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DECISION-MAKING ON SB 707 WILL BE DELAYED UNTIL 2024. WOKEPHOTO17 / GETTY IMAGES

There wasn't much fanfare when [California](#) State Senator Josh Newman pulled the bill he authored, [SB 707](#), from legislative consideration in July. But the action signaled that the [California](#) Textile Recovery Act of 2023 was not ready for prime time.

Proposed in March, the first-of-its-kind [legislation](#) would make producers of textiles and apparel goods sold within the state liable for the industry's waste. SB 707 would mandate that the sector fund an Extended Producer Responsibility ([EPR](#)) program—a statewide platform for discarded garments and fabrics made up of Producer Responsibility Organizations (PRO), which would manage the collection, sortation and recycling process.

VIDEOS



3D Deep Dive: Merrell on Opportunities, Overcoming Challenges and Optimizing Processes

...n, special project manager for the bill’s primary sponsor
Product Stewardship Council (CPSC), said the decision
...ing on SB 707 until 2024 came from a desire to plea
...y stakeholders. The California Legislature convenes i
...l under the state Constitution, bills introduced during
...d over to the subsequent year if they require further:

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... contends the bill could have been passed in 2023, c
...s of the Golden State’s retail community, as well as r
...ators, prompted the timeline extension. “There were
..., and there still are,” she explained. The group, along
...fice, agreed that the precedent-setting legislation wa
...stry input. “We want to make sure to set the example
...ature of this program and the others that will surely
...ill can be acted upon in January, though the group b
...reach [Governor Gavin Newsom’s](#) desk during the se

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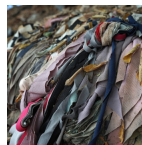
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Trade organizations like the American Apparel and Footwear Association
(AAFA) and American Circular Textiles (ACT), along with circular supply chain
non-profit [Accelerating Circularity](#), voiced “significant concerns and questions
about how and whether the scope and mechanics of SB 707 can truly support
circularity efforts.” In a July letter to California State Assembly’s Natural

x

“Robust EPR legislation is a critical tool to create incentives and infrastructure
needed to achieve textile circularity at scale,” Sarah Coulter, director of
operations and special projects at Accelerating Circularity, told Sourcing
Journal this week. “Because California is a first-mover in the US on this issue,
any legislation adopted here is likely to become a model for similar statutes
nationwide.”

“That’s why it’s critical to get it right with SB 707,” Coulter added. More time
will allow essential partners, from collection and sortation groups to recyclers,
brands and producers “to ensure that what passes in California is
implementable and creates the right incentives to build a functioning and
equitable system.”

The bill’s language should also be revised to include “clear, accurate, robust
terms and definitions, particularly when it comes to the scope and applicability
of the legislation,” she said. As it stands, multiple industries that use textiles in

could be subject to the legislation, though there is
out who will be held responsible for recycling.

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t pressing are the infrastructural holes, which cannot
Coulter. While there is a robust secondary market for
d other [secondhand](#) sellers, textile-to-[textile recyclin](#)
s mature. “The infrastructure [for these efforts] is cu
it commercial scale,” she said. “Creating the right inc
rastructure and develop the nascent market for recyc
ime, without negative unintended impacts, is a mass

ch said the organization has heard the sector’s calls
lated to their responsibilities under the proposed law
eir continued input as work on the text continues. “W
ack from stakeholders,” she added. “We want tracke
ions to the bill. We actually haven’t heard any major r
rogram failures, and [the bill’s] large scope is in the p
ad.”

etailers are eager for the program to get underway as
supporting their goals tied to sustainability and circularity, Brasch said. She
pointed to Los Angeles-based women’s wear label Reformation as an example.
The company, which got its start developing dresses from deadstock fabrics,
has engaged with CPSC throughout the development of SB 707.

[Reformation](#) chief sustainability officer and vice president of operations
[Kathleen Talbot](#) said the brand has struggled to find in-state textile recycling
solutions. “One of the biggest challenges with closing the loop and keeping
[textile waste](#) in the fashion system is the lack of infrastructure and
accountability,” she said. “Building a truly circular fashion industry will require
a combination of brands, consumers, and industry-wide regulation all working

these gaps,” and that as it gains traction in California, it stands to “influence
broader policy and practice” across industries and economies.

