

**ASSEMBLY BILL**

**No. 2505**

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**Introduced by Assembly Member Brownley**

February 21, 2008

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An act to add Section 25214.13.1 to the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 2505, as introduced, Brownley. Hazardous waste: toxic packaging.

(1) Existing law, the Toxics in Packaging Prevention Act, prohibits a manufacturer or supplier, as defined, from offering for sale or for promotional purposes in this state a package or packaging component that includes specified regulated metals and prohibits a person from offering for sale or for promotional purposes in this state a product in a package that includes those intentionally introduced regulated metals. A violation of the hazardous waste control laws, including the act, is a crime.

This bill would prohibit a manufacturer or supplier, on and after January 1, 2010, from offering for sale or for promotional purposes in this state a package or packaging component that includes polyvinyl chloride, and would prohibit a person, on and after January 1, 2010, from offering for sale or for promotional purposes in this state a product in a package that includes polyvinyl chloride.

The bill would exempt from its provisions a package or packaging component used solely in transportation and not made available to consumers or a package or packaging component used to contain a pharmaceutical, as defined. The bill would also specify that certain exemption procedures of the act do not apply to the bill's prohibitions.

The bill would impose a state-mandated local program by creating new crimes.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Polyvinyl chloride (PVC) packaging poses an environmental
- 4 and human health risk throughout its life cycle.
- 5 (b) PVC production involves the use of vinyl chloride, a known
- 6 carcinogen, which may pose a health hazard to those in and around
- 7 manufacturing facilities.
- 8 (c) Many types of PVC packaging contain phthalates, a class
- 9 of chemicals that have hormone-disrupting effects on humans.
- 10 (d) PVC packaging has been found by the Toxics in Packaging
- 11 Clearinghouse of the Council of State Governments and others to
- 12 have a high incidence rate of lead and cadmium heavy metal
- 13 contamination.
- 14 (e) The combustion of PVC emits dioxins.
- 15 (f) PVC packaging is recycled at very low levels.
- 16 (g) PVC is a problematic contaminant in the recycling stream
- 17 of other, more abundant, nontoxic plastic resins, preventing
- 18 municipalities from accepting greater quantities of packaging for
- 19 recycling and preventing municipalities from achieving higher
- 20 landfill diversion rates.
- 21 (h) When disposed of in a solid waste landfill or as litter, PVC
- 22 packaging may leach its toxins into the surrounding groundwater.
- 23 (i) Recognizing the threat leached toxins pose on marine
- 24 wildlife, the Ocean Protection Council recently passed a resolution
- 25 calling for the banning of vinyl chloride in plastic packaging.
- 26 (j) Alternatives to polyvinyl chloride packaging are abundant,
- 27 affordable, and are already competitive in the marketplace.

1 SEC. 2. Section 25214.13.1 is added to the Health and Safety  
2 Code, to read:

3 25214.13.1. (a) For purposes of this section “pharmaceutical”  
4 means a prescription or over-the-counter human or veterinary drug,  
5 including, but not limited to, a drug as defined in Section 109925  
6 or as defined in Section 321 of Title 21 of the federal Food, Drug,  
7 and Cosmetic Act.

8 (b) (1) Except as provided in subdivision (c), on and after  
9 January 1, 2010, a manufacturer or supplier shall not offer for sale  
10 or for promotional purposes in this state a package or packaging  
11 component that includes polyvinyl chloride, in the package itself,  
12 or in a packaging component, if the polyvinyl chloride has been  
13 intentionally introduced into the package or packaging component  
14 during manufacturing or distribution.

15 (2) Except as provided in subdivision (c), on and after January  
16 1, 2010, a person shall not offer for sale or for promotional  
17 purposes in this state a product in a package that includes polyvinyl  
18 chloride, in the package itself, or in a packaging component, if the  
19 polyvinyl chloride has been intentionally introduced into the  
20 package or packaging component during manufacturing or  
21 distribution.

22 (c) This section does not apply to any of the following:

23 (1) A package or packaging component used solely in  
24 transportation and not made available to consumers.

25 (2) A package or packaging component used to contain a  
26 pharmaceutical.

27 (d) Sections 25214.14 and 25214.15 do not apply to a package  
28 or packaging component that includes polyvinyl chloride.

29 SEC. 3. No reimbursement is required by this act pursuant to  
30 Section 6 of Article XIII B of the California Constitution because  
31 the only costs that may be incurred by a local agency or school  
32 district will be incurred because this act creates a new crime or  
33 infraction, eliminates a crime or infraction, or changes the penalty  
34 for a crime or infraction, within the meaning of Section 17556 of  
35 the Government Code, or changes the definition of a crime within  
36 the meaning of Section 6 of Article XIII B of the California  
37 Constitution.