Guidance for Submitting a Categorically Excluded Materials Notice For Food and Agricultural Packaging

(Under 14 CCR section 18980.2(a)(2))

Plastic Pollution Prevention and Packaging Producer Responsibility Act

August 27, 2026

Disclaimer

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Purpose of This Document

This document explains how to prepare and submit a **Categorically Excluded Materials Notice** specific to food and agricultural packaging through CalRecycle's online Packaging Extended Producer Responsibility System (PEPRS) portal. Entities can use the portal to submit written notices under 14 CCR section 18980.2(a)(2).

For purposes of this notice, "excluded" means that packaging or packaging components are excluded from the definition of "covered material" pursuant to the exclusion set forth in 14 CCR section 18980.2(a)(2).

This document is divided into three parts:

- **Part I** outlines what information is required in the notice form.
- **Part II** presents step-by-step guidance for each question.
- **Part III** provides next steps once the notice is submitted.

An example notice form is also attached to this document.

Part I. Before You Begin: What You Must Include

Noticing entity (the entity that submits this form) will need information about:

- The packaging or packaging components claimed to qualify for an exclusion (if only certain components of packaging qualify for the exclusion, packaging must be identified on a component-by-component basis).
- The products associated with each component
- The requirements of federal food and agricultural regulations, rules, or guidelines and requirements of the Plastic Pollution Prevention and Packaging Producer Responsibility Act (Act) that are in conflict (i.e., requirements that cannot be complied with simultaneously)
- An explanation of how it is not reasonably possible to use an alternative that resolves the conflict

All supporting materials must be **clearly labeled and organized** to correspond with the form's questions.

Note on Submissions for Multiple Packaging or Products

Entities that may submit notices include individual companies with food and agricultural products or packaging products as well as industry associations representing multiple such companies.

Entities may submit one form for multiple packaging types and packaging components, provided the notice is sufficient to specifically identify the packaging or packaging components for which the exclusion is noticed. Such a notice may describe classes of products that use the packaging or packaging component and explain why the justification for the exclusion applies to all such products.

Part II. How to Complete the Notice

The notice form will be submitted via the PEPRS online portal. The attached notice form is provided as an example. Follow the structure described in the following steps to complete the notice.

Step 1 — Get your PEPRS WebPass — Provide entity and contact information

Noticing entity must follow the steps on the Create a WebPass Account Webpage.

An activation email will be sent to your email address. Once you open the email, you need to click on the link to activate your WebPass. You may log back into your account to submit the notice form any time after activation of your WebPass.

On PEPRS landing page the ‘Noticing entity’ option needs to be selected to continue with the form.

After responding to the question on the pop-up screen, supply the following information

- Legal name of the submitting entity
- Contact information of the entity
- Contact person name, title, mailing address, and email

Step 2 — Identify each packaging or packaging component

Specifically identify the packaging and packaging components claimed to qualify for the exclusion. Examples of packaging include containers, plastic bottles, pouches, plastic wrap or film, plastic cups or tubs, and molded fiber. Examples of packaging components include seals, liners, inserts, composite closures, lids, valves, caps, and fitments (spouts, pumps, sprayers).

The identification must include the packaging or packaging component’s **function**, such as cross-contamination prevention, microbial barrier, oxygen protection, structural integrity, temperature or humidity control, storage, etc.

If a packaging system includes multiple parts (e.g., container + seal + cap), list each item separately.

Step 3 — Select if identified packaging and/or packaging components are food or agricultural commodity

From the drop-down menu, select one of two options to identify if the packaging and/or packaging component are used for a food or agricultural commodity.

Step 4 — Describe the material of each component

Provide a description of the packaging and packaging components to be excluded. The description must ensure that the notice clearly identifies the particular packaging or packaging components to be excluded from the definition of “covered material.”

You may describe materials using material class, type, or form. You can review the CalRecycle’s Covered Material Categories Reporting Guidance, as reference, but descriptions do not need to follow a specific classification format.

Step 5 — Identify the products associated with each component

Provide sufficient information for CalRecycle to match components to specific products or classes of products. Such information may include the following or may more generically describe a category of products (e.g. leafy greens, blueberries):

- Brand name

- SKU - Stock Keeping Unit
- UPC – Universal Product Code
- EAN – International Article Number
- GTIN – Global Trade Item Number

Step 6 — Identify the legal conflicts justifying the exclusion

For each component, provide:

- The relevant requirements of the Act, or its implementing regulations, including the specific Public Resource Code sections or regulations sections containing the requirements.
- The food and agricultural requirements in federal regulations, rules, or guidelines that conflict with those provisions of the Act or implementing regulations.
- A brief description of the conflict if it is not obvious from the citation.

