

Addressing the Plastic Waste Crisis in California with Senate Bill 54
by
Los Angeles County Integrated Waste Management Task Force
Public Education and Information Subcommittee
Chair – Mike Mohajer

Senate Bill 54 (SB 54) by Senator Allen was signed into law by California Governor Gavin Newsom on June 30, 2022. Initially introduced in December 2018, the [Plastic Pollution Prevention And Packaging Producer Responsibility Act](#) (Act) is the result of four years of negotiation amongst dozens of business and industry representatives, environmental organizations, the Los Angeles County Integrated Waste Management Task Force (Task Force), and government leaders. Various versions of the Bill failed to pass in 2019, 2020, and 2021 in the face of opposition from some industry and environmental groups.

This year during the last hearings in the Assembly and the Senate, the Bill was continually amended based on the recommendations from environmental groups that originally opposed the Bill. In the final committee and floor votes and after fierce negotiations among lawmakers and stakeholders, SB 54 gathered broad bipartisan support. In addition, influential proponents of a similar Statewide Initiative Measure withdrew it from the November 2022 election ballot with just hours before the legislative deadline.

SB 54 would, among other provisions:

- Include "covered materials" defined as certain single-use packaging and plastic single-use food service ware.
- Require the producers of these covered materials to source reduce the covered material; ensure that covered material offered for sale in the state on or after January 1, 2032, is recyclable or compostable; ensure that plastic covered material offered for sale in the state meets specified recycling rates; and require not less than 65 percent of plastic covered material to be recycled on and after January 1, 2032.
- Require producers of covered materials to join a producer responsibility organization (PRO) by January 1, 2024, or be prohibited from selling, offering for sale, importing, or distributing such covered materials in California.
- Require CalRecycle to adopt regulations by January 1, 2025, with provisions of the new law set to take effect January 1, 2027.
- Requires CalRecycle to prepare, or to select an independent third-party contractor to complete, one or more initial statewide needs assessments designed to determine the necessary steps and investment needed for covered material to achieve the requirements of the act. The PRO is required to reimburse CalRecycle for the cost of developing the needs assessments.
- Requires a PRO to pay \$500,000,000 each year, as assessed by the California Department of Tax and Fee Administration and for the PRO to collect up \$150,000,000 from plastic resin manufacturers who sell plastic covered material to producers who are participants of the PRO to be deposited in the California Plastic Pollution Mitigation Fund. Sixty percent of the money raised will be used

to address effects to disadvantaged, low-income and rural communities, as well as to recover, restore, and protect the natural environment.

Unfortunately, the definition of recycling in SB 54, as Chaptered on June 30th, “via a last minute amendment,” excludes energy generation and production of fuels. Conversion Technologies (CTs) are used to convert solid waste streams into new useful raw materials that include liquids, paraffins, and syngas. The syngas can be used to create electricity, hydrogen, and renewable natural gas. The liquids and paraffins can be refined to create fuels (e.g., jet fuel), machinery lubricants, coolants, and other useful end products. SB 54’s definition of recycling could discourage siting certain CTs in California and make it more difficult to properly manage various solid wastes streams, including certain plastics. In addition, this definition is not aligned with the State’s goals of achieving a circular economy, reducing pollution, addressing plastic litter, promoting clean energy infrastructure, and decreasing greenhouse gas emissions by displacing the extraction of fossil fuels for the energy and fueling.

If you have any questions regarding the subject matter, please contact Mr. Mike Mohajer of the Task Force at MikeMohajer@yahoo.com or (909) 592-1147.