

SB 1013 Addition of New Beverage Containers 15-Day Comment Matrix

I-1: Lindsey Herrema

Comment I-1-1

I strongly support the change to allow aluminum beverage containers to be CRV marked on the bottom of the can, not just the top. This will allow our local California beverage canning business to continue to use up our existing inventory of can tops ("ends"), while adding the CRV marking to the date code printed on the bottom of the can. This will also keep us nimble; as other states change their recycling regulations we can update the printing on the underside of the can instead of buying all new pre-etched top inventory every time a state changes their laws.

Response to I-1-1

No change is being made to the regulations. CalRecycle appreciates the commenter's support for its rulemaking action.

I-2: Celeste Dolan

Comment I-2-1

I am writing to express my strong support for the proposed change allowing aluminum beverage containers to be CRV marked on the bottom of the can.

As a local California beverage canning business, this flexibility would allow us to utilize our existing inventory of can ends while incorporating the CRV marking into the date code printed on the bottom. This adjustment would significantly increase our operational agility; as recycling regulations evolve across different states, we could simply update the printing on the underside of the can rather than purchasing new pre-etched inventory for each regulatory change.

Thank you for your consideration of this matter.

Response to I-2-1

No change is being made to the regulations. CalRecycle appreciates the commenter's support for its rulemaking action.

I-3: Stephen Conaway

Comment I-3-1

I own a winery in NY. We hold a CA license and have been shipping wine for about 20 years. The new bottle deposit law has made it impossible for us to manage. It is cumbersome and difficult to meet the requirements profitably. So, we stopped shipping wine to CA and will be cancelling our license. We will shift our business focus to other surrounding states around CA. I am available for a phone call, Steve Conaway, Owner, Thousand Islands Winery, 315-405-6947.

Response to I-3-1

CalRecycle rejects this comment because this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. The scope of this rulemaking is limited to complying with the statutory mandates in SB 1013 that was passed by the Legislature. SB 1013 added wine bottles and other container types to the California Beverage Container Recycling Program. To the extent this commenter is requesting that labeling and other requirements not be mandated on beverage containers sold in California, labeling is required by Public Resources Code section 14561 and this requirement cannot be nullified by CalRecycle.

I-4: Neal Wight

Comment I-4-1

Hello,

Please include a small business exemption for this program. Small business in CA is being overburdened by regulation and compliance.

Thank you,

Neal Wight

Response to I-4-1

CalRecycle rejects this comment. CalRecycle does not have the statutory authority to exempt small businesses from complying with the California Beverage Container Recycling and Litter Reduction Act. Please see 45-Day Comment Code C-5-1.

I-5: Derek Carrington

Comment I-5-1

Hi Claire:

Thank you for the opportunity to supply 'My Comments'.

NO to SB 1013

this is NOT most significant update to the state's recycling laws in decades.

SB 1013 is a 'Can of Worms' Wine in the Box aka **GOON**

I addressed it back in August 2025.

#1. These 'MULTI-materials'

cannot be RECYCLED!

#2. Where on earth did you get the deposit 25 cents!

The deposit program is .05 and .10 cents.

#3. Have you ever had 'cardboard-plastic-and film-foil-bladders as dispensed stay in perfect 'refillable' type form?

It's TRASH.

#4. I would like to know if Senator Wieckowski and Assemblyperson Chiu ever visited a Recycling Center or Processor and better yet ever handled a 'wine in the box' or consumed from one such container? And Governor Newsome!

#5 Finally these boxes are not defined...there are 3 different segregations and by count and size they cannot be 'Mathematically' Doris reported.

Storing and Paper Work is WORK and this is Ridiculous.

#6 This is a non-profitable program and comes at a great cost to Recyclers & Processors.

The only way I see this remaining implemented is so the State can charge the DEPOSIT

and Keep the CRV funds. These containers are PERISHABLE and cannot be recycled after being delivered to the Processor...**just Trash.**

Thank you for allowing me to comment this date; February 25, 2026

Recycling over 50 years.

Danielle Carrington
RC 12091
Recycling Services Centers
6565 Mission Blvd.
Riverside, Ca 92509

Exerpt:

- New container types were added to the BCRP for wine and distilled spirits and wine and distilled spirits coolers ONLY.

- The new container types are **bag-in-box, multi-layer pouch, and paperboard carton**.

• A new CRV rate of **25¢** applies to wine and distilled spirits and wine and distilled spirit coolers, in the following container types, regardless of size:

- Bag-in-Box, Multi-Layer Pouch

- Paperboard Carton and

- Plastic #1-7 Pouch

California Senate Bill 1013 (2021–2022) was authored by **Senator Bob Wieckowski** (D-14), with coauthor **Assembly Member David Chiu** (D-17). The bill was signed into law by Governor Gavin Newsom on September 27, 2022, and is commonly known as the **Beverage Container Recycling and Litter Reduction Act**.

This legislation expanded California's "Bottle Bill" to include **wine and distilled spirits** in the Beverage Container Recycling Program, marking the most significant update to the state's recycling laws in decades.

Response to I-5-1

CalRecycle rejects this comment. The scope of this rulemaking is limited to complying with the statutory mandates in SB 1013 that was passed by the Legislature. SB 1013 added new container types to the California Beverage Container Recycling Program, including "wine or distilled spirits in a box, bladder, or pouch, or similar container, regardless of the material type from which the beverage container is made." (See Public Resources Code section 14504(a)(12)). SB 1013 also established the refund value for these container types to be twenty-five cents (\$0.25). (See Public Resources Code section 14560(c)). CalRecycle does not have the statutory authority to change those requirements. In addition, please note that the new container types can be entered into CalRecycle's online reporting system, the Division of Recycling Integrated Information System (DORIIS), in the same manner as the existing material types.

I-6: Richard Fletcher

Comment I-6-1

i have no direct comment on the proposed rule but I'm curious if and when California will begin using plasma jet-treatment of waste management, likeb Florida is doing. They have pilot projects moving forward, and IT deems that CA could learn a lot from FL's failures or wins in this regard, or perhaps join forces in a joint project. I know residents don't move to FL for their waste management techniques, but CA probably has just as much of a problem with our waste as they do, and besides, for every plaster container that makes it into the Pacific Ocean, there is probably one more headed into the great plastic patch in the Pacific.

Response to I-6-1

No change is being made to the regulations. This comment does not make any objection or recommendation regarding the proposed action or to the procedures followed by the agency in proposing or adopting the action. CalRecycle appreciates the commenter's participation in its rulemaking action.

C-1: The Can Van & Tank Space (Katie MacPhee)

Comment C-1-1

We support the change to allow CRV printing on the bottom of the can. This will allow us to use existing inventory of can tops, and be more flexible in suppliers.

Response to C-1-1

No change is being made to the regulations. CalRecycle appreciates the commenter's support for its rulemaking action.