Examples may include federal food safety or packaging-sterility requirements.

Entities submitting a notice may reference guidance, best practices, and recommendations for the specific type, format, and material, or components of food or agricultural commodity packaging, issued by government agencies, industry associations, standards development organizations, or academic institutions, to support the identification of the conflict in Step 6, provided the underlying mandatory standard in the federal regulations, rules, or guidelines is also clearly identified.

Step 7 — Demonstrate that no reasonable alternative exists

This demonstration must explain how the three conditions set forth in 14 CCR section 18980.2(a)(2)(B)(i) through (iii) regarding availability of alternatives were considered.

If necessary to demonstrate that use of such an alternative is not reasonably possible, upload any supporting documentation. (This may be necessary in the event the character limit in the provided text boxes is exceeded, or visuals need to be provided). Entities may reference guidance, best practices, and recommendations for the specific type, format, and material, or components of food or agricultural commodity packaging, issued by government agencies, industry associations, standards development organizations, or academic institutions, to support the demonstration that no reasonable alternative exists.

Step 8 — Upload any supporting documentation (if applicable)

If demonstration requires any necessary supporting documentation, check the confirmation box after ensuring all supporting documents are included.

For any trade-secret claims pursuant to 14 CCR sections 18980.2(a)(G) and 18980.14(c), attach a document specifically identifying such information and providing the legal basis for the exemption.

- **Step 9 — Certify and submit**

To complete your notice:

- Check the certification statement affirming the information is true and correct
- Submit the form through the online PEPRS portal

Part III. What Happens After Submission

CalRecycle will review the notice to confirm that:

- The notice is for a food or agricultural commodity
- All required elements have been provided: specific description of the packaging and packaging components to be excluded, associated products, identification of the laws that are in conflict, and explanation of the basis for determining that there is no reasonably possible alternative packaging or packaging components.
- Whether CalRecycle is aware of any unconsidered, feasible alternatives not considered in the notice that would avoid the legal conflict cited in the notice.

Once the submission is confirmed to be complete, CalRecycle will identify on its Plastic Pollution Prevention and Packaging Producer Responsibility webpage the packaging and packaging components and associated products identified in the notice and the date the notice was deemed complete.

A notice may, but is not required to, identify associated products by brand, universal product code, or other method. However, once a notice is deemed complete for a packaging or packaging component in association with a product or class of products, the exclusion applies without the need for each company or brand to notice the exclusion individually.

If CalRecycle determines that the notice is incomplete, CalRecycle will notify the noticing entity within 90 days of receipt of the notice form that the notice is incomplete and requires resubmission via PEPRS as required by 14 CCR 18980.2(a)(2)(A) and (B). After the resubmission, the resubmitted notice will be evaluated in the manner described previously in this document.

Note: At any time following a determination that a notice is complete, CalRecycle may request additional information to support the noticing entity's determination as described in 14 CCR section 18980.2(a)(E). The entity must provide the requested information

within 60 days via PEPRS. If the information is not submitted, or if CalRecycle finds it incomplete or insufficient, CalRecycle will notify the entity. The entity will then have 60 days to provide the missing or corrected information, again via PEPRS.

After reviewing the submitted information, CalRecycle will determine whether the packaging or packaging component qualifies for the exclusion. If CalRecycle determines that certain packaging or packaging components do not qualify for the exclusion, CalRecycle will provide notification to the noticing entity and CalRecycle will update the publicly available list on the website to show that the packaging or packaging components do not qualify for the exclusion. Those packaging or packaging components will be designated as covered material 180 days after the notification.

Abbreviations

- CCR: California Code of Regulations
- CFR: Code of Federal Regulations
- CMC: Covered Material Category
- PEPRS: Packaging Extended Producer Responsibility System
- The Act: Plastic Pollution Prevention and Packaging Producer Responsibility Act

Attachment – Sample of Categorically Excluded Materials Notice Form

Note: This is a sample only. An electronic version of this notice form will be available through PEPRS.

Categorically Excluded Materials Notice Form

Please clearly print or type your responses.
Attach additional pages or supplemental documents as necessary.
Note: All supporting materials must be clearly labeled, referenced, and organized to correspond with the selected criteria.

Disclaimer: This form is based on legal authority that was effective as of the date of publication, and it is subject to revision based on changes in applicable laws. In the event of any conflict between this document and any statutory or regulatory provision, the statutory or regulatory provision controls. This document is not intended to issue new statutory interpretations or to provide explanations not dictated by formal regulations. Specific factual scenarios are addressed on a case-by-case basis.

