

Assembly Bill No. 837

Passed the Assembly August 24, 2012

Chief Clerk of the Assembly

Passed the Senate August 20, 2012

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2012, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add and repeal Section 42357.6 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 837, Nestande. Solid waste: plastic products.

Existing law requires rigid plastic packaging containers sold or offered for sale in this state to meet specified criteria, including, but not limited to, that the container be made from 25% postconsumer material. Existing law prohibits a person, on and after January 1, 2013, from selling a plastic product that is labeled as “biodegradable,” “compostable,” “degradable,” or as otherwise specified, unless, at the time of the sale, the product meets the applicable ASTM standard specification or other specified certification requirements. These provisions are generally administered by the Department of Resources Recycling and Recovery, and a city, a county, or the state may impose civil liability for a violation.

This bill would require a manufacturer or supplier making an environmental marketing claim relating to the recycled content of a plastic food container product, as defined, to maintain certain information and documentation in support of that claim. The bill would require a manufacturer or supplier to furnish this information to any member of the public upon request or to provide the information and documentation by furnishing a link to a document on its Internet Web site. The bill would repeal these requirements on January 1, 2018.

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

SECTION 1. Section 42357.6 is added to the Public Resources Code, to read:

42357.6. (a) For purposes of this section, “plastic food container product” means a product made of plastic that includes a tray, clamshell container, or other receptacle and that is used, or intended to be used, to hold food.

(b) A manufacturer or supplier making an environmental marketing claim relating to the recycled content of a plastic food container product shall maintain information and documentation, which shall be in written form in its records, of both of the following in support of that claim:

(1) The recycled content for materials has been recovered or otherwise diverted from the solid waste stream either during the manufacturing process (preconsumer) or after consumer use (postconsumer).

(2) The recycled content claim conforms with the uniform standards for recycled content contained in the Federal Trade Commission Guides for the Use of Environmental Marketing Claims (16 C.F.R. Part 260).

(c) A manufacturer or supplier shall furnish the information and documentation that it is required to maintain pursuant to this section to any member of the public upon request or provide the information and documentation by furnishing a link to a document on its Internet Web site containing the information and documentation.

(d) This section does not limit the requirements of this chapter or any other provision of law.

(e) This section shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date.

Approved _____, 2012

Governor