



**NATIONAL
STEWARDSHIP
ACTION COUNCIL**

ADVOCATING FOR A CIRCULAR ECONOMY

Minimum Recycled Content to Drive Market Development

How to Get it Done Right

Northeast Recycling Council Webinar
September 24, 2020

NSAC'S VISION: The United States attains a circular economy.

Who is NSAC?



The National Stewardship Action Council (NSAC) is a 501©4, formerly affiliated with the California Product Stewardship Council (CPSC). NSAC is a network of committed proponents comprised of governments, non-government organizations, businesses, and consumers who advocate that producers fairly share responsibility in a circular economy.

Vision: The United States attains a circular economy.

Mission: Collaborate with public and private stakeholders to advance product stewardship and extended producer responsibility.



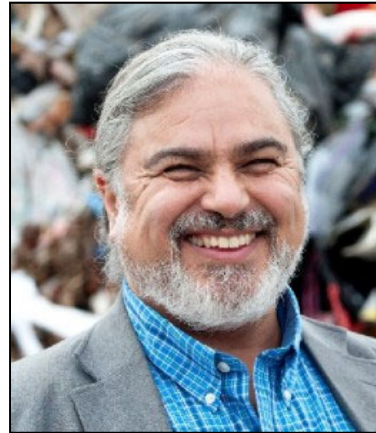
2017 NSAC Strategic Planning Meeting

NSAC Board/Organization

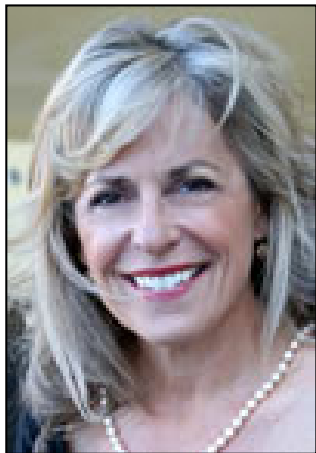
Executive Committee



David Stitzhal
President
Full Circle Environmental



Tim Goncharoff
Vice-President
County of Santa Cruz



Patty Garbarino
Treasurer
Marin Sanitary Service



Constance Hornig
Secretary
Constance Hornig Law Offices



NSAC Board (cont.)



Maia Corbitt
Garver, Black, Hilyard
Family Foundation



Jordan Fengel
State of Texas Alliance
for Recycling



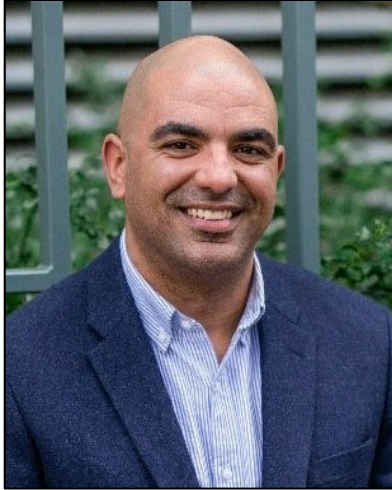
Bob Gedert
Consultant



Beverly Hanstrom
Colorado Medical Waste



NSAC Board (cont.)



Nicholas Oliver
State of California
Department of
Consumer Affairs



Rubi Rajbanshi
Terrascope
Consulting



Chris Ripley
Smarter Sorting



Michael Simpson
City of Los Angeles



Eric Zetz
Merced Regional Waste Mgmt Authority



What is a Circular Economy?

Multi-faceted with a focus on producers embracing sustainable design, using regenerative materials and collecting end of life products and materials for continuous use in the economy.

