



California's Statewide Commission on Recycling Markets and Curbside Recycling

Policy Recommendations

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Policy 20-15: What is Recyclable?

Committee: Recycling

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- The policy topics have been discussed at the following meetings:

2020 Full Commission:

- October 7, 2020 – informational review & discussion only
- December 16th, 2020

2021 Recycling Committee

- March 12, 2021
- May 14, 2021

2021 Full Commission

- March 3, 2021
- April 21, 2021
- May 5, 2021
- May 17, 2021 - Approved First Reading

Purpose(s): The purpose of this policy is to ensure that recycling collection programs collect types and forms of products and material that will actually be recycled through existing and new or expanded collection and material reprocessing facilities, and will have sustainable markets. As required by the Public Resources Code section 42005.5, the Commission is charged with identifying products that are recyclable and compostable and regularly collected in California curbside recycling programs. The Commission’s Initial Recyclable List includes the types and forms of products and materials shown in Table 1.

The recommendation is that the State of California identifies a single Statewide Standardized Acceptance List of Recyclable Materials (CA Statewide Recyclable List) for California recycling collection programs. This List would identify and allow products and material with types and forms of material meeting the criteria listed in PRC 42370.2 to be marketed and labeled as “recyclable” when sold in California and to use the “chasing arrows” recycling symbol.

In addition to reducing contamination in the solid waste system, this proposal allows consumers to make informed purchasing decisions based on the recyclability of the items they purchase. The proposal will also send a signal upstream to manufacturers to

choose recyclable packaging choices and to support California’s recycling markets by purchasing recycled material at sustainable prices.

Local programs are encouraged to accept only products and material types and forms that are separated into individual marketable grades, not requiring secondary sorting or separation, and reused as raw material for new products. This policy does not intend to prevent local jurisdictions or solid waste service providers from including additional products and material, not identified on the statewide list, in their recycling collection program.

The Commission’s initial list represents what currently meets the criteria to be recyclable in California. The List should be reviewed and updated at least annually by the Commission and CalRecycle.

The Commission proposes that manufacturers who wish to demonstrate that their product or material can become compliant with the recyclability requirement are provided a pathway to submit that information to CalRecycle for addition to the CA Statewide Recyclable List.

Would this policy proposal require legislation, or interaction with an agency other than CalRecycle? No legislation is required to publish the Commission’s initial list, but a statutory change would be required for the Director of CalRecycle to create the Statewide Recyclable List.

Possible 2021 Legislative Priority? Yes. Implementation of the policy will help improve material quality and product design, reduce waste and contamination of material collected for recycling, reduce greenhouse gases, and reduce environmental damage caused by shipping non-recyclable material to other destinations that may have lower environmental and worker safety requirements than California. This policy will also help ensure a better supply of recyclable material for end users, create financially sustainable recycling markets and demand for California material, and help companies looking for a steady supply of material to invest in recycling and reprocessing facilities in California.

Does this proposal require additional funding or changes to resource allocation?

CalRecycle will be charged with maintaining the CA Statewide Recyclable List of “recyclable” products and materials and collecting information from curbside processing facilities. These tasks would require both one-time and ongoing costs.

The responsibility for identifying recyclable products and materials to be included on the statewide list will be vested in CalRecycle. The Director of CalRecycle will review and have final approval for all items on the Statewide Recyclable List on an annual basis. The Statewide Commission on Curbside Recycling and Market Development will continue identifying products and materials for consideration by CalRecycle.

Proposal(s):

Regulatory Basis: The Statewide Commission on Curbside Recycling and Markets Development is charged with identifying products that are recyclable or compostable, as defined by [PRC section 42370.2](#), and regularly collected in curbside collection recycling programs ([PRC 42005.5.b.1.B](#))

The Sustainable Packaging for the State of California Act of 2018 ([Public Resources Code 42370.2](#)) defines the six criteria for determining whether food service packaging in California is “recyclable.” Table 1 shows the seven criteria used by the Commission to determine recyclability, the numerical standards, and the sources of data employed to make initial recommendations and are to be employed in the future.

Qualification Process: A reliable process with quantified and verified metrics, based on information reported to CalRecycle by curbside sorting facilities, must be employed to determine whether a product or material meets the minimum standard for each criteria. A traceable account with original facility data sources must be provided to prove claims. Data may be no older than 1 year when submitted.

