



October 12, 2020

Mr. Ken DeRosa, Acting Director
Department of Resources Recycling and Recovery (CalRecycle)
1001 I Street
Sacramento, CA 95814

RE: Statewide Commission on Recycling Markets and Curbside Recycling

Dear Mr. DaRosa:

The undersigned organizations, representing many of California's leading manufacturers, consumer product companies, and packaging industries are writing to express concern regarding the process by which the Statewide Commission on Recycling Markets and Curbside Recycling is conducting its meetings.

We certainly support the on-going discussion on ways to improve the state's recycling system. As you know, many of our industries and member companies have announced aggressive sustainability goals aimed at increasing the recycling and recovery of our products and packaging.

We are concerned however over the process by which the Commission (and its various subcommittees) solicit and consider public comments. Members of the public are required to submit comments via an on-line comment portal. Comments are then read by CalRecycle staff with no requirement that the Commission respond to comments or include any of the comments as part of their discussions.

For example, during the September 25, 2020 Recycling Committee meeting, a public comment was submitted asking the committee to clarify some potential discrepancies over the proposed "recyclable material list." No response was provided. Additionally, one commenter indicated the Committee's discussion about the recyclability of aerosol cans was based on inaccurate information. Again, no response or even a discussion by the Committee members.

Other commenters have urged the Commission to invite particular stakeholders to make a presentation or consider hearing how new technologies are repurposing materials and creating feed stocks for the manufacture of new products. While some entities have been afforded an opportunity to present, other suggestions have been ignored. There does not appear to be any consistent criteria in how the Commission is soliciting input as it deliberates potential policy recommendations. The lack of acknowledgement, response or discussion on public comments leaves stakeholders wondering whether the Commission is truly interested in hearing from the public.

Further compounding this issue is that not all the materials being discussed by the Commission or its various committees are posted in advance or even posted at all. Documents are shown on screen during meetings, but the online format makes it practically impossible to read the materials, let alone provide constructive comments. Materials not posted must be requested by submitting a public records act request or by contacting CalRecycle staff. We can appreciate CalRecycle is only permitted to post documents which meet the Americans with Disabilities Act (ADA) accessible format, therefore documents created by the Commission should be required to adhere to the ADA format to allow for greater public participation and transparency.

Audio or video recordings of the Commission and subcommittee meetings are not posted for those who cannot participate live. Given the frequency of the various meetings, it is not always possible to attend and participate. We believe CalRecycle should be archiving and posting for public access the Commission and subcommittee meetings.

Finally, given the enactment of AB 2287 (Eggman), legislation that includes language to extend until July 1, 2021 the deadline for the Commission to make various policy recommendations and provide an opportunity for interested parties to review and comment on any proposed recommendations before they are finalized, there is now more time to ensure a more thoughtful and open process. To date, the Commission has given the impression that the previous December deadline was the major driver to quickly develop policy recommendations. Expediency should not be a substitute for thoughtful discussion. Now that AB 2287 has been signed into law, the Commission should take the opportunity to receive more in depth and diverse information to ensure the overall process includes the views and expertise of all interested parties.

We welcome the opportunity to discuss these issues and concerns with CalRecycle and/or the Commission at your earliest convenience.

Sincerely,



Tim Shestek
American Chemistry Council



Nicholas Georges
Household & Commercial Products Association



Dan Felton
AMERIPEN



Scott Breen
Can Manufacturers Institute



John Picciuto
Western Plastics Association



Shannon Crawford
Plastics Industry Association



Jonathan Choi
Dart Container Corporation



Dawn Koepke
California Manufacturers & Technology Assoc.



Joe Yarbrough
The Carpet and Rug Institute



Alison Keane
Flexible Packaging Association

cc: Ms. Heidi Sanborn, Chair Commission on Recycling Markets and Curbside Recycling
Ms. Zoe Heller, Deputy Director, Cal Recycle
Ms. Mindy McIntyre, Deputy Director, Cal Recycle
The Honorable Susan Eggman, Member of the Assembly
Ms. Rachel Wagoner, Office of the Governor