

1 Proposed Regulations

2 Sustainable Packaging for the State of California Act of 2018

3  
4 TITLE 14: NATURAL RESOURCES

5 DIVISION 7. DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

6 CHAPTER 4 RESOURCE CONSERVATION PROGRAMS

7 ARTICLE 8. SUSTAINABLE PACKAGING FOR THE STATE OF CALIFORNIA

8  
9 § 17989. Definitions.

10 (a) The definitions of this Article supplement and are governed by the definitions set forth  
11 in Chapter 6 (commencing with Section 42370), Part 3, Division 30 of the Public  
12 Resources Code (PRC).

13 (1) “Accept” means a compost facility knowingly incorporates a food service  
14 packaging item into its routine daily operations for processing at the end of the  
15 item’s intended purpose. A food service packaging item is not considered  
16 “accepted” under this Article if the compost facility that received the item does not  
17 compost the item or identifies the item as a physical contaminant. “Physical  
18 contaminant” has the same meaning as defined in the California Code of  
19 Regulations Title 14, Division 7, Chapter 3.1, Article 1, Section 17852, subsection  
20 (a)(32).

21 (2) “Aesthetic change” means a change in the coloration and/or treatment of a food  
22 service packaging item using inks, dyes, pigments, decals, or other methods that  
23 does not affect the material composition, or construction of an approved food  
24 service packaging item in a manner that impacts it ability to meet all applicable  
25 requirements of Sections 17989.2-17989.5.

26 (3) “Collect” means that a food service packaging item is picked up and delivered to a  
27 recycling or composting facility after being used to serve or transport food or  
28 beverages.

29 (4) “Compost facility” has the same meaning as “compostable materials handling  
30 operation” or “facility” as defined in Division 7, Chapter 3.1, Article 1, Section  
31 17852, subsection (a)(12) or “large volume in-vessel digestion operation,”  
32 “medium volume in-vessel digestion facility,” or “limited volume in-vessel digestion

33 operation” as defined in Division 7, Chapter 3.2, Article 1, Section 17896.2,  
34 subsection (a).

35 (5) “Cooking or food preparation technique” includes, but is not limited to, the  
36 following:

37 (A) Cooking techniques, such as steaming, microwaving, simmering, boiling,  
38 broiling, grilling, frying, or roasting.

39 (B) Beverage preparation techniques, such as blending, brewing, steeping,  
40 juicing, diluting, or pouring.

41 (C) Food preparation techniques, such as defrosting, rinsing, washing, diluting,  
42 cutting, portioning, mixing, blending, assembling, coating, dipping, garnishing,  
43 or icing.

44 (6) “Department” means the Department of Resources Recycling and Recovery  
45 (CalRecycle).

46 (7) “Food service facility” means an operation or business that stores, prepares,  
47 packages, serves, vends, or otherwise provides prepared food and is also one of  
48 the following:

49 (A) An operation or business that is located in a state-owned facility, including  
50 but not limited to: cafeterias, restaurants, catering companies, shops,  
51 markets, delis, Department of Corrections and Rehabilitation commissaries,  
52 University of California food courts and dormitories, and Legislative offices.

53 (B) An operation or business operating on or acting as a concessionaire on State  
54 property.

55 (C) An operation or business under contract to provide food service to a State  
56 agency.

57 (8) “Food service packaging item” means a specific combination of the food service  
58 packaging type (e.g., plate, cup, bowl) and the material(s) the type of food service  
59 packaging is made of (e.g., polyethylene terephthalate (PET), polylactic acid  
60 (PLA)-lined paperboard).

61 (9) “Food service packaging manufacturer” means a person that makes the food  
62 service packaging item(s).

