

# Statewide Commission on Recycling Markets and Curbside Recycling Draft Meeting Notes

**Date:** January 6, 2021

**Time:** 8:30 AM – 12:30 PM

## **Present:**

Commissioners Bouchard, Cadena, Davis, Dell, Donlevy, Ferrante, Kalpakoff, Lapis, Medrano, Oseguera, Potashner, Sanborn, Schneider, Skye, Toyoda, Valle, and Ward.

## **Absent:**

None

## **Agenda:**

### **Agenda Item 1: 8:30 (5 min) Call to Order, Roll Call, and Establishment of Quorum**

Chair Heidi Sanborn called the meeting to order and a quorum was established.

Public Comments: None

### **Agenda Item 2: 8:35 (5 min) Review and Potential Approval of Meeting Notes**

Chair Sanborn asked if all commissioners were satisfied with meeting notes. Commissioner Skye proposed a motion to approve the notes from the Dec 16 and 18, 2020 meetings. Commissioner Schneider seconded, and the motion was approved.

Public Comments: None

### **Agenda Item 3: 8:40 am (20 min) Public Comment Review - Items Not on the Agenda**

Public comments (for complete text of comment see Appendix I):

- Shirley Freriks
- Jill Duffy 1
- Rhonda Andriessen
- Mike and Kathryn Luna
- Craig R. Kleinman

- Erika Daley
- Alana LaBelle

## **Agenda Item 4: 9:00 am (30 min) Presentations from Secretary of CalEPA, Jared Blumenfeld and Director of CalRecycle, Rachel Machi Wagoner**

Chair Sanborn opened the forum for commissioners to ask the new CalRecycle Director, Rachel Machi Wagoner, and CalEPA Secretary Jared Blumenfeld questions.

Chair Sanborn inquired of Secretary Blumenfeld about the future of the policy recommendations made by the commission.

Commissioners Ward, Schneider, Donlevy and Valle highlighted the need for long-term investment in creating recycling and redemption centers in underserved areas. They emphasized the need to fix the bottle bill and increase public education around recycling.

Commissioner Skye noted the need for state leadership to achieve the statewide goals for organics and recycling diversion.

Commissioner Dell raised concerns over California's export of contaminated plastic and its adherence to the Basel Convention amendments despite the US not having ratified the treaty. She also stressed that the state's statutory 50% and 75% diversion requirements have contributed to an increase in contaminated plastic exports. Commissioner Oseguera stressed the importance of creating robust and viable domestic markets for recycled materials with fewer regulatory barriers.

Director Machi Wagoner discussed some of her priorities including aiding local governments in increasing diversion, addressing issues with local redemption centers, and increasing support for bottle redemption pilot projects.

Secretary Blumenfeld noted his appreciation for the Commission's hard work resulting in the 19 recommendations. He noted appreciation for the focus on precautionary principle, state procurement and leading by example, food recovery at a time when people are food insecure, focusing on truth in labeling and clarity on what really is recyclable, addressing transparency and cutting the green tape. The Secretary recognized the importance of redemption centers for many low-income communities and the need to increase access across the state. He concluded by commending the Commission's policy proposals for crystallizing key issues and their consideration of environmental justice and climate impacts and urged the Commission to raise awareness about the recommendations through social media, op-eds and other means.

### Public Comments:

- Kiya Villarreal 1
- Richard A Murphy
- Emiliano Lee

## **Agenda Item 5: 9:30 am (30 min) Update on Legislation**

Mindy McIntyre from CalRecycle's Legislative and External Affairs Office gave an update on upcoming legislation related to the commission's policy proposals. A bill to update bottle and plastic packaging regulations and to create a new EPR bottle program has been introduced.

Commissioner Ward inquired about movement on a bill regarding new export restrictions. Chair Sanborn responded that some legislators are looking to work with the new administration and ask the new Biden Administration to join the Basel Convention.

Commissioner Potashner asked about workforce recovery proposals being put forward, and Mindy McIntyre responded that the Governor makes climate issues a priority.

Public Comments: None

## **Break: 10:00 am (10 min)**

## **Agenda Item 6: 10:10 am (2 hours, 5 min) Committee Reports on Policy Recommendations for Commission Discussion and Possible Approval**

Commissioners Valle and Bouchard stepped away from the meeting after the break.