Recommended Statewide List: The Commission employed the following source of information to determine the recommended products and materials to be on the Initial CA Statewide Recyclable List (Shown in Table 2): The California Recyclability Screening Spreadsheet, including a Survey of Item Acceptance at California’s of 76 California Material Recovery Facilities (MRF Survey), was compiled by Committee members, posted for review in the public domain and fact-checked with Commission members. . The MRF Survey provides data for Criteria #1 and #2. Criteria #3 was confirmed using CalRecycle’s Recycling and Disposal Reporting System (RDRS). The Spreadsheet captures market and external information for Criteria #4, #5, and #6 [CA Recyclability Screening](#)

CalRecycle will collect data reported by facilities actively separating curbside material. That data will be employed to verify the number of MRFs that collect, segregate, bale, and sell specific products and materials meeting market specifications. CalRecycle may use additional verified data that quantifies and supports individual material types that meet the criteria.

Local Additions Allowed on Acceptance Lists: Additional items may be added to local recycling collection acceptance lists by individual cities, counties, or solid waste service providers so long as the programs are collecting, segregating, and marketing the individual material grades to a reclaimer that will reprocess and convert the material into feedstock for new products.

Pathway to and Maintaining Acceptance on CA Statewide Recyclable List: Manufacturers and other stakeholders are encouraged to develop and maintain a statewide recycling market for California products and materials by committing to purchasing and processing material collected at MRFs and meeting the 75% acceptance and sortation criteria set in Table 1. A pathway to gain acceptance on the CA Statewide Recyclable List is shown in Table 3. The pathway is focused on separation by Curbside MRFs into individual bales/grades because it is the key indicator of product recyclability, gauging market demand as measured by data provided to CalRecycle from other sources (including producers).

For products achieving 60% acceptance and sortation, or for existing items falling between 60 to 75% acceptance and sortation, a manufacturer or other stakeholder may submit evidence showing that binding agreements are in place to ensure short term future compliance by achieving 75% acceptance, sorting, and reporting to CalRecycle.

CalRecycle may, based on the evidence provided, allow a product to be a “Conditional Acceptance” product that is temporarily included or remains on the California List of recyclable items for four subsequent, consecutive quarters to allow time for the CalRecycle system to report acceptance and sorting rates. After the initial date of Conditional Acceptance, the product must achieve 75% sortation in two of four of the subsequent, consecutive quarters to gain Full Acceptance. If Full Acceptance isn’t achieved, the product is removed from Conditional Acceptance for four quarters (one year) and may reapply for Conditional Acceptance after one year. A product may not remain Conditionally Accepted for more than four consecutive reporting periods (one year).

Pursuant to the long-standing guidance from the Federal Trade Commission (FTC), a baseline for recyclability is a prerequisite that “recycling facilities are available to a substantial majority of consumers or communities where the item is sold,” which the FTC defines as at least 60%. Additionally, a producer or group of producers whose product type is accepted and sorted by 40% of California curbside MRFs may submit a plan to CalRecycle detailing how and by what date the product type would achieve the 60% threshold. CalRecycle would review the plan to determine if the threshold criteria would be met, and may require changes as conditions of approval. The plan must include verifiable data showing the current level of acceptance and sortation by California curbside MRFs as well as specific steps to achieve the 60% threshold. The product would be Conditionally Accepted so long as it meets quarterly milestones to achieve 60% acceptance at which time it would follow the 60% to 75% Conditional Acceptance route.

Product types that are subject to a California minimum recycled content requirement also may submit a plan for consideration to become Conditionally Accepted.

Applicants for Conditional Acceptance must file an application and pay CalRecycle’s review costs.

Labeling: California's Environmental Representations Law ([Business and Professions Code Sections 17580](#) and 17580.5) currently prohibit the use of certain terms, including “recycled” and “recyclable,” if they are in violation of the Federal Trade Commission’s Green Guides. We suggest that this be expanded to include use of “chasing arrows” and go beyond the requirements of the Green Guides to ensure that only products that are truly recyclable can make this environmental claim.

Schedule for Implementation: The time required for implementation will take two years for cities and hauling companies to re-work franchise and collection agreements to modify lists of acceptable items.

