

HF&H APRIL 2021 LEGISLATIVE UPDATE



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ATTACHMENTS

Attachment 1. Statewide Commission on Recycling and Curbside Recycling Policy Proposal Summaries



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DESCRIPTION OF 2021 BILLS

Organic Waste		
Bill	Description	Status
<p>AB 125 Robert Rivas</p> <p>Equitable Economic Recovery, Healthy Food Access, Climate Resilient Farms, and Worker Protection Bond Act of 2022</p>	<p>This bill would enact the Equitable Economic Recovery, Healthy Food Access, Climate Resilient Farms, and Worker Protection Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$3,122,000,000 to finance programs related to, among other things, agricultural lands, food and fiber infrastructure, climate resilience, organic waste and food recovery, farmworkers and agricultural professionals, workforce development and training, air quality, tribes, disadvantaged communities, nutrition, food aid, and more.</p> <p>Chapter 8 of the bill focuses on “Reducing Food Waste and Increasing Compost Production,” including the following:</p> <ul style="list-style-type: none"> • Two hundred million dollars (\$200,000,000) would be available to CalRecycle for grants or performance payments to commercial compost facilities, public agencies, tribal governments, tribal organizations, producers, or tribal producers to support the development and implementation of projects to increase diversion of organics from combustion or landfill disposal. • CalRecycle would be required to award grants or make performance payments for compost infrastructure and food recovery projects at existing and new community composting facilities, on-farm composting facilities, and commercial composting facilities to reduce short-lived climate pollutants and nitrous oxide emissions and to support sequestration of carbon in the state’s agricultural and urban soils, including any programs subsequently adopted by the Legislature to develop long-term funding for these categories of projects. <p>The bill would provide for the submission of the bond act to the voters at the November 8, 2022, statewide general election.</p>	<p>3/22/21 Re-referred to Com. on AGRI. ¹</p> <p>12/18/20 Introduced.</p>
<p>AB 318 Levine</p> <p>Green waste classification</p>	<p>Existing law requires the Department of Toxic Substances Control (DTSC) to develop and adopt guidelines for the identification of hazardous waste. Existing law also exempts certain kinds of waste from hazardous waste control laws.</p> <p>This bill would exclude green waste from classification as a hazardous waste as long as it has not been contaminated by a chemical DTSC has deemed hazardous or toxic. For the purposes of this bill, “green waste” means plant waste consisting of leaves, grass clippings, weeds, plant trimmings, agricultural plant</p>	<p>03/10/21 Amended and re-referred to Com. on E.S. & T.M.</p> <p>01/26/21</p>

¹ See Pg. 22 for a glossary of the committee abbreviations used throughout this document.



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Bill	Description	Status
	waste, branches, stumps, and other plant material. This bill requires that green waste be disposed of in a permitted class I, II, or III disposal unit or in a compostable materials handling operation.	Introduced.
AB 322 Salas Electric Program Investment Charge: biomass	The Electric Program Investment Charge (EPIC) funds renewable energy and research, development, and demonstration programs. Existing law creates the Electric Program Investment Charge Fund within the State Treasury to be administered by the State Energy Resources Conservation and Development Commission (Energy Commission). Existing law requires the Energy Commission to administer moneys in the fund for the development and implementation of the EPIC program. This bill would require the Energy Commission to allocate at least 20% of funds appropriated to the EPIC program to bioenergy projects for biomass conversion.	03/22/21 Amended and re-referred to Com. on U. & E. 01/26/21 Introduced
AB 504 McCarty Commercial and Organic Waste: Recycling Bins	Existing law requires a business that generates 4 cubic yards or more of commercial solid waste to arrange for recycling services. Businesses that provide customers access to that business, including amusement parks, zoos, resorts, or similar facilities, must provide customers with a recycling bin or container that complies with the prescribed requirements. This bill would, for a theme park, amusement park, water park, resort or entertainment complex, zoo, attraction, or similar facility, restrict the requirement to provide customers with a recycling bin or container to permanent, nonmobile food service facilities with dedicated seating areas that are not full-service restaurants. The bill would authorize those facilities, instead of providing an organic recycling bin or container, to implement a process for recycling organic waste that yields results comparable to or greater in volume and quality to results attained by providing an organic waste recycling bin or container. The bill would also make other revisions, including revising the definition of “full-service restaurant,” revising the recycling and organics container location requirements language to be “in the same area as” rather than “adjacent to” trash containers, deleting obsolete provisions, and making conforming changes.	3/25/21 Do pass and re-refer to Com. on APPR. 02/18/21 Referred to Com. on NAT. RES. 02/09/21 Introduced.
AB 734 Eduardo Garcia Organic Waste: reduction goals: edible food	Existing law, SB 1383, requires CalRecycle to adopt regulations to achieve those targets for reducing organic waste in landfills, and requires the regulations to include, among other things, requirements intended to meet the goal that not less than 20% of edible food that is currently disposed of is recovered for human consumption by 2025. This bill would revise that goal by authorizing recovery for animal or livestock consumption, in addition to recovery for human consumption, in order to recover, by 2025, not less than 20% of edible food that is disposed of as of January 1, 2022.	03/26/21 Re-referred to Com. on NAT RES. 02/16/21 Introduced.



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Bill	Description	Status
AB 1027 Seyarto Solid and organic waste	Existing law requires each jurisdiction to implement a solid waste recycling program appropriate for that jurisdiction that is designed to divert commercial solid waste from businesses subject to specified commercial solid waste recycling requirements. Existing law also requires each jurisdiction to implement an organic waste recycling program appropriate for the jurisdiction and designed to specifically divert organic waste generated by businesses subject to specified organic waste recycling requirements. This bill would express the intent of the Legislature to enact subsequent legislation to provide relief from those solid waste recycling, composting, and source reduction requirements and organic waste recycling requirements, for no more than one year, to cities and municipalities struggling due to the impacts of COVID-19. (Note that the bill currently cites AB 341 and AB 1826 for the one-year delay, but it is currently an intent bill that could be modified to include SB 138 as well)	02/19/21 May be heard on committee on March 21, 2021. 02/18/21 Introduced.
AB 1086 Aguiar-Curry Organic Waste Implementation strategy	Existing law requires the California Environmental Protection Agency to promote a goal of reducing at least 5,000,000 metric tons of greenhouse gas emissions per year through the development and application of compost on working lands. This bill would require the Natural Resources Agency to prepare and submit to the Legislature, by January 1, 2023, a report that provides an implementation strategy, including recommendations on policy and funding support for the beneficial reuse of organic waste, in order to achieve the state's organic waste and related climate change and air quality mandates, goals, and targets. The bill would authorize the Natural Resources Agency to contract with outside entities, including the California Council on Science and Technology and the University of California, to prepare the report.	04/06/21 Amended and re-referred to Com. on APPR. 02/18/21 Introduced.
SB 240 Eggman Income tax: credits: food banks.	The Personal Income Tax Law and the Corporation Tax Law allow various credits against the taxes imposed by those laws, including, for taxable years beginning on or after January 1, 2017, and before January 1, 2022, a credit for qualified taxpayers in an amount equal to 15% of the qualified value of fresh fruits or vegetables and specified raw agricultural products or processed foods donated to a food bank. This bill would extend the authorization for those tax credits to a taxable year beginning before January 1, 2027. The bill would extend the requirement of the reports until January 1, 2026. The bill would take effect immediately as a tax levy.	Set for hearing 4/19 03/11/21 Amended and re-referred to Com. on APPR. 01/21/21 Introduced.



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Bill	Description	Status
SB 619 Laird Organic waste: reduction regulations (SB 1383 extension)	Existing law (SB 1383) requires CalRecycle to adopt regulations to reduce organic waste in landfills and authorizes those regulations to require local jurisdictions to impose requirements on generators or other relevant entities within their jurisdiction, to authorize local jurisdictions to impose penalties on generators for noncompliance, and to include penalties to be imposed by CalRecycle for noncompliance. SB 1383 regulations shall take effect on or after January 1, 2022, except that the imposition of penalties by local jurisdictions pursuant to the regulations shall not take effect until 2 years after the effective date of the regulations. This bill would delay the effective date of the regulations from January 1, 2022, to January 1 of an unspecified year, and would provide that the operative date of each of the requirements in the regulations in effect as of December 31, 2021 shall be an unspecified number of years after the operative date identified in the regulations. The bill would delay the imposition of penalties by local jurisdictions and CalRecycle pursuant to the regulations to January 1 of an unspecified year and would authorize CalRecycle to develop tools and incentives that encourage and reward early action by local jurisdictions. (Exact dates for these extensions have not yet been included in the bill text)	04/07/21 April 12 set for first hearing canceled at request of author. 03/18/21 Re-referred to Com. on E.Q. 02/18/21 Introduced.
SB 759 Hueso Short-lived climate pollutants: methane: organic waste: landfills	Existing law requires the State Air Resources Board to complete, approve, and implement a comprehensive strategy to reduce emissions of short-lived climate pollutants in the state and to achieve a reduction in the statewide emissions of methane by 40%, hydrofluorocarbon gases by 40%, and anthropogenic black carbon by 50% below 2013 levels by 2030, as provided. Existing law requires the methane emissions reduction goals to include specified targets to reduce the landfill disposal of organics. This bill would make a non-substantive change to that latter provision.	03/03/21 Referred to Com. on RLS. 02/19/21 Introduced.