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A notice will be deemed incomplete if it does not contain all the required elements or if CalRecycle identifies it requires resubmission as described in 14 CCR 18980.2(a)(2)(C).

Requirements of this form:

Use this form to submit exclusion notices under 14 CCR section 18980.2(a)(2). "Excluded" means that packaging or packaging components are excluded from the definition of "covered material" set forth in Public Resources Code section 42041(e).

Pursuant to 14 CCR section 18980.2(a)(2)(B), the notice must identify the specific provisions of the Act and the mandatory federal regulations, rules, or guidelines that are in conflict, specifically describe all packaging and packaging components to be excluded and the associated products, and demonstrate that it is not reasonably possible to use any alternative packaging or packaging components that would avoid the conflict.

The notice must explain the basis for claiming that the exclusion applies. The explanation must consider the following conditions for when use of such alternatives is not reasonably possible:

(i) There is no such alternative that satisfies all applicable mandatory standards for safety and structural integrity of packaging, creates no new unavoidable legal conflict with any law, and otherwise is lawful to use in California

(ii) It is not possible to avoid all legal conflicts by eliminating or replacing the components that cause the conflict cited in the notice; and

SAMPLE

(iii) It is not possible to avoid all legal conflicts by redesigning or replacing the packaging as a whole.

The notice may refer to and attach non-mandatory guidelines, guidance, best practices, and recommendations for the specific type, format, material, or components of food and agricultural commodity packaging, issued by government agencies, industry associations, standards development organizations, or academic institutions. Such documents may demonstrate that the packaging or packaging component meets a mandatory federal standard. They may also show whether agencies, industry, standards development organizations, or academic institutions have identified any alternatives that meet that federal standard.

If, upon reviewing the explanation, CalRecycle identifies packaging or packaging components that the notice did not address but that would avoid the cited conflict, CalRecycle will deem the notice incomplete. A notice addressing the packaging identified by CalRecycle (i.e., explaining why use of such packaging cannot serve as an alternative) may then be submitted.

Contact information:

Noticing Entity (Legal Name of Person or Entity Submitting this Notice):	
Physical Address:	
City:	
State:	
Country:	
Zip Code:	
Phone Number:	

Contact Information for Individual to be Contacted Concerning the Notice Form:

First Name:	
Last Name:	
Title:	
Mailing Address:	
City:	
State:	
Country:	
Zip Code:	
E-mail Address:	
Phone Number:	

SAMPLE

Note: This is a sample only. An electronic version of this notice form will be available through PEPRS.

Categorically Excluded Materials Notice:

Fill out the questions from 1 to 6 and attach an Addendum for Categorically Excluded Materials if more space is needed.
(*CalRecycle will withhold from public disclosure any information that the entity appropriately identifies as trade secrets, subject to the requirements and limitations set forth in 14 CCR section 18980.14.)*

1. List each packaging or packaging component used by a food or agricultural commodity to be excluded: Include the function of each listed packaging or packaging component (e.g., microbial barrier, oxygen protection, structural integrity).	2. Is this packaging or packaging component for either food or agricultural commodity?	3. Specifically describe the packaging or packaging components. Packaging and packaging components may be described, for example, with respect to their material class, material type, and form. For details on how to identify packaging with respect to material class, type, and form,	4. Provide information sufficient to identify the specific products associated with each packaging or packaging component. Such information may include, for example: (a) Brand Name, (b) Stock Keeping Unit (SKU), (c) Universal Product Code (UPC), (d) International Article Number (EAN) or	5a. Identify the specific provisions of the Act (including citations to the relevant Public Resource Code sections or regulations sections) that you contend conflict with requirements under federal regulations, rules, or guidelines. (Public Resource Code sections or regulations sections)	5b. Identify the requirements under federal regulations, rules, or guidelines that you contend conflict with the cited provisions of the Act. You must include citations (e.g., to federal regulations or statutes underlying rules or guidelines) as necessary to identify a legal requirement.	5c. If necessary to identify the conflict, describe how complying with the cited requirements of the Act preclude compliance with the cited federal requirements, or vice versa.	6. For all packaging or packaging components identified in question 1, specifically explain the basis for determining that it is not reasonably possible to use alternative packaging that avoids the legal conflicts cited.

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		review the latest Covered Material Categories Producer Reporting Guidance document on SB 54 Covered Material Categories List - CalRecycle Home Page:	(e) Global Trade Item Number (GTIN)				

Note: Each row represents different packaging or packaging components; the Notice allows several packaging or packaging components to be included under one submission.

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