Related Issues: None

Table 1: Quantified Metrics for California Statewide Recyclability Criteria

Criteria	Data Source & Evidence Required	Minimum Statewide “Recyclable” Threshold
1 – Accepted in Local Recycling Programs	Public survey of local recycling programs.	Item accepted by local recycling programs serving a substantial majority (60%) of consumers or communities where the item is sold.
2 – Accepted by Curbside Recycling Service Providers	Public survey of All CA’s Material Recovery Facilities (MRFs). ¹	Accepted by 75% of MRFs or a demonstration of 75% acceptance.
3 – Separated by MRFs into Individual Bales	Reports submitted to CalRecycle on a quarterly basis identify material sorted and shipped by curbside material processing facilities.	Separated and reported to CalRecycle by 75% of MRFs or demonstration that a majority of facilities have agreements to segregate individual material types.
4 – Processed into a manufacturing input	Identification of sufficient domestic or Basel Convention-approved processors with capacity to process the collected material. Listing of material processors, location and capacity required.	Processing capacity for 75% of the product waste generated in California.
5 – Used to make new products	Evidence that the processors sell material to make new products, not to make fuel, burn for energy or other non-manufacturing uses.	Evidence for the processors in #4.
6 – Has market demand & maintains value	One year of data showing sufficient and consistent market value for product waste across the state. Intermittent or seasonal market demand is not acceptable. In lieu of one year of data, proof of new long-term contract offers made statewide will be considered.	Sufficient value for material should be equal or greater than processing cost minus disposal cost. Sufficient value is currently about 3-4 cents/lb. based on statewide averages. ²
7 – Not toxic & does not contaminate product	Products and/or additives that have a negative impact on human health or the environment are prohibited.	Does this item contaminate other material bales and hurt their values?

¹ October 2020: Current MRF count in California is 76. It is recommended that CalRecycle maintain a current list of MRFs for use in the qualification process.

² Based on statewide MRF processing cost of \$120/ton and [landfill cost of \\$45/ton \(CalRecycle 2015 data\)](#), the material value must be at least \$75/ton or 3.75 cents/lb.

Table 2: California (CA) Statewide Recyclable List

15 Consumer Item types met the criteria requirements across the state and are recyclable statewide:

Paper Products (8):

1. Mail
2. Paper Mailing Pouches
3. Kraft Bags
4. Magazines
5. Newspaper
6. OCC (old corrugated cardboard)
7. Home Office Paper
8. Paperboard Boxes (e.g. cereal, tissue, not coated)

Glass (2):

9. Bottles
10. Jars

Metal (2):

11. Aluminum cans
12. Steel cans

Plastic (3):

13. #1 PET Bottles (Screw-type narrow neck tops – no non-recyclable shrink sleeves or other non-recyclable components)
14. #2 HDPE Bottles – Natural (Narrow necks – includes jugs – no non-recyclable shrink sleeves or other non-recyclable components)
15. #2 HDPE Bottles – Color (Narrow necks – includes jugs – no non-recyclable shrink sleeves or other non-recyclable components)

Table 3: New Product Fact-Based Pathway to CA Statewide Recyclable List

Stage	Criteria 3: Separated by MRFs into Individual Bales	Data Source & Evidence Required
Not eligible to be on CA Statewide Recyclable List	Separated and reported to CalRecycle by less than 60% of curbside MRFs for four (4) of six (6) consecutive quarters.	Reports submitted to CalRecycle, on a quarterly basis, identify material sorted and shipped by curbside material processing facilities.
Conditional Acceptance on CA Statewide Recyclable List	<p>Separated and reported to CalRecycle by at least 60% of curbside MRFs for three (3) consecutive quarters and demonstration that an additional 15% of Material Recovery Facilities (MRF's) materials have agreements to segregate material within 12 months.</p> <p>Approval of plan moving from 40% to 60% MRF separation</p> <p>Inclusion in California minimum content requirement</p>	Reports submitted to CalRecycle, on a quarterly basis, identify material sorted and shipped by curbside material processing facilities.
Full Acceptance on CA Statewide Recyclable List	Separated and reported to CalRecycle by 75% of curbside MRFs	Reports submitted to CalRecycle, on a quarterly basis, identify material sorted and shipped by curbside material processing facilities.
Removal from CA Statewide Recyclable List	<p>Less than 60% of MRFs report separating material for three (3) of six (6) consecutive quarters as determined by CalRecycle.</p> <p>Failure to implement plan to move from 40% separation</p>	Reports submitted to CalRecycle, on a quarterly basis, identify material sorted and shipped by curbside material processing facilities.