

Implementing Regulations for Plastic Pollution Prevention and Packaging Producer Responsibility Act (SB 54)

California Environmental Quality Act (CEQA) Scoping Meeting

Department of Resources Recycling and
Recovery (CalRecycle)

July 22, 2024



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Agenda

Moderator

Marcus Santillano, Program Manager for the Packaging EPR Section

Part I. Introductions and Meeting Purpose

Dan Tormey, Catalyst Environmental Solutions

Part II. Overview of SB 54 and Implementing Regulations

Dan Tormey, Catalyst Environmental Solutions

Part III. CEQA Process & Schedule

Paden Voget, Catalyst Environmental Solutions

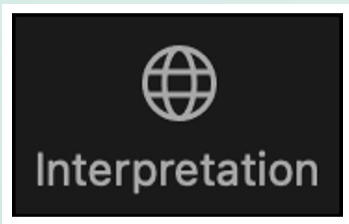
Part IV. How to Provide Comments

Dan Tormey, Catalyst Environmental Solutions

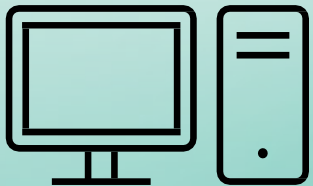
Interpretation Services | Servicios de Interpretación



In Person – Ask our team for a translation headset
En persona – Solicite asistencia si necesita audífonos de traducción



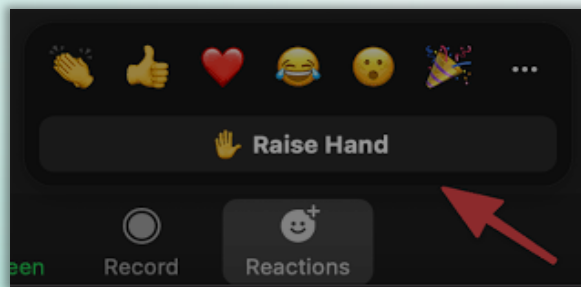
Zoom – Select your language on the Interpretation icon
Zoom - Seleccione su idioma en el icono Interpretación



Webcast - <https://video.calepa.ca.gov/#/>
Transmisión en línea - <https://video.calepa.ca.gov/#/>

Questions

- To ask a question in-person, please line up at the podium.
- To ask a question via Zoom, please raise your hand and the host will unmute you.

