

## **NOTICE OF PROPOSED ACTION**

### **SB 54 PLASTIC POLLUTION PREVENTION AND PACKAGING PRODUCER RESPONSIBILITY ACT REGULATIONS DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY TITLE 14. NATURAL RESOURCES DIVISION 7, CHAPTERS 11.1 AND 11.5, TITLE 14.**

NOTICE IS HEREBY GIVEN that the Department of Resources Recycling and Recovery (CalRecycle) proposes to add to the California Code of Regulations, Title 14, Division 7, Chapter 11.1 (commencing with section 18980.1) and Chapter 11.5 (commencing with section 18981). The proposed regulations interpret, make specific, and implement the requirements of Senate Bill No. 54 (2021-2022 Reg. Sess.), the Plastic Pollution Prevention and Packaging Producer Responsibility Act (Stats. 2022, ch.75), (the Act) and establish various elements of CalRecycle's oversight and enforcement responsibilities under the Act. The proposed regulations will also establish the criteria and procedures necessary to implement the requirement established by Assembly Bill No. 1201 (2021-2022 Reg. Sess.) (Stats. 2021, ch.504) (AB 1201) that products labeled "compostable" must be certified by third-party entities according to certain technical standards.

After considering all comments, objections, and recommendations regarding the proposed action, CalRecycle may adopt the proposals substantially as described in the below Informative Digest or may modify such proposals if such modifications are sufficiently related to the original text.

### **PUBLIC HEARING**

CalRecycle will hold a hybrid public hearing starting at 9:00 AM (PDT) on April 23, 2024, and concluding upon submission of any public hearing comments. The public hearing will be accessible in person in the Coastal Hearing Room located on the 2<sup>nd</sup> floor of the CalRecycle headquarters at 1001 I Street, Sacramento, California, 95812. The Coastal Hearing Room is wheelchair accessible. The public hearing will also be accessible virtually via Zoom for direct participation and via Webcast for observation only. Instructions for how to access the Zoom public hearing (registration required) or Webcast (no registration required), can be found on CalRecycle's website at <https://calrecycle.ca.gov/Laws/Rulemaking/>.

Please note that Webcast participants will not be able to provide comments during the public hearing. To participate remotely and provide comments, it is recommended to join via Zoom. No registration is necessary to view the Webcast.

At the public hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action. CalRecycle requests, but does not require, that any person who makes oral comments also submit a written copy of their testimony at the hearing. All comments at the public hearing will be collected and recorded.

Simultaneous Spanish interpretation will be available in-person at the public hearing and remotely via Zoom or Webcast. For in-person interpretation services, headsets will be available and can be provided by CalRecycle staff prior to or during the hearing. If interpretation services are needed in a language other than Spanish, please notify CalRecycle at [regulations@calrecycle.ca.gov](mailto:regulations@calrecycle.ca.gov) by April 12, 2024, and CalRecycle staff will do their best to accommodate this request.

### **WRITTEN COMMENT PERIOD**

The written comment period permits any interested person, or their authorized representative, to submit written comments addressing the proposed amendments to CalRecycle. Written comments, which offer a recommendation and/or objection, or support the proposed regulations, should indicate the section to which the comment or comments are directed. CalRecycle will only consider written comments sent to CalRecycle and received during the written comment period, which begins on March 8, 2024, and ends on April 23, 2024. Written comments received by CalRecycle after the close of the public comment period are considered untimely. CalRecycle may, but is not required to, respond to untimely comments, including those raising significant environmental issues. Comments submitted in writing must be addressed to one of the following:

*Postal mail:*

Claire Derksen  
SB 54 Plastic Pollution Prevention and Packaging Producer Responsibility Act  
Regulations  
Department of Resources Recycling and Recovery, Regulations Unit  
1001 "I" St., MS-24B, Sacramento, CA 95814

*Electronic submittal via CalRecycle's Public Comment Portal:*

[SB 54 Plastic Pollution Prevention & Packaging Producer Responsibility Act Regulations \(45-Day Comment Period\)](#)

### **AUTHORITY AND REFERENCES**

**Authority:** Public Resources Code Sections 40401, 40502, 42041, 42052, 42053, 42057, 42060, 42061.5, 42063, 42064, 42080, 42081, and Government Code Sections 11415.10 and 11440.20 provide authority for this regulation.