- 63 (10) (A) “Food service packaging type” or “type of food service packaging” means a  
64 product used for serving or transporting prepared, ready-to-consume food or  
65 beverages that meets one or more of the following conditions:  
66 (i) Comes into direct contact with the prepared food or beverage;  
67 (ii) Keeps the prepared food or beverage contained while transporting it on or  
68 off a food service facility’s premises; or  
69 (ii) Aids in the consumption of the prepared food or beverage.  
70 (B) “Food service packaging type” does not include beverage containers or single-  
71 use disposable items, such as straws, cup lids, plastic bags, and utensils, or  
72 single-use disposable packaging for unprepared foods.
- 73 (11) “Group of food service packaging items” or “group of items” means food service  
74 packaging items made by one or more food service packaging manufacturer(s)  
75 submitted under one application to meet the requirements of this Article.
- 76 (12) “Hauler” has the same meaning as defined in Division 7, Chapter 9, Article 9.25,  
77 Section 18815.2, subsection (a)(32).
- 78 (13) “Jurisdiction” has the same meaning as defined in PRC Section 40145.
- 79 (14) “List of Approved Food Service Packaging” or “List” means the published list of  
80 the food service packaging items approved by the department for use at food  
81 service facilities.
- 82 (15) “Mass produced” means that a food or beverage product is manufactured and/or  
83 packaged by a third-party not affiliated with a food service facility and is intended  
84 to be sold or distributed to the general marketplace including, but not limited to,  
85 food service facilities without the use of any cooking or food preparation  
86 techniques.
- 87 (16) “Material” means the type of feedstock used to make a food service packaging  
88 item including, but not limited to, glass, ceramic, metal, fiber (i.e., derived from  
89 cellulose), or plastic. Material is inclusive of any coatings or other ingredients used  
90 to make a food service packaging item. A plastic material may be identified by  
91 either the name of the plastic resin (#1-6 in accordance with PRC Sections 18013-  
92 18015) or by the name of the plastic polymer (e.g., polylactic acid).

- 93 (17) “On-site” means the location of the food service facility where the food is served  
94 and does not include centralized facilities that store food service packaging items  
95 for distribution to multiple food service facilities.
- 96 (18) “Person” has the same meaning as defined in PRC Section 40170.
- 97 (19) “Per- and polyfluoroalkyl substance (PFAS)” means a chemical that contains at  
98 least one fully fluorinated carbon atom.
- 99 (20) “Plastic bag” means an open-top carryout style plastic bag with handles that  
100 cannot be closed or sealed, by design.
- 101 (21) “Proposition 65 list” means the list of chemicals known to the State of California  
102 to cause cancer, birth defects, or other reproductive harm pursuant to the Safe  
103 Drinking Water and Toxic Enforcement Act of 1986, Health and Safety Code  
104 Sections 25249.5-25249.14.
- 105 (22) “Recycling” has the same meaning as defined in PRC Section 40180.
- 106 (23) “Recycling facility” means an entity that meets the definition of “recycling center”  
107 in Division 7, Chapter 3, Article 6.0, Section 17402.5, subsection (d).
- 108 (24) “Recycling program” means a diversion program, as defined in PRC Section  
109 40127, that is established by a California jurisdiction for the purpose of providing  
110 recycling or organics collection services to residents or businesses. A recycling  
111 program must include services provided by a hauler that is authorized under a  
112 contract, an agreement, a permit, or other authorization with a jurisdiction to  
113 regularly collect materials, as defined in subsection 17989 (a)(16), within the  
114 jurisdiction for recycling. “Recycling program” does not include a takeback  
115 program, as defined in subsection 17989 (a)(27).
- 116 (25) “Safe and timely manner” means a food service packaging item achieves 90  
117 percent biodegradation within 60 days in the active compost process, as defined  
118 in Division 7, Chapter 3.1, Article 1, Section 17852, subsection (a)(1), and is  
119 verified by a third-party certification entity to meet one of the following standards,  
120 as applicable:
- 121 (A) ASTM D6400 – 19: Standard Specification for Labeling of Plastics Designed  
122 to be Aerobically Composted in Municipal or Industrial Facilities, or

123 (B) ASTM D6868 – 19: Standard Specification for Labeling of End Items that  
124 Incorporate Plastics and Polymers as Coatings or Additives with Paper and  
125 Other Substrates Designed to be Aerobically Composted in Municipal or  
126 Industrial Facilities.

127 (26) “Sort” means to manually and/or mechanically separate food service packaging  
128 items and similar constituent materials into streams for aggregation.

129 (27) “Takeback program” means a program that collects food service packaging items  
130 for reuse or recycling. A takeback program shall include convenient options for  
131 customers to return the food service packaging items subject to the takeback  
132 program. A takeback program may require a customer to pay a deposit or may  
133 include incentives offered by a food service packaging manufacturer or food  
134 service facility to ensure the food service packaging items are collected for reuse  
135 or recycling.

