



August 24, 2021

The Honorable Anthony Portantino  
Chair, Senate Appropriations Committee  
State Capitol, Room 2206  
Sacramento, CA 95814

RE: AB 478 – Opposed

Dear Senator Portantino,

The California Grocers Association and California Retailers Association write to express our opposition to AB 478, as proposed to be amended.

As currently drafted, AB 478 is an extended producer responsibility bill, placing compliance and reporting requirements on the manufacturers of thermoform food containers. The proposed amendments shift the responsibility to the purchaser, which includes many of our member companies. This shift is inappropriate as purchasers control neither the production of compliant product nor the information to establish that the product is compliant. This shift is not consistent with other like policies adopted by the Legislature and should not be supported now.

The proposed amendments will likely result in a significant cost increase to our member companies. It would likely also significantly raise the cost to Cal Recycle because the number of companies now required to report increases by hundreds, if not thousands.

AB 478 also has other issues, which create concerns for our members if they are to be held liable for the achievement of these goals by other entities, including the recyclability goals and lack of clear language making the product recyclable.

AB 478 proposes to achieve 75% recycling rate in nine years. Our members are active participants in the bottle bill, which has been in place for more than 30 years, and currently sits at a 70% percent recycling rate. The containers in AB 478 will not have the benefit of a deposit which drives the recycling success of the containers included in the bottle bill. The rates included in AB 478 have never been accomplished in the United States and will not likely be done if AB 478 becomes law, resulting in penalties for our members.

It is for these reasons we oppose AB 478 and ask for it to be held in your committee.

Sincerely,



Kelly Ash  
California Grocers Association



Steve McCarthy  
California Retailers Association

Cc: The Honorable Jacqui Irwin, California State Assembly  
The Honorable Phil Ting, California State Assembly  
Members, Senate Appropriations Committee