



# California Senate Bill 54 (Allen, 2022)

An overview of the law and implications for local government

*Last Updated: March 19, 2024*

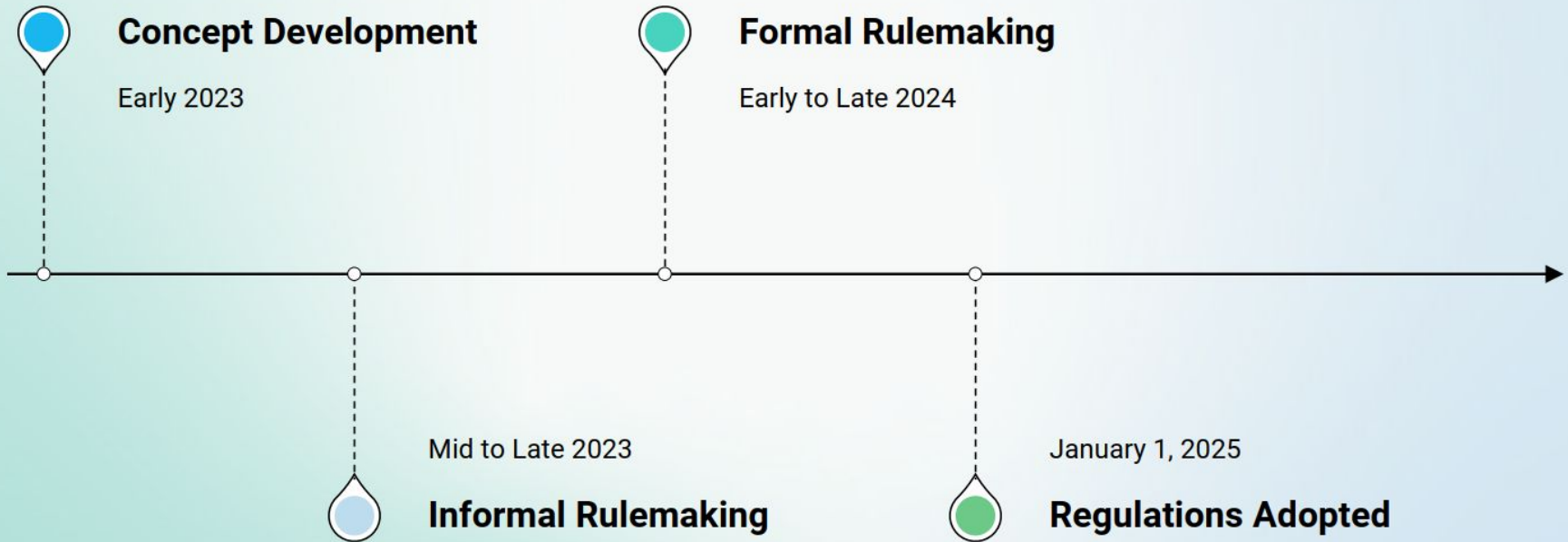
# SB 54

## Plastic Pollution Prevention and Packaging Producer Responsibility Act

- ✓ Reduce the volume of plastic and other packaging
- ✓ Increase recycling
- ✓ Shift packaging pollution responsibility to producers
- ✓ Provide clarity and consistency for consumers
- ✓ Stimulate investment in reuse and refill systems
- ✓ Fund clean up efforts in disadvantaged communities



# SB 54 rulemaking timeline





# Materials covered by the law

## Single-use packaging

Includes plastic, paper, paperboard, metal, glass, multi-layer materials, etc. (definition is material neutral)



## Plastic single-use food ware

Cups, lids, straws, cutlery, stirrers, lidded containers, trays, plates, clamshells, food wrap, and wrappers



**REGENERATE  
NATURAL SYSTEMS**



**DESIGN OUT  
WASTE & POLLUTION**



**KEEP PRODUCTS  
& MATERIALS IN USE**

**The Linear Economy**

TAKE

MAKE

USE

DISPOSE

# Implications for local governments

*“Local jurisdictions are the backbone* of the solid waste management and recycling efforts in California...the new law is intended to ***shift the burden of costs*** to collect, process, and recycle materials from local jurisdictions to the producers of plastic products.”



