



April 23, 2019

The Honorable Assembly Member Friedman
 Chair, Assembly Committee on Natural Resources
 1020 N Street, Room 164
 Sacramento, California 95814

RE: Oppose as Amended AB 1171 (Chen) – Solid waste: food packaging material: local regulation

Dear Assembly Member Friedman:

On behalf of the California Product Stewardship Council (CPSC) and its affiliate, the National Stewardship Action Council (NSAC), and the hundreds of local government and private sector partners that the two organizations represent and other signatories below, we urge you to vote **NO** on **AB 1171**.

CPSC’s mission is to shift California’s product waste management system from one focused on government-funded and ratepayer financing to one that relies on producer responsibility in order to reduce public costs and drive improvements in product design. CPSC was so successful they created NSAC, a national organization in 2015, to Advocate for a Circular Economy with the vision of achieving a Circular Economy in the United States.

AB 1171 prohibits cities and counties from passing ordinances that would require grocery stores to use certain types of food packaging unless the majority of residential households within that jurisdiction have access to a curbside program that accepts those types of food packaging material. These limitations pressure local governments to collect all materials put on the free market whether the producers are making their packaging out of materials that have markets or not. This will drive up the cost of recycling and increase government and garbage rates much higher in California. It would also restrict the ability of cities and counties to respond timely to changing market conditions for each material type, which in turn can negatively affect an already fragile recycling infrastructure. Further, local jurisdictions may have other reasons for restricting packaging types, for example, to reduce litter and marine debris.

Since many of these packaging materials may not enter the residential recycling stream but rather be included in the commercial stream, limiting packaging restrictions to only residential recycling programs will dramatically affect commercial recycling programs in the same jurisdiction. Many jurisdictions have either exclusive commercial franchise collection systems where they can require very specific materials be collected, while others may have non-exclusive franchise collection systems wherein only specific recycling targets may be required. Thus, leaving how those targets are met to the individual collection entities.

A more applicable approach to reducing packaging waste would be to require the grocery stores to only purchase packaging that is truly recyclable in today's recycling markets or ensuring that producers can only sell packaging made from materials that have markets. For plastic packaging, only purchase containers made from plastic resins that have positive market values, such as PET, HDPE, or Polypropylene (PP), currently reflecting the recycle symbols of #1, #2, & #5, respectively. To add more clarity to the recycling side for plastics, food containers could be limited to only PP (#5). This would ensure value in the recycled plastic, be easy for consumers to recycle, and easy for the recycling facilities to identify what type of plastic the container is made from. This would additionally help reduce the contamination of bales of PET bottles that are meant for bottle-to-bottle recycling. Currently due to manufacturing choices, plastic food packaging can be made from PET, PP, Polystyrene (PS), or even "Other" plastics (resin #1, #5, #6, & #7, respectively) and the consumer can't tell the difference in the plastic resins. This leads to contamination in bales of plastic that still have a positive market value.

For compostable types of containers, require that they be free of polyfilms. These polyfilms are added to provide a moisture barrier but have a negative impact on the composting process when introduced into compost feedstock.

We, the undersigned, strongly oppose AB 1171 due to the restrictions placed on local control of cities and counties, the potential conflicts created between residential and commercial recycling systems, the failure to make producers share in the responsibility for ensuring their packaging is recyclable and has a market, and the inadequacy of this bill to create consistency in the recycling streams. For these reasons, we respectfully **OPPOSE AB 1771**.

Respectfully,



Doug Kobold, Executive Director
California Product Stewardship Council



Heidi Sanborn, Executive Director
National Stewardship Action Council

Organizational Sign-on:



Cara Martinson
California State Association of Counties



Eric Zetz, Chair
SWANA California Chapters Legislative Task Force



Emily Parker
Coastal and Marine Scientist
Heal the Bay



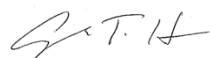
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Cc: Members and Consultants, Assembly
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Assembly Member Phillip Chen, Author