

Identifying Covered Materials:

Guidance For Producers of Single-Use Packaging and Single-Use Plastic Food Service Ware

Plastic Pollution Prevention and Packaging Producer Responsibility Act

May 11, 2026

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Guidance Document Purpose

This document provides guidance for determining whether an item of single-use packaging or plastic food service ware is 'covered material,' or material regulated under California's [Plastic Pollution Prevention and Packaging Producer Responsibility Act](#) (the Act).

It is divided into three parts:

- **Part I** outlines what is covered material under the Act.
- **Part II** details the types of packaging excluded from the Act.
- **Part III** provides next steps once covered material is identified.

For further information on definitions and details on identification of producer, review the Act and [Article 1 of Chapter 11.1 of Division 7 of Title 14 of the California Code of Regulations \(CCR\)](#), specifically Public Resources Code (PRC) section 42041(w), 14 CCR section 18980.1(a)(17), and 14 CC, section 18980.1.1.

Part I. What is covered material under the Act?

Covered material is defined in PRC section 42041(e)(1) as both (A) single-use packaging and (B) single-use plastic food service ware:

- A. **Single-use packaging** is packaging that is routinely recycled, disposed of, or discarded after its contents are consumed or unpackaged, and that is typically not refilled or otherwise reused by the producer.

‘Packaging’ means any separable and distinct material component used for the containment, protection, handling, delivery, or presentation of goods by the producer for the user or consumer, ranging from raw materials to processed goods. Packaging, as defined in PRC section 42041(s) includes:

1. **Primary Packaging:** Sales or primary packaging intended to provide the user or consumer with the individual serving or unit of the product and that most closely contains the product, food, or beverage.
2. **Secondary Packaging:** Grouped or secondary packaging intended to bundle, sell in bulk, brand, or display the product.
3. **Tertiary Packaging:** Transport or tertiary packaging intended to protect the product during transport.

- B. **Single-use plastic food service ware** such as plastic-coated paper or plastic-coated paperboard, paper or paperboard with plastic intentionally added during the manufacturing process, and multilayer flexible material. For purposes of this subparagraph, ‘single-use food service ware’ includes both of the following:
- i. Trays, plates, bowls, clamshells, lids, cups, utensils, stirrers, hinged or lidded containers, and straws.
 - ii. Wraps, wrappers, and bags used in the packaging of food offered for sale or provided to customers by food service establishments.

Figure 1 shows examples of covered material, specifically single-use plastic food service ware and different types of single-use food packaging.

Plastic food service ware is used to contain or consume ready- to- eat food that has been prepared by a food service establishment. It may be sold empty or unused to a retailer or a restaurant (dine-in or takeout), or directly to consumers. Examples include but are not limited to coffee cups and lids, sectioned plates, plastic film or wrap, and cold drink cups with straw. All food service ware items are assumed to be plastic or have a plastic component.

Food packaging examples include but are not limited to potato chip bags, tin cans, juice squeeze packs, lidded glass jars, and dairy containers (milk or sour cream). Packaging used as beverage containers that is not subject to the California Beverage Container Recycling Program is covered material.

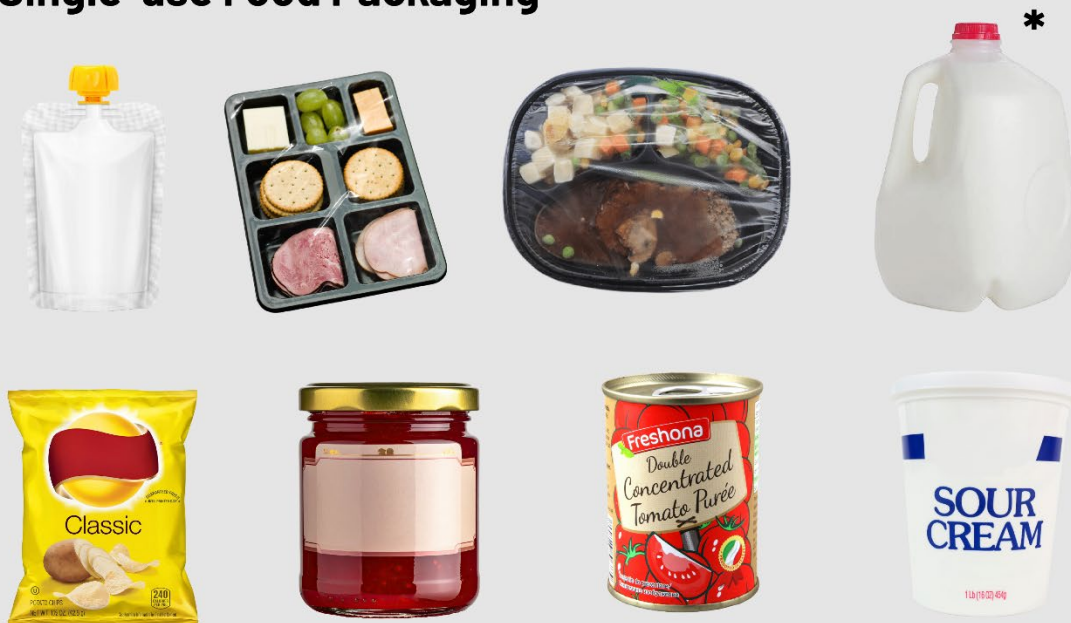
For information on expanded polystyrene food service ware visit [CalRecycle's Expanded Polystyrene \(EPS\) Food Service Ware Requirements webpage](#).

Single-use Plastic Food Service Ware*



*All food service ware items are assumed to be plastic or have a plastic component

Single-use Food Packaging



*Packaging used as "beverage containers" that is not subject to the California Beverage Container Recycling Program is covered material.