“It is the intent of the Legislature in enacting this chapter to ensure that ***local jurisdictions will be made financially whole*** for any new costs incurred associated with the implementation of this chapter and its implementing regulations.”

*Per SB 54 (Allen, 2022), Section 42040(b)(2)*

# In California, by 2032:



**100% of single-use packaging and plastic single-use food ware will be recyclable or compostable**



**65% of plastic single-use packaging and food ware will be recycled**

**30 % by 2028 | 40% by 2030**



**25% of single-use plastic packaging and food ware will be source reduced by weight and component**

**10% by 2027 (2% reuse/refill)  
20% by 2030 (4% reuse/refill)**

# Requirements for expanded polystyrene food service ware



May not be sold in the state unless the following recycling rates\* are achieved:

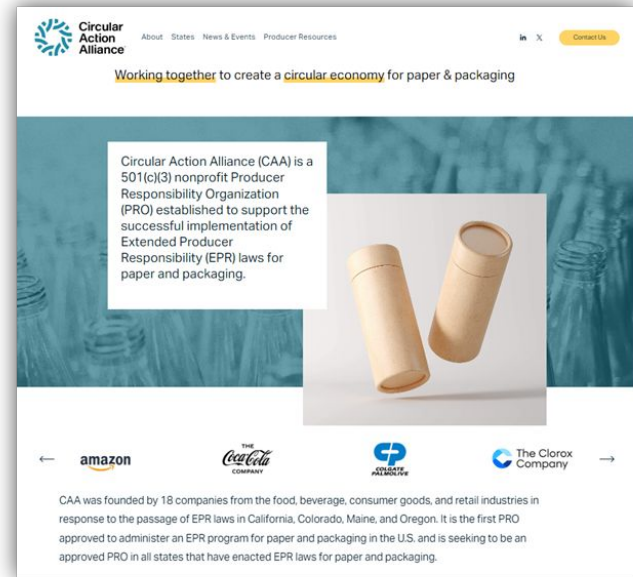
- 25% by 2025
- 30% by 2028
- 50% by 2030
- 65% by 2032

*\*Current recycling rates estimated to be in the low single digits*



# Producer Responsibility Organization (PRO)

- Producers must join PRO
- PRO collects and reports producer data and collects fees to pay for implementation of the law
- Circular Action Alliance (CAA) selected as CA's PRO
- Implementation plan and budget due January 2027



The screenshot shows the homepage of the Circular Action Alliance (CAA). At the top left is the CAA logo, a green circular icon with the text "Circular Action Alliance". To its right are navigation links: "About", "States", "News & Events", and "Producer Resources". Further right are social media icons for LinkedIn and X, and a yellow "Contact Us" button. Below the navigation is a teal banner with the text "Working together to create a circular economy for paper & packaging". The main content area features a white text box on the left stating: "Circular Action Alliance (CAA) is a 501(c)(3) nonprofit Producer Responsibility Organization (PRO) established to support the successful implementation of Extended Producer Responsibility (EPR) laws for paper and packaging." To the right of this text is a photograph of two cardboard tubes. At the bottom of the page, there is a row of logos for Amazon, The Coca-Cola Company, and The Clorox Company, with arrows pointing left and right. Below the logos is a paragraph of text: "CAA was founded by 18 companies from the food, beverage, consumer goods, and retail industries in response to the passage of EPR laws in California, Colorado, Maine, and Oregon. It is the first PRO approved to administer an EPR program for paper and packaging in the U.S. and is seeking to be an approved PRO in all states that have enacted EPR laws for paper and packaging."

# Enforcement

- \$50,000/day/violation civil penalties
- CalRecycle has authority to reject or revoke the PRO implementation plan



# SB 54 Advisory Board

- 16 members with pre-defined seats to represent range of perspectives
- Advisory Board reviews the needs assessment and PRO plan and budget





## **\$5 billion plastic pollution mitigation fund**

- **\$500M per year x 10 years paid for by producers**
- **Designed to help clean up existing plastic pollution**
- **Funds to focus on addressing environmental justice and public health impacts of plastic pollution**

# Recyclability

- Defined by SB 343
- Limits use of chasing arrows and recyclability claims starting July 2025
- Materials must be collected by recycling programs that cover at least 60% of the state's population and sorted into defined streams at facilities that serve at least 60% of CA's recycling programs
- Same criteria apply for materials collected outside of a curbside program



