



**DATE:** December 12, 2024

**TO:** Programs & Administration Committee  
Recycling Board

**FROM:** Michelle Fay, Program Manager  
Timothy Burroughs, Executive Director

**SUBJECT:** SB 54 Update

---

## **SUMMARY**

The rulemaking process for state law SB 54 is well underway, with the third formal draft of the regulations released by CalRecycle on Dec. 2, 2024. The regulations build on content provided in the first two drafts released March 8 and October 14 and provide much of the guidance local governments, their solid waste service providers, and producers of packaged goods sold in the state will need to successfully implement the law. Staff are currently reviewing the draft regulations and will provide a third round of formal comments by the December 17 deadline. Throughout the regulatory process, staff have been actively engaging with member agency representatives as well as local jurisdictions and partner organizations across the state to discuss implications and inform guidance to CalRecycle and the selected Producer Responsibility Organization (PRO), Circular Action Alliance. The SB 54 Advisory Board also continues to meet monthly in Sacramento, with Timothy Burroughs serving as the board chair.

## **DISCUSSION**

[Senate Bill 54 \(Allen, 2022\)](#) sets ambitious goals to reduce plastic packaging and food ware and requires that all forms of packaging and food ware sold or distributed in California be recyclable or compostable by 2032. The law is the nation's most comprehensive legislation to date that reduces dependence on single-use packaging and food ware, while shifting the cost burden of collecting, processing, and recycling materials from local jurisdictions to the producers of those materials. The law will also raise \$5 billion from the packaging industry over 10 years to help mitigate the impacts of plastic pollution and support disadvantaged communities hurt most by the impacts of plastic waste and disposal.

In addition to preparing comprehensive regulations, CalRecycle is embarking on a Needs Assessment process to evaluate the state's current collection and processing capacity and infrastructure, end markets and market development needs, education and outreach needs, as well as reuse, refill, and other source reduction infrastructure. The study findings will shed light on the current waste management system and inform the investment in infrastructure needed to achieve SB 54 goals and inform Circular Action Alliance's program plan and budget.

While the bulk of the responsibility for implementing the law falls on producers, SB 54 requires local jurisdictions to collect all materials deemed to be recyclable or compostable. Last December, CalRecycle issued the first statewide list of packaging materials and food ware considered recyclable or compostable and just 37 out of 94 material categories meet the criteria. Essentially, glass and aluminum containers, paper and cardboard, and rigid plastics #1, 2, and 5 are the only materials considered recyclable in the state. Plastic utensils, flexible/film plastics, poly-coated food service ware, aseptic cartons as well as gable-top milk cartons are not considered recyclable or compostable. Additionally, plastics currently labeled "compostable" are not considered compostable (and may not be labeled as such starting 2026). CalRecycle will be issuing the first update to the list by January 2025, and annually thereafter.

At the December P&A Committee and Recycling Board meetings, staff will present an overview of the law and updates from the current draft of the regulations and will discuss implications for local governments and next steps in the regulatory and implementation processes.

#### **RECOMMENDATION**

This item is for information only.

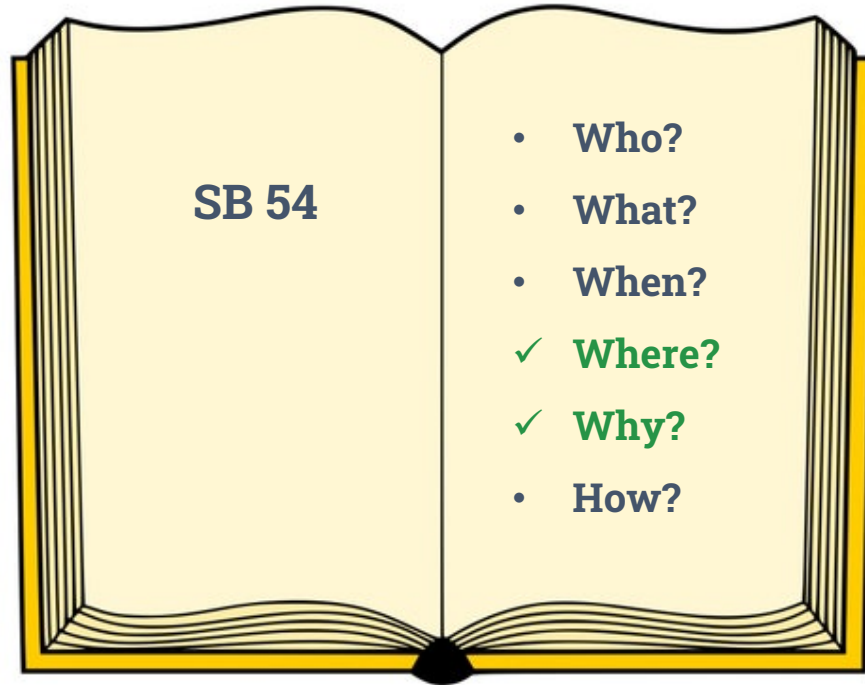


# California Senate Bill 54

**Plastic Pollution Prevention and Packaging Producer Responsibility Act  
(Allen, 2022)**

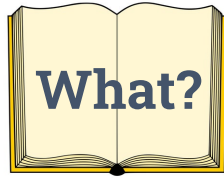
**An overview of California's packaging EPR law**