Recyclable Materials and Plastics Reduction

Bill	Description	Status
AB 478 Ting Minimum Recycled Content of Thermoform Containers	This bill would require thermoform plastic containers (e.g., “clamshells”) sold in the state to contain, on average, no less than 30% postconsumer recycled plastic per year on and after January 1, 2030. The required annual percentages would be phased in as follows: <ul style="list-style-type: none"> • 10% postconsumer recycled plastic (On and after Jan. 1, 2024) • 20% postconsumer recycled plastic (On and after Jan. 1, 2027) • 30% postconsumer recycled content (On an after Jan. 1, 2030) 	3/22/21 Amended and re-referred to Com. on NAT. RES. 02/08/21



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Recyclable Materials and Plastics Reduction

Bill	Description	Status
	The bill includes recordkeeping and reporting requirements and specifications around authorized inspections and penalties assessed.	Introduced.
AB 661 Bennett Recycling: materials (State Agency Buy- Recycled Campaign)	<p>Existing law establishes the State Agency Buy Recycled Campaign (SABRC), which requires state agencies to purchase recycled products instead of nonrecycled products whenever recycled products are available at the same or a lesser cost than nonrecycled products, and also includes minimum recycled-content standards, recordkeeping and reporting requirements, and other applicable requirements.</p> <p>This bill would require a state agency to purchase recycled products instead of nonrecycled products, if fitness and quality are equal, regardless of cost. It would revise product categories and require the Department of Resources Recycling and Recovery (CalRecycle), in coordination with Department of General Services (DGS), to update a list of products and minimum recycled content percentages. The bill revises additional aspects of the SABRC program, including the roles and requirements between DGS and CalRecycle.</p>	03/15/21 Amended and re-referred to Com. on A. & A.R. 02/12/21 Introduced.
AB 683 Grayson Recycling: Procurement	Existing law establishes the State Agency Buy-Recycled Campaign (SABRC), as described above. This bill would authorize CalRecycle, on or after January 1, 2022, to add additional products to these program requirements based on criteria selected by DGS.	3/22/21 Amended; re-referred to Com. on A. & AR. 02/12/21 Introduced.
AB 842 Cristina Garcia California Circular Economy and Plastic Pollution Reduction Act	<p>This bill would enact the California Circular Economy and Plastic Pollution Reduction Act, which would establish a comprehensive regulatory scheme for producers, retailers, and wholesalers of single-use packaging and/or single-use food service ware products made partially or entirely of plastic to form or join a stewardship organization. The organization would be required to develop, finance, and implement a convenient and cost-effective program to reach a 75% recycling rate for single-use plastic packaging and products by 2032 Starting 2025, the stewardship organization will be required to collect funding from its member producers to pay for the administrative and operational costs of the program. The stewardship organization would be required to pay an administrative fee to CalRecycle.</p> <p>CalRecycle would be required, by July 1, 2022, to develop criteria and post a list of packaging and product categories that are easily recyclable or compostable; hard to recycle or compost; or nonrecyclable/non-compostable.</p>	03/23/21 Re-referred to Com. on NAT. RES. 02/17/21 Introduced.



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Bill	Description	Status
	Beginning Jan. 1, 2023, all single-use packaging and products sold must be easily recyclable or easily compostable in the state; and beginning January 1, 2035, to contain 75% postconsumer recycled content (subject to penalties assessed by CalRecycle per unit). Producers would also have recordkeeping, reporting, registration, and other requirements.	
AB 881 Lorena Gonzalez, Friedman, and Cristina Garcia Co-authors: Allen, Carrillo, Stone, Ting, McCarty, Wiener Plastic waste: diversion: recycling: export	The California Integrated Waste Management Act of 1989 (AB 939) requires jurisdictions to develop an integrated waste management plan with a source reduction and recycling element (SRRE). The act requires that this element divert 50% of all solid waste through source reduction, recycling, and composting activities. This bill would make the export out of the country of a mixture of plastic wastes considered disposal, not diversion, for the purposes of AB 939. An export out of the country of a mixture of plastic wastes shall only constitute diversion if the mixture includes only certain plastics (PE, PP, or PET) that are destined for separate recycling of each material, and the export is not prohibited by an applicable law or treaty of the destination country. These provisions would not apply to exports to Canada or Mexico (pursuant to trade agreement as of January 1, 2022). To the extent the bill would require local agencies to revise the SRRE of their integrated waste management plans, the bill would impose a state-mandated local program.	03/16/21 Amended and re-referred to the Com. on NAT. RES. 3/25/2021 Passed Com on NAT. RES. and re-referred to Com. on APPR. 02/17/21 Introduced.
AB 1201 Ting Solid Waste: plastic products: labeling: compostability and biodegradability	This bill would prohibit a person from selling a plastic product that is labeled with the term “compostable,” “home compostable,” or “soil biodegradable” unless the product meets certain compostability and biodegradability requirements. CalRecycle would be required to adopt regulations for plastic product labeling to ensure that plastic products labeled “compostable” or “home compostable” are clearly distinguishable from non-compostable products.	03/04/21 Referred to Com. on NAT. RES. 02/18/21 Introduced.
AB 1276 Carrillo and Lorena Gonzalez Single-use food accessories and service ware.	Existing law prohibits a full-service restaurant from providing single-use plastic straws to consumers unless requested by the consumer. This bill would prohibit a food facility or a third-party food delivery platform from providing any single-use food accessories, as defined, to consumers unless requested by the consumer, or unless necessary to protect public health and safety or safe delivery. Single-use food accessories/single-use food service ware includes, but is not limited to, utensils, chopsticks, napkins, condiment cups and packets, straws, stirrers, splash sticks, etc. Third-party delivery platforms shall provide each of its vendors with the option	04/06/21 Amended and re-referred to Com. on APPR. 03/26/21 Passed Com. on NAT. RES. as amended.



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Bill	Description	Status
	<p>to customize the vendor’s menu on the online food-ordering platform with a list of food accessories offered by the vendor.</p> <p>Commencing January 1, 2023, the bill would require full-service restaurants that have adequate dishwashing capacity to use reusable food service ware and prohibit providing single-use service ware for dine-in customers, with certain exemptions. The bill would prohibit full-service restaurants from providing single-use service ware to customers and require use of reusable service.</p> <p>The bill would require enforcement of the prohibition by enforcement officers and would require each city, county, or jurisdiction to select an agency to implement enforcement by June 1, 2022. First and second violations would result in a notice of violation, and subsequent violations would be punishable by a fine of \$100 per day, not to exceed \$1,000 annually. By creating a new crime and imposing additional duties on local governing bodies, this bill would impose a state-mandated local program.</p>	<p>02/19/21 Introduced.</p>
<p>AB 1371 Friedman</p> <p>Recycling: plastic: packaging and carryout bags</p>	<p><u>Packaging:</u> <i>Material requirements:</i> This bill would prohibit an online retailer from using single-use plastic packaging that consists of shipping envelopes, cushioning, or void fill to package or transport the products (on and after January 1, 2023, for large online retailers; on and after January 1, 2025, for small online retailers). The bill would prohibit a manufacturer, retailer, producer, or other distributor that sells and delivers purchased products in or into the state from using expanded polystyrene (EPS) packaging to package or transport the products.</p> <p><i>Take-back:</i> The bill would require online retailers that have a physical location within the state for in-person sales to provide a take-back container for plastic film and EPS packaging for customers at each retail location. Online retailers with locker pick-up must provide a take-back bin for plastic film and EPS near those lockers. The bill also requires online retailers to have an at-delivery recycling program, at no cost to the customer, that provides for pick-up at the time of delivery of plastic film and EPS from products previously purchased from the online retailer.</p> <p>The bill would require online retailers to maintain records and provide them to CalRecycle and local jurisdiction, upon request. The bill would make the physical location take back container requirement, locker collection bin requirement, and at-delivery recycling program requirement inoperative on January 1, 2025, except for the records provisions, and would repeal those 3 requirements, including the records provisions, as of January 1, 2026.</p> <p>The bill would make a violation of the foregoing requirements subject to civil penalties and would require penalties collected by the Attorney General to be deposited into the Plastic Packaging Reduction Penalty Account, which the bill would create, for expenditure by the Attorney General, upon appropriation by the Legislature, to enforce those requirements.</p>	<p>03/26/21 Amended and re-referred to Com. on NAT. RES.</p> <p>02/19/21 Introduced.</p>



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Recyclable Materials and Plastics Reduction

Bill	Description	Status
	<p><u>Plastic Bags:</u> This bill would establish the At-Store Recycle Program, which requires a store operator, as defined, to have an at-store recycling program that allows customers to return clean plastic carryout bags and clean durable plastic bags to the store. Store operators will need to keep records and provide them to CalRecycle and local jurisdiction upon request. Violation will result in penalties, to be deposited in the At-Store Recycling Program Penalty Account created by the bill. The provisions would be inoperative Jan. 1, 2030 (except for record keeping and penalties)</p>	
<p>SB 54 Allen, Stern, Wiener</p> <p>Plastic Pollution Producer Responsibility Act</p>	<p>Existing law makes a legislative declaration that it is the policy goal of the state that, annually, not less than 75% of solid waste generated be source reduced, recycled, or composted. This bill would establish the Plastic Pollution Producer Responsibility Act, which would prohibit producers of single-use disposable packaging or single-use disposable food service ware products from selling, distributing, or importing these packaging or products within the state that are manufactured on or after January 1, 2032, unless they are recyclable or compostable.</p>	<p>Set for hearing 4/12</p> <p>03/11/21 Re-referred to Com. on E.Q.</p> <p>12/07/20 Introduced.</p>
<p>SB 343 Allen</p> <p>Environmental advertising: recycling symbol</p>	<p>This bill would declare that it is the public policy of the state that claims related to the recyclability of a plastic product be truthful and that consumers deserve accurate and useful information related to how to properly handle the end of life of a plastic product. This bill would require CalRecycle to update certain regulations to include the types and forms of plastic products and packaging for which a claim of recyclability, including through use of the chasing arrows symbol, may be made. CalRecycle would be required to develop, publish, and update a list of the materials types and forms that are recyclable (using specified criteria). The bill would, if a material type and form is not on the list, or is removed from the list, prohibit a person from offering for sale, selling, distributing, or importing into the state any product or packaging manufactured 90 days after the list is published or updated if the product or packaging displays a chasing arrows symbol, a chasing arrows symbol surrounding a resin identification code, or any other symbol or statement indicating the product or packaging is recyclable, or directing the consumer to recycle the product or packaging. The bill includes a process for a producer, or group of producers, to submit a plan to CalRecycle to have a certain material type and form added to the list.</p> <p>Existing law requires all rigid plastic bottles and rigid plastic containers sold in the state to be labeled with a code that indicates the resin used to produce the bottles or containers, with specified numbers</p>	<p>04/07/21 Do pass as amended and re-refer to Com. on APPR.</p> <p>3/23/21 Set for hearing on 4/6</p> <p>03/17/21 Re-referred to Com. on JUD.</p> <p>02/09/21 Introduced.</p>



