

CalRecycle Plastic Beverage Container Minimum Content (AB 793) Workshop

On Thursday, April 29, 2021, the Department of Resources Recycling & Recovery (CalRecycle) hosted a Plastic Beverage Container Minimum Content Workshop to consult with the public in addition to beverage manufacturers, plastic reclaimers, the regulated community, and other interested persons on the developing regulatory language to implement AB 793 (Ting and Irwin, 2020).

AB 793 (2020) establishes recycled content standards for plastic beverage containers subject to the California Refund Value (CRV). The law requires a post-consumer plastic recycled content standard of 15 percent beginning January 1, 2022, increasing to 25 percent by 2025 and 50 percent by 2030. The Task Force took a support position on AB 793 as it would establish minimum levels of post-consumer recycled content and create a phased approach that supports the economic implementation of recycled content standards into the beverage container market.

The purpose of the workshop was to provide language for preliminary definitions, reporting, recordkeeping, penalty reduction, and submittal of petitions to adjust the minimum content and corrective action plans. CalRecycle staff presented various sections of the proposed regulations.

Some proposed definitions include “Postconsumer Recycled Material” and “Post-Industrial Recycled Material” which would be added to the California Code of Regulations, Title 14 §2000. Definitions.

Recordkeeping requirements are covered in Section §2235 and include requiring documentation of minimum recycled plastic content of beverage containers sold in the State. A beverage Manufacturer would also have to provide legal documentation showing the post-consumer recycled material content of their beverage containers.

The requirements for the reporting section listed under §2240 include preparing a Plastic Beverage Container Virgin and Postconsumer Resin Report. This report must include manufacturer information and the amount of virgin plastic, by resin type and in pounds, used by the manufacturer for plastic beverage containers subject to the CRV.

Section §2250 would include a process for petitioning to the Director of CalRecycle to adjust the minimum postconsumer recycled content percentage as required to meet the minimum specified in this law.

Section §2260 and §2265 cover enforcement of the regulations and include procedures for corrective action plans and reductions in administrative penalties. CalRecycle will consider a manufacturer's corrective action plan for meeting the requirements of the law before granting any reduction in administrative penalties. All penalties will be collected in the Recycling Enhancement Penalty Account.

The key dates for implementing AB 793 are as follows:

On January 1, 2022, beverage manufacturers are required to utilize at least 15 percent recycled plastic.

Beginning January 1, 2023, beverage manufacturers that do not meet the minimum content requirements are subject to annual administrative penalties. Penalties will be assessed beginning March 1, 2024, for non-compliance.

On January 1, 2025, beverage manufacturers are required to utilize at least 25 percent recycled plastic.

On January 1, 2030, beverage manufacturers are required to utilize at least 50 percent recycled plastic.

Additional resources are available from CalRecycle on their website regarding the new program <https://www.calrecycle.ca.gov/bevcontainer/bevdistman/plasticcontent/>. The Public is encouraged to provide comments and additional language suggestions for the proposed regulations and email them to: MarketInformation@calrecycle.ca.gov

Please be sure to subscribe to CalRecycle's listserv for the latest updates: <https://www2.calrecycle.ca.gov/Listservs/Subscribe/132>