136 (28) “Third-party certification entity” means an independent laboratory that is ISO/IEC  
137 17025 accredited by an International Laboratory Accreditation Cooperation  
138 Mutual Recognition Arrangement (ILAC MRA) signatory, and performs applicable  
139 testing methods to certify a food service packaging item. “ISO/IEC 17025” means  
140 the International Organization for Standardization/International Electrotechnical  
141 Commission general requirements for the competence of testing and calibration  
142 laboratories.

143 (29) “Transfer/processor” has the same meaning as in Division 7, Chapter 9, Article  
144 9.25, Section 18815.2, subsection (a)(62).

145

146 Authority cited: Sections 40401, 40502, and 42370.2, Public Resources Code. Reference:  
147 Sections 42370.1, 42370.2, and 42370.3, Public Resources Code.

148 **§17989.1. List of Approved Food Service Packaging.**

149 (a) The List of Approved Food Service Packaging (List) published on the department’s  
150 website shall include, at a minimum, the following information for each food service  
151 packaging item:

- 152 (1) An indication that the food service packaging item is determined by the  
153 department to be reusable, recyclable, or compostable, and meets all  
154 applicable requirements of Sections 17989.2-17989.5.
- 155 (2) A description of the type of food service packaging (e.g., plate, cup, bowl, tray)
- 156 (3) The material(s) used to manufacture the food service packaging item (e.g.,  
157 polyethylene terephthalate (PET), polylactic acid (PLA)-lined fiberboard).
- 158 (4) The applicable sizes, in ounces or diameter, of the food service packaging  
159 item.
- 160 (5) The name of the food service packaging manufacturer.
- 161 (6) As applicable, the names of chemicals contained in the food service packaging  
162 item, and their Chemical Abstract Service Registry Numbers (CASRN), that  
163 are included on the Proposition 65 list.
- 164 (b) The department shall establish the initial List required by subsection 42370.3(a) of the  
165 PRC, as follows:
- 166 (1) A food service packaging manufacturer, or person acting on its behalf, who  
167 wishes to have items included on the List, shall submit an application to the  
168 department pursuant to Section 17989.6 within 30 days of the date these  
169 regulations become effective.
- 170 (2) The department shall evaluate each application in the order it is received to  
171 determine if a food service packaging item meets the applicable criteria of  
172 this Article and will be added to the List.
- 173 (c) Following publication of the initial List, the department shall evaluate applications and  
174 update the List with additional food service packaging items on an ongoing basis.
- 175 (d) The department shall notify the Department of General Services and the public within  
176 30 days of making any changes to the List.
- 177 (e) A food service packaging manufacturer, or person acting on its behalf, shall submit a  
178 new application to the department for evaluation within 30 days when non-aesthetic  
179 changes are made to an approved food service packaging item. The department  
180 shall notify the manufacturer and remove the food service packaging item from the  
181 List if the item no longer meets the applicable criteria.

182 (f) If the department determines that an approved food service packaging item does not  
183 meet the requirements of this Article, the department shall notify the manufacturer and  
184 remove the food service packaging item from the List.

185 (g) A food service packaging manufacturer, or person acting on its behalf, shall submit a  
186 new application to the department within 180 days of being notified by the department  
187 that it is evaluating the List to determine whether each of the approved food service  
188 packaging items is reusable, recyclable, or compostable. If a new application is not  
189 received within 180 days the food service packaging item may be removed from the  
190 List.

191  
192 Authority cited: Sections 40401, 40502, and 42370.2, Public Resources Code. Reference:  
193 Sections 42370.2 and 42370.3, Public Resources Code.

194 **§17989.2. Public Health and Litter Impacts Criteria.**

195 (a) Food service packaging items included on the List shall meet the following criteria to  
196 minimize public health and litter impacts:

197 (1) A food service packaging item that is subject to the Toxics in Packaging  
198 Prevention Act (Health and Safety Code Sections 25214.11-25214.26) shall  
199 not contain lead, mercury, cadmium, or hexavalent chromium in an amount  
200 that may pose a threat to public health or that exceeds 100 parts per million  
201 by weight of the sum of these metals.

202 (2) A manufacturer, or person acting on its behalf, shall disclose the names of any  
203 chemical(s) included on the Proposition 65 list that are used in the  
204 manufacturing of a food service packaging item.

205 (3) A food service packaging item made from plastic or fiber and that is recyclable  
206 or compostable shall not contain PFASs, as measured by total fluorine at  
207 concentrations above 100 parts per million.

