

LEGISLATION WATCH (CONTINUED)

ing which unit of measure is being used. As a result, it's impossible to compare companies' PCR usage or calculate a statewide PCR percentage.

AB 793 forces beverage manufacturers to report by pounds used and polymer type on standardized forms "in the form and manner prescribed by" CalRecycle.

Additionally, AB 793 requires plastics recycling operations in the state to report the amount of PCR they sold that is approved by the FDA for use in food and drink packaging. Starting March 1, 2024, each reclaimer must report the weight of that "food-grade" flake, pellet, sheet, fines or other forms sold the previous calendar year. They must also indicate their total food-grade plastic production capacity.

The law is the first statewide recycled-content mandate in the U.S. in nearly three decades, and it's the first of its kind. Nearly 30 decades ago, Oregon passed a law that can require recycled content in plastic drink containers covered by the deposit program. But that law, which is substantially different from the California language, gives manufacturers ways of avoiding using recycled plastic. For example, the recycled-content requirements don't apply if the plastic achieves a 25% statewide recycling rate. Last year, consumers redeemed 87% of plastic bottles in the state's deposit program.

First passed by the California Assembly in May 2019, AB 793 was subsequently amended by the state Senate, which approved its version on Aug. 30, 2020 with a 39-0 vote (one senator didn't vote). That same day, the Assembly voted 65-0 (with 14 representatives not voting) to approve the Senate version.

Newsom, the governor, last year vetoed a similar bill requiring recycled content in beverage containers. He said he took that action because the legislation's wording let beverage manufacturers skirt the requirements under certain circumstances, and he felt it put the burden on state regulators to prove manufacturers could meet the recycled-content goals.

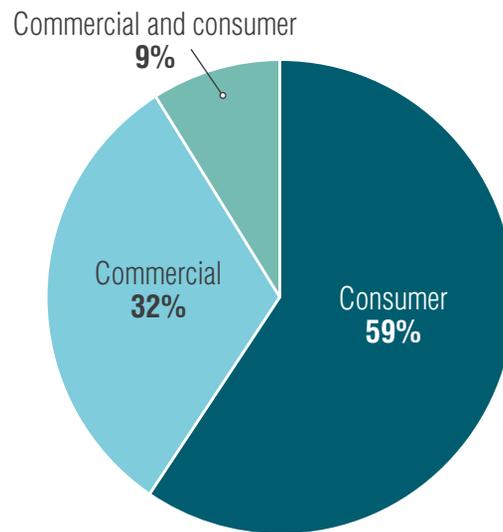
AB 793 still allows beverage brands to petition the director of the California Department of Resources Recycling and Recovery (CalRecycle) to adjust the requirements. Starting in 2025, the CalRecycle director can alter the targets based on a number of factors, including changes in PCR supply and demand, recycling rates, processing infrastructure and more. But the wording of that administrative process is different from last year's vetoed bill. ■

DATA SORT

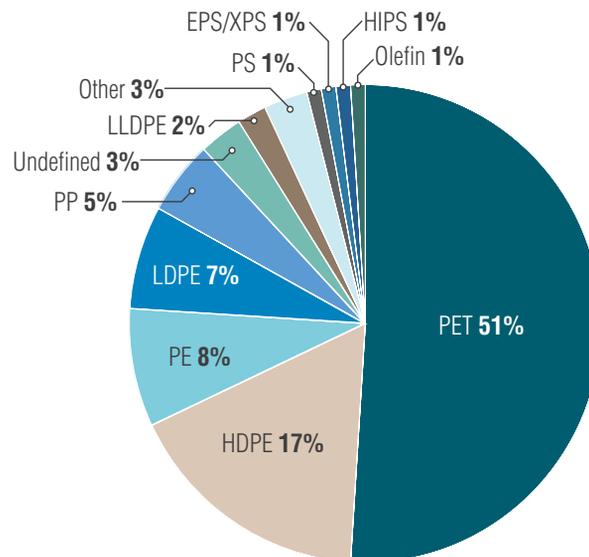
Tracking the growing variety of products made with PCR

The Buy Recycled Products Directory, managed by More Recycling, showcases more than 200 items made using post-consumer resin that are available in the marketplace right now. As the top chart below indicates, the majority of the products we have identified fall into the consumer goods category, but many also are geared toward the commercial sector, meaning businesses do have opportunities to drive PCR demand through their own procurement practices. The bottom chart shows that more than half of the products in the directory use PET, though examples of PCR use for all resin types can be found in the database. See the complete product rundown at recyclemoreplastic.org/buyrecycled. ■

PRODUCTS BY BUSINESS SECTOR



PRODUCTS BY RESIN



Data Sort is produced each quarter by MORE Recycling. For additional information, go to morerecycling.com.