

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0019
(916) 319-2019
FAX (916) 319-2119

DISTRICT OFFICE
455 GOLDEN GATE AVENUE, SUITE 14600
SAN FRANCISCO, CA 94102
(415) 557-2312
FAX (415) 557-1178

Assemblymember.Ting@assembly.ca.gov
www.assembly.ca.gov/ting

Assembly California Legislature

PHILIP Y. TING
ASSEMBLYMEMBER, NINETEENTH DISTRICT

丁右立
州眾議員

COMMITTEES
CHAIR: BUDGET
BUSINESS AND PROFESSIONS
REVENUE AND TAXATION
UTILITIES AND ENERGY

September 8, 2021

Sue Parker
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California

RE: Legislative Intent – Assembly Bill No. 1201

Dear Ms. Parker:

AB 1201, as amended on September 3, 2021, expands the content and labeling requirements for compostable products. Among other things, it amends Section 42357 of the Public Resources Code to provide as follows:

“By January 1, 2024, the department, through a public stakeholder process, shall determine whether, for purposes of this section, it would be feasible to separate the collection of products in order to recover organic waste that is suitable for use in organic agricultural applications from the collection of products not suitable for use in organic agricultural applications. If the department determines that such bifurcation is feasible and would enable efficient processing by solid waste processing facilities, the department shall adopt regulations on or before January 1, 2026, to establish a bifurcated approach, and products that are not collected for the purpose of recovering organic waste that is suitable for use in organic agricultural applications shall comply with the department’s regulations and are not subject to the requirements of this subparagraph.”

This bill and this provision are designed to expand content and labeling requirements for compostable products, not adopt new regulations requiring a bifurcated organic waste collection and processing system.

It was brought to my attention, after the amendment deadline, that this language could be construed to invest CalRecycle with authority to adopt new regulations requiring a bifurcated organic waste collection and processing system.

It is not the intent of the Legislature that AB 1201, specifically the additions to Public Resources Code Section 42357(g)(1)(B), require CalRecycle to modify their newly-adopted organic waste recycling regulations and impose a completely new dual stream collection system for organic waste. The only intent of this provision was for CalRecycle’s feasibility determination to trigger a requirement to adopt regulations to establish a bifurcated approach *to product labeling*.



To the extent that AB 1201 could be construed to grant CalRecycle broader authority than outlined above, I am clarifying that the language in the bill is intended only for CalRecycle, after a public stakeholder process and a feasibility determination to focus its efforts on establishing a bifurcated approach to product labeling, and does not provide authority to adopt new regulations requiring a bifurcated organic waste collection and processing system.

I commit that in 2022, I will seek to amend this statute to clarify this intent and address this unintended consequence of AB 1201.

In addition, the definition of “desirable organic wastes” in section 42357(g)(1)(E) of the Public Resources Code is meant to include products which are intentionally collected by local governments and private solid waste service providers who provide organic waste collection services to residential and commercial customers in the state. Products associated with the recovery of desirable organic wastes would include compostable bin liners for the collection of yard trimmings or other green materials, food scraps, foodservice packaging that will be collected with uneaten food, and produce stickers, but would not include packaging for organic wastes that are generally not allowed in residential compost program, including pet waste.

Thank you for the opportunity to clarify these matters.

Sincerely,

A handwritten signature in blue ink, appearing to read 'P. Ting', with a long horizontal flourish extending to the right.

PHILIP Y. TING
Assemblymember, 19th District