

Statewide Commission on Recycling Markets and Curbside Recycling Draft Meeting Notes

Date: October 6, 2021

Time: 9:00 AM – 12:00 PM

Present:

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

Absent:

Commissioner Medrano

Agenda:

Agenda Item 1: Call to Order, Roll Call, and Establishment of Quorum

Vice Chair Valle brought the Commission to order. Commissioners Donlevy, Sanborn, and Toyoda were absent. A quorum was established.

Public comments: None

Agenda Item 2: Review and Potential Approval of Meeting Notes

No changes were made to the draft meeting notes from September 1, 2021. Commissioner Ward moved to approve the meeting notes and Commissioner Skye seconded. The meeting notes were unanimously approved by the Commission.

Commissioner Donlevy arrived at 9:04 am.

Public comments: None

Agenda Item 3: Public Comment Review - Items Not on the Agenda

Public comments (see Appendix I for full comment):

- Michael Gross
- Steve Levi
- Paula Borges

Agenda Item 4: Discussion of the Amendments Made to the Charter

The Commission deferred this agenda item to the October 20th Commission meeting. No discussion was had at this time.

Public comments: None

Agenda Item 5: Status of Related Legislation and Budget Proposals

Commissioner Lapis gave an overview of multiple bills that were signed into law after this legislative session. Many of the bills were reflective of the policy proposals submitted by the Commission in their preliminary and final reports.

Commissioner Dell voiced her support for the signing of SB 343, and emphasized the importance of enforcement for these laws.

Commissioner Donlevy expressed his excitement for AB 881 and the potential for 2022 to be a good year for recycling collection and taking the burden off processors.

Sara Toyoda arrived at 9:14 am.

Commissioners Valle and Oseguera noted the need for a statewide outreach to help clarify consumer confusion around recyclability and contamination. Commissioner Davis discussed techniques that have proven to be successful in public outreach, like the use of images, targeted social media ads, and community-based social marketing approaches that emphasize positive messages.

Commissioner Davis discussed the budget changes, including a new CalRecycle Office of Innovation and Market Development. Commissioner Lapis highlighted the \$270 million budget proposal, with the largest amount of money going toward funding for local government implementation of SB 1383.

Commissioner Ward discussed the difficulties in implementing plastic bag and straw bans in rural areas. Commissioner Schneider outlined the importance of a good relationship with the county health department to streamline enforcement.

Vice Chair Valle discussed the problems with enforcement and the discrepancy between statewide legislation and local district attorneys to enforce statewide legislation.

Commissioner Lapis stated that his organization has reached out to the state's attorney general's office to express the need for enforcement on environmental laws, and this task falls between the public resources division and the consumer protection division of the AG's office.

Public comments: None

Agenda Item 6: Data Review and Requests

The Commission made the following formal requests for additional data and information from CalRecycle:

1. Commissioner Ward requested information on the history of what enforcement has been done on products that are mis-labeled as recyclable or compostable.
2. Commissioner Dell requested data on the source of recycled content in 40% recycled content shopping bags, including where the material comes from, what type of material is used, and how much material is used.
3. Commissioner Ward requested determination on whether any type of advanced recycling operations meets the three-part test of what is considered recycling in California. Specifically, is there a type of advanced chemical recycling that is in operation today that meets the three-part test of recycling in California.
Commissioner Davis added to the data request that it would be helpful to understand the engineered fuel threshold and process, possibly through the regulations set in AB 1126.

The Commission had a discussion around advanced chemical recycling. Commissioner Skye added that a lot of different technologies fall under the larger umbrella of chemical recycling and previous legislation, and the two-person advanced recycling committee is looking into the intersections of chemical recycling with SB 1383 and market development for recycling, not disposal technology like incineration or EMSW. Commissioner Cadena expressed interest in CalRecycle looking at the 1% contamination rule for engineered fuel. Commissioner Dell discussed the drawbacks and emissions associated with resource-derived fuel and cement kilns. Commissioner Lapis cited AB 1126, which characterized engineered municipal solid waste fuel facilities as disposal technology, not recycling or transformation.

