

NOTICE OF PROPOSED ACTION

**CalRecycle Informal Hearing Rules Regulations
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
TITLE 14. NATURAL RESOURCES
DIVISION 7. DEPARTMENT OF RESOURCES RECYCLING AND
RECOVERY
CHAPTER 1. GENERAL PROVISIONS
ARTICLE 6. HEARING OFFICE**

NOTICE IS HEREBY GIVEN that the Department of Resources Recycling and Recovery (CalRecycle) proposes to adopt the California Code of Regulations, Title 14, Division 7, Chapter 1, Article 6, commencing with Section 17063.1.

CalRecycle additionally proposes to amend the California Code of Regulations, Title 14, Division 2, Chapter 5, Subchapter 2, Articles 4 and 5, sections 2100 and 2130; Subchapter 4.5, Article 5, section 2385 and 2386; Subchapter 6, Article 1, section 2500.5; Division 7, Chapter 4, Article 4, section 17974; Chapter 6, Article 8.5, section 18464 and 18466; Chapter 8, Article 5, section 18643.0; Chapter 11, Articles 3 and 4, sections 18971, 18975.1, and 18975.2; and Chapter 12, Article 16, sections 18997.5 and 18997.6.

The proposed regulations are intended to implement a unified set of hearing procedures applicable to CalRecycle's hearings conducted pursuant to Chapter 4.5 of the California Administrative Procedure Act (Government Code section 11400 et seq.), referred to herein as "informal" hearings.¹ After considering all comments, objections, and recommendations regarding the proposed action, CalRecycle may adopt the proposals substantially as described in the below Informative Digest or may modify such proposals if such modifications are sufficiently related to the original text.

PUBLIC HEARING

CalRecycle will hold a hybrid public hearing starting at 9:00 AM (PDT) on December 17, 2025, and concluding upon submission of any public hearing comments. The public hearing will be accessible in person in the Byron Sher Auditorium located on the 2nd floor of the CalRecycle headquarters at 1001 I Street, Sacramento, California. The Byron Sher Auditorium is wheelchair accessible. The public hearing will also be accessible virtually via Zoom for direct participation and via Webcast for observation only. Instructions for how to access the Zoom public hearing (registration required) or

¹ These proceedings are referred to herein as "informal" administrative proceedings or hearings to distinguish them from "formal" proceedings under Chapter 5 the APA. The term is used here to refer to proceedings pursuant to Chapter 4.5 generally rather than only those pursuant to Article 10 of Chapter 4.5, which concerns a subset of hearings.

Webcast (no registration required), can be found on CalRecycle's website at <https://calrecycle.ca.gov/Laws/Rulemaking/>.

Please note that Webcast participants will not be able to provide comments during the public hearing. To participate remotely and provide comments, it is recommended to join via Zoom. No registration is necessary to view the Webcast.

At the public hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action. CalRecycle requests, but does not require, that any person who makes oral comments also submit a written copy of their testimony at the hearing. All comments at the public hearing will be collected and recorded.

Simultaneous Spanish interpretation will be available in-person at the public hearing and remotely via Zoom or Webcast. For in-person interpretation services, headsets will be available and can be provided by CalRecycle staff prior to or during the hearing. If interpretation services are needed in a language other than Spanish, please notify CalRecycle at regulations@calrecycle.ca.gov by December 8, 2025, and CalRecycle staff will do their best to accommodate this request.

WRITTEN COMMENT PERIOD

The written comment period permits any interested person, or their authorized representative, to submit written comments addressing the proposed amendments to CalRecycle. Written comments, which offer a recommendation and/or objection, or support the proposed regulations, should indicate the section to which the comment or comments are directed. CalRecycle will only consider written comments sent to CalRecycle and received during the written comment period, which begins on October 31, 2025, and ends on December 17, 2025. Written comments received by CalRecycle after the close of the public comment period are considered untimely. CalRecycle may, but is not required to, respond to untimely comments, including those raising significant environmental issues. Comments submitted in writing must be addressed to one of the following:

Postal mail:

Donnet McFarlane
CalRecycle Informal Hearing Rules Regulations
Department of Resources Recycling and Recovery, Regulations Unit
1001 "I" St., MS-24B, Sacramento, CA 95814

Electronic submittal: [CalRecycle Informal Hearing Rules Regulations 45-Day Comment Period](#)

Please note that under the California Public Records Act (Government Code section 7920.000 et seq.), your written and oral comments, attachments, and associated

contact information (e.g., your address, phone number, email address, etc.) become part of the public record and can be released to the public upon request.