C-2: Tetra Pak (Samantha Kappalman)

Comment C-2-1

Dear CalRecycle SB 1013 Regulatory Team,

Tetra Pak is an advanced manufacturer at the forefront of technology and innovation, providing modern systems for food production and packaging that enhance food security, increase affordable access to food, and improve livelihoods and economies. Tetra Pak's U.S. operations are headquartered in Denton, Texas, and the company employs approximately 1,700 people nationwide, including at five manufacturing facilities located in Texas, Missouri, Minnesota, Washington, and Virginia. Beyond its direct workforce, Tetra Pak supports an estimated 6,500 jobs across the U.S. through its sites and operations.

Tetra Pak is also a founding member of Carton Council, which was formed in 2009, to deliver long-term collaborative solutions to divert valuable cartons from the landfill. As part of the Carton Council, Tetra Pak has invested in the full carton recycler, ReCB, set to open this month in Lodi, California. The ReCB facility will recycle 100% of 9,000-12,000 tons of cartons per year.

Food and beverage cartons offer an excellent environmental profile and hold a variety of products. Cartons are made primarily from high-quality paper fiber. In addition to renewable fiber, cartons contain thin polymer layers and, in shelf stable (aseptic) cartons, a small amount of aluminum. These multiple layers allow cartons to safely store their contents for long periods of time, helping to reduce food waste and associated environmental impacts. They do not prevent the package from being recyclable.

Fiber recovered from recycled cartons saves precious natural resources in the making of new paper-based products and sustainable building materials. According to US EPA, one ton of paper made from recycled fibers is estimated to conserve:

- 7,000 gallons of water
- 17 to 31 trees
- 4,000 kWh of electricity
- 60 pounds of air pollutants

Response to C-2-1

No change is being made to the regulations. This comment does not make any objection or recommendation regarding the proposed action or to the procedures followed by the agency in proposing or adopting the action. CalRecycle appreciates the commenter's participation in its rulemaking action.

Comment C-2-2

We appreciate the opportunity to provide comments on CalRecycle's draft regulations for SB 1013 and offer the following comments for consideration. **Overall, we recommend separating cartons from bag-in-boxes and pouches for purposes of the sections listed below, because the cancellation method, recycling market value, and recycling process vary so greatly among the three categories of containers.**

Response to C-2-2

CalRecycle rejects this comment. CalRecycle agrees that the cancellation methods for bag in box, multi-layer pouch, and paperboard carton containers require flexibility, but section 2000(4)(D) of the proposed regulations, as written, will allow for the variation in cancellation methods being advocated for in this comment.

Comment C-2-3

Section 2000, Part 4 (page 3): “‘Cancellation’ means the act of removing the refund value of an empty beverage container by any of the following actions: * * *
*** (D) A bag in box, multi-layer pouch, or paperboard carton shall be deemed cancelled when the original form has been so altered as to make its reconstitution physically impossible.”**

Comment: For cartons, this vague language could have unintended consequences: altering the carton's form to the point of preventing reconstitution could destroy fiber quality. For example, shredding weakens paperboard fibers and reduces their suitability for recycling. This decreases material value, creates inefficiencies for mill partners, and may reduce overall system recovery rates. The regulation can still prevent double redemption without damaging fibers. In established, efficient deposit systems in Canada, cancellation methods vary, but the most common approach is leaving cartons whole for recycling (British Columbia) or squashing them flat (Alberta). The most common method of cancellation for cartons, which is identified as allowable for bimetal containers and aluminum beverage containers in this regulation Section, is high-

pressure densification, such as produced by recycling facility balers. Baling is the preferred method of cancellation for cartons.

Again, Tetra Pak suggests that cartons be uncoupled from bag-in-boxes and pouches and that the method of cancellation for cartons be to create carton-only bales so that they can be sent for recycling at the ReCB facility. The baling process flattens cartons to such a degree that they are easily distinguished from cartons that a consumer may flatten on their own.

Response to C-2-3

CalRecycle rejects this comment. Section 2000(4)(D) of the proposed regulations allows for the methods of cancellation that prevent further CRV redemption but do not compromise the recyclability of the material. The chosen method, for example densification, can be determined by the willing purchaser of the material. By providing flexibility, that section allows for the variation in cancellation methods of the different material types that is being advocated for in this comment.

Comment C-2-4

Section 2205, Part (b)(1)(B), Subsection ii (page 6): Beverage containers are deemed to comply with the requirements of section 42355.51 of the Public Resources Code if they had a 60 percent or higher mean average recycling rate in the past five calendar years, in as published in the biannual reports that includes a full calendar year of data for the most recent preceding year, which is issued by the department pursuant to section 14551 of the Act.

Comment 1: It is not clear to Tetra Pak what the rationale is for having a recycling rate threshold to achieve alternative compliance with Section 42355.51. The CRV program provides recycling access for all California citizens and beverage containers collected through the CRV program should be recycled and not disposed. This means that CRV containers are recyclable and should be labeled as such if included in the CRV program without the additional requirement of a specific recycling rate. PRC §42355.51 does not apply a recycling rate criterion to be labelled as recyclable, so neither should this rule apply a recycling rate criterion.

Response to C-2-4

CalRecycle rejects this comment. Fundamentally, beverage containers must clearly indicate the CRV message pursuant to Public Resources Code section 14561. CalRecycle proposes to allow machine readable labels that accomplish this consistent with statute. Public Resources Code section 14561(d) requires that at minimum, when there is a machine-readable label, the message "DEPOSIT" must be adjacent to or within the machine-readable label. The statute specifies that, only in the cases where the container, itself, is eligible to use the chasing arrows symbol, may a manufacturer elect to use the chasing arrows symbol within the machine-readable label. The proposed regulations implement and clarify this statutory requirement. Inclusion in the Beverage

Container Recycling Program does not in and of itself negate a low recycling rate or low recyclability of a beverage container material type.

The timeframe in the proposed regulations is meant to ensure that if a chasing arrows symbol is used, it is an accurate representation of the container's recyclability. (See Public Resources Code sections 14561(d) and 42355.51). A 60% recyclability rate is a reasonable standard for a material type included in the Beverage Container Recycling Program, especially considering that beverage containers in the Program are all intended to be collected for recycling.

Comment C-2-5

Comment 2: If a recycling rate figure must be chosen, we feel a 50 percent recycling rate is more reasonable than 60 percent for any beverage container that was recently added to the CRV program. It is not realistic to expect beverage containers that have only recently been added to the program to be able to achieve higher recycling rates for some time. Therefore, we propose reducing that rate.

