

October 6, 2025

Zoe Heller, Director

Department of Resources Recycling and Recovery (CalRecycle)

P.O. Box 4025 Sacramento, CA 95812-4025

Via Email: regulations@CalRecycle.ca.gov

RE: Comments on SB 54 Plastic Pollution Prevention and Packaging Producer Responsibility Act Permanent Regulations.

The National Lubricant Container Recycling Coalition (NLCRC) was established to encourage collaboration and develop circularity solutions for lubricant packaging in the United States. To ensure a comprehensive perspective from the industry, the NLCRC's membership includes stakeholders from across the lubricant packaging value chain, including producers, packaging manufacturers, retailers, recyclers, haulers, and other interested parties together, in an equal partnership to accelerate the achievement of packaging recycling solutions. Lubricant container packaging is hard to recycle due to the challenges created by residual liquid products left in the container. The NLCRC believes in EPR that promotes results-based, efficient, equitable, and transparent practices and encourages the establishment of fit-for-purpose collection methods for complex materials.

The lubricant industry is regulated by several post-consumer waste programs in California, including packaging EPR (SB 54), the Used Oil Recycling Program (SB 546), and potentially HHW EPR under proposed bill SB 501. Impacted producers are (or will be) required to manage these programs independently, leading to challenges in efficiency, effectiveness (performance), and cost to both consumers and producers. Recognizing the need to develop a solution, the NLCRC is sponsoring AB 1325, a producer-led EPR bill that comprehensively addresses lubricant products and packaging into one program. The mechanism requires transitioning the existing Used Oil Recycling Program into a new EPR law and adding packaging and other lubricant industry products to the list of covered materials.

Despite the NLCRC's intent to develop independent EPR legislation, we are providing comments to the proposed amendments to SB 54 that we believe to be beneficial to the Department, consumers, and any producer of hard-to-recycle packaging. Most of our comments seek to amend draft language to clarify "Individual Producers" and "Alternative Collection Programs."

On behalf of the NLCRC, I appreciate your review of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Tristan Steichen". The signature is fluid and cursive, with a large initial "T" and "S".

Tristan Steichen, Executive Director
The National Lubricant Container Recycling Coalition

Cc: Zoe Heller, CalRecycle
David Lawes, LPMA

Section 18980.1 Definitions (a)(10)

“Independent Producer” means a producer that is approved by the Department to comply with the requirements of this chapter without being a participant producer. [Cal. Code Regs., tit. 14, div. 7, ch. 11.1, § 18980.1(a)(10) (2025)]

NLCRC Comment: The definition should be amended to say, “Independent Producer means a producer that is approved by the Department to comply with the requirements of this chapter without being a participant producer, **pursuant to section 42051(b)(2)(A) of the Public Resources Code**. The NLCRC asks for this clarification to allow for a group of producers with the same or similar products/packaging to work collaboratively to support collection programs that enhance packaging collection and recycling in CA. Further, enabling a group of producers to develop an ‘Independent Producer Plan’ in California would support EPR harmonization efforts in the U.S., while enhancing the amount of packaging material collected and managed by producers in California.

In addition to the suggested amendment to the definition of ‘Independent Producer’, NLCRC is seeking clarity from CalRecycle that the definition and use of the term ‘Independent Producer’ throughout the proposed rule is a new term and separate from the statute provision that enables a producer to comply ‘Individually’, thus creating a compliance pathway for a producer or group of producers to create an independent collection program that is both administratively and operationally independent of the PRO.

Section 18980.5.1. Application for Independent Producer Compliance

(a) A producer seeking to comply with the Act without participating in a PRO shall first, if not already registered with the Department pursuant to subdivision (a) of section 18980.5, register with the Department pursuant to subdivision (a) of section 18980.10 and submit ~~an application for individual compliance~~ **an application for independent producer compliance** to the Department.