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Bill	Description	Status
	<p>and letters placed in relation to a triangle. This bill would prevent the resin identification code from being placed inside a chasing arrows symbol unless CalRecycle has determined the rigid plastic bottle or rigid plastic container is recyclable in the state.</p> <p>This bill would extend applicability of recordkeeping requirements under existing law related to environmental marketing claims and add to the required information and documentation for the use of the term “recyclable,” the use of the chasing arrows symbol, or other representations advising consumers to recycle a product. Violation of these provisions would be a misdemeanor, thus creating a new crime and state-mandated local program.</p>	

Beverage Containers

Bill	Description	Status
<p>AB 962 Kamlager</p> <p>CA Beverage Container Recycling and Litter Reduction Act: reusable beverage containers</p>	<p>The California Beverage Container Recycling and Litter Reduction Act was established to promote beverage container recycling and provides for the payment, collection, and distribution of certain payments and fees based on minimum refund values established for beverage containers. It requires beverage container distributors to pay CalRecycle a redemption payment for every beverage container sold, and requires certified processors comply with operations requirements and standards.</p> <p>This bill would authorize a department-approved processor to handle reusable beverage containers and satisfy operations requirements by transferring the reusable beverage container to a department-approved washer. By authorizing the reuse of beverage containers to be eligible for applicable payment incentives under the program, in addition to recycling, the bill intends to encourage reuse. The bill states that “It is the intent of the Legislature that all provisions of this division be interpreted to encourage and support the reuse, as well as the recycling, of empty beverage containers.”</p>	<p>02/25/21 Referred to Com. on NAT. RES.</p> <p>02/17/21 Introduced.</p>
<p>AB 1067 Ting</p> <p>Beverage containers: recycling centers: certification</p>	<p>The California Beverage Container Recycling and Litter Reduction Act, as described above, requires CalRecycle to certify operators of recycling centers, including determining completeness of the submitted application within 30 working days of receipt, and to approve or deny the application no later than 60 calendar days after the date when the application was deemed complete.</p> <p>This bill would require CalRecycle to approve or deny the completed application no later than 45 calendar days, instead of 60 calendar days, after the date when the application was deemed complete.</p>	<p>03/04/21 Referred to Com. on NAT. RES.</p> <p>02/18/21 Introduced.</p>



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Bill	Description	Status
<p>AB 1311 Wood & McGuire</p> <p>Recycling: beverage containers: certified recycling centers</p>	<p>Under the California Beverage Container Recycling and Litter Reduction Act, certified recycling centers are required to be open for businesses during at least 30 hours per week within specified time periods.</p> <p>This bill would require CalRecycle, by July 1, 2022, to develop and implement a process for certified recycling centers to annually apply to CalRecycle for authorization to operate on an alternative schedule. Until July 1, 2022, a recycling center is still considered “open for business” if it receives authorization from CalRecycle to use an appointment-based system during hours of operation, if warranted due to high customer demand, weather, or public health and safety concerns.</p>	<p>03/22/21 Re-referred to the Com. on NAT. RES.</p> <p>02/19/21 Introduced.</p>
<p>AB 1454 Bloom and O’Donnell</p> <p>The California Beverage Container and Litter Reduction Act</p>	<p>The California Beverage Container Recycling and Litter Reduction Act, administered by CalRecycle, is established to promote beverage container recycling.</p> <p>This bill would require the following:</p> <ol style="list-style-type: none"> 1. This bill would establish the Beverage Container Recycling Program Advisory Board with 9 members in specified stakeholder categories, and requires CalRecycle to consult with the board when initiating, reviewing, or expanding policies, guidelines, or budgetary changes impacting the beverage container recycling program. 2. CalRecycle is currently required to designate convenience zones on a statewide basis. At least one certified recycling center must be located within each convenience zone (1/2 radius of a supermarket or designated area). This bill would allow CalRecycle to designate a regional convenience zone serving multiple unserved supermarket-based zones. 3. Certified recycling centers must accept empty beverage container from the consumer and pay the consumer the refund value of the beverage container. This bill would require the refund value paid to the consumer to be paid onsite at the time of redemption, through a voucher, or through an electronic payment (within five business days). Because a violation of this requirement would be a crime under the act, the bill would impose a state-mandated local program. 4. This bill would authorize the director of CalRecycle, upon appropriation by the Legislature from the California Beverage Container Recycling Fund, to increase processing payments to a certified recycling center by up to 50% higher than statewide rates for the first 40,000 glass containers and the first 200,000 plastic containers claimed by a certified recycling center each month. The bill would require CalRecycle, upon appropriation, to pay the first operator of a recycling center certified to operate in a convenience zone that, as of January 1, 2021, has been continuously unserved by a recycling center for at least 6 months, a handling fee payment regardless of the physical location of the certified recycling center within that convenience zone. 	<p>03/08/21 Amended and re-referred to Com. on NAT. RES.</p> <p>02/19/21 Introduced.</p>



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Bill	Description	Status
	<p>5. This bill would express the intent of the Legislature to appropriate in a future Budget Act or other bill the sum of \$25,000,000 from the California Beverage Container Recycling Fund to CalRecycle for plastic quality incentive payments and startup loans in the amount of \$25,000 to entities that establish and operate certified recycling centers in unserved or underserved areas in the state.</p>	
<p>SB 38 Wieckowski Beverage Containers</p>	<p>The bill, commencing July 1, 2024, would revise and recast the provisions of the California Beverage Container Recycling and Litter Reduction Act, which would be renamed the Beverage Container Recycling Program. Including, but not limited to, the follow revisions:</p> <ol style="list-style-type: none"> 1. This bill would require distributors of beverage containers in the state to form a beverage container stewardship organization. The organization would be required to develop and submit to CalRecycle a plan, annual report, and budget for the recovery and recycling of empty beverage containers in the state (similar to the requirements described in the Used Mattress Recovery and Recycling Act). 2. If CalRecycle determines that, in calendar year 2025, the redemption rate for beverage containers subject to this chapter is less than 85% for a beverage type, the refund value will be ten cents (\$0.10) for that container type, beginning January 1, 2027. This would be an increase for containers under 24 fluid ounces, which currently have a refund value of five cents (\$0.05). 3. This bill would revise the current alternative requirement for dealers in unserved convenience zones, including repealing the \$100 daily payment and instead requiring those dealers to submit the alternative affidavit to CalRecycle unconditionally. 4. The bill would require the beverage container stewardship organization, as a part of its stewardship plan described above, to establish processes for the payment and collection of minimum refund values by the organization. The bill would require the organization to, among other things, establish a handling fee to be paid by the organization to redemption centers for each empty beverage container redeemed by the redemption center and establish a payment to be paid by the organization to a processor to help ensure the processor is not operating at a loss. 5. The bill would require the beverage container stewardship organization to retain refund values not redeemed and to use those moneys to administer the beverage container stewardship program and for specified purposes relating to the recycling of beverage containers. 	<p>04/05/21 April 5 hearing: Placed on APPR suspense file.</p> <p>03/16/21 Pass Com on EQ as amended and re- refer to Com. on APPR.</p> <p>12/07/20 Introduced.</p>



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Bill	Description	Status
	<p>6. The bill would repeal certain annual disbursements that are made by CalRecycle under the Act and would limit moneys received by CalRecycle under the program to penalties for violating these provisions and charges to fund the department’s administration of the program.</p> <p>7. The bill would require charges to fund CalRecycle’s administration of the program to be deposited into the Beverage Container Recycling Program Fund, which the bill would create, and would require penalties for violating these provisions to be deposited into the Penalty Account under this fund. Funds would be available to CalRecycle upon appropriation by the Legislature.</p> <p>By increasing the scope of various crimes relating to beverage containers, this bill would impose a state-mandated local program.</p>	
<p>SB 451 Dodd</p> <p>Beverage container recycling: pilot projects</p>	<p>Existing law, the California Beverage Container Recycling and Litter Reduction Act, requires the Department of Resources Recycling and Recovery to annually designate convenience zones and, until January 1, 2022, authorizes CalRecycle to approve up to 5 limited-term recycling pilot projects that are designed to improve redemption opportunities in unserved convenience zones. The act makes these provisions inoperative on July 1, 2022, and repeals them on January 1, 2023.</p> <p>This bill would postpone to January 1, 2023, the date by which CalRecycle may approve recycling pilot projects. The bill would increase the maximum number of pilot projects from 5 to 10. This bill would make the provisions related to the pilot projects inoperative on July 1, 2023, and would repeal them as of January 1, 2024.</p>	<p>Set for hearing 4/12</p> <p>02/25/21 Referred to Com. on EQ.</p> <p>02/16/21 Introduced.</p>

