

# California closes another banner year for waste and recycling legislation with numerous bills

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Megan Quinn



California just ended a busy legislative season on Aug. 31 by passing one of the highest numbers of waste and recycling bills in recent memory, experts say.

Its most high-profile outcome this session was Gov. Gavin Newsom signing SB 54 into law in June, which establishes an EPR program for paper and packaging. Supporters consider it an important bill because it will also require numerous reductions and eliminations in single-use plastic packaging, promote reuse or refill systems and set incremental plastic recycling rates.

The legislature also passed bills to expand the state's container redemption system, enact new recycled content standards, update state purchasing requirements and change diversion credits for waste-to-energy facilities. These bills are headed to Gov. Gavin Newsom's desk as of press time. One high-profile casualty was AB 2026, a bill that aimed to reduce single-use plastics in e-commerce, which failed to make it out of committee.

"The range of bills passed by the legislature in the past week show that California is committed to using all the tools in our toolbox when it comes to tackling the complicated issues around waste reduction," said Nick Lapis, director of advocacy for Californians Against Waste, which supported several bills that made it to the finish line this year.

Heidi Sanborn, executive director of the National Stewardship Action Council, another group heavily involved in the bill process, said the collaboration that helped pass SB 54 may have also driven successes in the passage of the state’s other recycling and waste bills this year. In 2022, state lawmakers invested a “remarkable” amount of time talking with environmental organizations, local governments and waste industry representatives, and visiting other states that have passed EPR, recycled content and other waste bills, she said.

Here’s a look at some of the major waste and recycling bills passed in California this year:

| <b>Bill Number</b>             | <b>Highlights</b>  | <b>Bill Status</b> |
|--------------------------------|--|--------------------|
| <u><a href="#">SB 54</a></u>   | Creates an EPR program for printed paper and plastic packaging and sets recycling rates and reductions for plastics  | Signed by governor |
| <u><a href="#">SB 1013</a></u> | Expands container redemption program to include wine and distilled spirits   | Passed             |
| <u><a href="#">SB 38</a></u>   | Exempts certain manufacturers involved in container redemption program from new state recycled content requirements  | Passed             |
| <u><a href="#">AB 1857</a></u> | Repeals provision of law that allows jurisdictions to count up to 10% of the waste sent to waste-to-energy facilities toward their 50% diversion requirement | Passed             |
| <u><a href="#">AB 2440</a></u> | Establishes an extended producer responsibility program for most batteries   | Passed             |
| <u><a href="#">SB 1215</a></u> | Adds battery-embedded products to the state’s e-waste program  | Passed             |
| <u><a href="#">AB 661</a></u>  | Updates the State Agency Buy Recycled Campaign with new recycled content standards for materials purchased by the state of California                        | Passed             |
| <u><a href="#">AB 2784</a></u> | Specifies recycled content standards for thermoform plastic food containers  | Passed             |
| <u><a href="#">SB 1046</a></u> | Bans plastic produce bags  | Passed             |

## California advances bottle bill updates

California passed a significant update to its bottle bill this year. [SB 1013](#) will include wine and distilled spirits in the state’s container deposit system. Led by state Sen. Toni Atkins, the bill will establish a 10-cent redemption value on most of those bottles on Jan. 1, 2024. It also establishes a 25-cent refund on “difficult to recycle” wine sold in boxes, bladders and pouches.

The bill received broad support from large haulers like Recology, Republic Services and WM, as well as from environmental groups. However, last-minute amendments divided some former supporters who said the updates created too many additional costs. Amendments included a provision that adds a market development payment to glass beverage container manufacturers and creates several grant programs for glass processing, increasing glass recycling and improving transportation.

Consumer Watchdog and the Container Recycling Institute both voiced concerns over the bill's spending, while Californians Against Waste, a notable supporter, said the bill as passed will "measurably increase" container recycling and improve recycling centers' financial standing.

Other changes to the state bottle bill include the passage of SB 38, which prohibits processors from paying cash to certified recycling centers, curbside programs, and other bottle bill collection programs to avoid fraud. It also calls for CalRecycle to study and develop a proposal for reducing contamination in recycled glass, which the agency says is a major problem for improving the quality of all recyclables.

A previous version of the bill would have also exempted some smaller manufacturers in the container redemption program from the state's new minimum content standard in order to fix statute language that might have inadvertently exempted all beverage manufacturers because terms were set based on processing fees, which fluctuate with scrap values. That language was taken out of SB 38 after a separate budget bill addressed the issue.

## **Jurisdictions won't be able to count waste-to-energy as diversion**

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Another major bill update could affect impact California's two remaining incinerators. Covanta owns and operates the Stanislaus County facility and it operates a publicly owned facility in Long Beach.

Bill AB 1857 repeals a part of state law allowing jurisdictions to count up to 10% of the waste sent to "transformation" facilities toward a 50% diversion requirement. It also calls for CalRecycle to create a Zero-Waste Equity grant program to prioritize projects that reduce reliance on incineration.

Covanta and several municipal groups oppose the bill, saying it would force waste meant for the incinerators into landfills, contributing to methane emissions, and could impact the Long Beach facility's operations, said to produce about 200,000 megawatt hours of electricity per year.

Yet supporters like local environmental and zero waste groups say the bill will reduce the health impacts incinerators have on fenceline communities and begin addressing environmental racism in the state. AssemblymemberCristina Garcia, the bill's sponsor,

represents an area near the Long Beach facility. The bill calls for prioritizing communities most impacted by transformation activity when awarding grant funding and prohibits grants that would support projects focused on waste disposal.

### Other notable waste and recycling bills:

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- **Battery recycling improvements:** Two battery recycling bills aim to make battery drop-offs easier and reduce fires in collection vehicles and at waste and recycling facilities. AB 2440, establishes an EPR program for most batteries, while SB 1215 adds battery-embedded products to the state's e-waste program, meaning consumers will start paying a disposal fee when they purchase such products in 2026 and beyond.
- **Recycled content standard updates:** AB 661 updates the State Agency Buy Recycled Campaign starting in 2026 to require state agencies to purchase recycled products instead of non-recycled products, when alternatives are available at no more than 10% greater total cost. Meanwhile, AB 2784 sets recycled content standards for thermoform food containers ranging from 10% in 2025 to up to 30% in 2030, based on the recycling rate of the material.
- **Plastic produce bag ban:** SB 1046 will ban most stores from offering “precheckout” bags for produce and other items unless the bag is compostable or made of recycled paper starting in 2025. This builds on California’s existing plastic bag ban.
- **Other bills of interest:** The state is set to ban single-use propane cylinders due to hazards they cause in recycling facilities, enact new rules for labels on cannabis vape pen packaging to prevent the items from being improperly disposed, and phase out mercury-containing fluorescent lamps due to concerns over household and waste processor exposure.