



September 14, 2023

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

RE: Senate Bill 303 (Allen) – REQUEST FOR SIGNATURE

Dear Governor Newsom:

On behalf of the Rural County Representatives of California (RCRC), League of California Cities (Cal Cities), and the California State Association of Counties (CSAC) we respectfully request your signature on Senate Bill 303 (Allen) regarding single-use packaging.

Senate Bill 303 makes a few important refinements to last year's Senate Bill 54 (Allen, Chapter 75, Statutes of 2022), which establishes a comprehensive program for collection, management, and recycling of single-use packaging and single-use plastic food service ware.

Local governments were strongly supportive of SB 54 throughout the legislative process to ensure that manufacturers are responsible for the management and recycling of the products they introduce into the marketplace. Our organizations sought several clarifications agreed upon by stakeholders last year, but these could not be incorporated into the final version of SB 54 because of time and scheduling constraints. Some of those changes are incorporated in SB 303. These modifications will ensure that SB 54 is implemented effectively and its obligations are focused on manufacturers and the producer responsibility organization (PRO).

SB 303 makes clear that CalRecycle's requirements on covered materials shipped out of state and contamination standards apply to the PRO and producers. The bill also provides CalRecycle with more flexibility to adopt criteria to define what constitutes a responsible end market, rather than developing a specific list of responsible end markets. Rapidly changing global conditions may make a "list" of responsible end markets quickly obsolete and constantly in need of updating, for which the regulatory process is poorly suited. The current "list-based" approach could undermine SB 54's goals to responsibly


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manage covered materials while the “criteria-based” approach in SB 303’s refinements will enable CalRecycle and the PRO to nimbly respond to changing global markets and management practices. Finally, the refined arbitration language facilitates a voluntary, non-binding dispute resolution process for entities to resolve disputes with the PRO while ensuring that those processes will not impact the approval or implementation of a producer responsibility plan.


In sum, these are important refinements that will go a long way to ensuring that SB 54 can be implemented effectively and are consistent with the law’s overarching goals and allocation of responsibilities.

For these reasons, we respectfully request your signature on Senate Bill 303. If you have any questions, please do not hesitate to contact us at jkennedy@rcrcnet.org, msparkskranz@calcities.org, or awaelder@counties.org.

Sincerely,


JOHN KENNEDY
Policy Advocate
RCRC


MELISSA SPARKS-KRANZ
Legislative Representative
Cal Cities


ADA AWELDER
Legislative Advocate
CSAC

cc: The Honorable Ben Allen, Member, California State Senate