



LAW UPDATE SCHOOL BUSINESS

PHONE: (661) 636-4830 • FAX: (661) 636-4843
E-mail: sls@kern.org • www.schoolslegalservice.org

December 22, 2020

"FRONT-OF-HOUSE" RECYCLING AND ORGANIC WASTE REQUIREMENTS

All districts know how to handle trash and recycling as part of their regular, behind the scenes operations at school sites. Things are changing and schools must now offer what is termed "front-of-house" recycling and organic waste receptacles.

Specifically, Assembly Bill 1826 mandates that after January 1, 2020, businesses (including public entities) that generate four cubic yards or more of waste per week (reduced to two cubic yards as of September 15, 2020ⁱ) have a commercial organics recycling program.ⁱⁱ Similarly, AB 341 mandates businesses (including public entities) that generate four cubic yards or more of waste per week have a commercial recycling program.ⁱⁱⁱ AB 1826 and AB 341 are for recycling operations ("back-of-house"). As of July 1, 2020, AB 827 additionally requires businesses subject to AB 1826 and AB 341 provide "front-of-house" (i.e., for customers) recycling by providing customers with a recycling bin or container for organic waste and recyclables that is visible, easily accessible, and adjacent to each bin or container for trash, except in restrooms, and clearly marked with educational signage that meets specific requirements.^{iv}

The Department of Resource Recycling and Recovery ("CalRecycle") regulates compliance with the waste laws, provides sample signage (at <https://www.calrecycle.ca.gov/Recycle/Commercial/Organics/PRToolKit/>), and addresses schools at <https://www.calrecycle.ca.gov/recycle/schools/laws>.

Your district may have received notice of these changes from your local city as they are tasked with reporting to CalRecycle if a business is noncompliant with any of the recycling laws noted above. All districts need to contact their local city's waste department or division by December 31, 2020, to either: (1) subscribe to recycling services, or (2) self-certify compliance (if the district is operating its own program or using a third party).

If your district has not done so already, you are advised to revise your waste management program to comply with both the back-of-house (AB 1826 and AB 341) and front-of-house (AB 827) recycling laws.

If you have questions concerning this information, do not hesitate to contact our office.

~ Candace B. Neal

ⁱ See: <https://www.calrecycle.ca.gov/recycle/commercial/organics/faq>.

ⁱⁱ Public Resources Code section 42649.81.

ⁱⁱⁱ Public Resources Code section 42649.2.

^{iv} Public Resources Code sections 42649.2 and 42649.81.

School Business Law Updates are intended to alert clients to developments in legislation, opinions of courts and administrative bodies and related matters. They are not intended as legal advice in any specific situation. Please consult legal counsel as to how the issue presented may affect your particular circumstances.