



DATE: July 27, 2022

TO: Waste Management Authority Board

FROM: Jennifer West, Program Manager

SUBJECT: Legislative Update on SB 54 – The Plastic Pollution Prevention and Packaging Producer Responsibility Act

SUMMARY:

This mid-session legislative update provides information on [SB 54 \(Allen\), the Plastic Pollution Prevention and Packaging Producer Responsibility Act](#), which was recently passed and signed into law. As a result, the sponsors of the California Recycling and Plastic Pollution Reduction Act ballot measure, which had been developed as a result of the lack of comprehensive plastics legislation adopted at the state level to date, have withdrawn the measure from the November 2022 ballot. The new law requires producers to reduce the overall production of single-use plastic packaging and to ensure that all forms of single-use packaging covered by the law be recyclable or compostable by 2032.

DISCUSSION:

SB 54 sets goals for recycling single-use plastic packaging, currently recycled at low rates in California, and mandates a 25 percent reduction of single-use plastic packaging and foodware products, nearly half of which must come from direct elimination of plastic packaging or shifting to reuse or refill systems. These requirements will be met through a Producer Responsibility Organization (PRO) that must be created by plastics producers to fund and manage collection and recycling programs, with oversight from CalRecycle. The PRO is also required to deposit a total of \$5 billion over 10 years into a California Plastic Pollution Mitigation Fund that will be used to monitor and reduce the environmental impacts of plastic pollution.

The legislation has implications for local governments and haulers processing plastics, ongoing local efforts to reduce use of plastics, and the nature of the plastics processing infrastructure in California and in Alameda County. SB 54's legislative findings state:

“Local jurisdictions are the backbone of the solid waste management and recycling efforts in California. The new statewide comprehensive circular economy framework established by this chapter is intended to shift the burden of costs to collect, process, and recycle materials from the local jurisdictions to the producers of plastic products.”

The bill designates CalRecycle as the agency to adopt regulations to implement and enforce the requirements of the law. This includes establishing a list of covered materials by July 1, 2024, posting recycling rates for materials, and providing oversight of the PRO's plans, including establishment of eco-modulated fees designed to incentivize producers to use more readily recyclable or reusable materials.

SB 54 states that local governments are to be reimbursed for the costs of implementation by the PRO. The manner in which costs are determined and allocated back to producers will be determined as part of the implementation of the law. Local governments are responsible for including covered materials in their collection programs. However, the bill states that a local government is not required to collect covered materials that the jurisdiction has banned in an ordinance adopted prior to CalRecycle's adoption of the list of covered materials.

Staff will continue to gather information about SB 54 and its implications for local governments and will seek direction from the Board as policy options become more clear.

RECOMMENDATION

This item is for information only.