

# **SB 54 Public Workshop**

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

**May 1, 2024**

**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 non-regulatory workshop on **May 1, 2024**, from 10:00AM to 3:00PM, 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 Covered Material Categories and Needs Assessment.

The Needs Assessment portion of the workshop is split into four parts:

- **Part I** will discuss background information.
- **Part II** will provide updates on Needs Assessment development.
- **Part III** will provide an overview of the process for contracted studies.
- **Part IV** will discuss updates on proposed engagement and collaboration.

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 *Events*.

# **Part I. Background Information**

## **Abbreviations and Acronym List**

- CA: California
- CalRecycle: California Department of Resources Recycling and Recovery
- Department: California Department of Resources Recycling and Recovery
- NA: Needs Assessment
- PRO: Producer Responsibility Organization
- PRC: Public Resources Code (California Statute)
- RFP: Request for Proposal
- SOW: Scope of Work

## **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 guide development of 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 CalRecycle provides the PRO, the advisory board, and any interested members of the public the opportunity 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).

## **Part II. Updates on Needs Assessment Development**

### **NA Item 1: Overview of Needs Assessment Studies**

CalRecycle systematically reviewed the statutory requirements outlined for the needs assessment in PRC § 42067. 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.

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. More information on the needs assessment was presented as part of the [July informal rulemaking workshop](#), [September public workshop](#), and [December public workshop](#).

The following table provides information on the five studies that will be conducted to develop the first statewide needs assessment, including four studies with contracted components. The dates in the table below and in the following sections are approximations and are subject to change.

<b>Study Name</b>	<b>Proposed Budget</b>	<b>Approximate Contract Solicitation Date</b>
Source Reduction Baseline Study	\$500,000	<a href="#">April 25, 2024</a>
Collection, Processing, and End Markets Study	\$2,200,000	Summer 2024
Source Reduction and Material Design Study	\$1,200,000	Fall 2024
Consumer Education and Access Study	\$100,000	Mid/Late 2024
Current and Needed State of Funding and Statutory Provisions Study	N/A (No contracted portion)	N/A

### **NA Item 2: Source Reduction Baseline Study**

**Strategy for Completion:** Contract

#### **Proposed Contract Details:**

- Budget: \$500,000
- Type of Contract: Secondary Request for Proposal (RFP)
- Contract Solicitation Date: April 25, 2024 (see [contract solicitation here](#))
- Contract Completion: By October 2024

#### **Statutory Evaluations:**

- PRC § 42067 (e)(3)(C)
- PRC § 42067 (e)(3)(E)
- PRC § 42067 (e)(5)(E)
- PRC § 42067 (e)(5)(I)

### **Structure of Contract:**

The Contractor will estimate the weight and number of plastic components of plastic covered material for the baseline year 2023 which will include:

- Collecting foundational data;
- Auditing and conducting gap analysis on foundational data;
- Developing methodology to extrapolate foundational data to 2023 baseline; and
- Estimating source reduction baseline.

### **NA Item 3: Collection, Processing, and End Markets Study**

**Strategy for Completion:** Internal and Contract

#### **Proposed Contract Details:**

- Budget: \$2,200,000
- Type of Contract: Secondary Request for Proposal (RFP)
- Contract Solicitation Date: July 2024
- Contract Completion: By September 2025

#### **Statutory Evaluations:**

- PRC § 42067 (e)(2)(G-K)
- PRC § 42067 (e)(3)(A-B)
- PRC § 42067 (e)(3)(D)
- PRC § 42067 (e)(5)(A-B)
- PRC § 42067 (e)(5)(F)

For both internal and contracted study objectives, the study will cover recycling, including composting and other forms of organics recycling.

