



September 11, 2024

Subject: Notification of the Statutory Requirement to Submit a Demonstration of Expanded Polystyrene Recycling Rate in California

The Plastic Pollution Prevention and Packaging Producer Responsibility Act, Senate Bill No. 54 (Allen, Chapter 75, Statutes of 2022) (SB 54) restricts producers of expanded polystyrene food service ware from selling, offering for sale, distributing, or importing expanded polystyrene food service ware in or into the state unless certain recycling rates are met. To continue these activities in California, producers of expanded polystyrene food service ware are required to demonstrate to CalRecycle that the recycling rate of all expanded polystyrene regulated by SB 54, which includes packaging and food service ware, is not less than 25 percent on and after January 1, 2025. Additional demonstrations of recycling rates must also be met.

The State of California's Department of Resources Recycling and Recovery (CalRecycle) is writing to remind you of this important upcoming deadline regarding expanded polystyrene food service ware as specified in SB 54, Public Resource Code §42040-42084. Producers of expanded polystyrene food service ware are responsible for demonstrating expanded polystyrene recycling rates; the SB 54 Producer Responsibility Organization is not obligated to do so.

Compliance will be determined based on the statutory requirements. Public Resource Code Section 42041 (ab) requires that the recycling rate be calculated in the following manner:

Mass of EPS covered material recycled

Mass of all EPS covered material recycled + Mass of all EPS covered material disposed
of

The demonstration needs to be received before or on January 1, 2025. Thank you for your attention to this matter.

Send data demonstrating achieved recycling rates, and questions, to the following email or postal address.

Email: Packaging@CalRecycle.ca.gov or

Mail: CalRecycle, Attn: Product Stewardship Compliance Branch
1001 I Street, MS 10-A
Sacramento, CA 95814

Additional demonstrations of recycling rates are required on specific dates as outlined below.

- Not less than 30 percent on and after January 1, 2028.
- Not less than 50 percent on and after January 1, 2030.
- Not less than 65 percent on and after January 1, 2032, and annually thereafter.

To learn more about this law, refer to CalRecycle's website at <https://calrecycle.ca.gov/packaging/packaging-epr/>.

Sincerely,



Maryam Khosravifard
Branch Chief
Product Stewardship Compliance Branch