

AMENDED IN SENATE MAY 2, 2006  
AMENDED IN SENATE APRIL 4, 2006

**SENATE BILL**

**No. 1573**

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**Introduced by Senator Alarcon**

February 23, 2006

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An act to add Chapter 6 (commencing with Section 42380) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 1573, as amended, Alarcon. Solid waste: packaging.

The California Integrated Waste Management Act of 1989 establishes an integrated waste management program administered by the California Integrated Waste Management Board.

~~This bill would require the board, by July 1, 2009, to adopt regulations to establish guidelines for the manufacture, purchase, and disposal of packaging, as defined. The bill would require the regulations to eliminate excess packaging, encourage the use of specified types of packaging, encourage "manufacturer take-back" programs, reduce toxicity, and establish specific percentages of recycled content material in packaging. January 1, 2008, to issue a report that contains an update of the Preferred Packaging Procurement Guidelines, as published by the board in 1994, to provide specified information to the private sector, and recommendations for changes in state law to assist in reducing and preventing packaging waste.~~

*The bill would require the board, in making recommendations and taking efforts to reduce and prevent excess packaging, to coordinate with other state agencies.*

The bill would require the board to develop an education program on packaging alternatives and packaging information, to the extent that funds are available for this purpose.

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 (commencing with Section 42380) is  
2 added to Part 3 of Division 30 of the Public Resources Code, to  
3 read:

4  
5 CHAPTER 6. EXCESS PACKAGING MATERIALS PREVENTION  
6 ACT  
7

8 42380. The Legislature hereby finds and declares all of the  
9 following:

10 (a) The state requires that cities and counties reduce waste  
11 destined for landfills and supports the three main tenants of smart  
12 trash disposal, which are to reduce, reuse, and recycle waste.

13 (b) Currently, research indicates that more than one-third of all  
14 waste that goes into landfills is packaging waste.

15 (c) Excessive packaging consumes valuable virgin resources,  
16 only to be immediately thrown away by consumers.

17 (d) Both businesses and the state can save money by taking all  
18 of the following actions:

19 (1) Reducing the “virgin material” used in packaging.

20 (2) Reducing the amount of materials needed to package  
21 products.

22 (3) Recycling materials, rather than pay for waste disposal.

23 (4) Increasing the use of reusable transport packaging.

24 (e) It is in the state’s economic and environmental interest to  
25 either deter excess packaging or create incentives for reducing  
26 the amount of packaging used by business.

27 (f) Consumers and businesses lack information regarding  
28 packaging alternatives and recycling options.

29 ~~42381. For purposes of this chapter the following definitions~~  
30 ~~shall apply:~~

31 ~~(a) “Package” means any container providing a means of~~  
32 ~~marketing, protecting, or handling a product.~~

1 (b) ~~“Purchaser” means a person who purchases and takes title~~  
2 ~~to a package from a manufacturer for the purpose of packaging a~~  
3 ~~product manufactured, distributed, or sold by the purchaser.~~

4 (c) ~~“Manufacturer” means any person, firm, association,~~  
5 ~~partnership, or corporation producing a package.~~

6 (d) ~~“Recyclable material” has the same meaning as~~  
7 ~~“postconsumer material”, as defined in Section 42301.~~

8 ~~42382. On or before July 1, 2009, the board shall adopt~~  
9 ~~regulations to establish guidelines for the manufacture, purchase,~~  
10 ~~and disposal of packaging. These regulations shall include, but~~  
11 ~~are not limited to, provisions to do all of the following:~~

12 (a) ~~Eliminate excess packaging.~~

13 (b) ~~Encourage the use of reusable, returnable, refillable, and~~  
14 ~~recyclable packaging.~~

15 (c) ~~Encourage the use of compostable packaging.~~

16 (d) ~~Encourage “manufacturer take-back” programs.~~

17 (e) ~~Reduce toxicity.~~

18 (f) ~~Establish specific percentages of recycled content material~~  
19 ~~in packaging.~~

20 ~~42383. In adopting regulations pursuant to this chapter, the~~  
21 ~~board shall consider all of the following types of packaging:~~

22 (a) ~~Primary.~~

23 (b) ~~Secondary.~~

24 (c) ~~Tertiary.~~

25 (d) ~~Packaging for transport.~~

26 ~~42384.—~~

27 ~~42381. On or before January 1, 2008, the board shall issue a~~  
28 ~~report that contains both of the following:~~

29 (a) ~~An update of the Preferred Packaging Procurement~~  
30 ~~Guidelines, as published by the board in 1994, to provide~~  
31 ~~information to the private sector on the best methods for~~  
32 ~~reducing the material needed in packaging and the waste~~  
33 ~~resulting from excess packaging. The updated guidelines shall~~  
34 ~~include, but not be limited to, all of the following:~~

35 (1) ~~A prioritization of the types of packaging that present the~~  
36 ~~best opportunities for waste reduction, based on industry sector~~  
37 ~~and waste reduction potential.~~

38 (2) ~~An identification of current state and federal packaging~~  
39 ~~requirements, packaging prevention and reduction requirements,~~  
40 ~~and the requirements of other states and countries.~~

1     (3) *Definitions of the various types of packaging.*  
2     (b) *Recommendations for changes in state law to assist in*  
3     *reducing and preventing packaging waste.*

4     42382. *In making recommendations and taking efforts to*  
5     *reduce and prevent excess packaging pursuant to this chapter;*  
6     *the board shall coordinate with other state agencies to prevent*  
7     *any overlap of, or conflict with, any other existing state or*  
8     *federal packaging requirements.*

9     42383. The board shall develop an education program for  
10  businesses and consumers on packaging alternatives and  
11  packaging information. The board is required to develop this  
12  program only to the extent that funds are available for this  
13  purpose.