

AMENDED IN ASSEMBLY MAY 1, 2006
AMENDED IN ASSEMBLY APRIL 17, 2006
AMENDED IN ASSEMBLY MARCH 16, 2006
AMENDED IN ASSEMBLY FEBRUARY 21, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1866

Introduced by Assembly Member Karnette
(Coauthor: Assembly Member Saldana)

January 17, 2006

An act to add Chapter 6.5 (commencing with Section 42390) to Part 3 of Division 30 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 1866, as amended, Karnette. Recycling: *polystyrene*: state facilities.

Existing law requires all rigid plastic bottles and rigid plastic containers sold in the state to be labeled with a code that indicates the resin used to produce the rigid plastic bottle or rigid plastic container. 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 define terms and would prohibit a state facility from selling, possessing, or distributing an expanded polystyrene food container on and after January 1, 2008. The bill would direct a state agency to require each prospective bidder, on and after January 1,

2008, to certify that it, its agents, subsidiaries, partners, joint venturers, and subcontractors for procurement, will not sell, possess, or distribute an expanded polystyrene food container at a state facility. The bill would provide that the requirement regarding food containers applies to the campuses of the University of California only upon the approval of the Board of Regents of the University of California. The bill would exempt prisons and state mental health facilities if the Director of Corrections, for the prisons, or the Director of Mental Health, for the state mental health facilities, determines that the use of expanded polystyrene food containers is the only viable alternative that would not pose a danger for persons in those facilities.

~~Under existing law, it is the policy of the state to conserve and protect resources by encouraging the recycling of solid waste and the purchase of those recycled materials, including recycled concrete, rubberized asphalt concrete, and lead-acid batteries. Existing law also regulates the recycling and reuse of, among other things, beverage containers, plastic waste, and tires, and the manufacture of fiberglass recycled content.~~

~~This bill would allow a state facility to sell, possess, or distribute a food container only if the food container is recyclable or compostable, as defined, on and after January 1, 2008. The bill would direct a state agency to require each prospective bidder, on and after January 1, 2008, to certify that it, and its agents, subsidiaries, partners, joint venturers, and subcontractors for procurement, will sell, possess, or distribute a food container at a state facility only if the food container is recyclable or compostable. The bill would provide that the requirement regarding food containers applies to the campuses of the University of California only upon the approval of the Board of Regents of the University of California. The bill would also exempt prisons and state mental health facilities until the Director of Corrections, for the prisons, or the Director of Mental Health, for the state mental health facilities, determines that the use of food containers that are recyclable or compostable would not pose a danger for persons in those facilities.~~

~~This bill would require the board to adopt regulations to establish standards for determining whether a food container is recyclable, for purposes of the bill's requirements.~~

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. Chapter 6.5 (commencing with Section 42390)
2 is added to Part 3 of Division 30 of the Public Resources Code,
3 to read:

4
5 CHAPTER 6.5. POLYSTYRENE CONTAINERS
6

7 42390. For purposes of this chapter, the following definitions
8 shall apply:

9 (a) “Expanded polystyrene food container” means a rigid
10 plastic packing container, as defined in Section 42301, that meets
11 all of the following conditions:

12 (1) Polystyrene is the sole resin used to produce the rigid
13 plastic packaging container.

14 (2) The container is required to be labeled with a “6”
15 pursuant to subdivision (a) of Section 18015.

16 (3) The container is used, or is intended to be used, to contain
17 food, as defined in Section 109935 of the Health and Safety
18 Code.

19 (b) “State facility” means a facility owned or leased by a state
20 agency, department, office, board, commission, or bureau of
21 state government, including, but not limited to, the campuses of
22 the California State University, the University of California, and
23 the California Community Colleges, prisons within the
24 Department of Corrections and Rehabilitation, and facilities of
25 the Department of Parks and Recreation.

26 42391. On and after January 1, 2008, a state facility shall not
27 sell, possess, or distribute an expanded polystyrene food
28 container.

29 42392. On and after January 1, 2008, a request for proposal
30 or a contract for food, food service, or food containers shall
31 require the bidder or contractor to certify that it, and its agents,
32 subsidiaries, partners, joint venturers, and subcontractors for
33 procurement, shall not sell, possess, or distribute an expanded
34 polystyrene food container at a state facility.

35 42393. (a) This chapter shall apply to the campuses of the
36 University of California only upon the approval of the Board of
37 Regents of the University of California.

1 (b) This chapter shall not apply to prison facilities within the
 2 Department of Corrections and Rehabilitation if the Director of
 3 Corrections determines that the use of expanded polystyrene food
 4 containers is the only viable alternative that would not present a
 5 danger to the inmates or other persons.

6 (c) This chapter shall not apply to state mental facilities if the
 7 Director of Mental Health determines that the use of expanded
 8 polystyrene food containers is the only viable alternative that
 9 would not present a danger to the patients or other persons.

10 SECTION 1. ~~Chapter 6.5 (commencing with Section 42390)~~
 11 is added to Part 3 of Division 30 of the Public Resources Code,
 12 to read:

13
 14 CHAPTER 6.5. FOOD CONTAINERS

15
 16 42390. For purposes of this chapter, the following definitions
 17 shall apply:

18 (a) “Compostable” means the food container meets the current
 19 American Society for Testing and Materials (ASTM) standards
 20 specifications for determining whether a product is compostable.

21 (b) “Food container” means a container that is used, or is
 22 intended to be used, to contain food, as defined in Section
 23 109935 of the Health and Safety Code.

24 (c) “State facility” means a facility owned or leased by a state
 25 agency, department, office, board, commission, or bureau of state
 26 government, including, but not limited to, the campuses of the
 27 California State University, the University of California, and the
 28 California Community Colleges, prisons within the Department
 29 of Corrections and Rehabilitation, and facilities of the
 30 Department of Parks and Recreation.

31 (d) “Recyclable” means a food container that meets the
 32 regulations adopted by the board pursuant to Section 42394.

33 42391. Except as provided in Section 42393, on and after
 34 January 1, 2008, a state facility may sell, possess, or distribute a
 35 food container only if the food container is recyclable or
 36 compostable.

37 42392. Except as provided in Section 42393, on and after
 38 January 1, 2008, a request for proposal or a contract for food,
 39 food service, or food containers shall require the bidder or
 40 contractor to certify that it, and its agents, subsidiaries, partners,

1 ~~joint venturers, and subcontractors for procurement, will sell,~~
2 ~~possess, or distribute a food container at a state facility only if the~~
3 ~~food container is recyclable or compostable.~~

4 ~~42393. (a) This chapter shall apply to the campuses of the~~
5 ~~University of California only upon the approval of the Board of~~
6 ~~Regents of the University of California.~~

7 ~~(b) This chapter shall apply to prison facilities within the~~
8 ~~Department of Corrections and Rehabilitation only when the~~
9 ~~Director of Corrections determines that the use of food containers~~
10 ~~that are recyclable or compostable would not present a danger to~~
11 ~~the inmates or other persons.~~

12 ~~(c) This chapter shall apply to state mental facilities only when~~
13 ~~the Director of Mental Health determines that the use of food~~
14 ~~containers that are recyclable or compostable would not present a~~
15 ~~danger to the patients or other persons.~~

16 ~~42394. The board shall adopt regulation to establish standards~~
17 ~~for determining whether a food container is recyclable for~~
18 ~~purposes of this chapter. The board shall classify, as recyclable,~~
19 ~~those food containers that can reasonably be expected to be~~
20 ~~recycled under existing solid waste management practices.~~