Hazardous Waste

Bill	Description	Status
<p>AB 1 Cristina Garcia, Santiago</p> <p>Hazardous Waste</p>	<p>This bill would create the Board of Environmental Safety within the California Environmental Protection Agency (CalEPA). The most relevant duties of the board include reviewing relevant hazardous waste policy, processes, and programs; and hearing and deciding appeals of hazardous waste permits and financial assurance decisions. The Department of Toxic Substances Control (DTSC) would be required to submit a hazardous waste management plan every three years to the Board beginning March 1, 2023. The Secretary for Environmental Protection would be required to convene a fee task force to make recommendations to the Legislature regarding the fee structure for the Hazardous Waste Control Account and the funding structure for the Toxic Substances Control Account by January 10, 2023.</p>	<p>04/07/21 Do pass and re-refer to Com. on APPR.</p> <p>01/11/21 Referred to Com. on E.S. & T.M.</p> <p>12/07/21</p>



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Hazardous Waste		
Bill	Description	Status
	Existing law requires a generator who generated 5 or more tons of hazardous waste in the prior calendar year to pay a generator fee and requires an operator of a hazardous waste facility to pay a facility fee. This bill would repeal the generator fee and would instead require the generator to pay a generation and handling fee of \$35.50 for each ton of hazardous waste generated to the California Department of Tax and Fee Administration. This bill would increase the base rate and revise the tiered payment structure for the facility fee.	Introduced.
AB 332 Committee on Environmental Safety and Toxic Materials Hazardous waste: treated wood waste: management standards	This bill would require a person managing treated wood waste to comply with the hazardous waste control laws or the management standards established in the bill, including standards for the reuse, storage, treatment, transportation, tracking, identification, and disposal of treated wood waste, as provided. The bill would limit those standards to treated wood waste that is hazardous only because of a preservative present in or on the wood, and that is not subject to the existing exemption for certain wood waste or to regulation as a hazardous waste under federal law. The bill would make inoperative all variances granted by the Department of Toxic Substances Control before the enactment of the bill. Since a violation of the requirements of the bill would be a crime, the bill would impose a state-mandated local program. This bill would declare that it is to take effect immediately as an urgency statute.	04/07/21 Do-pass and re-refer to Com. on APPR. 02/12/21 Referred to Com. on E.S. & T.M. 01/27/21 Introduced.
AB 684 Fong Hazardous Waste: treated wood waste	Existing law regulates the control of hazardous waste, but exempts wood waste from the hazardous waste control laws. This bill would define the term “treated wood” and allow treated wood waste to be disposed of in either a class I hazardous waste landfill or in a composite-lined portion of a solid waste landfill that meets specified requirements. The bill would require the Department of Toxic Substances Control (DTSC) to adopt regulations establishing management standards for treated wood waste as an alternative to the requirements specified in the hazardous waste control laws. Since a violation of the regulations adopted by the DTSC would be a crime, the bill would impose a state-mandated local program. The Department would be required to perform regular inspections of treated wood waste generator sites and treated wood waste disposal facilities. The bill also includes requirements for DTSC’s tracking and listing of large treated wood waste generators, and reporting requirements for its inspection and compliance plans. The bill includes specific requirements for wholesalers and retailers of treated wood to post specific information and labeling, and requires the wood preserving industry to maintain an internet website and prepare outreach materials on handling and disposal of treated wood waste for generators and facilities. The bill would provide that all variances granted by DTSC before January 1, 2005, governing the management of treated wood waste are inoperative and have no further effect.	2/25/21 Referred to Com. on E.S. & T.M. 02/16/21 Introduced.



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Hazardous Waste		
Bill	Description	Status
<p>AB 732 Quirk</p> <p>Department of Toxic Substances Control: Toxic Substances Control Account</p>	<p>Existing law requires businesses with 50 or more employees that use, generate, store, or conduct activities in the state related to hazardous materials, to pay an annual tax, known as the “Environmental Fee.” The “Environmental Fee” funds oversight of hazardous waste management and disposal.</p> <p>This bill would increase the “Environmental Fee” that the aforementioned businesses are required to pay.</p>	<p>04/07/21: Testimony taken. Hearing postponed by Com. on E.S. & T.M.</p> <p>02/16/21 Introduced.</p>
<p>AB 735 Smith</p> <p>Solid waste: Rechargeable Battery Recycling Act</p>	<p>Existing law requires the Department of Toxic Substances Control to post on its internet website the estimated amount, by weight, of each type of rechargeable batteries returned for recycling during the previous calendar year.</p> <p>This bill would authorize DTSC to include on its internet website the prior years’ previously posted information of the estimated amount, by weight, of each type of rechargeable batteries returned for recycling.</p>	<p>02/25/21 Referred to Com. on E.S. & T.M.</p> <p>02/16/21 Introduced.</p>
<p>AB 1200 Ting</p> <p>Plant-based food packaging: cookware: hazardous chemicals</p> <p><i>[Also relates to plastics and organic waste sections above]</i></p>	<p>This bill would prohibit, beginning January 1, 2023, any person from distributing, selling, or offering for sale in the state any food packaging that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances or PFAS, as defined. The bill would require a manufacturer to use the least toxic alternative when replacing PFAS chemicals. The bill would define “food packaging,” in part, to mean a nondurable package, packaging component, or food service ware that is comprised, in substantial part, of paper, paperboard, or other materials originally derived from plant fibers.</p> <p>This bill would require, beginning January 1, 2024, a manufacturer, as defined, of cookware sold in the state that contains one or more intentionally added chemicals present on a designated list, as defined, to include a statement on the product label, as defined, in both English and Spanish, regarding the presence of those chemicals of concern in the cookware, as provided. The bill would require, beginning January 1, 2023, a manufacturer of this cookware to post on the internet website for the cookware a list of chemicals in the cookware that are present on the designated list, among other information. The bill would prohibit, beginning January 1, 2024, a manufacturer from making a claim, either on the cookware package or internet website for the cookware, that the cookware is free of any specific chemical if the chemical belongs to a chemical group or class identified on the designated list, unless no individual chemical from that chemical group or class is present in intentionally added to the cookware. The bill would prohibit a person from selling, offering for sale, or distributing in California a cookware product that does not comply with these provisions.</p>	<p>04/07/21 From Committee: Do pass.</p> <p>03/308/21 Re-referred to Com. on E.S. & T.M.</p> <p>02/18/21 Introduced</p>



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Hazardous Waste		
Bill	Description	Status
<p>AB 1350 Patterson</p> <p>Department of Toxic Substances Control: environmental fee exemption</p>	<p>Existing law requires businesses with 50 or more employees that use, generate, store, or conduct activities in the state related to hazardous materials, to pay an annual tax, known as the “Environmental Fee.” The “Environmental Fee” funds oversight of hazardous waste management and disposal.</p> <p>This bill would exempt organizations with fewer than 100 employees from the annual “Environmental Fee” until January 1, 2025.</p>	<p>03/04/21 Referred to Com. on E.S. & T.M.</p> <p>02/19/21 Introduced.</p>
<p>SB 42 Wieckowski</p> <p>Department of Toxic Substances Control: Board of Environmental Safety</p>	<p>This bill would establish the Board of Environmental Safety within the Department of Toxic Substances Control. The Board would be required to hear and decide appeals of hazardous waste facility permit decisions; propose statutory changes for hazardous waste management in the state; develop a schedule of long-term goals for DTSC; and annually prepare and submit a review of DTSC’s performance to the Secretary for Environmental Protection.</p>	<p>04/07/21 April 12 hearing postponed</p> <p>01/28/21 Referred to Com. on EQ.</p> <p>12/07/20 Introduced.</p>
<p>SB 207 Dahle</p> <p>Photovoltaic Recycling Advisory Group</p>	<p>This bill would require the Secretary for Environmental Protection to, on or before April 1, 2022, convene the Photovoltaic Recycling Advisory Group, to review and advise the California State Legislature on policies pertaining to the recovery and recycling of photovoltaic panels and their components. The advisory group would be required to submit policy recommendations to the Legislature on or before April 1, 2025 that aim to ensure that 100% of photovoltaic panels in the state are reused or recycled at the end of life in a safe and cost-effective manner.</p>	<p>04/05/21 April 5 hearing: placed on APPR. Suspense file</p> <p>01/11/21 Introduced.</p>
<p>SB 244 Archuleta</p> <p>Lithium-ion batteries: illegal disposal: fire prevention</p>	<p>This bill would prohibit a person from knowingly disposing of a lithium-ion battery in a container or receptacle that is intended for the collection of solid waste or recyclable materials.</p> <p>This bill would require CalRecycle, on or before July 1, 2024, to develop a guidance document related to the proper handling and disposal of lithium-ion batteries.</p> <p>Additionally, the bill would require the Department of Forestry and Fire Protection, before January 1, 2023, to develop a model protocol and training that identifies best practices for the detection, safe handling, and suppression of fires that originate from discarded lithium-ion batteries in solid waste or recycling collection receptacles.</p>	<p>03/25/21 Set for hearing 4/27</p> <p>03/16/21 Re-referred to Com. on N.R. & W.</p> <p>01/21/21 Introduced.</p>