It is based on three principles:

1. Design out waste and pollution
2. Keep products and materials in use
3. Regenerate natural systems



**ELLEN
MACARTHUR
FOUNDATION**



Market Development Laws in CA

1. State Agency Buy-Recycled Campaign (SABRC)
2. Ridged Plastic Packaging Containers (RPPC)
3. Newsprint
4. Plastic Bags
5. Glass
6. EPR/Product Stewardship
7. Recycling Market Development Zones (RMDZ) Infrastructure Dev.
8. Pending Legislation



**RECYCLED
CONTENT**



1. State Agency Buy-Recycled Campaign (SABRC) 1989 (31 years)

- Joint effort between CalRecycle and DGS
- Required to purchase made with post-consumer recycled content (PCRC) products
- Annual reporting
- 11 categories of material types
- At least 50 percent of purchases
- Minimum PCRC requirement for each category



CalRecycle 

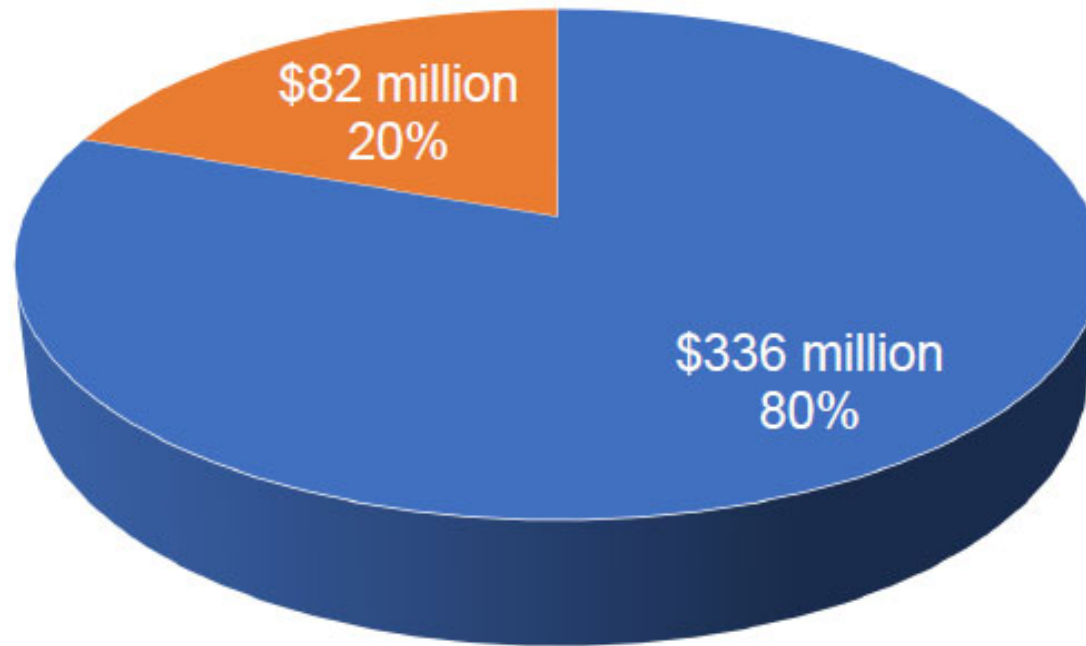
<https://www.calrecycle.ca.gov/buyrecycled/stateagency>



1. State Agency Buy-Recycled Campaign FY 2018-19 Results By Product Type

Product Category	Total SABRC Reportable Dollars	Total SABRC Compliant Dollars	% SABRC Compliant Spending	No. of Agencies Reporting in Each Category
Antifreeze	\$8,157,234.26	\$7,589,917.97	93	24
Compost, Co-compost & Mulch	\$3,667,807.73	\$3,184,785.12	86	21
Glass Products	\$7,697,208.73	\$5,552,158.20	72	70
Lubricating Oils	\$6,038,841.71	\$5,059,253.98	83	56
Metal Products	\$271,954,627.61	\$232,889,941.45	85	137
Paint	\$9,388,689.01	\$5,716,010.47	60	54
Paper Products	\$30,717,792.25	\$24,180,418.20	78	144
Plastic Products	\$37,018,082.51	\$26,568,272.71	71	143
Printing and Writing Paper	\$30,413,998.90	\$20,596,198.76	67	144
Tire-derived Products	\$4,854,342.24	\$4,434,973.93	91	47
Tires	\$8,576,422.03	\$597,126.28	6	52
Totals	\$418,485,046.98	\$336,369,057.07	80	n/a

