

# SB 54 Advisory Board

## Template for submitting comments on Barriers & Solutions recommendations

### Background

Under PRC 42070(e)(1), the SB 54 Advisory Board is responsible for providing to CalRecycle, Circular Action Alliance, and parties engaged in preparing needs assessments, recommendations regarding key barriers and possible solutions to:

- Increase the recovery of covered materials and decrease leakage of plastic into the environment, including barriers and solutions related to available and viable responsible end markets and market development of covered materials (*recommendations due by February 2025*)
- Reduce virgin material and landfilling of covered material
- Increase pathways toward reusable packaging and products and refillable systems
- How a PRO will cover the costs incurred by local jurisdictions and their service providers

*Note: the list above is a summary of the required recommendations; for the exact statutory language, see Appendix A.*

### Topic areas to help the Advisory Board organize its recommendations

To help the Advisory Board facilitate a collaborative and thoughtful process for gathering input and developing recommendations, the statutory language summarized above has been organized into the following five topic areas. Prompts to guide exploration of each topic area are provided within the template for each topic.

**Topic #1 – Recyclability / recyclable covered materials**

**Topic #2 – Compostability / compostable covered materials**

**Topic #3 – Reuse, refill, and other source reduction**

**Topic #4 – Local jurisdiction and service provider costs covered by producers**

**Topic #5 – Leakage of plastic into the environment**

These topics have been further divided into sub-categories when helpful or appropriate. For example, subcategories for topic #1 (recyclability) include each of the major covered material categories: plastic, plastic food ware, glass and ceramic, metal, paper and fiber, and wood and other organics.

### Roles and responsibilities for Advisory Board Members

All Board members will have the opportunity to provide input on any and all topics. Also, one to two board members are needed to volunteer as leads for each topic area, and it would help to have one to two board member volunteer to consolidate content and edit the final document.

**Topic leads** – (1-3 per topic) Take responsibility for framing the topic at a Board meeting and facilitating and soliciting input from Board members and stakeholders; documenting, synthesizing and considering the input; and drafting and editing recommendations addressing that topic. For the sake of brevity, the final text for each topic area is intended to be limited to ten pages.

**All board members** – Participate in discussions and provide input during meetings. Use topic-specific templates for written input to topic leads to consider.

**Editors** – (1-2 total) Consolidate final topic-specific recommendations into one complete document and provide editing support (for grammar, voice, etc.) on the final document.

## Timeline

Per statute, the recommendations for the first two topic areas and topic #5 must be submitted to CalRecycle, Circular Action Alliance, and parties engaged in preparing needs assessments by **February 2025**. There is no statutory deadline for topic areas 3 and 4, however the Board aims to provide all recommendations promptly to inform the Needs Assessment and program implementation.

The following staggered approach is recommended for full Advisory Board discussions and content development for each topic. It's anticipated that smaller groups (e.g. topic leads) will meet between meetings to solicit additional input from topic experts, write drafts, and prepare for board discussions.

| Topic                                               | July  | Aug   | Sept                  | Oct                   | Nov                   | Dec          | Jan '25  |
|-----------------------------------------------------|-------|-------|-----------------------|-----------------------|-----------------------|--------------|----------|
| <b>#1 Recyclability</b>                             |       | Intro |                       | 1 <sup>st</sup> draft | Review edits          | Finalize     |          |
| <b>#2 Compostability</b>                            | Intro |       | 1 <sup>st</sup> draft | Review edits          | Finalize              |              |          |
| <b>#3 Reuse, refill, and other source reduction</b> |       |       | Intro                 |                       | 1 <sup>st</sup> draft | Review edits | Finalize |
| <b>#4 Producer costs</b>                            |       | Intro |                       | 1 <sup>st</sup> draft | Review edits          | Finalize     |          |
| <b>#5 Leakage of plastic into the environment</b>   | Intro |       | 1 <sup>st</sup> draft | Review edits          | Finalize              |              |          |

## Instructions for Advisory Board Members

The templates below serve as guides for Board Members to develop their individual input on any of the topic areas as well as for “topic leads” to gather, document, and develop written recommendations.

Here are your next steps:

1. **Download this google document** and save to your own drive so you can make edits (this file is set to read-only).
2. **Respond to the prompts** – Board members can use the prompts below to provide input on topics that you would like the Advisory Board to consider including in the Board-submitted comments. Topic leads can use the prompts to gather/document/draft recommendations for the report.
3. **Follow the process and dates for uploading your comments** – In June 2024, the Advisory Board will use the template to assign volunteer Board members to serve as leads of a given topic(s). The Board will then schedule discussion of each topic (see proposed timeline above). Board members may provide verbal input on any topic at the appropriate meeting and/or utilize the templates below to develop written input, which Board members can submit in advance of a given meeting, to be compiled by Nate Pelczar (SB 54 Advisory Board Portal Manager) – [nate@calpsc.org](mailto:nate@calpsc.org).

