)

“Needs assessment” means a needs assessment prepared pursuant to Section 42067.

#### Producer responsibility organization – PRC 42041(x)

“Producer responsibility organization” or “PRO” means an organization that is exempt from taxation under Section 501(c)(3) of the federal Internal Revenue Code of 1986 and is formed for the purpose of implementing a plan to meet the requirements of this chapter.

#### Producer responsibility plan – PRC 42041(y)

“Producer responsibility plan” or “plan,” unless context requires otherwise, means the plan produced by a PRO, or by a producer that chooses to assume responsibility to comply with this chapter individually, and submitted to the advisory board and department pursuant to Section 42051.1.

### **PRO Fee**

Pursuant to PRC 42051.1(d) and PRC 42053, the PRO is required to establish a fee for participant producers. Participant producers shall be charged the fee and the PRO is required to set the fee high enough to ensure that the PRO's budget is fully funded and the requirements of the chapter are met and fully implemented.

### General Requirements for the PRO

- PRC 42053(a)(1) – Establish fees for producers high enough to cover the cost of implementation and fully fund the PRO budget. The fee shall not be passed on to consumers as a separate item on a receipt or invoice.
- PRC 42053(a)(2) – PRO shall adjust any fee schedules at least every year or more frequently.
- PRC 42053(a)(3) – Producers shall pay the fee and the PRO can request the producers to provide records or other information necessary for the PRO.
- The PRO shall establish a fee schedule based on the requirements outlined in PRC 42053(c).

### PRO Requirements Specific to the PRO Plan

Pursuant to PRC 42051.1(d), the PRO is required to include in the PRO plan:

- Calculation of the fees for each participant.
- A description of the process through which the PRO will collect fees from participant producers.
- A description of the fee structure.
- A schedule of actual fees that the PRO charged participant producers.

Pursuant to PRC 42051.1(i)(1), the plan shall include consideration of the needs assessment and any recommended investments to meet the needs identified in the needs assessments and inform the budget.

### Fee Schedule

Pursuant to PRC 42053(c), the fee schedule shall include:

- Individual assessments imposed on a producer due to unique characteristics of their covered material, as described in PRC 42053(d).
- Any adjustments pursuant to PRC 42053(e).
- California circular economy administrative fee.
- Reimbursing the department for costs to administer the advisory board.
- Fees associated with environmental mitigation activities (environmental mitigation fee).
- Costs of the PRO, including staff costs in developing and implementing the plan.
- Any other costs described in PRC 42051.1(j) – budget section.

### Ecomodulation of Fees

Pursuant to PRC 42053(d), fees shall be delineated by covered material category and based on the following factors:

- Covered material that is easier and less expensive to recycle or compost or that is designed to be recycled into a similar covered material or a material that is easier to be composted shall be subject to lower fees.

- Costs to ensure each covered material category meets the requirements of this chapter, with costs including:
  - Cost to develop and sustain viable responsible end markets for each covered material category.
  - Costs to collect, sort, avoid or remove contamination, aggregate, and transport the covered material into defined streams to support the viable responsible end markets for the remanufacturing of the covered material either through curbside collection or other means.
  - Costs necessary to implement the plan and achieve source reduction, recyclability and compostability, recycling rate, and other requirements (e.g., plan implementation avoids and minimizes negative environmental or public health impacts on disadvantaged or low-income communities or rural areas).
  - Cost incurred by local jurisdictions or recycling service providers for any waste stream sampling and reporting required by this chapter and for any cost incurred to educate ratepayers to improve the preparation and sorting of covered material.
- If the covered material contains elements (e.g., inks, labels, adhesives) that make it detrimental to recycling or composting, the fee must account for increase costs to manage the covered material.
- Costs incurred by PRO to assist producers meet source reduction goals.

#### Malus Fees and Credits

Pursuant to PRC 42053(e), fees must be adjusted with malus fees or credits based on any of the following criteria, as applicable:

- Percentage of postconsumer recycled content in a producer's covered material. Postconsumer recycled content shall be validated through an independent third party approved to perform validation services to ensure percentage exceeds minimum requirements as long as the recycled content does not disrupt the potential for future recycling.
- Source reduction related to right-sizing, optimization, and bulking of packaging, or concentrating the product packaged to reduce packaging.
- Standardization of packaging materials that simplifies the processing, marketing, sorting, and recycling or composting of covered materials.
- Presence of hazardous materials (OEHHA, DTSC, or CalRecycle).
- Actions taken by the producer to accelerate source reduction and to invest in sustained and robust reuse and refill systems. Some producer may receive a credit if they are advanced in conducting source reduction and others will receive a malus fee for not achieving source reduction for similar products.
- Plastic covered materials derived from renewable materials shall be subject to a reduced fee relative to plastic covered material derived from a nonrenewable material.

