



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

1001 I STREET, SACRAMENTO, P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812 • WWW.CALRECYCLE.CA.GOV • (916) 322-4027

To: Plastic Trash Bag Wholesalers/Retailers

Subject: **Plastic Trash Bag Annual Wholesaler Certification**
Response Required by March 1

The Department of Resources Recycling and Recovery (CalRecycle) must ensure annually that plastic trash bag wholesalers and retailers* are in compliance with California's Recycled-Content Trash Bag Program's (Program) statute and regulations. CalRecycle has identified your company as a wholesaler or retailer selling regulated plastic trash bags of .75 mil or greater in thickness, to or within the state of California. The required annual certification form is attached. *Under the law, some "retailers" may be defined as "wholesalers" and must also comply with the Program.

The Program requires the Plastic Trash Bag Certification form to include the following information:

- Your company name, headquarters mailing address, telephone number and contact person, and every physical address from which regulated plastic trash bags were shipped (by your company).
- A list of each manufacturer and wholesaler from whom you purchased regulated plastic trash bags during the reporting period (January 1 to December 31.)
- The number of regulated plastic trash bags, and the tons of regulated plastic trash bags shipped from each physical location which were intended for sale or distribution or sold in California during the reporting period, and

Forms and Information

The certification form is due by March 1. The form will provide information from your company to CalRecycle for use in determining compliance for the previous calendar year, January 1 to December 31. Late, incomplete or inaccurate certification forms may result in a determination by CalRecycle that your company is non-compliant with the Plastic Trash Bag Program for the reporting year. Wholesalers and regulated retailers submitting late forms, will not have another chance to come into compliance until the next reporting year.

The laws governing the Program can be found in Title 14 California Code of Regulations (14CCR) Sections 17975-17985 (www.calrecycle.ca.gov/Laws/Regulations/Title14/ch4a5.htm), and California Public Resources Code (PRC) Sections 42290-42298 (<http://leginfo.legislature.ca.gov>).

For more information, links to our regulations and statute, and the certification form (CIWMB 58), please see our Recycled-Content Trash Bag Program website: www.calrecycle.ca.gov/buyrecycled/trashbags.

Form Submittals

The certification forms may be submitted via mail, email or fax to the following:

Department of Resources Recycling and Recovery
Waste Permitting, Compliance and Mitigation Division
Attn: Plastic Trash Bag Certification Program, MS 10-17-A
1001 I Street, P.O. Box 4025
Sacramento, CA 95812-4025
E-mail: Plasticbag@calrecycle.ca.gov
FAX: (916) 319-7694



Compliant and Non-Compliant Companies

Wholesalers and regulated retailers who do not submit complete certifications to CalRecycle by March 1st are non-compliant. California Code of Regulations Section 17985(b) requires CalRecycle to publish a list of Non-Complaint Wholesalers, which is posted to CalRecycle's website (www.calrecycle.ca.gov/BuyRecycled/TrashBags/ComplyList) and transmitted to the Department of General Services as well as state and local procurement officers. Any wholesaler (or regulated retailer), and any of its divisions, subsidiaries or successors who fails to comply with the Program, shall be ineligible for the award of any state contract or subcontract, or for the renewal, extension or modification of an existing contract or subcontract, until CalRecycle determines that it is in compliance. In addition, please be advised that CalRecycle has the statutory authority to conduct audits to review the accuracy of submitted certification forms. Companies who do not comply with these statutes or regulations may also be referred to the Attorney General for further action.

Public Records and the Information Practices Acts

CalRecycle is subject to the provisions of the Public Records and Information Practices Acts, Title 14 CCR Sections 17041-17046 (www.calrecycle.ca.gov/Laws/Regulations/Title14/ch1.htm#ch1a4). If any of the information being submitted in this request is confidential, proprietary, or a trade secret, you must identify in writing the information that you believe should be maintained as confidential. In addition, you must provide the name, address, and telephone number of the individual to be contacted if CalRecycle receives a request for disclosure, or seeks to disclose, confidential information. The regulations noted above provide details on the process to be followed and criteria to be used if there is a request for confidential information. The regulation requirements provide you with an opportunity to explain why the information should remain confidential, in the event a request is made.

Assistance

If your company did not sell regulated plastic trash bags or can liners to or within the state of California, during the reporting year, please indicate this on the form, and return. If your company does not currently sell regulated plastic trash bags, will not in the future, and you feel your company received this letter in error, please notify us in writing to the address or email above by the submittal deadline. If in the future your company's status as a wholesaler/retailer changes, and is subject to the requirements of the Plastic Trash Bag Program, you must notify CalRecycle and submit a certification.

If you have any questions, or need additional information, please contact program staff via email at: plasticbag@calrecycle.ca.gov. Thank you for your cooperation.

Sincerely,
Minimum Content Compliance Unit
Waste Evaluation and Enforcement Branch