## Topic #1 – Recyclability / recyclable covered materials

Identify the key barriers and possible solutions to **increasing recovery and reducing landfilling of recyclable covered materials, available and viable responsible end markets, and market development** for recyclable covered materials. (See 42070(e)(1)(A).)

### Topic Leads:

- Wes, Christy, Ajit, Patrick

### Timeline:\*

- August AB meeting – topic leads to present overview of issues and solicit input
- October AB meeting – topic leads to present first draft of comments
- November AB meeting – discussion revisions
- December AB meeting – comments finalized

*\*Per statute, comments on this topic are due no later than February 2025*

### Stakeholders to engage:

- 

### Relevant needs assessment studies and considerations:

- 

### Recyclable covered material subcategories:

- 1A – Plastic – non-food ware
- 1B – Plastic food ware
- 1C – Glass and ceramic
- 1D – Metal
- 1E – Paper and fiber
- 1F – Wood and other organics

Note: The subcategories listed above align with material classes of the Covered Material Category (CMC) list, with the exception of 1A and 1B. Because plastic food ware has its own set of rates and dates that must be met under the law, it may make sense to consider it separately from other plastic packaging.

### Prompts/questions:

- a. What are the **key barriers to increasing recovery and reducing landfilling** of ... [plastic, plastic food ware, glass, aluminum, and cardboard/paper]?
- b. What are some **possible solutions** to increase recovery/reduce landfilling of ... [plastic, plastic food ware, glass, aluminum, and cardboard/paper]?
  - o How will potential solutions help to ensure that **producers** of covered materials **take responsibility** for the costs associated with SB 54 implementation? How does **enforcement** play a role? (relevant to NA studies #1-5)
  - o How will potential solutions and new labeling requirements help to **reduce consumer confusion** regarding recycling and composting? (relevant to NA studies #2-5)
  - o How will potential solutions help to **harmonize curbside collection programs** across local jurisdictions? (relevant to NA studies #2 and 4)

- o How will potential solutions **advance source reduction**, in addition to effective recycling and composting? (relevant to NA studies #3-4)
- c. What are the available and viable **responsible end markets**, what markets need to be developed, and what are other market development considerations?
- d. What are the key barriers and possible solutions to **reduce the production of virgin material** and increase the use of **recycled content**?
- e. How do **disadvantaged communities** benefit or experience a burden from the status quo and from potential solutions? (relevant to NA studies #2-5)

Additional question specifically for plastic subcategories:

- a. What are the barriers and solutions to **decrease the leakage** of plastic into the environment? *(It may help to start by defining leakage, including scope ... which parts of the production > use > disposal/recovery cycle are we considering as we think about leakage?)*

## Topic #2 – Compostability / compostable covered materials

Identify the key barriers and possible solutions to **increasing recovery and reducing landfilling of compostable covered materials, available and viable responsible end markets, and market development** for compostable covered materials. (See 42070(e)(1)(A)(B).)

### Topic Leads:

- Erin, Neil

### Timeline:\*

- July AB meeting – topic leads to present overview of issues and solicit input
- September AB meeting – topic leads to present first draft of comments
- October AB meeting – review and discuss revisions
- November AB meeting – comments finalized

*\*Per statute, comments on this topic are due no later than February 2025*

### Stakeholders to engage:

- 

### Relevant needs assessment studies and considerations:

- 

### Compostable covered material subcategories:

2A – ?

2B – ?

### Prompts/questions:

- a. What are the **key barriers to increasing recovery and reducing landfilling** of compostable covered materials.
- b. What are some **possible solutions** to increase recovery/reduce landfilling?
  - o How will potential solutions help to ensure that **producers** of covered materials **take responsibility** for the costs associated with SB 54 implementation? How does **enforcement** play a role?
  - o How will potential solutions and new labeling requirements help to **reduce consumer confusion** regarding recycling and composting?
  - o How will potential solutions help to **harmonize curbside collection programs** across local jurisdictions?
  - o How will potential solutions **advance source reduction**, in addition to effective recycling and composting?
- c. What are the available and viable **responsible end markets**, what markets need to be developed, and what are other market development considerations?
- d. What are the key barriers and possible solutions to **reduce the production of virgin material**?

- e. How do **disadvantaged communities** benefit or experience a burden from the status quo and from potential solutions? (relevant to NA studies #2-5)

Additional question specifically for plastic subcategories:

- a. What are the barriers and solutions to **decrease the leakage** of plastic into the environment?

## Topic #3 – Reuse, refill, and other source reduction

Identify the key barriers and possible pathways toward **reusable packaging and products and refillable systems**. (See 42070(e)(1)(C).)

### Topic Leads:

- Doug, Miho, Patrick

### Timeline:\*

- September AB meeting – topic leads to present overview of issues and solicit input
- November AB meeting – topic leads to present first draft of comments
- December AB meeting – review and discuss revisions
- January AB meeting – comments finalized

*\*No statutory deadline for this section, however comments and recommendations will need to be timely in order to inform the needs assessment and PRO plan.*

### Stakeholders to engage:

- 

### Relevant needs assessment studies and considerations:

- 

### Subcategories:

3A – Reusable packaging and products?

