

AB 793 Plastic Content Reporting and Compliance Permanent Regulations COMMENT PERIOD (2/3/23 - 3/21/23)

| Category | Section(s) | Comment Code | Comment | Commenter Name | Commenter Affiliation | CalRecycle's Response |
|--|------------|--------------|--|---|--|--|
| Beverage Manufacturing Industry | | 45-E-4 | IBWA and CBWA believe that this language provides little opportunity for associations that represent key beverage manufacturing sectors to properly represent the concerns of their memberships. | James P. Toner, Jr. Director of Government Relations | International Bottled Water Association (IBWA) | CalRecycle rejects this comment. Pub. Res. Code section 14547(a)(6)(D) defines "beverage manufacturing industry" as an association that represents companies that manufacture beverages. At a minimum, this entity must represent more than one company that manufactures beverages. CalRecycle's requirement that an association represents 35% of beverage manufacturers ensures that the association will most likely represent the interests of all beverage manufacturers regardless of size. |
| Beverage Manufacturing Industry | | 45-E-4A | Using a qualifier that would identify what associations bear the responsibility of supporting specific beverage sector manufacturers in the state would serve as a more appropriate mechanism. | James P. Toner, Jr. Director of Government Relations | International Bottled Water Association (IBWA) | CalRecycle rejects this comment. Pub. Res. Code section 14547(a)(6)(D) defines "beverage manufacturing industry" as an association that represents companies that manufacture beverages. At a minimum, this entity must represent more than one company that manufactures beverages. CalRecycle's requirement that an association represents 35% of beverage manufacturers ensures that the association will most likely represent the interests of all beverage manufacturers regardless of size. |
| Beverage Manufacturer Reporting Requirements | | 45-E-3 | While ABA applauds CalRecycle's effort to issue rules that implement reporting requirements and recycled content mandates for plastic beverage containers in the State of California, ABA recommends revising the proposed regulation that would mandate separate plastic beverage container virgin and post-consumer resin reports (plastic resin content reports) be submitted for each beverage manufacturer. | Anthony Molina, Legislative Advocate | American Beverage Association | CalRecycle rejects this comment. AB 793 specifies that each beverage manufacturer must submit the report to CalRecycle per Pub. Res. Code section 14549.3(a). Additionally, AB 793 imposes standards to be met by each beverage manufacturer. |
| Beverage Manufacturer Reporting Requirements | | 45-E-3A | Such a requirement would impose unnecessary burdens on our members, some of whom manufacture and sell consumer-packaged beverages across the United States and the world. The scale of these member operations is made possible by complex supply chains that are not organized by California Beverage Manufacturer identification numbers. | Anthony Molina, Legislative Advocate | American Beverage Association | CalRecycle rejects this comment. AB 793 specifies that each beverage manufacturer must submit the report to CalRecycle per Pub. Res. Code section 14549.3(a). Additionally, AB 793 imposes standards to be met by each beverage manufacturer. |
| Beverage Manufacturer Reporting Requirements | | 45-E-3B | Beverage Producers That Produce or Distribute the Same Brands in California Using Shared Procurement and Supply Chains Should Continue to be Permitted to Submit Combined Reports | Anthony Molina, Legislative Advocate | American Beverage Association | CalRecycle rejects this comment. AB 793 specifies that each beverage manufacturer must submit the report to CalRecycle per Pub. Res. Code section 14549.3(a). Additionally, AB 793 imposes standards to be met by each beverage manufacturer. |
| Beverage Manufacturer Reporting Requirements | CCR 2231 | 45-E-3C | However, nothing in California statute or regulation requires such an arbitrary application of 14 CCR Section 2231, particularly when it would lead to disjointed results that are not reflective of the broader ambitions of the producers/brand owners that are working to increase their use of recycled content and support a circular economy within the state of California. | Anthony Molina, Legislative Advocate | American Beverage Association | CalRecycle rejects this comment. AB 793 specifies that each beverage manufacturer must submit the report to CalRecycle per Pub. Res. Code section 14549.3(a). Additionally, AB 793 imposes standards to be met by each beverage manufacturer. |

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| Beverage Manufacturer Reporting Requirements | | 45-E-3D | Two of our larger beverage producer systems, The Coca-Cola System [1] and The Pepsico System have self-organized and collaborated within their systems to submit combined reports since AB 2530 (2016) first became effective. This practice continued after the passage of AB 793 (2020). These members chose to submit combined reports (which CalRecycle allowed for the past four years) to address the practical realities of a diverse and globalized supply chain for consumer goods, including beverages. | Anthony Molina, Legislative Advocate | American Beverage Association | CalRecycle rejects this comment. AB 793 specifies that each beverage manufacturer must submit the report to CalRecycle per Pub. Res. Code section 14549.3(a). Additionally, AB 793 imposes standards to be met by each beverage manufacturer. |
