

AMENDED IN SENATE MAY 10, 2005

AMENDED IN SENATE MAY 2, 2005

**SENATE BILL**

**No. 743**

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**Introduced by Senator Chesbro**

February 22, 2005

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

LEGISLATIVE COUNSEL'S DIGEST

SB 743, as amended, Chesbro. Solid waste collection: recycling rates: households.

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, including having a specified recycling rate of 45%, if it is a product-associated rigid plastic packaging container, as demonstrated to the board by the product maker, manufacturer, or other entity. Existing law defines the term "recycling rate" for this purpose as including one of 2 specified rates. The term "curbside collection program" is also defined for purposes of those provisions and the board is required to grant a waiver from those requirements if it finds that less than 60% of single-family homes in the state have curbside collection programs that include beverage container recycling.

This bill would make a conforming change in the definition of the term "curbside collection program" for purposes of these provisions.

This bill would revise the definition of "recycling rate" to additionally include the proportion of a single resin type, as specified, of a rigid plastic packaging container that is recycled in a single

calendar year, *notwithstanding the exemption of certain of those containers from the requirement to meet specified criteria.*

This bill would modify the criteria for rigid plastic packaging containers to also include a recycling rate of 45% for a single resin type of rigid plastic *packaging* container, as demonstrated to the board by the product maker, manufacturer, or other entity.

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) “Curbside collection program” means a recycling program  
6 that collects materials set out by households for collection at the  
7 curb at intervals not less than every two weeks. “Curbside  
8 collection program” does not include redemption centers,  
9 buyback locations, drop-off programs, material recovery  
10 facilities, or plastic recovery facilities.

11 (b) “Refillable package” means a rigid plastic packaging  
12 container that the board determines is routinely returned to and  
13 refilled by the product manufacturer at least five times with the  
14 original product contained by the package.

15 (c) “Reusable package” means a rigid plastic packaging  
16 container that the board determines is routinely reused by  
17 consumers at least five times to store the original product  
18 contained by the package.

19 (d) “Manufacturer” means the producer or generator of a  
20 product that is sold or offered for sale in the state and that is  
21 stored inside of a rigid plastic packaging container.

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

1 (f) “Postconsumer material” means a material that would  
2 otherwise be destined for solid waste disposal, having completed  
3 its intended end use and product lifecycle. Postconsumer material  
4 does not include materials and byproducts generated from, and  
5 commonly reused within, an original manufacturing and  
6 fabrication process.

7 (g) “Recycled” means a product or material that has been  
8 reused in the production of another product and has been diverted  
9 from disposal in a landfill.

10 (h) “Recycling rate” means the proportion, as measured by  
11 weight, volume, or number, of a rigid plastic packaging container  
12 sold or offered for sale in the state that is being recycled in a  
13 given calendar year, that is one of the following:

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

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

17 (3) A single resin type, as specified in Section 18015, of rigid  
18 plastic—~~container~~ *packaging container, notwithstanding the*  
19 *exemption of that container from this chapter pursuant to*  
20 *subdivision (b), (c), or (d) of Section 42340.*

21 (i) (1) “Source reduced container” means either of the  
22 following:

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

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

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

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

37 (iii) The packaging used in commerce that same year for  
38 similar products whose containers have not been considered  
39 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 that  
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) "Product-associated rigid plastic packaging container"  
12 means a brand-specific, rigid plastic packaging line that may  
13 have one or more sizes, shapes, or designs and that is used in  
14 conjunction with a particular generic product line.

15 (k) "PETE" means polyethylene terephthalate as specified in  
16 subdivision (a) of Section 18015.

17 (l) "HDPE" means high-density polyethylene.

18 SEC. 2. Section 42310 of the Public Resources Code is  
19 amended to read:

20 42310. Except as otherwise provided in this chapter, every  
21 rigid plastic packaging container sold or offered for sale in this  
22 state shall, on average, meet one of the following criteria:

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

24 (b) Have a recycling rate of 45 percent if it is a  
25 product-associated rigid plastic packaging container or a single  
26 resin type of rigid plastic *packaging* container, as demonstrated  
27 to the board by the product maker, container manufacturer, or  
28 other entity. The board may take appropriate action to verify the  
29 demonstration, but the board is not required to expend state funds  
30 to conduct a survey or calculate the rate.

31 (c) Be a reusable package or a refillable package.

32 (d) Be a source reduced container.

33 (e) Is a container containing floral preservative that is  
34 subsequently reused by the floral industry for at least two years.