



DATE: February 28, 2024

TO: Waste Management Authority (WMA) Board

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

SUBJECT: SB 54 Update

SUMMARY

In late December, CalRecycle released over 200 pages of draft SB 54 regulatory documents, including a list of single-use packaging and plastic food service ware covered by the law and preliminary determinations of which of those covered materials are currently considered recyclable and compostable in the state. StopWaste staff have been presenting updates to our member agencies, local haulers, and a range of stakeholders across the state to inform local governments and others of the potential implications of the law and to encourage involvement in the regulatory process. The SB 54 Advisory Board, appointed by CalRecycle, met for the first time on February 2 where members voted unanimously for Timothy Burroughs to serve as board chair.

DISCUSSION

[Senate Bill 54 \(Allen, 2022\)](#) sets new, ambitious goals to reduce plastic packaging and requires that all forms of packaging sold 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, transporting, recycling, and composting materials from local jurisdictions and ratepayers to instead be paid by packaging producers. The law will raise \$5 billion from the plastics 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. While the vision and the intention of the law are clear, the challenge lies in the details of the rulemaking. These potential benefits will only be realized if the regulations are crafted and implemented in a way that reflects local government needs.

The statute also requires that an Advisory Board be formed to help identify barriers and solutions to creating a circular economy and to advise CalRecycle, producers, and the producer responsibility organization on the implementation of SB 54. There are 16 seats on the board with defined positions representing a range of perspectives—from environmental justice, rural communities, ocean advocacy,

haulers, and composters to packaging producers and manufacturers. Timothy Burroughs, nominated by the League of California Cities, was appointed by CalRecycle to serve as the local government representative. Timothy will serve a minimum three-year term to represent and advocate for local governments in Alameda County and beyond and is now chair of the board.

The first full set of [draft SB 54 regulations](#) were released as part of the regulatory documents package. Staff have been reviewing the regulations, gathering stakeholder input, and actively engaging in the rulemaking process. A few areas of concern or need for clarification have been identified, particularly around the topics of enforcement and the reimbursement process to ensure that local governments are made whole for costs to recover covered materials. Regulations must be finalized by the end of 2024 and the first 45-day formal comment period is anticipated to commence in spring. A new landing page on the StopWaste website, www.StopWaste.org/sb54, has been created to give the basics of the landmark legislation and helpful links such as a template slide deck to help communicate to local government audiences about the law.

At the February 28 WMA board meeting, staff will present an overview of the law and updates from the documents released in December, including a few surprises – for example, compostable plastics and tin/steel/bimetal cans did not make [the list](#), however rigid plastics 1, 2, and 5 including thermoforms are considered recyclable in the state. Staff will discuss implications for local governments and next steps for engaging in the regulatory process.

RECOMMENDATION

This item is for information only.