

AMENDED IN SENATE MAY 12, 2003
AMENDED IN SENATE APRIL 24, 2003
AMENDED IN SENATE MARCH 20, 2003

SENATE BILL

No. 204

Introduced by Senators Perata, Alpert, Kuehl, and Romero
(Coauthors: Assembly Members Hancock, Longville, and Steinberg)

February 13, 2003

An act to add Chapter 11 (commencing with Section 42580) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 204, as amended, Perata. Solid waste: personal care products: recycling.

Existing law requires the California Integrated Waste Management Board to administer state programs to recycle plastic trash bags, plastic packaging containers, waste tires, newsprint, and other specified materials.

This bill would ~~declare that personal care products represent a substantial portion of the materials that are still disposed of in landfills without a significant effort to divert the materials~~ *make a manufacturer of personal care products whose personal care products are sold in the state responsible for the stewardship of its personal care products. The bill would provide that the responsibility for stewardship is met when a manufacturer provides for the diversion from landfill disposal and recycling of the personal care products sold by that manufacturer in this state by establishing a specified program.* The bill would define a "personal care product" to mean a disposable product composed of

plastic and paper materials that is worn by a person of any age for the purpose of capturing human waste.

~~The bill would require a person that manufacturers personal care products to pay the board a diversion and recycling fee of \$0.0025 per personal care product manufactured by that person and sold or distributed in the state. The bill would establish the Personal Care Product Recycling Account in the Integrated Waste Management Fund and would require the board to deposit those fees in the account. The bill would continuously appropriate the funds in the account to the board for expenditure by the board to provide to eligible local agencies and waste haulers grants for the recycling and diversion from landfill disposal of personal care products.~~

Vote: majority. Appropriation: ~~yes~~ *no*. Fiscal committee: ~~yes~~ *no*. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 11 (commencing with Section 42580)
2 is added to Part 3 of Division 30 of the Public Resources Code, to
3 read:

4
5 CHAPTER 11. PERSONAL CARE PRODUCT RECYCLING
6

7 42580. (a) The Legislature finds and declares all of the
8 following:

9 ~~(a)~~

10 (1) Local agencies have made great strides in recent years in
11 their efforts to meet the requirement of a 50 percent rate of
12 diversion from the waste stream. However, many are still working
13 to meet this requirement and some are seeking to reach a 75 percent
14 rate of diversion.

15 ~~(b)~~

16 (2) Local agencies continue to face difficulty in funding their
17 responsibilities, including their responsibility to divert materials
18 from the waste stream. The current downturn in the economy and
19 the state budget crisis has increased these difficulties.

20 ~~(c)~~

21 (3) Personal care products represent a substantial portion of the
22 materials that still are disposed of in landfills without a significant
23 effort to divert the materials. It is estimated that personal care



1 products represent somewhere between one and one-half and 3
2 percent of the materials disposed of in landfills in California. This
3 means that personal care products are among the largest single
4 product disposed of in landfills in California. Some components
5 of personal care products can take up to 500 years to degrade.
6 According to the United States Environmental Protection Agency,
7 nearly 20 billion disposable personal care products containing 5
8 million tons of untreated human waste are disposed of in United
9 States landfills each year.

10 ~~42581. For the purposes of this chapter, the following terms~~
11 ~~have the following meanings, unless the context clearly requires~~
12 ~~otherwise:~~

13 ~~(a) “Account” means the Personal Care Product Recycling~~
14 ~~Account established under subdivision (a) of Section 42582 in the~~
15 ~~Integrated Waste Management Fund.~~

16 ~~(b) “Diversion and recycling fee” means the fee imposed upon~~
17 ~~the sale of a personal care product pursuant to subdivision (b) of~~
18 ~~Section 42582.~~

19 ~~(c) “Local agency” means a city, county, city and county,~~
20 ~~district, regional agency as defined in Section 40181, or other~~
21 ~~agency of local government that provides or regulates solid waste~~
22 ~~handling services.~~

23 ~~(d) “Personal care product” means a disposable product~~
24 ~~composed of plastic and paper materials that is worn by a person~~
25 ~~of any age for the purpose of capturing human waste. “Personal~~
26 ~~care product” does not include a feminine hygiene product.~~

27 ~~(e) “Retail seller” means a retail establishment that offers the~~
28 ~~sale of personal care products to consumers, including, but not~~
29 ~~limited to, for household or institutional use.~~

30 ~~42582. (a) The Personal Care Product Recycling Account is~~
31 ~~hereby established in the Integrated Waste Management Fund.~~
32 ~~Notwithstanding Section 13340 of the Government Code, all~~
33 ~~funds in the account are hereby continuously appropriated to the~~
34 ~~board, without regard to fiscal years, for expenditure by the board~~
35 ~~to implement Sections 42583 and 42584.~~

