

Introduced by Senator Karnette

February 20, 2003

An act to amend Sections 42301 and 42310 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

SB 517, as introduced, Karnette. Rigid plastic packaging containers.

Existing law, the California Integrated Waste Management Act of 1989, administered by the California Integrated Waste Management Board, requires every rigid plastic packaging container, as defined, sold or offered for sale in this state, to generally meet one of specified criteria.

This bill would include, as a permitted criteria, that the container be made of biodegradable plastic, and define that term.

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

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

- 1 SECTION 1. Section 42301 of the Public Resources Code is
- 2 amended to read:
- 3 42301. For purposes of this chapter, the following definitions
- 4 apply:
- 5 (a) "Biodegradable plastic" means a plastic of which 90
- 6 percent will be broken down into simpler substances after 180 days
- 7 in a standard composting environment.
- 8 (b) "Curbside collection program" means a recycling program
- 9 that collects materials set out by homeowners for collection at the



1 curb at intervals not less than every two weeks. “Curbside  
2 collection program” does not include redemption centers,  
3 buyback locations, drop-off programs, material recovery  
4 facilities, or plastic recovery facilities.

5 ~~(b)~~

6 (c) “Refillable package” means a rigid plastic packaging  
7 container ~~which~~ that the board determines is routinely returned to  
8 and refilled by the product manufacturer at least five times with the  
9 original product contained by the package.

10 ~~(c)~~

11 (d) “Reusable package” means a rigid plastic packaging  
12 container ~~which~~ that the board determines is routinely reused by  
13 consumers at least five times to store the original product  
14 contained by the package.

15 ~~(d)~~

16 (e) “Manufacturer” means the producer or generator of a  
17 product ~~which~~ that is sold or offered for sale in the state and ~~which~~  
18 that is stored inside of a rigid plastic packaging container.

19 ~~(e)~~

20 (f) “Rigid plastic packaging container” means any plastic  
21 package having a relatively inflexible finite shape or form, with a  
22 minimum capacity of eight fluid ounces or its equivalent volume  
23 and a maximum capacity of five fluid gallons or its equivalent  
24 volume, that is capable of maintaining its shape while holding  
25 other products, including, but not limited to, bottles, cartons, and  
26 other receptacles, for sale or distribution in the state.

27 ~~(f)~~

28 (g) “Postconsumer material” means a material that would  
29 otherwise be destined for solid waste disposal, having completed  
30 its intended end-use and product lifecycle. Postconsumer material  
31 does not include materials and byproducts generated from, and  
32 commonly reused within, an original manufacturing and  
33 fabrication process.

34 ~~(g)~~

35 (h) “Recycled” means a product or material which has been  
36 reused in the production of another product and has been diverted  
37 from disposal in a landfill.

38 ~~(h)~~

39 (i) “Recycling rate” means one of the following:



1 (1) The proportion, as measured by weight, volume, or  
2 number, that all rigid plastic packaging containers,  
3 notwithstanding the size limitations set forth in subdivision ~~(d)~~ (f)  
4 or the exemption status as set forth in subdivisions (b) and (c) of  
5 Section 42340, in the aggregate, sold, or offered for sale in the state  
6 are being recycled in a given calendar year.

7 (2) The proportion, as measured by weight, volume, or  
8 number, that a PETE rigid plastic packaging container sold or  
9 offered for sale in the state is being recycled in a given calendar  
10 year, notwithstanding the size limitations set forth in subdivision  
11 ~~(d)~~ (f) or the exemption status as set forth in subdivisions (b) and  
12 (c) of Section 42340.

13 (3) The proportion, as measured by weight, volume, or  
14 number, that a particular type of rigid plastic packaging container  
15 sold or offered for sale in the state, such as a milk jug, soft drink  
16 container, or detergent bottle, is being recycled in a given calendar  
17 year.

18 (4) The proportion, as measured by weight, volume, or  
19 number, that a product-associated rigid plastic packaging  
20 container sold or offered for sale in the state is being recycled in  
21 a given calendar year.

22 ~~(i)~~

23 (j) (1) “Source reduced container” means either of the  
24 following:

25 (A) A rigid plastic packaging container for which the  
26 manufacturer seeks compliance as of January 1, 1995, whose  
27 package weight per unit or use of product has been reduced by 10  
28 percent when compared with the packaging used for that product  
29 by the manufacturer from January 1, 1990, to December 31, 1994.

30 (B) A rigid plastic container for which the manufacturer seeks  
31 compliance after January 1, 1995, whose package weight per unit  
32 or use of product has been reduced by 10 percent when compared  
33 with one of the following:

34 (i) The packaging used for the product by the manufacturer on  
35 January 1, 1995.

36 (ii) The packaging used for that product by the manufacturer  
37 over the course of the first full year of commerce in this state.

38 (iii) The packaging used in commerce that same year for  
39 similar products whose containers have not been considered  
40 source reduced.



1 (2) A rigid plastic packaging container is not a source reduced  
2 container for the purposes of this chapter if the packaging  
3 reduction was achieved by any of the following:

4 (A) Substituting a different material type for a material which  
5 previously constituted the principal material of the container.

6 (B) Increasing a container’s weight per unit or use of product  
7 after January 1, 1991.

8 (C) Packaging changes that adversely affect the potential for  
9 the rigid plastic packaging container to be recycled or to be made  
10 of postconsumer material.

11 ~~(j)~~

12 (k) “Product-associated rigid plastic packaging container”  
13 means a brand-specific, rigid plastic packaging line which may  
14 have one or more sizes, shapes, or designs and which is used in  
15 conjunction with a particular generic product line.

16 ~~(k)~~

17 (l) “PETE” means polyethylene terephthalate as specified in  
18 subdivision (a) of Section 18015.

19 ~~(t)~~

20 (m) “HDPE” means high-density polyethylene.

21 SEC. 2. Section 42310 of the Public Resources Code is  
22 amended to read:

23 42310. Except as otherwise provided in this chapter, every  
24 rigid plastic packaging container sold or offered for sale in this  
25 state shall, on average, meet one of the following criteria:

26 (a) Be made from 25 percent postconsumer material.

27 (b) Have a recycling rate of 25 percent, based on annual reports  
28 published by the board. For purposes of this subdivision, PETE  
29 material shall be included in this calculation.

30 (c) Have a recycling rate of 55 percent if its primary material  
31 is PETE, based on annual reports published by the board.

32 (d) Have a recycling rate of 45 percent if it is a  
33 product-associated rigid plastic packaging container.

34 (e) Be a reusable package or a refillable package.

35 (f) Be a source reduced container.

36 (g) Is a container containing floral preservative that is  
37 subsequently reused by the floral industry for at least two years.

38 (h) *Be made of biodegradable plastic.*

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