| Beverage Manufacturer Reporting Requirements | | 45-E-3E | [2] Within their respective systems, brand owners and independent bottlers/distributors may share in joint purchasing of plastic resin on a national or even international scale. They have overlapping and complex supply chains that require coordination to produce accurate and substantiated plastic resin reports that will withstand the scrutiny of a CalRecycle audit. Finally, this practice is consistent with the concept of requiring beverage manufacturers to report average post-consumer recycled plastic resin amounts on a portfolio basis that the California General Assembly adopted in Cal Pub. Res. Code Sec. 14547(a). | Anthony Molina, Legislative Advocate | American Beverage Association | CalRecycle rejects this comment. AB 793 specifies that each beverage manufacturer must submit the report to CalRecycle per Pub. Res. Code section 14549.3(a). Additionally, AB 793 imposes standards to be met by each beverage manufacturer. |
| Beverage Manufacturer Reporting Requirements | | 45-E-3F | This system approach to voluntary recycled content goals allows for shared accountability to stakeholders and the public who view a group of brand owners and their affiliated independent bottler as one household brand name. | Anthony Molina, Legislative Advocate | American Beverage Association | CalRecycle rejects this comment. AB 793 specifies that each beverage manufacturer must submit the report to CalRecycle per Pub. Res. Code section 14549.3(a). Additionally, AB 793 imposes standards to be met by each beverage manufacturer. |
| Beverage Manufacturer Reporting Requirements | CCR 2230 | 45-E-3G | Importantly, the system approach to reporting recycled content allows these members to use their scale to meet recycled content targets and California mandates in the most operationally strategic manner possible. For example, the use of higher percentages of recycled content for "cold fill" manufactured beverage products such as carbonated soft drinks and bottled water may make more sense from a health and safety perspective than for "hot fill" manufactured beverage products such as juices. | Anthony Molina, Legislative Advocate | American Beverage Association | CalRecycle rejects this comment. AB 793 specifies that each beverage manufacturer must submit the report to CalRecycle per Pub. Res. Code section 14549.3(a). Additionally, AB 793 imposes standards to be met by each beverage manufacturer. |
| Beverage Manufacturer Reporting Requirements | CCR 2231 | 45-E-3H | Requiring these complex systems to report plastic resin content separately by Beverage Manufacturer identification number would frustrate these efficiencies of scale and mandate these companies arbitrarily spread their use of recycled plastic resin more evenly among registration numbers to avoid the risk of administrative penalties. | Anthony Molina, Legislative Advocate | American Beverage Association | CalRecycle rejects this comment. AB 793 specifies that each beverage manufacturer must submit the report to CalRecycle per Pub. Res. Code section 14549.3(a). Additionally, AB 793 imposes standards to be met by each beverage manufacturer. |
| Beverage Manufacturer Reporting Requirements | CCR 2232 | 45-E-3I | Requiring separate reporting may also create higher carbon footprints to achieve compliance since companies could be forced to ship bottles with recycled PET longer distances to meet an every-Beverage Manufacturer identification number standard. | Anthony Molina, Legislative Advocate | American Beverage Association | CalRecycle rejects this comment. AB 793 specifies that each beverage manufacturer must submit the report to CalRecycle per Pub. Res. Code section 14549.3(a). Additionally, AB 793 imposes standards to be met by each beverage manufacturer. |
| Beverage Manufacturer Reporting Requirements | CCR 2231 | 45-E-3J | Instead, CalRecycle should consider a rule that allows Beverage Manufacturers by agreement or simply by the action of submitting combined reports to do so. | Anthony Molina, Legislative Advocate | American Beverage Association | CalRecycle rejects this comment. AB 793 specifies that each beverage manufacturer must submit the report to CalRecycle per Pub. Res. Code section 14549.3(a). Additionally, AB 793 imposes standards to be met by each beverage manufacturer. |

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| Beverage Manufacturer Reporting Requirements | CCR 2232 | 45-E-3K | CalRecycle rules already allow the submission of combined reports for other aspects of the California Redemption Value program. See, e.g., 14 CCR 2230(c) (creating a process for beverage manufacturer to notify CalRecycle if another entity has agreed to report and make payments on the beverage manufacturer's behalf). | Anthony Molina, Legislative Advocate | American Beverage Association | CalRecycle rejects this comment. AB 793 specifies that each beverage manufacturer must submit the report to CalRecycle per Pub. Res. Code section 14549.3(a). Additionally, AB 793 imposes standards to be met by each beverage manufacturer. |
| Beverage Manufacturer Reporting Requirements | CCR 2240 | 45-E-3L | In summary, ABA requests that CalRecycle reconsider the addition of Section 2240, subsection (b)(1)(A)(i) and continue to allow beverage producers that produce or distribute the same brands in California using shared plastic resin procurement and supply chains to submit combined plastic resin reports. | Anthony Molina, Legislative Advocate | American Beverage Association | CalRecycle rejects this comment. AB 793 specifies that each beverage manufacturer must submit the report to CalRecycle per Pub. Res. Code section 14549.3(a). Additionally, AB 793 imposes standards to be met by each beverage manufacturer. |
| Caps and Labels | | 45-E-4E | During past workshops held by CalRecycle, IBWA and CBWA also expressed concerns with the inclusion of caps and labels in the recycled content percentages. While we understand CalRecycle's position, we remain concerned about manufacturers' ability to meet the mandates if caps and labels are added into the AB 793 requirement because these are comprised of different resins than those used to produce a bottle. | James P. Toner, Jr. Director of Government Relations | International Bottled Water Association (IBWA) | CalRecycle rejects this comment. Hypothetically, if there were to be a different implemented road map for caps and labels, this would be outside the scope of Pub. Res. Code section 14547 as there is no explicit authority to exclude caps and labels and to incorporate them on some delayed implementation roadmap different from the statutory roadmap outlined in Pub. Res. Code section 14547(a)(1) through (3). |