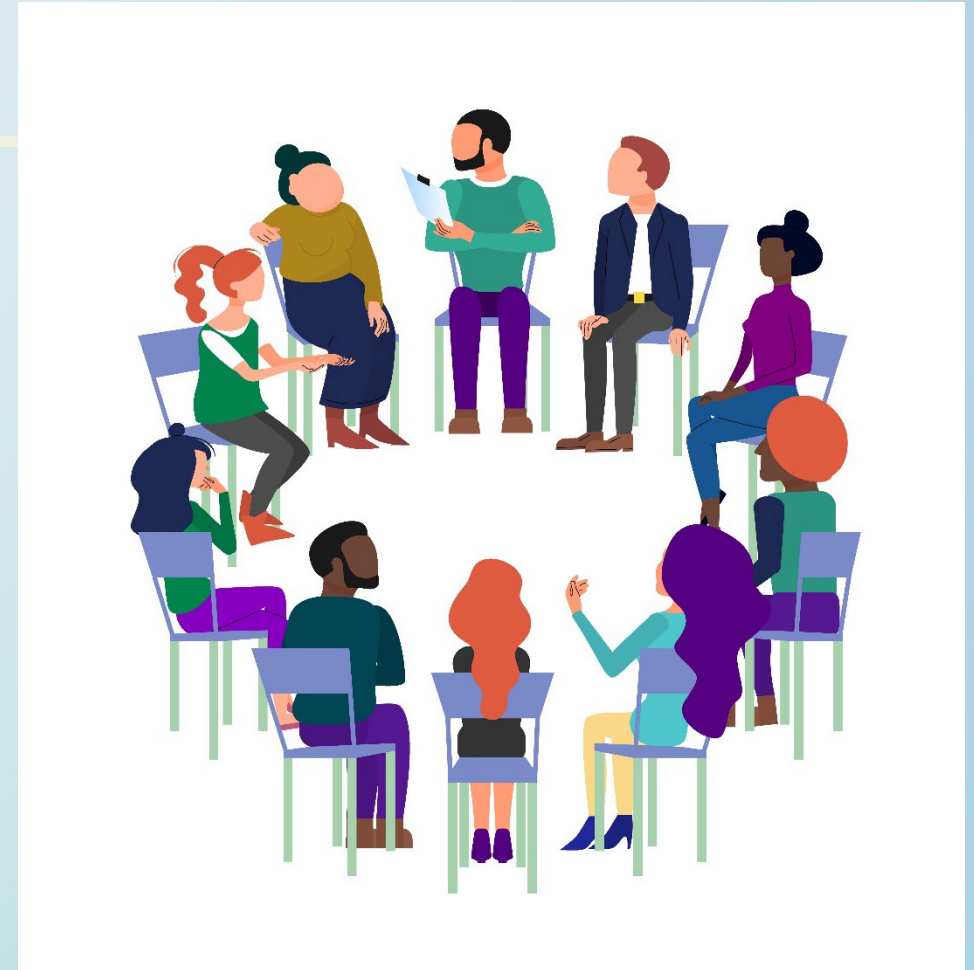


- To ask a question (in writing) via Zoom, please use the chat box.

✓ Scoping Meeting Purpose

Meeting Purpose

- Present key elements of the CEQA review of SB 54 and Implementing Regulations
- Provide an overview on the environmental analysis
- Provide guidance on how to submit scoping comments: The focus is on the CEQA analysis, not the regulations themselves which have closed the public comment period



✓ Overview of SB 54 and Implementing Regulations

Program Objectives



Requires all covered material to be recyclable or eligible to be labeled “compostable” by 2032.



Establishes Recycling Rates for plastic covered material

- 30% by 2028
- 40% by 2030
- 65% by 2032



Source reduction of plastic covered material:

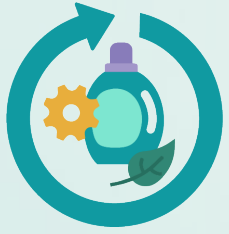
- 10% by 2027
- 20% by 2030
- 25% by 2032



Establishes Recycling Rates for expanded polystyrene (EPS):

- 25% by 2025
- 30% by 2028
- 50% by 2030
- 65% by 2032

Not meeting these rates would prohibit producers of EPS food service ware from selling, offering for sale, distributing, or importing in or into the state EPS food service ware.



Producer Responsibility Organization (PRO)

A PRO is a 501(c)(3) nonprofit organization tasked with ensuring the program objectives are met and that producers are compliant with the statute and regulations.



Develop and implement the producer responsibility plan and budget.



Pay:

- Administrative costs.
- Necessary investments.
- Environmental mitigation surcharge.



Register producers with CalRecycle and ensure participant producers comply with the program.



Annually report data to CalRecycle and submit annual reports.

Current Status of the SB 54 Regulations

- 2023: Concept Development and Informal Rulemaking
- Draft regulations were publicly shared on December 28, 2023
- Standardized Regulatory Impact Assessment sent to Department of Finance
- Formal rulemaking process began in early 2024
- Public Comment Period: March 8 – May 8
- CalRecycle is reviewing public comments and considering changes to the proposed regulations.
- CalRecycle intends to have regulations adopted by our statutory deadline of January 1, 2025.

