



August 4, 2017

California Department of Resources Recycling & Recovery
Submitted via packaging@calrecycle.ca.gov

RE: Draft Screening Criteria for Determining Priority Packaging Types

On behalf of the California Chapters of the Solid Waste Association of North America's (SWANA) Legislative Task Force (LTF), I am pleased to write to express our feedback on CalRecycle's Draft Screening Criteria for Determining Priority Packaging Types in light of efforts to develop a comprehensive statewide mandatory packaging model.

SWANA is the world's largest association of solid waste professionals (7,700 members). SWANA's California chapters represent more than 900 members. SWANA represents much of the publicly-owned and –operated solid waste management infrastructure in the state and the local governments responsible for implementing waste diversion and recycling programs. The LTF is responsible for representing the California Chapters on legislative and regulatory issues. SWANA is committed to advancing the practice of environmentally- and economically-sound management of municipal solid waste.

The SWANA LTF acknowledges the State's efforts to address packaging reform and would like to participate as collaborative partners in this process. Our comments below are intended to highlight our initial feedback on the draft screening criteria provided by CalRecycle.

We have identified three draft criteria that we agree CalRecycle should prioritize in the screening process. CalRecycle cites "prevalence in the waste stream" as one of the key waste-related criteria. The LTF agrees that this filter will be important to identify whether a particular packaging product or product category contribute significantly to the overall waste stream, as such information will be critical to informing CalRecycle's prioritization efforts.

The draft criteria also acknowledge the need to determine whether a packaging product or product category is highly contaminated in the collection process, and whether packaging is a significant contaminant for other material streams. We agree that efforts to reduce contamination via a packaging reform model will be beneficial.

The draft criteria recognize the need to address whether a packaging product or product category are designed to be reused and/or recycled. With numerous waste diversion and recycling mandates on the horizon, it is imperative that CalRecycle consider the critical importance of market development and sustainability and support markets for recycled material, including requiring post-consumer recycled content in packaging. Waste management facilities can recover only those recyclables for which there are established markets. Long-term, economically viable material markets will also be essential for waste management facilities to offset costs associated with modifying programs and infrastructure to divert recyclables from landfills.

Additionally, as CalRecycle explores options for reducing the disposal and release of packaging materials into the environment, we would urge CalRecycle to consider whether material recovery facilities (MRFs) are currently unable to feasibly process a particular packaging product or product category collected by California curbside programs. SWANA would also like CalRecycle to take into account existing and effective collection systems and markets for recyclable

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materials (e.g. corrugated cardboard and scrap metals) and avoid proposing policy changes that could damage those systems and markets.

Further, we'd note that the SWANA LTF would have serious concerns with a mandatory packaging approach that would diminish or otherwise adversely affect traditional local control over the collection and processing of solid waste and recyclables. Under existing California law, local government has the primary authority, responsibility, and accountability for the provision of solid waste collection and management programs – whether through direct provision of services or through contractual arrangements with other private or public entities. The local government is the first line of authority, pursuant to state law, to ensure these services are delivered effectively and responsibly in a manner that is fully protective of human health, public safety and the environment. SWANA would be extremely concerned with any mandatory packaging approach that undermined these core responsibilities and principles.

Finally, we'd add that the cost of compliance with regulatory mandates all too often falls to local governments. CalRecycle should consider including EPR in the criteria so that disposal costs are not borne solely or disproportionately by local governments. Producers should be held accountable for their waste products and should be required to produce environmentally responsible products and packaging.

Thank you for the opportunity to provide feedback. We look forward to ongoing engagement as the workshop process continues.

Sincerely,



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