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AB-333 Recycling: glass beverage containers: market development payments. (2025-2026)

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AMENDED IN ASSEMBLY APRIL 10, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 333

Introduced by Assembly Member Alanis

January 28, 2025

An act to ~~amend Section 108971 of the Health and Safety Code, relating to public health,~~ *amend Section 14581 of, and to add Section 14549.8 to, the Public Resources Code, relating to recycling, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 333, as amended, Alanis. ~~Product safety: textile articles: perfluoroalkyl and polyfluoroalkyl substances (PFAS).~~ *Recycling: glass beverage containers: market development payments.*

The California Beverage Container Recycling and Litter Reduction Act, a violation of which is a crime, requires a distributor of beverage containers, as defined, to pay to the Department of Resources Recycling and Recovery a monthly redemption payment for every beverage container sold or transferred, as provided. The act requires the department to deposit those amounts into the California Beverage Container Recycling Fund. The fund is continuously appropriated to, among other things, pay refund values and administrative fees to processors that receive empty beverage containers from recyclers. The act continuously appropriates \$60,000,000 annually from the fund to the department to make market development payments to glass beverage container manufacturers who purchase recycled glass collected within this state for use in manufacturing new beverage containers in this state.

This bill would require the department, subject to the availability of funds, to pay a market development payment to a person who purchases a product, other than a beverage container, that is made with empty glass beverage containers that would otherwise be sent to a landfill, as specified. The bill would authorize the department to expend up to \$20,000,000 annually from the fund for these market development payments. By authorizing a new use for continuously appropriated funds, this bill would make an appropriation.

~~Existing law prohibits, beginning January 1, 2023, any person from distributing, selling, or offering for sale in the state any food packaging that contains regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS, as defined, and requires a manufacturer to use the least toxic alternative when replacing regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS in food packaging to comply with this requirement. Existing law prohibits, beginning July 1, 2023, a person from selling or~~

~~distributing in commerce in this state any new, not previously owned, juvenile product, as defined, that contains regulated PFAS chemicals:~~

~~Existing law prohibits, beginning January 1, 2025, any person from manufacturing, distributing, selling, or offering for sale in the state any new, not previously owned, textile articles that contain regulated PFAS, except as specified, and requires a manufacturer to use the least toxic alternative when removing regulated PFAS in textile articles to comply with these provisions:~~

~~This bill would additionally exempt from the above prohibition, until January 1, 2028, apparel designed for and used by law enforcement:~~

Vote: ~~majority~~2/3 Appropriation: ~~no~~yes Fiscal Committee: ~~no~~yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. *The Legislature finds and declares all of the following:*

(a) Products made from recycled glass containers divert glass container material from landfills.

(b) Utilizing ground glass pozzolan, a supplementary cementitious material (SCM) serving as a sustainable alternative to ordinary Portland cement, reduces carbon emissions by 92 percent per ton compared to traditional cement production, significantly lowering the global warming potential of concrete by over 30 percent.

(c) The use of ground glass pozzolan will significantly help the cement industry in meeting its 2045 carbon neutrality goals.

(d) In the United States, approximately 79 percent of the total glass stream processed through material recovery facilities (MRFs) ends up in landfills due to market specifications and economic constraints within primary and secondary MRFs in the container glass industry.

(e) In the United States, only approximately 21 percent of the total glass stream processed through MRFs is successfully reclaimed for glass bottle manufacturing.

(f) Various industries, including, but not limited to, adhesives, fiberglass, paints, SCMs, and sealants, could benefit from using the 79 percent of glass that is normally sent to landfills.

SEC. 2. *Section 14549.8 is added to the Public Resources Code, to read:*

14549.8. *(a) For purposes of this section, the following definitions shall apply:*

(1) "Noncontainer glass product" means a product that was manufactured, in any part, using empty glass beverage containers that are not accepted for the manufacturing of new glass beverage containers and would otherwise be sent to a landfill.

(2) "Noncontainer glass end user" means a person who purchases a noncontainer glass product.

(b) In order to develop California markets for noncontainer glass end users, the department shall, consistent with Section 14581 and subject to the availability of funds, pay a market development payment pursuant to this section to a noncontainer glass end user for the purchase of a noncontainer glass product within this state.