Regulations and the Rulemaking Process

- Regulations are rules, orders, and standards that implement, interpret, and make specific a law that an agency administers or enforces.
- The rulemaking process is the process by which a governmental agency develops regulations. Generally, the rulemaking process must follow the requirements of the Administrative Procedures Act (Government Code 11340-11361).
- As a discretionary action by a State Agency, decisions of the rulemaking process are subject to CEQA

Outline of Draft Implementing Regulations

Chapter 11.1 – Plastic Pollution Prevention and Packaging Producer Responsibility

- **15 Articles**

Chapter 11.5 – Environmental Marketing and Labeling

- **1 Article**

Copy of draft regulation text can be accessed on CalRecycle's website:

<https://www2.calrecycle.ca.gov/Docs/Web/127317>



List of Articles

Chapter 11.1:

- Article 1 – Definitions
- Article 2 – Covered Materials and Covered Material Categories
- Article 3 – Evaluations for Covered Material and Covered Material Categories
- Article 4 – Responsible End Markets
- Article 5 – Requirements for Producers
- Article 6 – Requirements for Producer Responsibility Organization
- Article 7 – Requirements for Independent Producers
- Article 8 – Producer Responsibility Plan Requirements
- Article 9 – Annual Report and Program Budget
- Article 10 – Data Reporting Requirements
- Article 11 – Requirements for Local Jurisdictions and Recycling Service Providers
- Article 12 – Requirements for the Advisory Board
- Article 13 – Enforcement Oversight by the Department and Administrative Civil Penalties
- Article 14 – Additional PROs
- Article 15 – Public Records

Chapter 11.5:

- Third-party Certification Entity Criteria and Approval Process

Drivers of Direct Impacts of the Implementing Regulations

- Reduce single-use plastic packaging and single use plastic food service ware
- Reduce the volume of plastic disposed in landfills
- Reduce the amount of plastic litter
- Reduce production of new plastic
- Greater clarity of consumers deciding the proper bin
- Help California shift to a circular economy
- Hold producers of plastic responsible for managing covered materials

