

# **SB 54 Public Workshop**

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

**December 14, 2023**

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

### **Topic: Needs Assessment**

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## **Overview and Purpose of Workshop**

The Department of Resources Recycling and Recovery (CalRecycle) has scheduled a workshop on [December 14, 2023](#), from 10:00AM to 12:00PM, in the Byron Sher Auditorium, located on 2nd Floor, 1001 I Street, Sacramento, CA 95814, to consult with the public, the regulated community, and other interested persons to solicit feedback on some of the requirements outlined in [SB 54 \(Allen, Chapter 75, Statutes of 2022\)](#).

The topic of this workshop will be the Needs Assessment. This workshop is split into three parts:

- **Part 1** will be an informational session, providing background information on the needs assessment requirements discussed in this document.
- **Part 2** will provide an overview of the proposed needs assessment development plan.
- **Part 3** will discuss available data sources and data requests.

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

This document and workshop will not address any topics pertaining to regulations or draft regulatory text.

Previous workshop information can be found on the SB 54 [webpage](#) under *Past Events*.

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

### **Abbreviations and Acronym List**

- CA: California
- CalRecycle: California Department of Resources Recycling and Recovery
- CMC: Covered Material Category
- Department: California Department of Resources Recycling and Recovery
- IFB: Invitation for Bid
- MCS: Material Characterization Study
- PRO: Producer Responsibility Organization
- PRC: Public Resources Code (California Statute)
- ISCE: Intermediate Supply Chain Entity
- EM: End Market
- MRF: Material Recovery Facilities
- NA: Needs Assessment
- RMEM: Recyclable Materials End Market
- RFP: Request for Proposal
- SB: Senate Bill
- SOW: Scope of Work
- SR: Source Reduction

## Overview of Needs Assessment

PRC § 42067 outlines the requirements of the statewide needs assessment, which will be designed to determine the actions and investments needed for covered material to meet the requirements of SB 54. PRC § 42067(e) outlines 16 mandatory evaluations that must be included in the needs assessment.

### Summary of Needs Assessment in Statute – CalRecycle Responsibilities

- CalRecycle will develop the needs assessment through a collaborative process with the PRO and a broad diversity of interested parties, including local jurisdictions, recycling service providers and processors– PRC § 42067(d).
- The needs assessment must be developed through a public process including at least one public meeting at which the PRO, the advisory board, and any interested members of the public are able to provide input – PRC § 42067(g).
- CalRecycle must update the needs assessment every five years, or as necessary – PRC § 42067(a).

### Summary of Needs Assessment in Statute – PRO/Producer Responsibilities

- PRO plan must describe how to implement actions and investments laid out in the needs assessment – PRC § 42051.1(b)(1).
- PRO plan and budget must include consideration of the needs assessment and any recommended investments – PRC § 42051.1(i)(1).
- The PRO shall reimburse CalRecycle for the costs of developing needs assessment – PRC § 42067(b).

## Needs Assessment Development

In order to complete the required evaluations for the needs assessment, some portion of the data collection and analysis will be completed through contracted studies. More information on the needs assessment, including information on timeline and details for the first two contracted studies, was presented as part of the [July informal rulemaking workshop](#) and [September public workshop](#) respectively.

Parts II and III below provide information on the proposed needs assessment studies. For each contracted study, CalRecycle will publish a contract solicitation. Public feedback from this workshop will be used as a source of market research to aid in the development of contract solicitations for the upcoming studies. We encourage organizations that are interested in bidding on upcoming solicitations for the needs assessment contract to attend the workshop and provide public comments. For more information on CalRecycle’s contracting process, visit [calrecycle.ca.gov/contracts](http://calrecycle.ca.gov/contracts).

Entities interested in receiving updates on upcoming contract solicitations for the needs assessment should email [packaging@calrecycle.ca.gov](mailto:packaging@calrecycle.ca.gov) to be added to the Potential Bidder List. Please include [Potential Bidder List] in the email subject line and include your organization’s name and contact information.

## **Part II. Needs Assessment Plan**

### **Non-Regulatory Items:**

At this time, CalRecycle is seeking feedback on topics and concepts that are important to implementing SB 54 but are outside of the scope of proposed regulatory concepts.

Each of the items below relate to the proposed plan for development of the preliminary needs assessment. Public feedback from this workshop will be used as a source of market research to aid in the development of the needs assessment, including upcoming contract solicitations.