- Certified compostable covered materials that do not contain toxic additives shall be subject to a reduced fee, as determined by the PRO.
- Covered material that contains toxic heavy metals, pathogens, or additives shall be subject to an increased fee.

#### Special Assessments

PRC 42053(f) specifies that the PRO may include special assessment to a category of covered material at the request of the producers if the nature of the covered material imposes unusual costs in collection or processing or requires special actions to address effective access to recycling, composting, or successful processing. The revenue shall be used to make system improvements for the specific covered materials or products.

## **Part II. 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 regulations to implement, interpret, or make specific provisions of SB 54 necessary for the Department's implementation of statute.

CalRecycle would like to solicit initial feedback from interested parties on regulatory concepts pertaining to PRO fee. The regulation concepts discussed in this workshop include:

- EF Item 1 – Justification for ecomodulated fee.
- EF Item 2 – Justification for malus fees and credits.
- EF Item 3 – Updates to fees by the PRO.
- EF Item 4 – Fees and responsible end markets.
- EF Item 5 – Adding specificity to the malus fee and credit factors – hazardous material.
- EF Item 6 – Adding specificity to the malus fee and credit factors – reusable/refillable.
- EF Item 7 – Adding specificity to the malus fee and credit factors – renewable.

CalRecycle welcomes written feedback and suggestions on the proposed concepts. Guidance for providing written feedback is specified on page 16.

### **EF Item 1: Justification for ecomodulated fee.**

#### Relevant Statutory Language

*PRC 42053(d)*

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

(1) The costs to ensure each covered material category meets the requirements of this chapter. Covered material that is easier and less expensive to recycle or compost or that is designed to be recycled into a similar covered material or a material that is easier to be composted shall be subject to lower fees. The costs may include all of the following:

(A) Costs to develop and sustain viable responsible end markets for each covered material category.

(B) Costs to collect, sort, avoid or remove contamination, aggregate, and transport the covered material into defined streams to support the viable



responsible end markets for the remanufacturing of the covered material either through curbside collection or other means.

(C) Costs incurred by local jurisdictions or recycling service providers to process and transport covered materials in a manner and quality sufficient for acceptance by viable responsible end markets. This includes costs incurred by local jurisdictions or recycling service providers to reduce or mitigate the rate of inbound contamination by noncertified compostable products at composting facilities. These costs may vary by local jurisdiction.

(D) Other costs necessary to implement the plan and achieve the source reduction, recyclability and compostability, recycling rate, and other requirements of this chapter, including, but not limited to, ensuring that plan implementation avoids and minimizes negative environmental or public health impacts on disadvantaged or low-income communities or rural areas.

(E) Costs incurred by local jurisdictions or recycling service providers for any waste stream sampling and reporting required by this chapter and for any costs incurred to educate ratepayers to improve the preparation and sorting, as needed, of covered material.

(2) If recycling or composting of the covered material is made more difficult by the incorporation of specific elements, including, but not limited to, inks, labels, and adhesives that may be detrimental to recycling or composting according to the Association of Plastic Recyclers design guide or other relevant industry association, or criteria established by the department, the fee for that covered material shall be sufficient to account for the increased cost to manage that covered material.

(3) The commodity value of the covered material based on an independent index or the reported commodity value of materials of equivalent quality of the covered material.

(4) Costs incurred by the PRO to assist producers to meet the source reduction requirements pursuant to Section 42057.

### Regulation Concept

The PRO is required to calculate and assess a fee for each participant producer. The fee is to be ecomodulated, pursuant to PRC 42053(d). CalRecycle proposes to require the PRO to provide a justification for fee values set for each producer. The justification shall be delineated by covered material category and shall address each of the factors identified in PRC 42053(d).

In the justification, the PRO shall be required to use the following data to support the justification:

- Data contained in the most recent needs assessment.
- Data contained in the most recent material characterization study.

- Data from a recent academic study.
- Source reduction data.
- Data pertaining to recycling yield of recyclable materials.
- Data pertaining to biodegradation of compostable materials.
- Other verifiable data.