AUTHORITY AND REFERENCES

Government Code section 11400.20 and Public Resources Code sections 14530.5, 14530.5(b), 14536, 14578.5, 40401, 40502, 42031.2, 42652.5, 42962, 42966, 43020, 43021 and 48641 provide authority for these regulations. The purpose of the proposed actions is to create a uniform set of hearing procedures to govern informal administrative hearings conducted by CalRecycle.

The following is a list of references cited in this proposed regulation: Government Code sections 11400.20, 11415.40, 11415.60, 11420.10, 11420.30, 11425.10, 11425.20, 11425.30, 11425.40, 11425.50, 11425.60, 11430.10, 11430.20, 11430.30, 11430.40, 11430.50, 11430.60, 11430.70, 11430.80, 11435.05, 11435.10, 11435.15, 11435.20, 11435.25, 11435.30, 11435.55, 11435.60, 11435.65, 11440.20, 11440.30, 11440.50, 11450.05, 11450.10, 11450.20, 11450.30, 11450.40, 11450.50, 11455.10, 11455.20, 11455.30, 11500, 11501, 11502, 11503, 11504, 11504.5, 11505, 11506, 11507, 11507.3, 11507.5, 11507.6, 11507.7, 11508, 11509, 11511, 11511.5, 11511.7, 11512, 11513, 11514, 11515, 11516, 11517, 11518, 11518.5, 11519, 11519.1, 11520, 11521, 11522, 11523, 11524, 11526, 11527 and 11528. Public Resources Code sections 14511.7, 14538, 14539, 14541, 14578, 14578.5, 14591, 14591.1, 14591.2, 14593, 14594, 42030, 42032, 42033.2, 42035, 42035.2, 42035.4, 42035.6, 42035.8, 42652.5, 42790, 42791, 42951, 42952, 42955, 42960, 42961, 42962, 42985, 42986, 42993, 42993.1, 42993.2, 42993.3, 48624 and 48662. Health and Safety Code section 39730.6.

INFORMATIVE DIGEST

Summary of Existing Laws and Effect of the Proposed Action

The proposed regulations establish a comprehensive framework for informal hearings conducted under CalRecycle's jurisdiction.

Under existing law, each program within CalRecycle conducts informal hearings according to different procedures and practices. Where no procedures are specified, hearings default to the general standards set by the California Administrative Procedure Act's (APA) Administrative Adjudication provisions (Gov. Code, §§ 11400–11475.70). The different procedures and deadlines across programs create inconsistencies and a lack of clarity for participants.

The proposed regulations will standardize procedures, making the rules clear and uniform across all informal hearings conducted by CalRecycle. These hearings will continue to align with the APA's principles of fair and efficient adjudication while providing additional procedural clarity.

Key elements include:

- Procedural rules to ensure accessibility, including accommodations for disabilities and provisions for language access and interpretation.
- Comprehensive pleading requirements, stating the burden of proof and the party that bears that burden.
- Clear timelines and processes for filing pleadings, conducting discovery, seeking subpoenas, and presenting evidence.
- Provisions to ensure transparency and fairness, including public observation of hearings and the right to representation by an attorney or other representative.
- Requirements for the sufficiency and timeliness of decisions and procedures for correcting clerical errors.

The proposed regulations do not govern formal hearings under Chapter 5 of the Administrative Procedure Act, hearings conducted by local enforcement entities and local jurisdictions, and time-sensitive matters, such as emergency decisions and interim suspensions.

To facilitate the use of the proposed regulations, existing program regulations will be amended to adopt the proposed regulations as the governing procedures. Any conflicting procedures or deadlines in the existing regulations will be deleted or superseded by the proposed regulations unless a different procedure is required by statute.

Policy Statement Overview/Anticipated Benefits of Proposal

The goal of the CalRecycle Informal Hearing Rules is to maintain flexibility in CalRecycle's informal hearings while creating a clear and uniform set of deadlines and procedures.