#### **CalRecycle's Role**

- Provide the awarded contractor with data available to CalRecycle that is relevant to the study, such as information from reporting systems such as Recycling and Disposal Reporting System or the Electronic Annual Report
- Conduct additional analyses, as relevant and when data is available, such as:
  - Recycling infrastructure and needs in rural areas of California
  - Residential curbside collection of covered materials by jurisdiction
  - Large-volume transfer-processor acceptance and aggregation of covered materials
  - Role of artificial intelligence (AI) in the circular economy
- Synthesize findings from the contracted study and any additional analyses and feedback provided by interested parties to develop and publish the needs assessment findings

### **Structure of Contract:**

The Contractor will:

- Evaluate the current state of covered material flow through collection (curbside and non-curbside), processing, and end markets
  - Estimate current costs
  - Evaluate current market conditions and availability of existing end markets for covered material
  - Evaluate existing access to collection, processing, and end markets, including access to on-premises collection for multifamily residences
  - Identify incompatible material and contamination, including factors contributing to contamination
  - Evaluate existing end market technologies, products, and recycling yields
  - Estimate litter and leakage of covered material\*
- Evaluate potential actions and investments that are needed to meet: (1) 65% recycling rate for plastic covered material by 2032; and (2) 100% of covered material being recyclable or compostable by 2032.
  - Estimate needed expansions to collection of covered material for recycling, processing infrastructure, and responsible end markets, including estimated investments
  - Identify potential actions and investments to ensure recyclable materials are delivered to viable responsible end markets
  - Identify strategies to reduce contamination
  - Identify measures to minimize environmental and public health impacts on communities where recycling occurs
  - Identify technological and other mechanisms to increase processing capacity and infrastructure in the state and regionally and expand responsible end markets
  - Evaluate improved design for recyclability and compostability\*

\*Major updates since December 2023 workshop

### **NA Item 4: Source Reduction and Material Design Study**

**Strategy for Completion:** Internal and Contract

#### **Proposed Contract Details:**

- Budget: \$1,200,000
- Type of Contract: Secondary Request for Proposal (RFP)
- Contract Solicitation Date: November 2024
- Contract Completion: By October 2025

### **Statutory Evaluations:**

- PRC § 42067 (e)(2)(G)
- PRC § 42067 (e)(3)(C)
- PRC § 42067 (e)(3)(E)
- PRC § 42067 (e)(5)(E)

### **CalRecycle's Role**

- Provide the awarded contractor with data available to CalRecycle that is relevant to the study
- Conduct additional analyses, as relevant and when data is available, such as:
  - Overview of existing packaging and food service ware types and materials
  - Identify existing reuse/refill infrastructure, including locations and capacity
- Synthesize findings from the contracted study and any additional analyses and feedback provided by interested parties to develop and publish the needs assessment findings.

### **Structure of Contract:**

The Contractor will:

- Evaluate the current state of reuse and refill systems in California, including existing infrastructure, capacity, and accessibility; and
- Evaluate potential actions and investments that are needed to meet: 25% source reduction by 2032 for plastic covered material, including reuse and refill.
  - Identify actions and investments needed to meet source reduction requirements, including design changes;
  - Evaluate the actions and investments needed to increase reuse and refill infrastructure capacity and accessibility.

## **NA Item 5: Consumer Education and Access Study**

**Strategy for Completion:** Internal and Contract

### **Proposed Contract Details:**

- Budget: \$100,000
- Type of Contract: Primary Request for Proposal (RFP) or Invitation for Bid (IFB)
- Contract Solicitation Date: Mid/Late 2024
- Contract Completion: By October 2025

### **Statutory Evaluations:**

- PRC § 42067 (e)(2)(C)
- PRC § 42067 (e)(2)(F)
- PRC § 42067 (e)(2)(J)
- PRC § 42067 (e)(3)(C)
- PRC § 42067 (e)(3)(E)

### **CalRecycle's Role:**

- Design survey and/or focus group questions to understand:
  - (1) the current state of consumer knowledge, perceptions, and access to recycling and composting.
  - (2) consumer education needs.
  - (3) perceptions of source reduction strategies and reuse/refill systems
- Engage with interested parties to get feedback on survey questions, pilot surveys, and administer focus groups
- Analyze data collected from survey and focus groups
- Synthesize findings from the contracted study and any additional analyses and feedback provided by interested parties to develop and publish the needs assessment findings.

