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April 12, 2018

The Honorable Al Muratsuchi
Chair, Assembly Natural Resources Committee
State Capitol, Room 2179
Sacramento, CA 95814

RE: AB 2921 (Low) Expanded Polystyrene Food Service Packaging Recovery and Recycling Act– OPPOSE UNLESS AMENDED

Dear Chair Muratsuchi,

On behalf of the California Chapters of the Solid Waste Association of North America's (SWANA) Legislative Task Force (LTF), I regretfully write to you to **OPPOSE AB 2921 (Low) UNLESS AMENDED**. This bill would provide unnecessary authorization without substantively requiring expanded polystyrene foodservice packaging manufacturers to form or designate an effective producer responsibility stewardship organization.

SWANA is the world's largest association of solid waste professionals (10,000 members). SWANA's three California chapters represent more than 900 of those 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.

AB 2921 (Low) would “authorize” expanded polystyrene foodservice packaging manufacturers and polystyrene resin producers to form the Polystyrene Food Service Packaging Recycling Organization. While polystyrene in the waste stream is a problem and we would like to see effective producer responsibility packaging reform, this bill will not achieve that goal. The bill allows industry to establish its own recycling goals and assess visible consumer fees, and does not spell out enforcement or grant CalRecycle oversight. We have seen the results of industry-run stewardship programs that do not include appropriate oversight, transparency, and accountability. Such programs have largely been unsuccessful; for example, the carpet recycling program required clean-up legislation last year to address these issues.

Among others, significant amendments to **AB 2921 (Low)** should address:

- Requiring industry members to participate in the stewardship organization.
Requiring the stewardship organization to focus not only on end-of-life management (recycling), but also on green design and source reduction.
- Requiring the stewardship organization to engage in education and outreach.
- Explicit oversight and enforcement processes and authority for CalRecycle.
- Explicit recycling goals, or the ability for CalRecycle to establish those goals.

LEGISLATIVE ADVOCATES

Jason Schmelzer and Melissa Immel

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- Internalized fee / producer pay model; or, CalRecycle ability to manage the assessment fee and revenue if the program fails.

Since the organization under **AB 2921 (Low)** would be wholly voluntary, legislation is unnecessary and does not constitute a meaningful step toward increasing the diversion of California's food packaging waste. This voluntary approach could prove to be a barrier to the adoption of stronger policies.

For these reasons, the SWANA LTF must regretfully **OPPOSE AB 2921 (Low) UNLESS AMENDED**. Thank you for your consideration.

Sincerely,



Melissa Immel
Legislative Advocate

Cc: Members and Consultants, Assembly Natural Resources Committee
The Honorable Evan Low, 28th Assembly District

