

September 9, 2019

The Honorable Ben Allen
California State Senate
State Capitol, Room 4076
Sacramento, CA 95814

SUBJECT: SB 54 (ALLEN) SOLID WASTE: PACKAGING AND PRODUCTS

Dear Senator Allen:

Based on the recent amendments of September 6, 2019, the California Chamber of Commerce has removed the **JOB KILLER** label but still **OPPOSES**. We greatly appreciate your willingness to engage CalChamber to address some of the major issues in the bill. Staff have been working diligently to understand the plethora of issues with a diverse set of stakeholders. While **SB 54** is no longer a **JOB KILLER**, CalChamber still **OPPOSES** for reasons including but not limited to:

- A lack of infrastructure that is critical for manufacturers to comply and meet the recycling rates and dates. Unfortunately, and according to CalRecycle, California's recycling infrastructure is wholly inadequate. Mandating rates and dates without addressing recycling infrastructure, including funding and land use permitting, is a major gap in the bill — the bill's goals ultimately fail without building new recycling infrastructure;
- Broad fee authority to CalRecycle with insufficient legislative oversight;
- Extended Producer Responsibility sections are overly prescriptive and provides CalRecycle with the authority to consider the scope of potential EPR programs and other funding mechanisms for waste diversion and recycling without legislative oversight;
- Penalty of perjury for misreporting data is too draconian — perjury should be limited only to fraudulent or deceptive practices;
- Insufficient shared responsibility;
- New amendments appear to provide retailers with the authority to pull products off the shelves for noncompliance, thereby reintroducing condition of sale language. If that is not the intent, there needs to be much more clear language in the bill saying so. We understand the issue for retailers and want to support a path for retailers and manufacturers to comply without negatively impacting our economy with products being removed;
- Data collection time frames are no longer provided. The department has the authority to obtain any information from producers "as deemed necessary," in whatever amount of time they deem appropriate;
- Emergency regulatory authority is greatly expanded such that the Department push new regulations through without adequate notice and comment or OAL review.

For all of these reasons, CalChamber **OPPOSES SB 54**.

Sincerely,



Adam J. Regele, Policy Advocate

cc: Rachel Wagoner, Office of the Governor
Tina Andolina, Office of Senator Ben Allen