**Reference:** These proposed regulations implement, interpret, and make specific the following provisions of the law: Public Resources Code Sections 40062, 40120.1, 40121, 40192, 42040, 42041, 42050, 42051, 42051.1, 42051.2, 42051.3, 42052, 42053, 42054, 42056, 42057, 42060, 42060.5, 42061, 42061.5, 42063, 42064, 42067, 42070, 42080, 42081, 42355.51, 42356, 42356.1, 42356.2, and 42357, Government Code Sections 7921.500, 7922.530, 11440.20, 11505, 11506, 11520, Code of Civil Procedure 413.10, 413.20, 413.30, 413.40, 416.40 and Civil Code 3426.1.

## **INFORMATIVE DIGEST**

### **Summary of Existing Laws**

The California Integrated Waste Management Act of 1989 (Pub. Resources Code, section 40000 et seq.), administered by CalRecycle, regulates the disposal, management, and recycling of, among other solid waste, plastic packaging containers and single-use food ware. It also imposes various reporting requirements on disposal facility operators, solid waste handlers, and transfer station operators regarding the types and quantities of materials disposed of, sold, or transferred to other entities.

Pursuant to Assembly Bill No. 341 (2011-2012 Reg. Sess.) (Stats. 2011, ch. 476), the state's policy goal was that at least 75 percent of solid waste generated would be source-reduced, recycled, or composted by 2020. That goal has not yet been met.

Senate Bill No. 1335 (2017-2018 Reg. Sess.), the Sustainable Packaging for the State of California Act of 2018 (Stats. 2018, ch. 510) (SB 1335), restricts certain types of food service packaging that may be used by food service facilities located in a state-owned facility, operating on, or acting as a concessionaire on state property, or under contract to provide food service to a state agency. The food service packaging must be on the list published by CalRecycle identifying it as reusable, recyclable, or compostable.

Senate Bill No. 343 (2021-2022 Reg.Sess.) (Stats. 2021, ch. 507) (SB 343), establishes specific standards for what constitutes deceptive labeling concerning recyclability. Products can only be labeled "recyclable" or with the "chasing arrows" logo if they are regularly collected and processed for recycling and meet certain design and composition characteristics affecting recyclability, or satisfy other criteria related to recycling rates, alternative collection programs, or government programs governing recyclability. The law requires CalRecycle to conduct and publish a material characterization study examining the material types and forms that are collected, sorted, sold, or transferred by solid waste facilities in the state. Determinations of whether items can be considered recyclable in California must be based on the information that CalRecycle publishes.

### **Effect of The Proposed Action**

By interpreting, making specific, and implementing the Act, the proposed regulations will establish the various substantive and procedural requirements applicable to the extended producer responsibility (EPR) program that the Act requires producers of single-use packaging and single-use plastic food service ware (covered materials) to administer. The proposed regulations will also establish how CalRecycle will exercise its oversight and enforcement responsibilities.

The proposed regulations will also implement the AB 1201 requirement that products must be certified by third parties to meet a technical standard established under chapter 5.7 of part 3 of division 30 of the Public Resources Code (commencing with section 42355). By implementing this requirement of AB 1201, the proposed regulations will cause the requirement to take effect generally, not just with respect to covered materials.

**These proposed regulations do not substantially differ from a comparable federal regulation or statute because there are no existing comparable federal regulations or statutes.**

### **Policy Statement Overview and Anticipated Benefits of the Proposed Regulations**

The broad objective of the proposed regulations is to implement the Act to ensure that it achieves its goals: source reduction of plastic covered material, elimination of covered material that is not recyclable or compostable, and significant improvements in recycling rates for covered material. The proposed regulations also serve the objective of improving the integrity of product labeling by implementing requirements for when covered material can lawfully be labeled “compostable.”

