

# AB 478

## Minimum Recycled Content

Assemblymember  
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19TH DISTRICT



### SUMMARY

Thermoform plastic packaging such as clamshells revolutionized the ability of California farmers to transport their fresh produce to consumers nationwide. There are approximately 200 million pounds of thermoform waste discarded every year in California and growing. The state currently has a low collection rate for the material. In order to encourage efficient use of recyclable plastics, this bill sets a minimum recycled content standard. AB 478 helps create a circular economy to produce, collect, recycle and reprocess post-consumer plastic thermoformed containers.

### BACKGROUND

California used to export nearly one third of its recycled materials to other countries every year. However, this changed in 2018 when China implemented their National Sword policy, which bans the import of recycled mixed paper and certain types of recycled plastic and imposes a stringent 0.5% contamination limit on all other recycled material imports. As of January 1, 2021, 187 parties ratified the Basel Convention, which further restricts plastic scrap trade. With these recent developments in the recycling market, exporting recycled material has become unsustainable and the state must find ways to recycle materials here in California, rather than shipping them overseas.

Thermoform plastic containers are used in many applications. This includes fresh produce, prepackaged items in delis, takeout containers for food and beverages, among others. Major fresh produce growers have announced their commitment to using sustainable packaging. This commitment to recyclable packaging, including the use of recycling-friendly labels, complements existing actions that use recycled content to make thermoform food packaging.

For the past two decades, thermoform clamshells have contained the most California recycled content of any

food packaging in the United States. But the recycled content consisted primarily of recycled plastic beverage containers. As the beverage industry moves to increase their own recycled content to comply with AB 793 (Ting, Irwin), the thermoform industry needs to transition to recycling their own thermoform containers.

California exports far more PET thermoform packaging out of state than what is sold and ultimately disposed of within the state. As a result, recycled content mandates must start at a lower rate than beverage bottles in AB 793 due to the large volume that is packed in the state and exported in the form of packaged goods.

### THIS BILL

AB 478 would establish a timeframe for minimum recycled content for plastic thermoform manufacturers as follows:

- January 1, 2024 – 10% minimum content
- January 1, 2027 – 20% minimum content
- January 1, 2030 – 30% minimum content

Additionally, the bill will:

- Establish reporting requirements
- Provide CalRecycle with enforcement and auditing authority
- Establish penalties
- Establish an antitrust provision

### SUPPORT

rPlanet Earth (Sponsor)  
Bonduelle Fresh Americas  
D6 Inc.  
Green Impact

### STAFF CONTACT

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