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Legal Alerts

CalRecycle Withdraws SB 54 Draft Rules

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On January 9, 2026, the California Department of Resources Recycling and Recovery (CalRecycle) withdrew its proposed implementing regulations for the Plastic Pollution Prevention and Packaging Producer Responsibility Act (SB 54). SB 54 is a landmark California packaging law that, by 2032, requires a 25% reduction in single-use plastic packaging and single-use plastic food service ware and requires that all covered packaging and food service ware sold in California be recyclable or compostable. While SB 54 is the law that sets the program's mandates and targets, CalRecycle's implementing regulations are intended to explain how SB 54 will work in practice by providing compliance mechanisms, reporting requirements and timelines.

Before the withdrawal, the draft regulations would have set annual producer reporting deadlines, initial registration milestones and key definitions that determine what packaging is "covered" under SB 54. This action follows an earlier delay in March 2025, when Governor Gavin Newsom directed CalRecycle to reconsider its initial draft regulations. Accordingly, uncertainty remains regarding the timing and content of the final SB 54 regulatory framework.

Regulatory Withdrawal

CalRecycle stated that the withdrawal was necessary to improve clarity and to support successful implementation of the law. In its announcement, CalRecycle emphasized that it "remains committed to implementing this bold recycling law in a way that achieves its goals of reducing plastic waste and supporting a circular economy while also minimizing costs for small businesses and working families as much as possible." CalRecycle also indicated that the revisions will be focused largely on packaging for food and agricultural commodities. CalRecycle initiated an additional 15-day written comment period for the proposed revisions that took place from January 29, 2026 through February 13, 2026.

Importantly, despite the withdrawal, CalRecycle has emphasized that SB 54's statutory deadlines remain unchanged. These statutory deadlines refer to compliance milestones mandated by SB 54, including the law's long-term performance targets that must be achieved by 2032, such as source reduction, increased recycling and requirements for certain packaging to be recyclable or compostable. SB 54 requires producers to reduce single-use plastic packaging and work towards a goal that, on or after January 1, 2032, single-use packaging and plastic single-use foodservice ware that are sold within California will be recyclable or compostable. Additionally, producers are required to participate in a producer responsibility organization (PRO) and comply with an approved PRO plan, which is the primary mechanism SB 54 uses to implement and achieve these targets.

What Does This Mean Moving Forward?

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While CalRecycle has withdrawn the proposed regulations for further revisions, SB 54 remains in effect, and CalRecycle has stated that the statutory deadlines remain unchanged. It is important that companies continue preparing for compliance while monitoring CalRecycle's rulemaking process, including revisions that may affect key responsibilities for producers. From a practical standpoint, producers should consider evaluating their current packaging portfolios, proactively working with suppliers to ensure compliance and assessing how future regulations could impact their packaging.

While the regulatory details remain uncertain, early planning can reduce future disruption once final implementing requirements are issued. For specific guidance on how SB 54 may impact your business, please contact Foster Garvey's Food & Beverage team.

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