

October 14, 2025

Zoe Heller
Director
CalRecycle
1001 I Street
Sacramento, CA 95814

Emily Coven
Executive Director, California
Circular Action Alliance

Re: Request to Delay Producer Reporting Requirement Under SB 54 Until Permanent Regulations are Finalized

Dear Director Heller and Executive Director Coven,

The 14 undersigned organizations respectfully request that CalRecycle and the Circular Action Alliance (CAA) delay the initial producer reporting requirement under California's Plastic Pollution Prevention and Packaging Producer Responsibility Act (SB 54) until the agency finalizes the permanent regulations governing the program. These organizations represent companies doing business in California who are directly impacted by SB 54. As stated on CAA's website, "Producers that sell, distribute or ship single-use packaging into California are likely obligated under the law."¹

As currently structured, the SB 54 reporting timeline creates significant uncertainty. The CAA producer supply reporting period, was supposed to have opened on September 15, 2025, with reports due by November 15, 2025.² CalRecycle did not submit the permanent regulations to the Office of Administrative Law until August 12, published them in the California Regulatory Notice Register on August 22, and the public comment period only closed last week. Consequently, the regulatory process will extend beyond the reporting deadline and leave businesses without definitive compliance guidance.

CalRecycle's own guidance acknowledges that regulations remain unfinished, and even the draft Program Plan is not expected until 2026. Without regulatory certainty, businesses

¹ Circular Action Alliance Website, from: <https://circularactionalliance.org/news-feed/9tnfe13lwp39oeh1xj4wrn3ex22zw0-g83az#:~:text=In%20addition%20to%20registration%2C%20CAA,program%20to%20meet%20producer%20needs.%E2%80%9D>.

² CAA did not open its producer supply reporting portal on September 15. On a webinar on September 22, CAA indicated the portal would be open in the coming days.
From: <https://www.jdsupra.com/legalnews/epr-update-developments-and-delays-9241375/#:~:text=California's%20plastic%20and%20packaging%20EPR,continue%20to%20provide%20relevant%20updates>.

cannot accurately assess whether they are covered, what information they must report, or how to structure extremely complicated compliance systems. Additionally, CAA's guidance document merely refers producers to consult with their legal counsel on whether they fall within the statutory and proposed regulatory definitions to determine if they are a producer in California.³ The substantial costs imposed by SB54 on regulated entities make such uncertainty especially concerning. And such costs hit wholesaler-distributors particularly hard, since the industry includes many small and mid-sized firms who do not have in-house counsel or regulatory compliance officers. Requiring reporting before regulations are finalized risks producing faulty data and forces businesses to spend critical time and resources building compliance systems that later may prove unnecessary or require redesign once final rules issue. Such wasted spending compounds the burden on companies and undermines the effectiveness of the program.

Imposing reporting obligations before regulations are finalized undermines accuracy, unnecessarily burdens businesses with vague standards, including wholesaler-distributors, and risks establishing arbitrary and faulty baselines that could hinder CalRecycle's long-term program objectives. We urge CalRecycle to delay the November 15, 2025, reporting deadline until it finalizes regulations and provides stakeholders with sufficient time to comply with them.

Sincerely,

American Supply Association
Associated Equipment Distributors
Auto Care Association
CAWA - Representing the Automotive Parts Industry
Commercial Vehicle Solutions Network
Foodservice Equipment Distributors Association
Heating Air-Conditioning Refrigeration Distributors International (HARDI)
International Foodservice Distributors Association
National Association of Electrical Distributors
National Association of Wholesaler-Distributors
National Marine Distributors Association
Outdoor Power Equipment and Engine Service Association
Professional Beauty Association
The Fertilizer Institute

³ Circular Action Alliance, Covered Materials & Producer Definitions: California, from <https://static1.squarespace.com/static/64260ed078c36925b1cf3385/t/68d590c9480efb1e6f31852a/1758826697130/Covered+Materials+%26+Producer+Definitions+%28California%29+v1+-+Clean.pdf>.