In addition, if the PRO's justification for fees is in contradiction with specified data sources, the PRO shall provide an explanation of the discrepancy. The PRO shall provide supporting documentation and data to justify the discrepancy.

Proposed Regulation Text

(1) The base fee of the PRO fee shall be modulated by the factors defined in subdivision (d) of Section 42053 of the Public Resources Code and shall ensure that it accounts for the costs to ensure covered material meet the requirements of the chapter, including minimization of environmental and public health impacts along with the entire supply chain of covered materials.

- (2) (A) In setting the base fees for plan participants, the PRO shall include a justification. The justification shall be delineated by covered material category and shall address each factor specified in subdivision (d) of Section 42053. The justification for fees shall be informed by the data contained in the most recent needs assessment, the most recent material characterization studies, recent academic studies, source reduction data, data pertaining to recycling yield, data pertaining to biodegradation of compostable materials, and other verifiable data. (B) If the PRO's justification for fees is in contradiction with the results of the needs assessment, material characterization studies or data pertaining to source reduction, recycling yield of recyclable materials, or biodegradation of compostable materials, the PRO in its justification shall provide an explanation of the discrepancy. The PRO shall provide supporting documentation and data to justify the discrepancy.

**Request:**

CalRecycle is seeking feedback on the proposed regulatory concept to require the PRO to include a justification in setting the ecomodulated fee and to require the PRO to use data to support the justification.

**EF Item 2: Justification for malus fees and credits.**

Relevant Statutory Language

*PRC 42053(e)*

The fee required pursuant to subdivision (a) shall be adjusted using malus fees or credits for participant producers, with those adjustments based on any of the following, as applicable:

- (1) The percentage of postconsumer recycled content in the participant producer's covered materials. The percentage of postconsumer recycled content shall be validated through an independent third party approved by the department to perform validation services to ensure that the percentage exceeds the minimum requirements for the covered material, as long as the recycled content does not disrupt the potential for future recycling.
- (2) Source reduction related to right-sizing, optimization, and bulking of packaging, or concentrating the product packaged to reduce packaging.
- (3) Standardization of packaging materials that simplifies the processing, marketing, sorting, and recycling or composting of covered materials.
- (4) Presence of hazardous material as identified by the Office of Environmental Health Hazard Assessment, the Department of Toxic Substances Control, or the department.
- (5) Actions taken by the producer, including clear and accurate disposal, recycling or composting, or reuse and refill labeling and instructions, that comply with Chapter 5.7 (commencing with Section 42335), including paragraph (6) of subdivision (d) of Section 42355.51, that improve consumer behavior related to sorting and proper disposal.
- (6) Actions taken by the producer to accelerate source reduction and to invest in sustained and robust reuse and refill systems. The PRO may create a mechanism to allow producers to receive a credit for achieving source reduction beyond what producers of similar covered material are achieving. The revenue for that credit shall be paid for by charging producers not achieving source reduction for similar products a malus fee.
- (7) Plastic covered materials derived from renewable materials shall be subject to a reduced fee relative to plastic covered material derived from a nonrenewable material.
- (8) Certified compostable covered materials that do not contain toxic additives shall be subject to a reduced fee, as determined by the PRO.
- (9) Covered material that contains toxic heavy metals, pathogens, or additives shall be subject to an increased fee.

#### Regulation Concept

The PRO shall adjust fees for producers with malus fees and credits. PRC 42053(e) identifies the criteria by which the PRO shall use in assessing malus fees or awarding credits. CalRecycle proposes to require the PRO provide a justification for any credits or malus fees that are assessed or awarded to producers.

The justification shall be done by covered material category and shall address each of the factors identified in PRC 42053(e). In the justification, the PRO shall also be required to use the following pieces of data to support the justification:

- Data contained in the most recent needs assessment.
- Data contained in the most recent material characterization study.

- A recent academic study.
- Source reduction data.
- Data pertaining to recycling yield of recyclable materials.
- Data pertaining to biodegradation of compostable materials.
- Other verifiable data.

In addition, if the PRO’s justification is in contradiction with the specified data sources, the PRO shall provide an explanation of the discrepancy. The PRO shall provide supporting documentation and data to justify the discrepancy.

