

CALIFORNIA PROVIDES UPDATED GUIDANCE ON RECYCLABLE/COMPOSTABLE MATERIALS

Aug 01, 2024

CalRecycle has issued updates to its Covered Material Categories (CMC) list that provides insights and clarification on what materials are likely to be deemed recyclable or compostable in compliance with California's extended producer responsibility law, SB 54, and also its law limiting use of the chasing arrows symbol and other recyclability claims, SB 343.

As we previously reported, SB 54 is California's extended producer responsibility (EPR) law and sets ambitious requirements that by the year 2032: (1) 100 percent of single-use packaging and plastic food service ware must be recyclable or compostable, (2) plastic packaging and food service ware must have a 25 percent reduction in source materials, and (3) plastic single-use packaging and food service ware must have a recycling rate of at least 65 percent.

The CMC list provides CalRecycle's initial determinations as to the recyclability and compostability of materials. Covered materials are broken down into five material classes—glass and ceramic, metal, paper and fiber, plastic, and wood and other organics—which are then further broken down by material type and form.

The initial list was published in December 2023, and by statute was required to be updated by July 1, 2024. The updated list has 94 categories, down from 98 initial categories. The determinations as to the recyclability of those categories are still preliminary and will be finalized on January 1, 2025.

Producers of covered materials under California and other state EPR laws will be responsible for the full life cycle of covered materials and must join and fund a Producer Responsibility Organization (PRO) charged with implementing the laws.

The CMC list also provides guidance on what materials may be labeled with a chasing arrows symbol. As detailed in our prior report, in 2021, California passed SB 343, which prohibits use of the chasing arrows symbol or other recyclability claims unless the materials meet specific requirements, including that they are:

- Collected for recycling by programs serving at least 60 percent of the population of the state; and

- Routinely used as feedstock in the production of new products or packaging.

The law includes a sell-through period for products and packaging manufactured up to 18 months after CalRecycle issues regulations concerning what materials meet those requirements.

Finalization of the CMC list is expected to trigger that 18-month grace period.

For questions or to schedule a presentation on how state EPR laws impact your company, or whether your packaging or other covered materials are likely to be considered recyclable or compostable under California's updated guidance, contact the authors listed.

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