



October 18, 2019

Mr. Hank Brady
CalRecycle
1001 I Street
Sacramento, CA 95814

Re: Final Rulemaking Comments

Dear Mr. Brady,

Please find my comments on the Short-lived Climate Pollutants (SLCP): Organic Waste Reductions, Proposed Regulation Text, Second Formal Draft published October 4, 2019.

Edible Food Recovery Programs

Edgar & Associates was provided the list of food permits for businesses and schools in two counties in California. These generators were sorted according to the current Tier one and Tier two definitions. Both counties showed that approximately 15% of all generators met either the Tier one or Tier two definition, where some of these generators were already recovering food¹.

Limiting compliance to the current two Tiers can potentially limit the State's ability to meet the goal of recovering 20% of all edible food currently disposed.

1. Measuring from the 2014 baseline does not account for the early action of these generators
2. Generators are likely to find efficiencies, reducing the total amount of food donated
3. If the 20% baseline includes all edible food wasted, including residential sources, this effectively doubles the amount of food that must be recovered from only 15% of the commercial food generators.

CalRecycle can ensure the State can meet the 20% recovery goal by adding language to the regulation that creates a trigger in 2025, where if it is shown that the State is below their 20% edible food recovery goal "Tier three" or otherwise expanded mandatory programs will be added to the requirements.

¹ This does not include large events, large venues and state Agencies.

Gray Container Waste Evaluations

We are disappointed to see CalRecycle has removed the requirements for gray containers to be evaluated at the landfill. This creates a loophole in the regulation where operators that have the ability to direct haul MSW to the landfill, can skirt the recovery requirements, with no ability for a jurisdiction or the State to observe if programs are effectively removing organics from the gray container. It creates an incentive for operators to direct haul materials to landfills to avoid evaluating and reporting the efficiency of their programs. Although the green container will demonstrate that it has been able to reduce contamination, there is no other way for a jurisdiction, or the State, to ensure the programs are effective at removing organics from landfill.

CalRecycle should maintain the basic requirement for all operators to collect data through the waste evaluations of the containers to ensure that programs are effective, regardless if they are transferred through a facility or direct hauled to landfill.

Thank you for your hard work and time considering these comments.

Best Regards,



Monica White
Sustainability Manager