Commissioner Davis presented on the upcoming agenda for the Market Development Committee. Chair Sanborn emphasized that all Committees should prioritize meeting their statutory requirements. Commissioner Schneider asked for a clarification of which committee should address the topics of reuse and repair. Chair Sanborn proposed that Commissioners Schneider and Ward bring any reuse and repair proposals from their two-person committee to the Market Development Committee as soon as possible to make sure they are in the July report.

Commissioners Donlevy, Potashner, Kalpakoff, and Dell discussed existing statewide and national facilities for recycling polypropylene and the cost of the required equipment. Chair Sanborn read an email correspondence she had with the American Chemistry Council aloud. Commissioners supported the idea of having a presentation from the American Chemistry Council at a future meeting.

Commissioner Ward emphasized the need to address the existing subsidies for virgin oil extraction in policy recommendations. Commissioners Toyoda and Lapis were charged as a two person committee with investigating the issue of virgin extraction further and reporting back to the commission. Commissioner Potashner suggested that the Commission discuss the viability of new taxes as an alternative to proposing novel EPR programs. Commissioner Skye supports working on language for the report to outline the perverse subsidies and emphasized three key issues 1) cheap production cost, and 2) cheap manufacturing costs, and 3) complete disconnect from external costs including cleanup, reuse, and public health issues for many products including plastics. Commissioner Skye agreed to start drafting the language for the report on this subject and sharing it with Commissioner Ward to incorporate into the draft report.

Chair Sanborn proposed a standing agenda item for reports on the activities of all ongoing two person committees.

Commissioner Donlevy presented on the Recycling Committee's agenda. The Committee plans to reach out to CalRecycle regarding grant money's impact on the reclamation of plastic bottles. Commissioners Sanborn, Donlevy, Valle, and Ward suggested that the Committee create or consider policy recommendations on encouraging refillables, e-commerce material requirements, an increase in funding and discretionary authority for CalRecycle, glass recycling and influence of wine industry and automation on the curbside recycling system, and recycling infrastructure improvements.

Commissioners Dell, Donlevy, Davis and Sanborn discussed the need to send an urgent message to both the legislature and governor that the bottle bill be updated during the current legislative session. Commissioner Donlevy suggested that he and Chair Sanborn work on a draft letter to send to the legislature. Commissioners discussed process for this discussion on the urgency requests and how to ensure all commissioners are able to redline the letter and the public can review it. Chair Sanborn moved that she and Commissioner Donlevy draft the recommendation letter on urgent action recommended by State for consideration at the Commission's meeting on January 20<sup>th</sup>, consideration by the Recycling Committee at their January 22 meeting, and then heard a final time by the at the Commission's February 3<sup>rd</sup> meeting. The motion was approved.

Commissioner Dell presented that the Labelling Committee has made good progress on their statutory requirements. CalRecycle' Office of Public Affairs (OPA) will be at the next Commission meeting to present on their public education efforts and all Commissioners can offer feedback around a survey OPA is executing. The committee is scheduling the next meeting and will agendize the draft policy proposal that the Commission thought needed more time and discussion titled "Label System for Products and Post-Consumer Management" by Skye and Dell which was never presented in writing to the Committee. The Committee will also coordinate with the organics committee to revisit the labeling of organics to protect composting streams.

#### Public Comments:

- Randy Pollack
- Winston Hickox
- Kiya Villarreal 2
- Peter Miu 1
- Peter Miu 2
- Peter Miu 3

## **Agenda Item 7: 12:15 pm (10 min) Agenda Items for Future Meetings and 2021 Commission Calendar**

Chair Sanborn proposed that future meetings be shorter around 3 hours in duration and the Commissioners approved. The next meeting will agendaize the draft letter on the urgency of increasing convenience for CRV redemption, Kip Lipper will present, the OPA presentation, and committee reports.

## **Agenda Item 8: 12:25 pm (5 min) Meeting Summary and Closing**

Closing remarks and summary of goals achieved during the meeting.

## **Appendix I: Shirley Freriks**

The last update i see on AB341 is October 2013, and i cannot find a more recent one. Is there? I know we are far from goal but how far? And are there fines for not making goals? Is your Commission tasked with helping to meet the goal? What is the new date for the goal? We seriously missed 2020. Thank you.

## **Jill Duffy 1**

In consideration of no certified recycling centers, would Secretary Blumenthal and CalRecycle Director consider establishing a provision or waiver that allows future certified recycling centers to accept customers by appointment for a temporary period of time? This could enable the restoration of CRV buyback to consumers who have been without CRV redemption services since March 2020.

