

BEFORE THE CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
STATE OF CALIFORNIA

In the Matter of:)
)
)
CalRecycle Informal Hearing Rules)
Regulations Public Hearing)
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_____)

CERTIFIED COPY

TRANSCRIPT OF PROCEEDINGS
Wednesday, December 17, 2025

Reported by:
Hanna Jenkin,
CSR No. 14673

Job No.:
58977RCYCL

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TRANSCRIPT OF PROCEEDINGS, taking place at Byron
Sher Auditorium, 1001 I Street, Sacramento, California,
and via Zoom videoconference, commencing at 9:00 a.m.
and concluding at 10:00 a.m. on
Wednesday, December 17, 2025, reported by Hanna Jenkin,
CSR No. 14673, a Certified Shorthand Reporter in and
for the State of California.

1 Hybrid Proceeding, Wednesday, December 17, 2025

2 9:00 a.m.

3
4
5 MS. MCFARLANE: Good morning, everyone. My name is
6 Donette McFarlane, and thank you for joining us for
7 today's Public Hearing on the CalRecycle Informal Hearing
8 Rules Regulation.

9 Before we begin, there are a couple of
10 announcements that needs to be made.

11 This hearing will be recorded. There's also a
12 court reporter in attendance to transcribe the proceedings
13 of this hearing.

14 CalRecycle has a Spanish interpretation of this
15 hearing for those of you participating in person or
16 remotely.

17 If you're in this room, we have a Spanish
18 interpretation headsets available. If you are
19 participating on Zoom, just click on the interpretation
20 icon at the bottom of your Zoom window and select the
21 appropriate language.

22 Next, we have a required evacuation announcement.
23 Please look around now and identify two exits closest to
24 you. In some cases, an exit may be behind you. In the
25 event of a fire alarm, we are required to evacuate this

1 room immediately.

2 Please take your valuables with you and do not
3 use the elevators. While staff will endeavor to assist
4 you to the nearest exit, you should also know that you may
5 find an exit door by following the ceiling-mounted exit
6 signs.

7 Evacuees will exit down the stairwells and
8 possibly to a relocation site across the street. If you
9 cannot use stairs, you will be directed to a protective
10 vestibule inside a stairwell. Should we have to relocate
11 out of the building, please obey all traffic signs and
12 exercise caution crossing the street.

13 MR. CASTLETON: Good morning. My name is Craig
14 Castleton and I am the manager of the regulations of
15 public records unit.

16 The purpose of today's hearing is to receive
17 public comments on the proposed regulations that were
18 published by the Office of Administrative Law and noticed
19 to the public on October 31st, 2025.

20 The publishing of that notice started a 45-day
21 public comment period and CalRecycle welcomes and will
22 respond to all comments received at this public hearing
23 and during the 45-day public comment period in the final
24 statement of reasons.

25 On today's agenda, we will have an overview of

1 the steps taken thus far and the current status of the
2 rulemaking, followed by an opportunity submit your
3 comments on the proposed regulations.

4 Present at the hearing today, we have Jessica
5 Wall, hearing officer in our executive office and Chris
6 Chisholm, an attorney in the regulations for public record
7 unit, and we also have staff from the regulations public
8 record unit and the Legal Affairs Office joining us today.

9 There was a brief overview of the steps taken
10 thus far for this rulemaking. The slide shows that a
11 public workshop was held on December 11th, 2024, to
12 solicit feedback on proposed regulatory concepts and
13 language.

14 Following this workshop, the concepts of
15 regulatory language were developed and a formal rulemaking
16 documents that were published and noticed to the public on
17 October 31st, 2025, starting the 45-day public comment
18 period.

19 Today is the date of the public hearing, and
20 CalRecycle welcomes your comments on the public
21 regulations.

22 Following today's hearing, CalRecycle will
23 consider all comments received respond to those comments
24 as part of the final statement of reasons. The final
25 statement of reasons will be submitted to the Office of

1 Administrative Law as part of the final initial rulemaking
2 file for these proposed regulations. And then the Office
3 of Administrative Law will review the file. Once the
4 Office of Administrative Law approves the regulations,
5 they will become effective.