(c) The department shall make a market development payment to a noncontainer glass end user in accordance with this section only for a noncontainer glass product.

(d) The department shall determine the amount of the market development payment, but the payment shall not exceed fifty dollars (\$50) per ton. In setting the amount of the market development payment, the department may consider all of the following:

(1) The minimum funding level needed to encourage in-state manufacturing of noncontainer glass products in this state.

(2) The minimum funding level needed to encourage the purchase of a noncontainer glass product.

(3) The total amount of funds projected to be available for market development payments and the desire to maintain the minimum funding level needed throughout the year.

SEC. 3. *Section 14581 of the Public Resources Code is amended to read:*

14581. *(a) Subject to the availability of funds and in accordance with subdivision (b), the department shall expend the moneys set aside in the fund, pursuant to subdivision (c) of Section 14580, for the purposes of this section in the following manner:*

(1) For each fiscal year, the department may expend the amount necessary to make the required handling fee payment pursuant to Section 14585.

(2) Fifteen million dollars (\$15,000,000) shall be expended annually for payments for curbside programs and neighborhood dropoff programs pursuant to Section 14549.6.

(3) (A) Ten million five hundred thousand dollars (\$10,500,000) may be expended annually for payments of five thousand dollars (\$5,000) to cities and ten thousand dollars (\$10,000) for payments to counties for beverage container recycling and litter cleanup activities, or the department may calculate the payments to counties and cities on a per capita basis, and may pay whichever amount is greater, for those activities.

(B) Eligible activities for the use of these funds may include, but are not necessarily limited to, support for new or existing curbside programs, neighborhood dropoff programs, public education promoting beverage container recycling, litter prevention, and cleanup, cooperative regional efforts among two or more cities or counties, or both, or other beverage container recycling programs.

(C) These funds shall not be used for activities unrelated to beverage container recycling or litter reduction.

(D) To receive these funds, a city, county, or city and county shall fill out and return a funding request form to the department. The form shall specify the beverage container recycling or litter reduction activities for which the funds will be used.

(E) The department shall annually prepare and distribute a funding request form to each city, county, or city and county. The form shall specify the amount of beverage container recycling and litter cleanup funds for which the jurisdiction is eligible. The form shall not exceed one double-sided page in length, and may be submitted electronically. If a city, county, or city and county does not return the funding request form within 90 days of receipt of the form from the department, the city, county, or city and county is not eligible to receive the funds for that funding cycle.

(F) For the purposes of this paragraph, per capita population shall be based on the population of the incorporated area of a city or city and county and the unincorporated area of a county. The department may withhold payment to any city, county, or city and county that has prohibited the siting of a supermarket site, caused a supermarket site to close its business, or adopted a land use policy that restricts or prohibits the siting of a supermarket site within its jurisdiction.

(4) One million five hundred thousand dollars (\$1,500,000) may be expended annually in the form of grants for beverage container recycling and litter reduction programs.

(5) (A) The department shall expend the amount necessary to pay the processing payment established pursuant to Section 14575. The department shall establish separate processing fee accounts in the fund for each beverage container material type for which a processing payment and processing fee are calculated pursuant to Section 14575, or for which a processing payment is calculated pursuant to Section 14575 and a voluntary artificial scrap value is calculated pursuant to Section 14575.1, into which account shall be deposited both of the following:

(i) All amounts paid as processing fees for each beverage container material type pursuant to Section 14575.

(ii) Funds equal to the difference between the amount in clause (i) and the amount of the processing payments established in subdivision (b) of Section 14575, and adjusted pursuant to paragraph (2) of subdivision (c) of, and subdivision (f) of, Section 14575, to reduce the processing fee to the level provided in subdivision (e) of Section 14575, or to reflect the agreement by a willing purchaser to pay a voluntary artificial scrap value pursuant to Section 14575.1.

(B) Notwithstanding Section 13340 of the Government Code, the moneys in each processing fee account are hereby continuously appropriated to the department for expenditure without regard to fiscal years, for purposes of making processing payments pursuant to Section 14575.

