



TO: Kenneth J. Pogue
Director
Office of Administrative Law

DATE: May 29, 2026

FROM: Kate Nitta
Assistant Chief Counsel
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

**SUBJECT: REQUEST FOR RULEMAKING EARLY EFFECTIVE DATE BASED UPON
GOOD CAUSE**

SB 1013 Addition of New Beverage Containers Permanent Regulations

The Department of Resources Recycling and Recovery ("CalRecycle") formally requests, pursuant to Government Code section 11343.4(b), that the Office of Administrative Law ("OAL") prescribe an early effective date for the SB 1013 Addition of New Beverage Containers Permanent Regulations, Title 14, California Code of Regulations, Division 2, Chapter 5, Subchapters 1, 3, 4, 5, 6, 11.1, and 12, that CalRecycle has filed with OAL for final review. Specifically, CalRecycle requests that the proposed regulations be effective on the date of OAL approval and filing of the regulations with the Secretary of State. CalRecycle believes that good cause exists for OAL to grant this request, as delineated below.

The Legislature enacted Senate Bill 1013 (Chapter 610, Statutes of 2022) ("SB 1013") to expand the types of beverages and beverage containers that are subject to California Refund Value ("CRV") and eligible for redemption as part of California's Beverage Container Recycling Program ("BCRP"). To incorporate these new types of beverages and beverage containers into the BCRP, it is necessary to establish permanent regulations to incorporate these new beverages and beverage containers into CalRecycle's existing regulatory framework set forth in Chapter 5, Division 2, Title 14 of the California Code of Regulations ("14 CCR").

Pursuant to the requirements in Division 12.1 of the Public Resources Code, CalRecycle is required to adopt regulations to add new beverages and beverage containers to the Act on January 1, 2024. Statutory requirements for labeling the new beverage containers began on July 1, 2025. Assembly Bill 720 (Chapter 562, Statutes of 2025) ("AB 720") made further adjustments to labeling requirements including the

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extension of the deadline until July 1, 2026, for certain beverage container labeling and specifying how machine-readable indicia may be used for labeling purposes. Regulations are necessary to fully implement the SB 1013 and AB 720 changes. The new statutes do not provide the specificity needed to instruct the regulated entities how to incorporate these changes into existing processes.

Given the staggered dates for the inclusion of new beverage container types and the labeling requirements imposed upon them, CalRecycle requests that if OAL approves these regulations they shall become effective immediately upon OAL's filing with the Secretary of State. An early effective date would allow for the implementation of the SB 1013 and AB 720 statutory changes to provide new opportunities for compliance and guidance for the regulated community.

For these reasons, CalRecycle believes that good cause exists for OAL to grant this request for an early effective date that coincides with OAL's approval of the proposed regulations and filing with the Secretary of State pursuant to Government Code section 11343.4(b).

Kathleen Nitta

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