| Caps and Labels | | 45-E-4F | The ability to obtain food grade quality recycled content for caps and labels is limited and will impact production and consumer cost. It is estimated that approximately 30 million pounds per year of polypropylene (used for many bottle caps) is recycled in the U.S., which simply will not meet demand. While establishing a recycled content mandate for PET and HDPE containers makes sense, given they are 100% recyclable and have a high recycling rate, the same cannot be said for caps and labels. Recent and continuing advancements make the recycled content markets for caps and labels a work in progress, but these markets will need additional time to develop in order to match the current PET and HDPE recycling markets. | James P. Toner, Jr. Director of Government Relations | International Bottled Water Association (IBWA) | CalRecycle rejects this comment. Hypothetically, if there were to be a different implemented road map for caps and labels, this would be outside the scope of Pub. Res. Code section 14547 as there is no explicit authority to exclude caps and labels and to incorporate them on some delayed implementation roadmap different from the statutory roadmap outlined in Pub. Res. Code section 14547(a)(1) through (3). |
| Caps and Labels | | 45-E-4G | Based upon this data, IBWA and CBWA would respectfully request that CalRecycle consider that any cap and label mandate be phased in as the overall mandate increases. | James P. Toner, Jr. Director of Government Relations | International Bottled Water Association (IBWA) | CalRecycle rejects this comment. Hypothetically, if there were to be a different implemented road map for caps and labels, this would be outside the scope of Pub. Res. Code section 14547 as there is no explicit authority to exclude caps and labels and to incorporate them on some delayed implementation roadmap different from the statutory roadmap outlined in Pub. Res. Code section 14547(a)(1) through (3). |
| Caps and Labels | | 45-E-6A | We are opposed to the inclusion of caps and label weight used in CRV beverage containers as part of the total weight against which beverage container content requirements are assessed for the following reasons: | Laura Cottrell & Bruce Magnai, APR Legislative Advocate | Association of Plastic Recyclers (APR) | CalRecycle rejects this comment. Caps and labels are components of the plastic beverage container as sold in the state. The PCR plastic material minimum content standard applies to the plastic beverage container sold in the state per Pub. Res. Code section 14547(a)(1). When a plastic beverage container is sold in the state it has a cap and label. |

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| Caps and Labels | | 45-E-6B | This requirement is outside of the original discussions around the bill and its and commonly understood intent; | Laura Cottrell & Bruce Magnai, APR Legislative Advocate | Association of Plastic Recyclers (APR) | CalRecycle rejects this comment. Caps and labels are components of the plastic beverage container as sold in the state. The PCR plastic material minimum content standard applies to the plastic beverage container sold in the state per Pub. Res. Code section 14547(a)(1). When a plastic beverage container is sold in the state it has a cap and label. |
| Caps and Labels | | 45-H-7B | What this requirement will do is increase the amount of -- for example, of recycled PET resin required in an average sort of light water bottle. It would push it from about 15 to 17 percent and then, in a few years, from about 25 to 28 percent content. And this inconsistent with other state reporting requirements like in Washington or New Jersey. And so we feel like it detracts and distracts from the intent and good objectives of this bill to really increase consistent recycled content use in beverage bottles. | Kate Eagles, Program Director | Association of Plastic Recyclers (APR) | CalRecycle rejects this comment. Caps and labels are components of the plastic beverage container as sold in the state. The PCR plastic material minimum content standard applies to the plastic beverage container sold in the state per Pub. Res. Code section 14547(a)(1). When a plastic beverage container is sold in the state it has a cap and label. |
| Caps and Labels | | 45-E-6C | This is not a mechanism that will increase cap and label recycling. | Laura Cottrell & Bruce Magnai, APR Legislative Advocate | Association of Plastic Recyclers (APR) | CalRecycle rejects this comment. Caps and labels are components of the plastic beverage container as sold in the state. The PCR plastic material minimum content standard applies to the plastic beverage container sold in the state per Pub. Res. Code section 14547(a)(1). |
| Caps and Labels | | 45-E-6D | Since recycled content is not currently possible for BOPP labels and is extremely limited for food-grade caps, this adds to the requirement for additional recycled beverage container material, primarily PET. | Laura Cottrell & Bruce Magnai, APR Legislative Advocate | Association of Plastic Recyclers (APR) | CalRecycle rejects this comment. Caps and labels are components of the plastic beverage container as sold in the state. The PCR plastic material minimum content standard applies to the plastic beverage container sold in the state per Pub. Res. Code section 14547(a)(1). |
| Caps and Labels | | 45-E-6E | This will significantly increase the amount of PET resin required. | Laura Cottrell & Bruce Magnai, APR Legislative Advocate | Association of Plastic Recyclers (APR) | CalRecycle rejects this comment. Caps and labels are components of the plastic beverage container as sold in the state. The PCR plastic material minimum content standard applies to the plastic beverage container sold in the state per Pub. Res. Code section 14547(a)(1). |
