



July 23, 2025

Dear **Tribal Leader**:

Subject: Update on SB 54 Rulemaking Changes and Opportunity for Tribes to Engage

On March 7, 2025, Governor Newsom directed the California Department of Resources Recycling and Recovery (CalRecycle) to restart the rulemaking process for the Plastic Pollution Prevention and Packaging Producer Responsibility Act (the Act), Senate Bill (SB) 54, Allen, Chapter 75, Statutes of 2022. CalRecycle is notifying California Native American Tribes about recent developments and welcomes tribal engagement and consultation during this rulemaking process.

CalRecycle previously initiated Tribal Consultation under AB 52 requirements for the Proposed Program, which was completed on October 31, 2024.

The Act requires California to transform its approach to managing single-use packaging and plastic single-use food service ware ("covered material") by prioritizing waste reduction and transitioning to a circular economy. It shifts responsibility for managing covered material from local governments and consumers to producers. By 2032, producers must reduce single-use plastic packaging and food service ware by 25%, ensure 65% of remaining materials are recycled, and ensure that 100% of covered material are recyclable or compostable.

The Act mandates that producers form a Producer Responsibility Organization (PRO) to develop and implement an Extended Producer Responsibility (EPR) program. Producers may only sell, offer for sale, import, or distribute covered materials in California if they are approved participants in a PRO's plan or comply individually outside of a PRO. The Act also imposes obligations on producers, including registration, reporting, recordkeeping, auditing, surcharge payments, and submission of budgets and annual reports. Additionally, the Act requires local jurisdictions and recycling service providers to include all covered materials designated as recyclable or compostable in their collection and recycling programs.

CalRecycle is currently in the informal rulemaking process and released proposed revised regulations for public comments through June 3, 2025. After considering all public comments, CalRecycle made revisions to the regulatory language and submitted [draft regulations](https://www2.calrecycle.ca.gov/Docs/Web/130779) (https://www2.calrecycle.ca.gov/Docs/Web/130779) to the Department of Finance for its review alongside a Standardized Regulatory Impact Assessment of the economic and fiscal impacts associated with these proposed regulations. This draft shows proposed adoption, amendment, and

deletion of regulations in ~~strikeout~~ and underline over the version of the proposed text from the March 2024-March 2025 rulemaking. With possible minor adjustments, this is anticipated to be the version of the proposed regulations released for the 45-day formal rulemaking comment period following the SRIA review process. The draft regulations improve operational readiness and efficiencies for producers and allow for cost-effective implementation of the law.

CalRecycle will submit the revised rulemaking package to the Office of Administrative Law (OAL) to begin a new 45-day public comment period. Public comments will be carefully reviewed to determine if changes are necessary. If no further changes are required, the final rulemaking package will be submitted to OAL for review and approval.

Additionally, CalRecycle will be updating the Draft Programmatic Environmental Impact Report (PEIR) (SCH# 2024070487) prepared for the proposed regulations. The Draft PEIR, prepared in accordance with the California Environmental Quality Act (CEQA), considers the potential environmental impacts associated with proposed regulations. The PEIR was already circulated for public review and comment in late 2024; CalRecycle will recirculate any changes to the Draft PEIR text for public comment concurrently with the proposed regulations. CalRecycle will certify the Final PEIR prior to adoption of the regulations.

CalRecycle affirms its commitment to engage with California Native American Tribes. CalRecycle values the perspectives and knowledge of **your tribe** and remains dedicated to ensuring meaningful consultation and active engagement throughout the formal rulemaking and environmental review processes.