## **Rhonda Andriessen**

In consideration of no certified recycling centers, would Secretary Blumenthal and CalRecycle Director consider establishing a provision or waiver that allows future certified recycling centers to accept customers by appointment for a temporary period of time, while a more permanent solution to meet the needs of Humboldt county is found. This could enable the restoration of CRV buyback to consumers who have been without CRV redemption services since March 2020.

## **Mike and Kathryn Luna**

In consideration of no certified recycling centers, would Secretary Blumenthal and CalRecycle Director consider establishing a provision or waiver that allows future certified recycling centers to accept customers by appointment for a temporary period of time? This could enable the restoration of CRV buyback to consumers who have been without CRV redemption services since March 2020. Our warehouses are always being filled with food and products to be able to have available for the public. If we start filling out warehouse with recycling products it causes a safety hazard for our employees with potentially contaminated materials. This will also cause a potential rise in rodent infestation. We don't have the facilities to hold such a product and still be able to keep

our employees and public safe. The appointment schedules are only asked of for a temporary basis.

## **Craig R. Kleinman**

We applaud the State Recycling Commission's vision and leadership in attempting to further the cause of recycling. Purple Innovation, LLC ("Purple") is a mattress manufacturer that participates in the MRC stewardship program. Thank you for your consideration. Due to COVID-19 we have found it to be very challenging to attempt to comply with the requirement that we remove used mattresses from homes during the pandemic, particularly considering the Cal/OSHA regulations that were recently promulgated. We wonder if the Commission has given any thought to how recycling activities during the pandemic may impact businesses and their employees (safety and increased costs). Put succinctly, since the pandemic has not subsided and as a new strain of COVID-19 has evolved and has arrived in California, how safe can one assume that entering a home to retrieve a used mattress will be, and how can we be sure that we will not expose such an individual to the virus? As the Commission begins to generate ideas regarding the expansion of waste streams to be recycled, shouldn't the pandemic be a core consideration in terms of how these new recycling efforts will be managed? It would be counterproductive to have new laws promulgated that could potentially expose employees to the virus, as we believe to be the case with PRC 42992. While the intention to recycle mattresses is clearly meritorious and necessary, removing a potentially COVID-19 contaminated mattress without proper consideration for the safety for the employees that perform the work is not. If an employee were to go into a potentially COVID-19 contaminated home to remove a mattress, even after taking safety precautions, it may not be safe in view of the recent highly contagious variant of the virus. We continue to ask the Commission to look into this matter and encourage forbearance to comply with mattress retrieval activities that could potentially expose employees, until a vaccine has been fully deployed in California or the pandemic has run its course. If it feels it cannot take appropriate action, it is incumbent upon the Commission to seek the authority it needs to do so for clear safety reasons. We ask the Commission to establish timelines to seek and introduce legislation based on the pandemic. Just as the pandemic has prompted the world to implement new labor norms (increased teleworking), it should also prompt us to consider alternative options that reduce potential exposure to the virus in this area as well.

## **Erika Daley**

Dear Commission Members, The draft recommendations to limit 'recyclable' to the resin identification codes #1 and #2, PET and HDPE, respectively, conflict with the SB270 legislation requiring, as of Jan 2020, 40% recycled content in LDPE (RIC #4) grocery bags. If this resin is eliminated from 'recyclable' plastic, the industry will lose its source of PCR material and bag manufacturers will not be able to meet this legislation in California. PreZero US has first-hand experience in this space - operating a 100% Certified Post-Consumer LDPE recycling facility in Southern California. The current capacity is 12,000 metric tons annually of LDPE and LLDPE material (#4). This \$90 million facility was opened in 2020 and is looking to expand LDPE recycling opportunities to meet the needs of SB 270 bag manufacturers. The proposed draft

would decrease or eliminate that opportunity for several businesses built on the SB270 legislation. The commission needs to consider the breadth of legislation in the plastics landscape that exists, such as SB270, which the proposed draft would conflict with, in future edits of the draft. If there are questions or comments, please contact me directly at the email provided. Thank you for your time - this work is greatly appreciated.

## **Alanna LaBelle**

I'm reaching out to the entire commission as this is a pressing matter for my rural community. Many independently owned grocers have been working together to find relief for the business owners burdened with a daily fee that doesn't help recycling in our area and all our shoppers with no site to redeem CRV. In consideration of no certified recycling centers, would Secretary Blumenthal and CalRecycle Director consider establishing a provision or waiver that allows future certified recycling centers to accept customers by appointment for a temporary period of time? This could enable the restoration of CRV buyback to consumers who have been without CRV redemption services since March 2020.