3B – Refillable systems?

3C – Other source reduction?

### Prompts/questions:

- a. What are the **key barriers** toward:
  - 3A) Reusable packaging and products
  - 3B) Refillable systems
  - 3C) Other source reduction
- b. What are some **possible pathways (solutions)** to increase adoption and reach the reuse and refill goals of the law (2% reuse/refill by 2027, and 4% by 2030) and achieve the overall goals to reduce single-use plastic packaging and food ware by weight and unit (10% source reduction by 2027, 20% by 2030, and 25% source reduction by 2032)?
  - o How will potential solutions help to ensure that **producers** of covered materials **take responsibility** for the costs associated with SB 54 implementation? How does **enforcement** play a role?
  - o How will potential solutions and new labeling requirements help to **reduce consumer confusion** regarding reuse, refill, recycling, and composting?
  - o How will potential solutions help to **harmonize curbside collection programs** across local jurisdictions?
  - o How will potential solutions **advance source reduction**, in addition to effective recycling and composting?

- c. What are the **end market** considerations for reusable and refillable containers and systems?
- d. What are the key barriers and possible solutions to **reduce the production of virgin material** and increase the use of **recycled content**?
- e. How do **disadvantaged communities** benefit or experience a burden from the status quo and from potential solutions?

Additional question specifically for plastic:

- a. What are the barriers and solutions to **decrease the leakage** of plastic into the environment?

## Topic #4 – Costs covered by producers

How will a PRO cover the costs incurred by local jurisdictions and local jurisdictions' recycling service providers associated with implementing this chapter and managing the material covered in a plan? (See 42070(e)(1)(E).)

### Topic Leads:

- Timothy, Ajit, Veronica

### Timeline:\*

- August AB meeting – topic leads to present overview of issues and solicit input
- October AB meeting – topic leads to present first draft of comments
- November AB meeting – review and discuss revisions
- December AB meeting – comments finalized

*\*No statutory deadline for this section, however comments and recommendations will need to be timely in order to inform the needs assessment and PRO plan.*

### Stakeholders to engage:

- 

### Relevant needs assessment studies and considerations:

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### Subcategories:

4A – ?

4B – ?

### Prompts/questions:

- a. What are the **key barriers** for the PRO to cover the costs incurred by local jurisdictions' and recycling service providers?
- b. What are some **possible solutions** to ensure local jurisdictions will be made financially whole for any new costs incurred associated with the implementation? How does **enforcement** play a role?
- c. How do **disadvantaged communities** benefit or experience a burden from the status quo and from potential solutions?

## Topic #5 – Leakage of plastic into the environment

Identify the key barriers and possible solutions to **decreasing the leakage of plastic into the environment**. (See 42070(e)(1)(A).)

### Topic Leads:

- Tedd, Thomas, Fred

### Timeline:\*

- July AB meeting – topic leads to present overview of issues and solicit input
- September AB meeting – topic leads to present first draft of comments
- October AB meeting – review and discuss revisions
- November AB meeting – comments finalized

*\*Per statute, comments on this topic are due no later than February 2025*

### Stakeholders to engage:

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### Relevant needs assessment studies and considerations:

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### Prompts/questions:

*For reference, these are some of the known sources of plastic leakage into the environment: Resin production, nurdle production, pre-manufacturing, manufacturing, packaging, shipping, retail, customer engagement, separation/storage by customer, collection, transfer, sorting/processing, post-sorting transport, remanufacture pre-processing, illegal dumping, litter (to-go food packaging), and windblown from containers or vehicles.*

- a. What are **additional or specific known sources of plastic leakage into the environment**, and what are the circumstances or situations that create or aggravate the impacts of such leakage?
- b. What are the **key barriers** to decreasing the leakage of plastic into the environment?
- c. What are some **possible solutions** to decrease the leakage of plastic into the environment?
  - o How does **enforcement** play a role?
- d. How do **disadvantaged communities** benefit or experience a burden from the status quo and from potential solutions?

## **Appendix A**

### **Senate Bill 54**

#### **Chapter 75 – Article 4. Producer Responsibility Advisory Board**

42070.(e)(1) The advisory board shall provide the PRO and the department, and a third party conducting or updating a needs assessment if applicable, with initial recommendations regarding all of the following:

(A) Key barriers and possible solutions to advance the objectives of increasing recovery of covered materials and decreasing the leakage of plastic into the environment no later than one year after the advisory board's initial meeting. This shall include key barriers and possible solutions related to available and viable responsible end markets and market development for covered materials.

(B) Key barriers and possible solutions to advance the objectives of reducing the production of virgin material for covered material and reducing the landfilling of covered material.

(C) Key barriers and possible pathways toward reusable packaging and products and refillable systems.

(D) Key barriers and other considerations needed for covered material to meet the requirements of this chapter.

(E) How a PRO will cover the costs incurred by local jurisdictions and local jurisdictions' recycling service providers associated with implementing this chapter and managing the material covered in a plan.