October 13, 2026

Submitted Electronically to Regulations@CalRecycle.ca.gov and CalRecycle's Public Comment Portal:

Re: September 2026 Textile Stewardship Workshop

To CalRecycle Textiles Stewardship Program Team:

The California Retailers Association (CRA) appreciates the opportunity to continue to provide comments during the informal rulemaking process for the implementation of California's Textiles Stewardship Program created by SB 707 (Newman-2024). The following comments are in response to CalRecycle's second informal regulatory concepts workshop held on September 29, 2026 covering Responsible End Markets, Reuse, and Repair; Convenient Collection System; Producer Identification and Exemptions.

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 707, has made investments in sustainable practices and appreciates the opportunity to participate in the rulemaking process. The California Retailers Association's President and CEO Rachel Michelin serves on the board of Landbell USA, the Producer Responsibility Organization (PRO) selected by CalRecycle to manage California's Textiles Stewardship furthering the retail industry's commitment to moving towards a circular economy. Retailers are deeply invested in ensuring this groundbreaking stewardship program for creating a more circular economy for textiles is successful for producers, local governments, recycling, reuse and repair service providers and, most importantly, consumers.

Below, CRA summarizes our comments on the informal regulatory concepts workshop covering Part 1: Responsible End Markets, Reuse, and Repair; Part 2: Convenient Collection System; Part 3: Producer Identification and Exemptions for California's Textiles Stewardship Program. CRA, again, appreciates the opportunity to provide feedback to CalRecycle as rulemaking begins for this landmark program. We look forward to ongoing dialogue, and 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 through rulemaking for SB 707.

Specific Comments on Regulatory Concepts

Part 1: Responsible End Markets, Reuse, and Repair

Part 1, Topic 1: Responsible End Markets

Question 1: What criteria should entities meet to be designated as a REM?

California Retailers Association Response: REM designation should be based on clear, objective and verifiable criteria, including compliance with applicable laws, demonstrated environmental benefit, protection of public and worker health and safety, transparent material tracking, and auditability. These criteria should be applied consistently across recycling technologies and focus on demonstrated outcomes rather than prescribing a particular recycling process.

Question 2: How should REMs demonstrate that their recycling or recovery processes "benefit the environment" and what evidence should PROs be required to obtain?

California Retailers Association Response: Environmental benefit should be demonstrated through credible evidence of material recovery and productive use, supported by recognized environmental or industry standards where appropriate. Evidence requirements should be proportionate and outcome-based so they can accommodate evolving textile recycling technologies.

Question 7: What performance-based criteria (e.g., yield rates, material recovery targets) are appropriate for determining whether a REM is effectively returning materials to productive use?

California Retailers Association Response: Performance criteria should include consistent reporting of material inputs, outputs and process yield rates, with minimum expectations informed by statewide needs assessment data. CalRecycle should consider whether different material streams require different benchmarks rather than establishing one universal yield requirement. Requirements should be capable of evolving as textile recycling infrastructure and technologies mature.

Comment: Definitions of reuse, repair and recycling need greater clarity.

The California Retailers Association requests that CalRecycle provide clear distinctions in how the definitions of reuse, repair, and recycling are defined. The law narrowly defines 'reuse' as 'resale of a covered product' and does not address donation. CalRecycle is suggesting requiring that the resale occur through a registered business.

Part 1, Topic 4: Reuse and Repair

Question 1: What criteria should be used to distinguish reuse that occurs as an outcome of recycling from direct resale of collected covered products, and what indicators best demonstrate which pathway was used?

California Retailers Association Response: CalRecycle should distinguish reuse from recycling based on the pathway and outcome of the collected product. Where the same product is resold to a consumer for its original intended use, it should qualify as reuse; where the product is processed into material or feedstock for a new output, it should be considered recycling.

Question 2: What types of documentation (e.g., product descriptions, secondary-market listings, sales records, processing records) should be required to verify reuse activities?

California Retailers Association Response: For established resale and take-back programs, records kept in the ordinary course of business should be sufficient to verify reuse, including records showing product intake, assessment or processing, listing and subsequent sale. It would be preferred that CalRecycle avoids requiring item-level lifecycle tracking where reasonable aggregated business records provide reliable verification.

Question 5: What documentation requirements or verification practices should entities meet to demonstrate compliance with reuse requirements?