The proposed regulations are expected to provide the following benefits:

- Improve efficiency and clarity in CalRecycle's informal adjudicative processes.
- Provide fair and consistent rules for all participants.
- Promote transparency and public confidence in CalRecycle's informal hearing procedures.
- Increase access for parties and the public by defaulting to a virtual hearing process, allowing participation regardless of location.

- Reduce use of paper resources by formalizing an electronic filing requirement.

Consistency With State Regulations

Pursuant to Government Code section 11346.5, subdivision (a)(3)(D), CalRecycle conducted an evaluation of existing state regulations. CalRecycle determined that the proposed regulations are neither inconsistent nor incompatible with existing state regulations and that CalRecycle is the only agency that can implement this proposed regulation.

INCORPORATION BY REFERENCE

No documents or forms are incorporated by reference in the proposed regulation.

EXISTING COMPARABLE FEDERAL REGULATION OR STATUTE

CalRecycle has determined that the proposed regulations do not significantly differ from federal law because there are no existing comparable federal statutes or regulations in this subject area.

OTHER STATUTORY REQUIREMENTS (GOVERNMENT CODE SECTION 11346.5, SUBDIVISION (a)(4))

CalRecycle has determined that no other matters, as prescribed by statute, need to be addressed.

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS

CalRecycle has determined that the proposed regulations do not impose a mandate on local agencies or school districts.

FISCAL IMPACT

Local Agencies or School Districts Subject to Reimbursement

CalRecycle has determined that the proposed regulations do not result in costs to any local agency or school district that must be reimbursed pursuant to Section 6 of Article XIII B of the California Constitution and Part 7 of Division 4 of the Government Code section 17500 et seq.

Cost or Savings to Any State Agency

The proposed regulations are not expected to result in significant costs or savings to any state agency. While the establishment of standardized hearing procedures may require one-time training or minor operational adjustments for staff involved in administrative hearings, these impacts are anticipated to be minimal and absorbable within existing budgets.

Non–Discretionary Cost or Savings Imposed Upon Local Agencies

CalRecycle has determined that there are no non-discretionary costs or savings imposed upon any local agencies.

Cost or Savings in Federal Funding to the State

CalRecycle has determined that adoption of these regulations will not have an impact on costs or savings in federal funding to the State.

HOUSING COSTS

CalRecycle has determined that adoption of these regulations will not have a significant effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

CalRecycle has determined that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This proposal is not intended to create, expand, or eliminate businesses within the State of California. The scope of the proposed regulations is limited to implementing a uniform set of hearing procedures to govern informal administrative appeals conducted at CalRecycle.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

Creation or Elimination of Jobs within the State of California

CalRecycle has determined that the proposed regulations will not result in the creation or elimination of jobs within the State of California. The regulatory changes are procedural in nature and primarily serve to enhance consistency, accessibility, and efficiency in CalRecycle’s informal administrative hearing processes.

Creation of New Businesses or Elimination of Existing Businesses within California

The proposed regulations govern internal procedures for informal administrative hearings and do not impose new operational, licensing, or reporting requirements on regulated businesses. They are limited to specifying how a party may request a hearing and how that hearing is conducted. Accordingly, no businesses are expected to be created or eliminated because of this rulemaking.

This conclusion is supported by several factors. First, the agency-wide analysis of anticipated hearings across CalRecycle programs yielded an estimated 208 informal hearings annually, which represents a very small subset of total businesses regulated by CalRecycle. Second, these procedures are only triggered at the election of the regulated entity, after they request a hearing. And third, these proposed regulations do

not alter core business operations, market entry conditions, or economic incentives related to industry participation.

Thus, CalRecycle has concluded there are no anticipated economic impacts related to business creation or elimination because the proposed regulations affect only procedural conduct once enforcement has already occurred. Additionally, the procedural clarity and expanded use of remote hearings may create minor administrative efficiencies or cost savings for businesses facing enforcement. However, these benefits are not expected to shift market dynamics, affect business viability, or alter the number of businesses operating in the state.

Expansion of Businesses Doing Business within the State

The proposed regulations are procedural in nature, establishing clear and accessible rules for requesting and conducting informal administrative hearings. They do not regulate new markets, introduce new business opportunities, or affect demand for specific goods or services. As a result, the proposed regulations are not expected to lead to the expansion of businesses within California.