# Compostability

- Defined by AB 1200 and 1201
- Must meet ASTM standards for compostability, be free of PFAS, and be distinguishable from non-compostable products
- Designed to be “associated with the recovery of desirable organic wastes”
- Accepted for use in organic agriculture by January 2026

## Additional language in the March 8, 2024 draft regulations:

- Accepted by 50% of collection programs and facilities now, and 75% starting January 2026





## Recyclable covered materials



**NO:**



## Compostable covered materials



**NO:**



*Note: Jurisdictions must collect materials designated recyclable or compostable*

# Responsible end markets

- **Recycling is conducted in a way that benefits the environment and minimizes risks to public health and worker health and safety**
- **End market entities must be compliant with all required permits, licenses, and regulations**
- **Must be transparent, e.g. document chain of custody, maintain records, be willing to be inspected, etc.**





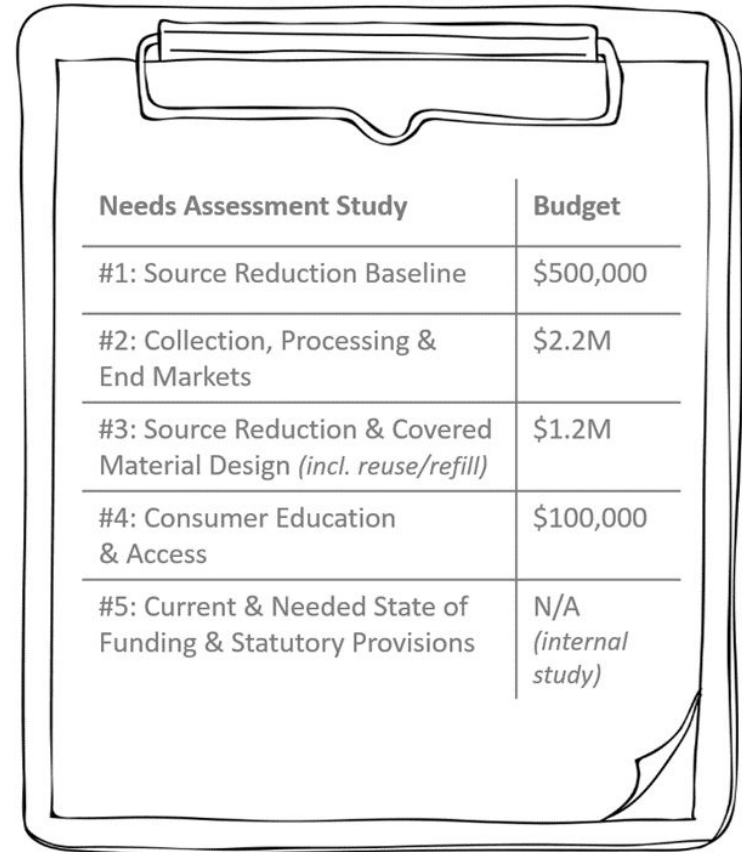
# Key questions for local governments



- **Role of local governments and haulers/service providers in negotiating costs with PRO**
- **Effect of SB 54 reimbursements on ratepayers**
- **Onboarding new materials onto acceptability list**
- **How will this impact local businesses**
- **How to communicate clearly and effectively with the public**

# Needs Assessment

- **Informs the PRO Plan & Budget**
- **CalRecycle will conduct five studies starting this year**
- **Proposed budgets shown**  
*(subject to change)*
- **Needs Assessment must be completed before a PRO Plan and Budget can be approved**



Needs Assessment Study	Budget
#1: Source Reduction Baseline	\$500,000
#2: Collection, Processing & End Markets	\$2.2M
#3: Source Reduction & Covered Material Design <i>(incl. reuse/refill)</i>	\$1.2M
#4: Consumer Education & Access	\$100,000
#5: Current & Needed State of Funding & Statutory Provisions	N/A <i>(internal study)</i>

# Getting involved

- Stay informed on the CalRecycle SB 54 listserv
- Attend SB 54 Advisory Board meetings and provide comments
- Attend CalRecycle workshops and submit written comments
- Work with partners - NSAC, CalCities, RCRC, CSAC, or your local JPA