| Caps and Labels | | 45-E-6F | For a lightweight water bottle with a small closure, this added weight will require an approximate 2% increase in recycled PET, boosting the 15% container content to 17% and exacerbating that increase to ~28% in 2025. This is not consistent with the actual rates set in statute; the use of rulemaking to increase the postconsumer content rates by modifying this calculation has been perceived by the interested parties who negotiated the details of AB 793 as inconsistent with the good faith negotiations that earned industry support of the bill. | Laura Cottrell & Bruce Magnai, APR Legislative Advocate | Association of Plastic Recyclers (APR) | CalRecycle rejects this comment. Caps and labels are components of the plastic beverage container as sold in the state. The PCR plastic material minimum content standard applies to the plastic beverage container sold in the state per Pub. Res. Code section 14547(a)(1). |
| Caps and Labels | | 45-E-6I | Collecting data on caps and labels is not a necessary component of this bill and its function as a clear market driver for rPET. The background material from CalRecycle references litter as part of the justification for including caps in the calculation, but this statute is about recycled content and end markets, not litter reduction, and the additional rPET content requirements that will ensue won't serve to address litter. | Laura Cottrell & Bruce Magnai, APR Legislative Advocate | Association of Plastic Recyclers (APR) | CalRecycle rejects this comment. Caps and labels are components of the plastic beverage container as sold in the state. The PCR plastic material minimum content standard applies to the plastic beverage container sold in the state per Pub. Res. Code section 14547(a)(1). |

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| Caps and Labels | | 45-H-7 | We remain opposed to the inclusion of caps or closure materials and label weight used on CRV beverage containers as part of the total weight against which the requirements are assessed. | Kate Eagles, Program Director | Association of Plastic Recyclers (APR) | CalRecycle rejects this comment. Caps and labels are components of the plastic beverage container as sold in the state. The PCR plastic material minimum content standard applies to the plastic beverage container sold in the state per Pub. Res. Code section 14547(a)(1). |
| Caps and Labels | | 45-H-7A | We find--for the following reasons: That we find this requirement is outside the original discussions around the bill and its commonly understood intent; that it's not practical or technically feasible to put content enclosures or labels at this time. So requiring that is not a mechanism to increase cap and label recycling nor one that will reduce litter in any way that we can see. | Kate Eagles, Program Director | Association of Plastic Recyclers (APR) | CalRecycle rejects this comment. Caps and labels are components of the plastic beverage container as sold in the state. The PCR plastic material minimum content standard applies to the plastic beverage container sold in the state per Pub. Res. Code section 14547(a)(1). |
| Country of origin for postconsumer recycled feedstock | | 45-E-5D | Additionally, to align with and support the intent of AB 881, we strongly urge CalRecycle to require reporting, under penalty of perjury, the country of origin for post-consumer recycled feedstock. | Anna-Marie Cook, CEO | Kamilo, Inc. | CalRecycle rejects this comment. Inclusion in the reporting of country of origin for PCR feedstock is beyond the scope of Pub. Res. Code 14549.3(a)-(c). |
| Country of origin for postconsumer recycled feedstock | | 45-E-5E | In support of developing California's domestic recovery markets and to increase in-State recycling capacity, we advocate for CalRecycle to promote traceability of origin of materials throughout the supply chain, with preference for California collection and processing and, wherever possible, manufacturing. | Anna-Marie Cook, CEO | Kamilo, Inc. | CalRecycle rejects this comment. Requiring origin of materials throughout the supply chain is beyond the scope of Pub. Res. Code 14549.3(a)-(c). |
| Country of origin for postconsumer recycled feedstock | | 45-E-5F | Associated transportation greenhouse gas emissions from long-haul and overseas shipping is another suggested metric to measure and report, which would further support the recovery and reuse of California waste plastic within the State. | Anna-Marie Cook, CEO | Kamilo, Inc. | CalRecycle rejects this comment. Requiring origin of materials throughout the supply chain is beyond the scope of Pub. Res. Code 14549.3(a)-(c). |
| Country of origin for postconsumer recycled feedstock | | 45-H-7J | Additionally, to align with and support intent of AB 881, we strongly urge CalRecycle to require reporting, under penalty of perjury, the country of origin for post-consumer recycled feed stock. | Anna-Marie Cook, CEO | Kamilo, Inc. | CalRecycle rejects this comment. Requiring origin of materials throughout the supply chain is beyond the scope of Pub. Res. Code 14549.3(a)-(c). |
| Country of origin for postconsumer recycled feedstock | | 45-H-7K | In support of developing California domestic recovery markets and to increase in-state recycling capacity, we advocate for the department of promote traceability of origin of materials throughout the supply chain, with preference for California collection and processing and, if possible, manufacturing. This has been the added benefit of reducing GHGs from transportation of materials." | Anna-Marie Cook, CEO | Kamilo, Inc. | CalRecycle rejects this comment. Requiring origin of materials throughout the supply chain is beyond the scope of Pub. Res. Code 14549.3(a)-(c). |
