RURAL COUNTY REPRESENTATIVES OF CALIFORNIA

October 7, 2025

Zoe Heller
Director, Department of Resources Recycling and Recovery
1001 I Street
Sacramento, CA 95814

RE: SB 54 Proposed Regulation Comments

Dear Director Heller:

On behalf of the Rural County Representatives of California (RCRC), we are pleased to provide comments on the proposed SB 54 regulation text.

RCRC is an association of forty rural California counties and the RCRC Board of Directors is comprised of elected supervisors from each of those member counties. RCRC represents all 19 California counties that qualify as "rural counties" under Public Resources Code (PRC) Section 42649.8(h). RCRC was extensively engaged in the SB 54 development process and advocated for its passage.

RCRC appreciates the opportunity to provide comments on the proposed SB 54 regulation text. RCRC welcomes several changes included in the last few drafts of the regulation that are responsive to issues that we and other local agencies have raised. At the same time, we remain deeply concerned with other aspects of the proposal. Several revisions are necessary to avoid unintended consequences and align the regulations with the text and spirit of SB 54.

Restrictions on disposal of covered material preclude the use of compost for its intended purpose as compost.

RCRC remains concerned that the draft regulations preclude the use of compost for its intended purpose as a soil amendment.

As drafted, Proposed Section 18980.3.5(d) deems the land application of covered materials disposal. Section 18980.1(a)(5) defines "covered material" to include "materials that originated from covered material items." Compost is a recycled organic product produced from organic waste and compostable materials. The finished product is intended to be land applied to improve soil health, water retention, and carbon sequestration.

Since compost ***originates from*** compostable covered materials, it is still considered "covered material" under the proposed regulations. Logically, Section 18980.3.5(d) precludes finished compost from being applied to land, as that would constitute "disposal" of covered materials. California has spent a great deal of time and effort to promote and mandate the procurement of compost; however, we fear the regulations would undermine all those efforts by deeming land application of compost to constitute disposal. We strongly urge refinements to the text or Final Statement of Reasons to clarify that this section does not prohibit the land application of finished compost.

To address this issue, we suggest modifying Section 18980.3.5 as follows:
18980.3.5 ***(e) Nothing in this section shall preclude the land application of finished compost or the beneficial use of overs from compost operations consistent with existing law.***

Broad categorical exclusions for food packaging undermine the program's intended goals, create free rider issues, and will confuse consumers

Proposed Section 18980.2(a)(2) creates a broad categorical exemption for covered materials that are used as packaging for a food or agricultural commodity if it is not possible to use other types of packaging to comply with USDA or FDA rules, regulations, or guidelines related to microbial contamination, safety, or structural integrity of packaging.

We understand exemptions related to microbial contamination and food safety; however, allowing exemptions based on "structural integrity" will merely create an easy pathway for manufacturers to avoid having to participate in SB 54.

RCRC is deeply concerned that this exemption is far broader than necessary to avoid conflicts with federal food safety laws. The ISOR notes that this exemption merely exempts packaging from SB 54 when it is not possible to comply with both SB 54 and those federal laws and guidelines; however, the regulation is not constructed so narrowly. Instead, the regulations exempt any food or agricultural packaging where it is not reasonably possible to use other packaging.

It is unclear how this exemption will work for producers seeking an exemption when the packing is necessary for structural integrity. Will fruit and vegetable manufacturers claim that cardboard is unsuitable because it will fail due to the inherent moisture of the commodity? Wood was widely used for the packaging and sale of agricultural commodities decades ago, but has largely given way to heavy cardboard and plastic materials. Cereal manufacturers may claim that cardboard is necessary to maintain the structural integrity of the packaging. While plastic could theoretically be used for cereal, plastic is still a covered material and even less recyclable than cardboard. Will CalRecycle deny an exemption request for cereal packaging because it could be made with another material (albeit one that is less recyclable)?

We fear that these provisions create loopholes for some of the nation's largest companies to seek exemptions for things like cardboard cereal and pasta boxes, readily recyclable plastic fruit and vegetable containers, and other goods. Such exemptions would cause widespread consumer confusion as to what should be recycled, leave local governments unreimbursed for the costs of managing materials consumers believe are "covered materials", and leave unexempt manufacturers to shoulder a higher proportion of program implementation (and mitigation fund) costs.