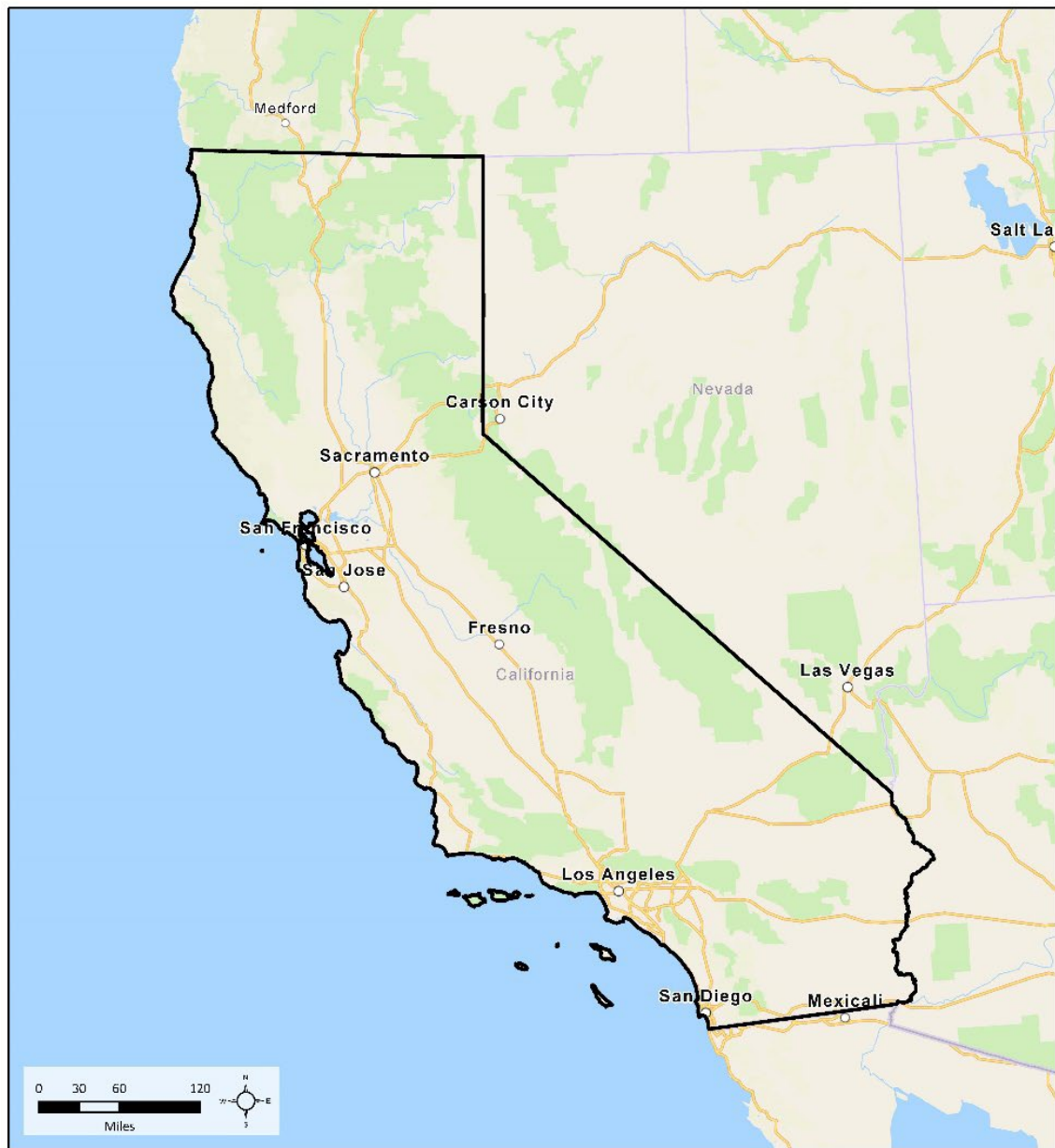
Sincerely,

A handwritten signature in black ink, reading "Katrina Leni-Konig". The signature is fluid and cursive, with the first name "Katrina" and last name "Konig" clearly legible.

Katrina Leni-Konig  
Deputy Director and Tribal Liaison  
CalRecycle

**Attachment A: Map of Project Area, Statewide, State of California**  
**Attachment B: Tribal Consultation Options Response Form**

### Map of Project Area, Statewide, State of California



**Attachment B**  
**Tribal Consultation Options Response Form (Optional)**

Tribe: \_\_\_\_\_

**Project Name:** Plastic Pollution Prevention and Packaging Producer Responsibility Act Rulemaking and Programmatic Environmental Impact Report Update

Please check the appropriate response:

\_\_\_\_\_ Request to continue coordination for this proposed program directly with the Department of Resources Recycling and Recovery (CalRecycle) and requests initiation of formal consultation pursuant to the CalEPA Tribal Consultation Policy.

\_\_\_\_\_ No interest associated with this proposed program and further consultation is not required.

\_\_\_\_\_  
Tribal Leader (Please print)

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Tribal Leader (Signature)

\_\_\_\_\_  
Date

*If you have chosen to proceed with consultation, please identify a Tribal Representative for the consultation.*

\_\_\_\_\_  
Name of Formal Tribal Representative (Please print)

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

\_\_\_\_\_  
Name of Formal Tribal Representative (Signature)

\_\_\_\_\_  
Date

Please mail this form to:  
Department of Resources Recycling  
and Recovery (CalRecycle)  
Attn: Fidan Aghayarova, 13<sup>th</sup> Floor  
P.O. Box 4025  
Sacramento, CA 95812-4025

or E-mail to:  
[tribalaffairs@calrecycle.ca.gov](mailto:tribalaffairs@calrecycle.ca.gov)