Public comments: None

Agenda Item 7: Presentation from Director Machi Wagoner

Chair Sanborn arrived at 10:04am.

Director Machi Wagoner shared high-level budget and legislative updates. Director Machi Wagoner stated that there is \$270 million in the budget this year directed toward goals to achieve a circular economy, including funds to help local governments launch their SB 1383 implementation plans as well as an Office of Innovation to help market development through RMDZ and other grant programs. Director Machi Wagoner expressed excitement around SB 619 to provide support to local governments by working with state government to create SB 1383 implementation plans. Other legislation that was highlighted was SB 343 about the truth in labeling, AB 962 around source reduction and reuse, AB 1311 to meet challenges around accessibility of recycling for consumers, and other legislation around compostability, the truth in advertising, and the bottle bill. Director Machi Wagoner commended the Commission for their recommendations in the July report.

Commissioner Lapis expressed his gratitude for Director Machi Wagoner and the CalRecycle staff for their work through the legislative process.

Commissioner Davis asked about the 2012 comingled study and compensating MRFs for cleaner PET bottle bales. Commissioner Davis expressed concern about SB 1383 procurement requirements affecting compost markets and how SB 619 would affect that.

Commissioner Ward discussed the prevalence of single-use plastics and the fact that 20 polymer companies account for more than half of single-use plastic waste that is produced globally. Director Machi Wagoner stated that this administration wants all advice and possible strategies on how to combat single-use plastic waste, and that the Commission's recommendations are highly valued by both the legislature and the administration.

Commissioner Dell suggested CalRecycle become an advocate for SB 343 and enforcing deceptive labeling. Commissioner Dell stated that environmental non-profits are going to expect fines and not waivers for violations of AB 793 on recycled content mandates. Director Machi Wagoner responded that regulations for AB 793 have not been adopted yet, but CalRecycle staff will implement and force the laws as they are passed.

Commissioner Skye asked about how the funding for circular economy will be prioritized and how CalRecycle plans on partnering with local jurisdictions on SB 1383 implementation. Director Machi Wagoner stated that there was \$60 million to CalRecycle for local assistance to local governments and her priority is to get the money out to local governments, with help to launch their programs. CalRecycle also received money for co-digestion and compost and infrastructure projects, and staff is currently going back to see how these processes can be the most successful for local governments in implementing SB 1383.

Public comments: None

Agenda Item 8: Report Outs from Two-Person Committees

For future meetings, Chair Sanborn will collect written updates for each two-person Committee that will be posted prior to the meeting.

The following two-person committees will provide updates:

1. Waste Prevention: Schneider, Ward

There were no updates for this sub-Committee.

2. Report Structure and Editing, Plus HHW, EPR & Other Items: Sanborn, Ward

The Commission will continue with the January and July dates to produce reports. Chair Sanborn and Commissioner Ward will identify proposals/recommendations in previous reports that have been addressed this legislative session or in this year's budget and will bring these to the next Commission meeting.

3. Liaison with Oregon Department of Environmental Quality: Toyoda, Lapis

David Allaway from the Oregon DEQ will report at the November 3rd Commission meeting.

4. Construction and Demolition for Market Development Committee: Sanborn, Toyoda

Commissioner Toyoda is working with the Gypsum Association to put together a policy proposal for that material.

5. Carpet and Flooring: Davis, Sanborn

Chair Sanborn discussed countries around the world banning Luxury Vinyl Tile (LVT) flooring because of the dangers associated with it, and the importance of focusing on a variety of flooring, not just carpet. Commissioner Ward expressed this issue highlights the importance of resin production. Commissioner Dell stated that the Environmental Protection Agency's definition of plastics are durable and non-durable, characterized by a usage of two years.