California Retailers Association Response: Verification should rely on existing commercial recordkeeping and audit processes where those processes provide assurance of compliance. Additional or item-level verification requirements should only be required where existing records are insufficient. CalRecycle should avoid duplicative or item-level documentation requirements.

Question 10: Is the meaning of "original intended use" clear? If not, how should the term be further clarified in regulations?

California Retailers Association Response: CalRecycle should clarify that a repaired, refurbished or altered apparel product remains in its original intended use where it continues to function as apparel. Cleaning, repair, resizing or similar alterations should not cause an otherwise reusable product to fall outside the reuse category.

Part 2: Convenient Collection System

Part 2, Topic 1: Convenience

Question 2: Should temporary collection sites and mail-back options count toward convenience only after permanent site minimums are met, and what conditions should apply when they are used as supplemental options?

California Retailers Association Response: No. Temporary collection sites and mail-back options should not count toward convenience only after permanent site minimums are met. While the statute requires minimum permanent collection sites, temporary collection events and mail-back programs should be recognized as part of the collection network and considered when evaluating geographic coverage, accessibility, and consumer convenience. For small counties, where the statute refers to "collection locations," CalRecycle should clarify that these alternative collection methods may count toward the minimum requirement.

Question 4: What operational criteria should CalRecycle use to determine whether a collection site qualifies as a permanent location, including minimum operating hours, weeks of operation, and acceptance of all covered products?

California Retailers Association Response: Permanent collection sites should provide reliable, recurring and reasonably accessible collection opportunities, with predictable operating hours and continuity of operation. CalRecycle should retain flexibility for the collection network as a whole to

ensure convenient access to all covered products, rather than requiring every individual permanent location to accept every product category where equivalent access is available through other collection channels.

Question 7: How could non-permanent collection sites, such as temporary sites, pickup services, collection events, or mail-back programs, collectively or individually count toward meeting a small county's minimum collection location requirement?

California Retailers Association Response: Temporary sites, collection events, pickup services and mail-back programs should be recognized as eligible collection methods for small counties where they provide meaningful consumer access. CalRecycle should establish clear eligibility criteria based on factors such as frequency, duration, geographic coverage and reporting requirements.

Comment: Existing collection sites need to be counted as part of the Textiles EPR Program infrastructure.

The California Retailers Association requests that CalRecycle recognize existing collection sites such as nonprofit bins and retail in-store bins to decrease the need for more costly infrastructure that is unused or pulls volume from existing flows.

Part 3: Producer Identification and Exemptions

Part 3, Section 1, Topic 1: Producer Identification and Registration

Question 2: What documentation would best allow for identification of a business as a brand owner, licensee, manufacturer, distributor, importer, and/or wholesaler of covered products?

California Retailers Association Response: CalRecycle should allow businesses to rely on existing corporate and commercial records, including documentation of brand ownership, licensing relationships, importer-of-record status and distribution arrangements, to establish their role in the producer hierarchy. The process should avoid duplicative submissions and provide clarity in licensing relationships so that the same products or sales are not attributed to multiple entities.

Comment: Clarity needed on "person" for definition of producer.

CalRecycle's descriptions are unclear about to handle that the law defines a producer as a "person who manufacturers a covered product…" CalRecycle suggests the need for the PRO to document each producer-to-person relationship via a duty assumption agreement. California Retailers Association requests greater clarity here.

Part 3, Section 2, Topic 1: Secondhand Covered Product

Question 1: How can an entity provide proof that a covered product was previously owned by a consumer other than itself or its related parties?

California Retailers Association Response: Records generated through established consumer take-back or resale programs, including intake and trade-in records, should be sufficient to demonstrate prior consumer ownership. Item-level ownership documentation should not be required where an entity's records and processes reliably establish that products are sourced from consumers.

Part 3, Section 3, Topic 2: Additional Lists; Process to add a list entry

Question 3: Are there situations where publishing these lists could create concerns regarding confidentiality or proprietary information, and how can that be managed?

California Retailers Association Response: CalRecycle should apply the same confidentiality protections that already exist to any new list created (i.e only allos release of data in a summary form that isn't tied to a specific producer).

General Comment on De Minimus Exemption

The California Retail Association supports the goals of the Responsible Textile Recovery Act and an effective system to increase textile reuse, repair, and recycling. The program should focus its requirements and resources on producers that substantially contribute covered textiles to California's marketplace and waste stream.

