



**Statement Regarding Draft Producer Responsibility Plan
SB 54 Advisory Board Meeting
June 26, 2026**

AMERIPEN – the American Institute for Packaging and the Environment – respectfully submits the following targeted comments on the draft Producer Responsibility Plan submitted by the Circular Action Alliance (CAA) as it pertains to the Program Plan Source Reduction chapter under Section 6.2.1.1 of the draft Plan.

AMERIPEN represents the entire packaging value chain, advocating for responsible packaging policies that drive meaningful progress in packaging sustainability while supporting industry growth and consumer needs. Our membership includes material suppliers, packaging manufacturers, retailers, consumer packaged goods companies, and end-of-life materials managers.

Section 6.2.1.1 of the Producer Responsibility Plan's Source Reduction chapter addresses legitimate challenges in meeting source reduction targets. In this section, CAA seeks a three-year Unique Challenge Exemption (UCE) from the 2027 source reduction target if, after reviewing the producers' Individual Source Reduction Plans (ISRP) submitted to CAA in August, it appears the PRO will miss the 10% source reduction target by 2027. This is a valid concern and request, given the prolonged time required to adopt final regulations that guide compliance decision-making. The rules were finalized over a year after SB 54 required, leaving a condensed timeline to meet the statutory 2027 source reduction target.

AMERIPEN supports the CAA proposal to ensure continued industry compliance as all parties pursue the full implementation of SB 54. As it pertains to the source reduction targets, the process of redesigning consumer packaging to meet these targets can take many years and require substantial capital investment. To meet SB 54's targets, producers will need to redesign entire product categories at a pace they have never before contemplated. Expecting producers to meet the January 1, 2027, deadline when they have had legal certainty from final regulations for less than a year is infeasible and unreasonable.

SB 54 anticipated that there may be challenges to the source reduction targets and includes a specific process in the statute to address such circumstances. Lawmakers designed the UCE to address these challenges without stalling overall implementation of SB 54. Unfortunately, the more than 1-year rulemaking delay has led to CAA California facing unique challenges that have significantly impeded progress to date. As a result, it is entirely within scope and appropriate to approve a UCE from CAA California's PRO-level requirement to achieve the 10% source reduction target with at least 2% through reuse and refill.



The proposed CAA plan does not alter or interrupt producers' overall compliance obligations. In fact, producers will continue to pay fees into the system and will also be required to submit specific ISRP's outlining how they intend to reduce the amount of plastic packaging they supply to the market. In their ISRP's, producers will be required to forecast how much plastic (by weight and components) they plan to reduce for each target year and to attribute their source reduction activity.

Finally, it is important to note that the proposed UCE is a temporary measure. It will allow producers to ramp up source reduction efforts while still tracking toward compliance with the 2032 program goals, without undue risk of penalty for circumstances beyond their control. Moreover, if the ISRP's show significant progress towards the 2027 goal, CAA will adjust it accordingly to further limit its reach.

AMERIPEN supports this approach by CAA because it will ensure continued implementation progress while providing a path for producers to remain compliant with their obligations under SB 54. For this reason, we strongly urge the support of CAA California's proposal for a three-year UCE as outlined in section 6.2.1.1 of the Producer Responsibility Plan.

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AMERIPEN strives to take a good-faith, proactive approach to crafting packaging policies. We continue to focus on initiatives that develop and/or strengthen policies to advance the "reduce, reuse, recycle" strategies, while also underscoring the value of packaging. Our members are driving innovation, designing new packaging to be recycled, composted, or reused, and creating a more circular economy for all packaging. In our efforts to reduce environmental impact by increasing packaging circularity, our members continue to recognize the value of collaboration and the importance of working across the packaging value chain.

Please contact me (daniellew@ameripen.org) or Gregory Melkonian (gmelkonian@serlinhaley.com) with any questions about the input AMERIPEN provided in these comments.

Sincerely,

A handwritten signature in black ink, reading 'Danielle F. Waterfield'.

Danielle F. Waterfield, Esq.
Policy Director and General Counsel