

**Introduced by Senator Simitian**February 17, 2005

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An act to add Part 3.7 (commencing with Section 71175) to Division 34 of the Public Resources Code, relating to ecological labeling.

## LEGISLATIVE COUNSEL'S DIGEST

SB 369, as introduced, Simitian. Ecological labeling.

Existing law provides labeling requirements for various products, including, but not limited to, prohibiting 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 ASTM standard specification for the term used on the label.

This bill would require the California Environmental Protection Agency to establish a Commission on Ecological Labeling to award the Green Bear Eco-Label to a product or service that meets the criteria adopted by the commission or is subject to a determination by a specified panel of experts.

The bill would require the commission to adopt criteria for awarding a label to a product or service and would specify a procedure for adopting and revising the criteria.

The bill would allow a producer or distributor to present a proposal or application to the commission for an award of a label to a product or service. The bill would require the commission to convene an independent panel of experts to make certain findings based on the documentation submitted by the applicant and supporting market and environmental research criteria. The bill would require the panel, upon receipt of a proposal or application, to prepare a preliminary finding of whether the product or service should be awarded a label, and would

require the commission to conduct a hearing regarding the finding made by the panel. The bill would require the commission to award a label to a product or service, if the commission determines the product or service meets or exceeds the environmental criteria adopted by the commission.

The bill would provide that if a producer or distributor presents a proposal or application to the commission for an award of a label to a product or service for which the commission has not adopted criteria, the commission would be required to consult with the panel of experts, as specified, conduct a hearing, and award a label to a product or service, if the commission determines the product or service has significantly less adverse environmental impacts than a competing product or service.

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. Part 3.7 (commencing with Section 71175) is  
2 added to Division 34 of the Public Resources Code, to read:

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4 PART 3.7. GREEN BEAR ECO-LABEL ACT

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CHAPTER 1. LEGISLATIVE FINDINGS AND INTENT

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8 71175. The Legislature finds and declares all of the following:

9 (a) Producers and distributors should be encouraged to  
10 produce and distribute environmentally sound products,  
11 including goods and services.

12 (b) A producer or distributor who produces or distributes an  
13 environmentally sound product should inform consumers of the  
14 environmental features of these goods or services.

15 (c) A product that is especially environmentally friendly  
16 should be awarded the Green Bear Eco-Label.

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CHAPTER 2. DEFINITIONS

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20 71176. For purposes of this part, the following definitions  
21 shall apply:

- 1 (a) “Agency” means the California Environmental Protection  
2 Agency.
- 3 (b) “Commission” means the Commission on Ecological  
4 Labeling established pursuant to Section 71177.
- 5 (c) “Label” means the Green Bear Eco-Label that may be  
6 awarded by the commission pursuant to this part.

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8 CHAPTER 3. GREEN BEAR ECO-LABEL REQUIREMENTS  
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10 71177. The agency shall establish a Commission on  
11 Ecological Labeling to award the Green Bear Eco-Label to a  
12 product or service that meets the criteria adopted by the  
13 commission pursuant to Section 71178, or is subject to a  
14 determination made pursuant to Section 71180.

15 71178. (a) The commission shall, in consultation with  
16 nongovernmental environmental organizations, scientific,  
17 economic, standardization, consumer protection and health care  
18 institutions, and the Secretary of the Resources Agency, or their  
19 representatives, adopt criteria pursuant to this section for  
20 awarding a label to a product or service.

21 (1) The criteria shall require the product or service to meet all  
22 of the following requirements:

23 (A) Fully fulfill the same function as other products or  
24 services having a similar use or purpose.

25 (B) Impose a smaller environmental burden than similar  
26 products or services, during the product’s or service’s entire life  
27 cycle, taking raw materials, manufacture, use, and disposal into  
28 consideration.

29 (C) Reduce environmental burdens in other ways, so as to  
30 contribute significantly to environmental conservation without  
31 greatly reducing the product’s or service’s suitability for use and  
32 maintenance of safeness.