### **NA Item 1: Proposed Studies**

The preliminary needs assessment will be completed through a series of studies covering the analyses required in PRC 42067(e). Each study has multiple objectives related to an overarching topic and will require multiple analyses.

Table 1 below provides an overview of the proposed studies, that will together make up the needs assessment. The first column lists the study name, which also describes the overarching topic of the analyses in the study. The second and third columns both describe the study's objectives, with the second column summarizing the objectives of the contracted portion of the study and the third column summarizing the objectives of the portion of the study to be completed by CalRecycle staff. The fourth column lists the approximate budget allocation for the contracted portion of the study, and the fifth column includes the approximate timeline for contract solicitation. The final column lists the statutory citations in PRC 42067 for the needs assessment evaluations that will be included within each study.

**Table 1. Overview of Needs Assessment Studies (subject to change)**

Study Name	Contracted Study Objectives	Internally-Conducted Analysis Objectives	Proposed Budget	Approximate Contract Solicitation Date	Included Evaluations ( <a href="#">PRC 42067</a> )
Study #1: Source Reduction Baseline*	<p>[Secondary RFP]</p> <p><b>Part 1: Covered Material &amp; Producers of Covered Material</b></p> <ul style="list-style-type: none"> <li>• Estimate of the weight and number of plastic components of plastic covered material for the baseline year 2023</li> <li>Gather information about producers of covered material</li> </ul>	Not applicable	\$500,000	Early 2024	<ul style="list-style-type: none"> <li>• (e)(3)(C)</li> <li>• (e)(3)(E)</li> <li>• (e)(5)(E)</li> <li>• (e)(5)(I)</li> </ul>
Study #2: Collection, Processing, and End Markets	<p>[Secondary RFP]</p> <p><b>Part 1: Recycling &amp; Traditional Recyclable Covered Materials</b></p> <ul style="list-style-type: none"> <li>• Evaluate the current state of material flow through collection (curbside and non-curbside), processing, and end markets, including information on facility operations and market share</li> <li>• Analyze contamination sources and impacts across collection, processing, and end markets, and identify strategies to reduce contamination</li> <li>• Evaluate existing end market technologies, products, and recycling yields</li> <li>• Evaluate potential expansions and technological enhancements to collect and process covered materials including estimated investments</li> <li>• Analyze the actions and investments needed to ensure recyclable materials are delivered to responsible end markets where possible</li> </ul>	<p><b>Part 1: Recycling &amp; Recyclable Covered Materials</b></p> <ul style="list-style-type: none"> <li>• Approximate recyclable feedstock flows within the state and applicable end use outflows</li> <li>• Analyze innovative technologies such as artificial intelligence</li> <li>• Evaluate residential curbside collection of covered materials by jurisdiction</li> <li>• Evaluate large-volume transfer-processor acceptance and aggregation of covered materials</li> <li>• Characterization of covered material sold to processors and end markets as recycled aggregate</li> <li>• Material flows within and out of the state to processors and end markets</li> </ul>	\$2,200,000	Early/Mid 2024	<ul style="list-style-type: none"> <li>• (e)(2)(B)</li> <li>• (e)(2)(C)</li> <li>• (e)(2)(D)</li> <li>• (e)(2)(E)</li> <li>• (e)(2)(G)</li> <li>• (e)(2)(H)</li> <li>• (e)(2)(I)</li> <li>• (e)(2)(J)</li> <li>• (e)(2)(K)</li> <li>• (e)(3)(A)</li> <li>• (e)(3)(B)</li> <li>• (e)(3)(D)</li> <li>• (e)(5)(A)</li> <li>• (e)(5)(B)</li> <li>• (e)(5)(F)</li> </ul>

