An act to add Division 27.5 (commencing with Section 44570) to the Health and Safety Code, relating to product labeling.

LEGISLATIVE COUNSEL’S DIGEST

AB 19, as introduced, 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 2009. 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 consumer products sold in this state.


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

1 SECTION 1. Division 27.5 (commencing with Section 44570) is added to the Health and Safety Code, to read:
DIVISION 27.5. THE CARBON LABELING ACT OF 2009

Chapter 1. Title

44570. This division shall be known, and may be cited as, the Carbon Labeling Act of 2009.

Chapter 2. Findings and Declarations

44571. The Legislature finds and declares all of the following:

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

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

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

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

(e) There are numerous attempts throughout the world to provide product information to consumers, any of which are not regulated.

(f) The state should identify the best approach to standardizing product labeling to help businesses and to provide accurate information to consumers.

(g) The methodological and technical challenges of measuring greenhouse gas emissions are already being addressed by researchers in California and across the world. Converting these measurement methods into a viable, practical greenhouse gas emission label involves crafting a compromise solution that is both accurate and precise, as well as feasible for producers to implement.

(h) The development of a voluntary carbon or greenhouse gas emissions labeling program for consumer products can harness the power of the marketplace to create incentives for manufacturers...
to innovate and compete to reduce the carbon footprint of their products.

Chapter 3. Definitions

44572. As used in this division the following terms have the following meanings:
(a) “Carbon footprint” means the total amount of emissions of greenhouse gas, as defined in Section 38505, that occur as a result of a product’s life cycle, or as determined by the state board to best implement this division.
(b) “State board” means the State Air Resources Board.

Chapter 4. Carbon Labeling Program

44574. (a) The state board shall develop and implement a program for the voluntary assessment, verification, and labeling of the carbon footprint of consumer products sold in this state. In order to create this program, the state board shall establish standard methodologies for assessing, verifying, and labeling the carbon footprint of a consumer product. The state board shall only include a product category in a standard if it determines that it is feasible and practical to do so. The state board may choose to adopt a methodology for a single product category before expanding the scope of the adopted standard to other product categories.
(b) The program shall do both of the following:
(1) Allow a consumer product manufacturer, on a voluntary basis, to determine the carbon footprint of the product by applying the criteria and standards developed by the state board, and to include that information on the product, product packaging, and product advertising, consistent with the labeling standards developed by the state board.
(2) Develop a standardized, easily understandable, label that communicates to consumers relevant information about the carbon footprint of a consumer product. The label may be issued to a company that meets all of the obligations of the adopted standard for measuring a product’s carbon footprint.
(c) The state board may use data from outside sources to develop the standards required to be created by subdivision (a), including the use of existing models and labels. The state board may consult
with representatives of consumer product manufacturers, consumer
groups, and environmental groups, and conduct public hearings
and workshops, to inform the development of the standards
required to be established pursuant to subdivision (a).
(d) (1) The state board shall determine the appropriate
boundaries in determining and assessing the carbon footprint of a
consumer product, which may include raw material extraction,
production processing or manufacturing, transportation,
distribution, consumer use, and disposal. The state board may vary
these boundaries by product category.
(2) The state board may develop a hybrid life cycle analysis
methodology standard by relying on company measurements of
energy use, other greenhouse gas emission sources, and national
averages, or other available information for determining the carbon
footprint.
(e) If the state board determines that feasible measurement
methodologies are not sufficiently accurate to allow for direct
comparisons of the carbon footprint of two like products within a
product category, the state board may elect to develop standards
for communicating all of the following:
(1) The average greenhouse gas emissions in a product category
in order to allow consumers to compare across categories.
(2) Whether a product has a lower carbon footprint than the
average comparable product available in that category.
(3) A specific carbon footprint score that delineates the range
of error produced by the methodology.
44575. The state board may adopt standardized criteria for
third-party verification of the carbon footprint of a consumer
product, if the state board determines that this kind of verification
is necessary, or the state board may develop an alternative means
of ensuring compliance with the labeling standards created pursuant
to this chapter.
44576. The state board may contract for cost-effective services
necessary to implement this chapter.
44577. Consumer product manufacturers that label their
products in accordance with this chapter shall be responsible for
all costs related to the review and validation of carbon label
information required by the state board. The state board may charge
an application fee to participating consumer product manufacturers
to pay the costs of the program established pursuant to this chapter.