| Definitions | | 45-E-6 | The APR supports several elements of the proposed rulemaking, including: The proposed definition 34.1 for Postconsumer Recycled Material, which is based on the ISO definition. The documentation to be considered in requesting an adjustment to the minimum rate. We believe these are both model elements that should be mirrored in other states considering similar legislation. | Laura Cottrell & Bruce Magnai, APR Legislative Advocate | Association of Plastic Recyclers (APR) | CalRecycle accepts this comment. CalRecycle notes no changes are needed in the proposed regulations to address this comment. |
| Definitions | CCR 2000 | 45-E-6O | Further, it is unclear if the reporting is applicable to in-state recycled plastic manufacturer or covers all national and international recycled resin providers. | Laura Cottrell & Bruce Magnai, APR Legislative Advocate | Association of Plastic Recyclers (APR) | CalRecycle rejects this comment. All entities that qualify as a manufacturer of postconsumer recycled plastic must report applicable information pursuant to Public Resources Code subsection 14549.3(c). CalRecycle's proposed definitions in proposed sections 2000(a)(29.9), (34.1), and (34.3) are consistent with statute. |

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| Definitions | CCR 2000 | 45-E-6P | If the intention of required reporting in the current rule is to track of the flow of CRV beverage material from "Plastics Material Reclaimer" to "Manufacturer of Postconsumer Recycled Plastic" to the beverage manufacturer company selling bottles into California, this will be a complex and costly undertaking. | Laura Cottrell & Bruce Magnai, APR Legislative Advocate | Association of Plastic Recyclers (APR) | CalRecycle rejects this comment. The reporting for PCR material by beverage manufacturers, plastic material reclaimers, and manufacturers of postconsumer recycled plastic is set forth in Pub. Res. Code section 14549.3. |
| Definitions | CCR 2000 | 45-E-6Q | Differentiating between suppliers is cumbersome and it is not clear the value of this reporting in the context of this statute on PCR rates in beverage containers since the onus of the statute is on the beverage manufacturers. | Laura Cottrell & Bruce Magnai, APR Legislative Advocate | Association of Plastic Recyclers (APR) | CalRecycle rejects this comment. The reporting for PCR material by beverage manufacturers, plastic material reclaimers, and manufacturers of postconsumer recycled plastic is set forth in Pub. Res. Code section 14549.3. |
| Definitions | CCR 2000 | 45-E-6R | The APR is in support of measures to support California's postconsumer recycled plastic manufacturing infrastructure and to better understand and promote circularity within the state, from recycled material capture to bottle manufacturing. However, the intent and scope of this reporting requirement needs to be further defined. | Laura Cottrell & Bruce Magnai, APR Legislative Advocate | Association of Plastic Recyclers (APR) | CalRecycle acknowledges the general support of this comment. However, CalRecycle rejects this comment. Under Pub. Res. Code section 14549.3 different entities must report different information to CalRecycle. The regulations facilitate that reporting by prescribing a form of and manner in which to support the statutory requirement to submit this information. |
| Definitions | | 45-H-7D | We're not quite sure we understand the recording requirements from the manufacturers of post-consumer recycled plastics. So the intent of the statute would be to put the responsibility of reporting on the brand company or beverage manufacturer. So the recycled plastic manufacturer would usually provide that information to those brand companies as part of their business transactions. So we don't really see the reason to provide an additional reporting burden to them, to report the state. And, again, this is where a third-party certification option might come in handy. | Kate Eagles, Program Director | Association of Plastic Recyclers (APR) | CalRecycle rejects this comment. All entities that qualify as a manufacturer of postconsumer recycled plastic must report applicable information pursuant to Public Resources Code subsection 14549.3(c). |
| Non-Food Biomass | CCR 2265 | 45-E-1 | As reasoned below, Origin Materials respectfully recommends manufacturers using materials derived from nonfood biomass be specifically exempt from administrative penalties under AB 793... | Bryan J. Soukup, Esq., Director, Policy & Legislative Affairs | Origin Materials | CalRecycle rejects this comment. Plastic, regardless of its feedstock origins, is treated as either virgin or PCR material for purposes of reporting as required by AB 793. |
| Non-Food Biomass | CCR 2265 | 45-E-1B | For reasons defined below, Origin respectfully recommends that CalRecycle fully utilize its regulatory authority to incentivize the use of nonfood biomass-based materials in the regulations governing AB 793. | Bryan J. Soukup, Esq., Director, Policy & Legislative Affairs | Origin Materials | CalRecycle rejects this comment. AB 793 is clear in its purpose and its purpose is not to incentivize plastic based on its originating feedstock, its purpose is to encourage and make standard the use of PCR plastic in plastic beverage containers. |
| Manufacturers of Postconsumer Recycled Plastic Reporting | | 45-E-6G | This is inconsistent with other state reporting on recycled content. | Laura Cottrell & Bruce Magnai, APR Legislative Advocate | Association of Plastic Recyclers (APR) | CalRecycle rejects this comment. Pub. Res. Code 14549.3(c) requires a report to be submitted to CalRecycle by a manufacturer of postconsumer recycled plastic. |
| Manufacturers of Postconsumer Recycled Plastic Reporting | | 45-E-6H | This inconsistency will make compliance more burdensome for both producers and state agencies. | Laura Cottrell & Bruce Magnai, APR Legislative Advocate | Association of Plastic Recyclers (APR) | CalRecycle rejects this comment. Pub. Res. Code 14549.3(c) requires a report to be submitted to CalRecycle by a manufacturer of postconsumer recycled plastic. |