Response to C-2-5

CalRecycle rejects this comment. Fundamentally, beverage containers must clearly indicate the CRV message pursuant to Public Resources Code section 14561. CalRecycle proposes to allow machine readable labels that accomplish this consistent with statute. Public Resources Code section 14561(d) requires that at minimum, when there is a machine-readable label, the message "DEPOSIT" must be adjacent to or within the machine-readable label. The statute specifies that, only in the cases where the container, itself, is eligible to use the chasing arrows symbol, may a manufacturer elect to use the chasing arrows symbol within the machine-readable label. The proposed regulations implement and clarify this statutory requirement. Inclusion in the Beverage Container Recycling Program does not in and of itself negate a low recycling rate or low recyclability of a beverage container material type.

The timeframe in the proposed regulations is meant to ensure that if a chasing arrows symbol is used, it is an accurate representation of the container's recyclability. (See Public Resources Code sections 14561(d) and 42355.51). A 60% recyclability rate is a reasonable standard for a material type included in the Beverage Container Recycling Program, especially considering that beverage containers in the Program are all intended to be collected for recycling.

Comment C-2-6

Comment 3: We believe a five-year time period for achieving a recycling rate before being able to be considered in compliance with Section 42355.51 is an unduly long and arbitrary timeframe. We suggest this timeframe be two and one-half years, or five biannual reports.

Response to C-2-6

CalRecycle rejects this comment. Please see the response to Comment Code C-2-4. The timeframe in the proposed regulations is meant to ensure that if a chasing arrows symbol is used, it is an accurate representation of its recyclability. (See Public Resources Code sections 14561(d) and 42355.51). CalRecycle determined that a 5-year threshold is necessary to ensure that the product's recyclability is sustainable and not subject to short term cycles or market trends. This will provide California consumers with confidence that when they purchase a beverage container with the chasing arrows symbol that it will actually be recycled.

Comment C-2-7

Section 2243, Part (a) (Page 14): The total weight of plastic in bags in boxes, multilayer pouches, or paperboard cartons sold in the state by a beverage manufacturer shall, on average, contain no less than the following percentages of postconsumer recycled plastic per year out of the total amount of plastic contained in the beverage containers (Ranging from 15% this year to up to 50% by 2032).

Comment: While these recycled content goals are admirable, the 50% goal is not achievable in this time frame and none of the goals are currently achievable without chemical recycling. The protection of food, people, and the planet is paramount to Tetra Pak. Currently, the market lacks a consistent supply of high-quality, food-safe recycled polymers. Manufacturers often need chemical recycling, including all mass balance accounting methods, to access high-quality, food-safe recycled polymers. Like any emerging technology, non-mechanical plastic recycling requires thoughtful implementation. We believe non-mechanical plastic recycling benefits from robust standards and that regulators should deploy appropriate oversight safeguards. However, according to the ICIS Mechanical Recycling Supply Tracker, food-grade resins currently represent only 10 percent of the global annual capacity of recycled polymers of more than 45 million metric tons.¹ Given future postconsumer resin content mandates, non-mechanical plastic recycling will serve as a necessary supplemental source of recycled plastics for safe, food-contact applications. Non-mechanical recycled plastics comply with the same U.S. FDA food-contact regulations as their virgin polymer counterparts.

Response to C-2-7

CalRecycle rejects this comment. The scope of this rulemaking is limited to complying with the statutory mandates in SB 1013 that was passed by the Legislature. SB 1013 added new container types to the California Beverage Container Recycling Program, including "wine or distilled spirits in a box, bladder, or pouch, or similar container, regardless of the material type from which the beverage container is made." (See Public Resources Code section 14504(a)(12)). When those container types became part of the Beverage Container Recycling Program, they became subject to the requirements of the Program, including the postconsumer recycled plastic minimum content

standards in Public Resources Code section 14547. CalRecycle does not have the statutory authority to change those requirements.

Comment C-2-8

Thank you for the opportunity to provide comments on these regulations. We are ready to answer any questions you may have to assist in the final development of these regulations.

Sincerely,

Samantha Kappalman
Vice President of Corporate Affairs and Public Policy, US & Canada
Tetra Pak

Response to C-2-8

No change is being made to the regulations. This comment does not make any objection or recommendation regarding the proposed action or to the procedures followed by the agency in proposing or adopting the action. CalRecycle appreciates the commenter's participation in its rulemaking action.

O-1: Wine Institute (Tim Schmelzer)

Comment O-1-1

Wine Institute appreciates the opportunity to comment on these proposed regulations, as modified on February 24, 2026. Please see below for our comments:

1. Definition of Multi-Layer Pouch (Sec. 2000(31.7)): The definition of “multi-layer pouch” specifies that it does not include a plastic #1-7 beverage container.

- **Recommendation:** It should be clarified that this exclusion applies only to rigid containers as there are some pouches that contain a #7 resin code.

Response to O-1-1

CalRecycle rejects this comment because the comment does not make any objection or recommendation regarding the changes to the proposed regulations made available to the public on February 24, 2026.

Comment O-1-2

2. Label Review (Sec 2200(a)): Consistent with SB 1013, removes requirement for manufacturers to have their labels pre-approved by CalRecycle. Additionally, it requires manufacturers to remit their product label and/or container for CalRecycle 10 days after CalRecycle has sent the request.

- **Recommendation:** The product manufacturer should be required to reply to CalRecycle with their label and/or container 10 days after CalRecycle’s request has been *received* rather than sent to account for any delay due to mailing, etc...

Response to O-1-2

CalRecycle rejects this comment because the comment does not make any objection or recommendation regarding the changes to the proposed regulations made available to the public on February 26, 2025.

Comment O-1-3

3. Labeling Size (Sec 2200 (b)(1)(A) and (2)(A)(ii)): The minimum lettering size is proposed to be increased from 3.17 millimeters to 3.18 millimeters.

- **Recommendation:** Keep the 3.17 millimeters standard. Many wineries have already redesigned their labels to meet that standard. Increasing it would both create compliance issues for bottles already labeled and redesign expense for any new labels. We urge that CalRecycle be mindful that it is common practice in the wine industry to design and order labels well in advance of their application, not to mention that wine also is frequently aged after labeling. For such a significant impact, changing the minimum label size by 0.01” does not seem prudent.

Response to O-1-3

CalRecycle rejects this comment. The conversion of 1/8 of an inch to millimeters is 3.175 millimeters, which rounds up to 3.18 millimeters. This rounding should not require a change in design.

Comment O-1-4

4. Labeling for Bag-in-Box (Sec 2200(b)(5)) – specifies that the redemption message must be at least 4.76 mm in height and not located on the panel which provides access to the dispense.

- **Recommendation:** Bag-in-box containers should be afforded the same opportunity to use a smaller font size as glass containers.

Response to O-1-4

CalRecycle rejects this comment because the comment does not make any objection or recommendation regarding the changes to the proposed regulations made available to the public on February 24, 2026.