✓ CEQA Process & Schedule

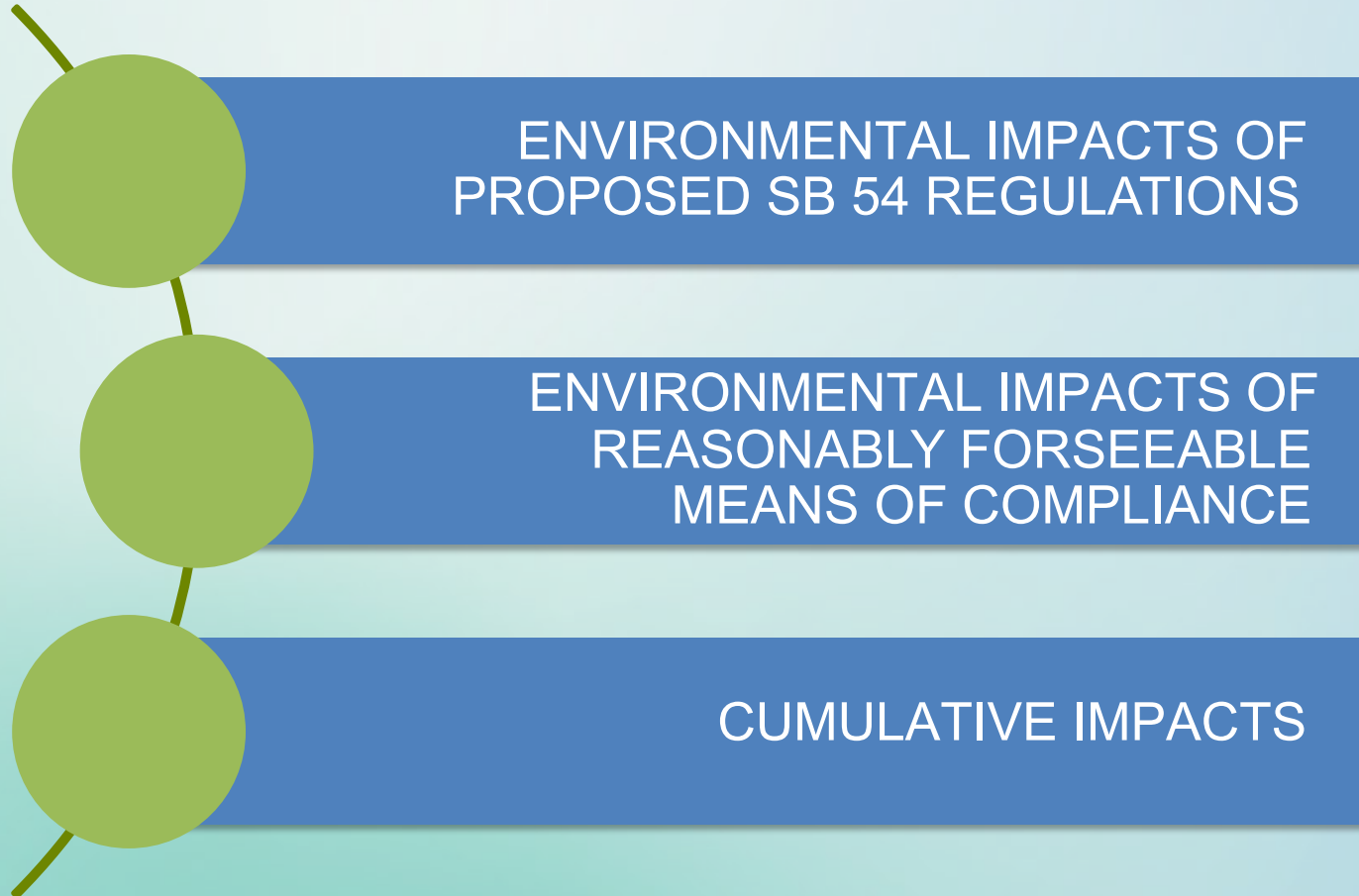
CEQA Overview

- California Environmental Quality Act (CEQA) is a California law requiring public agencies to evaluate potential environmental impacts of a project
- Purpose of CEQA is to provide disclosure
 - Inform decision makers about environmental effects
 - Involve public participation in the planning process
 - Identify and incorporate feasible means of reducing environmental impacts
- The Notice of Preparation (NOP) issued July 12, 2024
 - Announced that a PEIR will be prepared
 - Initiates 45-day public scoping period

Copy of the NOP is available at:

https://www2.calrecycle.ca.gov/PublicNotices/Details/5492?utm_medium=email&utm_source=govdelivery

SB 54 REGULATORY ELEMENTS TO BE ANALYZED



What are Reasonably Foreseeable Means of Compliance?

- When some State Agencies consider new regulations with performance standards, CEQA requires analysis of the impacts of reasonable means by which the regulated community complies with those regulations
- CalRecycle identified and analyzed economic effects of compliance
- CEQA review relies on the reasonable means that were identified, and analyzes the environmental effects of compliance
- Reasonable means of compliance include:
 - Reduction of plastic packaging and plastic single use food-service ware: shifting to alternate materials
 - Reuse of material to reduce reliance on single-use packaging and plastic single-use food service ware: more refilling and reuse opportunities
 - Recycling: collection, sorting, processing, and transportation

Environmental Issues to be Analyzed

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

CEQA PEIR Process & Schedule



● Opportunities for public input

✓ Questions
and
Comments

Public Comments

Mail: Department of Resources Recycling and Recovery (CalRecycle)
10th Floor – Fidan Aghayarova
P.O. Box 4025
Sacramento, CA 95812-4025

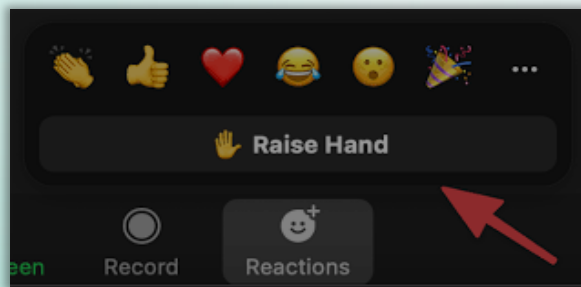
Email: Packaging@calrecycle.ca.gov

Website [Comment Portal]: <https://calrecycle.commentinput.com?id=x2S8WhCefZ>

Public Scoping Period: July 12, 2024 through August 26, 2024

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Ways to stay informed



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



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

Email: **Packaging@CalRecycle.ca.gov**

Thank you for
participating!