

CONCURRENCE IN SENATE AMENDMENTS

AB 904 (Aguiar-Curry)

As Amended August 27, 2026

Majority vote

SUMMARY

Revises the state's carpet extended producer responsibility program (EPR), including adding reporting requirements to grants allocated to apprenticeship programs, requiring \$2 million be allocated, and requiring that the carpet assessment be external.

Senate Amendments

- 1) Delete the prior version of the bill.
- 2) Revise definitions within the carpet EPR program, including the definition of "carpet" to mean a manufactured article that is used in commercial or residential buildings affixed or placed on the floor or building walking surface as a decorative or functional building interior feature and that is primarily constructed of a top visible surface of synthetic or natural face fibers, yarns, or tufts attached to a backing system derived from synthetic or natural materials. Excludes rugs, pads, cushions, or underlayment used in conjunction with, or separately from, carpet.
- 3) Revise the membership of the governing board of the Producer Responsibility Organization (PRO), as specified, and requires the PRO to pay the travel expenses of governing board members.
- 4) Specify that, upon the approval of a Producer Responsibility Plan (PRP), that a producer shall not sell, offer for sale, import, or distribute carpet in the state unless it complies with the requirements of the carpet EPR program, as specified.
- 5) Require the PRP to include provisions for:
 - a) The ability for people to drop off, at no charge, postconsumer carpet at a recycler, carpet recycling center, permitted solid waste facility, a collection location approved by the PRO, or other municipal facility that accepts carpet;
 - b) The payment of a reasonable amount to these facilities for accepting, collecting, storing, transporting, and handling postconsumer carpet; and,
 - c) Facilities that are open at least 20 hours per week over a minimum of four days per week, as specified.
- 6) Revise the amount of funding directed toward apprenticeship programs to allocate \$2 million annually, instead of 8% of total funds, and requires the funding to be adjusted going forward to reflect changes in the California Consumer Price Index.
- 7) Establish additional guidance for the awarding of funds to apprenticeship programs.
- 8) Require the labeling of carpet to include the name of the producer, the date of manufacture, and a listing of the types of face fibers and backing materials, as specified.

- 9) Change the due date for the PRO annual report from July 1 to September 1 of each year; requires the report to include specified information relating to grants and incentive payments provided by the PRO; and, requires it to include a report on achievement of the performance standards and progress toward meeting the performance standards, as specified.
- 10) Revise the types of violations that are subject to a penalty of up to \$25,000 per day to only include those that are intentional or knowing, rather than intentional, knowing, or negligent and changes the penalties from civil to administrative.
- 11) Authorize CalRecycle to determine the PRO permanently ineligible to act as the PRO if it knowingly or intentionally violates the provisions governing the operation of the carpet EPR program three or more times.
- 12) Make related technical and clarifying changes to the existing carpet EPR law.

COMMENTS

California's carpet EPR program has faced ongoing challenges with implementation, compliance, and enforcement. In response to these ongoing issues, the state's original carpet stewardship program was overhauled by AB 863 (Aguiar-Curry), Chapter 675, Statutes of 2024. The majority of AB 863's changes will likely not take effect until at least 2027. Among other provisions, AB 863:

- 1) Established explicit goals that must be accomplished in the PRP;
- 2) Required 8% of all assessments collected be spent on union apprenticeship programs; and,
- 3) Increased penalties for program violations from up to \$5,000 per day to up to \$10,000 per day for most violations, and from up to \$10,000 per day to up to \$25,000 per day for knowing, intentional, and negligent violations.

Overhauling the 2010 carpet stewardship law was intended to create a fresh start for the troubled program. However, it's important to note the changes mandated by AB 863 – even though the bill became law on January 1, 2025 – will not take effect until CalRecycle:

- 1) Adopts new regulations by December 31, 2026;
- 2) Approves a new PRP submitted by the PRO;
- 3) Notifies the PRO 90 days before notifying the Legislature that it is prepared to implement the requirements of AB 863; and,
- 4) Submits to the relevant committees of the Legislature a letter indicating the conditions specified conditions have been met, that CalRecycle is prepared to implement the new law, and that the PRO is prepared to implement the new PRP.

In 2025, AB 80 (Aguiar Curry) was introduced to make further changes to the carpet program; however, AB 80 was held on the Senate Appropriations Suspense file. AB 904 picks up where AB 80 left off, including most of the changes proposed in AB 80.

Some of these changes add transparency (reporting on allocation of funding to apprenticeship programs and keeping the fee external), and others address nuts-and-bolts issues with the program that were not contemplated in AB 80 (adding concrete requirements to collection site requirements and changing the exact composition of the governing board). Altogether, AB 904 makes changes to a program that was heftily amended in 2024: those 2024 changes have not yet been implemented, making it unclear how this will change existing law in practice.

According to the Author

While AB 863 (Aguiar-Curry, 2024) strengthened accountability requirements for the statewide consumer-funded carpet recycling program, CARE continues to lack a representative model of governance, and perfectly recyclable carpet is currently being landfilled due to a lack of convenient collection sites and proper sorting. This bill improves accountability and representation within CARE's governance structure by adding additional nonvoting members across different manufacturers to the governing board. To improve recyclability, this bill increases collection site density, heightens product composition and backstamping standards, and ensures effective implementation in AB 863 to encourage more sustainable production practices.

Arguments in Support

A coalition of supporters state, "by implementing technical program updates, AB 904 ensures that manufacturers show greater transparency by updating disclosure, labeling, and reporting requirements."

Arguments in Opposition

None on file

FISCAL COMMENTS

According to the Senate Appropriations Committee, CalRecycle estimates ongoing costs of \$439,000 in 2027-28 and \$575,0000 annually thereafter (special fund) to develop and promulgate regulations, provide ongoing legal technical expertise, conduct investigations, inspections, and verify compliance with requirements regarding product composition, and conduct audits of the producer's return process.

VOTES:**ASM HUMAN SERVICES: 5-1-1**

YES: Lee, Calderon, Elhawary, Jackson, Celeste Rodriguez

NO: Tangipa

ABS, ABST OR NV: Castillo

ASM APPROPRIATIONS: 12-2-1

YES: Wicks, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache

NO: Sanchez, Tangipa

ABS, ABST OR NV: Ta

ASSEMBLY FLOOR: 62-4-13

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Davies, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO: DeMaio, Lackey, Sanchez, Tangipa

ABS, ABST OR NV: Castillo, Chen, Dixon, Ellis, Flora, Gallagher, Jeff Gonzalez, Hadwick, Kalra, Macedo, Papan, Patterson, Ta

UPDATED

VERSION: August 27, 2026

CONSULTANT: Elizabeth MacMillan / NAT. RES. / (916) 319-2092

FN: 0004437