California Retailer’s Association ([CRA](#)) president and CEO Rachel Michelin
echoed the sentiment that building a circular economy for textiles will require
cooperation across government, industry and the public. “I think making it easy
for consumers and educating consumers is a piece that’s really missing,” she
said.

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CRA has advised Sen. Newman’s office throughout the creation of SB 707, and
also served on the advisory committee for SB 54, the Plastic Pollution
Prevention and Packaging Producer Responsibility Act, signed into law by
Governor Gavin Newsom in June 2022. “Whether you’re talking about textile

alking about plastic bottles, it’s confusing,” she said. a consumer in California.”

late in the nation must coordinate across a multitude recycling bodies and waste management systems to recycling programs, and it’s tough for consumers to ke protocols. “Fundamentally, Californians want to be goo ent, but we need to ensure that these programs are v ers understand how to utilize them and become activ ” Michelin said. Asking retailers to assume responsib circular economy will be for naught if shoppers don’t she believes.

es for a tiered, multi-step approach to recycling infra that can be rolled out over time, Michelin said. “Con ore environmental responsibility, and retailers are fi up to do that and lean into it,” she added. “There’s s cause we’re just one piece of the puzzle, and this is k it may not understand the complexity of trying to do s quickly.”

ng foundation based in multi-stakeholder collaborati SB 707’s future, according to Will Wagner, a San Fran

consumer products attorney and senior associate at multinationa. Arnold & Porter. Wagner pointed to the packaging EPR, SB 54, as a cautionary tale, calling its rollout “a huge disaster.”

As of yet, a PRO, which will assume the responsibility of facilitating packaging recycling on behalf of producers, has not been approved by the state, despite the requirement that all producers doing business in California join such an organization by January 1. “I think exactly what would be happening if [SB 707] had been passed this year,” Wagner said. “It would be a mad rush to figure out who the responsible organization would be.”

really the first of its kind and there’s a lot of a lot of kinks to work out,” he added. “There’s no proof of concept, we don’t know exactly how this is going to going to work in the world, and an extra year to try to work through that issue will be critical.”

SB 707’s scope will be the biggest area of concern—”both from the perspective of what products are going to be covered, and from the perspective of who the responsible producers are,” according to Arnold & Porter policy advisor Yuvaraj Sivalingam.

Much of what’s been stated about the purpose of the bill relates to the impact of fast fashion, “but if you look at the language of the legislation, it’s not just apparel—what’s captured is also things like window coverings, architectural fabrics, towels and upholstered furniture,” he said. Meanwhile, responsible producers have been defined as the operators responsible for the final sale of a product in the state of California, meaning that a retailer importing products

...state—or another country—assumes responsibility with the bill.

...ate a disproportionate burden to in-state brands and smaller players. “If you’re a California company or e... to comply with this statute, and that may put you at... in terms of the additional costs you may have to bear... s,” Sivalingam said. “Another company overseas that... elf, because they’re passing the burden on to the in-s...

...that out-of-state brands and retailers will most likely for their direct online sales to California shoppers, “b... or doing so will be tricky.” If a New York brand sells p... i California, for example, and does not sign up with a... the state, “there will absolutely be public enforcement... ’ Wagner believes. That muscle will likely come from... eraging the unfair competition law, he said. “They’re... he company is operating in an unlawful way by not c... ia legislation.”

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...as to brands and producers from outside of the U.S.—up the bulk of California’s apparel and textile purchases—“The importer of record will likely take on the responsibility of the producer, and will have legal liability to comply,” Wagner added.

Enforcement details become murkier when considering direct-to-consumer sales from outside of the country, however. Some Asian fast fashion brands operate on a drop-ship model, sending orders from their in-country distribution centers straight to consumers’ doorsteps in the U.S., bypassing an importer, or a retailer, altogether. At a July hearing of the California Assembly Committee on Natural Resources, committee members determined that it “may be difficult or impossible to require overseas producers to participate in the program” for this

this is a bill that was worth reconsidering.”

“It’s fairly common that a bill author determines that more homework and more conversation with partners and stakeholders is needed,” he added. “Our expectation is that over the next several months, there will be a number of opportunities for the bill author and the sponsor to discuss some of the stakeholders’ concerns, and try and get to a place with revised and refined language that may receive more support from all the interested parties.”

Initial reporting on SB 707, including remarks from its author, Sen. Newman, can be found in Sourcing Journal’s June [Sustainability Report](#).

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