These objectives are consistent with the more general policy goals of shifting California to a circular economy and shifting responsibility for end-of-life management of various materials onto the producers of them, thereby lessening the materials’ effects on the environment and public health and easing the burdens on local jurisdictions and consumers. Shifting responsibility through EPR statutes like the Act will benefit solid waste handling in the state by requiring producers to address the costs of such management and incentivizing the development of infrastructure, technological innovation, and increased usage of reusable and refillable products.

By giving effect to the certification requirement of AB 1201, the proposed regulations will reduce deception of consumers regarding whether products are compostable. Consumers will be able to make more informed purchasing choices and better understand what materials are appropriate to discard with materials collected for composting. In turn, this will enhance the technical and economic viability of composting programs statewide.

By implementing the Act, the proposed regulations will also spur improvements in recycling and composting infrastructure, which will lead to decreased pollution and

environmental harm associated with disposal of covered materials. These effects will, in turn, have positive effects on human health. Decreased disposal of covered material will also decrease greenhouse gas emissions associated with such disposal.

Specific anticipated benefits of the proposed regulations' implementation and enforcement of the Act include:

- Reduction of plastic pollution and litter
- Reduction of greenhouse gas emissions
- Decreased material disposal burdens
- Decreased raw material extraction and virgin material usage
- Greater use of reusable and refillable items and expansion of reuse and refill systems
- Reduced presence of toxins and other chemicals that would render products non-compostable or interfere with recycling
- Increased access to recycling and composting
- Investments in communities disproportionately impacted by the effects of plastic pollution
- Supporting a stable circular economy
- Supporting consistent recycling systems state-wide
- Increased revenue for businesses from the sale of recycled material product
- Decreased public health concerns such as cancer, asthma, and birth defects
- Encouragement of packaging innovation
- Reduced exposure to chemicals and microplastics from use of reusable materials
- Ensuring that refillable or reusable materials can be used and washed safely and hygienically
- Promoting openness and transparency in business and government through creation and implementation of Producer Responsibility Organization (PRO) plans and plans created by individual businesses
- Reduced deception of consumers and increased transparency in business by imposing certification requirements for labeling products as "compostable."

### **Consistency with State Regulations**

Pursuant to Government Code Section 11346.5(a)(3)(D), CalRecycle conducted an evaluation of existing state regulations. CalRecycle determined that the proposed regulations are neither inconsistent nor incompatible with existing state regulations and that CalRecycle is the only agency that can implement this proposed regulation.

### **INCORPORATION BY REFERENCE**

The following documents are incorporated by reference in the proposed regulation:

- ISO/IEC FDIS 17025:2017, “General requirements for the competence of testing and calibration laboratories,” International Organization for Standardization/ International Electrotechnical Commission, November 2017
- ISO/IEC 17065:2012, “Conformity assessment—Requirements for bodies certifying products, processes and services,” International Organization for Standardization/International Electrotechnical Commission, September 2012.

**OTHER STATUTORY REQUIREMENTS (GOVERNMENT CODE SECTION 11346.5(a)(4))**

CalRecycle has determined that no other matters, as prescribed by statute, need to be addressed.

**MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

CalRecycle has made the following initial determinations:

Mandate Imposed on Local Agencies: Yes

Costs to any local agency which requires reimbursement in accordance with Part 7 of Division 4 of Title 2 the Government Code: None

The proposed regulations mandate local agencies to include covered material contained on the covered material categories list published by CalRecycle in their collection and recycling programs. Implementation involves collaboration between the producer responsibility organization (PRO), producers complying independently from a PRO, and local authorities for various activities, such as education and outreach, material collection and processing, and infrastructure improvement. Costs, influenced by factors like population density and market proximity, encompass both curbside and non-curbside programs. While the costs associated with these activities are initially borne by local agencies, they are not reimbursable by the State. The PRO is responsible for reimbursing the expenses incurred by local jurisdictions to meet the statutory and regulatory requirements of SB 54. Additionally, potential funding from the California Plastic Pollution Mitigation Fund can be directed towards supporting relevant entities.