Comment O-1-5

5. Deposit and Chasing Arrow Size Requirements (2205(b)(2)): Requires that both the use of “DEPOSIT” or chasing arrows needs to meet specified size requirements:

- **Recommendation:** The size requirement for chasing arrows is unnecessary as it is required to be displayed within the machine-readable indicia, in a manner that ensures the indicia can still be properly scanned.

Response to O-1-5

CalRecycle rejects this comment. Beverage containers must clearly indicate the CRV message pursuant to Public Resources Code section 14561. CalRecycle

proposes to allow machine readable labels that accomplish this consistent with statute. The size requirements in proposed section 2205(b)(2) ensure that the word "DEPOSIT" or the chasing arrows symbol are visually perceptible in order to clearly indicate what the QR code signifies before electronic scanning. (See Public Resources Code section 14561(d)).

Comment O-1-6

6. Toll Free Number Requirement (Sec. 2205(d)): Requires inclusion of a toll-free telephone number or internet website on the beverage container for customer assistance to address technical issues related to scanning the QR code.

•**Recommendation:** Remove this requirement. CalRecycle should not require a phone number or website for technical assistance. Wineries and their staff are not technical experts, and the overwhelming majority of consumers are already familiar with QR codes and use them. They are commonly used to provide mandatory and voluntary information on consumer goods in the US and elsewhere and will become more ubiquitous in the coming years considering efforts like GS1's Sunrise 2027 which we described in our previous comments.

Response to O-1-6

CalRecycle rejects this comment because the comment does not make any objection or recommendation regarding the changes to the proposed regulations made available to the public on February 24, 2026.

Comment O-1-7

7. QR Code Message (Sec. 2205(e)(1)): Requires that upon scanning the QR code, the message specified in section 14561(a) of the Act shall be displayed clearly and prominently and shall appear separately and before any other information on the page. The message specified in section 14561(a) of the Act shall be visible immediately without having to scroll, open any additional page, or click on any additional link. See proposed Sec. 2205(e)(1).

• **Recommendation:** This requirement is overly burdensome, too prescriptive, and potentially conflicts with other government-approved uses for QR codes to the extent it requires recycling information "separately and before" other information on the page. In most if not all circumstances, QR codes open "e-labels" (electronic labels that open on a smartphone's browser when someone scans a QR code) with important information in a straightforward manner. There are endless examples in the marketplace of food and beverage labeling service providers whose platforms present mandatory and voluntary information to consumers in a straightforward and helpful manner. We would gladly share some examples.

Response to O-1-7

CalRecycle rejects this comment because the comment does not make any objection or recommendation regarding the changes to the proposed regulations made available to the public on February 24, 2026.

Comment O-1-8

8. QR Code Accessibility Standard (Sec 2205(e)(2)): The text or other information linked to a QR code shall conform to the standards set forth in the Web Content Accessibility Guidelines (WCAG) 2.2 published in 2024 by the World Wide Web Consortium, and the entirety of the Web Content Accessibility Guidelines (WCAG) 2.2 published in 2024 are incorporated by reference.

- **Recommendation:** This requirement is unnecessary and problematic for several reasons. The WCAGs are not static and in fact the WCAG 3.0 are currently in a working draft form. More importantly, most companies operating mobile or desktop websites are already aware of and follow the WCAGs. Although WCAG is not a formal legal standard for companies under the American with Disabilities Act, it is widely considered the authoritative guideline for website accessibility. Courts and federal agencies often refer to WCAG when evaluating accessibility claims.

Response to O-1-8

CalRecycle rejects this comment because the comment does not make any objection or recommendation regarding the changes to the proposed regulations made available to the public on February 24, 2026.

Comment O-1-9

9. QR Code Submittal Deadline (Sec 2205(f)(1)): If CalRecycle requests information to determine whether the QR code or the text or other information linked to the QR code complies with the Act and this chapter. A beverage manufacturer that marks a beverage container shall submit the requested information within 10 working days of the request being sent by CalRecycle. See proposed Sec. 2205(f)(1).

- **Recommendation:** This requirement is problematic to the extent it requires submission based on when a request was “sent” rather than when it was received. It is common for statutory and regulatory deadlines to trigger from when notice or an inquiry is received— rather than when it is sent—to provide more certainty that the receiving party was made aware with sufficient time to respond. That standard should apply here especially because the deadline applies to submission of the requested information and not only a response.

Response to O-1-9

CalRecycle rejects this comment because the comment does not make any objection or recommendation regarding the changes to the proposed regulations made available to the public on February 24, 2026.

Comment O-1-10

10. QR Code Scan Violation (2205(g)): CalRecycle proposes that it is a violation of the Act if required information doesn’t appear “when scanned.” Lack of an internet connection could render the use of a QR Code a violation with this language.

- **Recommendation:** Wine Institute recommends this requirement be clarified such that an internet connection must be operable to ensure the QR Code is functional

Response to O-1-10

CalRecycle rejects this comment because the comment does not make any objection or recommendation regarding the changes to the proposed regulations made available to the public on February 24, 2026.

Comment O-1-11

11. Bag in Box Redemption (Sec. 2401 (b)(2)): CalRecycle is proposing that, to be eligible for CRV redemption, the interior bag and valve need to be inside of the box.

- **Recommendation:** With advent of the nearly 5,000% increase in processing fees announced in December 2025 for bag in box wine and spirits products, it is now abundantly clear the requirement for customers to return the bladder inside the box is creating a huge labor and financial burden upon recyclers who must separate the components back out in order to recycle them. We now strongly advocate for CalRecycle to drop the requirement that the exterior box must be returned for redemption and instead allow the option of returning only the bladder and dispensing valve for redemption. We believe this would save significant cost and allow for much more convenient handling by both recyclers and the customer. We've long advocated and messaged to our customers that they remove the bladder from the exterior box and place the exterior box in curbside recycling. This is not only more efficient and costeffective in our view but is the standard in other states and internationally. **Note:** The load inspection requirements outlined in Section 2601(b)(4) need to be correspondingly changed to align with this recommendation.

Response to O-1-11

CalRecycle rejects this comment because the comment does not make any objection or recommendation regarding the changes to the proposed regulations made available to the public on February 24, 2026.

O-2: National Institute of Standards and Technology (MaryAnn Hogan)

Comment O-2-1

These comments are submitted on behalf of Cámara Nacional de la Industria Tequilera (National Chamber of the Tequila Industry), based in Guadalajara, Mexico. The 15-day written comment period was notified to the World Trade Organization Committee on Technical Barriers to Trade (WTO TBT Committee) and distributed on 2/25/26 under the notification symbol G/TBT/N/USA/2081/Rev.1/Add.1. WTO Members and their stakeholders were asked to submit comments to the USA TBT Enquiry Point. The USA TBT Enquiry Point is passing along those comments to CalRecycle and will also share them with relevant trade agencies at the Federal level.

