

**FINAL STATEMENT OF REASONS
MANDATORY COMMERCIAL RECYCLING REGULATIONS**

ADDENDUM #1

(NONDUPLICATION)

Government Code section 11349(f) prohibits, and requires the identification of, any proposed regulation which duplicates or “serves the same purpose” as an existing statute or regulation by repeating or rephrasing, in whole or in part, language from that statute or regulation. Duplication is allowed, however, if this incorporated language meets the nonduplication standard of Government Code section 11349.1. See also Title 1 California Code of Regulations section 12.

The incorporation of statutory language from AB 341 into the proposed regulations is justified because this duplication is necessary in order to provide “clarity” as required by Government Code Section 11349.(a)(3). Title 1 California Code of Regulations section 12(b)(1). Most of the statutory language was included in response to requests or comments by regulated parties or their representatives because of their concern that the regulation might be misinterpreted as changing the statutory requirements if the exact language of AB341 was not used. Some of these comments were made during the informal rulemaking period and some were made during the formal 45-day comment period. See comments W-02-2, W-11-02, W-05-5 and W-14-06 contained in the Comment & Response Matrix located at Tab 14. In addition, duplication is necessary to provide ease of use to regulated parties by having all relevant law in one location, making it more convenient for them to comply with their mandatory commercial recycling responsibilities under AB341.