To avoid an unnecessarily broad universe of exemptions, CalReycle should strike the exemption pathway contained in proposed Section 18980.2(a)(2) based on structural integrity, as follows:

> (2) In accordance with paragraphs (1) and (2) of subdivision (b) and with subdivision (d) of section 42060 of the Public Resources Code, packaging or packaging components used by a food or agricultural commodity (without regard to its origin) if it is not reasonably possible to use other packaging or packaging components to comply with regulations, rules, or guidelines issued by the United States Department of Agriculture or the United States Food and Drug Administration. A determination of exclusion pursuant to this paragraph may consider standards to prevent microbial contamination or to maintain the safety ~~or structural integrity~~ of packaging under the Food, Drug, and Cosmetic Act; the FDA Food Safety Modernization Act; the Poultry Products Inspection Act; the Federal Meat Inspection Act; the Egg Products Inspection Act; or other applicable food or agricultural regulations, rules, or guidelines.

Regulations improperly restrict the scope of local costs eligible for reimbursement and create a reimbursable state mandate

While the proposed regulations attempt to provide clarity as to what types of local government and recycling service provider costs are reimbursable by the PRO, RCRC is concerned that it appears to improperly restrict the scope of local costs eligible for reimbursement beyond what is provided under SB 54. SB 54 is clear in that the Legislature intended 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."[1] Furthermore, SB 54 intended for this new framework to "shift the burden of costs to collect, process, and recycle materials from the local jurisdictions to the producers of plastic products."[2]

SB 54 is quite expansive in terms of the types of local costs that are reimbursable by the PRO or independent producer. RCRC objects to language in proposed Section 18980.8(g)(2) that limits the scope of "covered costs" by the PRO or independent producer. That section includes an exhaustive list of covered costs, so the PRO could decline to reimburse any costs that it argues are outside of the scope of those three categories, potentially including legitimate claims for educational expenses or covered material collection and recycling activities.

[1] Public Resources Code Section 42040(b)(2)
[2] Id.

The effort to narrow the costs of reimbursable expenses to exclude costs that are of the same nature as those that would ordinarily exist fails to recognize that SB 54 itself removed local discretion and converted all those voluntary collection efforts into mandates.

A PRO or independent producer could try to avoid costs for collecting and getting covered materials to market simply because the local jurisdiction previously *voluntarily* collected those materials before SB 54 was signed into law. This ignores the fact that while a local agency previously had the ability to include or exclude any materials from its collection program, SB 54 removes any local discretion and *compels* the entity to include in its program all covered materials CalRecycle determines are recyclable or compostable. Any bale of covered materials collected under SB 54 is a ***NEW, required*** cost and is in furtherance of helping producers achieve SB 54's mandates, so any expenses incurred in collecting, processing, or transporting those materials are eligible for reimbursement under SB 54. Troublingly, this provision most disadvantages those communities that have gone above and beyond the AB 939 50% diversion mandate, penalizing good actors.

A PRO or independent producer could reject claims to pay for local educational campaigns under the argument that educational campaigns would ordinarily exist anyway even in the absence of SB 54. Even if a local agency's educational materials are focused on SB 54 implementation, the PRO may be able to argue that the publication was similar in nature to others that had previously been published by the agency and so is no different in nature than ordinarily expected costs. This is clearly contrary to SB 54's intent that the PRO cover local implementation costs, including education.

Because of its narrow construction, the proposed regulations create a reimbursable state mandate because SB 54 and CalRecycle require local governments to provide a higher level of service, and the proposed regulations preclude recovery of those costs from the PRO and independent producers. To the extent that a PRO or independent producer rejects local reimbursement claims, it is reasonable to assume local governments will seek to recover those SB 54 implementation costs through the Commission on State Mandates, thereby significantly increasing state liabilities.

Dispute resolution process must be revised to protect local governments and preserve existing rights to pursue civil litigation

Local governments and ratepayers have long shouldered all the costs of managing and recycling waste, which is why SB 54's transformative approach is so appealing. Last year, RCRC and other stakeholders raised two important and interrelated questions – how will the reimbursement process work and how will disputes regarding reimbursement be resolved? Since that time, we and other stakeholders have engaged in informal discussions with the Circular Action Alliance about those topics. Those questions largely remain unanswered as the PRO works to figure out how to structure the program.