Response to O-2-1

No change is being made to the regulations. This comment does not make any objection or recommendation regarding the proposed action or to the procedures followed by the agency in proposing or adopting the action. CalRecycle appreciates the commenter's participation in its rulemaking action.

Comment O-2-2

About the Chamber of the Tequila Industry (CNIT): The CNIT is the preeminent global voice for the Tequila industry, dedicated to defending the interests of its members and promoting the responsible production and consumption of Tequila. As a globally recognized symbol of Mexico, Tequila is protected by a Declaration of Protection of the Appellation of Origin Tequila (DOT) and is formally recognized in over 58 countries. This includes the United States, where Tequila is recognized as a certification mark since 2017 and a distinctive product of Mexico under the USMCA and specific federal regulations. The Tequila industry plays a relevant role in the Mexican economy, supporting over 100,000 jobs across 222 authorized distilleries.

Acknowledgment: The CNIT presents its compliments to CalRecycle and the USA TBT Enquiry Point. In the spirit of transparency and international cooperation promoted by the WTO Agreement on Technical Barriers to Trade (TBT), we welcome the opportunity to submit technical comments regarding the proposed amendments to the SB 1013 Addition of New Beverage Containers Permanent Regulations - Beverage Container Recycling Program. We highly value this open dialogue, which is essential to ensuring that environmental objectives are achieved without creating unnecessary obstacles to international trade or undermining the protection of geographical indications.

Response to O-2-2

No change is being made to the regulations. This comment does not make any objection or recommendation regarding the proposed action or to the procedures followed by the agency in proposing or adopting the action. CalRecycle appreciates the commenter's participation in its rulemaking action.

Comment O-2-3

Comments and proposals:

1. Non-transferable liability and the necessity of a PRO Model (Section 2230)

- Section 2230 stipulates that, out-of-state suppliers “shall be deemed to be beverage manufacturers [and] shall be responsible for labeling, registration, recordkeeping, reporting, and payments”.
- The current draft imposes a disproportionate legal and financial burden on Mexican exporters, as it lacks an explicit mechanism to delegate these administrative duties to a California-based party. This provision lacks a less trade-restrictive alternative, potentially violating Article 2.2 of the WTO TBT Agreement.

- **Request/proposal:** The CNIT requests the inclusion of a "Resident Compliance Agent" or Producer Responsibility Organization (PRO) model. We propose that exporters be allowed to fulfill their obligations by formally designating a California-resident entity (such as an Importer or specialized PRO) to manage all registration, reporting, and payment duties on their behalf.

Response to O-2-3

CalRecycle rejects this comment because the comment does not make any objection or recommendation regarding the changes to the proposed regulations made available to the public on February 24, 2026.

Comment O-2-4

2. Administrative barriers and Federal Tax Identification (Section 2231): As a direct corollary to our request for responsibility delegation, we wish to highlight that the current requirement for a U.S. Federal Employer Identification Number (EIN) further exacerbates this technical barrier.

- Most Mexican Small and Medium Enterprises (SMEs) do not hold a U.S. Tax ID, creating a discriminatory barrier to entry for artisanal producers.
- This requirement may result in a violation of the National Treatment Principle (GATT Art. III).

- **Request/proposal:** We request that CalRecycle accept international identifiers, such as the Mexican "RFC" or the Food and Drug Administration Food Facility Registration Number or alternatively allow compliance to be linked directly to the EIN of the licensed California Importer.

Response to O-2-4

CalRecycle rejects this comment because the comment does not make any objection or recommendation regarding the changes to the proposed regulations made available to the public on February 24, 2026.

Comment O-2-5

3. Market fragmentation and labeling flexibility (Section 2240)

- Section 2240 mandates manufacturer responsibility for California-specific labeling.
- This requirement forces the segregation of inventories, impeding the free flow of products between U.S. states. Custom labeling for a single regional market is prohibitively expensive for international exporters.
- This is inconsistent with CODEX Alimentarius (CXS 1-1985, Sec. 8.2), which advocates for the use of supplemental labels to facilitate international trade.

- **Request/proposal:** We request the explicit authorization to use supplemental labels (stickers) or Digital Labeling (QR Codes) to satisfy redemption marking requirements without disrupting the primary federal label of the DOT.

Response to O-2-5

CalRecycle rejects this comment because the comment does not make any objection or recommendation regarding the changes to the proposed regulations made available to the public on February 24, 2026. CalRecycle notes that section 2205 in the proposed regulations clarifies how a label with a QR code may be used to comply with Public Resources Code section 14561(d). Nothing in the Beverage Container Recycling and Litter Reduction Act or the proposed regulations prohibits the use of supplementary labels, such as additional stickers or stamps, as long as the California-specific CRV message is set forth on the label in accordance with either section 2200 or 2205.

Comment O-2-6

4. Operational risks and border inspection protocols (Sections 2831.1–2835): The proposed regulations introduce mandatory inspections and border controls to prevent container redemption fraud.

- While these measures target empty containers, they create a high risk of logistical delays for fullbottle shipments of Tequila. Redundant inspections at state checkpoints can lead to the detention of legitimate products, increasing storage costs and disrupting the supply chain for authorized distributors.
- Under the WTO TBT Agreement, procedures for verifying compliance must be no more traderestrictive than necessary. Uncoordinated state-level inspections on top of federal customs (CBP) and health (FDA) clearances represent an undue burden on international commerce.

• **Request/proposal:** We request that CalRecycle implement expedited clearance protocols for sealed, full-product shipments from registered importers of controlled categories, such as Tequila (Protected Designation of Origin). We propose that compliance with SB 1013 be verified through digital documentation, existing manifest systems, or simplified forms to avoid unnecessary physical inspections of legitimate Tequila exports at the border.

Response to O-2-6

CalRecycle rejects this comment because the comment does not make any objection or recommendation regarding the changes to the proposed regulations made available to the public on February 24, 2026. CalRecycle also notes that the subject of this comment is outside the scope of these regulations.

Comment O-2-7

5. Safeguarding the integrity of the Designation of Origin Tequila (Section 2900 / Official Mexican Standard NOM-006-SCFI-2012, Alcoholic beverages-Tequila-Specifications)

- The expansion of the redemption system to include glass containers for distilled spirits is a point of concern.
- Under Official Mexican Standard NOM-006-SCFI-2012, Alcoholic beverages-Tequila-Specifications (Section 11), Tequila containers are strictly prohibited from being reused. Mass collection without rigorous destruction protocols could inadvertently facilitate illegal refilling and counterfeiting operations.
- The protection of Geographical Indications under Article 23 of the TRIPS Agreement is essential.
- **Request/proposal:** We request a safeguard clause requiring certified recycling centers to immediately crush or destroy recovered Tequila glass bottles, ensuring the program remains focused on material recycling and precludes any possibility of container reuse.

