



February 13, 2026

California Department of Resources Recycling and Recovery  
Regulations Unit  
1001 "I" St., MS-24B  
Sacramento, CA 95814

RE: *SB 54 Regulations 15-Day Comment Period*

Dear Sir or Madam,

On behalf of the poultry and egg industry, The US Poultry & Egg Association (USPOULTRY) appreciates the opportunity to comment on the recent revisions to the draft regulations implementing the SB 54 Plastic Pollution Prevention and Packaging Producer Responsibility Act, specifically the proposed changes to Section 18980.2 governing the food and agricultural categorical exemption.

USPOULTRY is the world's largest and most active poultry organization. Membership includes producers and processors of broilers, turkeys, ducks, eggs, and breeding stock, as well as allied companies. Formed in 1947, the association has affiliations in 26 states and member companies worldwide.

Our members operate throughout California and across the United States, and are committed to responsible environmental stewardship and recognize the California Legislature's intent to reduce plastic pollution while maintaining safe and affordable access to food. However, we write to urge CalRecycle to revise its approach to provide a more workable system to identify categorical exemptions for both industry and the agency.

Packaging poultry presents unique food safety challenges. Poultry producers are already subject to comprehensive oversight by regulatory agencies, to ensure packaging and product safety compliance. Packaging must prevent cross-contamination, leakage of liquids, and exposure to pathogens. It must be designed to maintain cold-chain integrity, preserve shelf life, and reduce food waste, all while complying with mandatory federal inspection and labeling requirements.

However, the revised provisions governing the food and agricultural categorical exemption impose a level of structural complexity that is unworkable for both poultry producers and CalRecycle, and inconsistent with the realities of food safety, supply chain operations, and consumer demands.

## **The Proposed Framework Creates an Excessive Evidentiary Burden in a Highly Regulated Industry**

The revised Section 18980.2 establishes a highly prescriptive, documentation-intensive, and iterative approval process to meet the threshold for categorical exemption of packaging of food and agricultural products. For poultry providers, who operate in a highly regulated environment, this structure is overly burdensome and not feasible.

In summary, the draft regulations would require producers to demonstrate that there are no reasonably possible alternatives to each food packaging item at issue by making various demonstrations that (1) mandatory standards for safety and structural integrity cannot be met with a packaging alternative, (2) eliminating or replacing packaging components does not solve the conflict between SB 54 and existing law, *and* (3) redesigning or replacing the packaging as a whole does not avoid all legal conflicts.

As written, this framework imposes an evidentiary burden that exceeds what is reasonably necessary to demonstrate that the packaging performs essential food safety functions and that alternatives are not reasonably feasible without compromising safety, increasing food waste, or significantly disrupting operations. By requiring granular demonstrations of infeasibility and conflict analysis, the revised exemption process would require significant investments in legal and technical analyses for food producers on all packaging products. Subject entities will face significant compliance costs merely to prepare exemption petitions, regardless of outcome, which will increase costs for California consumers.

A categorical exemption framework should reduce—not expand—administrative complexity and barriers for essential food packaging that is necessary for safety and compliance. Food providers need predictability and clear pathways to achieve compliance.

## **The Proposed Exemption Process Is Operationally Unworkable**

Safe packaging for sensitive food products, like raw poultry, has been developed and refined over decades. Proposed changes to packaging to satisfy recycling and recyclability thresholds would require extensive food safety validation studies, shelf-life testing, label redesign and approval, and coordination with retailers and distributors. The proposed rules appear to assume that producers can readily generate alternative analyses and assess materials for substitution and compliance on all products in a relatively tight window. In practice, such analyses often require months of testing, third-party validation, and capital investment.

Furthermore, the proposed rule creates a system where regulatory approval is unpredictable and revocable on short timelines. Creating a process by which producers must make detailed and highly technical demonstrations for each covered product will likely result in an

overwhelming number of filings with CalRecycle. Requiring this level of documentation for each covered packaging material will create regulatory paralysis and could very well overwhelm CalRecycle as it seeks to make determinations on exemptions.

### **The Proposed Structure Fails to Account for Customer Quality Demands that Exceed Federal Food Safety Requirements**

As drafted, the proposed rules will force poultry and other food producers to lower the standards of food packaging used in order to comply with recyclability requirements, because only those packaging components that are required by “mandatory” federal laws (per Section 18980.2(a)(2)) can be used to support an exemption.

In many cases, poultry producers must package food products to achieve customers’ quality demands using packaging components that may exceed the regulatory baselines of federal food safety requirements. However, the regulations as drafted require a demonstration of a conflict with only “mandatory” federal requirements and do not account for packaging components that are incorporated to meet other quality and market standards, let alone an individual producers judgment about what additional level of quality protection may be appropriate above federal requirements. This framework would thus lower the bar and force companies to use packaging that achieves only the baseline level of food safety.

### **Recommended Revisions**

To make Section 18980.2 workable while still advancing SB 54’s goals, we respectfully recommend that CalRecycle:

1. Establish a presumptive categorical exemption for packaging used for raw poultry and other perishable animal proteins, recognizing their unique food safety requirements.
2. Establish safe harbor provisions for poultry packaging components used for leak prevention, pathogen control, and shelf-life preservation.
3. Streamline documentation requirements for operational practicality.
4. Allow producers to rely on industry best practices and guidance to establish conflicts between the requirements of the Act and existing packaging practices, rather than only “mandatory regulations, rules, or guidelines.”
5. Deem a submitted notice of exemption as administratively complete per Section 18980.2(a)(2)(C)), if CalRecycle has not indicated incompleteness within 60 days after submission.

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These changes would preserve the environmental objectives of SB 54 while preventing unintended consequences for public health, food waste, and consumer costs.

### **Conclusion**

USPOULTRY supports pragmatic, science-based approaches to packaging reform. However, the revised Section 18980.2 provisions impose an inflexible and overly burdensome structure that fails to reflect the operational realities of poultry processing and the essential food safety functions of packaging.

We respectfully urge CalRecycle to revise the proposed rules to ensure that the categorical exemption process is workable, predictable, and aligned with food safety imperatives.

Thank you for your consideration of these comments. We appreciate your dedication to finding workable solutions for stakeholders and welcome the opportunity to engage further and provide technical information to support practical solutions.

If you should have any questions concerning our comments, please contact Paul Bredwell at [pbredwell@uspoultry.org](mailto:pbredwell@uspoultry.org) or by telephone at (678) 514-1973.

Respectfully,

U.S. Poultry & Egg Association