### **Structure of Contract:**

The Contractor shall:

- Administer a statewide survey to collect representative information on consumer education needs related to recycling, composting, source reduction, and reuse and refill systems.

## **NA Item 6: Current and Needed State of Funding and Statutory Provisions Study**

**Strategy for Completion:** Internal

### **Statutory Evaluations:**

- PRC § 42067 (e)(2)(A)
- PRC § 42067 (e)(2)(G)

### **CalRecycle's Role:**

- Evaluate current state programmatic resources related to recycling, reuse, and source reduction of covered material
- Synthesize study outputs to develop NA recommendations and deliverables

### **Request for Feedback:**

CalRecycle is seeking feedback on the proposed scope of the contracted studies, including the proposed timeline, contact 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. Process for Contracted Studies**

We encourage organizations that are interested in bidding on upcoming contract solicitations for the Needs Assessment to attend the workshop and provide public comments. For more information on CalRecycle's contracting process, visit [calrecycle.ca.gov/contracts](https://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.

### **NA Item 7: Contracting Process**

For each Request for Proposal (RFP) released as part of the Needs Assessment, the following is the general process:

1. CalRecycle conducts internal work to:
  - a. Determine existing internal and external resources available to answer key study objectives.
  - b. Select the appropriate RFP type based on considerations of the cost and the types of services needed.
  - c. Host workshops, solicit feedback from interested parties, and conduct market research to inform development of Scope of Work (SOW)
2. CalRecycle develops the SOW, proposal instructions, requirements, scoring criteria, and other information that will be released in the RFP.
3. The RFP Solicitation period begins and can last 6-8 weeks, or longer, depending on a variety of factors including complexity of the study. During the RFP Solicitation period, CalRecycle staff are prohibited from discussing the solicitation with interested prospective bidders. However, interested prospective bidders will have the opportunity to ask CalRecycle clarifying questions before bid submittals are due during a Proposer's Conference and formal question-and-answer (Q&A) period. Participation in each is optional but encouraged.
4. Proposer's Conference.
  - a. The Proposer's Conference is generally held one to two weeks after the RFP Solicitation is advertised, before bid submittals are due.
  - b. Refer to the Process Schedule provided in the RFP Solicitation for the date and time of, and Zoom link to, the Proposer's Conference.
  - c. During the Proposer's Conference, interested prospective bidders can provide comments and ask questions to obtain a better understanding of the work required.
5. Written Q&A Period.
  - a. The Q&A period begins when the RFP Solicitation is advertised. It generally ends two to three weeks after advertisement, but before bid submittals are due.
  - b. Refer to the Process Schedule provided in the RFP Solicitation for the deadline for submitting written questions. All questions must be submitted

before the deadline by email to [contracts@calrecycle.ca.gov](mailto:contracts@calrecycle.ca.gov) with the contract number (DRR #) in the subject line.

- c. CalRecycle will publish an Addendum to the RFP Solicitation to provide responses to all of the questions asked during the Q&A period.
6. After the bid submittal deadline has passed, CalRecycle will review received Proposals and score them using CalRecycle's scoring criteria as provided in the RFP Solicitation.
7. If the contract is awarded, execution of contract deliverables begins. The awarded contractor will engage with interested parties as directed in the contract.
8. CalRecycle will review deliverables as they are submitted for potential inclusion in Needs Assessment findings.
9. All contracted work is proposed to be completed by Fall 2025.
10. CalRecycle will publish the Needs Assessment findings as available with completion anticipated in January 2026.

**Informational Item for Interested Parties:** The information above outlines the general contracting process for RFPs released as part of the Needs Assessment.