Mandate Imposed on School Districts: None

**FISCAL IMPACT**

**Costs to Any Local Agencies or School Districts Requiring Reimbursement**

CalRecycle has determined there are no costs to local agencies or school districts subject to reimbursement by the State required by Part 7 of Division 4 of Title 2 the Government Code.

### **Cost or Savings to Any State Agency**

CalRecycle has determined the total annual cost to the state is estimated to be \$76.75 million which will be incurred by CalRecycle and funded by the PRO through the Circular Economy Fund. CalRecycle also anticipates a \$4 million reduction in revenue to the state from a decrease in disposal stream tipping fees.

### **Other Non–Discretionary Cost or Savings Imposed Upon Local Agencies**

CalRecycle has determined that the proposed regulations do result in costs to local agencies. These costs are not required to be reimbursed by the State. Rather, the PRO is responsible for fully reimbursing these costs. CalRecycle expects local agencies to improve and expand their recycling collection services to meet the requirements of the Act and estimates that the average cost per Fiscal Year for these activities is anticipated to be \$22.2 million through 2023-24, 2024-25, and 2025-2026. Additionally, costs to local authorities may include education and outreach, material processing, and additional infrastructure improvements. In circumstances where communities have been disproportionately affected by plastic pollution and environmental justice related issues, funding from the California Plastic Pollution Mitigation Fund can be directed to local authorities for these costs.

### **Cost or Savings in Federal Funding to the State**

CalRecycle has determined that adoption of these regulations will not have an impact on costs or savings in federal funding to the State.

## **HOUSING COSTS**

CalRecycle has determined that adoption of these regulations will not have a significant effect on housing costs.

## **SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS**

CalRecycle has made an initial determination that the adoption of these regulations may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. CalRecycle has considered proposed alternatives that would lessen any adverse economic impact on business and invites interested parties to submit proposals. Submissions may include the following considerations:

- (i) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- (ii) Consolidation or simplification of compliance and reporting requirements for businesses.
- (iii) The use of performance standards rather than prescriptive standards.

- (iv) Exemption or partial exemption from the regulatory requirements for businesses.

The businesses most directly affected by these regulations are referred to in the Act as “producers” of single-use packaging and plastic single-use food service ware: manufacturers, brand or trademark owners, brand or trademark licensees, and businesses that sell, offer for sale, or distribute such materials in the state.

As of 2032, the Act will require that all single-use packaging and plastic single-use food service ware be recyclable or compostable. It also requires that plastic single-use packaging and food service ware achieve certain recycling rates. These regulations require producers to maintain records that demonstrate their compliance with those overall requirements and to report data related to such compliance to CalRecycle. Producers will also be required to reduce the overall amount of such materials that they create.

These regulations will require producers to comply with their obligations under the Act by participating in a program operated by an organization acting on their behalf pursuant to a plan approved by CalRecycle. Alternatively, producers can create their own plan. Producers, either through such an organization or individually, will be required to prepare and submit plans addressing all requirements stated in the Act, submit annual budgets and reports concerning their plans, and maintain records documenting their compliance with the Act. The reporting and recordkeeping requirements encompass the following: the amount and types of single-use packaging and plastic single-use food service ware that producers sell, distribute, or import; the amount and types of such materials that producers collect for recycling; the basis asserted for certain materials to be considered recyclable; estimations of recycling rates for particular types of materials; calculations of source reduction with respect to plastic single-use packaging and food service ware; and records demonstrating that entities that collect and process materials subject to the Act do so in a manner that satisfies certain criteria.

These regulations will also impose compliance requirements on businesses that assert they are not “producers” of covered material because some other entity is the producer or because the packaging or plastic food service ware at issue is reusable or refillable. Such businesses may be required to support their claim that they are not the producer, such as by demonstrating that that such items satisfy the criteria in the regulations to be considered not “single-use.”

Solid waste enterprises that provide solid waste handling services on behalf of a local jurisdiction will also be affected because the Act may require them to add certain types of materials to their collection and recycling programs.