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Hazardous Waste		
Bill	Description	Status
SB 289 Newman Recycling: batteries and battery embedded products	<p>The Rechargeable Battery Recycling Act of 2006 requires retailers to have a system for the acceptance and collection of used rechargeable batteries for reuse, recycling, or proper disposal. The Cell Phone Recycling Act of 2004 requires cell phone retailers to have a take back system for the acceptance and collection of used cell phones for reuse, recycling, or proper disposal.</p> <p>This bill would make both of the above Acts inoperative as of June 30, 2025, and would repeal those acts as of January 1, 2026. The bill would enact the Battery and Battery-Embedded Product Recycling and Fire Risk Reduction Act of 2021, which would require producers to establish a stewardship program for batteries and battery embedded products. Stewardship organizations or producers must submit a plan for the collection, transportation, and recycling of batteries or battery embedded products by June 30, 2024. The bill would require the plan to include a collection system for batteries and battery-embedded products with a certain number of collection site as well as a funding mechanism.</p>	<p>04/05/21 Re-referred to Com. on E.Q.</p> <p>03/18/21 Re-referred to Coms. on E.Q. and JUD. Set for hearing April 12.</p> <p>02/01/21 Introduced.</p>
SB 557 Wieckowski Hazardous waste: treated wood waste	<p>This bill would define the term “treated wood” as wood that has been treated with a chemical preservative for purposes of protecting wood against attacks from insects and other environmental factors that can lead to decay. It would be required for treated wood waste to be disposed of in either a class I hazardous waste landfill or in a composite-lined portion of a solid waste landfill. The bill would authorize treated wood waste to be reused if the reuse occurs onsite at the facility at which the treated wood waste was generated, among other conditions. The bill would also require the wood preserving industry to maintain a website and prepare fact sheets on the appropriate handling, disposal, and other management of treated wood waste.</p> <p>The Department of Toxic Substances Control would be authorized to adopt regulations establishing management standards for treated wood waste. The department would be required to produce a list of generators that produced more than 10,000 pounds of treated wood waste in the previous year and perform regular inspections at those treated wood waste generator sites and facilities. DTSC would be required to develop and submit an inspection and compliance plan by March 1, 2023.</p> <p>The bill would provide that all variances granted by DTSC before January 1, 2005, governing the management of treated wood waste are inoperative and have no further effect.</p>	<p>03/18/21 Set for hearing April 12.</p> <p>03/3/21 Referred to Com. on E.Q.</p> <p>02/18/21 Introduced.</p>
AJR 4 Garcia	<p>This measure would declare California’s support of the ratification of the Basel Convention and requests that the Biden Administration accomplish this ratification as a matter of urgency.</p>	<p>04/06/21 In Senate. To Com. on RLS.</p>



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Hazardous Waste

Bill	Description	Status
Basel Convention: ratification	The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (1989) was signed but never ratified by the United States. The U.S. is one of eight countries that has failed to ratify this agreement meant to protect developing countries from the export and dumping of hazardous wastes from rich industrialized countries.	01/12/21 Introduced.

Miscellaneous

Bill	Description	Status
Illegal Dumping		
AB 246 Quirk Contractors: disciplinary action	Under existing law, a willful or deliberate disregard by a licensed contractor of various state building, labor, and safety laws constitutes a cause for disciplinary action by the Contractors' State License Board. This bill would add illegal dumping to the list of violations that constitute a cause for disciplinary action against a contractor by the Contractor's State License Board.	03/23/21 Passed Com. on B.& P.; referred to Com. on APPR. 01/13/21 Introduced.
AB 659 Mathis Dumping	This bill would make dumping waste matter on private property (including private roads or highways) without consent of the owner punishable by a fine between \$250 and \$1,000 for the first conviction, between \$500 and \$1,500 for the second conviction, and between \$750 and \$3,000 for the third conviction. The bill would make subsequent convictions a misdemeanor punishable by imprisonment in a county jail for not more than 30 days and a fine by not less than \$750 nor more than \$3,000.	04/06/21 First hearing; canceled at request of author. 02/25/21 Referred to Com on PUB. S. 02/12/21 Introduced.
Microfibers and Wipes		
AB 622 Friedman	Existing law, to protect public health and water quality, regulates a broad range of consumer products and processes, including water softeners, water treatment devices, and backflow prevention devices, among others.	04/07/21 Hearing postponed by committee.



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Miscellaneous		
Bill	Description	Status
Washing machines: microfiber filtration.	This bill would require, on or before January 1, 2024, that all washing machines sold as new in California contain a microfiber filtration system with a mesh size of 100 microns or smaller.	02/25/21 Referred to Com. on E.S. & T.M. 02/12/21 Introduced.
AB 818 Bloom Solid Waste: premoistened nonwoven disposable wipes	This bill would require certain premoistened nonwoven disposable wipes manufactured on or after July 1, 2022 to be labeled with the phrase “Do Not Flush” and a related symbol. The bill prohibits manufacturers from making inaccurate representations about flushability of those products, subject to penalties. This bill would establish the California Consumer Education and Outreach program, under which manufacturers would be required to participate in a study conducted in collaboration with wastewater agencies to gain understanding on consumer behavior regarding the flushing of wipes, and conduct a comprehensive education program, with associated reporting requirements.	04/07/2021 From Committee: Do Pass and re-refer to Com. on JUD. 02/25/21 Referred to Coms. on E.S. & T.M. and JUD 02/16/21 Introduced.
AB 802 Bloom Microfiber filters	This bill would require the State Water Resources Control Board to identify the best available control technology for filtering microfibers from an industrial, institutional, or commercial laundry facility on or before an unspecified date, and would require the state board to consult with owners and operators of laundry facilities on the types of filtration systems currently in use and with universities, scientific organizations, and experts on plastic pollution in identifying the best available control technology. The bill would also require, on or before an unspecified date, any entity that operates an industrial, institutional, or commercial laundry facility to adopt the use of the best available control technology to capture microfibers that are shed during washing.	04/07/21 Hearing postponed by committee. 02/25/21 Referred to Com. on E.S. & T.M. 02/16/21 Introduced.
Environmental Justice		
AB 649 Bennett	This bill would establish the Office of Environmental Justice and tribal Relations within CalRecycle. The office’s key duties would include, among others: <ul style="list-style-type: none"> • Ensuring that the department’s programs effectively address the needs of disadvantaged communities, low-income communities, California Native American tribes, and farmworkers. 	03/15/21 Re-referred to Com. on NAT. RES.



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Miscellaneous		
Bill	Description	Status
Department of Resources Recycling and Recovery: Office of Environmental Justice and Tribal Relations	<ul style="list-style-type: none"> Providing an evaluation of a range of strategic, scientific, technological, regulatory, and economic issues for the department related to environmental justice and tribal relations. Integrating environmental justice considerations into CalRecycle programs, policies, and initiatives. Lessening the environmental impacts on those communities disproportionately burdened by environmental harm and risks. Addressing environmental justice by ensuring meaningful involvement of disproportionately burdened communities in department decision making, building capacity to address environmental impacts in disproportionately burdened communities, and promoting collaborative problem solving for issues involving environmental justice. Strengthening partnerships with other governmental agencies at the federal, city, county, and tribal level regarding environmental justice issues. Enhancing research and assessment approaches related to environmental justice. Collaborating with impacted communities and governmental agencies to promote equitable data collection regarding environmental burdens. Improving access to technical resources for disadvantaged communities. Enhancing protections for vulnerable communities. 	02/12/21 Introduced.
AB 125 Robert Rivas	See description and status for AB 125 (The Equitable Economic Recovery, Healthy Food Access, Climate Resilient Farms, and Worker Protection Bond Act of 2022) on page #2 under Organic Waste. This bill intersects with both.	
Other		
SB 741 Archuleta Trash receptacles & storage containers: reflective markings	This bill would require a person who sells or provides for compensation a trash receptacle or storage container that is longer than 3 feet and taller than 4 feet and that is designed to be placed on a roadway or the curb of a roadway in order to be emptied or picked up to mark the receptacle or container with a reflector on each side. The bill would authorize a civil penalty against a person who violates this prohibition pursuant to an action brought by the Attorney General, a district attorney, or a city attorney.	April 13 hearing postponed by Com. 03/03/21 Referred to Coms. on TRANS. And JUD. 02/19/21 Introduced.



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Miscellaneous		
Bill	Description	Status
<p>SB 580 Hueso</p> <p>Department of Transportation: highways and roads: recycled plastics study and certifications</p>	<p>This bill would authorize the Department of Transportation to conduct a study to assess the feasibility, cost effectiveness, and life-cycle environmental benefits of including recycled plastics in asphalt used as a paving material in the construction, maintenance, or rehabilitation of a highway or road. If the Department determines that use of recycled plastics meets feasibility, cost-effectiveness, and life-cycle environmental benefit criteria, the bill would authorize the Department to establish specifications for the inclusion of recycled plastics in asphalt for the aforementioned purposes. The bill would also require the Department to prepare and submit, on or before January 1 of each year, commencing January 1, 2021, an analysis to the Assembly Committee on Transportation and the Senate Committee on Transportation on its progress studying recycled plastics and its progress toward establishing specifications for including recycled plastics in asphalt, as described above.</p> <p>The bill would require a local agency that has jurisdiction over a street or highway to either adopt the specifications established by the Department of Transportation or discuss at a public hearing why the specifications are not being adopted. By increasing the duties of local agencies, this bill would impose a state-mandated local program. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made.</p>	<p>Set for hearing 4/13</p> <p>03/03/21 Referred to Com. on TRANS.</p> <p>02/18/21 Introduced.</p>



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Terms and Committee Abbreviations:

Committee Abbreviations:

- Com on A & A.R. – Committee on Accountability and Administrative Review
- Com. on APPR. – Committee on Appropriations
- Com. on B. & P. – Committee on Business and Professions
- Com. on E, U. & C. – Committee on Energy, Utilities, and Communications
- Com. on E.S. & T.M. – Committee on Environmental Safety and Toxic Materials
- Com. on EQ. – Committee on Environmental Quality
- Com. on GOV & F – Committee on Governance and Finance
- Com. on JUD. – Committee on Judiciary
- Com. on NAT. RES. – Committee on Natural Resources
- Com. N.R. & W. – Committee on Natural Resources and Water
- Com. on PUB S – Committee on Public Safety
- Com. on Rev. & Tax. – Committee on Revenue and Taxation
- Com. on RLS – Committee on Rules
- Com. on TRANS – Committee on Transportation
- Com. on U. & E. – Committee on Utilities and Energy

Other Terms:

- CalRecycle: The Department of Resources Recycling and Recovery
- DGS: Department of General Services.
- DTSC: Department of Toxic Substances Control