Figure 1: Single-use Plastic Food Service Ware and Single-use Food Packaging

Figure 2 shows examples of covered material, specifically secondary and tertiary packaging items. Examples include but are not limited to cardboard boxes, shrink wrap, plastic tape used on packaging, air pillows.

Secondary and Tertiary Packaging



*All beverage containers subject to the Beverage Container Recycling Program are not covered material.

Figure 2: Secondary and Tertiary Packaging

Part II. What is not covered material under the Act?

Packaging, including primary, secondary, and tertiary packaging, as described in Part I, is excluded from the Act if it is used for any of the following:

- Packaging for the following goods:
 - Medical devices (see [U.S. Food and Drug Administration \(FDA\) guidance](#))
 - Prescription drugs (e.g., pill bottles)
 - Over-the-counter drugs that are not also cosmetics (see [FDA guidance](#))

- Veterinary drugs and other animal-related goods regulated under federal law (see [PRC section 42041\(e\)\(2\)\(A\)\(iii\)](#))
- Infant formula (see [FDA guidance](#))
- Medical food (see [FDA guidance](#))
- Fortified oral nutritional supplements, as described in [PRC section 42041\(e\)\(2\)\(A\)\(vi\)](#)
- Packaging used to contain products regulated by the Federal Insecticide, Fungicide, and Rodenticide Act (see [7 U.S.C. section 136 et seq.](#))
- Plastic packaging containers for products classified as dangerous or hazardous materials under federal regulations concerning their transportation (see [49 C.F.R. 178.1](#))
- Packaging for products classified as flammable or otherwise hazardous under the 2012 Federal Occupational Safety and Health Administration Hazard Communication Standard (see [29 C.F.R. 1910.1200](#))
- Paint products as defined in [PRC section 48701\(h\)\(1\)](#)
- Food or agricultural commodity packaging or packaging components (without regard to origin), if it is not reasonably possible to use alternative packaging or packaging components to comply with regulations, rules, or guidelines issued by the U.S. Department of Agriculture or the FDA
 - If you determine your food or agricultural commodity packaging or packaging component is excluded, notify CalRecycle following the requirements under 14 CCR section 18980.2(a)(2). Other types of excluded packaging do not require notice.
- Reusable or refillable packaging and food service ware. To be reusable or refillable, items must satisfy the criteria in 14 CCR section 18980.2.1, including but not limited to, recovery through a systematic program (drop-off, return to point of sale), and product design for multiple uses for the same purpose, with adequate infrastructure. Examples include, but are not limited to metal utensils, dishware, pallets, refillable 3-5 gallons water bottles, certain milk jugs that are returnable to stores, and plastic crates.
- Packaging typically used for at least five years to protect or store goods that meet the long-term storage criteria stated in 14 CCR section 18980.2.2(a). Examples include but are not limited to puzzles, and toolboxes.

Beverage containers,¹ as defined in the California Beverage Container Recycling and Litter Reduction Act (Division 12.1 (commencing with section 14500)), PRC section

¹ Secondary and tertiary packaging of beverage containers are considered as covered material.

14505. For purposes of that definition, beverage is defined in PRC section 14504. Review [CalRecycle's Beverage Container Recycling webpage](#) for more information on identification of a beverage container.

Figure 3 shows examples of noncovered materials, specifically those excluded from the definition of covered material (PRC section 42041(e)(2) and 14 CCR section 18980.2).

Noncovered materials



Reusable food service ware**



Reusable packaging**



*Assumed to meet long-term storage criteria pursuant to 14 CCR section 18980.2.2(a).

**Assumed to meet reusable criteria pursuant to 14 CCR section 18980.2.1.

Figure 3: Noncovered Materials

Part III. Next steps if covered material is identified

If you are the producer:

- Apply to be either:
 - A participant of an approved producer responsibility organization (PRO) plan.
 - For more information, contact the approved PRO, Circular Action Alliance, at producer.support@circularaction.com.
 - Participant producers are also required to provide supply data to the PRO pursuant to 14 CCR section 18980.5(d).
 - An independent producer who complies with the law individually.
 - For more information, review 14 CCR section 18980.5.1.
- If qualified, apply for a small producer exemption.
 - For more information, review 14 CCR section 18980.5.2.

Visit the [Plastic Pollution Prevention and Packaging Producer Responsibility Act webpage](#) for more information on how to contact the PRO, and the different types of compliance pathways available for producers.

Other Guidance documents for the producer

The following guidance documents are resources to aid in identifying whether someone is a producer, categorizing covered material into categories, and understanding source reduction reporting requirements. These documents are not meant to be the final determination tools on these topics. Please review the relevant section of the Act or reach out to PRO's producer services for further guidance.

1. If you are unsure who the producer of the covered material is, use the following high-level screening tool to determine which person or entity has compliance obligations. Review CalRecycle's ["Are you a producer?" flowchart](#) to complete the screening.
2. If you are the producer, determine the covered material category or categories for the material by reviewing CalRecycle's covered material categories reporting guidance on [Producer Guidance webpage](#).
3. For producers with reporting requirements, consult CalRecycle's source reduction reporting guidance on [Producer Guidance webpage](#) to estimate the amount of plastic covered material sold, offered for sale, or distributed in the state, including the number of plastic components and the weight of the material.

Abbreviations

- CCR: California Code of Regulations
- CFR: Code of Federal Regulations
- PRC: Public Resources Code (California Statute)
- PRO: Producer Responsibility Organization
- The Act: Plastic Pollution Prevention and Packaging Producer Responsibility Act
- U.S.C.: United States Code