## **RESULTS OF STANDARDIZED REGULATORY IMPACT ASSESSMENT**



## **Creation or Elimination of Jobs within the State of California**

CalRecycle has determined that the proposed action will not eliminate jobs within California. Over the course of implementation, it is projected that 102,564 jobs may be created in the manufacturing industries specializing in recyclable plastics, paper, glass, and metal products, as well as within the construction, wholesale, retail, and food service industries.

## **Creation of New Businesses or Elimination of Existing Businesses within California**

CalRecycle has determined that the proposed action will create new businesses within California. It is anticipated that at least 31 businesses will be created statewide. These businesses include at least one PRO, a non-profit organization, and several material recovery facilities (MRFs).

## **Competitive Advantages or Disadvantages for Businesses Currently Doing Business within the State**

CalRecycle has determined that the proposed action will not have competitive advantages or disadvantages for businesses currently doing business within California.

## **Increase or Decrease of Investment in the State**

CalRecycle has determined that the proposed action will increase investment in California. Private investment will experience an initial increase of \$172 million in 2024 and peak in 2030 at \$1.2 billion. There is no indication that there will be a net decrease in investment in the state because of the proposed regulations.

## **Incentives for Innovation in Products, Materials or Processes**

CalRecycle has determined that the proposed regulations will provide incentives for innovation in products, materials, and manufacturing and waste management processes that ensure cost-effective approaches for producers to be in compliance with the Act. The proposed regulations establish material packaging standards that will incentivize manufacturers to develop innovative and new packaging with covered material, increase the utilization of reuse and refill infrastructure, and develop new processes for recycling in order to meet the requirements of the Act.

## **Benefits of the Regulation, Including But Not Limited To, Benefits to the Health, Safety, and Welfare of California Residents, Worker Safety, the State's Environment, and Quality of Life**

CalRecycle has determined that the proposed action will have benefits, including but not limited to, benefits to the health and welfare of California residents, worker safety, the

state's environment, and quality of life. In addition to generating less packaging waste through plastic source reduction and shifting to reusable and refillable material, reducing plastic pollution through the funds from the California Plastic Pollution Mitigation Fund will lead to a decrease in negative human health and environmental impacts especially in disadvantaged and low-income communities disproportionately affected by plastic pollution. Additionally, California residents will also benefit from greater accessibility to recycling and composting due to the increase in infrastructure for collection, sortation, and processing of such materials. Creating recyclable and compostable packaging will lead to harmonization with our recycling infrastructure that will lead to less disposal and prolong our landfill capacity and use. It will also lead to a decrease in greenhouse gas (GHG) emissions, and a decrease of fossil fuels used in the production of virgin plastic. There is no indication that worker safety will be negatively impacted due to the proposed regulations.

## **Summary of the Department of Finance's Comments on the Proposed Regulations and the Standardized Regulatory Impact Assessment**

### **DOF Comment #1:**

*First, the SRIA must identify any changes in the amount of operating income received by state and local agencies. The SRIA estimates that the impact on personal income will exceed \$1 billion in several years with the highest impact being \$5.2 billion in 2030. State income tax revenue is typically equal to about 4 percent of state personal income, thus, a \$1 billion change in income could cause income tax revenue to change by about \$40 million unless the affected population has unusually high or low incomes. The SRIA should provide estimates for the regulation's expected impact on tax revenue for each year of the analysis.*

### **CalRecycle Response:**

CalRecycle has revised the "State Government" section of the SRIA to include a calculation of the expected change in state income tax revenue for each year of the implementation period. CalRecycle estimates that an additional \$766 million in state income tax revenue is likely to be generated over the implementation period as a result of increased personal income, resulting in an overall benefit to California.

### **DOF Comment #2:**

*Second, the baseline should include the number and description of affected producers and individuals and/or households. The SRIA indicates the number and type of affected producers in the direct costs to businesses section but does not include this estimate and description in the economic baseline. The number of individuals and/or households affected should also be reflected in the economic baseline.*

### **CalRecycle Response:**

CalRecycle has revised the "Baseline" and "Inputs and Assumptions of the Assessment" sections of the SRIA to include the number and type of businesses, producers, individuals, and households expected to be impacted by the Proposed Regulations.