6 MS. MCFARLANE: CalRecycle welcomes comments from the
7 public on the proposed CalRecycle Informal Hearing Rules
8 Regulation. As a reminder, the 45-day comment period of
9 that the conclusion of today's public hearing.

10 Now we would like to invite your comments on the
11 proposed regulatory changes. To ensure that CalRecycle
12 could receive everyone's comment during today's hearing,
13 please follow these rules when making oral comments:

14 Please begin by giving your name and affiliation.

15 Please limit your public comments are five
16 minutes total and if several people have spoken on the
17 same topic, try not to be repetitive.

18 If there are several speakers with the same
19 comment, please appoint a spokesperson.

20 To make a comment in person, please line up at
21 the podium.

22 To make an oral comment via Zoom, please raise
23 your hand and the host will unmute you.

24 Please submit written comments to the CalRecycle
25 public portal by the end of today's hearing.

1 MR. CASTLETON: Okay. I'm not seeing anyone lining up
2 in the room to comment. We will check the Zoom and as we
3 just said, if you wish to make a comment on Zoom, please
4 use the "raise your hand" function and the host will
5 announce your name and unmute you.

6 MS. MCFARLANE: Okay. I see we have one raised hand
7 in Zoom.

8 Leonard, I'm going to ask you to unmute yourself.

9 UNIDENTIFIED SPEAKER 1: Good morning. Am I coming in
10 okay?

11 MS. MCFARLANE: Yes. Go ahead we can hear you.

12 UNIDENTIFIED SPEAKER 1: First, I would like to thank
13 you folks for your efforts and wish you a Merry Christmas
14 and happy holidays. A little background, I've been
15 involved with the program since the beginning, and I'm
16 well steeped in the process of rulemaking.

17 I don't know why the informal hearing was
18 created, but it's -- from my experience been used to
19 eliminate hundreds of recyclers that shouldn't have been
20 eliminated, and it has serious flaws in the program. So
21 I'm thankful for one thing within the proposed
22 regulations, and that's the right to discovery.

23 I assume it's probably because you're having
24 these hearings with local jurisdictions and you want to
25 improve the fairness process, but any way that gets done

1 is good.

2 In my experience, the adjudication process was
3 very primitive. When it was under conservation, hearing
4 officers were an oil and gas engineer, the IT manager, or
5 a geologist. CalRecycle has changed that and gone to
6 attorneys and then a dedicated attorney, but it still
7 lacks the independence of an outside agency like the
8 Office of Administrative Hearings, which the formal
9 hearing provides.

10 And over the years, the department or the program
11 has moved away from formal hearings. As I reviewed these
12 regulations, I found a lot of citations for authority to
13 be incorrect, in my opinion. For example, the citation of
14 Government Code 40502 which refers to the waste board and
15 the power that were used in the waste board, therefore,
16 would be improper to site that section especially when you
17 have 40501 which specifically refers to the Department
18 CalRecycle, things like this.

19 I have submitted my comments so you will have
20 those. But I would like to say one of the biggest
21 problems I have -- there's no standards for the people who
22 were placed in the CalRecycle office of hearings and
23 that's been a problem for the past, so I recommended
24 standards there. I made some other recommendations which
25 I'll get out to other people also.

1 Anyway, I'm going to see if anybody else wants to
2 do this for a while. We don't seem to have people rushing
3 in, but I hope this can come out with something good. So
4 stick with it. Thank you.

5 MR. CASTLETON: Thank you for your comment.

6 I think we have had a couple of additional people
7 join us so will just repeat one more time. If you wish to
8 make a comment in person, please line up at the podium.
9 And if you wish to make an oral comment via Zoom, please
10 raise your right hand and the host will unmute you. Thank
11 you.

12 Testing. Testing. We will say if you wish to
13 make comment in person please line up at the podium. To
14 make an oral comment via Zoom, please raise your hand and
15 the host will unmute you.

16 Submit any written comments to the CalRecycle
17 public written comment portal by the end of today's
18 hearing, and pending the receipt of any additional
19 comments today, we will keep today's hearing open until
20 10:00 a.m. and then if no additional comments are received
21 we will close at that time. Thank you.

22 Testing. Testing.

23 MS. WILSON: My name is Ms. Wilson. I'm from BH&W
24 Public Relations Firm, so please forgive my ignorance a
25 little bit here. I looked over the documents and I'm a

1 little bit confused. Are we saying changing the rules
2 because the prior rule giver was as part of the industry
3 that we're no longer associating ourself with as a state?

