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August 17, 2020

Ken DaRosa, Acting Director, CalRecycle  
1001 I St.  
Sacramento, CA 95812

Dear Director DaRosa:

The California Resource Recovery Association (CRRA) Board, staff, technical councils, and members have been involved in the development and planning of Senate Bill (SB) 1383 since its inception. As a zero waste organization, CRRA strongly supports the idea behind SB 1383, and has always educated and provided tools to our membership to learn and implement new regulations. With the impending approval of SB 1383 regulations targeted for Fall 2020, and the challenges arising with COVID-19, we have concerns on how the final regulations will be implemented by California jurisdictions.

CRRA is the largest resource recovery organization in California, with members from all regions of the State and from every sector of the recycling community, including haulers, recyclers, processors, local government and industry experts. As such, we have heard from members about their concerns surrounding implementing SB 1383 and with the impact of COVID-19 on their programs. Developing organics collection programs involves raising rates to pay for these services, which has an immediate impact to the businesses and residents that are currently seeing economic hardships. CalRecycle's own estimate is that \$3 billion in new facilities alone will be required, not including the substantial additional cost of equipment, staffing and other expenses.

While our members are actively planning organics programs to comply with SB 1383, all aspects of the development and implementation of those programs have been significantly impacted due to lack of resources due to budget constraints and reduced staffing capacity at both the state and local levels.

While we recognize and applaud the approval of the final SB 1383 regulations, we would like to offer the following specific suggestions:

- Amend the implementation timeline to reflect the reduced capacity of local jurisdictions. Delaying the first two reporting deadlines, and subsequent formal review, would allow jurisdictions to focus limited resources on implementing programs.
- Support statewide funding for increased organics recycling infrastructure and local implementation efforts. The state has a crucial role to play in supporting the development of regional infrastructure to process organic waste. We would encourage far greater investment through the California Climate Investments, additional tax incentives, and any economic stimulus proposed by the state and federal governments. This would not only reduce local government compliance costs but what serve as a stimulus and source of green jobs in the middle of a historic recession.
- Streamline unnecessary permitting hurdles. Section 43032 of the Public Resources Code directs the department to *“develop a policy that promotes the development of coordinated permitting and regulation of composting facilities while protecting the environment.”* While some progress has been made by the Department to further study the air impacts of composting facilities, we are not aware of any attempts to coordinate permitting.
- Provide additional education and outreach to affected jurisdictions. We have appreciated the Department’s willingness to engage with our organization’s annual conference and through our Technical Councils to understand the scope of the regulations. We believe California’s jurisdictions and businesses would also benefit from more outreach and implementation support from the Department, and would look forward to working with you to make that happen. Additionally, completing the sample ordinances and other regulatory tools in development in short order is necessary to give local government’s better direction on how to roll out these programs ahead of the regulatory deadlines.
- Offer additional tools for compliance with procurement requirements in the bill. The proposed regulations include aggressive procurement requirements to stimulate market demand. The Department should more explicitly identify additional cost-effective opportunities for jurisdictions to comply with these requirements. For instance, funding the implementation of a carbon farm plan that relies on compost application could be among the most effective way to achieve these targets while simultaneously supporting the state’s Healthy Soils efforts. We recommend that the Department explicitly identify opportunities like this in its outreach efforts.
- The state needs to do its part to procure finished compost. Through CalTrans, DGS, State Parks, State Lands Commission, and CalFire, the State could procure compost at a rate comparable to that which is being required of local



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governments under the proposed regulations. Additionally, AB 2411 has given the Department additional tools to increase the use of compost and mulch.

CRRA would also like to understand what relief CalRecycle could provide on due dates and funding to support a sustainable and successful program. Our concern is if CalRecycle moves forward with enforcement of the regulations with the timeframe that is currently in place, and with our new reality of implementing programs during COVID-19, our members may not be able to comply. COVID-19 has had a variety of side effects including mass closure of businesses, downsizing of staff due to deep budget cuts, and decreased funding and grants to assist with the significant cost of implementing SB 1383 programs. While our members stand committed to diverting organic waste and recovering edible food, the pandemic has had a significant impact on the implementation of this program, and other state mandates, by our members.

It is our desire for CalRecycle to consider what options are available to provide more support to our members and some type of relief to the implementation of this regulation. We welcome a conversation to understand how we might help in discussing direction, providing feedback, and developing a way forward that will make all of our members successful in implementing SB 1383.

Should you have any questions, please let me know.

Sincerely,

Tracie Onstad Bills  
Executive Director, CRRA

CC: Governor Gavin Newsom  
Senate President pro Tempore Toni Atkins  
Assembly Speaker Anthony Rendon