| Manufacturers of Postconsumer Recycled Plastic Reporting | | 45-E-6M | We do not support the reporting requirements for Manufacturers of Postconsumer Recycled Plastic. | Laura Cottrell & Bruce Magnai, APR Legislative Advocate | Association of Plastic Recyclers (APR) | CalRecycle rejects this comment. Pub. Res. Code 14549.3(c) requires a report to be submitted to CalRecycle by a manufacturer of postconsumer recycled plastic. |

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| Manufacturers of Postconsumer Recycled Plastic Reporting | | 45-E-6N | The manufacturers of recycled plastic will provide information to the beverage manufacturers as part of their business transactions, but there should not be any additional burden on them to report to the state. If the state is seeking accountability for the reporting, that is the role for third-party certification (as referenced above), and it should be included in the regulation. | Laura Cottrell & Bruce Magnai, APR Legislative Advocate | Association of Plastic Recyclers (APR) | CalRecycle rejects this comment. Pub. Res. Code 14549.3(c) requires a report to be submitted to CalRecycle by a manufacturer of postconsumer recycled plastic. |
| Manufacturers of Postconsumer Recycled Plastic Reporting | | 45-H-7E | But back to the manufacturers of post-consumer recycled plastics, we're just not quite clear. Would this be only in state? You know, you might- for example, in a PET bottle, you might get recycled resin -- I should have started my video. You might have gotten -- you might have recycled resin from an out-of-state provider or even out-of-the-country provider. So would they be required to report to the state? And wouldn't that be simpler if it came through the brand company with some sort of chain of custody transparency requirement versus a separate reporting requirement? | Kate Eagles, Program Director | Association of Plastic Recyclers (APR) | CalRecycle rejects this comment. Pub. Res. Code 14549.3(c) requires a report to be submitted to CalRecycle by a manufacturer of postconsumer recycled plastic. CalRecycle's proposed definition in proposed sections 2000(a)(29.9) are consistent with statute. |
| Manufacturers of Postconsumer Recycled Plastic Reporting | | 45-H-7F | If it's a market-development sort of exercise, we would totally appreciate that, because are challenges for our very robust and sort of healthy reclaimory infrastructure for PET, again, in California. | Kate Eagles, Program Director | Association of Plastic Recyclers (APR) | CalRecycle rejects this comment. Pub. Res. Code 14549.3(c) requires a report to be submitted to CalRecycle by a manufacturer of postconsumer recycled plastic. |
| Manufacturers of Postconsumer Recycled Plastic Reporting | | 45-H-7G | But it's not really positioned that way, as a market development assessment tool as the reporting requirement. And we don't quite understand the need for that or the extent of that in terms of in state, you know, in country, et cetera. | Kate Eagles, Program Director | Association of Plastic Recyclers (APR) | CalRecycle rejects this comment. Pub. Res. Code 14549.3(c) requires a report to be submitted to CalRecycle by a manufacturer of postconsumer recycled plastic. |
| Plastic Beverage Container Virgin and Postconsumer Resin Report | CCR 2230 | 45-E-2 | I would like to comment on the signature block of the attached form (page 2). I feel the words "to the best of my knowledge" should be added to the sentence to read: I declare under penalty of perjury under the laws of the State of California that the information provided above is true and correct to the best of my knowledge , and that I am authorized to sign this report. | Angela Dunn | AW Bottling | CalRecycle rejects this comment. Pub. Res. Code section 14549.3 requires the report to be submitted under penalty of perjury. To incentivize beverage manufacturers and other reporting entities to report accurately, CalRecycle's statutory duties require the reports be submitted without any putative diluting language of the duty to report accurately. |
| Reduction of Administrative Penalties | CCR 2265 | 45-E-1A | ...or be subject to substantially reduced administrative penalties under proposed rule §2265 "Reduction in Administrative Penalties." | Bryan J. Soukup, Esq., Director, Policy & Legislative Affairs | Origin Materials | CalRecycle rejects this comment. No changes to the proposed regulatory text are needed for the director to make a decision to reduce administrative penalties based on the mitigating use of other types of plastic. CalRecycle contemplates that these are supply constrained situations where use of such plastic may constitute a mitigating factor to lessen administrative penalties. |
| Reduction of Administrative Penalties | CCR 2265 | 45-E-1C | Manufacturers Using Recyclable Materials Derived from Nonfood Biomass Should Be Exempt From Administrative Penalties Under AB 793 or Should Be Subject to Substantially Reduced Administrative Penalties Under Proposed Rule §2265 "Reduction in Administrative Penalties." | Bryan J. Soukup, Esq., Director, Policy & Legislative Affairs | Origin Materials | CalRecycle rejects this comment. No changes to the proposed regulatory text are needed for the director to make a decision to reduce administrative penalties based on the mitigating use of other types of plastic. CalRecycle contemplates that these are supply constrained situations where use of such plastic may constitute a mitigating factor to lessen administrative penalties. |