StopWaste P&A Committee and Recycling Board Meetings  
December 12, 2024



**SB 54**

- **Who?**
- **What?**
- **When?**
- ✓ **Where?**
- ✓ **Why?**
- **How?**



- **Overarching goals**
- **Materials covered by the law**
- **What materials are considered **recyclable** and **compostable****
- **What is a responsible end market**
- **What portion of our waste stream is covered by SB 54**

# In California, by 2032:



**100% of single-use packaging and plastic single-use food ware will be recyclable or compostable**



**65% of plastic single-use packaging and food ware will be recycled**

**30 % by 2028 | 40% by 2030**



**25% of single-use plastic packaging and food ware will be source reduced by weight and unit**

**10% by 2027 (2% reuse/refill)**

**20% by 2030 (4% reuse/refill)**



**25% recycling rate for expanded polystyrene food ware**

**= effectively banned as of January 1, 2025**



## **\$5 billion plastic pollution mitigation fund**

- **\$500M per year x 10 years paid for by producers**
- **Designed to help clean up existing plastic pollution**
- **Funds to focus on addressing environmental justice and public health impacts of plastic pollution**



## What materials are covered under SB 54?

### Single-use packaging

Includes plastic, paper, paperboard, metal, glass, multi-layer materials, etc.

### Single-use food ware

Cups, lids, straws, cutlery, stirrers, lidded containers, trays, plates, clamshells, food wrap, and wrappers





# Single-use packaging



Includes primary, secondary, and tertiary (transport) packaging



## Does not include:

- The product inside the packaging (even if plastic wrap)
- Materials covered by other laws, e.g. grocery and produce bags, CRV containers

# Single-use food ware



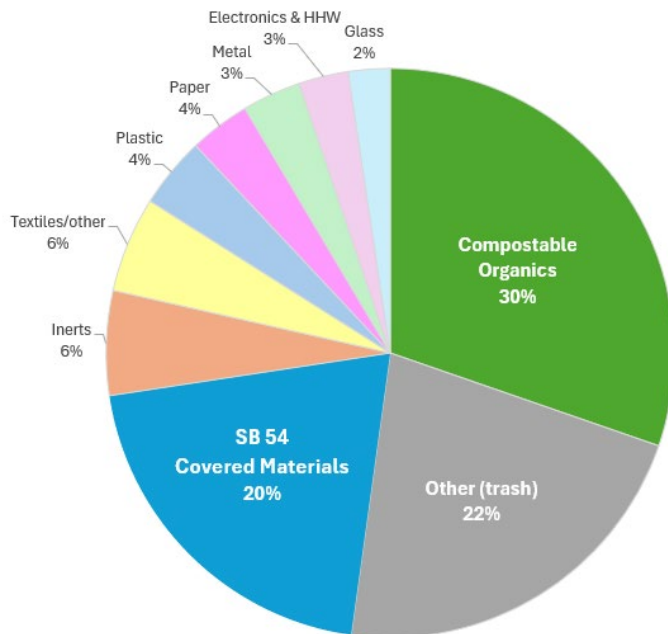
Includes all items used to serve or consume food



## Note:

- Any items lined with plastic or containing a plastic component must meet the source reduction and recycling requirements specific to plastic covered materials

## Roughly 20% of materials sent to landfill from Alameda County are covered by SB 54



*Per recent Alameda County Waste Characterization Study (WCS) data.*

*Note: Estimations were used where SB 54 material categories did not exactly match WCS categories.*



# Recyclable covered materials



*Rigid plastics #1, 2, & 5 (excludes utensils and other items w/ 2+ sides <2")*

**NO:**



- Materials not on the list may not be labeled as recyclable or use the chasing arrows symbol starting July 2025 and may not be sold or distributed in CA starting January 2032
- List will be updated annually



## Compostable covered materials



:



**NO:**

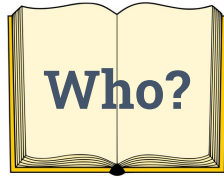


- Materials not on the list may not be labeled as compostable starting January 2026, and may not be sold or distributed in CA starting January 2032
- List will be updated annually

# Responsible end markets

- Recycling is conducted in a way that benefits the environment and minimizes risks to public health and worker health and safety
- End market entities must be compliant with all required permits, licenses, and regulations
- Must be transparent, e.g. document chain of custody, maintain records, be willing to be inspected, etc.





