



June 19th, 2022

President pro Tempore Toni Atkins
California State Senate
State Capitol, Room 205
Sacramento, CA 95814

Speaker Anthony Rendon
California State Assembly
State Capitol, Room 219
Sacramento, CA 95814

Re: SB 54 (Allen, Skinner, Stern, and Weiner) - Oppose

Dear Assembly Speaker Anthony Rendon and Senate President pro Tem Toni Atkins,

The scale and urgency of the plastic pollution crisis facing our planet, our health, and our communities demands bold action. It is for that reason that the undersigned organizations have been among the staunchest supporters of SB 54 since its introduction in 2019, and we continue to wholeheartedly share the goals of the bill's authors. Unfortunately, we believe that the compromise measure currently before the legislature cannot achieve these goals, and so we must urge the legislature to not advance SB 54 in its current form.

As the negotiations over the bill have progressed over the last three years, SB 54 has become increasingly dependent on a manufacturer-run model that would put the producers in charge of running the system. Manufacturer-run stewardship organizations are a tool that could, with sufficient safeguards and complementary strategies, be a useful strategy, but they can not be the entirety of a comprehensive plastic pollution policy. Moreover, the industry-run program outlined in the bill doesn't include many of the guardrails that have been suggested by our organizations, along with our environmental and environmental justice partners.

Producer-run programs for much simpler categories of products in California have proven very difficult to implement, and the manufacturers who control these programs continually find ways to skirt the intent of the legislature and the regulators that are charged with overseeing them. Given both the enormous scope of the products and materials in SB 54, and the fact that the industry involved has spent decades actively deceiving the public about its impacts (an issue which California's Attorney General is now actively investigating), it is clear that the proposed Producer Responsibility Organization would not achieve the goals envisioned by the authors and proponents of the bill.

This is especially troubling because SB 54 forgoes the other suite of proven tools that were envisioned in early versions of this bill and that are enumerated in the ballot measure, including

bans, deposits, recycled content mandates, phaseouts of toxic ingredients, and regulatory source reduction strategies. California can not afford to put all of our eggs into the basket of an industry-run organization that, by its nature, will not act in the public interest.

Finally, it is important to point out that any funding that is generated through a fee on consumers is, for all intents and purposes, public money. The revenue from such a fee should be invested based on priorities established through a public regulatory or legislative process. The needs of the producer responsibility organization only occasionally overlap with those of the state of California. Decades of inaction and misdirection by the companies expected to make up the PRO make it clear that they will spend an inordinate amount of time and money attempting to greenwash products that are toxic or fundamentally unrecyclable, whether through technological boondoggles or through aggressive promotional campaigns designed to support increased consumption of the single-use items they manufacture. Conversely, California has many pressing needs that will be left unfunded under this proposal, including the development of a comprehensive reuse infrastructure, investments in recycling materials that don't have traditional producers (like organic waste), and investments in a more sustainable, equitable, and regenerative food system.

The industry's effective opposition to the previous version of this bill, along with the compromises that had to be taken to attempt to reach a deal in this version, show the stranglehold that corporate polluters have over legislative bodies. This is precisely why the state has a Citizen's Initiative process. The people of California want to see decisive action to turn the tide on plastic pollution, and we have no doubt that voters will support the ballot measure that will be before them this November.

For these reasons, we urge the legislature to reject SB 54 unless it is significantly amended to be as strong as the ballot initiative.

Sincerely,



Nick Lapis
Californians Against Waste



Veena Singla
Natural Resources Defense Council



Brandon Dawson
Sierra Club California

CC: Senators Ben Allen, Nancy Skinner, Henry Stern, and Scott Weiner
Assembly Committee on Natural Resources
Senate Committee on Environmental Quality