

October 24, 2024

The Responsible Textile Recovery Act of 2024

Jeffrey Kapor

Buchalter

+ Follow

Contact

The logo for the law firm Buchalter, featuring the name in a blue, sans-serif font. The background of the logo area is a light blue gradient with a faint, geometric pattern of lines.

[co-author: Kayla Radnia]

On September 22, 2024, California Governor Gavin Newsom signed SB 707 into law, known as the Responsible Textile Recovery Act of 2024 (“the Act”). This new legislation requires companies that produce clothing and textiles sold in California to form and join a producer responsibility organization (“PRO”) by 2026, which will create a plan for collecting, repairing, and recycling textiles, thereby promoting reuse and sustainability.

The fashion industry faces a significant recycling challenge, as only a small percentage of clothing is recycled, while the rest contributes to carbon emissions, landfill waste, and environmental pollution. California State Senator Josh Newman, the author of SB 707, reported that in 2021 approximately 1.2 million tons of textiles were disposed of in the state, despite 95% being reusable or recyclable. The Act aims to address the issues of waste and overproduction driven by “fast fashion” brands, which produce clothing that is not designed to last long. Rather than encourage the “throw away” culture, the goal is to encourage consumers to buy less and create opportunities for Californians to engage in sustainability.

Currently, consumers and taxpayers bear the costs of managing and disposing textile waste. With the Act in place, the costs and responsibilities will shift to the producers and sellers of those products. This policy, known as Extended Producer Responsibility (“EPR”), is designed to incentivize textile manufactures to minimize waste by holding

them financially responsible for their products after they are used. The Act represents the first of its kind to enforce such responsibilities in the textile industry, following the lead of the electronics, pharmaceuticals, and plastic packaging sectors, which already have numerous laws in place that hold producers responsible for their waste.

SB 707 establishes a framework for producers to facilitate the repair, recycle, and reuse of clothing. Californians will have the ability to drop off unwanted apparel and household textiles at convenient locations, such as thrift stores, charities, and other accessible collection sites for sorting and recycling.

Who is considered a producer: Under SB 707, a producer means:

(1) Any person who manufactures a covered product and who owns or is the licensee of the brand or trademark under which that covered product is sold, offered for sale, or distributed for sale in or into the state.

(2) If there is no person in the state who is the producer for purposes of the previous paragraph, the producer of the covered product is the owner of a brand or trademark or, if the owner is not in the state, the exclusive licensee of a brand or trademark under which the covered product is sold, imported for sale, offered for sale, or distributed for sale in or into the state, regardless of whether the trademark is registered.

(3) If there is no person in the state who is the producer for purposes of the previous two paragraphs, then the producer of the covered product is the person that imports the covered product into the state for sale or distribution.

(4) If there is no other person in the state who is the producer for purposes of the previous three paragraphs, the producer of the covered product is the distributor, retailer, or wholesaler who sells the product in or into the state.

What are the covered products: Under SB 707, covered products include apparel such as undergarments, shirts, pants, skirts, dresses, overalls, bodysuits, costumes, vests, dancewear, suits, saris, scarves, tops, leggings, school uniforms, leisurewear, athletic wear, sports uniforms, swimwear, formal wear, onesies, bibs, footwear, handbags, backpacks, knitted and woven accessories, jackets, coats, snow pants, ski pants, and everyday uniforms for work wear.