- **Producers of covered packaging and food ware**
- **Producer Responsibility Organization (PRO)**
- **Local governments and recycling service providers**

# Who is considered a “producer?”

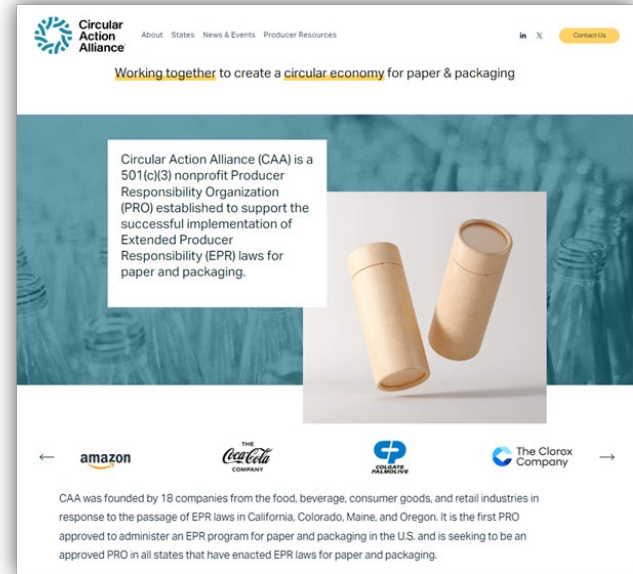
- Brand owner, licensee, or first importer of a covered material into California
- Producers with <\$1M in annual sales in the state are exempt
- Typically applies to packaging decision maker, not manufacturer





# Producer Responsibility Organization (PRO)

- Producers must join PRO
- Circular Action Alliance (CAA) selected as CA's PRO
- PRO collects and reports producer data and collects fees to pay for implementation of the law



The screenshot shows the homepage of the Circular Action Alliance (CAA). At the top left is the CAA logo, a stylized green tree. To its right is the text "Circular Action Alliance" and a navigation menu with links for "About", "States", "News & Events", and "Producer Resources". Further right are social media icons for LinkedIn and X, and a yellow "Contact Us" button. Below the navigation is a white banner with the text "Working together to create a circular economy for paper & packaging". The main content area features a teal background with a white text box on the left that reads: "Circular Action Alliance (CAA) is a 501(c)(3) nonprofit Producer Responsibility Organization (PRO) established to support the successful implementation of Extended Producer Responsibility (EPR) laws for paper and packaging." To the right of this text is an image of two cardboard tubes. At the bottom of the page, there is a row of logos for Amazon, The Coca-Cola Company, and The Clorox Company, with a fourth logo for "ADVANTE PARTNERS" in the center. Below the logos is a paragraph of text: "CAA was founded by 18 companies from the food, beverage, consumer goods, and retail industries in response to the passage of EPR laws in California, Colorado, Maine, and Oregon. It is the first PRO approved to administer an EPR program for paper and packaging in the U.S. and is seeking to be an approved PRO in all states that have enacted EPR laws for paper and packaging."

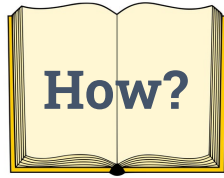


**Local jurisdictions must:**

**Collect covered materials deemed to be recyclable or compostable effective upon approval of the PRO plan (by Jan 1, 2027)**



*\*Unless that material was banned by a local jurisdiction prior to December 28, 2023*



- **Packaging redesign**
- **Investment in reuse and refill infrastructure**
- **Expanded collection and processing**
- **New responsible end markets**

# Packaging redesign

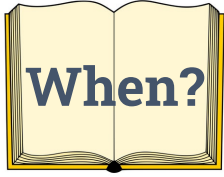


- Shifting from non-recyclable materials to recyclable and compostable alternatives
- Simplifying packaging and labeling to increase recyclability