## **Part IV. Updates on Proposed Engagement & Collaboration**

### **NA Item 8: Goals of Collaboration & Engagement**

PRC 42067 (a), (d) and (g) outline that the Needs Assessment must be developed using a collaborative process. Consistent with those statutory requirements, CalRecycle has identified the following goals of collaboration and engagement:

- Ensure that the needs assessment is communicated using multiple accessible platforms to enable meaningful engagement and solicit feedback from a variety of interested parties
- Ensure that feedback is received and considered in a way to minimize the burden on interested parties
- Receive input, information, and/or data that could be used by the Contractor or CalRecycle in the required Needs Assessment analyses to ensure valid findings that reflect the diverse needs of California.

**Informational Item for Interested Parties:** The above information outlines the goals of collaboration and engagement for the Needs Assessment.

### **NA Item 9: Proposed Collaboration & Engagement**

CalRecycle is proposing the following types of collaboration and engagement for achieving the statutory requirements stated in PRC 42067(a), (d), and (g):

- Develop user-friendly online portal (see NA Item 10) for interested parties to submit feedback, comments, and data.
- Continued non-regulatory public workshops to provide updates on needs assessment development, including progress made on CalRecycle developed

methodology and development of findings, and solicit feedback from interested parties.

- Use existing meetings, such as regional task force meetings, to engage with interested parties throughout the needs assessment process;
- Coordinate across CalRecycle and Contractors to solicit specific information and data while minimizing burden on interested parties; and
- Develop contract solicitations (see NA Item 7) that allow for engagement by Contractors with interested parties to meet the objectives of each contract, including developing proposal scoring criteria that includes points for experience with community engagement and other types of collaboration.
- Engage with disadvantaged communities, environmental justice organizations, and California Native American Tribes through contracted studies and engagement by CalRecycle.
- Acknowledge and summarize feedback received from interested parties and provide any steps taken in response to feedback during public workshops.

**Request for Feedback:** CalRecycle is seeking feedback on the proposed collaboration and engagement summarized above, with specific feedback requested on existing meetings and opportunities for engagement as well as preferred modes of engagement.

### **NA Item 10: New SmartComment Portal for Needs Assessment**

A new, user-friendly online portal is available for interested parties or members of the public to submit comments, feedback, and any relevant data related to the needs assessment. Directions for accessing the SmartComment portal can be found on the SB 54 [Needs Assessment webpage](#) and instructions on how to submit a comment or suggestion are detailed on the SmartComment Portal website.

Interested parties can submit comments in English or Spanish (coming soon).

**Informational Item for Interested Parties:** The above item provides information on how interested parties or members of the public can provide feedback on the Needs Assessment.

## **Process for Submitting Written Feedback**

CalRecycle has developed processes 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.

### **For Comments or Suggestions**

All Needs Assessment comments or suggestions should be submitted to our Needs Assessment SmartComment Portal. Please note, comments submitted to the Needs

Assessment SmartComment Portal are not part of the rulemaking process and will only be considered to the extent they concern the needs assessment.

### **For Questions**

All Needs Assessment related questions can be submitted to [packaging@calrecycle.ca.gov](mailto:packaging@calrecycle.ca.gov) with the subject line: *SB 54 Needs Assessment*. Written questions can be provided prior to the workshop and after. CalRecycle requests all questions specific to the May 1st Workshop to be submitted no later than May 15th. Preferred formats include e-mail, Word document, or PDF.

### **For Questions Related to Advertised Contract Solicitations**

CalRecycle must receive any questions or comments specific to an advertised contract solicitation through [contracts@calrecycle.ca.gov](mailto:contracts@calrecycle.ca.gov). Please note that questions on advertised contract solicitations that are not received through the Contracts inbox cannot be addressed. Additionally, CalRecycle is unable to address any questions pertaining to a contract solicitation after the question-and-answer deadline for that solicitation. For more information on contract solicitations, including the question-and-answer deadline for open solicitations, please visit <https://calrecycle.ca.gov/Contracts>.