



October 31, 2017

California Department of Resources Recycling & Recovery  
Submitted via [packaging@calrecycle.ca.gov](mailto:packaging@calrecycle.ca.gov)

**RE: CalRecycle Packaging Reform Workshop Background Document – October 10, 2017**

On behalf of the California Chapters of the Solid Waste Association of North America's (SWANA) Legislative Task Force (LTF), I am pleased to express our feedback on CalRecycle's Packaging Reform Workshop Background Document, published October 10, 2017, 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 concepts outlined in the background document.

Of the potential policy tools identified by CalRecycle, we are supportive of four key concepts. We have consistently been supportive of source reduction efforts across the waste sector, and would encourage source reduction of packaging as a way to directly address the root of the problem. We have also supported and seen success with a producer responsibility approach, and would support EPR as an effective policy tool to reduce and manage packaging in the waste stream.

Additionally, we would support a minimum postconsumer recycled content requirement. Such a requirement would create demand for recycled feedstock, decrease reliance on virgin material, provide a direct link to supporting markets, and require action from multiple entities in the supply chain. We would further like to see recyclable or compostable design requirements, which create consistency in materials management, encourage the development of markets, and reduce processing costs for recyclers and composters.

Several of the potential policy tools outlined in the background document are problematic. We are opposed to a landfill ban, which would not address upstream packaging issues, places no responsibility on manufacturers, provides no link to recycling markets, and places the primary responsibility on local jurisdictions. Further, a landfill ban would be problematic to enforce and would pose a significant risk of increasing illegal dumping and littering. We are also opposed to a deposit system, which would be too complex to implement across all material types, and likewise provides no link to recycling markets.

We are further opposed to increasing the landfill tipping fee. Such an increase would not be specific to packaging, the issue that this reform aims to address. Upstream packaging issues would not be addressed by increasing the tipping fee. And, this approach would place no responsibility on manufacturers, provide no link to recycling markets, and is overall a poor policy driver. Additionally, a pay-as-you-throw or advanced recycling fee approach are other mechanisms that funnel money to the State to distribute back to local entities, creating a cumbersome system that does not specifically address packaging reform.

LEGISLATIVE ADVOCATES

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Previously, we commented on CalRecycle's Draft Screening Criteria for Priority Packaging Types, and we reiterate that feedback here, regarding the updated screening criteria, which fall into six categories.

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 contributes significantly to the overall waste stream, as such information will be critical to informing CalRecycle's prioritization efforts.

The criteria no longer 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 would emphasize that efforts to reduce contamination via a packaging reform model will be beneficial, and should be addressed as part of the comprehensive reform efforts.

Similarly, the criteria no longer include 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. Thus, we are pleased to see recyclable and compostable design, as well as minimum postconsumer recycled content requirements, among the potential policy tools that are under consideration.

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

Further, we'd again 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 and their tax payers and rate payers. 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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