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| Reduction of Administrative Penalties | | 45-E-1D | Finally, Origin's technology can help address technical challenges associated with using rPET such as discoloration. Any aesthetic deficiencies in plastic may lead high-end manufacturers to accept CalRecycle's administrative penalties and forgo the minimum recycled content requirements, thus undermining the positive environmental impact of AB 793. | Bryan J. Soukup, Esq., Director, Policy & Legislative Affairs | Origin Materials | CalRecycle rejects this comment. No changes to the proposed regulatory text are needed for the director to make a decision to reduce administrative penalties based on the mitigating use of other types of plastic. CalRecycle contemplates that these are supply constrained situations where use of such plastic may constitute a mitigating factor to lessen administrative penalties. |
| Reduction of Administrative Penalties | CCR 2265 | 45-E-1E | Given what has been summarized above, Origin respectfully recommends the following amendments to the proposed regulations: AB 793 gives CalRecycle significant latitude in reducing administrative penalties. Section 14547(e)(2) states: "In determining whether to grant the reduction pursuant to paragraph (1), CalRecycle shall consider, at a minimum, all of the following factors: (A) Anomalous market conditions. (B) Disruption in, or lack of supply of, recycled plastics. (C) Other factors that have prevented a beverage manufacturer from meeting the requirements." As stated here, these three factors are a minimum . | Bryan J. Soukup, Esq., Director, Policy & Legislative Affairs | Origin Materials | CalRecycle rejects this comment. No changes to the proposed regulatory text are needed for the director to make a decision to reduce administrative penalties based on the mitigating use of other types of plastic. CalRecycle contemplates that these are supply constrained situations where use of such plastic may constitute a mitigating factor to lessen administrative penalties. |
| Reduction of Administrative Penalties | CCR 2266 | 45-E-1F | Due to the material's many environmental benefits, Origin respectfully recommends that manufacturers using nonfood biomass to produce covered containers be exempt from administrative penalties under AB 793. | Bryan J. Soukup, Esq., Director, Policy & Legislative Affairs | Origin Materials | CalRecycle rejects this comment. No changes to the proposed regulatory text are needed for the director to make a decision to reduce administrative penalties based on the mitigating use of other types of plastic. CalRecycle contemplates that these are supply constrained situations where use of such plastic may constitute a mitigating factor to lessen administrative penalties. |
| Reduction of Administrative Penalties | CCR 2265 | 45-E-1G | Alternatively, Origin respectfully recommends that manufacturers using recyclable materials derived from nonfood biomass be subject to substantially reduced administrative penalties under proposed rule §2265 "Reduction in Administrative Penalties" for failure to comply with AB 793. | Bryan J. Soukup, Esq., Director, Policy & Legislative Affairs | Origin Materials | CalRecycle rejects this comment. As covered containers could be virgin material, there are no statutory exemptions for the type of virgin plastic material used when failing to meet the minimum content standards for PCR plastic in plastic beverage containers, and is outside the scope of this rulemaking. |
| Reduction of Administrative Penalties | CCR 2265 | 45-E-1H | Specifically, Origin recommends that the State incentivize the use of recyclable materials derived from nonfood biomass, by name, by adding another subsection to the proposed rules: <u>(c) Beverage manufacturers producing plastic beverage containers from nonfood biomass that do not meet the minimum recycled plastic content requirements for a reporting year shall be subject to reduced administrative penalties relative to beverage manufacturers producing plastic beverage containers derived from other materials.</u> | Bryan J. Soukup, Esq., Director, Policy & Legislative Affairs | Origin Materials | CalRecycle rejects this comment. No changes to the proposed regulatory text are needed for the director to make a decision to reduce administrative penalties based on the mitigating use of other types of plastic. CalRecycle contemplates that these are supply constrained situations where use of such plastic may constitute a mitigating factor to lessen administrative penalties. |
| 35% Threshold | | 45-E-4B | This 35% threshold would be difficult for any association to meet given the overall amount of beverage manufacturers based within California and also those selling into the state. | James P. Toner, Jr. Director of Government Relations | International Bottled Water Association (IBWA) | CalRecycle rejects this comment. No evidence is offered to establish how difficult or how easy it would be to meet the threshold. |

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| 35% Threshold | | 45-E-4C | A preferable option and one that legitimately shows that the association represents the industry in the state would be that any trade association wishing to represent beverage manufacturers on any petition be registered with the California Secretary of State's office as a lobbyist employer. This would ensure the integrity of the association and demonstrate that it has legitimacy in the eyes of the state. | James P. Toner, Jr. Director of Government Relations | International Bottled Water Association (IBWA) | CalRecycle rejects this comment. While CalRecycle already incorporates this requirement in its proposed regulations, it also establishes a threshold of more than one company that manufactures beverages. Relying only on registration at the Secretary of State as a criterion for qualifying as a beverage manufacturing industry, would not meet the requirements of Pub. Res. Code section 14547(a)(6)(D). |
| Authority for 35% Threshold | | 45-E-4D | There is no language requiring that a representative of the beverage manufacturing industry must represent 35% of beverage manufacturers. | James P. Toner, Jr. Director of Government Relations | International Bottled Water Association (IBWA) | CalRecycle rejects this comment. The proposed definition is consistent with statute. |
