

June 27, 2022

The Honorable Luz M. Rivas, Chair
Assembly Committee on Natural Resources
1020 N Street, Room 164
Sacramento, CA 95814

Subject: SB 54 (Allen): Plastic Pollution Producer Responsibility Act–STRONG SUPPORT

Dear Chair Rivas:

The [National Stewardship Action Council](http://nsaction.us) (NSAC) is a 501(c)(4) non-profit organization comprised of governments, non-government organizations, businesses, and consumers with the vision for the United States to attain a circular and equitable economy, an economic system aimed at eliminating waste and ensuring the circular use of resources. NSAC strongly supports SB 54 (Allen) as amended June 26, 2022. SB 54 is not only the best Extended Producer Responsibility (EPR) bill in the country, but also extends beyond the pure EPR approach by making the producers pay to mitigate environmental damage over a 10-year period totaling \$5 billion. We have learned lessons from implementing the previous stewardship and producer responsibility programs in California and beyond, and SB 54 contains protections and benefits from those prior experiences.

The California Integrated Waste Management Act of 1989, created by AB 939 (Sher), established the waste management hierarchy with source reduction first, then recycling and composting. Unfortunately, **California has never prioritized source reduction before recycling and SB 54 will finally prioritize source reduction first in a program.** California also set the goal to source reduce, compost to recycle 75% of solid waste generated by 2020. California failed and currently has less than 40% waste reduction because **we never had a plan to achieve the goal which is why we need to pass SB 54!**

NSAC only works on bills we believe 1) can pass, 2) will work, and 3) will not impede progress in the future. SB 54 meets all three conditions.

SB 54 is the first bill in California to truly support all three tenets of achieving a Circular Economy which are:

- 1) Eliminate Waste and Pollution
 - a. SB 54 is building on the great legislative wins of 2021 in AB 1201(Ting) and SB 343 (Allen) which defined composability and recyclability to only cover products that do not have intentionally added PFAS or chemicals identified under the regulations of PRC section 12370.2.
 - b. Source reduction of single-use plastic packaging and foodware by at least 25% by both weight and by unit by 2032 and allows CalRecycle to increase source reduction mandates post 2032.

- 2) Circulate Products and Materials at Their Highest Value
 - a. Requires packaging producers of all materials to internalize the costs for the full lifecycle of their products instead of the current state of externalizing costs onto local governments, taxpayers, ratepayers and the environment.
 - b. SB 54 will require that all packaging meet a 65% recycling rate by 2032, made possible by producers investing in our recycling infrastructure.
 - c. Defines recycling to clearly exclude incineration and other plastics to fuel technologies, including pyrolysis and gasification and to disallow any expenditures for such technologies from the program.
- 3) Regenerate Nature
 - a. We have done significant damage to nature by allowing unnatural materials mainly plastics, to enter the environment. SB 54 requires producers and plastic resin manufacturers to pay **\$500 million per year for 10 years** into an Environmental Mitigation Fund which will be dispersed **60% to low income, disadvantaged, and rural communities** to mitigate environmental and health impacts. That totals **\$5 billion** to remediation.

Additionally, I want to highlight what we are most proud of in this bill – that CalRecycle has the authority to revoke a Producer Responsibility Organization from running the program should they fail to meet the performance metrics and operate for the “public benefit”. That, in addition to a \$50K a day fining authority and other oversight mechanisms to correct the system, gives us the confidence that the oversight authority of CalRecycle is significant enough to ensure Californians will get the program they have wanted for decades.

I speak around the world on EPR and waste policy, take legislators on Recycling Challenge Study trips to see EPR and other policies working in Canada and other states, and have studied policies to fund true source reduction and recycling systems. **This is the strongest and most comprehensive packaging bill in the nation. It’s groundbreaking in that we will finally reduce waste first and make the polluter pay for the recycling system and for remediating environmental damage.**

We are losing precious time after years of debate, and now is the time to act boldly.

To reach our legislative goals of waste reduction first, improve our materials management system, reduce costs, and protect the environment, and make the polluters pay, we strongly SUPPORT SB 54 (Allen) and request your “Aye” vote when the bill is heard in the Assembly Natural Resources Committee.

Sincerely,



Heidi Sanborn, Executive Director
National Stewardship Action Council