



June 3, 2025

Comments to CalRecycle on Revised Regulations for SB 54 – Informal Rulemaking Comment Period

Article 1 – Definitions

GPI is most concerned about the limitation on alternative collection being limited to that which is not “curbside collection”, resulting in some form of take-back option that is not managed by a municipality. GPI believes it is critical to maintain flexibility in collection modalities, including the potential to separate collection streams at the curb, or in the case of materials such as glass, which are concentrated in certain product segments, that a blended program of drop-off depot, mobile collection or separate curbside collection be allowed. In conjunction with the Article 15 elimination of the potential of additional producer responsibility organizations, the possibility that groups of producers whose product is sold in non-plastic material may want to band together to operate an independent producer plan outside the singular plastics and commingled curbside focused PRO.

Article 2 – Covered Material Categories

GPI echoes concern about overly broad definition of medical products exclusions under the Food Drug and Cosmetic Act. Too broad an exemption will undermine the goals of the law, especially with regard to plastic source reduction. Much of this packaging is otherwise recyclable, and there are non-plastic alternatives, such as glass, that provide the same or better sterility factors. Overly broad exemption in this area could lead to more plastic use, incentive for producers to switch to plastic out of non-plastic and would inhibit the ability of the system to recover costs for the packaging material that will inevitably end up in the waste and recycling recovery stream. To the extent that these packages also often are small in format, they will most likely end up in the residual landfill stream – which is often used as the “glass” commodity stream by many larger commingled MRFs and the costs to manage will be passed along to the glass sector.

While we understand that greater clarity needs to be brought to the definitions of reusable and refillable and more time and attention may be required to inform the infrastructure needs of building out a reuse/refill system, we are concerned that too much relaxation of requirements in this area could lead to lower standards and false claims of reuse. Glass is a suitable material for reuse in food, beverage and personal care products – including as a base container for refillable product at home that should be encouraged. In addition, GPI recommends CalRecycle continue to explore ways to enhance the development of reuse and refill within the state by leaving open the possibility that infrastructure needed in this area could have synergies with reuse and refill of beverage containers that are not within the EPR for packaging program but regulated by CalRecycle under the CRV statute.



Article 3 – Evaluations of Covered Materials

We appreciate that while there were changes made to the definition of recycling, CalRecycle maintained regulations to ensure that landfill disposal and alternative daily cover are not defined as recycling. More could be done to steer recovered material back to packaging end-markets if quality were emphasized, and it may require more diligence to ensure that service providers are auditing to make sure that they do not direct recyclable glass to landfill even if they cannot claim recycling credits or payments. California law still incentivizes service providers to meet diversion goals that have had the effect of increasing contamination to the residual “glass” stream and compensation for meeting that goal may be more than penalties for diverting recyclable material to landfill or downcycled markets.

Article 4 – REMs

GPI appreciates the continued designation of responsible end-markets in the glass sector as facilities that benefit or clean up the glass stream and prepare cullet for remanufacturing into new products. While not amended in this proposal, there should be recognition in the yield calculations that in the glass value chain, especially with respect to glass from commingled curbside systems, that the yield is heavily impacted mostly by non-glass residue in the “glass” commodity stream and the common fine particle crushing that is generated by the first collection service provider and MRF process. Glass has high yield once it gets to processing/beneficiation, and the presence of glass fines is not end-market yield loss. Those glass fines have end-markets that may be different than larger cullet, but it is normal in the collection process from the use of trucks with hydraulic press compaction.

Article 5 – Independent Producers

GPI believes it is prudent to maintain flexibility in Article 5 with regard to independent producer plans for groups of similarly situated producers who have minority materials in the EPR program, especially those that are non-plastic to be able to work together with independent producer plans, esp. with the elimination of the additional PROs in Article 15. There is substantial work being given to the CAA PRO with regard to managing deeper into the plastics material stream and source reduction and that due to the fact that a super-majority of glass in California is managed under the CRV program, that a small amount of remaining producer glass may need the greater attention of glass producers. The same could be said for any other recyclable material with a distinct material or product or package format that may best be handled by a different management.

Article 6 – Ecomodulated Fees Delay

GPI is very concerned with the proposal to allow a delay in use of eco-modulated fee setting. If the initial two-year program fees are allocated among producers merely based on weight, and not units, the food producers using glass may pay a disproportionate fee to their overall role in the system.



Article 8/9 – Source Reduction

GPI supports the move up of the source reduction report in Article 9 and corresponding deletion of specifics in Article 8 under the proposal for greater depth to be given to the Source Reduction guidance throughout the Fall 2025.

Article 15 – Additional PROs

GPI remains concerned that one singular PRO who must spend the vast majority of resources on plastic market issues may not have adequate time to fairly treat smaller material segments. We have seen materials such as glass with unique and different supply chain, recovery issues and contamination from system design fall to a secondary consideration in other states. There have been little to no stakeholder engagement in the SB 54 process about the unique issues of glass or other minority non-plastic materials. The elimination of additional PROs is worrisome, especially if the Independent Producer plans are also limited. There should be consideration of the synergies of an alternative collection program or other innovative ways to minimize costs on glass collection through partnering with bottle deposit return depot collection. That may best be managed by an IPP or focused additional PRO.