



EPR LEGISLATION & REGULATORY SUMMARY

LEGISLATION

This past year, the California State Legislature introduced a plethora of bills related to Extended Producer Responsibility (EPR) programs as EPR popularity grows across the country, and particularly the State of California. Seeing an opportunity for producers to pay for costs related to the collection, recycling and disposal of consumer products, lawmakers, pushed by competing interests of NGOs, sought to grow an increasingly fragmented EPR/Stewardship Plan system in California. This increase in piecemeal legislation impacts retailers and consumers across the state. Environmental responsibility is a fundamental part of the retail business model and part of California retailers' commitment to our customers and the communities in which our stores operate in. The retail industry is leading the way in making voluntary commitments to address key sustainability issues. Given these realities and the fact that EPR is not going away, it is imperative that Cal Retailers work with subject matter experts to address this issue head on and find ways to make EPR work for everyone. The following includes key bills and regulations our team is tracking and engaging on.

SENATE BILL 615 (ALLEN) - This bill would require vehicle batteries to be recovered, and when possible, reused, repaired, repurposed or remanufactured and eventually recycled at the end of their useful life. The bill would also require a battery supplier to be responsible for, among other duties, ensuring the responsible end-of-life management of a vehicle battery if it is removed from a vehicle that is still in service or if the battery is offered or returned to its battery supplier, and reporting information regarding the sale, transfer or receipt of a vehicle battery or module to the department. The bill would impose related duties on a secondary user and a secondary handler including, among other duties, ensuring the responsible end-of-life management for a battery or returning a vehicle battery to the battery supplier, and reporting information regarding the sale, transfer or receipt of a vehicle battery or module to the department. ***Passed by the Legislature, Awaiting Governor's action.***

SENATE BILL 707 (Newman) - This bill would enact a stewardship program known as the Responsible Textile Recovery Act of 2024, which would require a producer of apparel or textile articles to form and join a producer responsibility organization or PRO. The bill would require the PRO to be approved by CalRecycle and require CalRecycle to adopt regulations to implement the program no earlier than July 1, 2028. The bill would require the PRO to submit to the department, for approval or disapproval, a complete plan for the collection, transportation, repair, sorting and recycling, and the safe and proper management, of apparel and textile articles in the state. ***Passed by the Legislature, Awaiting Governor's action. CRA remained neutral while working with the Senator's office over two years and CRA was successful by inserting favorable amendments for retailers.***

SENATE BILL 1066 (Blakespear) - Under existing law, as part of the hazardous waste control laws, the Department of Toxic Substances Control (DTSC) generally regulates the management and handling of hazardous waste and hazardous materials. Except as specified, a violation of the hazardous waste control laws is a crime. This bill would create a manufacturer responsibility program for the safe and proper management of marine flares and define “covered product” to include certain pyrotechnic devices that meet the criteria for household hazardous waste (HHW) and that are used in conjunction with recreational activities. The bill would require a manufacturer of a covered product to develop and implement a manufacturer responsibility plan for the collection, transportation and the safe and proper management of covered products and establish a process and timeline for DTSC to review and approve, disapprove or conditionally approve a plan and for the implementation of an approved plan. ***Passed by the Legislature, Awaiting Governor’s action.***

SENATE BILL 1143 (Allen) - Existing law establishes the architectural paint recovery program, which is administered by the Department of Resources Recycling and Recovery (CalRecycle) and requires a manufacturer or designated stewardship organization to develop and implement a stewardship plan. This bill would expand the scope of the stewardship program from architectural paint to paint products and would define “paint product” to mean architectural coatings, aerosol coating products, nonindustrial coatings and coating-related products. The bill would exempt aerosol coating products, coating-related products and nonindustrial coatings added to the stewardship program by the bill from the requirements of the program until January 1, 2028, or the approved stewardship plan’s implementation date for those products, whichever occurs sooner, as specified. ***Passed by the Legislature, Awaiting Governor’s action. CRA removed opposition after greatly reducing this bill down from a wide-sweeping, expansive EPR program for all household hazardous waste to just an expansion of the existing PaintCare Program, supported by the paint industry.***

SENATE BILL 1280 (Laird) - Existing law, the California Integrated Waste Management Act of 1989, establishes the Department of Resources Recycling and Recovery (CalRecycle) and requires the department to adopt rules and regulations, as necessary, to carry out the act. This bill would, on and after January 1, 2028, prohibit the sale or offer for sale of propane cylinders other than those propane cylinders that are reusable or refillable, as defined. The bill would require the department to adopt regulations to implement the provisions of this bill with an effective date of January 1, 2028. ***Passed by the Legislature, Awaiting Governor’s action.***

ASSEMBLY BILL 863 (Aguiar-Curry) - The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery (CalRecycle), generally regulates the disposal, management and recycling of solid waste. The act establishes stewardship programs for various products, including, among others, carpet and requires, among several different provisions in the bill, a manufacturer of carpets sold in this state, individually or through a carpet stewardship organization, to submit a carpet stewardship plan to CalRecycle, which is required to include specified elements, including achieving specified carpet recycling rates and a funding mechanism that provides sufficient funding to carry out the plan. ***Passed by the Legislature, Awaiting Governor’s action. CRA removed opposition after successfully inserting favorable amendments for retailers.***

While the legislature moved EPR related legislation through the state legislature, California's chief regulatory agency for all environmental related laws – CalRecycle – was busy implementing or preparing to implement EPR related regulations.

REGULATION

SENATE BILL 54 (Allen) - Passed by the California State Legislature in 2022, the Plastic Pollution Prevention and Packaging Producer Responsibility Act is currently in the rulemaking phase under the California Department of Resources Recycling and Recovery (CalRecycle). After a lengthy public workshop process and comment period, permanent regulations were submitted to the Office of Administrative Law (OAL) on February 27, 2024, and published in the California Regulatory Notice Register on March 8, 2024. ***CRA is actively following and engaging in the rulemaking process. CRA President and CEO Rachel Michelin serves on the SB 54 Advisory Board, appointed by the Governor, and serves on the Advisory Board of the Circular Action Alliance, California's approved Producer Responsibility Organization (PRO) for the implementation of SB 54.***

SENATE BILL 1013 (Atkins) – Passed by the California State Legislature in 202, the Wine and Distilled Spirit Expansion, was enacted into law on January 1, 2024. The bill expanded the state's Beverage Container Recycling Program (BCRP), also known as the Bottle Bill, to include wine and spirits containers. The bill also added wine and distilled spirit coolers, new container materials and a CRV message requirement for new beverages. ***CRA is actively following and engaging in the rulemaking process.***

SENATE BILL 1215 (Newman) – Passed by the California State Legislature in 2022, SB 1215 amends the Electronic Waste Recycling Act and adds covered battery-embedded products to the Covered Electronic Waste (CEW) Recycling Program. Covered battery-embedded product means a product covered in this program that contains a battery that is not designed to be easily removed by the user with no more than commonly used household tools. ***CRA is actively following and engaging in the rulemaking process.***