36 ~~(b) A person that manufacturers personal care products shall~~
37 ~~pay to the Integrated Waste Management Board a diversion and~~
38 ~~recycling fee of one fourth of one cent (\$0.0025) per personal care~~
39 ~~product manufactured by that person and sold or otherwise~~
40 ~~distributed in the state. A fee may not be assessed on the separate~~



1 ~~plastic and paper components used in manufacturing a personal~~
2 ~~care product. The board shall deposit those fees in the Personal~~
3 ~~Care Product Recycling Account.~~

4 ~~42583. The board shall expend the money in the account to~~
5 ~~provide grants to eligible local agencies and waste haulers for the~~
6 ~~purpose of funding programs for the recycling and diversion from~~
7 ~~landfill disposal of personal care products. A recycling and~~
8 ~~diversion program that receives a grant shall meet all of the~~
9 ~~following conditions:~~

10 ~~(a) Meet eligibility requirements adopted by the board in~~
11 ~~consultation with local agencies and waste haulers.~~

12 ~~(b) Require the separation of personal care products from the~~
13 ~~waste stream at either the point of waste collection or at a facility~~
14 ~~established for the purpose of sorting and separating materials that~~
15 ~~would otherwise be disposed of in a landfill. The eligibility~~
16 ~~requirements adopted pursuant to subdivision (a) may allow for~~
17 ~~phased-in programs and for programs in which part of the personal~~
18 ~~care products in a local entity's waste stream is diverted and~~
19 ~~recycled.~~

20 ~~(c) Require the materials collected and separated to be~~
21 ~~processed so that human waste is in a condition that allows~~
22 ~~treatment by a sewage treatment facility or allows marketing to~~
23 ~~businesses that can use the human waste in the course of their~~
24 ~~business in conformity with all laws and regulations covering the~~
25 ~~use of human waste.~~

26 ~~(d) Require the materials collected and separated to be~~
27 ~~processed so that the plastic and paper will be of a quality and type~~
28 ~~that may be used in the manufacturing of new products and that~~
29 ~~meets all applicable laws relating to the use of recycled plastic and~~
30 ~~paper.~~

31 ~~42584. (a) The board shall set the amount of a grant provided~~
32 ~~to a local agency as a percentage of the actual cost of implementing~~
33 ~~a local agency's recycling and diversion program.~~

34 ~~(b) Before awarding a grant to a local agency pursuant to this~~
35 ~~chapter, the board shall require the local agency to certify that both~~
36 ~~of the following are true:~~

37 ~~(1) The local agency is in compliance with the diversion~~
38 ~~requirements of Section 41780, as determined by the board.~~

39 ~~(2) The local agency has in operation a program for diversion~~
40 ~~and recycling of personal care products that meets the~~



1 ~~requirements of Section 42583, or demonstrates it will have that~~
2 ~~program in operation within six months of the date that the board~~
3 ~~approves the issuance of the grant.~~

4 *(4) Manufacturers of personal care products have expressed*
5 *strong opposition to placing a fee on the manufacture or sale of*
6 *their products so as to create funds necessary for the diversion and*
7 *recycling of their product. However, they have expressed their*
8 *commitment to the environment and to a concern for the life cycle*
9 *and appropriate disposal of their product.*

10 *(5) Given the strong opposition of the manufacturers to a fee,*
11 *the significant contribution to the environment that diversion of*
12 *personal care products from landfills can make, the*
13 *manufacturers' stated commitment to the environment and to*
14 *responsibility for the life cycle of their products, the Legislature*
15 *finds it appropriate and necessary to enact a product stewardship*
16 *requirement relating to personal care products.*

17 *(b) A manufacturer of personal care products whose personal*
18 *care products are sold in the state is responsible for the*
19 *stewardship of its personal care products. This responsibility is met*
20 *when a manufacturer provides for the diversion from landfill*
21 *disposal and the recycling of the personal care products it sells in*
22 *this state. Diversion and recycling shall be met if a manufacturer*
23 *implements a program that meets both of the following criteria:*

24 *(1) Ensures that the personal care products are collected,*
25 *separated, and processed in such a way so that the human waste*
26 *contained within the personal care products is in a condition that*
27 *allows treatment by a sewage treatment facility or allows*
28 *marketing to businesses or public agencies that can use the human*
29 *waste in a manner that is consistent with all laws and regulations*
30 *covering the use of human waste.*

31 *(2) Ensures that the personal care products are collected,*
32 *separated, and processed in such a way so that the plastic and*
33 *paper will be of a quality and type that may be used in the*
34 *manufacturing of new products and will meet all applicable laws*
35 *relating to the use of recycled plastic and paper.*

36 *(c) For purposes of this chapter "personal care product"*
37 *means a disposable product composed of plastic and paper*
38 *materials that is worn by a person of any age for the purpose of*



- 1 capturing human waste. “Personal care product” does not include
- 2 a feminine hygiene product.

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