



March 29, 2024

(Copy sent Via U.S. Mail and electronic submission to CalRecycle)

Secretary Yana Garcia
California Secretary for Environmental Protection
1001 "I" Street, P.O. Box 2815, Sacramento, CA 95812

Attorney General Rob Bonta
Attorney General's Office
California Department of Justice
Attn: Public Inquiry Unit
P.O. Box 944255
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Subject: Truthful Implementation and Enforcement of California Plastics Laws

Dear Secretary Garcia and Attorney General Bonta,

We, the undersigned, urge you to truthfully implement and enforce California's plastics laws. Plastic waste and pollution are harming global ecosystems and the California economy. Truthful implementation and enforcement of plastics laws will benefit Californians and reduce human health, environmental, and economic damage around the world.

In 2021, California passed two laws related to plastics that were intended to protect California consumers from false recyclability labels (SB343)[1] and foreign countries from receiving contaminated plastic waste bales from California (AB881).[2]

While SB343 was intended to be a “Truth-in-Labeling” law, the Material Characterization Study Preliminary Findings Report (SB343 Report) published by CalRecycle on December 28, 2023, ignores key legal requirements and presents incomplete and inaccurate data. Plastic producers may try to use the false findings to turn SB343 into a “Lies-in-Labeling” law.

Regarding AB881, CalRecycle’s material characterization data proved that no category of plastic waste bale can be legally claimed for “diversion” credits due to high contamination rates. Yet CalRecycle reports high statewide waste diversion rates of 40% based on the export of plastic waste, including to Mexico.[3] We urge the California State Attorney General (AG) to **investigate illegal diversion reporting under AB881 by municipalities, material recovery facilities, and other plastic waste exporters.**

We support the Fact Brief and Recommendations made in the detailed, comprehensive assessment performed by Basel Action Network and The Last Beach Cleanup, published on February 12, 2024. Highlights below:

Summary Finding: All California consumer plastic waste bales fail under SB343 to meet Basel Convention requirements to be "recyclable." Therefore, no type of consumer plastic material type or form may be labeled as recyclable in California.[4]

Recommendations to CalRecycle to Correct the SB343 Material Characterization Study:

- 1. Acknowledge that none of the eight categories of plastic waste are “consistent with the Basel Convention” as required by California law, and therefore no type of consumer plastic material and form meets the “recyclable” requirements of CA SB343.[4]**
2. Separate polyethylene terephthalate (PET) thermoforms into a unique category of material type and form since they cannot be recycled with PET bottles.
3. Correct errors in the number of facilities claiming to sort polypropylene (PP) bales to be consistent with CalRecycle’s legally mandated Recycling and Disposal Reporting System (RDRS) data which shows an insufficient 15% sorting rate.
4. Include a detailed assessment of the sales of sorted plastic waste bales.

Thank you for your immediate attention.

[1] California Code, [Public Resources Code - PRC § 42355.51](#)

[2] California Code, [Public Resources Code § 41781.4](#)

[3] [CalRecycle. “State of Disposal and Recycling in California. Calendar Year 2021”](#)

[\[4\]](#) SB343 exempts California Deposit Beverage Bottles from the requirements of the Truth-in-Labeling Law

Sincerely,

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