

REQUEST FOR APPROVAL

To: Zoe Heller
Director

From: Kate Nitta
Assistant Chief Counsel, Legal Affairs Office

Request Date: March 10, 2026

Subject: CalRecycle Informal Hearing Rules Regulations

Action By: March 24, 2026

Summary of Request:

This is a summary of a proposed permanent regulatory package about adopting California Code of Regulations (CCR), Title 14, Division 7, Chapter 1, Article 6, sections 17063.1 through 17063.32, and amending CCR, 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.

CalRecycle administers multiple programs that provide the right to an informal administrative hearing conducted internally by the Director or her designee. These programs each operate under distinct timelines and procedures, resulting in inconsistent practices and a lack of clarity for participants. Additionally, existing regulations fail to provide clear guidance on critical aspects of the hearing process, such as evidentiary rules, procedural safeguards, and accommodations for individuals with disabilities.

This request seeks to adopt a set of uniform procedures to govern CalRecycle's informal administrative hearings under Chapter 4.5 of the California Administrative Procedure Act (APA). The request also proposes to amend existing regulations to facilitate the switch to a uniform set of hearing procedures. The proposed rules are designed to:

- Streamline hearing timelines and procedures across programs.
- Provide clear, consistent guidance for hearing participants on their rights and responsibilities.
- Promote accessibility by establishing rules for accommodations and electronic participation.
- Enhance due process and efficiency while reducing administrative burdens.

Background Information, Analysis, and Findings:

Administrative hearings are a cornerstone of due process, providing individuals, companies, and government entities with the opportunity to review the evidence underlying a CalRecycle decision, present counterevidence, and offer legal arguments. These regulations seek to enhance transparency, sustainability, and accessibility in CalRecycle's informal administrative hearing process.

The proposed regulations improve transparency by clearly defining the procedural framework for informal administrative hearings, ensuring that all participants understand their rights, obligations, and the steps involved in resolving disputes. By standardizing deadlines and procedural requirements across multiple programs, the proposed regulations reduce uncertainty, promote fairness, and ensure that similarly situated parties are treated consistently. This increased predictability strengthens public confidence in the hearing process and CalRecycle's decision-making.

The proposed regulations contribute to sustainability by expanding the use of electronic tools in the hearing process. By increasing opportunities for electronic communication, filings, and remote participation, the proposed regulations reduce reliance on paper-based processes, minimize the need for in-person appearances, and promote more efficient use of resources. These improvements align with state efforts to reduce carbon emissions while maintaining effective delivery of public services.

Ensuring access to justice is a core objective of the proposed regulations. By formalizing procedures for requesting interpreters and disability accommodations, the proposed regulations remove barriers that might otherwise hinder participation in the hearing process. Expanding the use of electronic tools further enhances accessibility by allowing individuals and businesses to participate more easily in hearings. This is particularly valuable to those in remote locations or with mobility limitations.

In summary, the proposed regulations will provide the following anticipated benefits:

- Standardized deadlines and procedural clarity, reducing confusion and ensuring all participants receive equal treatment regardless of the program under which their case arises.
- Greater participation in hearings, as remote access makes it easier for affected individuals and stakeholders to present evidence and testimony that supports informed decision-making.
 - Expanded access for rural participants, ensuring that individuals who may face financial or logistical barriers to travel can fully participate in the hearing process.
 - Greater economic inclusion, as respondents and witnesses can attend hearings without needing to take days off work or incur travel expenses.

- Reduced exposure to contagious illnesses by allowing participants, including those who are immunocompromised, to engage in hearings remotely, minimizing health risks.
- Increased efficiency in dispute resolution, ensuring that regulatory enforcement processes remain effective and do not result in unnecessary delays that could impact environmental or public health protections.
- Lower transportation-related pollution and emissions by eliminating unnecessary travel for hearings, supporting California's climate and air quality goals.
- Formalized interpreter and disability accommodation procedures, ensuring that individuals with language barriers or disabilities have meaningful access to the hearing process.
- Decreased paper waste and resource consumption by encouraging electronic filings and exhibits, reducing environmental impact and administrative costs.
- Enhanced safety for agency staff by reducing in-person interactions that could become volatile or confrontational, mitigating the risk of workplace violence.

Fiscal Impact:

CalRecycle has determined that adoption of these regulations does not impose a cost on local and state government agencies. Based on the results of a Fiscal Analysis prepared pursuant to Government Code section 11346.3, subdivision (c)(1), CalRecycle estimates the fiscal impact of this regulation will save \$2,659,559.40 per year for the local government entities that participate in hearings.

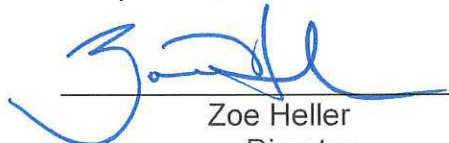
Recommendation:

Based on the information presented in this Request for Approval, staff recommend that the Director approve the proposed regulatory text and its supporting documents for the CalRecycle Informal Hearing Rules Regulations.

Upon approval of this request, staff will work with the Legal Office to make the necessary filings with the Office of Administrative Law to enact the regulations.

Director Action:

On the basis of the information and analysis in this Request for Approval, I hereby approve the adoption of CCR, Title 14, Division 7, Chapter 1, Article 6, sections 17063.1 through 17063.32, and amendment of CCR, 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.



Zoe Heller
Director

3/20/26

Date Signed

Attachments:

1. Proposed Regulatory Text, Title 14, California Code of Regulations, Division 7, Chapter 1, Article 6; Division 2, Chapter 5, Subchapter 2, Articles 4 and 5; Subchapter 4.5, Article 5; Subchapter 6, Article 1; Division 7, Chapter 4, Article 4; Chapter 6, Article 8.5; Chapter 8, Article 5; Chapter 11, Articles 3 and 4; and Chapter 12, Article 16.