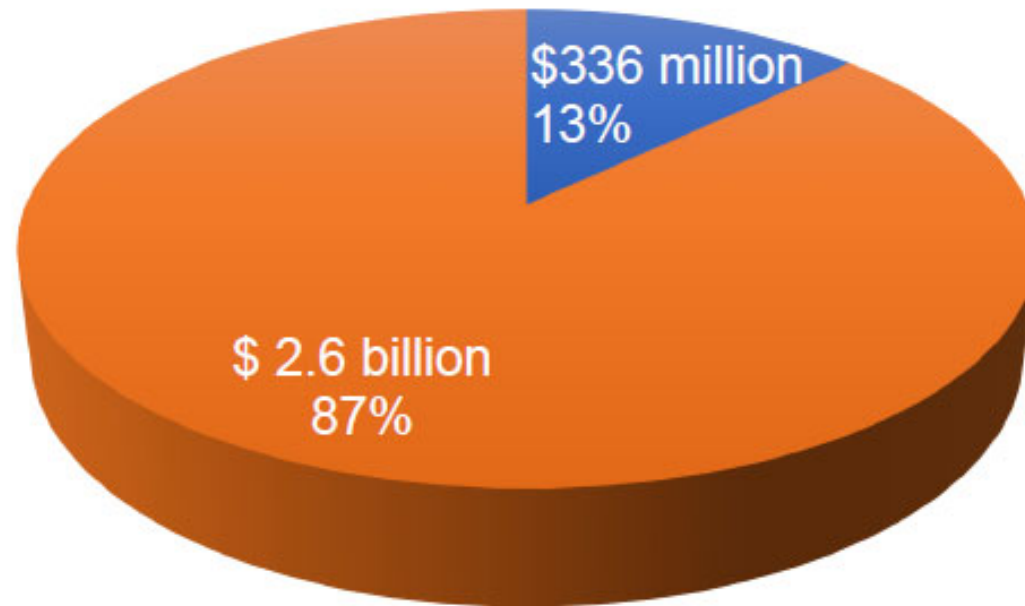
Statewide SABRC Compliance 2018-2019



■ SABRC Compliant Purchases ■ SABRC Non-Compliant Purchases

CalRecycle 

SABRC Purchases vs. All Statewide Product Purchases for FY 2018-19



■ Total SABRC Compliant Purchases

■ All Statewide Product Purchases

CalRecycle 

Opportunities for SABRC Improvement

1. Clarify that SABRC covers all purchases of goods by state agencies and contractors
2. Include service contracts where the contractor is purchasing reportable recycled products in the performance of the service contract
3. **Revise product categories, and minimum content percentages and update every three years at minimum**
4. Remove requirement to purchase only when available at the same or lesser total cost than non-recycled products
5. Codify CalRecycles' established process for non-compliant agencies and provide more enforcement tools
6. Require annual mandatory online training for procurement and contracting officers
7. Clarify definition of compost – 85% recycled content if compost was a category??



2. Rigid Plastic Packaging Container Program (RPPC)

1991 and amended – 29 yrs!

- California's law requires product manufacturers that sell products held in RPPCs meet one of the compliance options
- One compliance option: **must be made from at least 25% postconsumer material**
- One compliance option: Lightweighting
- Penalties of up to \$100,000 annually
<https://www.calrecycle.ca.gov/Plastics/RPPC/>

What is an RPPC?