Study Name	Contracted Study Objectives	Internally-Conducted Analysis Objectives	Proposed Budget	Approximate Contract Solicitation Date	Included Evaluations ( <a href="#">PRC 42067</a> )
	<p><b>Part 2: Organics Recycling &amp; Compostable Covered Material</b></p> <ul style="list-style-type: none"> <li>• Evaluate the current state of material flow through collection (curbside and non-curbside), processing, and end markets, including information on facility operations and market share</li> <li>• Analyze contamination sources and impacts across collection, processing, and end markets, and identify strategies to reduce contamination</li> <li>• Evaluate potential expansions and technological enhancements to collect and process covered materials including estimated investments</li> </ul> <p>Analyze the actions and investments needed to ensure compostable covered materials are delivered to responsible end markets where possible</p>	<p><b>Part 2: Organics Recycling &amp; Compostable Covered Material</b></p> <ul style="list-style-type: none"> <li>• Analyze acceptance and processing of covered materials including materials ending up as residuals</li> </ul> <p>Assess processing capacity and end markets for organics recycling of covered materials</p>			
<p>Study #3: Source Reduction &amp; Covered Material Design</p>	<p>[Secondary RFP]</p> <p><b>Part 1: Source Reduction, Reuse and Refill</b></p> <ul style="list-style-type: none"> <li>• Evaluate actions and investments needed to meet source reduction requirements, including reuse and refill</li> <li>• Assess design changes needed to achieve source reduction requirements</li> </ul>	<p><b>Part 1: Source Reduction, Reuse, and Refill</b></p> <ul style="list-style-type: none"> <li>• Overview of existing packaging and food service ware types and materials</li> <li>• Evaluate existing reuse/refill infrastructure and market share</li> </ul>	<p>\$1,200,000</p>	<p>Mid/Late 2024</p>	<ul style="list-style-type: none"> <li>• (e)(2)(G)</li> <li>• (e)(3)(B)</li> <li>• (e)(3)(C)</li> <li>• (e)(3)(E)</li> <li>• (e)(5)(E)</li> </ul>

Study Name	Contracted Study Objectives	Internally-Conducted Analysis Objectives	Proposed Budget	Approximate Contract Solicitation Date	Included Evaluations ( <a href="#">PRC 42067</a> )
	<p><b>Part 2: Design for Recyclability and Compostability</b> Assess design changes needed to achieve recyclability and compostability requirements where necessary</p>				
Study #4: Consumer Education & Access	<p>[Primary RFP or IFB] <b>Part 1: Statewide Consumer Survey</b> Administer statewide survey to collect representative information on consumer education and access to recycling and composting</p>	<p><b>Part 1: Statewide Consumer Survey and Focus Groups</b> • Design survey and/or focus group questions to understand: (1) the current state of consumer knowledge, perceptions, and access to recycling services; (2) consumer education needs; and (3) perceptions of source reduction strategies and reuse/refill systems. Analyze data collected through</p>	\$100,000	Mid/Late 2024	<ul style="list-style-type: none"> <li>• (e)(2)(C)</li> <li>• (e)(2)(F)</li> <li>• (e)(2)(J)</li> <li>• (e)(3)(C)</li> </ul>
Study #5: Current and Needed State of Funding and Statutory Provisions	Not applicable	<p><b>Part 1: Current Statutory Provisions and Funding Resources</b> Evaluate current state programmatic resources related to recycling, reuse, and source reduction of covered material</p>	Not applicable	Not applicable	<ul style="list-style-type: none"> <li>• (e)(2)(A)</li> <li>• (e)(2)(G)</li> </ul>

\*Note: A previous version of the proposed study was presented at the [September public workshop](#)



### **Request for Feedback**

CalRecycle is required to develop a statewide needs assessment pursuant to PRC 42067. CalRecycle proposes to complete the required needs assessment evaluations by conducting the studies outlined in the table above.

As part of market research, CalRecycle is seeking feedback on the proposed scope of the contracted studies, including the proposed timeline, contract structure, and budget.

CalRecycle is also seeking any other feedback to maximize the success of the contract solicitation and contract execution, including feedback on the proposed study goals and approaches in terms of budget, data availability, data sensitivity, and other constraints that would impact contract success.

## **Part III. Data Sources and Requests**

### **DSR Item 1: CalRecycle Data Sources**

The needs assessment will comprise multiple evaluations as outlined in Part II. Existing CalRecycle data sources, including databases and data collected by CalRecycle, will be used by CalRecycle staff and contractors to complete needs assessment evaluations, whenever applicable.

