

August 4, 2017

VIA U.S. MAIL AND EMAIL AT package@calrecycle.ca.gov

Cynthia Dunn
California Department of Resources, Recycling and Recovery (CalRecycle)
P. O. Box 4025
Sacramento, CA 95815

RE: Comments regarding CalRecycle's "Draft Screening Criteria for Determining Priority Packaging Types"

Dear Ms. Dunn –

Thank you for the opportunity to submit comments to CalRecycle's recent "Draft Screening Criteria for Determining Priority Packaging Types" as part of the agency's Packaging Reform Workshops. Manatt LLP represents a wide variety of client interests in the retail and consumer product sector. Unfortunately, we have not had sufficient time to fully coordinate with the full scope of our clients' interests in this matter – but are in the process of doing so. Manatt intends to stay fully engaged with this CalRecycle initiative that fully supports our clients' interests.

In the meantime, we agree with the concerns raised in the California Manufacturers & Technology Association (CMTA) and others that has been submitted to you today. In summary, we strongly request that CalRecycle fully consider and recognize the following points:

- CalRecycle must fully recognize and acknowledge the efforts that have been made, and are continuing to be made, by the Consumer Packaged Goods (CPG) and packaging industry to address the concerns raised by CalRecycle in this initiative.
- CalRecycle's approach to the management of packaging waste must be based on accurate scientific data that is specific to the management of packaging waste.
- Pursuant to recently enacted SB 1383, CalRecycle should focus primarily on the daunting task of achieving the organic waste reduction goals of that act – not on packaging waste.
- CalRecycle should focus on building and improving upon California's existing strong waste management system with a focus on increasing collection and recovery of packaging wastes.
- CalRecycle should recognize that solid waste and recycling collection services are a matter of local control, pursuant to state law, through direct provision of services or through contractual arrangements with other private or public entities. CalRecycle must

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ensure these services are continued to be delivered effectively and responsibly in a manner that is fully protective of human health, public safety and the environment.

- Extended Producer Responsibility is not an appropriate system for materials, such as CPG Packaging, that are already largely recyclable with a system in place for their recovery and recycling. While EPR programs *may* be appropriate for toxic or hard to handle materials, CalRecycle must:
 - recognize that packaging waste does not generally have such attributes, and
 - demonstrate convincingly that packaging waste cannot be addressed through improvements to existing programs and systems.
- CalRecycle must recognize and acknowledge the critical role that packaging plays on minimizing waste. Without effective and efficient packaging, there would be considerable more consumer product spoilage, wastage, and disposal.

In conclusion, CalRecycle should enhance efforts to work cooperatively with the CPG industry and their supply chain partners to enhance their existing and ongoing sustainability efforts. CalRecycle should avoid layering costly new programs over the top of existing systems. Such policies will simply divert funds into meeting complex new regulatory requirements.

As stated in the CMTA letter, “California has a large cadre of public and private experts in waste collection, processing, recycling, and disposing of waste materials and each will continue to have individual roles and, along with the consumer that is at the very heart of the cycle, individual responsibilities in achieving sustainability goals.”

Manatt and our clients look forward to working with CalRecycle to encourage a realistic and workable approach to sustainable waste management.

Sincerely,



Chuck A. White

cc: Shaina Brown, CMTA