Self-Determination

- CalRecycle developed two self-determination tools for product manufacturers:
 1. [Quick checklist](#) with three questions regarding a product's packaging
 2. [Expanded Self-Determination Checklist](#) to be used if additional review is necessary after using the quick checklist
- All product packaging container determinations are made on a case-by-case basis

Examples of Products in RPPCs

RPPCs are used by a diverse community of product manufacturers. The products include, but are not limited to:

- Adhesives
- Cleaning Products
- Hardware
- Paints & Coatings
- Arts and Crafts
- Computers
- Lubricants
- Sealants
- Automotive Products
- Electronics
- Office Supplies
- Toys



Defined RPPC's

<https://www.calrecycle.ca.gov/Plastics/RPPC/SelfDetermin/>

Examples of Regulated RPPCs

The RPPCs used by product manufacturers range in shape, color, size, and form. RPPCs can include, but are not limited to, the examples below (most photos include rulers to represent container height and width):



Buckets. The example bucket is cylindrical, straight-based, and opaque and includes a snap-on lid and a metal handle.



Jugs. The example jug is opaque and cylindrical with a built-in handle and funnel top, featuring a threaded cap.



Pails. The example pail is cylindrical, straight-based, and opaque and includes a snap-on lid and metal handle.



Clamshells (both heat-sealed and reclosable). The example is rectangular and clear and opens like a clamshell with a hinge. The two sides overlap slightly, forming a closure.



Tubes. The example tubes are cylindrical and opaque with different lids. One lid was sealed during manufacturing and one lid is threaded and resealable.



Clamshells (both heat-sealed and reclosable). The example is rectangular and clear and opens like a clamshell with a hinge. The two sides overlap slightly, forming a closure.

Problems:

- Complicated, too many ways to comply
 - Ex: Lightweighting for source reduction and other methods results in companies able to justify what they are already able to do which may not be including higher RC
- CalRecycle not historically focused on enforcement
- Last enforcement order was 2018 – why?
- Relying on producers to self–verify, no 3rd party verification of tons sold

2006-2012: Compliance certifications not conducted.

2005 RPPC Certification Cycle Penalties

Company Name	Agreement Number	Type of Penalty	Amount of Penalty
PETCO Animal Supplies	No agreement executed.	Container Violation	\$42,025.23
Office Max	No agreement executed.	Container Violation	\$34,350.61
Sony Corporation	No agreement executed.	Container Violation	\$50,000.00
			Total: \$126,375.84



Opportunities for RPPC Improvement

1. Enforcement must be stronger - \$100,000 max in annual penalties is not enough
2. Add 3rd party verification for volumes sold and RC
3. Provide funding for state agency oversight
4. CalRecycle needs to be much more on top of this program!
Or, maybe we need to totally review and update it
5. Update/limit compliance methods or be more specific by product type how they can comply



3. Recycled Newsprint Law



- CA law mandates the use of a specified amount of recycled-content newsprint (RCN) by printers and publishers located in CA, and CalRecycle implements the program to encourage and track the use of RCN.
- RCN is defined as newsprint comprised of **at least 40% postconsumer waste-paper fiber by weight**
- At least 50% of the newsprint used for printing and publishing by each commercial printer and publisher (“consumers”) in California must be RCN
- Consumers (printers and publishers), suppliers and manufacturers must comply with the program requirements

<https://www.calrecycle.ca.gov/buyrecycled/newsprint>



Opportunities for Newsprint Improvement

1. 3rd party verification of producers reporting
2. Ban sale in CA for non-compliance
3. Paying for state oversight and enforcement costs to address the lack of enforcement – last compliance report was from 2011 and last enforcement order was 2009
4. RCN Quality Standards last updated in 2010