(6) Up to five million dollars (\$5,000,000) may be expended annually by the department for the purposes of undertaking a statewide public education and information campaign aimed at promoting increased recycling of beverage containers.

(7) Up to fifteen million dollars (\$15,000,000) may be expended annually by the department for quality incentive payments for empty glass beverage containers pursuant to Section 14549.1.

(8) (A) For the 2019–20 fiscal year to the 2025–26 fiscal year, inclusive, the department may expend funds for market development payments to reclaimers and product manufacturers, pursuant to Section 14549.2.

(B) For purposes of this paragraph, the definitions in subdivision (a) of Section 14549.2 apply.

(9) (A) For the 2019–20 fiscal year to the 2025–26 fiscal year, inclusive, the department may expend up to a total of five million dollars (\$5,000,000) to support the pilot projects created pursuant to Section 14571.9.

(B) Taking into consideration the recent closure of many of California's recycling centers, the Legislature finds and declares that the appropriation provided for in Chapter 793 of the Statutes of 2019 is necessary in order to ensure the continued support of, and to bolster, consumer redemption opportunities.

(10) The department may expend up to four million dollars (\$4,000,000) annually for glass processing incentive grants authorized pursuant to Section 14543.

(11) The department may expend up to four million dollars (\$4,000,000) annually for empty glass beverage container grants authorized pursuant to Section 14544.

(12) The department may expend up to one million dollars (\$1,000,000) annually for grants to facilitate the transportation of empty glass beverage containers authorized pursuant to Section 14545.

(13) (A) The department may expend up to sixty million dollars (\$60,000,000) annually for glass market development payments for glass authorized pursuant to Section 14549.7.

(14) The department may expend up to twenty million dollars (\$20,000,000) annually for market development payments to noncontainer glass end users pursuant to Section 14549.8.

(B) This paragraph shall become inoperative on January 1, 2028.

(b) (1) If the department determines, pursuant to a review made pursuant to Section 14556, that there may be inadequate funds to pay the payments required by this division, the department shall immediately notify the appropriate policy and fiscal committees of the Legislature regarding the inadequacy.

(2) On or before 180 days, but not less than 80 days, after the notice is sent pursuant to paragraph (1), the department may reduce or eliminate expenditures, or both, from the funds as necessary, according to the procedure set forth in subdivision (c).

(c) If the department determines that there are insufficient funds to make the payments specified pursuant to this section and Section 14575, the department shall reduce all payments proportionally.

(d) Before making an expenditure pursuant to paragraph (6) of subdivision (a), the department shall convene an advisory committee consisting of representatives of the beverage industry, beverage container manufacturers, environmental organizations, the recycling industry, nonprofit organizations, and retailers to advise the department on the most cost-effective and efficient method of the expenditure of the funds for that education and information campaign.

SECTION 1. Section 108971 of the Health and Safety Code is amended to read:

~~108971.(a)(1) Except as provided in paragraph (2), commencing January 1, 2025, no person shall manufacture, distribute, sell, or offer for sale in the state any new, not previously used, textile articles that contain regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS:~~

~~(2) Paragraph (1) does not apply to apparel designed for and used by law enforcement or outdoor apparel for severe wet conditions until January 1, 2028. However, commencing January 1, 2025, no person shall distribute, sell, or offer for sale in the state any new, not previously used, outdoor apparel for severe wet conditions that contain regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS unless it is accompanied by a legible and easily discernable disclosure with the statement "Made with PFAS chemicals," including for online listings of products for sale:~~

~~(b) A manufacturer shall use the least toxic alternative, including alternative design, when removing regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS in textile articles to comply with this chapter:~~

~~(c) A manufacturer of a textile article shall provide persons that offer the product for sale or distribution in the state with a certificate of compliance stating that the textile article is in compliance with the requirements of this chapter and does not contain any regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS. A certificate of compliance provided pursuant to this subdivision shall be signed by an authorized official of the manufacturer. The certificate of compliance may be provided electronically:~~

~~(d) A distributor or retailer of a textile article, if they are not also the manufacturer of the product, shall not be held in violation of this chapter if they relied in good faith on the certificate of compliance provided by the manufacturer pursuant to subdivision (c):~~