4 That I'm not really sure how these rules will
5 make us better or make the process flow even easier.
6 Since there's no one here to -- to give us a presentation
7 in the prior appointment for this hearing, I am a little
8 confused as to how this is going to make us better, or is
9 it going to make the system run more smoothly?

10 So I'm a little bit confused. I wish someone was
11 here to clarify the rules, changes, and why we're even
12 engaging in this; or is it just based on prior industry we
13 no longer want in the State of California?

14 MR. CHISHOLM: So a couple things. This is Chris
15 Chisholm, an attorney with public regulations unit. This
16 is part of a rulemaking proceeding. We are promulgating
17 regulations here in this particular case to set forth
18 rules on how informal hearings at the Department will be
19 governed by regulation.

20 This particular forum is not necessarily a
21 give-and-take forum, a Q&A kind of session. We did host
22 informal workshops prior to the rulemaking proceeding
23 where people can ask questions, we can have that kind of
24 give-and-take.

25 At this point, we have begun the rulemaking

1 process. Approximately 45, 47 days ago we issued what's
2 called a "notice of proposed action," and we published in
3 the notice registrant that the Office of Administrative
4 Law maintains and publishes.

5 That starts our formal rulemaking process. A lot
6 of the information that you're asking us to why these regs
7 or regulations are, the way they are, their purpose, their
8 necessity, all of that is established in both the notice
9 of proposed action and in another document that's part of
10 the rulemaking file called the "initial statement of
11 reasons."

12 In there, we explain how each provision has a
13 purpose and what that need for that provision is. If you
14 have comments about the regulations themselves, that's
15 what this hearing is for. It is to open up a physical
16 space where people can come in and provide oral comments
17 on our rulemaking.

18 At this point, you won't be getting any answers
19 to your questions here, but if I might try to interpret
20 your questions for purposes of rulemaking, it sounds like
21 you believe that the regulations are unclear on their face
22 and perhaps not supported by the purpose and the necessity
23 statements in the initial statement of reasons.

24 Would that be a fair rephrasing of your comment?

25 And just for the record I'm noting that the

1 commenter is nodding their head.

2 Thank you.

3 MR. CASTLETON: If we've anybody on Zoom wish to make
4 an oral comment, please raise your hand and the host will
5 unmute you. Also, please submit any written comments to
6 the CalRecycle public comment portal by the end of today's
7 hearing. Thank you.

8 Mic check: 1, 2, 3, 4 -- 1, 2, 3, 4.

9 If you wish to make a comment in person, please
10 line up at the podium. To make an oral comment via Zoom,
11 please raise your right hand and the host will unmute you.

12 Please submit written comments to the CalRecycle
13 public comment portal by the end of today's hearing. And
14 pending the receipt of any additional comments in today's
15 hearing, we will conclude at 10:00 a.m.

16 Thank you.

17 We will do one final call for comments. It is
18 now 9:45 a.m. If you wish to make a comment in person
19 please line up at the podium. To make an oral comment via
20 Zoom, please raise your hand and the host will unmute you.

21 If you wish to submit written comments please
22 submit your written comments to the CalRecycle public
23 comment portal by the end of today's hearing. Pending the
24 receipt of any additional comments of today's hearing, we
25 will conclude at 10:00 a.m.

1 Thank you.

2 Seeing no one in the room wishing to make a
3 comment and also no hands raised on Zoom, it is 10:00
4 a.m., we will conclude today's hearing.

5 Thank you all for joining us today. If you would
6 like to stay informed on the status of the CalRecycle
7 Informal Hearing Rules Proposed Regulations, please
8 subscribe the listers that are shown in the presentation.

9 Thank you, and that brings today's hearing to an
10 end.

11 (Hearing concluded at 10:00 a.m.)
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REPORTER'S CERTIFICATION

I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were duly sworn; that a record of the proceedings was made by me, which was thereafter transcribed under my direction; that the foregoing transcript is a true record of the testimony given.

I further certify I am neither financially interested in the action nor a relative or employee of any attorney or party to this action.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: December 18, 2025



Hanna Jenkin CSR No. 14673

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