208 (4) If a food service packaging item is identified by another state agency, or  
209 another state or federal government organization to have the potential to  
210 contribute to an adverse public health impact (e.g., through publications or  
211 reports provided by the Office of Environmental Health Hazard Assessment's

212 Prop 65 program or the Department of Toxic Substances Control's Safer  
213 Consumer Products Program) the department may not include or remove the  
214 food service packaging item from the List.

215 (5) If a food service packaging material is subject to a ban, fee for distribution  
216 (e.g., a fee for a single use disposable cup at point of sale), or other  
217 restrictions, at least in part due to litter or ocean debris concerns, in city or  
218 county ordinances, the department may not include or remove food service  
219 packaging items made from that material from the List.

220  
221 Authority cited: Sections 40401, 40502, and 42370.2, Public Resources Code. Reference:  
222 Sections 42370.2 and 42370.3, Public Resources Code.

223 **§17989.3. Reusable Food Service Packaging Criteria.**

224 (a) A food service packaging item is "reusable" and shall be included on the List if the  
225 department determines it meets the requirements of Section 17989.2 and it either:

226 (1) Maintains its shape, structure, and function after 125 cycles in a cleaning  
227 and sanitizing process as defined in California Health and Safety Code  
228 Section 114101 and 114099.7, respectively, as demonstrated by a third-  
229 party certification entity; or

230 (2) The manufacturer of the food service packaging item provides an express  
231 warranty that the food service packaging item can be reused for its intended  
232 purpose for a minimum of one-year or the manufacturer will take back and  
233 replace the item at the manufacturer's expense.

234  
235 Authority cited: Sections 40401, 40502, and 42370.2, Public Resources Code. Reference:  
236 Sections 42370.2 and 42370.3, Public Resources Code.

237 **§17989.4. Recyclable Food Service Packaging Criteria.**

238 (a) A food service packaging item is "recyclable" and shall be included on the List if  
239 the department determines it meets the requirements of Section 17989.2 and all  
240 the following criteria:



- 241 (1) The food service packaging item shall be a minimum of two (2) inches  
242 measured in two dimensions (i.e., a minimum surface area of four inches).
- 243 (2) The food service packaging item shall not contain additives that initiate or  
244 accelerate fragmentation.
- 245 (3) The food service packaging item is regularly collected and recycled as  
246 follows:
- 247 (A) The food service packaging material is collected by 75 percent of  
248 recycling programs and are sorted and aggregated into a single  
249 named material bale by at least 75 percent of transfer/processors, or
- 250 (B) The food service packaging item is included in a takeback program  
251 that collects at least 75 percent of the food service packaging items  
252 for reuse or recycling.
- 253 (i) Takeback programs that include reuse shall indicate the  
254 number of times the food service packaging item may be reused  
255 prior to being recycled.
- 256 (ii) Takeback programs shall collect at least 75 percent of the food  
257 service packaging items, and all food service items collected by  
258 the takeback program shall be transported to a transfer/processor  
259 or recycling facility for aggregation into a single named material  
260 bale.
- 261 (C) For purposes of this Article, mixed paper bales are considered a  
262 single named material bale.

263

264 Authority cited: Sections 40401, 40502, and 42370.2, Public Resources Code. Reference:  
265 Sections 42370.2 and 42370.3, Public Resources Code.

266 **§17989.5. Compostable Food Service Packaging Criteria.**

- 267 (a) A food service packaging item is “compostable” and shall be included on the List  
268 if the department determines it meets the requirements of Section 17989.2 and all  
269 the following criteria:

- 270 (1) The food service packaging material is regularly collected for composting  
271 by a minimum of 75 percent of organics recycling programs.
- 272 (2) The food service packaging item is accepted by at least 75 percent of  
273 compost facilities permitted to accept mixed materials.
- 274 (3) The food service packaging item biodegrades in a safe and timely manner.
- 275 (4) The food service packaging item complies with the Federal Trade  
276 Commission Guides for the Use of Environmental Marketing Claims (part  
277 260 commencing with Section 260.1 of Subchapter B of Chapter I of Title  
278 16 of the Code of Federal Regulations).

279

280 Authority cited: Sections 40401, 40502, and 42370.2, Public Resources Code. Reference:  
281 Sections 42370.2 and 42370.3, Public Resources Code.

