

EPR Bills on California Governor's Desk Reflect Strong and Growing Movement

September 5, 2024

This week, the California Legislature passed significant EPR bills to establish several new programs and strengthen existing ones. Now awaiting Governor Newsom's signature, the bills include first-in-the-nation EPR programs for textiles and marine flares, the second EPR law for EV batteries in the country, and meaningful amendments to California's carpet and paint stewardship programs. These bills incorporate best practices learned in the past 10 years and put on display the blossoming of the EPR movement in the U.S. They also exemplify the important state-based advocacy of the California Product Stewardship Council, Californians Against Waste, and the National Stewardship Action Council. The Governor has until September 30 to sign the bills.

Textiles (SB 707)

California is poised to be the first state to enact an EPR law for textiles. The law would require producers of clothing, footwear, and household textiles to participate in and fund a statewide reuse and recycling program for their products. The California Product Stewardship Council (CPSC) sponsored the landmark legislation, which seeks to reduce the environmental impact of the fashion industry by increasing the reuse and recycling of textiles, which are major contributors to landfill waste and pollution. The bill garnered broad support from environmental organizations, municipal waste managers, and key players in the fashion and textile industries. California will join the European Union, which already has textiles recycling mandates.

EV Batteries (SB 615)

This EPR law would be the second in the nation (after New Jersey) to require suppliers of electric vehicle traction batteries to ensure the collection and management of those batteries at end-of-life. The bill establishes a "battery management hierarchy" that prioritizes reuse, repair, and remanufacturing and requires that each battery have a unique identifier so that it can be tracked for responsible management. As the largest U.S. market for electric vehicles, California's law could "fuel" the growth of EV battery recycling in the U.S., providing essential materials for renewable energy manufacturing in the U.S. Californians Against Waste led bill advocacy with support from recycler Redwood Materials and others.

Marine Flares (SB1066)

This bill, if enacted, would be another first-in-the-nation EPR law. It would require manufacturers of marine flares – pyrotechnic devices used to signal distress in boating – to establish and fund a program for collection and proper disposal. Additionally, the bill bans perchlorate from marine flares sold to California consumers. The chemical is increasingly found in groundwater, surface water, and soil and is known to damage human thyroid functions that are essential to mental function, metabolism, and fetal development. This bill was championed by the National Stewardship Action Council.

Carpet Amendment (AB 863)

This amendment to California's carpet stewardship program – the latest of three to improve the original carpet industry program – adds several elements to boost recycling, including a requirement for 5% carpet-to-carpet recycled content by 2028; a landfill ban on carpet by 2029; standardized backstamping of carpet to support more efficient material sorting; and components of carpets published on the manufacturer website for better recycling. The amendment also includes nonvoting representation on the CARE board for a retailer, a circular economy NGO, and labor; funding for workforce development; audit transparency; and higher enforcement penalties. The original bill, which has since been amended, pushed even further, calling for a needs assessment to determine if the scope of the program should include other flooring such as luxury vinyl tile, sheet vinyl, and linoleum, which compete with carpet in the marketplace. This provision was intended to address a key carpet industry concern about leveling the playing field for all flooring. The original bill also contained higher targets for recycling and recycled content. This amendment was championed by the National Stewardship Action Council.

Paint Amendment (SB 1143)

PaintCare, the California paint stewardship program, added aerosol paints in 2023 to the original program established in 2007 by PSI, the American Coatings Association, and numerous government and private sector stakeholders. If enacted, this amendment would further expand the scope of the program to include furniture paint, marine paint, and other related products. Since adding aerosols to the California program, PaintCare has expressed interest in adding additional paint products to its programs in the other 12 jurisdictions with laws – yet another sign of the growing influence of EPR on materials management. This amendment, as well as the 2023 amendment, were championed by the National Stewardship Action Council.

Gas Cylinders (SB 1280)

Although not EPR, this CPSC-sponsored bill would prohibit the sale of non-reusable or non-refillable propane cylinders. The bill would effectually require that all 11b cylinders be reusable, just as 20lb barbeque tanks currently are.

BLOG CATEGORIES

BATTERIES

CARPET

CHEMICAL RECYCLING