

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044
County Clerk
County of: Sacramento

From: (Public Agency): CalRecycle
1001 I Street
Sacramento, CA 95814
(Address)

Project Title: Proposed Reusable Grocery Bag Regulation

Project Applicant: Department of Resources Recycling and Recovery (CalRecycle)

Project Location - Specific:
statewide

Project Location - City: Project Location - County:

Description of Nature, Purpose and Beneficiaries of Project:
see attached

Name of Public Agency Approving Project: CalRecycle

Name of Person or Agency Carrying Out Project: CalRecycle

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
Declared Emergency (Sec. 21080(b)(3); 15269(a));
Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
Categorical Exemption. State type and section number:
Statutory Exemptions. State code number: Cal. Code of Regs. tit. 14, section 15378, subd. (a)

Reasons why project is exempt:
see attached

Lead Agency
Contact Person: Rachel Beck Area Code/Telephone/Extension: (916) 341-6229

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: Rachel Beck Date: 4/9/2019 Title: Environmental Scientist

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code. Date Received for filing at OPR:
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Governor's Office of Planning & Research

APR 26 2019

STATE CLEARINGHOUSE

Project Title: Reusable Grocery Bag Regulation

Project Applicant: Department of Resources Recycling and Recovery (CalRecycle)

Description of Nature, Purpose and Beneficiaries of Project:

In 2014, the Legislature passed and the Governor signed SB 270 (Stats. 2014, Ch. 850; Pub. Resources Code §§ 42280-42288), but a referendum stayed enactment of the law until the November 2016 general election when voters passed Proposition 67. SB 270 bans certain stores from distributing single-use carryout bags and allows those stores to instead provide a reusable grocery bag to customers for at least 10 cents per bag. SB 270 requires manufacturers of reusable grocery bags to certify that their bags meet certain requirements and submit those certifications, along with an administrative fee, to CalRecycle. CalRecycle must then post a list of reusable grocery bag producers with certified reusable grocery bags. CalRecycle must also create an administrative fee schedule to cover its costs to implement SB 270. This regulation creates that administrative fee schedule and set the procedures for reusable grocery bag producers to submit their fees, certifications, and biennial certification renewals to CalRecycle. The regulation also defines several terms to make more specific what reusable grocery bag producers must submit and also how CalRecycle will review and manage the content of certification documents.

Reasons Why Project is Exempt:

The adoption of the regulation is exempt from the California Environmental Quality Act (CEQA) because it is not a "project," as that term is defined in the CEQA Guidelines (Cal. Code of Regs, Title 14, §§ 15000 et seq.) A "project" is an activity "which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment..." (CEQA Guidelines, § 15378(a).) The regulation only establishes an administrative fee schedule and administrative procedures for reusable grocery bag producers to submit their certifications to CalRecycle. The adoption of the regulation will have no direct effect on the environment and no reasonably foreseeable indirect effect on the environment. There are no standards or targets set in the proposed regulation on which to base an objective analysis of any potential impacts. To impute any general or specific environmental effects from the regulation would be entirely speculative, and CEQA does not require a lead agency to speculate as to the potential impacts of a project. Accordingly, the adoption of the regulation is exempt from consideration under CEQA.