**DOF Comment #3:**

*Finally, while the SRIA states that the direct cost per household after full implementation could be as high as \$329 per year, the total direct costs to all affected individuals and/or households throughout the regulation's implementation period must be quantified.*

**CalRecycle Response:**

For purposes of this analysis, CalRecycle assumes that the cost of implementation to producers will be passed down to individuals. The "Direct Cost on Individuals" section of the SRIA has been revised to include the total cost of implementation, representing the total estimated cost to individuals within California over the implementation period. Additionally, CalRecycle has added a discussion of the increase in personal income and environmental benefits, which are expected to offset the costs to individuals, to this section.

**COST IMPACTS TO REPRESENTATIVE PRIVATE PERSON OR BUSINESS**

Compliance with the proposed regulations will increase costs for producers because packaging and food service ware will be required to use materials that are recyclable, compostable, or reusable and may be more expensive than the traditional, very inexpensive materials widely used currently. The need to avoid design characteristics, such as those related to component sizes, inks, or adhesives, that make sorting and recycling more difficult may also result in increased manufacturing costs.

Producers and non-producers may incur costs related to documenting that certain materials comply with the Act's requirements. For example, producers of covered material claimed to be recyclable or compostable may incur costs to establish that the material meets applicable technical standards. Manufacturers, distributors, and sellers of packaging or food service ware claimed to be reusable or refillable may incur costs to establish that their products satisfy the criteria for being considered not "single-use."

Producers may incur costs related to source reduction, such as the cost of obtaining validation from a third party of postconsumer recycled content or the cost of shifting to non-plastic materials. Producers, through a PRO or otherwise, may also incur costs related to establishing alternative collection systems, establishing, and expanding recycling infrastructure, developing new materials and technologies, and establishing infrastructure for the convenient and safe reuse and refill of packaging or food service ware.

Producers that participate in a PRO plan will pay fees directly to the PRO according to the fee schedule established by the PRO, and the PRO will pay the circular economy administrative fee to CalRecycle. Producers, through the PRO or otherwise, will also pay annual environmental mitigation surcharges to the California Department of Tax and Fee Administration. Producers and the PRO will also incur costs related to developing and maintaining plans, record keeping, and annual reporting.

Local jurisdictions or recycling service providers may incur costs related to expanding the types of covered material included in their collection and recycling programs.

CalRecycle estimates the direct cost per household after full implementation of these regulations could potentially reach \$329 annually, the direct cost for a large producer to potentially reach \$646,866 annually, and the direct cost for businesses that are not producers but sell covered material to potentially reach \$8,311 annually. The estimated costs to individuals in this analysis includes many assumptions regarding factors that will affect the actual, realized impacts to individuals, most notably decisions by the PRO and producers regarding their compliance pathways, as well as individual consumer decisions. These decisions may result in the actual impacts on individuals potentially being different from the estimates presented here.

## **BUSINESS REPORT**

The proposed regulations address reporting requirements that are authorized by sections 42051.3, 42052, and 42057 of the PRC and direct CalRecycle to adopt a reporting system to enable producers and the PRO to report specific information to CalRecycle. The report requirement applies to businesses. The proposed regulations specify the data that the PRO, producers participating in the PRO or producers complying independently of a PRO are required to report. By specifying the reporting requirements, the proposed regulations allow for producers to be in compliance with the Act and for CalRecycle to provide necessary program oversight to ensure progress towards meeting statutory goals. The proposed regulations satisfy the requirement stated in Government Code Section 11346.3(d) that it is necessary for the health, safety, and welfare of the people of the state that the regulations apply to businesses.