Response to O-2-7

CalRecycle rejects this comment because the comment does not make any objection or recommendation regarding the changes to the proposed regulations made available to the public on February 24, 2026. CalRecycle also notes that the subject of this comment is outside the scope of these regulations.

Comment O-2-8

Conclusion: The CNIT reiterates its steadfast commitment to collaborating with CalRecycle to achieve a sustainable recycling ecosystem that upholds international trade principles and the rigorous quality standards that define Tequila. Furthermore, a successful recycling program must balance rigorous oversight with logistical efficiency, ensuring that border controls for environmental compliance do not inadvertently hinder the legitimate trade of protected spirits. We trust that these comments will be considered in the development of the final regulatory text to prevent unnecessary obstacles to trade.

Response to O-2-8

No change is being made to the regulations. This comment does not make any objection or recommendation regarding the proposed action or to the procedures followed by the agency in proposing or adopting the action. CalRecycle appreciates the commenter's participation in its rulemaking action.

O-3: Hurner Government Relations and Advocacy (Greg Hurner)

Comment O-3-1

September 30, 2025

Dear Director Heller:

On behalf of the Can Manufacturers Institute (CMI), thank you for this opportunity to provide feedback on the proposed regulation text on the addition of New Beverage

Containers Regulations. CMI is the United States trade association representing metal can manufacturers and suppliers. Our members are proud to make the most sustainable package for food, beverage, and household products.

As we have discussed with the Department over many years, CRV labelling flexibility for metal packaging should be equivalent to that provided to other packaging types. While we appreciate the attempt to provide some limited flexibility, which is discussed in detail below, CMI requests that amendments be made to further the options for metal packaging and provide clarity on when containers may be redeemed by certified recycling centers.

Response to O-3-1

No change is being made to the regulations. CalRecycle appreciates the commenter's support for its rulemaking action. To the extent the commenter is requesting the CRV message be allowed to be printed on the label of a can, CalRecycle rejects this comment. Please see 45-Day Comment Code C-2-1 for a response.

Comment O-3-2

With the passage of SB 1013, that added wine and liquor aluminum cans and SB 353 that included large format bimetal vegetable and juice containers, the flexibility is more important than ever. These changes also mean that very few aluminum beverage cans are exempt from the CRV program – mainly those under the medical food exemption, that is dominated by glass, plastic and pouches. This alone is a sufficiently enough compelling reason for allowing the CRV to be printed on the side of the aluminum can or the label of a bimetal juice container – as is allowed for glass, pouches, boxes, and plastic.

Response to O-3-2

CalRecycle rejects this comment because the comment does not make any objection or recommendation regarding the changes to the proposed regulations made available to the public on February 24, 2026. Please see 45-Day Comment Code C-2-1 for a response to allowing the CRV message to be placed on the side of a can or on the label of the can.

Comment O-3-3

As noted in many meetings, glass, pouches, and plastic can be molded with a redemption message but the Department does not require such molding on these container types. In addition, paper and plastic labels on glass and plastic are readily scratched off, succumb to moisture, or are purposely designed to be easily removed to improve the recycling process (which leads to detaching prior to redemption). A can that is screen printed would not have similar challenges because the redemption message would be part of the screen printing on the container that is not removable or subject to deterioration from moisture.

Response to O-3-3

CalRecycle rejects this comment because the comment does not make any objection or recommendation regarding the changes to the proposed regulations made available to the public on February 24, 2026. Please see 45-Day Comment Code C-2-1 for a response to allowing the CRV message to be placed on the side of a can or on the label of the can.

Comment O-3-4

And while the program requires recycling centers to reject containers without a legible redemption message, this is counterproductive to achieving the state's recycling goals when those containers are known to be program eligible. Recycling centers also routinely accept containers with missing or damaged redemption messages because not doing so creates confusion and frustration with the public resulting in less material being returned. Similarly, because only a narrow niche of aluminum beverage containers is exempt from the program, it is in the best interest of the program and the state's sustainability goals to error on the side of accepting those aluminum beverage containers even if that container is crushed and the redemption message is not readily apparent (even if partially crushed, aluminum cans can be pulled apart sufficiently by hand to verify the redemption message whereas poly or paper labels can't be verified once damaged or separated). With beverage container recycling rates well below the goal of 80%, there is not a financial risk to the program from erroring on the side of the consumer to encourage further returns of material. The return of domestic material is critical to the metal container industry that has been subject ever-increasing tariffs during the last three presidential terms.

Response to O-3-4

CalRecycle rejects this comment because the comment does not make any objection or recommendation regarding the changes to the proposed regulations made available to the public on February 24, 2026. Please note that CalRecycle does not have that authority to change its regulations to allow recycling centers and processors to redeem unmarked, unverifiable cans. Public Resources Code sections 14538(d)(1), (2), and (5) and 14539(d)(1), (2), and (5) require certified recycling centers and processors to only redeem material that is eligible for redemption and one indicia of being eligible is a compliant CRV message displayed on the beverage container. To the extent this comment is suggesting that unmarked containers will not be accepted for recycling, CalRecycle clarifies that while recycling centers may not pay CRV on unmarked containers, they may still be purchased for scrap value and recycled.

Comment O-3-5

CMI's summary of comments is as follows:

1. Lettering requirements on ends (Section 2200)

- It is technically feasible to mark "CA CRV" at the specified minimum lettering height of 4.76 mm (3/16 inch) and minimum emboss width of 0.10 mm (0.004 inch).

- Can end makers report that the metric values directly map to current inch dimensions, so the conversion has no practical impact. However, this may require the resubmission of technical drawings to show the requirement in mm.

▷ California should adjust the standard size on ALL cans for the “CA CRV” down to a minimum of 1/8” (3.17mm) to be consistent with the lettering size on smaller ends and in most other states that allow incising or embossing.

▷ California should shorten the “CA CRV” to be consistent with most other states. Using only the publicly recognized state abbreviation of “CA” would be preferred.

Response to O-3-5

CalRecycle rejects this comment because the comment does not make any objection or recommendation regarding the changes to the proposed regulations made available to the public on February 24, 2026. Please see 45-Day Comment Code O-4-4 for a response.

Comment O-3-6

2. Machine-readable labeling option (Section 2205)

▷ A QR/UPC code at 19.05 mm x 19.05 mm (0.75" square) poses significant challenges:

o On the dome/bottom, current production lines do not have the capability to print such a code at production speeds (can lines run up to 1,800 cans per minute [CPM]).

o On the end (lid), the only available area large enough is the score panel. Since the panel folds into the can when opened, the code would be destroyed, defeating its intended purpose of being readable.

o It is frequently necessary to preserve the (bottom) end of the can for inventory and food safety tracking purposes.

▷ Based on this, CMI does not believe the machine-readable option is workable as drafted.

