

# First in the Nation Textile Extended Producer Responsibility Program Legislation Passes the California Legislature

September 10, 2024



Last week [SB 707](#) (Newman), a bill that would create the first in the nation textile Extended Producer Responsibility Program (EPR), was passed by the California Legislature and headed to Governor Newsom's desk where he has until September 30 to sign or veto.

If this bill passes the final hurdle this month to become law, it will establish a new statewide program for collection, sorting, processing, repair, resale, reuse and recycling of used textiles and clothing, paid for by the producers of all textiles sold within California. The fees paid by textile producers must be set to incentivize practices and materials that help meet program goals to minimize negative environmental and public health impacts.

Fibershed supports this legislation because we believe it offers us an opportunity to address the negative effects of fast fashion and hopefully, move us towards a healthier textile system from the ground up. However, **it will be absolutely critical for robust public and stakeholder engagement in the regulatory implementation process** to ensure there are strong environmental and social guidelines and incentive structures put in place. We need everyone to gear up and be ready to engage in the coming months and years!

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There is no doubt that this **legislation is precedent setting, as it will create the first in the nation textile EPR program.** It will have an impact that reaches far beyond California state lines because it will serve as a model for other states (and possibly federal legislation) looking to address the negative impacts of fast fashion's apparel and textile production and waste. This legislation provides important structure and guidance for the program's creation, but **most of the details will be finalized through the regulatory implementation process**, which will be led by CalRecycle. We need the standards set high right out of the gate to ensure it lives up to the potential we envision. Moreover, the deadline for the program to be operational is not until 2030, with a review of the program's success or failures not until 2035; we need to ensure the structure of the program is sound from the outset.

### **Fibershed's Influence, What We Like and Our Focus for Implementation**

Throughout the process, Fibershed provided critical input on multiple issues, with most of our input being integrated. We want to thank Senator Newman, author of SB707, and his staff, who were very responsive to our concerns. In addition, bill sponsor California Product Stewardship Council (CSPC) has supported the development of this legislation from the beginning and welcomed our input along the way. Some of our key points of input included:

- **Stakeholder involvement in Producer Responsibility Organization (PRO) governance/decision making process/organization.**

Previously, the legislation indicated the PRO governance/decision making body would only include representatives of the companies the program is seeking to regulate through the creation of an EPR program. We advocated for the inclusion of broader stakeholder involvement in the PRO to account for all the different processing and distribution points for recovered textile products. We were successful in that they amended the legislation to include ex officio members involved in the collection, sorting, repair, reuse, recycling, or management of covered products. *This is a win, however, we will need to follow this closely during implementation to ensure there is broad stakeholder engagement cemented into the process.*

- **Integration of environmental and public health considerations and data regarding microplastics, PFAS and other chemical contamination to inform the program design, fee structure, incentives, and performance standards.** They integrated environmental and public health language into several places and named these explicitly as goals central to the program's intent and mandate. This provides space for CalRecycle agency oversight and standard-setting that will have the potential to make environmental and public health impact standards more specific through the guidelines they create.
- **Including stakeholder engagement from those involved all the way to final disposition of apparel and textile products in the development of the needs assessment.** The final version of the bill requires that the needs assessment, which underpins the program's infrastructure and

financial architecture, must be completed in consultation with a broad diversity of local jurisdictions, service providers, and processors managing collected textile products through final disposition. The framework that will guide the needs assessment will be a critical juncture for stakeholder engagement during the regulatory implementation process.

## **What is Ahead?**

Governor Newsom has until September 30th, to sign or veto the legislation. It does not require his signature to become law. Fibershed will continue collaborating with the many partners we worked with during the legislative process, and gear up to engage the Fibershed community, as well as other critical stakeholders. There will be many points at which public comments will provide opportunities to ensure this program sets high standards right out of the gate.

During the regulatory implementation process, Fibershed will continue to push for our vision that California's textile EPR program accomplishes the following:

- Creates an eco-modulated fee structure that will actively lead to transformation in industry practices and accountability, not just incentivize collection and recycling;
- Lifts up and incentivizes healthy, natural fiber textiles as a key solution to microplastic fiber pollution;
- Makes possible infrastructure investments in processing systems that support natural fiber materials, not just infrastructure for synthetic textile processing; and
- Creates global accountability for the financial implications and management of apparel and textile materials across their lifespan of use and impact.

**Stay tuned to Fibershed emails and social media as this process unfolds!**

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