## **Kiya Villarreal 1**

I'm reaching out to the entire commission as this is a pressing matter for my rural community. Many independently ownder grocers have been working together to find relief for the business owners burdened with a daily fee that doesn't help recycling in our area and all our shoppers with no where to redeem CRV. In consideration of no certified recycling centers, would Secretary Blumenthal and CalRecycle Director consider establishing a provision or waiver that allows future certified recycling centers to accept customers by appointment for a temporary period of time? This could enable the restoration of CRV buyback to consumers who have been without CRV redemption services since March 2020.

## **Richard A Murphy**

To: CalRecycle Statewide Commission on Recycling and Marketing. Residents of Humboldt Co. no longer have a Certified Recycling Center, and as a result, no viable location to return their beverage containers for CRV. The unwillingness of CalRecycle to approve temporary appointment allowances to struggling CRV redemption sites and centers that resulted in their decertification has effectively created a tax to the residents of Humboldt County. Consumers are charged CRV deposit fees they cannot reasonably redeem, and now small businesses will be taxed at a rate of \$100 per day for failure to create a redemption center. This very unfortunate development resulted in notification by CalRecycle that we no longer have a certified recycling center within our convenience zones, and as retailers, we now have the burden of developing the necessary infrastructure to accept and redeem CVR recyclables, transporting those containers to a certified recycling location. In Humboldt county our closest option is 80 miles away, a four hour round trip. All this within a 60-day time frame. In addition to the logistical hardship placed on local retailers by this most recent action by CalRecycle, we have an obligation to our employees, qualified as "essential workers", and the safety of our customers, not only morally, but under California Governor Executive Order N-54-20 to take necessary and mandated precautions to reduce the risk of exposure to Covid-19.

With Covid-19 cases once again on the rise, we cannot justify taking additional risk of virus spread. We, as a community respectfully request CalRecycle to recertify our local recycling centers and allow CRV redemption on an appointment basis until, working together, with local recyclers, beverage dealers, and ultimately consumers, we can determine a longer term more viable solution. By simply allowing our local recycling centers to accept CVR on an appointment basis we avoid undue hardship and potential Health risks to our Communities. Local recycling centers remain willing to be certified if they can secure temporary allowances such as appointments to manage inbound traffic and customer volume. Sincerely, Richard A. Murphy Operations Mgr. Murphys Markets

## **Emiliano Lee**

As a consumer and retail worker, I'm reaching out to the entire commission regarding the state of CRV in Humboldt County and the rippling effects of not having a certified redemption site in the area. As a consumer, I have no way (without spending an entire day driving 3 to 4 hours each way) of redeeming my CRV bottles and cans. As retailer we are put in a compromising position of choosing between accepting potentially contaminated materials without the infrastructure to do much with them beyond that (compounded by lack of labor and material resources to do so properly) or face \$100/day fee per location - a crippling amount for some who have multiple locations! With past CRV redemption sites having been de-certified due to various often COVID-related reasons, would Sec. Blumenthal and CalRecycle Director consider allowing centers to accept customers by appt. for a temporary period of time, both future centers and those recently de-certified? We all want to see CRV buyback back, and we all want to be able to properly recycle! It has been several months without this service, and we are all paying for it without end in sight.

## **Randy Pollack**

Isn't LA County supportive chemical recycling? Shouldn't the commission look to see how the law can be changed to encourage this technology to assist CA in meeting its recycling needs?

## **Winston Hickox**

CALIFORNIA SHOULD SOLVE STATE'S PROBLEMS, NOT CAUSE NEW ONES By Winston Hickox and James Strock In the iconic 1960s movie "The Graduate," a would-be mentor takes the new college graduate Dustin Hoffman aside at a party and cryptically says, "I want to say just one word to you: plastics. There's a great future in plastics." Today we are living that future: trillions of plastic items – single-use bags, straws, cups, bottles and pouches. While some items have reduced costs and aided our convenience, most are now choking our planet, killing marine life and polluting our oceans, waterways and beaches. Some plastic items are recyclable, but many are not. And the glut of plastic is overwhelming our capacity to recycle these items. The U.S. Senate recently held a series of hearings on the national "plastics problem." Californians have long been committed to recycling. Regrettably, our state government has not always advanced the cause. We have seen the closure of dozens of recycling and processing facilities. While the loss of foreign markets has become the scapegoat, we bear primary responsibility for this growing crisis. As an official of the Consumer Brands

