



14 February 2023

(23-1066)

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Committee on Technical Barriers to Trade

Original: English

### NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

<b>1. Notifying Member:</b> UNITED STATES OF AMERICA <b>If applicable, name of local government involved (Article 3.2 and 7.2):</b> State of California
<b>2. Agency responsible:</b> Department of Resources Recycling and Recovery, State of California [1996] <b>Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:</b> Please submit comments to: USA WTO TBT Enquiry Point, Email: <a href="mailto:usatbtep@nist.gov">usatbtep@nist.gov</a>
<b>3. Notified under Article 2.9.2 [ ], 2.10.1 [ ], 5.6.2 [ ], 5.7.1 [ ], 3.2 [X], 7.2 [X], other:</b>
<b>4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):</b> Recycling, plastic content; Quality (ICS code(s): 03.120); Environmental protection (ICS code(s): 13.020); Recycling (ICS code(s): 13.030.50); Plastics (ICS code(s): 83.080)
<b>5. Title, number of pages and language(s) of the notified document:</b> Plastic Content Reporting and Compliance; (17 page(s), in English)
<b>6. Description of content:</b> Proposed rule - The Department of Resources Recycling and Recovery ( <a href="#">CalRecycle</a> ) is proposing permanent regulations per <a href="#">Public Resources Code (PRC) section 14547</a> in response to <a href="#">Assembly Bill (AB) 793</a> that would adopt definitions for postconsumer recycled material, post-industrial recycled material, plastic material reclaimer, manufacturer of postconsumer recycled plastic, and clarify definitions for food-grade, and bottle-grade terms; recordkeeping and compliance requirements for beverage manufacturers; reporting requirements for beverage manufacturers, plastic material reclaimers, and manufacturers of postconsumer recycled plastic; petition requirements for an association to petition CalRecycle's Director to adjust the minimum postconsumer recycled content standard; and, requirements for beverage manufacturers to submit corrective action plans and requests for reducing administrative penalties.  These proposed regulations would also amend section 2100 to make clear that failure to file a required report correctly and accurately by a beverage manufacturer, a plastic material reclaimer, or a manufacturer of postconsumer
<b>7. Objective and rationale, including the nature of urgent problems where applicable:</b> Protection of human health or safety; Protection of the environment; Quality requirements

**8. Relevant documents:**

No. 4-Z, California Regulatory Notice Register 27 January 2023 (pages 78-82):

<https://oal.ca.gov/wp-content/uploads/sites/166/2023/01/2023-Notice-Register-Number-4-Z-January-27-2023.pdf?emrc=63e0e247002e5>

AB 793 Plastic Content Reporting and Compliance Permanent Regulations

<https://calrecycle.ca.gov/Laws/Rulemaking/plasticcontent/?emrc=63e0e0f1b93e9>

The Department of Resources Recycling and Recovery (CalRecycle) will hold a hybrid public hearing on 21 March 2023. To attend virtually via Zoom, you must register [here](#).

WTO Members and their stakeholders are asked to submit comments to the [USA TBT Enquiry Point](#) by or before [4pm Eastern Time](#) on 21 March 2023. Comments received by the USA TBT Enquiry Point from WTO Members and their stakeholders will be shared with the regulator if received within the comment period.

**9. Proposed date of adoption:** To be determined

**Proposed date of entry into force:** To be determined

**10. Final date for comments:** 21 March 2023

**11. Texts available from: National enquiry point [ ] or address, telephone and fax numbers and email and website addresses, if available, of other body:**

[https://members.wto.org/crnattachments/2023/TBT/USA/23\\_1077\\_00\\_e.pdf](https://members.wto.org/crnattachments/2023/TBT/USA/23_1077_00_e.pdf)

[https://members.wto.org/crnattachments/2023/TBT/USA/23\\_1077\\_01\\_e.pdf](https://members.wto.org/crnattachments/2023/TBT/USA/23_1077_01_e.pdf)

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