Date ↓	Program Type	Enforcement Order
Apr 17, 2009	Recycled-Content Newsprint	Administrative Penalty for Wave Community Newspapers for Late Submittal of Newsprint Consumer Certification. April 17, 2009.
Apr 17, 2009	Recycled-Content Newsprint	Administrative Penalty for L.A. Web Offset Printing, Inc. for Late Submittal of Newsprint Consumer Certification. April 17, 1999.
Apr 17, 2004	Recycled-Content Newsprint	Administrative Penalty for San Dieguito Printers for late submittal of Newsprint Consumer Certification
Nov 16, 1999	Recycled-Content Newsprint	Administrative Penalty for Quebecor Printing, San Jose for late submittal of Newsprint Consumer Certification
Nov 16, 1999	Recycled-Content Newsprint	Administrative Penalty for Pizazz Printing for late submittal of Newsprint Consumer Certification
Jan 29, 1998	Recycled-Content Newsprint	Administrative Penalty for Publishers' Printing Service, Inc. dba Day and Night For Failure to Submit Newsprint Consumer Certifications

4. Plastic Trash Bag Program

- Requires plastic trash bag manufacturers to use min. 10% of PC material to produce the trash bags sold in CA. OR 30% RC across entire plastic product line sold
- Noncompliant companies are ineligible for award of any state contract or subcontract.
- CalRecycle is authorized to audit companies



<https://www.calrecycle.ca.gov/BuyRecycled/TrashBags/>

Opportunities for Trash Bag Improvement

1. Require producers to pay for CalRecycle oversight and enforcement including auditing which can be expensive with out of state producers
2. Penalties should increase to be banned from sale, not just ineligible for state contracts
3. CalRecycle Enforcement Orders imposed – currently none with pages of non-compliant companies on their website!



5. Glass

- CA manufacturers of new glass containers must use at least 35% postconsumer recycled glass, or 25% if the cullet is mixed-color
- Fiberglass insulation manufacturers must use at least 30% postconsumer glass.
- In recent years, the two industries in California have used more than 700,000 tons of cullet annually.
- Producers and Processors required to report (triangulate)
- Quality Incentive Payment (QIP) program is designed to improve the quality and marketability. Certified recyclers and processors are encouraged to clean and color sort glass in return for a [Quality Incentive Payment](#) for each ton recycled.



Opportunities for Glass Improvement

Its working pretty darn well now!

1. Update RC number to 50% (tried and failed)

- Ave. now around 46% (not enough collected)



Reusable Plastic Bag Law (Bag Ban)

- SB 270 prohibits the distribution of single-use plastic grocery bags and **requires that all paper and reusable bags meet specific requirements**
- Lessons learned from previous RC bills
 - Required third party certification of producers
 - Paying for state agency oversight
 - Narrow exception for reusable plastic bag producers that demonstrate that their plastic bags meet specified reusability, recycling, and recycled content standards





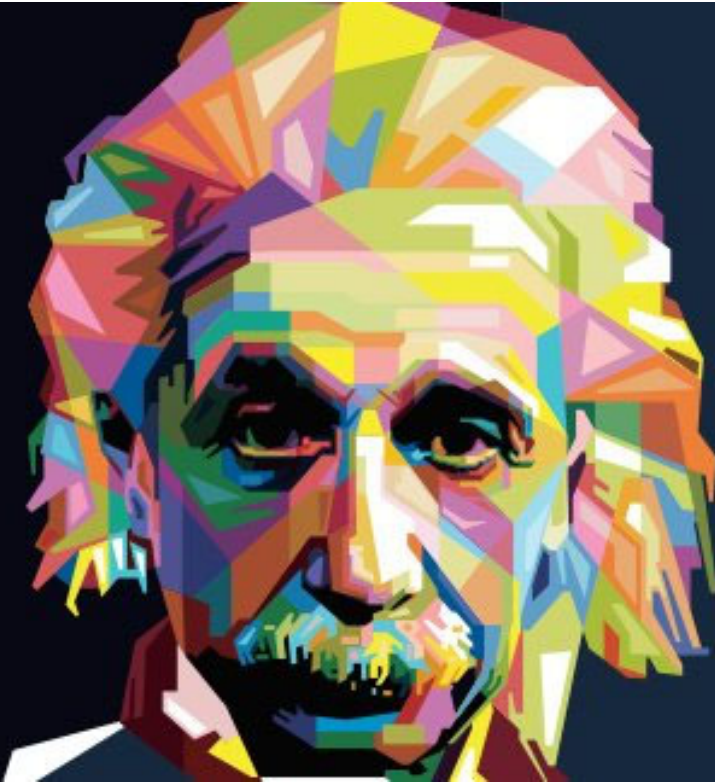
CA 2020: AB 793 (Ting & Irwin)