We recognize that CalRecycle has made many improvements to the dispute resolution framework, but important gaps remain that must be addressed. The proposed dispute resolution framework provides a pathway for the local jurisdiction or recycling service provider to request mediation, which would proceed to binding arbitration to resolve any remaining differences. Unfortunately, the regulation is silent on whether CalRecycle intends for this process to replace or supplement the parties' existing recourse to civil litigation. *At a minimum, CalRecycle must make clear in the regulations or Statement of Reasons that the dispute resolution process outlined in the regulations does not interfere with the parties' right to enforce through civil litigation the PRO's obligations to determine and pay costs incurred.*

Mediation and arbitration should not be the sole remedies available and must not infringe upon existing rights to civil litigation to enforce the PRO's obligation to determine and reimburse local jurisdictions and recycling service providers. Local jurisdictions and recycling service providers must retain the ability to resolve disputes with the PRO through civil litigation, including any disputes that may remain after mediation.

Additionally, RCRC strongly opposes any requirement for local jurisdictions to be compelled to use *binding* arbitration to resolve disputes with the PRO. While we believe mediation can be a useful dispute resolution tool, binding arbitration must not be compelled to resolve any remaining differences. ***Nor can binding arbitration be the only tool available if mediation fails.*** Arbitration is often criticized as being expensive, unwieldly, and prejudicial to less-resourced parties. Compelled arbitration is often exploited by large businesses to chill litigation from aggrieved parties who lack the resources or technical expertise to engage in that process. Simply speaking, the costs and complexity of binding arbitration will strongly disincentivize local jurisdictions and recycling service providers from seeking to resolve legitimate disputes with the PRO. We are also deeply concerned that binding arbitration is not reviewable in civil courts, thereby reducing the likelihood that local jurisdictions will avail themselves of the dispute resolution process.

To ensure these rights are protected, we suggest the following changes to Section 18980.8(h):

> 18980.8(h)(4) ***The obligations of a PRO or independent producer to determine and pay the costs incurred by local jurisdictions, recycling service providers, alternative collection systems, and others under Section 42051.1 are enforceable in a civil action between the affected entity and the PRO or independent producer. As an alternative to civil litigation, the dispute resolution*** ~~The~~ process must provide the option for the local jurisdiction or recycling service provider to require the dispute to be submitted to mediation and, if no agreement is reached through mediation, ***the matter may be submitted to*** binding arbitration…
>
> ***(7) Nothing in this subdivision shall be construed to limit the ability of a local jurisdiction or recycling service provider to enforce the obligations of a PRO or independent producer under Section 42051.1 through a civil action in a court of competent jurisdiction, or to otherwise seek judicial review of any determination***

made by a PRO or independent producer, unless the local jurisdiction or recycling service provider has voluntarily elected to submit the dispute to binding arbitration.

Regulations impermissibly allow use of recycling technologies that produce a significant amount of hazardous waste

Despite clear statutory direction to the contrary, the regulations allow a PRO to use non-mechanical recycling technologies that produce significant amounts of hazardous waste.

Public Resources Code Section 42041(aa)(5) requires CalRecycle to exclude plastic recycling technologies that produce significant amounts of hazardous waste. Surprisingly, Proposed Regulation Section 18980.4.1(d) seeks to allow recycling facilities to generate ANY amount of hazardous waste as long as it is handled and disposed of in compliance with an applicable permit. This clearly exceeds CalRecycle's regulatory authority and jeopardizes implementation of the law. SB 54 clearly prohibits the ***production*** of significant amounts of hazardous waste – it does not prohibit the ***unauthorized management of significant amounts of hazardous waste***, as outlined in the proposed regulations.

Simply stated, SB 54 is concerned with generation, not management or disposal, of hazardous waste. If the Legislature had wanted CalRecycle to ensure that hazardous waste was appropriately managed and disposed of, it could easily have done so. Instead, the Legislature focused restrictions on the ***production*** of hazardous waste.

The regulations also presuppose that materials will be managed domestically, where permits and laws regulate the management and disposal of hazardous waste. Foreign markets may not have hazardous waste disposal requirements commensurate with the Resource Conservation and Recovery Act. In the absence of an equivalent regulatory environment, the regulations would allow foreign chemical recycling facilities to manage hazardous waste as ordinary trash.