Proposed Regulation Text

(1) For any malus fees charged to a producer and for any credits awarded to a producer, the PRO shall include a justification. The justification shall be delineated by covered material category and shall address each factor specified in subdivision (e) of Section 42053. The justification for malus fees or credits shall be informed by the data contained in the most recent needs assessment, the most recent material characterization studies, recent academic studies, source reduction data, data pertaining to recycling yield, data pertaining to biodegradation of compostable materials, and other verifiable data.

(2) If the PRO’s justification for malus fees or credits is in contradiction with the results of the needs assessment material characterization studies or data pertaining to source reduction, recycling yield of recyclable materials, or biodegradation of compostable materials, the PRO in its justification shall provide an explanation of the discrepancy. The PRO shall provide supporting documentation and data to justify the discrepancy.

**Request:**

CalRecycle is seeking feedback on the proposed regulatory concept to require the PRO to include a justification in awarding credits or assessing malus fees to producers.

**EF Item 3: Updates to fees by the PRO.**

Relevant Statutory Language

*PRC 42053(a)(2)*

The PRO shall adjust any fee schedules at least every year or more frequently if needed in order to fully cover the expenses approved budget.

Regulation Concept

Pursuant to statute, the PRO shall adjust fee schedules at least annually or more frequently if necessary. CalRecycle proposes the following:

- If the PRO adjusts the fee schedules annually, the PRO shall specify the changes in the annual report.

- If the PRO adjusts the fee schedules more frequently, the PRO shall submit a plan amendment along with an updated budget.
- When preparing an annual report or plan amendment that adjusts the fees, including any malus fees or credits, the PRO shall prepare a justification similar to how the PRO prepares a justification under EF Item 1 and EF Item 2.

Proposed Regulation Text

(1) If the PRO adjusts the fee schedules annually, including any changes to malus fees or credits, the PRO shall specify the changes in the annual report.

(2) If the PRO adjusts the fee more frequently, including any changes to malus fees or credits, the PRO shall submit a plan amendment along with an updated budget.

(3) (A) In preparing the annual report or plan amendment that adjusts the base fee for a producer, the PRO shall prepare a justification. The justification shall be delineated by covered material category and shall address each factor specified in subdivision (d) of Section 42053. The justification for fees shall be informed by the data contained in the most recent needs assessment, the most recent material characterization studies, recent academic studies, source reduction data, data pertaining to recycling yield, data pertaining to biodegradation of compostable materials, and other verifiable data.

(B) If the PRO's justification is in contradiction with the results of the needs assessment material characterization studies or data pertaining to source reduction, recycling yield of recyclable materials, or biodegradation of compostable materials, the PRO in its justification shall provide an explanation of the discrepancy. The PRO shall provide supporting documentation and data to justify the discrepancy.

(4) (A) In preparing the annual report or plan amendment that adjusts any malus fees or credits for a producer, the PRO shall prepare a justification. The justification shall be delineated by covered material category and shall address each factor specified in subdivision (e) of Section 42053. The justification for malus fees or credits shall be informed by the data contained in the most recent needs assessment, the most recent material characterization studies, recent academic studies, source reduction data, data pertaining to recycling yield, data pertaining to biodegradation of compostable materials, and other verifiable data.

(B) If the PRO's justification is in contradiction with the results of the needs assessment material characterization studies or data pertaining to source reduction, recycling yield of recyclable materials, or biodegradation of compostable materials, the PRO in its justification shall provide an explanation of the discrepancy. The PRO shall provide supporting documentation and data to justify the discrepancy.

**Request:**

CalRecycle is seeking feedback on the proposed regulatory concepts pertaining to the PRO updating fees.

**EF Item 4: Fees and responsible end markets**

CalRecycle proposes to require the PRO to charge higher fees to participant producers who use covered materials that do not have a responsible end market. The higher fees for these producers shall then be used to fund the development of responsible end markets for the covered materials.

Furthermore, producers who use covered materials that do not have responsible end market shall not be eligible for any credits until a viable responsible end market for the covered material has been established.

Regulation Concept

(1) The PRO shall charge higher base fees for producers who use covered materials that lack a responsible end market to fund the necessary investments to develop viable responsible end markets.

(2) Producers who use covered materials that lack a responsible end market shall not be eligible for any credits until a viable responsible end market for the covered material has been established.

**Request:**

CalRecycle is seeking feedback on the proposed regulatory concepts pertaining to fees and responsible end markets.

