



November 17, 2024

Claire Derksen

SB 54 Plastic Pollution Prevention and Packaging Producer Responsibility Act Regulations  
Department of Resources Recycling and Recovery, Regulations Unit  
1001 "I" St., MS-24B  
Sacramento, CA 95814

Re: ***SB 54 Plastic Pollution Prevention & Packaging Producer Responsibility Act Regulations (Second 15-Day Comment Period)***

Dear Ms. Derksen:

The California Retailers Association (CRA) appreciates the opportunity to provide comments on CalRecycle's proposed revisions to the SB 54 Plastic Pollution Prevention and Packaging Producer Responsibility Act Regulations, which establish and clarify requirements related to the Act.

CRA is the only statewide trade association representing all segments of the retail industry including general merchandise, department stores, mass merchandisers, on-line marketplaces, restaurants, convenience stores, supermarkets and grocery stores, chain drug and specialty retail such as auto, vision, jewelry, hardware and home stores. The California Retailers Association works on behalf of California's retail industry, a driving force of California's economy, with over 400,000 retail establishments, an annual gross domestic product of \$330 billion and one fourth of California's total employment.

The retail industry is committed to the goals of SB 54, has made investments in sustainable practices and appreciates the opportunity to participate in the rulemaking process for SB 54. The California Retailers Association's President and CEO Rachel Michelin is an appointee to the SB 54 Advisory Board and serves as an ex-officio member of the Circular Action Alliance (CAA) Producer Responsibility Organization (PRO) board furthering the retail industry's commitment to California's commitment to moving towards a circular economy. As such, retailers are deeply invested in ensuring this groundbreaking extended producer responsibility (EPR) program for creating a more circular economy for plastics and packaging is successful both for producers, local governments and, most importantly, consumers.

Below, CRA summarizes our renewed concerns and questions regarding the latest revisions to the SB 54 regulations.

CRA Acknowledges that the only changes available for the public to comment on in the third draft of the SB 54 regulations are those shown in underline and strikethrough. However, we are including in the record those comments we submitted in November that were not included in the current draft along with general comments about the key issues our retail members have with the regulations as they are developing.

We look forward to ongoing dialogue including CalRecycle's response to our industry feedback in the Final Statement of Reasons. CRA welcomes the opportunity to meet with CalRecycle to discuss our concerns and any questions or comments CalRecycle may have. We are happy to make our subject matter experts available to answer specific questions or provide additional information that may be useful as CalRecycle moves forward with final regulations.

### **Overall Concerns with Current Draft of SB 54 Regulations**

CRA engaged during the legislative process around SB 54 and are supportive of an extended producer responsibility (EPR) model directing producers to achieve ambitious recyclability, recycling and source reduction targets. Not only has CRA been supportive of these objectives, but we also demonstrated our commitment to the success of SB 54 with CRA's President and CEO's personal involvement as a member of the SB 54 Advisory Committee through CalRecycle and as a member of the California Board for the SB 54 PRO - Circular Action Alliance.

The premise of a PRO is for producers to develop a plan, but the regulations, as currently written, are confusing to those who are required to participate in the PRO, over-regulate and increase cost for participation, limit or ban innovation for new technologies for recycling that will not only impact SB 54, but future EPR programs, and provide very vague enforcement language that will only lead to the targeting of businesses with large fines. These regulations create barriers for retailers that want to partner for the successful implementation of this and future EPR programs, but as written, it is unclear how these regulations can be implemented into a successful circular economy. Instead, it appears the direction the regulations are heading towards could result in higher costs for California consumers while not meeting legislative or environmental goals.

CRA is concerned that the direction the regulatory package is heading contains significant inconsistencies, both from a policy and legal perspective. We are troubled that the regulations create barriers towards the ability to build and invest in a system that is implementable or achieves the statutory objectives of SB 54 in creating a circular economy.

A few examples to illustrate our concerns:

**COST TO CONSUMERS AND BUSINESSES:** The economic impact analysis indicated the implementation of the regulations might result in increased costs for consumers of at least \$300 per year (\$300 per person). Looking at the most recent version of the regulations, estimates put the true cost to consumers much higher, in fact up to three- or four-times higher annually in addition to very significant increased costs for producers.

