

California legislature wraps session with unprecedented recycling action

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Cole Rosengren



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Lawmakers may not have taken up a big packaging EPR bill, but they moved on others – including one focused on market development. Check out what passed and what's next.

California has a reputation for pushing the envelope on environmental issues and the 2019 legislative session that wrapped up last weekend didn't disappoint. Longtime Sacramento observers say this was one of the biggest yet when it comes to waste and recycling issues.

Fueled by continuing repercussions from China's scrap import restrictions, buckling bottle bill infrastructure and rising public attention to plastics, lawmakers pushed hard on bills big and small.

"This is the busiest year we've ever had," Heidi Sanborn, executive director of the National Stewardship Action Council (NSAC), told Waste Dive. "We have a new political environment with a new governor and a new legislature, so that got people excited."

Trace Onstad Bills, interim executive director of the California Resource Recovery Association (CRRA), agreed – calling it "an extremely productive year" for her group and the state legislature. Californians Against Waste, a nonprofit that works closely on these issues, described 2019 similarly.

To help keep track, Waste Dive rounded up notable bills that either passed or are likely to see action when legislators return in 2020. If we've missed any important legislation, please let us know at waste.dive.editors@industrydive.com.

Top three

AB 792 Recycled content requirements

While the final version may be less ambitious than an initial draft calling for 100% recycled content in plastic beverage containers by 2030, [Plastics News reports](#) this would likely still be the highest such target in the world. The final version requires containers in the state's deposit program to reach 50% recycled content by 2030.

Similar attempts at even lower targets have faced opposition in recent years, but the shift in both public opinion and corporate sustainability pledges appears to have played a key role in changing the political landscape.

"In any other year that would be gigantic news," CAW Director of Advocacy Nick Lapis told Waste Dive. "It was hard for them to argue against what they have already publicly committed to doing."

The bill also had support from some in the recycling industry.

"Recovering from the recycling market crash is going to be complex, and everyone has a responsibility to help. This bill, and several other bills this session, show it is time for producers to become part of the solution," Laura Ferrante, government affairs advocate for the California Refuse Recycling Council's (CRRC) northern district, said in a statement.

AB 1583 California Recycling Market Development Act

The bill that received far less attention, but will have similarly notable implications for the recycling sector, is AB 1583. It was [backed](#) by CAW and Republic Services – with support from State Treasurer Fiona Ma, CRRC and others.

First, the Department of Resources Recycling and Recovery (CalRecycle) will convene a new Statewide Commission on Recycling Markets and Curbside Recycling by July 2020. This group – which will include representation from "public agencies, private solid waste enterprises, and environmental organizations with expertise in recycling" – is tasked with finalizing multiple policy recommendations by January 2021.

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Priority areas will include identifying products that are widely considered recyclable or compostable in curbside programs throughout the state. The goal is to eventually create recommended guidance and educational materials, similar to what Massachusetts pursued, and encourage manufacturers to prove markets exist for their products.

AB 1583 also extends the expiration of California's existing Recycling Market Development Revolving Loan Program from July 2021 to 2031. Sunset provisions for the California Alternative Energy and Advanced Transportation Financing Authority, a separate program that allows tax exemption for certain equipment purchases, in all sectors, are also extended to January 2026.

Finally, the bill also eliminates the requirement for plastic containers – even those that aren't widely recyclable – to include the "chasing arrows" symbol.

AB 827 Commercial recycling/organics access

Commercial businesses that are already required to separate recyclables and organics per state law, including most foodservice establishments, will now have to offer public-facing receptacles. CalRecycle is directed to develop model signage for this purpose by July 2020.

Others of note

AB 1162 Hospitality plastic reduction

"Lodging establishments" would be required to stop offering small plastic bottles of "personal care products" (such as shampoo) to guests. Instead, they would be encouraged to use bulk dispensers. If approved, this would apply to establishments with more than 50 rooms by January 2023 and all others by 2024.

AB 54 Bottle bill triage

California's container deposit program has been struggling for years due to various financial and bureaucratic factors. Following the abrupt August closure of rePlanet, the state's largest redemption center operator, the situation has only grown more dire. Legislators passed a short-term fix that provides \$5 million in grants for mobile recycling pilots and gives grocery retailers relief from compliance fees until March 2020.

AB 815 Dual-stream recycling (*signed by governor*)

Largely viewed as symbolic, this law will encourage municipalities to convert to dual-stream recycling and direct CalRecycle to research the prevalence of such programs throughout the state. Some California programs have explored making the switch in recent years due to market conditions.

SB 726 Household hazardous waste reuse

Sponsored by NSAC (as were the following hazardous waste and carpet bills), this legislation seeks to "reduce the unnecessary incineration and disposal of hazardous household waste products" by authorizing local reuse programs. The bill estimates up to 10% of the relevant material being disposed – including many common home and yard products – could be reused.

AB 187 Used Mattress Recovery and Recycling Act

This bill will make multiple changes to the state's previous statutes creating a product stewardship program for used mattresses.

AB 729 Carpet stewardship program

This bill makes numerous changes to California's original product stewardship legislation for carpet, the first of its kind in the country, which was viewed as flawed by multiple parties for various reasons.

Next bills to watch

SB 424 Tobacco product recycling

This bill (also backed by NSAC) aims to ban the distribution of any single-use tobacco filter, related plastics devices and e-cigarettes that proponents say contribute to littering and marine pollution. It would also require a form of extended producer responsibility (EPR) for all remaining tobacco products that aren't recyclable. SB 424 remains in play as a two-year bill.

AB 1509 Lithium-ion battery stewardship

Following a rash of battery-related fires affecting the recycling industry and consumers, supporters of AB 1509 are pushing for a system to better manage these items. Covered manufacturers would be required to achieve certain recycling targets via a stewardship organization. AB 1509 is another two-year bill that remains active.

The biggest of them all never came to a vote before lawmakers adjourned. The politics involved remain complex, despite opponents moving to neutral or supportive in the final days. While notable opponents are still out there, including industry giant Waste Management, supporters are ready to take this back up when legislators return in January.

"The immediacy of the plastics and waste crises, combined with the extraordinary coalition of local government, waste haulers, businesses, and environmental organizations pushing the measure would have most likely carried the day, which is why the failure to act on this

crucial bill was so disheartening," said Sen. Ben Allen, sponsor of SB 54, in a [Monday statement](#). "We'll be working during the interim and bring this bill back in the coming year."

Numerous other advocacy organizations – including CAW, CRRRA, NSAC and [CalPIRG](#) – have committed to doing the same. Opposition from certain manufacturers, such as Dart Container, can still be anticipated. Yet NSAC's Sanborn is among those who believes "the patience of the public is up" when it comes to plastic waste issues.

Another powerful player that's losing patience is Recology. The regional service provider's president, Michael Sangiacomo, [published a 2018 op-ed](#) pledging to spend \$1 million on a possible ballot initiative for European Union-style plastic policies. Recology has confirmed it's ready to move if the state legislature is once again stymied by opposition next year.

"If they continue to try to block this stuff then we have no choice but to go to the voters," Eric Potashner, vice president and director of strategic affairs, told Waste Dive. "I can guarantee what we end up putting in front of the voters will not be as conciliatory."

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