

AMENDED IN SENATE MARCH 19, 2014

SENATE BILL

No. 916

**Introduced by Senator Correa
(Principal coauthor: Senator Block)
(Coauthor: Senator Galgiani)**

January 27, 2014

An act to *amend Section 25250.1 of the Health and Safety Code, to add Section 12405 to, and to add Article 7.7 (commencing with Section 10409.1) to Chapter 2 of Part 2 of Division 2 of, the Public Contract Code, and to add Chapter 5.8 (commencing with Section 42359) to Part 3 of Division 30 of the Public Resources Code, relating to ~~biosynthetic lubricants~~ lubricating oil.*

LEGISLATIVE COUNSEL'S DIGEST

SB 916, as amended, Correa. ~~Biosynthetic lubricants: Lubricating oil: biosynthetic lubricants: procurement: sale.~~

(1) Existing law authorizes the Department of Toxic Substances Control to regulate the disposal of hazardous waste, including used oil, and, for those purposes, defines "used oil" to mean oil that has been refined from crude oil, or any synthetic oil, that has been used, and, as a result of use or as a consequence of extended storage, or spillage, has been contaminated with physical or chemical impurities.

This bill would specify that synthetic oil includes oil composed of biobased feedstock for these purposes.

(1)

(2) Existing law requires state agencies and contractors with state agencies to purchase lubricating oil, as defined, and industrial oil, as defined, containing the greatest percentage of recycled oil, unless a specified certification is made. Existing law also requires local agencies

to purchase lubricating oil and industrial oil that contains recycled oil if the product meets specified conditions.

This bill, *on and after January 1, 2016*, would require a ~~state agency~~ *agency*, and any person or entity contracting with, or receiving a grant from, ~~with a state agency that purchases lubricating oil, on and after January 1, 2016, for the supply of lubricating oil,~~ to purchase only biosynthetic lubricant that meets ~~or exceeds certain requirements,~~ *including* minimal standards for ~~biodegradability, as defined biodegradability.~~ The bill would require the Department of General Services, ~~by January 31, 2016~~ *July 31, 2015*, to provide language for a state agency to include in a contract or grant implementing these provisions. The bill would authorize a state agency, city, county, city and county, or district to purchase biosynthetic lubricant that meets ~~or exceeds minimal standards for biodegradability, as specified~~ *the specified requirements.*

(2)

(3) The California Oil Recycling Enhancement Act, administered by the Department of Resources Recycling and Recovery, imposes a charge upon the sale of lubricating oil, for deposit in the California Used Oil Recycling Fund, and continuously appropriates money from the fund to the department to provide, among other things, grants and contracts to local governments, nonprofit entities, and private entities and recycling incentives to every industrial generator, curbside collection program, and certified used oil collection center for collected or generated used lubricating oil. Existing law prohibits the sale of engine oil and lubricating oil unless the product conforms to certain specifications.

This bill would prohibit on and after January 1, 2017, the sale of lubricating oil in the state unless the lubricating oil meets certain requirements, including meeting or exceeding the minimal standards for biodegradability, ~~as specified.~~ *The specified, and unless the producer of the biosynthetic lubricating oil files with the department a document by which the producer verifies that the lubricating oil meets the specified requirements. The bill would require the department to provide the producer with a unique lubricating oil biodegradability compliance number for each product self-verified by the producer.*

~~The bill would authorize, on and after January 1, 2016, July 1, 2015,~~ the Director of Resources Recycling and Recovery, in consultation with an advisory committee established by the bill as specified, to grant ~~a one-year extension from extensions, in increments of one year, of these~~

requirements *and the state agency biosynthetic lubricant purchasing requirements described above* if the director finds that ~~the biosynthetic~~ lubricating oil is not commercially available. The bill would *authorize a procuring agency or person to sell, no later than 12 months after January 1, 2017, or 12 months after the end of the last of all extensions granted as discussed above, lubricating oil that does not meet the specified requirements if the procuring agency or person legally possessed the lubricating oil before the latter of those dates. The bill would require the procuring agency or person to maintain records to verify that the lubricating oil was in the person’s or agency’s possession before the latter date. The bill would require the department to inform local agencies and individuals of the benefits of biosynthetic lubricating oils.*

(3)

(4) Existing law requires the Department of General Services, in consultation with the California Environmental Protection Agency, members of the public, industry, and public health and environmental organizations, to provide state agencies with information and assistance regarding environmentally preferable purchasing.