The following have been identified as key sources of data collected by CalRecycle that will be used for the needs assessment evaluations:

1. **Recycling and Disposal Reporting System (RDRS)**: The RDRS system collects information on a quarterly basis from businesses, facilities, and operations in the state with a reporting obligation regarding the types and quantities of material that they sell, transfer, or dispose. Examples of reporting entities include disposal facilities, composting facilities, transfer/processor facilities, and brokers. Summarized data submitted to RDRS can be viewed in [public reports](#).
2. **Electronic Annual Report (EAR)**  
Jurisdictions complete their legally required annual report on program implementation related to various statutes, such as AB 939, AB 1826, and SB 1383 by submitting required information via the EAR. Summarized data submitted to the EAR can be viewed in [public reports](#).
3. **Solid Waste Information System (SWIS)**  
The SWIS database contains information on solid waste facilities, operations, and disposal sites throughout California. The types of solid waste activities found in SWIS include landfills, transfer processing activities, composting sites, in-vessel digestion sites, engineered municipal solid waste conversion facilities, transformation facilities, and closed disposal sites. For each site, the database contains information about the location, landowner, operator, activity type,

regulatory and operational status, authorized waste types, local enforcement agency, inspections and enforcement action records.

**4. Materials Characterization Studies (MCS)**

CalRecycle conducts MCS to understand the composition of the material that is disposed, collected for recycling, and discarded by specific generators. Each study consists of sampling material and sorting it into different categories. As required pursuant to PRC 42061(a)(2-3), CalRecycle will conduct and publish an MCS of covered material categories that are disposed of in California landfills by July 1, 2025. A [listing of previous waste characterization studies](#) can be found on the CalRecycle webpage.

**Informational Item for Interested Parties:**

CalRecycle intends to use the above CalRecycle data sources to aid in the completion of evaluations required as part of the needs assessment.

**DSR Item 2: Data Requests**

CalRecycle is soliciting information on potential data sources that could be used to complete the required needs assessment evaluations pursuant to PRC 42067(e).

Specifically, CalRecycle is seeking data to help describe and evaluate how covered materials generated in California are currently being managed, both at facilities within the state and outside of California. Gathering information on the current state of the materials management system will be foundational to understanding the actions and investments needed for covered material to meet the requirements of SB 54.

**Item 1: Data related to Recycling and Composting of Covered Materials**

CalRecycle is seeking relevant data regarding:

1. Existing collection systems (curbside and non-curbside) for covered material, including data on:
  - a. The amount and types of material going through different types of collection systems, especially non-curbside collection systems;
  - b. Contamination rates;
  - c. Availability of collection at multi-family residences and in rural areas;
  - d. Costs to set up and operate collection systems for recycling and composting, including a breakdown of costs where possible; and
  - e. Uses of advanced technologies, including artificial intelligence, in existing collection systems.
2. Existing facilities transferring or processing covered material for recycling (including organics), including data on:
  - a. The amount and types of material currently being processed, including secondary processing;
  - b. The amount of currently available capacity to process materials for recycling at existing facilities in California;

- c. Information about the proportion of incompatible materials or contaminants removed from the processing of feedstock derived from covered material;
  - d. Processing material flows in rural areas; and
  - e. Uses of advanced technologies, including artificial intelligence, in processing of recyclables.
3. Existing re-manufacturing facilities or facilities using feedstock derived from covered materials to produce new packaging or products, including data on:
- a. The amounts and types of material being recycled into new products.
  - b. Re-manufacturing facilities located outside of California, but that process material generated in California.

**Request 2: Data related to Source Reduction, including Reuse and Refill**

CalRecycle is seeking relevant data related to:

- 1. Existing systems or programs for reuse and refill of covered materials, including information on types of products or packaging utilizing reuse or refill systems, geographic coverage, years of operation, and challenges faced by the systems; and
- 2. Estimated impacts of reuse and refill systems, including rate of use, projected offset of single-use items through reuse and refill, and costs compared to single-use alternatives.

**Request 3: Data related to Covered Materials**

CalRecycle is seeking relevant data related to:

- 1. Estimates for the weight and number of plastic components of covered material and plastic covered material.

**Request for Feedback:**  
 CalRecycle recognizes that there is information and data sources that exist outside of the CalRecycle data sources described in Item 1. CalRecycle is seeking information on data sources that could be used in needs assessment evaluations, including the name and availability of existing data sources, and any other supporting documentation about the data sources. At this time, CalRecycle is specifically seeking data outlined above to help evaluate the current system in which covered material generated in California is managed.

For more detailed information on this data request, see the Data Request document associated with this workshop.

**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*. Written feedback can be provided prior to the workshop and after. CalRecycle requests all feedback specific to the December 14, 2023 Workshop is submitted no later than **December 28, 2023**. Preferred formats include e-mail, Word document, or PDF.

**Requested Feedback on Specific Concepts:**

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

Item 1 – Recycling Technologies:  
*Specific feedback related to this item...*

This process can be repeated for each 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 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*