6. Organic Materials Renewable Technologies: Skye, Oseguera

Commissioner Skye discussed focusing on best practices on how to regulate implementation of advanced chemical recycling facilities to protect public health and safety and environmental justice. Two public comments were read on engineered municipal solid waste conversion and cement manufacturing. Chair Sanborn noted that cement kilns and manufacturing are outside the scope of the Commission unless it will help to meet statewide recycling goals.

7. Food Waste Prevention and Rescue, Exports and Precautionary Principle: Skye, Lapis

There were no updates for this sub-Committee.

8. Organic materials Infrastructure: Oseguera, Kalpakoff

Commissioner Kalpakoff replaced Commissioner Potashner to join the Committee with Commissioner Oseguera.

9. Bottle Bill issues: Ward, Valle

Commissioner Valle asked CalRecycle if they can meet with different groups at the legislature to discuss bottle bill issues. Commissioner Ward said they will look at the bill from Assembly Member Wood and budget changes to see what is on the table.

10. Thermoforms: Davis, Sanborn

Chair Sanborn discussed a possible policy and recommendation coming together to make way for a workable bill in the legislature next year.

11. Single-use plastics and artificial turf: Schneider, Ward

Commissioner Schneider created an emergency ordinance for her city to put a moratorium on the placement of artificial turf until the city can identify risks and alternatives. Commissioner Ward would like to address resins, specific products and functions, and producer responsibility to provide advice on addressing single-use plastics.

12. Right to repair: Davis, Ward

Commissioner Davis highlighted a recent Federal Trade Commission recommendation that disproved different manufacturers claims that repair would not work for their products. They are drafting a recommendation around the FTC report and restating Commission

recommendations that did not move forward like having repair information on state agency webpages and labeling around repair, including QR codes that can be updated by manufacturers.

13. Organics contamination: Kalpakoff, Toyoda

Commissioner Kalpakoff discussed compostable plastics in the feedstock and what facilities do not and do allow these items. The Committee will focus on a recommendation on how to keep the feedstock clean.

14. Methane emissions reductions: Cadena, Davis

Commissioner Davis stated that the sub-Committee should have a draft of updating the Air Resources Board emission factors to include short-lived climate pollutants and working with CalRecycle to inform CEQA lead agencies about greenhouse gas emissions of methane.

Commissioner Donlevy left at 10:54 am.

Public comments (see Appendix I for full comment):

- Anonymous
- Bruce
- David Bender

Agenda Item 9: Labeling, Media, and Enforcement Updates and Priorities

Commissioner Dell refreshed the Commission on the Anti-Contamination campaign she proposed at the September 15 meeting. She made a formal proposal to implement this campaign. Commissioner Ward asked if the Commission could turn their logo into an official letterhead. Chair Sanborn felt she did not feel comfortable sending letters without informing CalRecycle. Chair Sanborn shared the draft letter that Commissioner Dell composed with the Commission. A new two-person committee was formed, titled Contamination, Labeling, and Outreach, consisting of Commissioners Dell and Vice Chair Valle. Commissioner Skye made a motion to allow for the Contamination, Labeling, and Outreach two-person Committee to develop, vet, and place the letters on the agenda to get approved by the full Commission. Commissioner Ward seconded the motion. The Commission unanimously approved the motion.

Public comments: None

Agenda Item 10: Organics, Market Development, and Recycling Issues

Commissioner Davis noted that glass packaging is missing on the two-person Committees, but Commissioner Davis is drafting a recommendation for glass packaging.

Commissioner Davis proposed a new two-person Committee on Organics Procurement consisting of Commissioners Kalpakoff and Oseguera.

Public comments: None

Agenda Item 11: Potential Goal Setting Around a Circular Economy

Commissioner Toyoda discussed circular economy and that the Commission's recommendations are already centered around moving towards a circular economy. Commissioner Toyoda stated that language around circular economy could contribute to a more meaningful report.