This bill would require the Department of General Services to maintain and update, on the department’s Internet Web site, a list that contains the names of *biosynthetic* lubricating oil products that meet ~~or exceed the minimal standards of biodegradability, as specified the specified lubricating oil requirements.~~ The bill would require the department to transmit a copy of this list to the Office of the President of the University of California to facilitate the University of California’s procurement efforts.

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. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) The United States Environmental Protection Agency (EPA)
- 4 now considers pollution from all diffuse sources, including urban
- 5 stormwater pollution, to be the most important source of
- 6 contamination in our nation’s waters.
- 7 (2) The EPA ranks urban runoff and storm sewer discharges as
- 8 the second most prevalent source of water quality impairment in

1 our nation’s estuaries and the fourth most prevalent source of water
2 quality impairment in our lakes.

3 (3) Although the effects of runoff on specific waters vary and
4 are often not fully assessed, pollutants carried by runoff are known
5 to have potentially harmful effects on drinking water supplies,
6 recreation, fisheries, and wildlife.

7 (4) Among the pollutants in runoff are petroleum oil and oil
8 byproducts, which have been shown to contain harmful
9 constituents, including metals and polycyclic aromatic
10 hydrocarbons.

11 (5) Most of California’s population lives in urban and coastal
12 areas where the water resources are highly vulnerable to, and are
13 often severely degraded by, urban runoff.

14 (6) Polluted storm water poses risks to public health and the
15 ecology of local waterways.

16 (7) A significant source of stormwater pollution will be reduced
17 with the introduction of new technologies, such as biosynthetic
18 lubricants, that will improve water and air quality in the state and
19 reduce greenhouse gas (GHG) emissions.

20 (8) Biosynthetic lubricants have shown *significant* GHG
21 reductions—of as much as 88 percent, as compared to similar
22 petroleum-based synthetic lubricating oils.

23 (9) Used motor oil is the largest volume of hazardous waste
24 generated in California, with approximately 150 million gallons
25 of motor oil purchased every year, generating over 90 million
26 gallons of used oil. However, only about 76 million gallons are
27 actually collected, and only about 10 to 12 million gallons are
28 actually rerefined into motor oil. Most of the used oil is shipped
29 out of state and burned as fuel, producing GHG emissions.

30 (10) An estimated 14 to 16 million gallons of motor oil are
31 illegally dumped, ending up in rivers, streams, and lakes, degrading
32 drinking water supplies, and adding to storm water and coastal
33 pollution. The remaining gallons are lost in use, either burned in
34 the combustion chamber of an engine, or dripped onto streets and
35 parking lots, creating a “silent oil spill” of approximately 60 million
36 gallons annually.

37 (11) Technologies now—exists *exist* to supply a high
38 performance, biobased, biodegradable blend of lubricating oil for
39 use in gasoline and diesel engines in passenger cars, light-duty
40 trucks, and vans. These biosynthetic lubricating oils have

1 performance qualities similar to or superior than other synthetic
2 lubricants, with added environmental and public health benefits.

3 (12) Independent testing shows not only that biosynthetic oils
4 are among the highest rated products for protecting engines and
5 machinery, thereby likely improving fuel efficiency, but they are
6 also biobased, biodegradable, and do not bioaccumulate in marine
7 organisms.

8 (13) The United States Department of Agriculture’s
9 BioPreferred program, which imposes procurement preferences
10 on federal agencies and contractors for the purchase of biobased
11 products, recently added a preference for motor oil, for certain
12 diesel and gasoline engines, that have at least 25 percent biobased
13 content.