- Require plastic beverage containers subject to the Bottle Bill to contain specified percentages of postconsumer recycled plastic annually:
 - i) From January 1, 2022 until December 31, 2024, no less than **15%**;
 - ii) From January 1, 2025 until December 31, 2029, no less than **25%**; and,
 - iii) On and after January 1, 2030, no less than **50%**.
- World's toughest plastic bottle RC law, exceeding the European Union's standards
- Potentially significant "off ramps" for companies to seek waivers that could limit the law's impact
- Under the bill, manufacturers missing the targets are subject to penalty fees, which are **20 cents for each pound** of PCR they fell short by.
- Fees are deposited into a new “Recycling Enhancement Penalty Account” and is to be spent on recycling, infrastructure, collection and processing of plastic beverage bottles
- AB 792 (Ting) was vetoed by the Governor in 2019

We Have to Think Differently...

And a Circular Economy is Not What We Have Now...



“The definition of insanity is doing the same thing over and over again—but expecting different results.”

6. CA Carpet Product Stewardship

- Carpet eco-modulated fees can drive RC
- EX: AB 729 (Chu) – Sponsored by NSAC
 - Replaces the (existing) assessment with **differential assessments that take into account the financial burden that a particular carpet material has on the stewardship program, and the amount of postconsumer recycled content contained in a particular carpet, as prescribed.**



053-3537-0	PALM REG ORIG.1	\$	1.99
(SAVED \$ 1.50)			
098-0778-8	ECO FEE \$0.13	\$	0.13
042-2780-0	TETRAFIN GOLD F1	\$	2.99
	SUBTOTAL	\$	5.11

Eco-Modulated Fees

Ex: Recycled Content Criteria

- Germany: German Packaging Act (VerpackG) obliges PROs to incentivize the use of recycled content
 - Packaging recycling fees charged by recovery organizations must be based on 'ecological criteria'. This means lower recycling fees for packaging that is more easily recycled and that contains recycled material or renewable raw materials.
- France: CITEO (only active household packaging recovery organization operating) must charge 50% lower recycling fees for packaging materials which comprise at least 50% recycled content.
 - CITEO must finance this lower packaging recycling fee by increasing the recycling fees for plastic.



Table 4-1: Overview of Packaging Fee Modulation in the EU

	'Basic' modulation - i.e. different fees per material type	Greater granularity in fee structure - e.g. specific fees for certain types of packaging e.g. PET/HDPE, beverage cartons etc.	'Advanced' modulation (e.g. penalty fees, or numerous different fee levels within material type)
Austria	Y	Y	
Belgium	Y	Y	
Bulgaria	Y	Y	
Croatia	Y	Y	
Cyprus	Y	Y	
Czech Republic	Y	Y	
Estonia	Y		
Denmark	-	-	-
Finland	Y	Y	
France	Y	Y	Y
Germany	Y	Y	
Greece	Y	Y	
Hungary	-	-	-
Ireland	Y	Y	
Italy	Y	Y	Y
Latvia	Y		
Lithuania	Y	Y	
Luxembourg	Y	Y	
Malta	Y		
Netherlands	Y	Y	Y
Poland	Y		
Portugal	Y		Y
Romania	Y	Y	
Slovakia	Y	Y	
Slovenia	Y	Y	
Spain	Y	Y	
Sweden	Y	Y	Y
UK	Y		

+ recycled content!