**EF Item 5: Adding specificity to the malus fee and credit factors – hazardous material.**

PRC 42053(e) specifies the factors by which the PRO shall assess malus fees or award credits to producers. CalRecycle is seeking to add specificity to some of the factors.

Relevant Statutory Language

*PRC 42053(e)(4)*

The fee required pursuant to subdivision (a) shall be adjusted using malus fees or credits for participant producers, with those adjustments based on any of the following, as applicable:

(4) Presence of hazardous material as identified by the Office of Environmental Health Hazard Assessment, the Department of Toxic Substances Control, or the department.

### Reg. Concept

CalRecycle proposes to specify that the PRO shall charge a malus fee to producers who use covered material that contains a chemical listed on either of the following:

- (1) The Proposition 65 list (Section 25249.8 of the Health and Safety Code).
- (2) The Candidate Chemicals List established pursuant to Title 22, Division 4.5, Chapter 55, Article 2, Section 69502.2 (DTSC's Safer Consumer Products Program's Candidate Chemicals List).

### **Request:**

CalRecycle is seeking feedback on the proposed regulatory concepts pertaining to malus fees applied to covered material containing hazardous material.

### **EF Item 6: Adding specificity to the malus fee and credit factors – reusable/refillable.**

PRC 42053(e) specifies the factors by which the PRO shall assess malus fees or award credits to producers. CalRecycle is seeking to add specificity to some of the factors.

### Relevant Statutory Language

#### *PRC 42053(e)(6)*

The fee required pursuant to subdivision (a) shall be adjusted using malus fees or credits for participant producers, with those adjustments based on any of the following, as applicable:

- (6) Actions taken by the producer to accelerate source reduction and to invest in sustained and robust reuse and refill systems. The PRO may create a mechanism to allow producers to receive a credit for achieving source reduction beyond what producers of similar covered material are achieving. The revenue for that credit shall be paid for by charging producers not achieving source reduction for similar products a malus fee.

### Reg. Concept

CalRecycle proposes to require the PRO to adjust credits pertaining to reusable or refillable alternatives in the following way:

- (1) Adjust credits based on the number of times a reusable or refillable alternative to a covered material is used in the supply chain prior to the end of life of the alternative. The adjustment shall increase credits to producers who switch to reusable or refillable alternatives that are reused or refilled more frequently.
- (2) If a material characterization study finds that a refillable or reusable alternative to a covered material category is being frequently disposed, the PRO shall stop providing credits to producers who use that alternative.

### **Request:**

CalRecycle is seeking feedback on the proposed regulatory concepts pertaining to credits applied for reusable or refillable alternatives.

## **EF Item 7: Adding specificity to the malus fee and credit factors – renewable.**

PRC 42053(e) specifies the factors by which the PRO shall assess malus fees or award credits to producers. CalRecycle is seeking to add specificity to some of the factors.

### Relevant Statutory Language

#### *PRC 42053(e)(7)*

The fee required pursuant to subdivision (a) shall be adjusted using malus fees or credits for participant producers, with those adjustments based on any of the following, as applicable:

(7) Plastic covered materials derived from renewable materials shall be subject to a reduced fee relative to plastic covered material derived from a nonrenewable material.

### Reg. Concept

CalRecycle proposes to renewable:

“Renewable,” for the purposes of subsection (7) of subdivision (e) of Section 42053, means a material that is made of a natural resource that can be replenished. “Renewable” material includes but is not limited to materials derived from wood, mycelium, or plants such as cotton, corn, sugar cane, or wheat.

### **Request:**

CalRecycle is seeking feedback on the proposed regulatory concepts pertaining to the definition of renewable.



## Process for Submitting Written Feedback

CalRecycle has developed a process for requesting written feedback or questions from interested parties. 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](mailto: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 July 2023 Workshop to be submitted no later than **August 08, 2023**. Preferred formats include e-mail, Word document, or PDF.

### *Requested Feedback on Specific Regulation Concepts:*

When providing feedback or asking questions on a specific regulation concept, please include (1) the Item Number [e.g., REM Item 1, REM Item 2], including the specific title, (2) feedback or questions related to that regulation concept. For example, when providing feedback on *REM Item 2 – Definition of “viable,”* the preferred format would be:

REM Item 2 – Definition of “viable”:  
*Specific feedback related to this item...*

This process can be repeated for each regulation concept an interested party 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 an interested party 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*  
Question 2: *General question on this discussion document*  
Comment 1: *General comment on this discussion document*