14 (14) Biosynthetic lubricating oils degrade more rapidly than
15 petroleum-based lubricants and are less toxic, thus greatly reducing
16 environmental and public health risks. Thus, these new
17 technologies will not only save the State of California and
18 consumers money, but will improve air and water quality and
19 reduce GHG emissions.

20 (15) Used motor oil that is recycled and rerefined into motor
21 oil can benefit from this new technology by blending the recycled
22 oil with high performance, biobased, biodegradable products that
23 have greater environmental and public health benefits.

24 (16) By increasing the content of biobased products in
25 lubricating oils, California taxpayers will benefit from lower costs
26 of complying with the federal Clean Water Act (33 U.S.C. Sec.
27 1251 et seq.).

28 *(17) Biobased feedstocks, which are used in the production of*
29 *food, and biosynthetic lubricating oils are composed of some of*
30 *the same biobased materials. Although motor lubricating oils*
31 *represent a small percentage of the total motor fuel volume, the*
32 *state should promote the use of sustainable biosynthetic lubricating*
33 *oils and make sure that its use minimizes any potential negative*
34 *impacts on food security.*

35 (b) The Legislature further finds and declares all of the
36 following:

37 (1) *Current law requires state agencies to reduce their vehicle*
38 *fleets’ consumption of petroleum products, including through the*
39 *use of synthetic motor oils.*

1 (2) *The State Petroleum Reduction Plan identifies the use of*
2 *synthetic motor oil and extending the intervals between oil changes*
3 *as a way to reduce the state fleet’s consumption of petroleum.*

4 ~~(1)~~

5 (3) This act would implement a policy of the state to require
6 state agencies, when servicing fleet vehicles, to ~~request the use of~~
7 biosynthetic lubricating oil *that meets certain standards*, when
8 available.

9 ~~(2)~~

10 (4) The use of biosynthetic lubricating oil, as provided by this
11 act, will further the state’s policy of reducing the state fleet’s
12 petroleum consumption and protecting the environment.

13 ~~(3)~~

14 (5) The use of biosynthetic lubricating oil, as provided by this
15 act, will help reduce overall petroleum consumption and aid the
16 state in achieving its goals of reducing GHG emissions.

17 ~~(4)~~

18 (6) Vehicles using synthetic and biosynthetic lubricating oils
19 require fewer oil changes, extending oil change ~~intervals~~ *intervals*,
20 and thus reducing the quantity of lubricating oil used over the ~~life~~
21 ~~of the vehicle~~ *lives of those vehicles*.

22 ~~(5)~~

23 (7) While the *initial* cost of synthetic and biosynthetic
24 lubricating oil ~~maybe~~ *may be* higher than conventional motor oil,
25 when balanced against the longer oil change interval, using
26 synthetic and biosynthetic oils becomes less expensive in the long
27 term.

28 ~~(6)~~

29 (8) The benefits of longer intervals between oil changes, the
30 reduced consumption of lubricating oil over the life of the vehicle,
31 improved fuel efficiency, the reduction in GHG emissions, and
32 the benefits to public health and the environment make biosynthetic
33 lubricating oil a cost-effective alternative to petroleum-based
34 lubricating oil.

35 *SEC. 2. Section 25250.1 of the Health and Safety Code is*
36 *amended to read:*

37 25250.1. (a) As used in this article, the following terms have
38 the following meaning:

39 (1) (A) “Used oil” means all of the following:

1 (i) Oil that has been refined from crude oil, or ~~any~~ a synthetic
2 oil, *including oil composed of biobased feedstock*, that has been
3 used, and, as a result of use or as a consequence of extended
4 storage, or spillage, has been contaminated with physical or
5 chemical impurities.

6 (ii) Material that is subject to regulation as used oil under Part
7 279 (commencing with Section 279.1) of Subchapter I of Chapter
8 1 of Title 40 of the Code of Federal Regulations.

