



October 7, 2025

Csilla Richmond  
SB 54 Plastic Pollution Prevention and Packaging Producer Responsibility Act Permanent Regulations  
California Department of Resources Recycling and Recovery  
Regulations Unit  
1001 I St, MS-24B  
Sacramento, CA 95814

**RE: Comments in Response to the California Department of Resources Recycling and Recovery's proposed permanent regulations for the Plastic Pollution Prevention and Packaging Producer Responsibility Act**

Dear Ms. Richmond:

The American Coatings Association (ACA) submits the following comments to the California Department of Resources Recycling and Recovery (CalRecycle) regarding the agency's proposed permanent regulations for the Plastic Pollution Prevention and Packaging Producer Responsibility Act (SB 54). ACA is a voluntary, nonprofit trade association working to advance the needs of the paint and coatings industry and the professionals who work in it. The organization represents paint and coatings manufacturers, raw materials suppliers, distributors, and technical professionals. ACA serves as an advocate and ally for members on legislative, regulatory, and judicial issues, and provides forums for the advancement and promotion of the industry and coatings science. ACA appreciates the opportunity to comment and looks forward to working with CalRecycle throughout the rulemaking process.

ACA provides the following recommendations to alleviate any undue burden imposed on the paint and coatings industry.

**1. Revise the proposed definitions for the terms 'plastic' and 'plastic or polymers.'**

SB 54 and the proposed permanent regulations do not provide an adequate and/or clear definition of what constitutes plastic packaging. SB 54 clarifies that 'packaging' is inclusive of packaging components, including independent plastic components, and ancillary elements integrated into packaging. The state's packaging extended producer responsibility (EPR) law defines the term 'plastic' as "a synthetic or semisynthetic material chemically synthesized by the polymerization of organic substances that can be shaped into various rigid and flexible forms, [that] includes coatings and adhesives." Moreover, SB 54 defines the term 'plastic component' as "any single piece of covered material *made partially or entirely of plastic*" (emphasis added). CalRecycle's proposed definitions for the terms 'plastic' and 'plastic or polymers' utilize the same or similar



language.<sup>1</sup> While SB 54 provides examples of what is and what is not considered to be plastic,<sup>2</sup> the definitions in the law and the proposed permanent regulations lack the necessary clarity for members of the paint and coatings industry to determine what constitutes plastic packaging. Accordingly, ACA urges CalRecycle to reconsider this issue and provide the necessary clarity for all producers. ACA notes that California also has a rigid plastic packaging program for which paint and coatings manufacturers must also develop compliance strategies. ACA recommends that CalRecycle consider alternative methodologies such as developing an exclusive list of what does and what does not constitute plastic, and/or providing that independent plastic components qualify for the de minimis weight and volume exemption in SB 54's definition for the term 'packaging.'<sup>3</sup>

**2. Revise Section 18980.13.2 Administrative Civil Penalties to provide that producers will be exempt from penalties on the grounds that any noncompliance was caused by the producer responsibility organization's (PRO) conduct.**

Under Section 18980.13.2 Administrative Civil Penalties of the proposed permanent regulations, producers can be issued penalties for noncompliance caused by the PRO's conduct. CalRecycle's proposal unfairly burdens members of the paint and coatings industry by subjecting producers to exorbitant administrative civil penalties for behavior beyond their control. Accordingly, ACA urges CalRecycle to revise its proposal to provide that producers will be exempt from administrative civil penalties on the grounds that any noncompliance was caused by the PRO's conduct.

**3. Revise Section 18980.13.4 Procedure for a Hearing to provide that respondents have a minimum of forty-five days after receiving a notice of violation or notice of disciplinary action to request a hearing.**

Under Section 18980.13.4 Procedure for a Hearing of the proposed permanent regulations, producers (i.e., respondents) are required to request a hearing within fifteen days of being served a notice of violation or notice of disciplinary action. CalRecycle's proposal unfairly burdens members of the paint and coatings industry by subjecting producers to an unreasonably short timeframe to request said hearing and contest any penalties and/or other disciplinary action. Accordingly, ACA urges CalRecycle to revise its proposal to provide that producers have a minimum of forty-five days after receiving a notice of violation or notice of disciplinary action to request a hearing to contest the future imposition of penalties and/or other disciplinary action.

Thank you for your consideration of ACA's comments. Please do not hesitate to contact me should you have any questions and/or require further clarification.

Sincerely,

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<sup>1</sup> CalRecycle's proposed definition for the term, 'plastic,' provides that the component is "made partially or entirely of plastic." Meanwhile, the agency's proposed definition for the term, 'plastic or polymers,' refers to either a "plastic component or any amount of plastic."

<sup>2</sup> SB 54 provides that the term includes "polyethylene terephthalate (PET), high density polyethylene (HDPE), polyvinyl chloride (PVC), low density polyethylene (LDPE), polypropylene (PP), polystyrene (PS), polylactic acid (PLA), and aliphatic biopolyesters, such as polyhydroxyalkanoate (PHA) and polyhydroxybutyrate (PHB)," but does not include "natural rubber or naturally occurring polymers such as proteins or starches."

<sup>3</sup> Currently, under SB 54, the term 'packaging' does not include packaging elements that are not independent plastic components that have a de minimis weight or volume as determined by CalRecycle.

A handwritten signature in black ink, appearing to read "Annebelle Klein". The signature is fluid and cursive, with a large initial "A" and a long, sweeping underline.

Annebelle Klein  
Environmental Policy Counsel, Government Affairs