

AMENDED IN ASSEMBLY APRIL 8, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2538**

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**Introduced by Assembly Member Ruskin**

February 22, 2008

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An act to add Division 27.5 (commencing with Section 44575) to the Health and Safety Code, relating to greenhouse gas emissions.

LEGISLATIVE COUNSEL'S DIGEST

AB 2538, as amended, Ruskin. Greenhouse gas emissions: consumer product labeling.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases that cause global warming in order to reduce emissions of greenhouse gases.

This bill would enact the Carbon Labeling Act of 2008. The act would require the state board to develop and implement a program for the voluntary assessment, verification, and standardized labeling of the carbon footprint, as defined, of *selected* consumer products sold in this state *and would authorize assessment of an application fee to pay the costs of the program.*

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. Division 27.5 (commencing with Section 44575)
- 2 is added to the Health and Safety Code, to read:

1 DIVISION 27.5. THE CARBON LABELING ACT OF 2008

2  
3 CHAPTER 1. TITLE  
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5 44575. This division shall be known, and may be cited, as the  
6 Carbon Labeling Act of 2008.  
7

8 CHAPTER 2. FINDINGS AND DECLARATIONS  
9

10 44576. The Legislature finds and declares all of the following:

11 (a) Global warming poses a serious threat to the economic  
12 well-being, public health, natural resources, and the environment  
13 of California.

14 (b) The California Global Warming Solutions Act of 2006  
15 (Division 25.5 (commencing with Section 38500)) provides a  
16 regulatory framework to establish and enforce greenhouse gas  
17 emission reductions.

18 (c) Voluntary consumer choice can play a significant role in  
19 helping California meet its greenhouse gas emission reduction  
20 targets, but only if consumers have usable and reliable information  
21 about the carbon emissions resulting from their product choices.

22 (d) It has been estimated that household consumption of  
23 consumer goods in the United States accounts for emissions of  
24 more than 15 metric tons of greenhouse gas equivalents, or about  
25 one-third of total household emissions, per year.

26 (e) The development of a voluntary carbon labeling program  
27 for consumer products can harness the power of the marketplace  
28 to create incentives for manufacturers to innovate and compete to  
29 reduce the carbon footprint of their products.  
30

31 CHAPTER 3. DEFINITIONS  
32

33 44578. As used in this division:

34 (a) "Carbon footprint" means the estimated total amount of  
35 greenhouse gas emissions that occur as a result of the manufacture,  
36 distribution, and sale of a product as measured in carbon dioxide  
37 equivalent, as defined in subdivision (c) of Section 38505.

38 (b) "Program" means the carbon labeling program developed  
39 and implemented pursuant to Chapter 4 (commencing with Section  
40 44580).

1 (c) “State board” means the State Air Resources Board.  
2

3 CHAPTER 4. CARBON LABELING PROGRAM  
4

5 44580. (a) The state board shall develop and implement a  
6 program for the voluntary assessment, verification, and labeling  
7 of the carbon footprint of consumer products sold in this state *and*  
8 *selected by the state board.*

9 (b) The program shall do all of the following:

10 (1) Establish a methodology for determining and communicating  
11 the carbon footprint of a consumer product. If feasible, the state  
12 board shall establish standards and methodologies for determining  
13 and communicating to consumers on a product label whether a  
14 product has a lower carbon footprint than the average comparable  
15 product available in the state.

16 (2) Develop a standardized, easily understandable, label that  
17 communicates to consumers relevant information about the carbon  
18 footprint of a consumer product.

19 (3) Allow a consumer product manufacturer, on a voluntary  
20 basis, to determine the carbon footprint of the product by applying  
21 the criteria and standards developed by the state board, and to  
22 include that information on the product, product packaging, and  
23 product advertising, consistent with the labeling standards  
24 developed by the board.

25 (4) *May develop standardized criteria for third-party verification*  
26 *of the carbon footprint of a consumer product manufacturer.*

27 (c) The state board shall consult with representatives of  
28 consumer product manufacturers, consumer groups, and  
29 environmental groups, and conduct public hearings and workshops  
30 as required to comply with this section.

31 ~~(d) The state board may contract with appropriate experts to~~  
32 ~~develop a proposed carbon footprint methodology and carbon~~  
33 ~~labeling standard.~~

34 (d) *In developing and implementing this program, the state*  
35 *board shall have maximum flexibility to evaluate a product based*  
36 *on available data for a certain product category. This section does*  
37 *not require the state board to evaluate a product category if data*  
38 *and funds are not available or if the collection of data is not cost*  
39 *effective. The state board may choose to develop the methodology*

1 *for only one product category before expanding the scope of the*  
2 *program to other product categories.*

3 *(e) The state board may use data from appropriate sources,*  
4 *including use of existing models and labels to develop the program.*

5 *(f) The state board may contract for cost-effective services*  
6 *necessary to implement this act.*

7 *(g) The state board may limit the information required on a*  
8 *label so as to exclude emissions that occur as a result of the*  
9 *distribution or sale of a consumer product.*

10 ~~(e)~~

11 *(h) Consumer product manufacturers that label their products*  
12 *in accordance with this chapter shall be responsible for all costs*  
13 *related to the review and validation of carbon label information*  
14 *required by the state board. The state board may charge an*  
15 *application fee to participating consumer product manufacturers*  
16 *to pay the costs of the program, including, but not limited to, the*  
17 *administrative costs of the program.*