Rather, by reducing travel costs, administrative burdens, and paperwork requirements for regulated parties participating in enforcement hearings, the regulations may produce modest operational savings for existing businesses. However, these savings are unlikely to be substantial enough or apply to enough businesses to directly influence business formation, expansion, or relocation decisions.

Benefits to the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The proposed regulations will benefit California by increasing transparency, consistency, and procedural fairness in informal administrative hearings conducted by the Department. Standardizing the conduct of these hearings ensures that all participants receive a predictable and equitable process.

The regulations also support public health, safety, and environmental goals by formalizing CalRecycle's preference for remote hearings. Remote hearings reduce the need for in-person attendance, thereby minimizing the risk of illness transmission and workplace violence. Additionally, remote participation eliminates the need for travel, which reduces greenhouse gas emissions and contributes to the state's climate objectives. These benefits align with California's broader efforts to protect public health and reduce environmental harm.

COST IMPACTS TO REPRESENTATIVE PRIVATE PERSON OR BUSINESS

CalRecycle is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. These regulations do not impose new substantive obligations or fees but instead clarify procedural rights and responsibilities during informal hearings. Participation in a hearing

remains voluntary, and the cost of participation, if any, will vary depending on the extent to which an individual or business chooses to engage in the process.

BUSINESS REPORT

The proposed regulation does not require a report, nor does a reporting requirement apply to businesses.

DETERMINATION OF EFFECT ON SMALL BUSINESS

CalRecycle has determined that the proposed regulations will not have a significant adverse economic impact on small businesses. The proposed hearing procedures are procedural in nature and do not create or modify substantive compliance obligations. While small businesses may occasionally participate in hearings, the regulations are designed to enhance procedural clarity and fairness for all participants, including small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), CalRecycle must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

CalRecycle invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period, or at the scheduled public hearing.

CONTACT PERSONS

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Donnet McFarlane
CalRecycle Informal Hearing Rules Regulations
Department of Resources Recycling and Recovery, Regulations Unit
1001 "I" St., MS-24B, Sacramento, CA 95814
Phone: (916) 327-0089
Email: regulations@calrecycle.ca.gov

The backup contact person is:

Craig Castleton
CalRecycle Informal Hearing Rules Regulations

Department of Resources Recycling and Recovery, Regulations Unit
1001 "I" St., MS-24B, Sacramento, CA 95814
Phone: (916) 327-0089
Email: regulations@calrecycle.ca.gov

AVAILABILITY STATEMENTS

Availability of Initial Statement of Reasons, Text of Proposed Regulations, Information Upon Which this Proposal is Based, and Rulemaking File

CalRecycle will have the entire rulemaking file, the express terms of the proposed regulations, and all information that provides the basis for the proposed action, available for public inspection and copying during normal business hours at the address provided above. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the text of the proposed regulations, the Initial Statement of Reasons, the documents relied upon for the proposed action, and the economic and fiscal impact statement. Copies may be obtained by contacting the contact persons at the address, email, or phone number listed above.

Availability of Modified Text

CalRecycle may adopt the proposed regulations substantially as described in this Notice. If CalRecycle makes substantial changes to the originally proposed text, it will make the modified text, with the changes clearly indicated, available to the public for at least fifteen (15) days before CalRecycle adopts the regulations as revised. Requests for the modified text should be made to the contact persons named above. CalRecycle will transmit any modified text to all persons who testify at the scheduled public hearing, all persons who submit a written comment at the scheduled public hearing, all persons whose comments are received during the comment period, and all persons who request notification of the availability of such changes. CalRecycle will accept written comments on the modified regulations for fifteen (15) days after the date on which they are made available.

Availability of the Final Statement of Reasons

Upon its completion, copies of the Final Statement of Reasons may be obtained by request from the contact persons identified in this Notice or accessed through CalRecycle's website at www.calrecycle.ca.gov/Laws/Rulemaking.

INTERNET ACCESS

For more timely access to the rulemaking file, and in the interest of waste prevention, interested parties are encouraged to access CalRecycle's Internet webpage for the rulemaking at www.calrecycle.ca.gov/Laws/Rulemaking. All rulemaking files published through CalRecycle's internet website will be available on that page.