

## **Provisions within Senate Bill 54 that directly address disadvantaged or low-income communities or rural communities**

### **Findings Section (Section 42040(b)(1))**

- **Acknowledges disproportionate impacts of plastic production and pollution on disadvantaged communities and low-income communities.**

“(1) Disadvantaged and low-income communities are disproportionately impacted by the human health and environmental impacts of plastic pollution and fossil fuel extraction.”

### **Definitions**

- **Provides clear definitions for disadvantaged community, low-income community, and rural community (Sections 42041(i), 42041(n), 42041(ag))**

“ ‘Disadvantaged community’ means an area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code or an area identified as a disadvantaged unincorporated community pursuant to Section 65302.10 of the Government Code.”

“ ‘Low-income community’ means an area with household incomes at or below 80 percent of the statewide median income or with household incomes at or below the threshold designated as low income by the Department of Housing and Community Development’s list of state income limits adopted pursuant to Section 50093 of the Health and Safety Code.”

“ ‘Rural area’ has the same meaning as defined in Section 50101 of the Health and Safety Code.”

- **Clarifies within definition of recycle or recycling that in exploring approaches or technologies beyond mechanical recycling or composting, disadvantaged or low income communities cannot be disproportionately impacted by human health or environmental impacts (Section 42041(aa)(2)(E))**

(2) “Recycle” or “recycling” includes reconstituting covered material into raw recovered material through means or technology other than mechanical recycling or composting that meet all of the following:

(A) The means or technology reconstitutes the molecular structure of the covered materials in the same nature or composition, and results in after postconsumer recycled content material for new packaging or product applications. Only the amount of covered material actually used as postconsumer recycled content for new packaging or product application shall be considered recycled. The amount of postconsumer content may be determined by unit, weight, or certified mass balance allocation.

(B) The means or technology do not result in incineration or combustion of any of the covered materials.

(C) The means or technology will displace the production of materials through means or technology that would result in greater impacts to public health or the environment.

(D) The means or technology complies with all established federal, state, and local laws and regulations governing greenhouse gas emissions and air and water quality standards.

(E) Disadvantaged or low-income communities are not disproportionately burdened with the negative human health and environmental impacts of pollution or other environmental hazards resulting from the operation of the means or technology.

#### **PRO Plan Conditions (Section 42051.1(m))**

- **The producer responsibility plan submitted to CalRecycle must ensure that its implementation avoids and minimizes negative environmental or public health impacts**

“(m) The plan shall ensure that plan implementation avoids and minimizes negative environmental or public health impacts on disadvantaged or low-income communities or rural areas.”

#### **Setting PRO Fees (Section 42053(d)(1)(D))**

- **In determining the fees associated with producer participation in the PRO, costs should be accounted for to ensure harm to disadvantaged or low income communities or rural areas avoided and minimized**

“(d) A PRO shall structure the fee schedule required pursuant to subdivision (a), delineated by covered material category and based on the following factors:

(1) The costs to ensure each covered material category meets the requirements of this chapter. Covered material that is easier and less expensive to recycle or compost or that is designed to be recycled into a similar covered material or a material that is easier to be composted shall be subject to lower fees. The costs may include all of the following:

(D) Other costs necessary to implement the plan and achieve the source reduction, recyclability and compostability, recycling and composting rate, and other requirements of this chapter, including, but not limited to, ensuring that plan implementation avoids and minimizes negative environmental or public health impacts on disadvantaged or low-income communities or rural areas.”

#### **Funding (Sections 42064(f)(1-3) and 42064(g)(1-3))**

- **Significant allocations from \$500 million annually for 10 years (\$5 billion) to support residents of and mitigate historical and current impacts of plastics on disadvantaged or low-income communities or rural areas**

“(f) (1) Upon appropriation by the Legislature, 40 percent of the moneys in the California Plastic Pollution Mitigation Fund shall be expended by the Department of Fish and Wildlife, the Wildlife Conservation Board, the State Coastal Conservancy, the California Coastal Commission, the Ocean Protection Council, the Department of Parks and Recreation, and the California Environmental Protection Agency to monitor and reduce the environmental impacts of plastics on terrestrial, aquatic, and marine life and human health, including to restore, recover, and protect the natural environment.

(2) At least 50 percent of the funds appropriated pursuant to paragraph (1) shall provide benefits to residents living in a disadvantaged or low-income community or rural area.

(3) Moneys appropriated pursuant to paragraph (1) may be used to support grants for tribes, nongovernmental organizations, community-based organizations, land trusts, and local jurisdictions.

(g) (1) Upon appropriation by the Legislature, 60 percent of the moneys in the California Plastic Pollution Mitigation Fund shall be expended by the Strategic Growth Council, the California Environmental Protection Agency, and the Department of Justice to monitor and reduce the historical and current environmental justice and public health impacts of plastics, including to mitigate the historical and current impact of plastics on disadvantaged or low-income communities or rural areas.

(2) Of the moneys appropriated pursuant to paragraph (1), 75 percent shall directly and primarily benefit residents living in disadvantaged or low-income communities.

(3) Moneys appropriated pursuant to paragraph (1) may be used to support grants to local jurisdictions, tribes, nongovernmental organizations, and community-based organizations.”

#### **Implementing Regulations** (Section 42060(d))

- **In developing regulations, and considering activities conducted in accordance with the regulations to implement the program, CalRecycle must avoid disproportionate impacts to disadvantaged or low-income or communities or rural areas**

“(d) In adopting regulations pursuant to this section, the department shall ensure the regulations, and activities conducted in accordance with the regulations, avoid disproportionate impacts to disadvantaged or low-income communities or rural areas.”

#### **Advisory Board of PRO** (Sections 42070(a)(5) and 42070(a)(6))

- **Two voting members of 13 on the PRO advisory board to represent interests of environmental justice and disadvantaged or low-income communities or rural areas**

“(a) In implementing this chapter, the department shall establish a producer responsibility advisory board for the purpose of identifying barriers and solutions to creating a circular

economy consistent with this chapter and advising the department, producers, and producer responsibility organizations in the implementation of this chapter. The advisory board shall be composed of 13 voting and 3 nonvoting members as provided in the following categories, who shall be appointed by the director:

...

(5) One representative from an environmental justice organization.

(6) One representative from a disadvantaged or low-income community or rural area.”

#### **Setting Penalties (Section 42081(c)(8))**

- **CalRecycle will consider the impacts to disadvantaged or low income communities or rural areas when setting penalty amounts**

“(c) The department, in determining the penalty amount and whether to assess a penalty under this section, shall consider, at a minimum, all of the following:

...

(8) The magnitude of the impact on the environment, human health, and disadvantaged or low-income communities or rural areas reasonably anticipated from the violation.”