33 (2) The criteria shall encourage and recognize reduced  
34 environmental impacts, and outline the environmental and  
35 performance characteristics that a product or service is required  
36 to meet to be awarded a label pursuant to this part.

37 (3) The criteria shall be challenging, yet feasible.

38 (b) For each type of product or service for which criteria is  
39 adopted, the commission shall establish a committee composed  
40 of relevant stakeholder groups to ensure that all relevant

1 technical issues are addressed, the scientific validity of the  
2 criteria is maintained, and the economic feasibility of the criteria  
3 is taken into account.

4 (c) When adopting criteria pursuant to this section, the  
5 commission shall do all of the following:

6 (1) Conduct research into the product's or service's life cycle  
7 to outline environmental, technical, market, and economic  
8 considerations associated with the product category.

9 (2) Issue a draft criteria that addresses the environmental  
10 issues identified in the research.

11 (3) Provide a four to eight week period for public review of  
12 the draft criteria and distribute the draft criteria directly to  
13 stakeholders.

14 (4) Consider all comments submitted to the commission  
15 during the review period conducted pursuant to paragraph (3) and  
16 revise the criteria accordingly.

17 (5) After the review period is completed, publish the final  
18 criteria.

19 (d) (1) The commission may revise any criteria adopted  
20 pursuant to this section at any time if significant technical or  
21 market developments occur that justify revising the criteria.

22 (2) The commission shall review the criteria adopted pursuant  
23 to this section at least once every three years to ensure the criteria  
24 continues to be relevant and stringent, and may reconfirm, revise,  
25 or revoke the criteria in accordance with this part.

26 (3) When revising criteria pursuant to this subdivision, the  
27 commission shall consult with the producer or distributor that  
28 produces or distributes a product or service that has received a  
29 label pursuant to this part and with any other interested party.

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#### 31 CHAPTER 4. ECO-LABEL AWARD PROCEDURE

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33 71179. (a) A producer or distributor may present a proposal  
34 or application to the commission for an award of a label to a  
35 product or service.

36 (b) The commission shall convene an independent panel of  
37 experts, which shall meet quarterly. The panel shall make any  
38 findings required pursuant to this part based on the  
39 documentation submitted by the applicant, and supporting market  
40 and environmental research. If a similar product or service has

1 been certified previously, the panel shall require an applicant's  
2 product or service to meet the established or equivalent criteria.

3 (c) Upon receipt of a proposal or application, the panel of  
4 experts shall prepare a preliminary finding of whether the  
5 product or service should be awarded a label, in accordance with  
6 the criteria adopted pursuant to Section 71178.

7 (d) The commission shall conduct a hearing regarding the  
8 finding made by the panel pursuant to subdivision (c).

9 (e) After conducting a hearing pursuant to subdivision (d), the  
10 commission shall award a label to a product or service, if the  
11 commission determines the product or service meets or exceeds  
12 the environmental criteria specified in the criteria adopted  
13 pursuant to Section 71178.

14 71180. (a) If a producer or distributor presents a proposal or  
15 application to the commission for an award of a label to a  
16 product or service for which the commission has not adopted  
17 criteria pursuant to Section 71178, the commission shall consult  
18 with the panel of experts specified in subdivision (b) of Section  
19 71189. The panel shall issue a finding to the commission  
20 regarding whether the product or service has significantly less  
21 adverse environmental impacts than a competing product or  
22 service and should be awarded a label pursuant to this part.

23 (b) The commission shall conduct a hearing regarding the  
24 finding made by the panel pursuant to subdivision (a).

25 (c) After conducting a hearing pursuant to subdivision (a), the  
26 commission shall award a label to a product or service pursuant  
27 to this section, if the commission determines the product or  
28 service has significantly less adverse environmental impacts than  
29 a competing product or service.