9 (B) Examples of used oil are spent lubricating fluids that have
10 been removed from an engine crankcase, transmission, gearbox,
11 or differential of an automobile, bus, truck, vessel, plane, heavy
12 equipment, or machinery powered by an internal combustion
13 engine; industrial oils, including compressor, turbine, and bearing
14 oil; hydraulic oil; metalworking oil; refrigeration oil; and railroad
15 drainings.

16 (C) “Used oil” does not include any of the following:

17 (i) Oil that has a flashpoint below 100 degrees Fahrenheit or
18 that has been mixed with hazardous waste, other than minimal
19 amounts of vehicle fuel.

20 (ii) (I) Wastewater, the discharge of which is subject to
21 regulation under either Section 307(b) (33 U.S.C. Sec. 1317(b))
22 or Section 402 (33 U.S.C. Sec. 1342) of the federal Clean Water
23 Act (33 U.S.C. Sec. 1251 et seq.), including wastewaters at
24 facilities that have eliminated the discharge of wastewater,
25 contaminated with de minimis quantities of used oil.

26 (II) For purposes of this clause, “de minimis quantities of used
27 oil” are small spills, leaks, or drippings from pumps, machinery,
28 pipes, and other similar equipment during normal operations, or
29 small amounts of oil lost to the wastewater treatment system during
30 washing or draining operations.

31 (III) This exception does not apply if the used oil is discarded
32 as a result of abnormal manufacturing operations resulting in
33 substantial leaks, spills, or other releases or to used oil recovered
34 from wastewaters.

35 (iii) Used oil re-refining distillation bottoms that are used as
36 feedstock to manufacture asphalt products.

37 (iv) Oil that contains polychlorinated biphenyls (PCBs) at a
38 concentration of 5 ppm or greater.

39 (v) (I) Oil containing more than ~~4000~~ 1,000 ppm total halogens,
40 which shall be presumed to be a hazardous waste because it has

1 been mixed with halogenated hazardous waste listed in Subpart D
2 (commencing with Section 261.30) of Part 261 of Subchapter I of
3 Chapter 1 of Title 40 of the Code of Federal Regulations.

4 (II) A person may rebut the presumption specified in subclause
5 (I) by demonstrating that the used oil does not contain hazardous
6 waste, including, but not limited to, in the manner specified in
7 subclause (III).

8 (III) The presumption specified in subclause (I) is rebutted if it
9 is demonstrated that the used oil that is the source of total halogens
10 at a concentration of more than ~~1000~~ 1,000 ppm is solely either
11 household waste, as defined in Section 261.4(b)(1) of Title 40 of
12 the Code of Federal Regulations, or is collected from conditionally
13 exempt small quantity generators, as defined in Section 261.5 of
14 Title 40 of the Code of Federal Regulations. Nothing in this
15 subclause authorizes ~~any~~ a person to violate the prohibition
16 specified in Section 25250.7.

17 (2) “Board” means the ~~California Integrated Waste Management~~
18 ~~Board~~ *Department of Resources Recovery and Recycling*.

19 (3) (A) “Recycled oil” means any oil that meets all of the
20 following requirements specified in clauses (i) to (iii), inclusive:

21 (i) Is produced either solely from used oil, or is produced solely
22 from used oil that has been mixed with one or more contaminated
23 petroleum products or oily wastes, other than wastes listed as
24 hazardous under the federal act, provided that if the resultant
25 mixture is subject to regulation as a hazardous waste under Section
26 279.10(b)(2) of Title 40 of the Code of Federal Regulations, the
27 mixture is managed as a hazardous waste in accordance with all
28 applicable hazardous waste regulations, and the recycled oil
29 produced from the mixture is not subject to regulation as a
30 hazardous waste under Section 279.10(b)(2) of Title 40 of the
31 Code of Federal Regulations. If the oily wastes with which the
32 used oil is mixed were recovered from a unit treating hazardous
33 wastes that are not oily wastes, these recovered oily wastes are not
34 excluded from being considered as oily wastes for purposes of this
35 section or Section 25250.7.