Association testified at a U.S. Senate committee hearing this summer, "When China closed its doors to U.S. recyclables, it did expose a dramatic lack of domestic infrastructure, innovation or in many cases investments here." Consumers around the state dutifully fill their recycling bins every week, unaware that much of this material has nowhere to go. Moreover, collection is just one step in a series of actions that needs to include everything from smart shopping to reuse of recycled products. Absent a sustained focus on eliminating the use of some types of plastic and reducing others, and greater producer responsibility for the life-cycle costs imposed by plastic, the problem grows more urgent by the day. Some plastics are an inescapable part of our lives, but we must take greater responsibility for their use. That starts with policy makers and regulators. Some uses of plastic should end, while others are necessary and truly add value, including for the environment. Some should be recycled and reused, rather than disposed of. For example, plastics are essential in making today's cars lighter and more fuel-efficient. Up to 50 percent (by volume, not weight) of modern vehicles is made up of plastics. In California, much of this plastic is recoverable by the auto-shredding facilities that process the more than 1.5 million vehicles in the state that reach the end of their useful life each year. If there was a viable domestic market for these materials -- and it's entirely achievable with the proper national leadership -- auto-recycling facilities by themselves could recover thousands of tons of plastic that are now going to landfills. Californians over the years have enthusiastically embraced recycling and the state's environmental goal was to reach a 75-percent recycling rate by this year. But our recycling activities have been diminishing, not increasing. A recent case study helps illustrate the problem. California once recycled millions of used oil filters. Unfortunately, the state Department of Toxic Substances Control (DTSC) effectively put the state's used oil-filter recycling industry out of business. In an ill-considered move, the department unnecessarily classified the drained used oil filters as hazardous waste based on de minimis amounts of oil that remained trapped inside them, and the trucking companies that had been transporting the filters to the recycling facilities then stopped doing so. With no product to recycle, the largest oil-filter recycling plants ceased operation. One of the only remaining healthy parts of the California recycling industry is scrap-metal recycling. For more than 50 years, the industry has safely and efficiently processed millions of tons of scrap metal each year, including used household appliances, vehicles, and myriad other forms of recyclable metal. Now even this vital sector of the recycling industry is threatened by regulatory actions of the same state agency that effectively shut down recycling of used oil filters. DTSC is preparing to designate metal-recycling operations that shred old cars and appliances as "hazardous-waste treatment" facilities -- even though scrap metal is specifically exempted under the Hazardous Waste Control Law. Even more ironic, these metal-recycling facilities are the very same facilities that may someday provide an answer to plastics recycling when a more robust domestic infrastructure is developed. The state of California must urgently address the growing deficiencies in our recycling capabilities, including ways to stimulate market demand for recycled materials. State government should be in the business of solving problems, not causing new ones. Without the infrastructure and markets to support recycling of these items and the many other kinds of recyclables that are generated on a daily basis, these materials will continue to be disposed of in landfills or mismanaged in ways that squander valuable resources and threaten the

environment. Californians deserve government policies that reflect and advance our shared environmental values. At a minimum we should demand that state regulators do no harm. They need to take a practical and reasonable approach to recycling, not engage in actions that make it harder, if not impossible, for recycling facilities to remain in operation. Winston Hickox was secretary of the California Environmental Protection Agency from 1999-2003 under Democratic Gov. Gray Davis. James Strock was the founding secretary of CalEPA from 1991-97 under Republican Gov. Pete Wilson.

## **Kiya Villareal 2**

We need some relief now though as Jeff Donlevy says. Recertify our CRV redemption site now with appointments and then we would get some relief. and get recycling done We know you hear us and are talking and we are grateful but we need some action.

## **Peter Miu 1**

Re: Immediate action letter: Fixit Clinic has proposals out now to Joint Powers Authorities and county-level authorities to create an immediate public awareness campaigns (and government official and elected official awareness campaign) around Li-ion battery fires: could you include this in the letter for the 19th?

## **Peter Miu 2**

Re: Immediate action letter: How about the other immediate action items in the initial report? For example: Fixit Clinic has proposals out now to Joint Powers Authorities and county-level authorities to create an immediate public awareness campaigns (and government official and elected official awareness campaign) around Li-ion battery fires: could you include this in the letter for the 19th?

## **Peter Miu 3**

Re: Immediate action letter: maybe the committee should just ask Calrecycle to issue a press release about the Commission's initial report with an emphasis on the immediate action items in the draft report, and use that as the basis for a letter to the governor and legislators?