282 **§17989.6. Application Requirements and Submittal Process.**

283 (a) If a food service packaging manufacturer, or person acting on its behalf, would like to  
284 add a food service packaging item to the List, an application shall be submitted to the  
285 department for each food service packaging item or group of food service packaging  
286 items that meet the applicable requirements of Sections 17989.2-17989.5. The  
287 application shall contain the following and be submitted electronically:

288 (1) Contact information

289 (A) Name and title of the person submitting the application

290 (B) Company or organization name

291 (C) Company or organization mailing and physical address

292 (D) Phone number

293 (E) Email address

294 (F) Name of the manufacturer(s) of the food service packaging item or  
295 group of items

296 (2) A statement that the application is being submitted to be considered for  
297 determining if the food service packaging item or group of items is reusable,  
298 recyclable, or compostable.

299 (3) A description of the food service packaging item or group of items.

- 300 (4) As applicable, a description of the material(s) used to manufacture the food  
301 service packaging item or group of items.
- 302 (5) As applicable, documentation that a food service packaging item or group  
303 of items meets the requirements of subsection 17989.2(a)(1).
- 304 (6) As applicable, the chemical name(s) and CASRN(s) to demonstrate  
305 compliance with subsection 17989.2(a)(2). Disclose whether a Proposition  
306 65 warning is required for exposure(s) to the chemical(s) resulting from the  
307 use of the food service packaging item or group of items.
- 308 (7) As applicable, the accreditation number(s) of the ISO/IEC 17025  
309 laboratory(ies) used to demonstrate compliance.
- 310 (8) A declaration signed under penalty of perjury by the food service packaging  
311 manufacturer, or person acting on its behalf, stating that all information and  
312 data submitted as part of the application is true and correct.
- 313 (b) A food service packaging manufacturer, or person acting on its behalf, shall label any  
314 portions of the application it believes are confidential or proprietary that it wants the  
315 department to maintain as confidential pursuant to Section 17989.6(f)(3). Applications  
316 submitted to the department shall not contain redactions. Any portion(s) of an  
317 application that are not labeled or identified as confidential shall be deemed a public  
318 document.
- 319 (c) In addition to the items submitted under subdivision (a), an application for a reusable  
320 food service packaging item or group of items shall include test results from a third-  
321 party certification entity that demonstrate compliance with subsection 17989.3(a)(1)  
322 or the manufacturer's warranty as required by subsection 17989.3(a)(2).
- 323 (d) In addition to the items submitted under subdivision (a), an application for a  
324 recyclable food service packaging item or group of items shall include information to  
325 demonstrate compliance with Section 17989.4. Applications shall include:
- 326 (1) The measurement of two dimensions, in inches, of the food service  
327 packaging item or each item in a group of food service packaging items.
- 328 (2) A statement that the food service packaging item or group of items do not  
329 contain additives to initiate or accelerate fragmentation.

- 330           (3) As applicable, test results from a third-party certification entity that  
331           demonstrate compliance with subsection 17989.2(a)(3). Tests shall be  
332           conducted within six (6) months of the application submittal date.
- 333           (4) As applicable, information demonstrating that the food service packaging  
334           item is regularly collected for recycling as required by subsection  
335           17989.4(a)(3).
- 336 (e) In addition to the items submitted under subdivision (a), an application for a  
337           compostable food service packaging item or group of items shall include information  
338           to demonstrate compliance with Section 17989.5. Applications shall include:
- 339           (1) Information demonstrating that the food service packaging material is  
340           regularly collected for composting by a minimum of 75 percent of organics  
341           recycling programs.
- 342           (2) Information demonstrating that the food service packaging item or group  
343           of items are accepted by at least 75 percent of compost facilities permitted  
344           to accept mixed materials, as defined in Division 7, Chapter 3.1, Article 1,  
345           Section 17852, subsection (a)(26), and that the material is not screened  
346           out for disposal prior to or after active composting.
- 347           (3) Test results from a third-party certification entity that demonstrates the  
348           food service packaging item or group of items biodegrades in a safe and  
349           timely manner.
- 350           (4) As applicable, test results from a third-party certification entity that  
351           demonstrate compliance with subsection 17989.2(a)(3). Tests shall be  
352           conducted within six (6) months of the application submittal date.
- 353           (5) A statement that the food service packaging item or group of items  
354           complies with the Federal Trade Commission Guides for the Use of  
355           Environmental Marketing Claims (part 260 commencing with Section  
356           260.1 of Subchapter B of Chapter I of Title 15 of the Code of Federal  
357           Regulations).
- 358 (f) The department shall review submitted applications in the order in which they are  
359           received and as follows:

360 (1) The department shall review each application to determine if it is complete.  
361 For purposes of this review, “complete” means that all documentation  
362 required by this section has been submitted.