7. Recycling Market Development Zones (RMDZ)

- Combines recycling with economic development to fuel new businesses, expand existing ones, create jobs, and divert waste from landfills.
- Provides [attractive loans](#), [technical assistance](#), and [free product marketing](#) to [businesses that use materials from the waste stream](#) to manufacture their products and are [located in a zone](#)
- Covers ~88,000 square miles of CA from the Oregon border to San Diego
- [Loan Interest Rate](#): 4.0 percent
- Available Loan Funds: FY 2020-21 \$5,901,000
- The [RMDZ CEQA Tool Kit](#) is a series of web pages designed to guide a potential or existing zone through the CEQA process.

<https://www2.calrecycle.ca.gov/BizAssistance/Zones/>





California Statewide Commission on Markets and Curbside Recycling

Next Meeting: Wednesday, 10/7/2020
8:30 AM - 12:30 PM Pacific
Webcast

<https://www2.calrecycle.ca.gov/PublicNotices/Details/4108>

Statewide Commission on Recycling Markets and Curbside Recycling

Recommendations shall address strategies that will help CalRecycle:

- Increase market demand for postconsumer waste materials
- Increase demand for recycled content products
- Promote systems that yield high quality feedstocks
- Promote competitive collection and use of secondary waste materials
- Meet the state's waste reduction goals
- Meet the state's methane emission reduction goals to reduce the amount of organics disposed in landfills



www.calrecycle.ca.gov/markets/commission

Meetings & Information Listserv

- Commission meetings will be held on the first and third Wednesday of the month from 8:30am – 12:30pm
- Subscribe to the listserv for updates:
<https://www2.calrecycle.ca.gov/Listservs/Subscribe/166>

[CalRecycle Home](#) » [Listservs](#) » [Subscribe](#)

List Subscribe

Statewide Commission on Recycling Markets and Curbside Recycling

In 2019, Governor Newsom signed into law The California Recycling Market Development Act (Assembly Bill 1583, Eggman, Chapter 690, Statutes of 2019). Section 42005.5 of the Public Resources Code requires CalRecycle to convene a Statewide Commission on Recycling Markets and Curbside Recycling by July 1, 2020. Subscribers will receive periodic email notification regarding Commission meeting dates and related information.

Note: Do not provide what you would consider to be personal information when you sign up for a listserv because the information is subject to Public Records Act requests.

[View Statewide Commission on Recycling Markets and Curbside Recycling archived messages](#)

If you have a spam filter, be sure to add the "AB1583Commission@calrecycle.ca.gov" email to your allowable addresses.

Email Address *

First Name or Initial *

Last Name *



Public Comment Portal

- Members of the public who wish to comment during the meeting may do so using the portal.

<https://www2.calrecycle.ca.gov/Forms/Feedback/PublicComments>

- When using the Portal, please select “Workshop” from the initial drop-down menu.
- Due to time constraints oral comments are limited to three (3) minutes and written comments should be limited to 500 words or less.

[Home](#) » [Feedback](#) » CalRecycle Public Comments Form

CalRecycle Public Comments Form

As part of CalRecycle's commitment to maintain transparency in decision making and program development, the department accepts comments from the public regarding public meetings and workshops. CalRecycle has developed this website feedback form to receive comments in an efficient and Americans with Disabilities Act (ADA) accessible format. Sometimes CalRecycle posts public comments to our website, but it is difficult to make scanned letters fully accessible and compliant with [website accessibility laws](#). This comment tool enables us to display fully accessible public comments in a table for website users to browse and filter.

Please visit the following link to see current published comments: [Published Comments](#)

Use the dropdown menu below to select the comment category and fill out the form. CalRecycle will send you an email confirmation to let you know we received your comment. Thank you for your help in making all of our website's content fully accessible to people with disabilities.

Type Of Comment

--Please Select-- ▼

CalRecycle, <https://www.calrecycle.ca.gov>
Public Affairs Office: opa@calrecycle.ca.gov (916) 341-6300

Think About This....

**"Leaders think and talk about the solutions.
Followers think and talk about the problems."**

Brian Tracy





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