**BARRIERS TO INNOVATION:** SB 54 sought to encourage technological innovation to meet the goals of the legislation, yet the most recent draft creates significant barriers to achieving that goal, which puts the success of the bill in jeopardy. California prides itself in being an innovation leader, and one of the most important goals of SB 54 was the incentive for California to lead the nation in technological innovation in the recycling space, which would also result in hundreds of millions of dollars of new investments in California's economy and job market. These new technological advancements could benefit the state in further growing the circular economy for materials covered in future EPR programs, such as Senate Bill 707, which was signed in 2024 related to textiles. Unfortunately, the latest draft regulations put these advances in jeopardy as they look to ban the use of this exciting technology, which could also carry over to future EPR programs.

**DEFINITIONS:** To ensure compliance, definitions should be clear. Members of the CRA have grave concerns that, while we have tried to ask for clarification, there are many conflicting definitions related to the term “producer” creating confusion, ambiguity and unnecessary complexity for both manufacturers and the PRO. This leads to frustration and increased costs as producers try to figure out how to comply, leading to the reputation of California being a difficult and over-regulated state to do business in.

CRA members are committed to working with CalRecycle to make SB 54 the gold standard EPR program in the country. California has always been an environmental leader, and we stand ready to work to ensure California continues to be a leader for other states to follow. Unfortunately, if the current regulations are not significantly amended, these regulations could potentially result in programs that could fail under the weight of over regulation with a price tag that could have a significant impact on the pocketbook of hardworking California families.

### **Clarity in Definitions and Obligations – Section 18980.1.**

(entire section) CRA respectfully continues to request that CalRecycle provide clearer definitions regarding the roles of retailers, distributors, manufacturers and licensees within the revised SB 54 regulations to ensure all stakeholders understand their specific obligations. Specifically, we request clarity on the definition of “producer”. Other states with EPR laws have clearly outlined “producer” definitions and guidance (i.e. Oregon - [recDecisionTree.pdf](#)). We request CalRecycle implements similar guidance to avoid confusion so the obligated community can be clear on their obligations and register with the PRO.

The California Retailers Association urges CalRecycle to include in the next round of SB 54 revisions to the regulations clarification that licensees are producers even if the licensee does not sell licensed products directly into the state (e.g., when a licensee sells to a distributor out of state who subsequently distributes the licensed product in CA). Clarification is also needed for distributors, internet retailers and third-party retailers that add packaging to their products.

The success of any EPR program, including SB 54, is reliant on producers clearly understanding their obligations under the rules for SB 54 implementation. This includes an objective standard to clearly identify who is the obligated producer in the supply chain to support efficient producer identification, registration, reporting and fee payments.

An example of the clarity sought on definitions are illustrated below:

**(17) (C) and (F) (i) Clarity needed for pass through materials.**

*Is a product considered covered under SB 54 if it is just a pass-through material? An example is if materials covered under SB 54 are imported into California, held at a facility including port of entry, and then subsequently exported and never sold in the state, is that product covered under SB 54 or is it exempted from the regulations? It is not clear in the current draft regulations.*

**(26) 'Definition of "significant effect on the environment"'. The proposed definition is overly broad, and it would be difficult to implement consistency across producers in practice. We recommend referencing existing standards, defining "substantial" and "potentially substantial," and providing additional guidance on what would constitute a significant effect on the environment in this context, in addition to the one example already provided regarding disposal in landfills. *This request remains in our letter as the issue remains in the current set of draft regulations and appears unchanged from the first 15-day comment period.***

**Other issues of concern:**

**(27) Single-use packaging:** It would be helpful to have additional information and guidance in the SB 54 regulations regarding single use packaging for consumable Consumer Packaged Goods. Most come in some sort of oxygen barrier heat or cold seal polywrap. Is the intent to re-source the substrate in hopes the film industry develops a compostable or easily recyclable poly? Or will recycling infrastructures be better equipped to recycle PP or PE films? Is California working on alignment between counties? We respectfully request more clarification in this area. ***This request carries over from the first 15-day comment period as we have not received answers or reasoning in this section, and it does not appear any significant changes were made to this section in the updated draft regulations following the second 15-day comment period.***

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<sup>1</sup> Number and letters like 26, 27, (a)(5)(A) and references to 'entire section' refer to specific parts of the draft regulatory text and are included at the request of CalRecycle as part of their requirements for comment submissions.

## **Categorically Excluded Materials - Section 18980.2**

The California Retailers Association requests CalRecycle include in the regulations an exemption from the definition of “covered material” for packaging used for children’s educational materials including crayons, markers, colored pencils, washable paint and modeling clay. An exemption for educational materials will keep costs lower for families and teachers.