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CALIFORNIA REGULATIONS

California Regulatory Updates		
Law	Description of Statute and Regulations	Status
<p>SB 212 Jackson</p> <p>Pharmaceutical and Sharp Waste Stewardship</p>	<p>SB 212, enacted in 2018, requires mandatory product stewardship programs for pharmaceuticals and sharps waste. CalRecycle is required to adopt regulations for the implementation of SB 212 with an effective date of no later than January 1, 2021. Note that SB 212 preempts local ordinances for pharmaceuticals and/or sharps product stewardship programs, unless the ordinance was effective prior to April 18, 2018.</p> <p>The Office of Administrative Law (OAL) approved the Pharmaceutical and Sharps Waste Stewardship Regulations on January 7, 2021. Information on the regulations and rulemaking process can be found here.</p>	<p>Regulations were made effective January 7, 2021. The final regulatory text is published and available here.</p>
<p>SB 489 Monning</p>	<p>SB 489 (2015) includes the development of regulations by the Department of Toxic Substances Control to designate end-of-life photovoltaic modules that are identified as hazardous waste as a universal waste. Information on the regulations and rulemaking process can be found here.</p>	<p>Regulations were made effective January 1, 2021. The final regulatory text is published and available here.</p>
<p>SB 1335 Allen</p> <p>Sustainable Packaging for the State of California of 2018</p>	<p>CalRecycle is required to adopt regulations to implement the Sustainable Packaging for the State of California Act of 2018 (SB 1335), which prohibits food service facilities in a state-owned facility or serving a state agency from using food service packaging that is not on a list of approved products that are reusable, recyclable, or compostable. The Proposed Regulations clarify statutory requirements including definitions, criteria, and process for determining the types of food service packaging that are reusable, recyclable, or compostable. CalRecycle must establish and maintain a List of Approved Food Service Packaging, which must be published on CalRecycle’s website within 90 days of the regulations being adopted.</p> <p>The notice, proposed regulatory language, and other relevant rulemaking materials for SB 1335 can be found here.</p>	<p>CalRecycle is preparing to submit the final regulatory packaging to the Office of Administrative Law (OAL).</p> <p>CalRecycle approved the Proposed Regulations on December 31, 2020.</p>
<p>SB 1383 Lara</p>	<p>In September 2016, Governor Brown signed into law SB 1383 (Lara, Chapter 395, Statutes of 2016), establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants (SLCP) in various sectors of California's</p>	<p>The final SB 1383 Regulations were approved by the Office of</p>



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California Regulatory Updates		
Law	Description of Statute and Regulations	Status
	<p>economy. CalRecycle was required to develop regulations to achieve the targets of SB 1383, including: 50% reduction in organic waste disposal by 2020; 75% reduction in organic waste disposal by 2025; and recovery of 20% of currently disposed edible food for human consumption by 2025. The SB 1383 regulations have significant impacts for local jurisdictions, waste haulers, generators, food recovery organizations and services, and other regulated entities.</p> <p>Information about SB 1383 can be found here.</p>	<p>Administrative Law (OAL) and adopted on November 3, 2020.</p> <p>The majority of SB 1383 regulatory requirements are effective January 1, 2022.</p>

CALIFORNIA BALLOT INITIATIVES

The [Plastics Free California Initiative](#) qualified for consideration on the November 2022 ballot. Advocates for the initiative submitted 870,000+ voter signatures in August 2020 (623,212 signatures were required to qualify).

Some key features of the initiative include:

- All single-use plastic packaging must be reusable, recyclable, or compostable by 2030.
- State-wide ban on polystyrene food containers.
- Funding for environmental restoration projects.
- Funding for new recycling and composting facilities.
- Manufacturers will be charged a fee for single-use plastic packaging/products produced.



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POLICY RECOMMENDATIONS FROM STATEWIDE COMMISSION

AB 1583 (2019, Eggman) requires CalRecycle to form an independent advisory board, [the Statewide Commission on Recycling Markets and Curbside Recycling](#), comprised of various industry experts. AB 2287 (2020, Eggman) specifies the deadline for the Commission to submit preliminary policy recommendations to the state legislature by January 1, 2021; and, issue a final policy recommendations report and identify a list of recyclable and compostable products in the state by July 1, 2021. The Commission released its Preliminary Policy Recommendations Report on December 21, 2020, which can be found [here](#). The preliminary report contains nineteen (19) policy recommendations in total, as listed below and further described and summarized in Attachment 1 at the end of this document.

- Policy #1: Extending Producer Responsibilities Framework for HHW
- Policy #2: Transition from Single-Use Propane Cylinders to Refillable
- Policy #3: Precautionary Principle
- Policy #4: Problem Products – Incentives and Disincentives
- Policy #5: State Agency Buy Recycled Campaign
- Policy #6: Recycling Market Development Zone Loan Program
- Policy #7: Consolidated Permit Process Utilization and Enhancement
- Policy #8: Governor’s Office of Business and Economic Development (GO-Biz) Enhanced Role
- Policy #9: CalRecycle Market Development Focus
- Policy #10: Controls on Plastic Waste Exports
- Policy #11: Carpet Stewardship and Flooring
- Policy #12: Food Recovery Policies
- Policy #13: Right to Repair
- Policy #14: Beverage Container Recycling, Changes to the Bottle Bill and Support CalRecycle AB 54 Report
- Policy #15: What is Recyclable?
- Policy #16: Design for Recyclability: Plastic Container Labels and Shrink Sleeves
- Policy #17: Design for Recyclability: Beverage Containers
- Policy #18: Label Restriction to Stop Plastic Bag/Film Contamination in Curbside Recycling
- Policy #19: Compostable Products Certification and Approval for Composting or Anaerobic Digestion

See Attachment 1 for a summary description of each policy above.

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FEDERAL LEGISLATION

Federal Legislation – 117 th Congress		
Bill	Description	Status
HR 190 Burgess LEVEL Act (Leave Ethanol Volumes at Existing Levels Act)	This bill would repeal certain amendments to the Clean Air Act relating to the expansion of the renewable fuel program.	02/02/21 Referred to the Subcommittee on Environment and Climate Change 01/05/21 Referred to the House Committee on Energy and Commerce.
HR 587 Peters Ocean Pollution Reduction Act II	This bill revises requirements under the National Pollutant Discharge Elimination System (NPDES) permit program for the Point Loma Wastewater Treatment Plan in San Diego, California. This bill eliminates the need for the City of San Diego to obtain permits for modifications to the NPDES standards for treatment of wastewater discharged by the plant into Marine Waters. Instead, the City may apply to obtain the permit modifications under the main NPDES permit if the plant meets certain conditions.	02/04/21 Referred to the Subcommittee on Water Resources and Environment 01/28/21 Introduced.
HR 806 Dingell Clean Energy and Sustainability Accelerator Act	This bill would establish a nonprofit corporation titled the Clean Energy and Sustainability Accelerator that shall provide financing support for U.S. investments in low- and zero-emissions technologies, support a robust marketplace for clean technology, enable climate-impacted communities to implement projects that reduce emissions, provide support for workers and communities impacted by the transition to a low-carbon economy, support the creation of green banks, and assist in the transition to a clean energy economy.	03/03/21 Referred to the Subcommittee on Commodity Exchanges, Energy, and Credit. 02/04/21 Introduced.



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Federal Legislation – 117th Congress

Bill	Description	Status
HR 848 Thompson GREEN Act of 2021 (Growing Renewable Energy and Efficiency Now Act of 2021)	This bill would amend the Internal Revenue Code of 1986 to provide incentives for renewable energy and energy efficiency through tax credits.	02/04/21 Introduced and referred to the House Committee on Ways and Means
HR 1015 Napolitano Water Recycling Investment and Improvement Act	This bill would make the Bureau of Reclamation’s grant program for the funding of water recycling and reuse projects permanent. The bill removes the priority under the program for projects in areas that had been previously identified as experiencing drought or designated by the state as a “disaster area.”	02/11/21 Introduced and referred to the House Committee on Natural Resources
S 984 Merkley Solid Waste Disposal Act Amendment	This bill would amend the Solid Waste Disposal Act to reduce the production and use of certain single-use plastic products and packaging, to improve the responsibility of producers in the reuse, recycling, and disposal of their consumer products and packaging, and to prevent pollution from consumer products and packaging from entering animal and human food chains and waterways.	03/25/21 Introduced and referred to the Committee on Finance.



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ADDITIONAL RESOURCES

- [Glossary of Legislative Terms](#)
- [California Legislation Tracking/Bill Search](#)
- [2021-2022 Calendar of California Legislative Deadlines](#)
- [Overview of OAL's Regulatory Rulemaking Process](#)
- [CalRecycle's Proposed Regulations/ Rulemaking Page](#)
- [Federal Legislation Tracking/Bill Search](#)
- [Previous HF&H Legislative Updates](#)



ATTACHMENT 1: STATEWIDE COMMISSION ON RECYCLING AND CURBSIDE RECYCLING POLICY PROPOSAL SUMMARIES

This Attachment summarizes the nineteen (19) preliminary policy recommendations made by [the Statewide Commission on Recycling Markets and Curbside Recycling](#) in its Preliminary Policy Recommendations Report released on December 21, 2020 (as required by AB 1583 and AB 2287). The full report and additional details on the Commission can be found [here](#).

Policy #1: Extended Producer Responsibility Framework for Household Hazardous Waste

Primary Author(s): Ward, Sanborn

Background: Extended Producer Responsibility (EPR) is a policy strategy used globally for household hazardous waste (HHW) to place a shared responsibility for the end-of-life product management on the producers, and all entities involved in the product chain rather than the general public. EPR also encourages product design changes that minimize a negative impact on human health and the environment at every stage of a product's lifecycle. This allows the costs of treatment and disposal to be incorporated into the total cost of the product.

Proposal: The committee recommends that the state legislature pass the following legislation:

1. An EPR Framework bill that would delegate CalEPA, CalRecycle, and/or DTSC as the authority responsible for developing criteria and identifying toxic products each year to be transitioned to EPR programs. The designated authority would establish EPR programs and begin removing hazardous products from municipal management in 2022.
2. An EPR program for all batteries with an emphasis on reducing fire and explosive hazards.