CRA requests CalRecycle add into their regulations a de minimis exemption based on a producer's annual sales of covered textile products in or into California, rather than its total global revenue. The current global-turnover test can exempt a small company while fully regulating a diversified company that sells the same or fewer covered textiles simply because its unrelated business revenue exceeds the threshold.

The de minimus exemption needs to consider the following:

- Fairness: Businesses introducing similarly small amounts of covered textiles into California should receive similar regulatory treatment.
- Relevance: California covered-product sales measure the activity being regulated, not revenue from unrelated products or business lines.
- Proportionality: Full registration, reporting, fee, and compliance obligations are disproportionate for businesses with only incidental textile sales.
- Administrative efficiency: CalRecycle and the producer responsibility organization can focus resources on producers responsible for materially greater textile volumes.

A covered-product sales threshold would be objective, repeatable, and auditable. Eligibility could be verified through annual California sales records, a signed certification, record retention for audit, and annual renewal. This approach supports standardized forms and avoids duplicating information collected through registration, reporting, or audits.

CRA requests that CalRecycle determine whether it may establish a covered product de minimis threshold through regulation. If statutory authority is insufficient, CRA requests that CalRecycle acknowledge that insufficiency. At a minimum, the regulations should provide proportionate registration, reporting, fee, and documentation requirements for producers with demonstrably de minimis California textile sales.

Proposed De Minimis Exemption Language:

"Producer" does not include a seller with less than $1,000,000 in annual sales of covered products in or into the state, adjusted annually pursuant to the California Consumer Price Index for All Urban Consumers for all items, as determined by the Department of Industrial Relations.

This language directly responds to the "Small Seller Exemption Process". The CalRecycle second informal regulatory concepts workshop specifically asks:

- What information or documentation is needed to verify small-seller status?
- How often should the Small Seller List be updated?
- What evidence should support inclusion on exemption lists?
- How can duplication with registration, reporting, or audits be avoided?

CalRecycle is considering standardized forms, supporting records, annual renewal, notification of status changes, and publication of a Small Seller List. CRA's de minimis exemption request falls under the second informal regulatory concepts workshop as it proposes a clear, measurable eligibility standard of "less than $1 million in annual sales of covered products in or into California". That threshold could be verified using:

- California sales records for covered textile products
- A signed annual certification
- Supporting documentation retained for audit
- Annual renewal, consistent with CalRecycle's proposed process

CRA's De minimis exemption request also advances CalRecycle's goal of a standardized, administrable exemption. The second informal rulemaking regulatory concepts workshop presentation slides emphasize standardized forms, records, reporting, list maintenance, and renewal. CRA's covered-product sales test is:

- Objective: It relies on identifiable sales.
- Repeatable: The same calculation can be used annually.

- Auditable: A producer can retain records supporting the calculation.
- Relevant: It measures the regulated activity, not unrelated company revenue.
- Efficient: It avoids imposing full compliance requirements on businesses with only incidental textile sales.

CRA's De minimis exemption request builds on the statute's existing de minimis principle.

The Act already excludes sellers with less than $1 million in annual aggregate global turnover, but it does not provide details about how an entity obtains or verifies that exemption. CRA's de minimis exemption does not reject that principle. It says the principle should be applied more precisely:

- The existing exemption assumes that a sufficiently small seller contributes minimally to the waste stream.
- A diversified business can also contribute a minimal amount of textiles, even if its overall revenue is much larger.
- Therefore, the exemption should measure covered textile sales in California, rather than revenue from unrelated business activity.

Businesses introducing similarly small amounts of textiles should receive similar regulatory treatment, and administrative resources should focus on producers responsible for materially greater quantities.

CRA's de minimis exemption answers CalRecycle's request for "other related items" needing clarification. The second informal rulemaking regulatory concepts workshop closes by inviting feedback on all presented topics and other related statutory items that interested parties believe need clarification.

We, again, appreciate the opportunity to share our comments and remain ready to work with CalRecycle to implement SB 707 and lead the nation and world, as this monumental policy decreases textile waste and moves California closer towards a circular economy and sustainable waste management system.

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

Sincerely,



Sarah Pollo Moo
Vice President, Sustainability Compliance and Operations
California Retailers Association