Additionally, we request CalRecycle’s consideration in allowing producers to establish take-back programs for their packaging, which would exempt the packaging as covered material and allow exemptions for packaging materials that do not have an alternative. Specific packaging affects product shelf life. The technology may not exist to replace that packaging with an alternative that provides the same protection and durability of the product.

CalRecycle might also consider updating the SB 54 regulations to exempt packaging materials used solely in business-to-business transactions where a covered material is not intended to be distributed to the end consumer, consistent with Colorado’s EPR law, and exempt store displays that are not provided to consumers.

***These requests remain in our letter as we do not see them reflected in the latest draft regulations.***

## **Exclusion of Reusable and Refillable Packaging and Food Service Ware and Updates to Source Reduction Requirements – Section 18980.2.1**

**(a)(5)(A): Guidance with respect to durability:** The requirement for packaging or food service ware to be “sufficiently durable” is too specific without a standard or certification system by which producers can prove usability for three years. We recommend striking the reference for three years.

(5) To be “designed for durability to function properly in its original condition for multiple uses,” as required by subparagraph (B) of paragraphs (1) or (2) of 33 subdivision (af) of section 42041 of the Public Resources Code, the packaging or food service ware must: (A) Be sufficiently durable to remain usable when used multiple times **over at least three years** following its initial use. Such repeated usage must be for its original intended purpose with the same product or, for packaging or food service ware that is reused or refilled by the producer, for any purposeful packaging use in a supply chain. For food service ware, this requirement shall not apply if the food service ware is shown to be, on average, subjected to 780 or more cycles in a cleaning and sanitization process, as described in clause (ii) of subparagraph (D) of paragraph (27) of subdivision (a) of section 18980.1, within the first three years of use.”

**This request remains in our letter as we see it was not incorporated by CalRecycle in the latest draft regulations.**

**Source reduction rules updates needed to the entire section:** Source reduction rules and goals set forth in SB 54 regulations (*2% reuse/refill by 2027; 4% by 2030 to achieve the*

overall goals to reduce single-use plastic packaging and food ware by weight and unit - 10% source reduction by 2027, 20% by 2030 and 25% source reduction by 2032) should account for producers that have already reduced the plastic content in their packaging or producers that use a minimum amount of plastic packaging already. In practice, CRA believes it will be more difficult and costly for producers that have already reduced their plastic packaging to meet an across-the-board source reduction target compared to other producers that haven't reduced plastic packaging previously.

Additionally, to encourage producers to reduce plastic packaging content, producers that have already reduced their plastic packaging content should be recognized in CalRecycle's rulemaking, through a mechanism like Eco-Modulation.

CalRecycle should consider the following options to account for producers that have already reduced plastic in their packaging and incentivize more sustainable packaging development.

- Set different source reduction targets based on the share of plastic packaging in the full material footprint. Specifically, producers with lower plastic packaging shares should have lower source reduction targets.
- Segment according to overall packaging footprint connected to volumes.

If the above options are not feasible, CalRecycle should set an earlier baseline source reduction year, such as 2019.

Finally, it remains unclear whether source reduction targets will be set for the PRO or at the individual producer level. If CalRecycle will set source reduction targets for producers, CalRecycle should consider ways to leverage producers with very low shares of plastic packaging as resources to the PRO.

**This request also remains in our letter as we do not see it addressed in the latest draft regulations.**

### **Exclusion of Certain Types of Packaging - Section 18980.2.2**

**(a)(2) Packaging for Long-Term Protection or Storage:** While the SB 54 statute sets the five-year minimum for this exemption to apply for covered material, the California Retailers Association recommends the definition in the regulations reference a specific standard. Without a standard, the five-year period and requirement that packaging is “*more commonly retained than discarded*” is difficult to assess. **It is unclear whether this request was addressed with the minor strikeouts made in the latest draft regulations, so this request has been left in.**

**(b) Clarify the exemption for packaging elements of a de minimis weight or volume that are not an “*independent plastic component*,” as specified in Public Resources Code § 42041(s)(4)(A).** The California Retailers Association recommends using the How2Recycle standard of 2 inches (5 cm) in any dimension as those “are at risk for not sorting properly at [materials recovering facilities].”