Policy #2: Transition from Single-Use Propane Cylinders to Refillable

Primary Author(s): Ward, Sanborn

Proposal: The committee recommends that the state legislature establish an EPR system by January 1, 2024 for disposable 1lb propane gas cylinders that are sold in California. Single-use 1lb gas cylinders must be labelled as to where the public can find refillable 1 lb. gas cylinders for sale and refilling. Refillable 1lb gas cylinders on the market before January 1, 2023 are exempt from the overall EPR program but must be labeled as to where cylinders can be refilled or properly discarded at end of life.

Policy #3: Precautionary Principle

Committee: Organics

Background: The precautionary principle, as defined by the United Nations, refers to the idea that human activities that could lead to morally unacceptable harm that is scientifically plausible but uncertain should have actions taken against them to diminish that harm.

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Proposal:

1. CalRecycle should require that a food service packaging item that is listed as “recyclable” or “compostable” before SB 1335 shall not contain any compounds determined to cause unacceptable harm, consistent with the Precautionary Principle.
2. CalRecycle should issue guidelines identifying that materials that contain the items in the list created in (1) are designed in a manner that would be considered misleading to consumers if they were to be labeled “compostable” or “home compostable,” since they include compounds that contaminate the finished compost.
3. The state legislature should enact legislation authorizing CalRecycle to develop a process to approve or disapprove the sale of food-contact packaging and foodservice ware based on whether the product has constituents that would contaminate recycling or composting streams.
4. The state legislature should enact legislation prohibiting the distribution and sale of food packaging and food containers containing any perfluoroalkyl (PFAS).

Policy #4: Problem Products – Incentives and Disincentives

Primary Author(s): Skye, Ward

Background: There is currently no reliable mechanism where products or materials that are detrimental, costly, or endanger municipal services are identified prior to placement on the market. The below proposal would work alongside Policy #3 with a greater emphasis on product and material applications rather than chemical contaminants.

Proposal: The committee recommends that CalEPA delegate authority to the most appropriate Department (CalRecycle, DTSC, the Air Resources Board, the Department of Pesticide Regulation, the Office of Environmental Health Hazard Assessment, and/or the State Water Resources Control Board) to regulate products and material applications that contaminate municipal services, curbside recycling collection or processing programs, recycling markets, or pollute the environment. The designated department would address contaminants to minimize facility operational cost impacts, and to prevent the introductions of similar contaminants. CalEPA and its corresponding agencies would have the authority to impose Contaminant Introduction Penalties to address the impacts of problem items.

Policy #5: State Agency Buy Recycled Campaign

Primary Author(s): Sanborn, Davis

Background: The State Agency Buy Recycled Campaign (SABRC) is a joint effort between CalRecycle and the Department of General Services (DGS) to implement state laws requiring state agencies and the legislature to purchase recycled-content products (RCP) and track those purchases.

Proposal: CalRecycle and DGS should work together to achieve the following:

1. Work with a company to develop a third-party verification of recycled content, reuse, and repair claims.
2. Incentivize/include durable, reusable, refillable, and repairable options when possible.
3. Require repair information for all purchases, including electronics and give preference to vendors who provide the state with repair manuals, repair parts, and diagnostic tools.



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4. Add an effective statutory enforcement mechanism for non-compliant state agencies through SABRC.
5. Clarify that SABRC covers all purchases of goods by state agencies and contractors and includes service contracts where the contractor is purchasing reportable recycled products in the performance of the service contract.
6. Revise product categories and minimum content percentages and update every three years.
7. Remove the requirement to purchase only when available at the same or lesser total cost than non-recycled products.
8. Require annual mandatory online training for procurement and contracting officers.

Policy #6: Recycling Market Development Zone Loan Program

Primary Author(s): Davis, Medrano

Background: The Recycling Market Development Zone (RMDZ) loan program is administered by CalRecycle. The program prioritizes funding for projects that demonstrate increased market demand for recycling.

Proposal: The committee advises that CalRecycle make the following adjustments to the current RMDZ loan program:

1. Evaluate the current policy and procedures of the RMDZ loan program to accelerate the loan approval process within 30 days of application receipt, immediately refer potential projects to CalRecycle loan staff, create an online loan application, and reduce the loan interest rate.
2. Perform a comprehensive loan fund review to secure perpetuity and consider issuing an I-Bank bond secured by loan repayments to increase the amount of loan funds available.
3. Offer a microloan program for loans from \$5,000-\$75,000.

Policy #7: Consolidated Permit Process Utilization and Enhancement

Primary Author(s): Davis, Kalpakoff, Oseguera

Background: The consolidated permit process helps facilitate permitting decisions by providing a single point of contact for multiple permits, identifying needed permits earlier in the permitting process, and reducing the need to provide duplicate information to different agencies. However, the consolidated permitting process does not authorize CalEPA to require local permitting authorities to participate in the process. The process also does not prioritize facilities that contribute to meeting the state's recycling and organic goals.

Proposal: This proposal aims to reduce some of the structural bottlenecks in the permitting process that have developed over time by:

1. Setting a threshold for Significant Climate Impact priority for state and local coordination. Recycling and Organics projects with a "Significant" impact on reducing greenhouse gas emissions would be provided a priority classification and supplied with permitting assistance.
2. Use a consolidated permit application and local development agreements to set out conditions needed to complete the permits.



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3. Undertake pilot projects for state and local streamlining around “Significant” recycling and organics management projects.
4. Designate a lead CalEPA contact for projects utilizing the Consolidated Permitting Process.
5. Clarify that GO-Biz may initiate the Consolidated Permitting Process in coordination with CalEPA.
6. Authorize CalRecycle to initiate the permit process with CalEPA and act as a permit agency for recycling and organics management projects.

Policy #8: Governor’s Office of Business and Economic Development (GO-Biz) Enhanced Role

Primary Author(s): Davis, Sanborn

Background: The Governor’s Office of Business and Economic Development (GO-Biz) serves as California’s single point of contact for economic development and job creation efforts. GO-Biz leads the state’s efforts to create jobs, promote economic development and provide direct business assistance.

Proposal: The following policy recommendations are meant to enhance GO-Biz’s capacity to serve recycling and organics management operations:

1. Assign a dedicated GO-Biz workgroup for recycling, manufacturing, and organics management projects.
2. Designate a GO-Biz liaison for “Significant” projects under CalEPA consolidated permitting.
3. Include reuse, repair, organics, and recycling manufacturing in CalGold (California’s Business Permit System).
4. Coordinate business financing options with CalRecycle and local government market development efforts.
5. Share job development and training assistance (including Environmental Justice training) with CalRecycle and local market development identified businesses.

Policy #9: CalRecycle Market Development Focus

Primary Author(s): Davis, Medrano

Background: CalRecycle’s market development efforts and expertise on technologies, permitting, finance, research, and local assistance are spread throughout the organization. This knowledge is invaluable, but its diffusion means that no one is focused specifically on broad market development issues, challenges, and opportunities.

Proposal: CalRecycle should create a centralized Market Development Unit staffed with business development, fiscal, and economic analysis expertise to identify and recruit needed industries. The Unit would also centralize all of CalRecycle’s current agency-wide market development efforts. Responsibilities of the Market Development Unit would include:

1. The creation of a framework to identify gaps in statewide recycling, organics, reuse and repair infrastructure and then preparing strategies with stakeholders to fill those gaps.



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2. Track and share market information monthly and create a communication network with local government, collectors, processors, brokers, higher education, businesses, and manufacturers to disseminate this information. The Unit should use The Northeast Recycling Coalition as a model.

Policy #10: Controls on Plastic Waste Exports

Primary Author(s): Valle, Lapis

Background: On January 1, 2021 new global laws placing trade controls on plastic waste for U.S. trading partners went into effect. These laws require that plastic waste which is not sorted and cleaned to single polymers without significant contamination will only be allowed for export to other Basel Parties, when there are assurances of environmentally sound management, and only if the recipient Basel Party is first notified by the exporting country and receives their consent. Basel Parties will not be able to receive these newly controlled wastes from California because the United States is not Party to the Convention.

Proposal: The Commission recommends that CalRecycle increase its transparency of information reported pursuant to AB 901 to ensure that all residents have access to clear information on where their recyclable materials are sent, including the names and locations of the specific facilities where material is sent once it leaves the United States. If CalRecycle determines that information reported indicates that a broker is exporting material in violation of the laws of the importing country, this will violate this transparency recommendation and CalRecycle shall notify all recycling facilities and local jurisdictions of this and the fact that this broker's activities are likely to violate importing country laws.

1. The export of mixed plastics should be considered disposal for purposes of determining compliance with a jurisdiction's per capital disposal reduction targets. Mixed materials exported to other countries cannot be verifiably proven to have been recycled and should not count as being diverted.
2. The legislature should pass a resolution to encourage Congress to ratify the Basel Convention as soon as possible. Further, after the adoption of the resolution, the state should direct its federal advocates to work with the California congressional delegation to advocate for this change.

Policy #11: Carpet Stewardship and Flooring

Primary Author(s): Davis, Sanborn

Background: The Carpet America Recovery Effort (CARE) is California's statewide extended producer responsibility carpet recycling program.

Proposal: The committee recommends that CARE make the following adjustments to their programming:

1. CalRecycle should require that CARE submit an annual implementation plan showing anticipated generation and yield, needed collection and processing, and end use destinations for sufficient carpet and resulting by-products (by resin type) to meet or exceed annual goals. This would include a financial plan showing anticipated revenue and its use to support the implementation plan elements, with expenditures separated by resin type.
2. CARE needs to identify protocols to reduce worker and public exposure impacts from carpet recycling. One such exposure is the circulation of PFAs through fiber and calcium carbonate recycling. Because of this, CARE should ban the sale of any flooring product that contains PFAs and require non-natural flooring and padding to be tested for safety by the Department of Consumer Affairs.