Commissioners Toyoda and Sanborn will work to draft language about defining circular economy, which is important to line with the administration and their emphasis on circular economy. Chair Sanborn emphasized drafting this language around the Ellen MacArthur three-part definition of a circular economy. Commissioner Ward emphasized the importance of a California law defining circular economy in the legislature.

Commissioner Dell made a formal request for an update on from CalRecycle Office of Public Affairs, and asked CalRecycle if it is illegal for jurisdictions to collect recyclables as part of curbside collection that end up in a cement kiln.

Public comments: None

Agenda Item 12: Agenda Items and Discussion of Future Meetings

The items on the next meeting's agenda will be data review and requests, the two-person Committee report-outs in writing, Commissioner Dell's presentation on the draft letters for the Anti-Contamination campaign, an update from CalRecycle's Office of Public Affairs, and work on the revising the July report.

Commissioner Dell made a motion to disband the Committee of the Whole and have two Commission meetings per month. Commissioner Oseguera seconded the motion. The Commissioners unanimously approved the motion.

Public comments: None

Agenda Item 13: Meeting Summary and Closing

The meeting was adjourned at 12:00pm.

Public comments: None

Appendix I:

Michael Gross

Zanker Recycling and the Construction and Demolition Recycling Association (CDRA) have been working with the Gypsum Association (GA) to develop a gypsum board landfill

diversion policy for California. The GA has provided information that recyclers in California will be able to use to inform the development of operations to meet the gypsum industry's high product manufacturing standards. GA has shown an extraordinary level of cooperation to further the requests from the California Recycling Commission. The CDRA looks forward to the continued collaboration in developing opportunities for a gypsum board landfill and recycling in California.

Steve Levi

We are an inkjet cartridge re-manufacturer, playing a big part in the circular economy by recycling OEM printer cartridges for reuse. We need Recycling Commission's support and help, as our industry is being destroyed by the importation of cheap single-use plastic printer cartridges. These cartridges are not recyclable and have devalued OEM cartridges to the point it is becoming cost-prohibitive to remanufacture certain cartridges and generating unnecessary waste in both the recycling and waste streams.

Paula Borges

Dear State Commission on Recycling Markets and Curbside Recycling, The City of Palo Alto is interested in the creation of an enhanced database and a new Recyclables Tracking System within the next 1-2 years that requires businesses handling recyclables to begin entering data shortly afterwards. Additionally, we are exploring a third-party certification process for recyclables. To this affect the City of Palo Alto Environmental Services Division would like CalRecycle to know that we support the Recycling Commissions Policy 20-10: Controls on Plastic Waste Exports, Recommendation #1: Full Transparency on Plastic Waste Destinations. This is a important first step to prevent recyclable materials from being disposed in other countries and from further contributing to greenhouse gas emissions. Further, we would like for CalRecycle to increase the information reported pursuant to the Recycling and Disposal Facility Reporting System to ensure access to clear information on where recyclable materials are sent, including the names and locations of the specific facilities where material is sent once it leaves the United States, even if it is being handled by a broker. Sincerely, Paula Borges Fujimoto
Zero Waste Manager City of Palo Alto

Anonymous

Plastic waste is being incinerated in California in Cement Kilns. See Lehigh Southwest Cement Co in Kern County.

Bruce

Use of MRF residual, as an engineered municipal solid waste is allowed in California, and chlorine containing plastics are not allowed by statute, and its use does not count as recycling. The fuel replaces coal, and emissions are monitored and facilities do comply with all state and local emission limits. This is a great program that allows the industry to reduce any reliance on coal. I am happy to provide a presentation if you would like to better understand the facts around cement manufacture.

David Bender

In regards to the Commissioners comments on artificial turf, Circular Polymers can recycle all of the artificial turf in California if there was an EPR for turf. Circular Polymers already has the processing equipment to process turf as well as customers who have approved our turf product. Turf is simply outdoor carpet and should be added to the California carpet EPR program or separately legislated. Best Regards, David Bender
Circular Polymers