Source: [How2Recycle\\_Guidelines\\_Abbreviated\\_Feb2024](#). **This concern was not addressed in the latest draft regulations, so it remains in our letter.**

### **Do Not Add Complexity to An Already Complex Process - Section § 18980.2.3**

The California Retailers Association urges CalRecycle to resist attempts to overcomplicate an already complicated process by determining exemptions for specific material with demonstrated recycling rates. We do not recommend adding anything to this section that could greatly lengthen the exemption process such as requiring a public comment period and/or review by the SB 54 Advisory Board for every covered material exemption request. If an exemption request must be publicly reviewed, we recommend the public notice option rather than the Advisory Board option. The public should be the first and only avenue of review for an exemption request and any additional duties of the Advisory Board should only be considered after a sunset review (the sunset review is requested further in this letter) and proper evaluation of the Board's effectiveness.

### **PRO Audits - Section 18980.3**

**(g)(1)(C): The regulations should specify that the scope of PRO audits is to verify data regarding the recyclability of covered material only, removing the term “at a minimum”.** We recommend clarifying that the results of the audit should be anonymized when included in the PRO's annual report. **This remains in our letter as it appears regulations remain unchanged from the first 15-day comment period.**

### **Extend the Compliance Deadline for Recycling Rates - Section 18980.3.2**

**The California Retailers Association is concerned with the current compliance dates under draft SB 54 regulations.** Specifically, January 1, 2028, the deadline for plastic covered material to have a 30% or greater recycling rate. Long lead times are needed for product development. In 2024, retailers are already manufacturing products for 2026. Therefore, retailers would need to find new materials, evaluate and then source new materials by mid-2025 to meet the January 1, 2028, deadline. This timeline will be difficult to meet for most retailers if not all.

### **Impacts on Labeling – Sections 18980.3.3**

**CRA is concerned how the SB 54 revised regulations could affect How2Recycle labeling.** It is essential to ensure retailers online platforms display the correct How2Recycle labels. The key question is whether CalRecycle's list of recyclable and compostable materials aligns with H2R and the need to ensure it aligns in the final regulations.

### **Verifying Postconsumer Recycled Content - Section 18980.3.4**

**The California Retailers Association recommends the following revisions to make it clear whether the PRO or producer will be responsible for verifying postconsumer recycled content:**

*(b)(4) That postconsumer recycled content used in covered material can be validated by the Association of Plastic Recyclers through its APR Postconsumer Resin Certification Program for purposes of validating the comparison described in paragraph (1) **by the [PRO][the individual producer]**. Alternatively, the plan may propose a different third party to perform the validations **for producers seeking the alternative source reduction credit**. The plan may do so only if the plan and the alternative third-party validation entity meet the following requirements: ...”*

**This request remains in our letter as it was not taken by CalRecycle during the last 15-day comment period and is not in the latest draft of the regulations.**

#### **Transparency - Section 18980.4.1(c)**

If stakeholders who are obligated under SB 54 request additional transparency of producers, then the same transparency should be provided for producers in relation to the other stakeholders. For example, if local governments want additional transparency around the PRO’s cost structure, then local governments should have a transparency requirement on how they are spending money allocated to them under SB 54 by the PRO.

This transparency ensures funding is spent in the most efficient and cost-effective way protecting consumers and ratepayers while implementing the goals of SB 54. This includes requiring local government SB 54 spending reports be made publicly available on the PRO’s website in a timely manner and in a way that is easily accessible and understandable for ratepayers. In the spirit of consumer and ratepayer protection and transparency, providing clear specifics on how local jurisdictions are applying SB 54 funding in communities should be a priority and how local jurisdictions are using funding from the PRO to lower ratepayer costs should comply with the spirit of SB 54.

#### **Clarity needed for pass through materials – Section 18980.5 (b)**

Is a product considered covered under SB 54 if it is a pass-through material? An example is if materials covered under SB 54 are imported into California, held at a facility including port of entry, and then subsequently exported and never sold in the state, is that product covered under SB 54 or is it exempted from the regulations? It is not clear in the current draft regulations, and we respectfully ask for clarification.

#### **Updates to Requirements for the Producer Responsibility Organization, Fee Rates for Covered Materials and Renewable Materials - Section 18980.6.7**

**(a) (5) Costs to reimburse the Department:** If CalRecycle edits the SB 54 regulations due to requests from other entities to require the PRO to provide financial support for the CalRecycle SB 54 Advisory Board, then the California Retailers Association requests CalRecycle include voting positions for representatives of producers (i.e. the California Retailers Association or their representative) on the SB 54 Advisory Board.

