

# California Senate Bill 54: A Win for Our Ocean



## The Strongest Plastics Legislation in the U.S.

Passed on June 30, 2022, Senate Bill (SB) 54, also known as the Plastic Pollution Prevention and Packaging Producer Responsibility Act, is the first legislation to tackle this crisis at the source by requiring less single-use plastics in the first place. This law established a new model of comprehensive plastics legislation that reduces single-use plastics, invests in our growing reuse and refill economy, and holds producers financially accountable for their packaging through extended producer responsibility. As the largest state economy, the impacts of this legislation will ripple throughout the country, however, California cannot solve this problem alone. To address our growing plastic pollution crisis, the federal government must be part of the solution.

## Tackling the problem at its source

SB 54 will tackle our plastic pollution crisis at the source by requiring less single-use plastics in the first place through: a reduction in single-use plastics by:

- Requiring producers to reduce single-use plastic packaging and foodware by at least 25%, by both weight and item count, by 2032
  - ◆ At least 10% of the source reduction must be achieved by eliminating single-use plastics without replacing it with another material, with 4% eliminated through the use of reuse and refill systems
- Banning expanded polystyrene (EPS) foodware by January 1, 2025 unless producers are able to demonstrate a high recycling rate (25%, measured by CalRecycle)
- Providing CalRecycle with the authority to increase source reduction mandates after 2032 if there is growth in single-use plastic packaging and foodware



## Holding producers responsible for establishing a circular economy

SB 54 will set California on the path towards a circular economy by ensuring that producers are held financially responsible for improving California's recycling and composting infrastructure including:

- Requiring that packaging producers of all materials take financial responsibility for the full lifecycle of their products through extended producer responsibility (EPR) through the formation of a producer responsibility organization (PRO)
- Establishing strong oversight and enforcement authority for CalRecycle including:
  - ◆ Directing the needs assessment




- ◆ Establishing the baseline for the source reduction mandate
- ◆ Authority to direct changes to the producers plan and/or revoke approval of the PRO if it is out of compliance, the most effective enforcement mechanism for EPR systems.
- Requiring that all single-use packaging and foodware *actually* be recyclable or compostable by 2032
- Requiring that all plastic packaging meet a 65% recycling rate by 2032 (made possible through producer investments in recycling infrastructure) to remain on the market
- Defining recycling as maintaining materials in the circular economy, and excluding incineration, combustion, energy generation, fuel production, or other plastics-to-fuel technologies (pyrolysis and gasification) to meet required recycling rates.
  - ◆ Includes addition protections to ensure that no PRO fees cannot be invested in these harmful, non-circular technologies.
  - ◆ Requires that any plastic waste exported to other states or countries meet the same requirements.
  - ◆ Provides authority for CalRecycle to establish regulations to encourage recycling technologies that minimize the generation of hazardous waste, greenhouse gases, environmental impacts, environmental justice impacts, and public health impacts.

## Protecting and restoring California communities and ecosystems

SB 54 will protect and restore California's lands, waters, and communities most impacted by plastic pollution by:

- Requiring that any implementing regulations, and associated activities, by CalRecycle and proposed infrastructure outlined within the PRO plan avoid disproportionate harm to disadvantaged, low-income, and rural communities in California, as well as vulnerable communities outside the state.
- Requiring producers to pay \$500 million a year for ten years (\$5 billion total) beginning in 2027 in environmental mitigation funds. Up to \$150 million of those funds may be collected from plastic resin makers.
  - ◆ 60% (\$300 million) annually will go to address current and historical harms to disadvantaged, low-income, and rural communities from plastic production and pollution, three-quarters of which (\$225 million) must benefit residents living in disadvantaged or low-income communities
  - ◆ 40% (\$200 million) annually will go to recover, restore, and protect the natural environment from the harms of plastic production and pollution, half of which (\$100 million) must benefit residents living in disadvantaged or low-income communities

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