

ASSEMBLY BILL

No. 2734

Introduced by Assembly Member Hancock

February 24, 2006

An act to amend Section 42301 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 2734, as introduced, Hancock. Solid waste: rigid plastic packaging containers.

The California Integrated Waste Management Act of 1989 requires every rigid plastic packaging container, as defined, sold or offered for sale in this state, to generally meet one of specified criteria, including having a specified recycling rate. Existing law defines the term “source reduced container” for this purpose as a rigid plastic packaging container for which the manufacturer seeks compliance as of January 1, 1995, or for which the manufacturer seeks compliance after January 1, 1995, as specified.

This bill would revise the definition of “source reduced container” to eliminate the obsolete reference to a rigid plastic packaging container for which the manufacturer seeks compliance as of January 1, 1995.

Vote: majority. Appropriation: no. Fiscal committee: no.
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:

- 1 42301. For purposes of this chapter, the following definitions
2 apply:
- 3 (a) “Container manufacturer” means a company or a successor
4 company that sells any rigid plastic packaging container subject
5 to this chapter to a manufacturer that sells or offers for sale in
6 this state any product packaged in that container.
 - 7 (b) “Curbside collection program” means a recycling program
8 that collects materials set out by households for collection at the
9 curb at intervals not less than every two weeks. “Curbside
10 collection program” does not include redemption centers,
11 buyback locations, drop-off programs, material recovery
12 facilities, or plastic recovery facilities.
 - 13 (c) “Refillable package” means a rigid plastic packaging
14 container that the board determines is routinely returned to and
15 refilled by the product manufacturer at least five times with the
16 original product contained by the package.
 - 17 (d) “Reusable package” means a rigid plastic packaging
18 container that the board determines is routinely reused by
19 consumers at least five times to store the original product
20 contained by the package.
 - 21 (e) “Manufacturer” means the producer or generator of a
22 product that is sold or offered for sale in the state and that is
23 stored inside of a rigid plastic packaging container.
 - 24 (f) “Rigid plastic packaging container” means any plastic
25 package having a relatively inflexible finite shape or form, with a
26 minimum capacity of eight fluid ounces or its equivalent volume
27 and a maximum capacity of five fluid gallons or its equivalent
28 volume, that is capable of maintaining its shape while holding
29 other products, including, but not limited to, bottles, cartons, and
30 other receptacles, for sale or distribution in the state.
 - 31 (g) “Postconsumer material” means a material that would
32 otherwise be destined for solid waste disposal, having completed
33 its intended end use and product lifecycle. Postconsumer material
34 does not include materials and byproducts generated from, and
35 commonly reused within, an original manufacturing and
36 fabrication process.
 - 37 (h) “Recycled” means a product or material that has been
38 reused in the production of another product and has been diverted
39 from disposal in a landfill.

1 (i) "Recycling rate" means the proportion, as measured by
2 weight, volume, or number, of a rigid plastic packaging container
3 sold or offered for sale in the state that is being recycled in a
4 given calendar year, that is one of the following:

5 (1) A particular type of rigid plastic packaging container, such
6 as a milk jug, soft drink container, or detergent bottle.

7 (2) A product-associated rigid plastic packaging container.

8 (3) A single resin type, as specified in Section 18015, of rigid
9 plastic packaging container, notwithstanding the exemption of
10 that container from this chapter pursuant to subdivision (b), (c),
11 or (d) of Section 42340.

12 (j) (1) "Source reduced container" means ~~either of the~~
13 ~~following:~~

14 ~~(A) A rigid plastic packaging container for which the~~
15 ~~manufacturer seeks compliance as of January 1, 1995, whose~~
16 ~~package weight per unit or use of product has been reduced by 10~~
17 ~~percent when compared with the packaging used for that product~~
18 ~~by the manufacturer from January 1, 1990, to December 31,~~
19 ~~1994.~~

20 ~~(B) A~~ a rigid plastic container for which the manufacturer
21 seeks compliance after January 1, 1995, whose package weight
22 per unit or use of product has been reduced by 10 percent when
23 compared with one of the following:

24 ~~(i)~~

25 (A) The packaging used for the product by the manufacturer
26 on January 1, 1995.

27 ~~(ii)~~

28 (B) The packaging used for that product by the manufacturer
29 over the course of the first full year of commerce in this state.

30 ~~(iii)~~

31 (C) The packaging used in commerce that same year for
32 similar products whose containers have not been considered
33 source reduced.

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

37 (A) Substituting a different material type for a material that
38 previously constituted the principal material of the container.

39 (B) Increasing a container's weight per unit or use of product
40 after January 1, 1991.

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

4 (k) “Product-associated rigid plastic packaging container”
5 means a brand-specific, rigid plastic packaging line that may
6 have one or more sizes, shapes, or designs and that is used in
7 conjunction with a particular generic product line.

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

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