**Fee rates for covered material categories:** The California Retailers Association respectfully recommend adding additional specificity around the justification for setting



higher base rates for certain covered materials. We recommend something similar to the following:

*“A PRO shall set higher base fee rates for covered material categories for which greater investments or other expenditures are **reasonably necessary based on prevailing market conditions** to develop viable responsible end markets for such covered material categories, implement source reduction measures for such covered material categories, or shift to reuse and refill systems.”*

Since the Public Resource Code provides a reduced fee for plastic covered materials derived from renewable materials relative to plastic covered materials derived from nonrenewable materials, the California Retailers Association recommends guidance to the PRO on assessing overall environmental benefits of nonrenewable materials (an environmental impact assessment and/or recyclability assessment).

**This request remains in our letter as it is not reflected in the current draft regulations.**

### **SB 54 Advisory Board Sunset Provision – Article 6**

As it pertains to the CalRecycle SB 54 Advisory Board requirements in the SB 54 revised regulations, the California Retailers Association requests that a sunset review date be included in the rule making package, so the Advisory Board is required to report to the Legislature its activities and effectiveness in implementing provisions of SB 54. It allows members of the Legislature to determine if the Advisory Board is still needed for the implementation of SB 54. This also aligns with other boards and commissions formed under other state statutes.

### **Addressing Challenges Around Data Gathering – Section 18980.6.8**

CRA is concerned regarding the challenges in gathering precise packaging data from upstream suppliers. We propose CalRecycle include in the final SB 54 regulations reporting requirements that are reasonable and phased in to allow retailers to develop the necessary relationships and systems for tracking packaging data.

### **Accountability and Guard Rails Needed Around SB 54 Mitigation Fund – Section 18980.7.6**

Local Government reimbursement requests need to include detailed reports and backup documentation for expenses, to ensure producers and the PRO are not funding local government budget gaps that are unrelated to SB 54 implementation or compliance.

### **Producer Responsibility Plan – Section 18980.8**

**(g) Timeline of Covered Costs:** The California Retailers Association urges CalRecycle to keep this section under the SB 54 regulations intact and not allow payments prior to when the law was enacted. Provisions of the SB 54 statute should be enacted after the statute took effect – not before. The final SB 54 regulations should stay firm on costs considered only AFTER January 1, 2023.

***(h) (4) (D) Arbitration:*** The California Retailers Association urges that the decision of the arbitrator or arbitration panel remain binding in the regulations. Attempts to make arbitration non-binding and instituting, for example, an arbitrary time period for an unlimited number of appeals could potentially increase costs to consumers and ratepayers as appeals are tied up in the courts, diverting resources away from ensuring SB 54 is implemented and goals are met.

***(h) (f) (E) Arbitration*** Additionally, CRA requests CalRecycle leave this section unchanged despite requests from local jurisdictions to have the PRO cover all arbitration and mediation fees. There are multiple requests by local jurisdictions for cost reimbursement and unrelated costs prior to the enactment of SB 54. The request for the PRO to cover local jurisdiction arbitration AND mediation costs ultimately increases costs of products to consumers.

### ***Public Awareness and Education***

CRA requests that CalRecycle includes a strong public awareness component to educate consumers on their role in reducing packaging waste and recycling. Retailers are concerned about the unrealistic expectations of the reuse/refill/source reduction goals set forth in SB 54 (referenced above), which will require an extensive outreach campaign to educate and encourage consumers to bring in their containers for refill purposes. There needs to be consumer incentives built into the outreach that cannot be placed entirely on retailers. These incentives need to be part of the robust consumer outreach campaign that includes grants for retailers to implement.

### **PRO Annual Report Requirements - Section 18980.9.1**

**(d)(2)(C): The California Retailers Association recommends striking section C altogether**, since the source reduction piece of the legislation's goals is sufficiently met by the requirement in section A to report the percentage of reduction.

~~**A quantitative assessment of source reduction achieved through reuse and refill strategies. The assessment shall assess the percentage of reduction in new material produced, detailing the reduction in the number and weight of single-use products and plastic components through shifting to reusable or refillable packaging or food service ware or elimination of plastic components.**~~

**This request remains in our letter as it was not addressed in the current draft regulations and remains in the regulatory text.**

**Local Government Exemptions –Section 18980.11.1: The California Retailers Association wants to ensure Section 18980.11.1 remains intact in the final SB 54 regulations.** Requests of CalRecycle to reimburse for services outside of the scope of the regulations will result in creating inequity in the implementation of SB 54, which will in turn raise costs for consumers and ratepayers. We need to ensure ratepayers are incentivized to recycle rather than have a litany of exemptions to find ways around SB 54 compliance.

