



UPDATED #2
****FLOOR ALERT****

September 10, 2019

TO: Members, California State Assembly

RE: SB 54 (Allen) – Solid Waste: Packaging and Products (OPPOSE)

On behalf of the following organizations listed above, we respectfully oppose SB 54 (Allen), as amended on September 6, 2019. While all of our organizations agree with the general premise of the bills that more needs to be done to maximize the amount of single use packaging and single use plastic products that are collected and recycled and that it needs to be recyclable or compostable, the bill falls far short of addressing fundamental, overarching concerns. Below is a list of the major issues that remain in the bill as amended:

- Expands the scope of the bill to apply single use packaging provisions to all single use packaging materials, including glass, paper, plastic and metals.
- Authorizes Cal Recycle unfettered authority to implement the program — including the ability to place deposits on all single use packaging and priority single use plastic products — with no legislative approval or oversight.
- Places the burden solely on manufacturers to ensure materials are recycled, ignoring the reality that local jurisdictions, consumer and the waste haulers play a necessary role in long-term success.
- Although amendments adjust the recycling rates/dates, they remain impractical and leave little time to ramp up to each recycling rate/date – particularly with a lack of sufficient infrastructure and assurances local jurisdictions and the waste haulers will pull material through for all recyclable and compostable materials.

- Reestablishes the prohibition of sale previously removed as well as includes language on the administrative civil penalty creating an arbitrary, potentially limitless and unreasonable liability for producers that is not rationally related to the purported violation.
- Grants Cal Recycle broad “fee authority” to implement the program with no cap on fees. Further, Section 42080 gives CalRecycle authority to charge producers a regulatory fee without any accountability mechanism or incentive for the agency to contain its costs, operate efficiently, or be accountable to producers in incurring costs.
- Additionally, amendments provide authority to CalRecycle to impose such fees via emergency regulatory authority that provides a mere five days to comment with no requirement for CalRecycle to respond to comments.
- The provisions of SB 54 do not warrant emergency regulatory authority which is historically reserved for situations calling for “immediate action to avoid serious harm to the public peace, health, safety, or general welfare” (Government Code § 11342.545). It is noted the emergency regulations anticipated in this effort appear to be authorized for a longer period of time than most emergency regulations.
- The most recent definition of producer is confusing and clarification is needed about how packaging manufacturers are defined as producers which could lead to potential duplicative reporting, fee obligations and compliance responsibilities.
- SB 54 ignores the lack of current recycling and composting infrastructure and adequate funding mechanism for deployment of the infrastructure at the local level to develop a robust functioning waste management system
- Does not recognize the other major regulatory efforts underway that have not been implemented that are an underpinning to a packaging initiative and have been identified as needing massive infrastructure to implement. As an example, estimated costs for full implementation and infrastructure for CalRecycle’s SB 1383 organics program has been pegged by DOF at \$20.9 BILLION. Other programs in place that are not accounted for include AB 901 reporting regulations, SB 1335 related to food service packaging, and more.
- This is a state command and control model and does not incorporate the resources needed at the local level to accomplish the goals and engage all the necessary stakeholders.
- Lacks a comprehensive statewide standardization/local preemption provision.

It is for these reasons that we respectfully remain opposed to SB 54 (Allen).

Sincerely,



John Hewitt
Grocery Manufacturers Association



Dawn Koepke
California Manufacturers & Technology Association



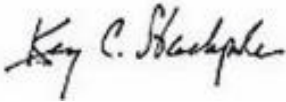
Allyson Azar
Household & Commercial Products Assoc.



Tom Jacob
Chemical Industry Council of California



Trudi Hughes
California League of Food Producers



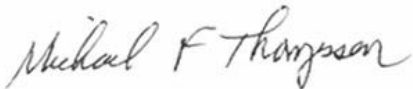
Kerry Stackpole
Plumbing Manufacturers International



Adam J. Regele
California Chamber of Commerce



Douglas Troutman
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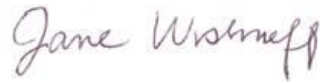
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Don Thoren
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Liz Clark
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Tim Schmelzer
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Michael Greene
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David Baker
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Adam Smith
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David Dickerson
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Kevin Messner
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Curt Augustine
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Pete Downs
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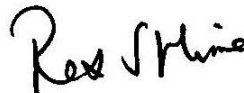
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