

Assembly Bill No. 2147

Passed the Assembly August 21, 2006

Chief Clerk of the Assembly

Passed the Senate August 16, 2006

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Chapter 5.8 (commencing with Section 42359) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 2147, Harman. Solid waste: plastic food and beverage 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.

Existing law prohibits a person from selling a plastic bag that is labeled as “biodegradable,” “compostable,” “degradable,” or as otherwise specified, unless, at the time of the sale, the plastic bag meets a current American Society for Testing and Materials (ASTM) standard specification for the term used on the label. Existing law requires a manufacturer or supplier, as defined, upon the request of a member of the public, to submit to that member, within 90 days of the request, information and documentation demonstrating compliance with these labeling requirements.

This bill would impose similar requirements, with regard to plastic food or beverage containers, as defined, for purposes of prohibiting a person from selling a plastic food or beverage container that is labeled as “biodegradable,” “compostable,” “degradable,” or as otherwise specified, unless, at the time of the sale, the container meets the ASTM standard specification for compostable plastics, as specified, for the term used on the label.

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

SECTION 1. Chapter 5.8 (commencing with Section 42359) is added to Part 3 of Division 30 of the Public Resources Code, to read:

CHAPTER 5.8. PLASTIC FOOD AND BEVERAGE CONTAINERS

42359. The Legislature finds and declares that it is the public policy of the state that environmental marketing claims, whether explicit or implied, should be substantiated by competent and reliable evidence to prevent deceiving or misleading consumers about the environmental impact of compostable plastic food or beverage containers. For consumers to have accurate and useful information about the environmental impact of compostable plastic food or beverage containers, environmental marketing claims should adhere to uniform and recognized standards, including those standard specifications established by the American Society for Testing and Materials.

42359.5. For purposes of this chapter, the following definitions apply:

(a) “ASTM” means the American Society for Testing and Materials.

(b) “ASTM standard specification” means ASTM Standard Specification for Compostable Plastics (D6400-04).

(c) “Plastic food or beverage container” means plastic packaging for a finished product that contains food or drink items, or utensils, for retail sale.

(d) “Manufacturer” means a person, firm, association, partnership, or corporation that produces a plastic food or beverage container.

(e) “Supplier” means a person who does one or more of the following:

(1) Sells, offers for sale, or offers for promotional purposes, a plastic food or beverage container that is used by a person to contain a product.

(2) Takes title to a plastic food or beverage container produced either domestically or in a foreign country, that is purchased for resale or promotional purposes.

42359.6. (a) A person shall not sell a plastic food or beverage container in this state that is labeled with the term “compostable,” “biodegradable,” “degradable,” or any form of those terms, or in anyway imply that the container will break down in a landfill, composting, marine, or other natural terrestrial environment, unless, at the time of the sale, the plastic food or

beverage container meets the ASTM standard specification for the term used on the label.

(b) A manufacturer or supplier, upon the request of a member of the public, shall submit to that member, within 90 days of the request, information and documentation demonstrating compliance with this chapter, in a format that is easy to understand and scientifically accurate.

Approved _____, 2006

Governor