To align the regulations with existing statutory law, CalRecycle must strike proposed Section 18980.4.1(d)(1)(B):

~~(B) The production and management of hazardous waste that is handled and disposed of in compliance with an applicable permit does not present a substantial risk of harm to public health or of contamination of the environment, for purposes of the Act and this chapter. Minor technical violations or minor deviations from permit conditions that do not result in, or are not reasonably likely to lead to, actual environmental harm or harm to public health shall not, by themselves, be considered noncompliance for purposes of this section.~~

Regulations impermissibly restrict the definition of "hazardous waste"

Section 18980.4.1(d)(1) defines "hazardous waste" for purposes of SB 54 as hazardous waste defined under the federal Resource Conservation and Recovery Act (RCRA). This is a clear violation of existing law. Public Resources Code Section 40141

defines "hazardous waste" for purposes of Division 30 (Waste Management) of the Public Resources Code. That section defines "hazardous waste" to include, but does not limit the definition to, RCRA hazardous waste. It also cross-references Health and Safety Code 25117, which includes any wastes that meet criteria adopted by the Department of Toxic Substances Control (DTSC). As such, the Public Resources Code defines "hazardous waste" not as RCRA hazardous waste, but as a far broader class of hazardous wastes that are determined by DTSC.

SB 54, the Plastic Pollution Prevention and Packaging Producer Responsibility Act, is contained in Chapter 3 of Part 3 of ***Division 30*** of the Public Resources Code. While SB 54 did not itself define "hazardous waste", it did not need to because Section 40141 already supplied that definition. As such, the ISOR's claim that "the Act does not define hazardous waste" ignores the very foundations of statutory interpretation and statutory law. The Legislature understood the Public Resources Code definition of "hazardous waste" when it crafted SB 54 to include the larger universe of California-designated hazardous waste, not just RCRA hazardous waste. While PRC 40100 allows the incorporation of alternate definitions if "the context otherwise requires", there is no clearly articulated context in SB 54 or the legislative record that would support the far narrower definition contained in the regulations. The ISOR's attempted justification for using the federal RCRA definition to align California law with those of other states where recycling facilities may be located misses the mark – the Legislature already defined "hazardous waste" more broadly than the regulations and the statute is controlling.

To address this issue, CalRecycle must modify proposed Section 18980.4.1(d)(1) as follows:

> (1) For purposes of paragraph 5 of subdivision (aa) of section 42041 of the Public Resources Code, "significant amounts of hazardous waste" means hazardous waste as defined in ***Public Resources Code Section 40141*** ~~Title 40 of the Code of Federal Regulations Section 261.3~~ that presents a substantial risk of harm to public health, or of contamination of the environment.

Local jurisdiction exemption pathway impermissibly imposes additional requirements beyond those included in the statute

Public Resources Code Section 42060.5(b) allows CalRecycle to grant an extension or exemption from requirements to include all covered materials in a jurisdiction's collection and recycling program if the jurisdiction shows that compliance is not practicable for that covered material because of specific local conditions, circumstances, or challenges. CalRecycle seeks to build upon this in proposed regulation Section 18980.11.1(c)(4) by also requiring the applicant to include documentation about the effects on the environment, environmental justice, worker health and safety, public health, and hazardous waste generation. As such, the regulations would allow CalRecycle to deny a requested exemption or extension unless it provides documentation of all of these impacts that are outside the scope of what the Legislature clearly contemplated in SB 54 – impracticability based on specific local conditions, circumstances, or challenges. If the Legislature intended to impose additional procedural

hurdles or substantive criteria to qualify for an exemption or extension, it could have done so.

To address this issue, we suggest amending proposed Section 18980.11.1(c)(4) as follows:

> (4) A description, with supporting documentation, of the specific local conditions, circumstances, and challenges that make it impracticable for the local jurisdiction or recycling service provider to include the specified covered material or covered material categories in their collection and recycling programs. The description must demonstrate that the identified material cannot practicably be included in the collection and recycling programs. The description must also address, at a minimum, the necessity of the exemption with respect to the following considerations: program efficacy; technological or economic limitations; legal restrictions or requirements; ~~effects on the environment, environmental justice, worker health and safety; public health; hazardous waste generation~~; and transportation safety.

Regulations should include an opportunity for stakeholders to provide feedback when a producer recommends changes to the covered material category list.

Proposed Section 18980.2.6 establishes a pathway through which a PRO, participant producer, or independent producer may recommend changes to the current Covered Material Category (CMC) list. As part of that process, the entity making the request must discuss financial implications and impact of the recommended changes on responsible end markets and intermediate supply chain entities. A PRO or independent producer may significantly underestimate the potential financial impacts of adding a new material to the CMC list so they can sell it in the state. Given the potentially significant impact that changes to the CMC list may have on the solid waste industry and local governments, it is imperative that those entities be given an opportunity to provide feedback on the change and be able to comment on the accuracy of the supporting information.