**Enforcement pauses: All entities falling under the SB 54 regulations including producers need to be given the opportunity to have enforcement paused when they**

**are seeking an exemption from the rule.** Local governments have requested the enforcement pause option and the California Retailers Association would like to ensure CalRecycle applies any pause equally so if a producer requests an exemption, they will also receive a pause in regulatory enforcement. There needs to be a standard of equity in how the regulations are enforced and implemented. One group cannot be treated differently than another if both are trying to fulfill their obligations under SB 54.

### **Administrative Civil Penalties – Section 18980.13.2**

**The California Retailers Association recommends maintaining an equitable penalty system under SB 54.** Requests by the obligatory community for a tiered penalty system should include all stakeholders. If there are requests for tailored penalties that are not equal to the proposed \$50,000/day requirement currently in the draft regulations, CalRecycle should consider a penalty system that considers whether an obligated stakeholder under SB 54 willingly or knowingly violated the law. An example could be \$50,000/day if the penalty is committed knowingly by a producer, local government or any other obligated stakeholder under the regulation and \$10,000/day for not knowingly violating the regulations.

### **Additional Producer Responsibility Organizations – Article 14**

**The California Retailers Association requests that CalRecycle keep this article stricken from the regulations as it is duplicative.** Consequences for the PRO including revoking PRO plans or revoking the PRO are already outlined under Section 18980.13.5. Disciplinary Actions.

**This request remains in our letter as the article has not been removed from the draft regulations and duplication remains.**

### **Alignment/Harmonization with Existing Initiatives – Regulations as a whole**

CRA recommends that CalRecycle ensures the SB 54 final regulations align as much as possible with other state regulations specific to packaging EPRs including Oregon and Colorado, to reduce compliance complexity, especially around differences in materials between states.

Retailers are currently preparing to comply with Oregon's packaging EPR reporting requirements and fees next year, and, as such, the California Retailers Association asks CalRecycle to consider state alignment during the regulatory process. Retailers that are smaller than Big Box stores and have omni channel delivery are being asked to collect the packaging data for Oregon's categories, which is proving to be a significant effort and Oregon is a much smaller state than California.

As importers, smaller retailers would be responsible for the reporting of thousands of SKUs and the polling of hundreds of vendors, plus auditing steps to ensure data is sound. In comparing the covered materials list for Oregon and California, California's covered materials list seems much more comprehensive and specific. The California Retailers Association is unsure if that is intended to provide details to ensure all packaging is encompassed and falls within a category that will be summarized to a more general

reporting category, or if it will be that granular and retailers will need to pay fees on a granular scale. Many retailers are developing a process for Oregon and ask CalRecycle during the SB 54 rulemaking process for consideration regarding the workload on small businesses if California is significantly different or more specific than Oregon's packaging EPR.

Retailers of all sizes are committed to reducing the environmental impact of packaging and embrace the EPR model that many states are taking. We understand our responsibility and are looking for new, innovative ways to lead as we work collaboratively on policies focused on environmental sustainability. We want to be active collaborators and partners who can bring expertise and experience to the table, while at the same time ask for considerations around increased workloads and costs that can quickly escalate if not kept in check.

We urge CalRecycle to not go against the intent of the original Senate Bill 54 authored by Senator Ben Allen, which was discussed at recent SB 54 Advisory Board meetings and seems to be the will of many voting members of the advisory board, especially in relation to fee collection. Many stakeholders negotiated in good faith with the author, the Administration, CalRecycle and other members of the Legislature on final bill language. It would be unfortunate if those good faith negotiations were eliminated during the rulemaking process.

Thank you again for the opportunity to share concerns of retailers large and small regarding the proposed SB 54 regulations. We stand ready to work with CalRecycle to implement SB 54 and its priorities to lead the nation, and the world, as landmark policy in addressing plastic waste, moving many steps closer towards a circular economy and sustainable waste management.

If you have any questions or need additional information on any of the issues raised in this letter, please do not hesitate to contact me directly either at 916/443-1975 or [Sarah@calretailers.com](mailto:Sarah@calretailers.com)

Sincerely,



Sarah Pollo Moo  
Director, Public Affairs  
California Retailers Association