



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.