| 3rd party certification | | 45-E-5 | Beyond self-certification, what is sorely needed for AB793 to actually have teeth and work as desired is to require and/or enable independent 3rd party verification of use of both virgin and recycled content, holding both the reporting entity and the certifier responsible for the veracity of the claims around recycled content use. | Anna-Marie Cook, CEO | Kamilo, Inc. | CalRecycle rejects this comment. Third party certification may be permitted as supporting documentation under proposed regulation 14 CCR section 2235(e)(4) and is contemplated as something issued by the Container Manufacturer to the Beverage Manufacturer. |
| 3rd party certification | | 45-E-5A | While this may work adequately for the purposes of AB 793 reporting, it is costly, very time-consuming and laborious for all concerned. An average percentage recycled content per type of resin over the course of a year is required by the Bill and the reporting is due by March 1 of the following year, which means that there will be some intense auditing by 3rd party certifiers in January and February of each year. | Anna-Marie Cook, CEO | Kamilo, Inc. | CalRecycle rejects this comment. Third party certification may be permitted as supporting documentation under proposed regulation 14 CCR section 2235(e)(4) and is contemplated as something issued by the Container Manufacturer to the Beverage Manufacturer. |
| 3rd party certification | | 45-E-5B | Without supply chain visibility there are risks, and without 3rd party verification of secure and internal supply chain transparency there is a risk of fraud. | Anna-Marie Cook, CEO | Kamilo, Inc. | CalRecycle rejects this comment. Third party certification may be permitted as supporting documentation under proposed regulation 14 CCR section 2235(e)(4) and is contemplated as something issued by the Container Manufacturer to the Beverage Manufacturer. |
| 3rd party certification | | 45-E-5C | We believe the option for using independent 3rd party verifiers should be included in the regulations | Anna-Marie Cook, CEO | Kamilo, Inc. | CalRecycle rejects this comment. Third party certification may be permitted as supporting documentation under proposed regulation 14 CCR section 2235(e)(4) and is contemplated as something issued by the Container Manufacturer to the Beverage Manufacturer. |
| 3rd party certification | | 45-E-6J | We are disappointed by the lack of third-party certification for post-consumer resin (PCR) and products containing PCR. | Laura Cottrell & Bruce Magnai, APR Legislative Advocate | Association of Plastic Recyclers (APR) | CalRecycle rejects this comment. Third party certification may be permitted as supporting documentation under proposed regulation 14 CCR section 2235(e)(4) and is contemplated as something issued by the Container Manufacturer to the Beverage Manufacturer. |
| 3rd party certification | | 45-E-6K | APR supports the inclusion of a third-party certification of recycled content compliance option as an alternative to the record keeping requirements for beverage manufacturers under S 2235. | Laura Cottrell & Bruce Magnai, APR Legislative Advocate | Association of Plastic Recyclers (APR) | CalRecycle rejects this comment. Third party certification may be permitted as supporting documentation under proposed regulation 14 CCR section 2235(e)(4) and is contemplated as something issued by the Container Manufacturer to the Beverage Manufacturer. |

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| 3rd party certification | | 45-E-6L | We request that the state consider this alternative as a means of standardizing compliance, protecting confidential data, potentially alleviating the ongoing analyses of this information by the state, and providing consistency with California's existing requirement to use third party certification for post-consumer recycled content under SB 270 for plastic shopping bags. | Laura Cottrell & Bruce Magnai, APR Legislative Advocate | Association of Plastic Recyclers (APR) | CalRecycle rejects this comment. Third party certification may be permitted as supporting documentation under proposed regulation 14 CCR section 2235(e)(4) and is contemplated as something issued by the Container Manufacturer to the Beverage Manufacturer. |
| 3rd party certification | | 45-H-7C | We would like to see consideration of a third-party certification for post-consumer resins and products containing PCR. I think this would --- we support this as a compliance option and alternative to the recordkeeping requirements that are fairly heavily laid out in the rules here. So we would request the state consider this an option, a third-party compliance. | Kate Eagles, Program Director | Association of Plastic Recyclers (APR) | CalRecycle rejects this comment. Third party certification may be permitted as supporting documentation under proposed regulation 14 CCR section 2235(e)(4) and is contemplated as something issued by the Container Manufacturer to the Beverage Manufacturer. |
| 3rd party certification | | 45-H-7H | Without supply chain visibility there are risks; and without third-party verification of secure and internal supply chain transparency, there is a risk of fraud. | Anna-Marie Cook, CEO | Kamilo, Inc. | CalRecycle rejects this comment. Third party certification may be permitted as supporting documentation under proposed regulation 14 CCR section 2235(e)(4) and is contemplated as something issued by the Container Manufacturer to the Beverage Manufacturer. |
| 3rd party certification | | 45-H-7I | Third-party analogue certification or third-party digital verification substantially reduces those risks, and we urge CalRecycle to include independent third-party certification as an option in the regulations. | Anna-Marie Cook, CEO | Kamilo, Inc. | CalRecycle rejects this comment. Third party certification may be permitted as supporting documentation under proposed regulation 14 CCR section 2235(e)(4) and is contemplated as something issued by the Container Manufacturer to the Beverage Manufacturer. |