363 (A) The department shall notify a food service packaging manufacturer,  
364 or person acting on its behalf, if the application is complete.

365 (B) If the department determines that an application is incomplete, the  
366 department shall notify a food service packaging manufacturer, or  
367 person acting on its behalf, of this determination and shall specify the  
368 basis for the determination and the number of days allotted to provide  
369 the supporting documentation.

370 (2) The department shall evaluate each complete application to determine if a  
371 food service packaging item or group of items meets the applicable criteria  
372 required by this Article.

373 (A) Upon approval, the department shall add the food service packaging  
374 item or group of items to the List and notify the food service  
375 packaging manufacturer, or person acting on its behalf.

376 (B) If the department determines that a food service packaging item or  
377 group of items does not meet the applicable requirements to this  
378 Article, the food service packaging manufacturer, or person acting  
379 on its behalf shall be notified.

380 (3) The department shall maintain the confidentiality of information submitted  
381 in each application as required by the California Public Records Act  
382 (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the  
383 Government Code), Section 40062 of the PRC, and Article 4 of Chapter 1  
384 of this Division (commencing with Section 17041).

385

386 Authority cited: Sections 40401, 40502, and 42370.2, Public Resources Code. Reference:  
387 Sections 42370.2, 42370.3, 42370.4, and 42370.5, Public Resources Code.

388 **§17989.7. Noncompliant Food Service Packaging Inventories.**

389 (a) Upon the removal of a food service packaging item or group of food service packaging  
390 items from the List pursuant to subsection 17989.1(f), a food service facility may use  
391 its remaining food service packaging item inventory under the following conditions:

392 (1) The food service facility possessed that specific inventory of food service  
393 packaging item(s) before the date the List was published or subsequently  
394 updated.

395 (2) The food service facility possessed that specific inventory of food service  
396 packaging item(s) before the List maintained pursuant to Section 42370.3  
397 of the PRC was updated to remove the food service packaging item and the  
398 food service packaging item was on the List when the food service facility  
399 took possession of the food service packaging item.

400 (3) The food service facility acquired that specific inventory of food service  
401 packaging items pursuant to a contract entered into before the date the List  
402 was published or subsequently updated.

403 (4) The food service facility acquired that specific inventory of food service  
404 packaging item(s) pursuant to a contract entered into before the List  
405 maintained pursuant to Section 42370.3 of the PRC was updated to remove  
406 the food service packaging item and the food service packaging item was  
407 on the list when the food service facility entered into the contract.

408 (b) For a contract that is subject to this section and that is entered into, renewed, or  
409 updated after the date the List was published or subsequently updated, the food  
410 service facility shall be responsible for ensuring that the food service packaging items  
411 it purchased are on the List.

412  
413 Authority cited: Sections 40401, 40502, and 42370.2, Public Resources Code. Reference:  
414 Sections 42370.2, 42370.3, and 42370.4, Public Resources Code.

415 **§17989.8. Records.**

416 (a) A food service facility shall provide the department with reasonable and timely access  
417 to its food service packaging item purchasing records by submitting the following  
418 information within 60 days of a written request:

419 (1) For reusable food service packaging items, pursuant to Section 17989.3:  
420 invoice(s) or purchase order(s), which includes, the date(s) the food service  
421 packaging item(s) were purchased, the food service packaging material, the  
422 type of food service packaging purchased, the manufacturer of the food  
423 service packaging item(s), and the number of food service packaging items  
424 purchased.

425 (2) For recyclable and compostable food service packaging items, pursuant to  
426 Section 17989.4 and 17989.5 respectively: invoice(s) or purchase order(s),  
427 which includes, the date(s) the food service packaging item(s) were  
428 purchased, the food service packaging material, the type of food service  
429 packaging purchased, the manufacturer of the food service packaging  
430 item(s), and the number of food service packaging items purchased.

431  
432 Authority cited: Sections 40401, 40502, and 42370.2, Public Resources Code. Reference:  
433 Sections 42370.5 Public Resources Code.