To address this concern, RCRC suggests adding a new subdivision (e) to proposed Section 18980.2.6 as follows:

> 18980.2.6 ***(e) The department shall provide an opportunity for public engagement and allow public comment and submission of relevant information and evidence, including, but not limited to, responding to the estimated financial implications and impacts of those changes on local jurisdictions and recycling service providers.***

Local government exemption process is unnecessarily lengthy and producer review should be compressed

RCRC remains concerned that the process outlined to review a local jurisdiction or recycling service provider exemption request is far too lengthy and will inhibit effective implementation of SB 54.

PRC 42065.5(b) allows local jurisdictions or recycling service providers to seek an exemption from the requirement to collect specific covered materials because local

conditions, circumstances, or challenges make collection impracticable. As part of this process, the local jurisdiction or recycling service provider must notify the PRO and independent producers, who can object and arrange for alternative means for collection, processing, storage, and transportation of those covered materials.

The proposed regulations allow the PRO and independent producer 90 days to review an exemption application before a local jurisdiction or recycling service provider can submit it to CalRecycle for consideration. It should be noted that the PRO and Independent Producers are under no obligation to respond to an exemption request under PRC 42060.5. As such, the proposed regulation puts the applicant in purgatory for three full months while waiting to see if the PRO or independent producer even cares enough about the request to respond. This timeframe is unnecessarily lengthy and could easily be exploited by a PRO or independent producer to drag out the process. Rather than provide 90 days for the PRO or independent producer to review an application, the regulations should reduce that period to 30 days. Similarly, the regulations should reduce the review period for renewal notices from 30 days to 14 days.

To address these concerns, RCRC suggests the following changes to Section 18980.11.1(d):

> 18980.11 (d) No exemption application or renewal request shall be submitted to the Department until after the local jurisdiction or recycling service provider has provided all PROs and Independent Producers the application or advance notice of the renewal request. All PROs and Independent Producers shall have ~~90~~ ***30*** days to review an application, and ~~30~~ ***14*** days to review a notice of a renewal request. During the review period

Enforcement scheme for local jurisdictions is unsupported by SB 54's statutory construction and can be better accomplished through other enforcement pathways

CalRecycle's proposed regulations impermissibly seek to impose SB 54's enforcement regime on local jurisdictions and recycling service providers. This approach is unsupported by SB 54's statutory construction and local compliance can be better accomplished through other existing enforcement pathways.

SB 54's enforcement authority is clearly limited to imposing penalties on producers and the PRO. CalRecycle's proposed regulations are predicated on the assumption that the term "any entity" in PRC 42081(a)(1) broadens the scope of its enforcement authority; however, that term should be defined in context of the other provisions included in Article 5 of SB 54. PRC 42081 seeks to interpret and implement PRC 42080 and does not vest CalRecycle with additional authority to determine what constitutes a violation of SB 54 beyond the scope of PRC 42080.

PRC 42080 establishes what constitutes a violation of SB 54 and provides that failure to comply with the requirements of SB 54 will subject a PRO, producer, wholesaler, or retailer to penalties for those violations or revocation of an approved plan. PRC 42081 in turn:

- Sets the amount of penalties;
- Provides that they shall not accrue against a producer or PRO until 30 days after notification of the violation;
- Allows a producer or PRO to submit a corrective action plan to CalRecycle for approval detailing how and when it will come into compliance with SB 54; and,
- Sets forth various factors CalRecycle shall consider when determining the penalty amount, including whether the violation was beyond the reasonable control of the producer or PRO, the size and economic condition of the producer or PRO, etc.

PRC 42083 and 42084 also allow CalRecycle to impose additional requirements on a producer or PRO for failure to meet various requirements of SB 54.

Neither PRC 42080 nor PRC 42081 contemplate penalties against local governments or recycling service providers. Furthermore, the proposed regulations inappropriately subject local jurisdictions and recycling service providers to even more severe consequences for violations of SB 54 than apply to the PRO and producers since local governments and recycling service providers cannot avail themselves of a corrective action plan, as is available for the PRO and producers. It is difficult to imagine the Legislature providing a more lenient compliance pathway for a producer or PRO than that which would be available to a local jurisdiction or recycling service provider, given that the law is intended to shift the burden of solid waste recycling AWAY from local jurisdictions and onto producers who introduce packaging into the marketplace.