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3. CARE should increase its efforts to secure carpet from installers (rather than let professional carpet installers handle the discards) and work with retailers, wholesalers, and distribution facilities to provide efficient collection options.
4. CARE should collect carpet at no cost from the installers' network, MRFs, landfills, and transfer stations.
5. There should be a ban on the disposal of separated unsoiled carpet in California without first being sent through qualified sorters for inclusion in CARE's program.

Policy #12: Food Recovery Policies

Committee: Organics

Background: This proposal would develop and support the Food Recovery sector to ensure that California reaches its food recovery goals under SB 1383

Proposals:

1. Food Donation
 - 1.1. Prepare and disseminate uniform information and resources regarding California's Good Samaritan Law (AB 1219, Eggman, 2017) which provides liability protection for donors and donated food to increase food donation.
 - 1.2. The legislature should renew the Farm to Food Bank Tax Credit, which is set to expire at the end of 2021, and expand it to other producers of edible food waste such as restaurants, retailers, and other food service providers.
2. Food Date Labeling
 - 2.1. The legislature should mandate uniform date labeling on food items pursuant to the state policy adopted under AB 954 (Chiu, 2017) which currently requires the California Department of Food and Agriculture (CDFA) to promote voluntary standards for food distributors. For example, "BEST if Used by" or "BEST if Frozen by" to indicate freshness.
 - 2.2. CalRecycle, the CDFA, and the Department of Public Health should work together to issue clear guidance on a uniform process for determining "freshness" and "safety" dates for food.
 - 2.3. The department should include education about interpreting food date labels in the public outreach campaign pursuant to SB 1383 (Lara, 2016).
3. Invest in Food Recovery Infrastructure
 - 3.1. CalRecycle should expand its Food Waste Rescue and Prevention Grant Program through funding from the Greenhouse Gas Reduction Fund or a proposed ballot measure.
4. Sustainable Funding for Food Recovery Organizations
 - 4.1. Incentivize local jurisdictions to include resources for food recovery programs and infrastructure in their contracts in their solid waste franchise. For example, the City of Los Angeles's recyLA program.
 - 4.2. Incentivize local jurisdictions to include funding for food recovery infrastructure through the solid waste rates, AB 939 fees, or franchise fees. This model funded California's existing recycling



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infrastructure and could be used to ensure that food recovery organizations have consistent, long-term funding instead of a heavy reliance on grants and volunteers.

- 4.3. Provide guidance on direct generator financial support for food recovery organizations.
5. Cross -Sectional Partnerships
 - 5.1. The state legislature should incentivize their Corporate Social Responsibility goals through creative partnerships with food recovery organizations. For example, rideshare companies could receive tax credits for providing real-time transportation for food that needs immediate pick-up and delivery. Waste Not OC partners with the Yellow Cab Company to pick up and deliver perishable food to local pantries.
6. Education and Outreach
 - 6.1. CalRecycle should incorporate food waste education to promote the culture of food waste avoidance. Messaging should appeal to variety of values, including economic, environmental, and societal benefits.
 - 6.2. Food service employees should go through training on “best practices” to utilize as much food as possible, avoid contamination, and sort waste properly. It would also include information on liability protections provided by the California Good Samaritan Law and instructions on how to donate leftover food.
 - 6.3. CalRecycle should establish a methodology for tracking impact metrics of their education campaign.
7. Develop and Maintain a Database of Food Recovery Entities
 - 7.1. To encourage regional collaboration, California should develop and maintain a list of entities involved in food recovery with their contact information and an overview of each entity.
 - 7.2. CalRecycle should assess existing and future facilities and infrastructure needed to meet the State’s Food Rescue goals every two years, starting in 2021.

Policy #13: Right to Repair

Primary Author(s): Ward, Schneider

Background: Currently manufactures design products that are difficult or impossible to repair without damaging the product, often forcing consumers to buy new products and discard old ones. With Right to Repair legislation in place, individuals and independent repair shops would have the ability to keep products in use longer because this legislation would require manufactures to provide access to repair information and software, and to sell spare parts and any required tools (within reason).

Proposal: The state legislature should pass legislation that requires:

1. Every manufacturer making an express warranty claim regarding an equipment, electronic, or appliance product that is sold to the retailer for \$50-\$99.99 must provide sufficient service literature and the functional parts to repair the product for at least three years after the product was manufactured, regardless of whether the three-year period exceeds the warranty period for the product.
2. Every manufacturer making an express warranty claim regarding an equipment, electronic, or appliance product that is sold to the retailer at \$100 or more must provide sufficient service literature



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and functional parts to repair the product for at least seven years after the product was manufactured, regardless of whether the seven-year period exceeds the warranty period for the product.

Policy #14 Beverage Container Recycling, Changes to the Bottle Bill and Support CalRecycle AB 54 Report

Committee: Recycling

Proposal: The committee recommends these policy changes to help with the overall reform of the Bottle Bill:

1. Expand Convenience Zones to one mile in urban areas and five miles in rural areas, and allow the CalRecycle Director to adjust zones in jurisdictions with unique zoning or siting issues.
2. Limit Store Exemptions to 35% by jurisdiction or county.
3. Allow Handling Fee payments to recycling centers not on dealers' sites, but within zones.
4. Place a Cap on Handling fees received by site, zone, and jurisdiction.
5. Allow Grocers and dealers to receive payment from a recycling center or processor the deposits paid out to a consumer and also receive Handling Fee payments.

Policy #15: What is Recyclable?

Primary Author(s): Donlevy, Lapis

Proposal: The committee recommends that the state legislature implement the below policies to ensure that residential and commercial recycling collection programs only collect material that is capable of being recycled through the collection and processing process. The committee proposes that:

1. California should identify one Statewide Standardized Acceptance List of Recyclable items for California residential and commercial collection programs. This list would identify and allow products that meet the criteria in PRC 41370.2 (The Sustainable Packaging for the State of California Act of 2018) be allowed to be marketed and labeled as "Recyclable" when sold in California and to use the "chasing arrows" recycling symbol.
2. The state should create a "What is Recyclable" list based off the initial recommendations of the committee and commission members.
3. Local programs should be encouraged not to accept materials that are not separated into marketable grades, shipped to a reprocessing facility, and reused as raw material for new products.
4. Manufacturers who wish to demonstrate that their product has become compliant with the recyclability requirement or have a clearly defined path to do so will be provided a pathway to submit that information to the commission for inclusion on the list.

Policy #16: Design for Recyclability: Plastic Container Labels and Shrink Sleeves

Primary Author(s): Dell, Lapis

Background: Polyethylene terephthalate (PET) #1 and high-density polyethylene (HDPE) #2 bottles and containers have strong recyclability potential in California, but some types of non-essential full body shrink

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sleeves and other labels are reducing recovery and are negatively impacting the economic viability of MRFs and plastic reprocessors.

Proposal: The committee recommends that only products packaged in plastic bottles and containers with non-harmful labels and shrink sleeves be sold in California. The primary criteria for defining acceptable labels and shrink sleeves will be the Association of Plastic Recyclers Design Guide. CalRecycle would have the authority to prohibit additional specific labels or shrink sleeves if California recycling and reprocessing companies provide evidence that an APR-approved item is detrimental to their operations. For example, if a “washable ink” label requires excessive fresh water for processing, CalRecycle has the authority to prohibit use of that label in the state.

Policy #17: Design for Recyclability: Beverage Containers

Primary Author(s): Dell, Lapis

Background: Polyethylene terephthalate (PET) #1 bottles have strong recyclability potential in California, but two non-essential, optional design elements are reducing recovery and are negatively impacting the economic viability of MRFs and plastic reprocessors. These design elements are colored plastic for PET beverage bottles and metal components on plastic beverage bottles.

Proposal: The commission proposes that policies be adopted to achieve the following:

1. Require use of only clear plastic PET beverage bottles.
2. Eliminate metal components on plastic beverage bottles.
3. Bifurcate the processing fee paid by beverage manufacturers for different colors of the same resin, if some colors are deemed to have a significantly higher cost of recycling.

Policy #18: Label Restriction to Stop Plastic Bag/Film Contamination in Curbside Recycling

Primary Author(s): Dell, Donlevy

Background: Flexible plastic bag, film, wrap, and pouches are a top form of contamination in curbside recycling bins. The flexible plastic materials are harming curbside recycling systems because the materials have no market reclaim value and clog machinery in MRFs and other plastic waste and fiber processors. The plastic bags and film contaminate paper and cardboard bales and lower the quality and material value of the paper bales. Many flexible plastic bags, films, wraps, and pouches have a recycle symbol which causes consumer confusion and contributes to contamination.

Proposal: The committee recommends that the use of the word “recycle” or its corresponding “chasing arrows” symbol should be prohibited on plastic bags, wraps, and films to reduce consumer confusion that these items are recyclable.

Policy #19: Compostable Products Certification and Approval for Composting or Anaerobic Digestion

Primary Author(s): Skye, Lapis

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Proposal: The committee recommends that the state legislature pass legislation to create a compostable products certification standard that requires compostable plastic foodservice ware or any other items seeking approval for sale as “compostable” to meet the following thresholds:

1. Meet an ASTM Test Method for compostability.
2. Obtain certification from the Biodegradable Product Institute (BPI) for meeting compostability and toxicity standards.
3. Be allowable organic inputs pursuant to the National Organics programs and CDFA’s Organic Input Materials requirements.
4. Not include intentionally added perfluorinated compounds.
5. Be clearly labeled as compostable.
6. Be explicitly accepted by the compost service provider that provides organics collection for the facility.

CalRecycle would be the authorized to administer the certification and labeling process. Only products that meet the certification criteria will be eligible to be sold in the state or to be advertised with the term “compostable.”