## **DETERMINATION OF EFFECT ON SMALL BUSINESS**

CalRecycle has determined that the proposed regulations will affect small businesses. CalRecycle has estimated that 58% of businesses impacted by the proposed regulations are considered small businesses. Small businesses that meet the definition of producer pursuant to section 42041(w) of the PRC, may be considered small producers, wholesalers, or retailers by the Act if in the most recent calendar year they had gross sales of less than one million dollars (\$1,000,000) in the state. The Act authorizes CalRecycle to develop a process to exempt these entities from the majority of requirements of the Act. Producers of covered material granted an exemption from this process would be considered “small producers” and would be exempt from the requirements of the Act [excluding section 42050(b) of the PRC] and would incur an annual cost of approximately \$309 for record keeping and exemption application preparation costs. Those small businesses that meet the definition of producer per section 42041(w) of the PRC and that are denied an exemption based on a determination by CalRecycle would need to join an approved PRO or comply with the requirements independently.

CalRecycle expects small businesses to benefit from increased revenue from the sale of products made from recycled material. Additionally, less effort will be needed to review recyclability claims of packaging, and there will be an increased ease of providing product packaging to fit consumer demand. There will also be a reduction in the cost of disposal services as more recyclable material is generated. However, the reduction in disposal costs may shift to recycling services as materials shift to recycling and composting collection streams.

## **CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5(a)(13), CalRecycle must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

CalRecycle invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period, or at the scheduled public hearing.

## **CONTACT PERSONS**

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Claire Derksen  
SB 54 Plastic Pollution Prevention and Packaging Producer Responsibility Act  
Regulations  
Department of Resources Recycling and Recovery, Regulations Unit  
1001 "I" St., MS-24B, Sacramento, CA 95814  
Phone: (916) 327-0089  
Email: [regulations@calrecycle.ca.gov](mailto:regulations@calrecycle.ca.gov)

The backup contact person is:

Craig Castleton  
Regulations Unit Supervisor  
Department of Resources Recycling and Recovery, Regulations Unit  
1001 "I" St., MS-24B, Sacramento, CA 95814  
Phone: (916) 327-0089  
Email: [regulations@calrecycle.ca.gov](mailto:regulations@calrecycle.ca.gov)

## **AVAILABILITY STATEMENTS**

## **Availability of Initial Statement of Reasons, Text of Proposed Regulations, Information Upon Which this Proposal is Based, and Rulemaking File**

CalRecycle will have the entire rulemaking file, the express terms of the proposed regulations, and all information that provides the basis for the proposed action, available for public inspection and copying during normal business hours at the address provided above. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the text of the proposed regulations, the Initial Statement of Reasons, the documents relied upon for the proposed action, the economic and fiscal impact statement, and standardized regulatory impact assessment. Copies may be obtained by contacting the contact persons at the address, email, or phone number listed above.

## **Availability of Modified Text**

CalRecycle may adopt the proposed regulations substantially as described in this Notice. If CalRecycle makes modifications that are sufficiently related to the originally proposed text, it will make the modified text, with the changes clearly indicated, available to the public for at least fifteen (15) days before CalRecycle adopts the regulations as revised. Requests for the modified text should be made to the contact persons named above. CalRecycle will transmit any modified text to all persons who testify at the scheduled public hearing, all persons who submit a written comment at the scheduled public hearing, all persons whose comments are received during the comment period, and all persons who request notification of the availability of such changes. CalRecycle will accept written comments on the modified regulations for fifteen (15) days after the date on which they are made available.

## **Availability of the Final Statement of Reasons**

Upon its completion, copies of the Final Statement of Reasons may be obtained by request from the contact persons identified in this Notice or accessed through CalRecycle's website at [www.calrecycle.ca.gov/Laws/Rulemaking](http://www.calrecycle.ca.gov/Laws/Rulemaking).

## **INTERNET ACCESS**

For more timely access to the rulemaking file, and in the interest of waste prevention, interested parties are encouraged to access CalRecycle's Internet webpage for the rulemaking at [www.calrecycle.ca.gov/Laws/Rulemaking](http://www.calrecycle.ca.gov/Laws/Rulemaking). All rulemaking files published through CalRecycle's internet website will be available on that page.