Local jurisdictions are subject to AB 939's diversion requirements and must develop source reduction and recycling elements outlining how they will achieve the state's solid waste and recycling requirements. Under AB 939, CalRecycle is required to regularly review jurisdictions and determine whether they have made a good faith effort to implement their source reduction and recycling element, with penalties of up to $10,000/day for noncompliance. Therefore, a local jurisdiction's failure to comply with SB 54 should be considered a violation of their existing requirements to implement diversion programs through AB 939 and subject them to these penalties exclusively. ***At worst, penalties for local jurisdictions should be capped at the maximum $10,000/day AB 939 limit***.

Regulations do not actually require recycled covered materials to be used in new products

Proposed Section 18980.4 defines what constitutes the "end market" to which covered materials must be sent and recycled. The regulations define end markets as those that produce glass, metal, paper, or plastic feedstock that meets quality standards necessary to be used in lieu of virgin materials, including facilities that produce cullet (glass), ingots/sheets/coils (metal), pulp (paper), or pellets (plastic).

While these are crucial steps in the recycling process, there is no guarantee that any of these materials produced at a "responsible end market" will ultimately be used by

manufacturers to produce a new commodity. Instead, the regulations are indifferent as to whether the recycled feedstock is used, stockpiled, etc.

While Section 18980.3.5 prohibits "disposal" of "covered materials" (which includes products derived from covered materials), there is still no requirement that those materials be used for anything. This creates a significant risk that the regulations will merely result in the stockpiling of recycled feedstock that may or may not eventually be incorporated into new products depending on the cost of recycled vs. virgin feedstock. These concerns will be particularly acute if compostable plastics are ultimately considered "compostable" under the Act, as there are virtually no markets for the use of those products.

RCRC appreciates various changes made throughout the regulatory process in response to issues raised by local governments

We acknowledge and greatly appreciate many of the changes that CalRecycle has made throughout the regulatory process to address concerns raised by local governments and recycling service providers. Some of those changes include:

- Specifying that the date by which local jurisdictions and recycling service providers must collect and recycle covered materials aligns with CalRecycle's final approval of the PRO's stewardship plan.
- Providing local jurisdictions and recycling service providers one year to incorporate new covered materials into their collection and recycling programs.
- Establishing a presumption that covered materials are considered to be included in a jurisdiction's collection and recycling program if the provider collects the material and transfers it to a responsible end market or intermediate supply chain entity.
- Clarifying that local jurisdictions and recycling service providers are not required to establish the availability of a responsible end market that ultimately recycles the covered material.
- Deeming the absence of a responsible end market to be a local condition, circumstance, or challenge for which a local jurisdiction or recycling service provider can seek an exemption.
- Clarifying that the PRO's dispute resolution process must be made available if the PRO or independent producer unreasonably delays determinations of whether a particular cost is reimbursable.
- Modifying "chain of custody" requirements to greatly ease administration and reduce implementation costs by initiating tracking with the processing and subsequent transfer of covered materials rather than the point at which those materials are collected.
- Ensuring that a local jurisdiction has a choice to be reimbursed based upon its actual program implementation costs or through a "performance-based" funding model offered by the PRO.
- Providing an opportunity for local jurisdictions and recycling service providers to cure violations within 30 days of notice.

- Specifying that penalties shall not accrue against a jurisdiction or recycling service provider during the pendency of an exemption or extension request.
- Eliminating the ability for CalReycle to impose penalties on a local jurisdiction regardless of the reason for a violation.

While these changes are helpful, they do not address our underlying concerns that: 1) Local jurisdictions and recycling service providers will not be made whole for program implementation costs; 2) Jurisdictions will not have adequate or truly accessible pathways to effectively resolve reimbursement disputes with the PRO; 3) Categorical exclusions for food and agricultural commodity packaging will undermine the intent of the law and impose additional burdens on local jurisdictions, recycling service providers, and non-exempt manufacturers. *For these reasons, it is essential that CalRecycle carefully and scrupulously review and oversee development and implementation of the PRO plan and reimbursement process and ensure that categorical exclusions are only approved in circumstances where there is a clear and unavoidable conflict between SB 54 and federal law*.

Conclusion

RCRC appreciates your consideration of these comments. If you should have any questions, please do not hesitate to contact me at jkennedy@rcrcnet.org.

Sincerely,

JOHN KENNEDY
Senior Policy Advocate