Response to O-3-6

CalRecycle rejects this comment because the comment does not make any objection or recommendation regarding the changes to the proposed regulations made available to the public on February 24, 2026. Please see 45-Day Comment Code O-4-4 for a response.

Comment O-3-7

3. Side panel labeling changes

- CMI notes that adding a website/toll-free number to the sidewall would require coordination with brand customers, as it may necessitate label artwork changes.

P CalRecycle should allow the CA CRV to be printed on the side of the can or on the label consistent with what is allowed for other material types. This will greatly enhance the visibility of the can being included in the redemption program to the consumer

Response to O-3-7

CalRecycle rejects this comment because the comment does not make any objection or recommendation regarding the changes to the proposed regulations made available to the public on February 24, 2026. Please see 45-Day Comment Code O-4-4 for a response.

Comment O-3-8

Summary of Comments on Proposed Changes:

- The lettering requirements are already met in our current operations and have no material impact.
- The machine-readable option is not feasible as drafted, due to both equipment limitations and the design of the can end.
- Providing the option of screen printing the CA CRV on the side of the can or on the label provides the greatest visibility to the consumer and is the most feasible option for improving labeling design.

Response to O-3-8

CalRecycle rejects this comment because the comment does not make any objection or recommendation regarding the changes to the proposed regulations made available to the public on February 26, 2025. Please see 45-Day Comment Code O-4-4 for a response.

Comment O-3-9

More specifically, CMI encourages the Department to modify the draft regulation as follows:

Double Strikethrough = suggested deletions from proposed text

Italic = suggested additions to proposed text

SUBCHAPTER 1. Definitions

Section 2000. Definitions.

(9) "Clearly and Prominently" means that the redemption message is displayed so that it is easily found and ~~read-identified~~ by consumers and recyclers ~~without effort or difficulty both when the container is purchased filled and when the container is empty.~~ Each letter comprising the message is complete, *and* legible, ~~and cannot be readily obscured.~~ Other factors Factors may include boldness, width, spacing, and location of lettering. The message must be distinguishable from refund messages of other states. *This does not prohibit the listing of multiple states in the same or similar font or format. This requirement does not prohibit a certified recycler center from accepting a container from*

a consumer and refunding the CRV when the container type is reasonably likely to be in the program even if the redemption message is damaged or missing and it is being redeemed with similar containers where the redemption message can be located and identified.

Response to O-3-9

CalRecycle rejects this comment. The comment does not make any objection or recommendation regarding the changes to the proposed regulations made available to the public on February 24, 2026.

Comment O-3-10

SUBCHAPTER 3. Manufacturers

Section 2200. Labeling Required.

(b) Beverage containers shall be clearly, prominently, and indelibly marked ~~as indicated in subsection (a) specified in section 14561(a) of the Act~~ by painting, printing, scratch embossing, raised letter embossing, or permanent ink jetting, ~~in the specific manner indicated in paragraphs (1), (2), (3), or (4):~~ utilizing either of the following manner:

(1)(A) Metal containers, excluding metal bottles, shall be marked on the top or bottom end of the container in minimum lettering size ~~at least 3/16 inch~~ 4.76 millimeters in height. ~~Metal containers, excluding metal bottles, with a top lid of two inches or less in diameter shall have a minimum lettering size of at least 1/8 inch~~ 3.17 millimeters in height.

~~(A)~~(B) Scratch embossed lettering shall be of a minimum width of ~~0.004 inch~~ 0.10 millimeters of disturbed surface metal.

(2) Anywhere on the container body or label with contrasting colors with lettering in minimum lettering size at least 3.17 millimeters in height.

Response to O-3-10

CalRecycle rejects this comment. The comment does not make any objection or recommendation regarding the changes to the proposed regulations made available to the public on February 24, 2026.

Comment O-3-11

Section 2205. Machine-Readable Labeling.

(c) (1) The machine-readable indicia shall be at least 19.05 millimeters in height and width.

(2) The machine-readable indicia shall be indelibly marked by painting, printing, scratch embossing, raised letter embossing, or permanent ink jetting, in the following manner:

~~(A) Metal containers, excluding metal bottles, shall be marked on the top or bottom end of the container.~~

~~(B) A metal, glass container, metal bottle, plastic container, plastic #1-7 pouch, multilayer pouch, or paperboard carton shall be marked anywhere on the container body or label. This subparagraph does not apply to any beverage container listed in subparagraph (C).~~

~~(G)-(B) Plastic portion-controlled cups that have peelable, heat-sealed lids that are not resealable, shall be marked on either the side of the container only, or on the lid and bottom of the container.~~

~~(D)-(C) A bag in box shall be marked anywhere on the external box or label. The machine-readable indicia shall not be located on the panel which provides access to the dispenser. The interior flexible bag shall not be marked with the machine-readable indicia.~~

Response to O-3-11

CalRecycle rejects this comment. The comment does not make any objection or recommendation regarding the changes to the proposed regulations made available to the public on February 24, 2026.

Comment O-3-12

We look forward to working with the Department to increase the recycling rates for beverage containers and promote fairness between the labeling of all material types.

Best regards,

Michael Smaha
Vice President of Government Relations

Response to O-3-12

No change is being made to the regulations. This comment does not make any objection or recommendation regarding the proposed action or to the procedures followed by the agency in proposing or adopting the action. CalRecycle appreciates the commenter's participation in its rulemaking action.

O-4: Can Manufacturers Institute (Greg Hurner)

Comment O-4-1

March 11, 2026

Dear Ms. Derksen:

On behalf of the Can Manufacturers Institute (CMI), thank you for this opportunity to provide feedback on the revised proposed regulation text on the addition of New Beverage Containers Regulations. CMI is the United States trade association

representing metal can manufacturers and suppliers. Our members are proud to make the most sustainable package for food, beverage, and household products.

As we have discussed with the Department over many years, CRV labelling flexibility for metal packaging should be equivalent to that provided to other packaging types. While we appreciate the attempt to provide some limited flexibility, which is discussed in detail below, CMI wishes to reiterate some of the challenges raised in our September 30, 2025, comment letter on the initial proposed regulations, which have not been addressed.

Response to O-4-1

No change is being made to the regulations. This comment does not make any objection or recommendation regarding the proposed action or to the procedures followed by the agency in proposing or adopting the action. CalRecycle appreciates the commenter's participation in its rulemaking action.

Comment O-4-2

As noted in our previous comment letter, the passage of SB 1013, that added wine and liquor aluminum cans and SB 353 that included large format bimetal vegetable and juice containers, highlights why more label flexibility is needed for metal cans. These changes also mean that very few aluminum beverage cans are exempt from the CRV program – mainly those under the medical food exemption, that is dominated by glass, plastic and pouches. This alone is a sufficiently enough compelling reason for allowing the CRV to be printed on the side of the aluminum can or the label of a bimetal juice container – as is allowed for glass, pouches, boxes, and plastic.

