



September 21, 2017

The Honorable Edmund G. Brown
Governor, State of California
State Capitol, Governor's Office
Sacramento, CA 95814

RE: AB 1158 (Chu) Carpet recycling – Request for Signature

Dear Governor Brown,

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 you in **SUPPORT** of **AB 1158 (Chu)**, which will take needed measures to improve California's carpet stewardship program to ensure it provides maximum benefits to California fee payers. The SWANA LTF respectfully requests that you **SIGN** this bill when it comes before your desk.

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 is supportive of Extended Producer Responsibility programs that help reduce burdens on and costs to local governments due to managing products in the waste stream that are expensive and difficult to manage. California's Carpet Stewardship Law (AB 2398, Chapter 681, Statutes of 2010) requires carpet manufacturers that sell carpet in California to implement a stewardship program to demonstrate "continuous meaningful improvement" of the recycling rate of carpet in the state.

In December 2016, CalRecycle disapproved CARE's Proposed Plan for 2017-2021, deeming the stewardship organization out of compliance, "when CalRecycle already found the Program lacked continuous meaningful improvement three years in a row." After CARE submitted a Revised Plan in February of this year, CalRecycle released another staff report, again recommending that the Revised Plan be disapproved. Then, CalRecycle filed an administrative action against CARE for lack of compliance from 2013-2016.

The industry's ongoing lack of compliance highlights the need for cleanup and improvements to the original statute, as outlined in CalRecycle's staff report. AB 1158 (Chu) takes meaningful steps to improve California's Carpet Recycling Program by:

- 1) Formalizing Stakeholder Role: Establishes a multi-stakeholder advisory committee under CalRecycle to promote transparency and ensure consideration of input from many stakeholders.

LEGISLATIVE ADVOCATES

Jason Schmelzer and Melissa Immel

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- 2) Establishing Clear Performance Goals: Sets a reasonable carpet recycling rate of 24% by 2020 (the state's overall recycling goal is 75% by 2020), and allows CalRecycle to set new goals for future years based on stewardship program information and economic and any other relevant information.
- 3) Protecting Consumer Fee Money: Clarifies that consumer recycling fee money cannot be spent to pay civil penalties, litigation against the State of California, or for the landfilling or incineration of carpet.
- 4) Providing Enforcement Flexibility: Allows manufacturers to operate under the most recently approved plan for one year if the broader stewardship organization's plan is disapproved. This allows for the continuation of the recycling program and protects manufacturers from penalties while the stewardship organization resolves issues that led to plan disapproval.
- 5) Supporting Training of Apprentices: There was broad agreement among stakeholders that proper training of carpet installers on methods of removing and storing carpet will improve the quality of the product being recycled, and lead to a higher recycling rate. AB 1158 provides incentives for the training of apprentices as a method of improving program performance.

This bill will promote transparency, improve effectiveness, hold the carpet industry accountable, and ensure consideration of input from a diverse range of stakeholders. Improving the state's carpet stewardship program will also reduce burdens on and costs to local governments and help the state achieve its ambitious recycling goals. For these reasons, the SWANA LTF is pleased to **SUPPORT AB 1158 (Chu)** and again, respectfully requests that you **SIGN** this bill. Thank you for your consideration of this critical measure.

Sincerely,



Jason Schmelzer
Partner
Shaw / Yoder / Antwih, Inc.

Cc: The Honorable Kansen Chu, 25th Assembly District

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