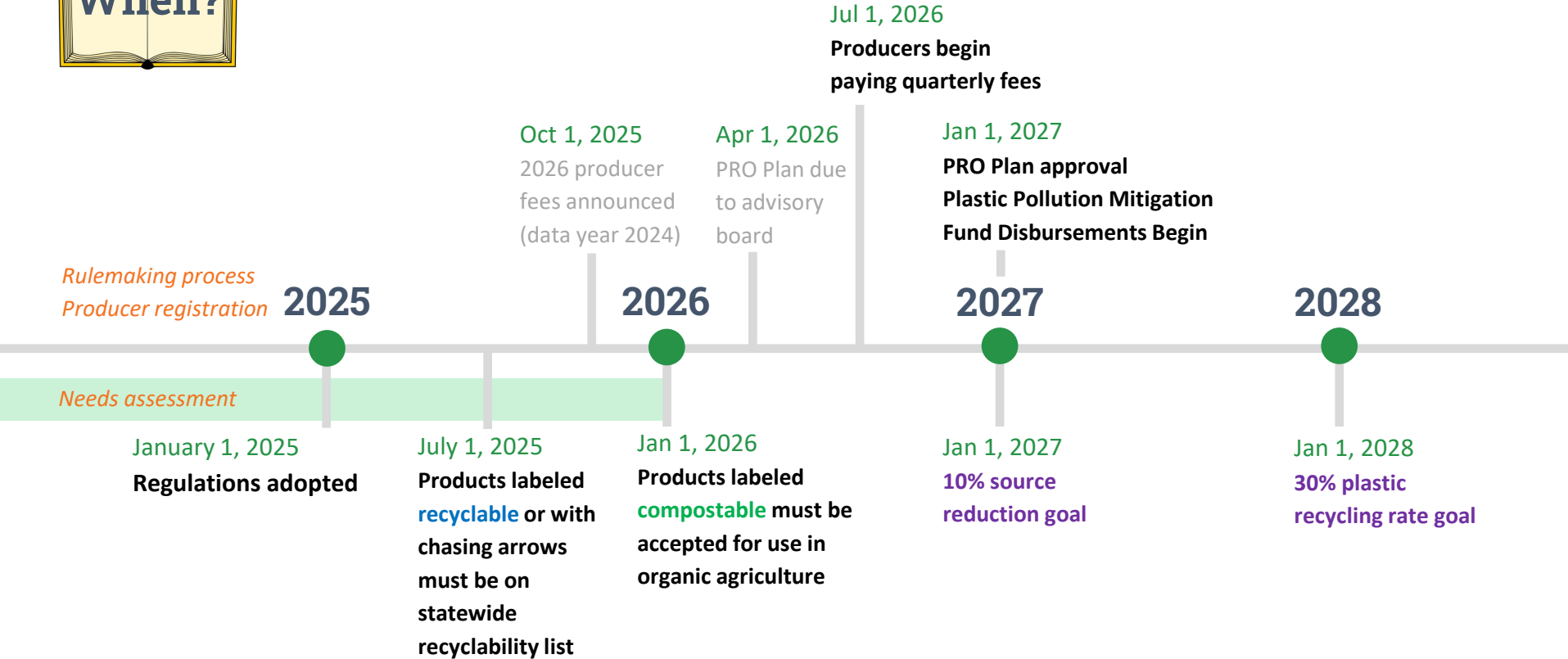
## Investment in reuse and refill infrastructure

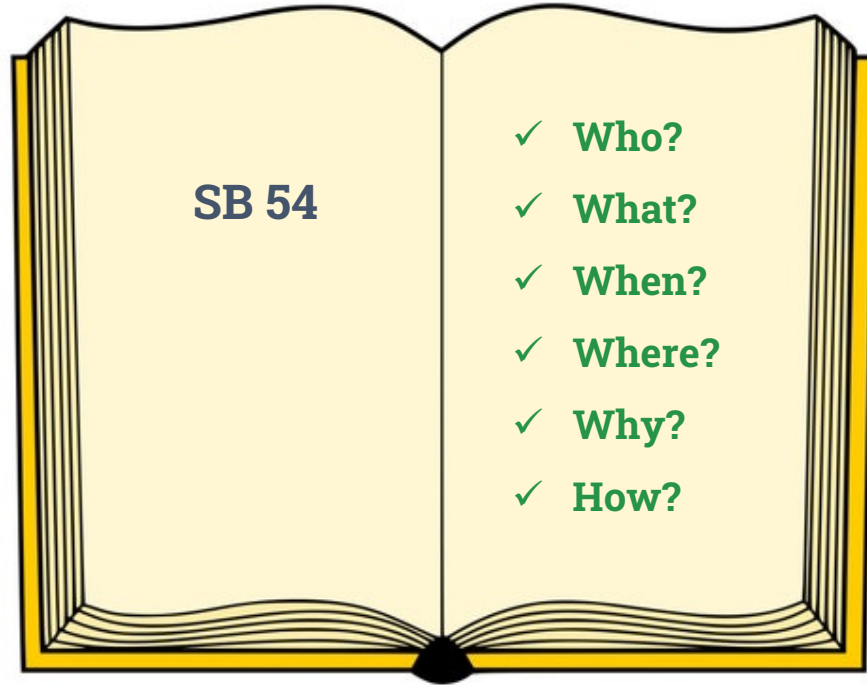


- Reusable transport packaging, food ware, and consumer packaging
- Note: 50% of plastic is flexible/film plastic by weight; plastic containers #1-7 comprise 25% of plastics in our waste stream



# When?





**SB 54**

- ✓ **Who?**
- ✓ **What?**
- ✓ **When?**
- ✓ **Where?**
- ✓ **Why?**
- ✓ **How?**

**To be continued ...**