Response to O-4-2

CalRecycle rejects this comment. Please see 15-Day Comment Code O-3-2 and/or 45-Day Comment Code C-2-1 for a response to allowing the CRV message to be placed on the side of a can or on the label of the can.

Comment O-4-3

CMI and the Department have discussed before how glass, pouches, and plastic can be molded with a redemption message but are not required to do so. In addition, paper and plastic labels on glass and plastic are readily scratched off, succumb to moisture, or are purposely designed to be easily removed to improve the recycling process (which leads to detaching prior to redemption). A can that is screen printed would not have similar challenges because the redemption message would be part of the screen printing on the container that is not removable or subject to deterioration from moisture.

Response to O-4-3

CalRecycle rejects this comment. Please see 15-Day Comment Code O-3-3 and/or 45-Day Comment Code C-2-1 for a response to allowing the CRV message to be placed on the side of a can or on the label of the can.

Comment O-4-4

And while the program requires recycling centers to reject containers without a legible redemption message, this is counterproductive to achieving the state's recycling goals when those containers are known to be program eligible. Recycling centers also routinely accept containers with missing or damaged redemption messages because not doing so creates confusion and frustration with the public resulting in less material being returned. Similarly, because only a narrow niche of aluminum beverage containers is exempt from the program, it is in the best interest of the program and the state's sustainability goals to error on the side of accepting those aluminum beverage containers even if that container is crushed and the redemption message is not readily apparent (even if partially crushed, aluminum cans can be pulled apart sufficiently by hand to verify the redemption message whereas poly or paper labels can't be verified once damaged or separated). With beverage container recycling rates well below the goal of 80%, there is not a financial risk to the program from erroring on the side of the consumer to encourage further returns of material. The return of domestic material is critical to the metal container industry that has been subject to ever-increasing tariffs during the last three presidential terms.

Response to O-4-4

CalRecycle rejects this comment. Please see 15-Day Comment Code O-3-4 for a response.

Comment O-4-5

CMI's summary of comments are as follows:

1. Lettering requirements on ends (Section 2200)

CMI appreciates the incorporation of CMI's prior comments regarding a minimum lettering size of at least 3.18 millimeters in height [Section 2200 (1)(A)] and minimum width of .10mm of surface metal for the scratch embossed lettering. However, CMI wishes to reiterate our comments that while these are technically feasible to mark "CA CRV", this should be shortened to be consistent with other states. Using only the state abbreviation of "CA" would be preferred.

Response to O-4-5

CalRecycle acknowledges in part and rejects in part this comment. As to the lettering size requirements, CalRecycle notes this comment does not make any objection or recommendation regarding the proposed action or to the procedures followed by the agency in proposing or adopting the action. As to the commenter's request to change "CA CRV" to "CA," CalRecycle rejects this comment as that would violate the statutorily required label as mandated in Public Resources Code section 14561(a).

Comment O-4-6

Regarding the proposed option to print on the can's bottom, the use of inkjet printing is not a viable option. The bottom of the can currently features an invisible code for tracing

and tracking and a visible “best before” and production date. There is not enough room on the can’s bottom, which is the same reality facing the lid of the can.

Response to O-4-6

CalRecycle rejects this comment because the comment does not make any objection or recommendation regarding the changes to the proposed regulations made available to the public on February 24, 2026.

Comment O-4-7

2. Machine-readable labeling option (Section 2205)

⌚ A QR/UPC code at 19.05 mm x 19.05 mm (0.75" square) poses significant challenges:

- o On the dome/bottom, current production lines do not have the capability to print such a code at production speeds (can lines run up to 1,800 cans per minute [CPM]).
- o On the end (lid), the only available area large enough is the score panel. Since the panel folds into the can when opened, the code would be destroyed, defeating its intended purpose of being readable.
- o It is necessary to preserve the (bottom) end of the can for inventory and food safety tracking purposes as discussed above.
- o According to GS1, the addition of more QR codes on packaging increase confusion among consumers. Their white paper entitled The Barcode (r)Evolution, “today, product packaging often contains multiple barcodes and symbols that are intended to meet the need for more data and that serve varied purposes. Unfortunately, they cause consumer and supply chain confusion and don’t always communicate with each other.” This gets to the issue of cans labeled specifically for California versus one sold in surrounding states. This is logistically not possible, and requiring beverage brands who fill an empty can with a California-specific code will face higher costs than a filler outside the state who uses cans without a specific code.
- o The unintended consequence is that brands may substitute readily recyclable aluminum cans for materials that are more difficult to recycle or do not have an end market, thus resulting in that container being landfilled.

Response to O-4-7

CalRecycle rejects this comment because the comment does not make any objection or recommendation regarding the changes to the proposed regulations made available to the public on February 24, 2026. For a response to the first four points of the comment, please see 15-Day Comment Code O-3-6. To the final two points of the comment, CalRecycle notes that the use of a QR code is optional. Please see 45-Day Comment Code C-4-1.

Comment O-4-8

3. Side panel labeling changes

- CMI notes that adding a website/toll-free number to the sidewall would require coordination with brand customers, as it may necessitate label artwork changes.

P CalRecycle should allow the CA CRV to be printed on the side of the can or on the label consistent with what is allowed for other material types. This will greatly enhance the visibility of the can being included in the redemption program to the consumer.

Response to O-4-8

CalRecycle rejects this comment because the comment does not make any objection or recommendation regarding the changes to the proposed regulations made available to the public on February 24, 2026.

Comment O-4-9

Summary of Comments on Proposed Changes:

- The lettering requirements are already met in our current operations and have no material impact.
- The machine-readable option is not feasible as drafted, due to both equipment limitations and the design of the can end. • Providing the option of screen printing the CA CRV on the side of the can or on the label provides the greatest visibility to the consumer and is the most feasible option for improving labeling design.

Response to O-4-9

CalRecycle rejects this comment because the comment does not make any objection or recommendation regarding the changes to the proposed regulations made available to the public on February 24, 2026. See also the responses to 15-day comment O-3-8 and 45-day comment O-4-4.

Comment O-4-10

We look forward to working with the Department to increase the recycling rates for beverage containers and promote fairness between the labeling of all material types. Unfortunately, this regulatory package continues to instill a bias that limits the ability of metal packaging to modernize, including the expansion of RVM redemption options for consumers. CMI encourages CalRecycle to reinstate the rule making after developing workable solutions with the metal packaging industry.

Best regards,

Michael Smaha
Vice President of Government Relations

Response to O-4-10

CalRecycle rejects this comment because the comment does not make any objection or recommendation regarding the changes to the proposed regulations made available to the public on February 24, 2026. CalRecycle notes that a single standard cannot be applied to all containers because different container material types have different properties that respond in unique ways when recycling. For example, a glass bottle cannot be crushed in the same way that an aluminum beverage container is commonly crushed.