36 (ii) The recycled oil meets one of the following requirements:

37 (I) The recycled oil is produced by a generator lawfully recycling
38 its oil.

39 (II) The recycled oil is produced at a used oil recycling facility
40 that is authorized to operate pursuant to Section 25200 or 25200.5

1 solely by means of one or more processes specifically authorized
2 by the department. The department ~~may~~ *shall* not authorize a used
3 oil recycling facility to use a process in which used oil is mixed
4 with one or more contaminated petroleum products or oily wastes
5 unless the department determines that the process to be authorized
6 for mixing used oil with those products or wastes will not
7 substantially contribute to the achievement of compliance with the
8 specifications of subparagraph (B).

9 (III) The recycled oil is produced in another state, and the used
10 oil recycling facility where the recycled oil is produced, and the
11 process by which the recycled oil is produced, are authorized by
12 the agency authorized to implement the federal act in that state.

13 (iii) Has been prepared for reuse and meets all of the following
14 standards:

15 (I) The oil meets the standards of purity set forth in subparagraph
16 (B).

17 (II) If the oil was produced by a generator lawfully recycling
18 its oil or the oil is lawfully produced in another state, the oil is not
19 hazardous pursuant to the criteria adopted by the department
20 pursuant to Section 25141 for any characteristic or constituent
21 other than those listed in subparagraph (B).

22 (III) The oil is not mixed with any waste listed as a hazardous
23 waste in Part 261 (commencing with Section 261.1) of Subchapter
24 I of Chapter 1 of Title 40 of the Code of Federal Regulations.

25 (IV) The oil is not subject to regulation as a hazardous waste
26 under the federal act.

27 (V) If the oil was produced lawfully at a used oil recycling
28 facility in this state, the oil is not hazardous pursuant to any
29 characteristic or constituent for which the department has made
30 the finding required by subparagraph (B) of paragraph (2) of
31 subdivision (a) of Section 25250.19, except for one of the
32 characteristics or constituents identified in the standards of purity
33 set forth in subparagraph (B).

34 (B) The following standards of purity are in effect for recycled
35 oil, in liquid form, unless the department, by regulation, establishes
36 more stringent standards:

37 (i) Flashpoint: minimum standards set by the American Society
38 for Testing and Materials for the recycled products. However,
39 recycled oil to be burned for energy recovery shall have a minimum
40 flashpoint of 100 degrees Fahrenheit.

- 1 (ii) Total lead: 50 mg/kg or less.
2 (iii) Total arsenic: 5 mg/kg or less.
3 (iv) Total chromium: 10 mg/kg or less.
4 (v) Total cadmium: 2 mg/kg or less.
5 (vi) Total halogens: 3000 mg/kg or less. However, recycled oil
6 shall be demonstrated by testing to contain not more than 1000
7 mg/kg total halogens listed in Appendix VIII of Part 261
8 (commencing with Section 261.1) of Subchapter I of Chapter 1 of
9 Title 40 of the Code of Federal Regulations.
- 10 (vii) Total polychlorinated biphenyls (PCBs): less than 2 mg/kg.
11 (C) Compliance with the specifications of subparagraph (B) or
12 with the requirements of clauses (iv) and (v) of subparagraph ~~(B)~~
13 (C) of paragraph (1) shall not be met by blending or diluting used
14 oil with crude or virgin oil, or with a contaminated petroleum
15 product or oily waste, except as provided in subclause (II) of clause
16 (ii) of subparagraph (A), and shall be determined in accordance
17 with the procedures for identification and listing of hazardous
18 waste adopted in regulations by the department. Persons authorized
19 by the department to recycle oil shall maintain records of volumes
20 and characteristics of incoming used oil and outgoing recycled oil
21 and documentation concerning the recycling technology utilized
22 to demonstrate to the satisfaction of the department or other
23 enforcement agencies that the recycling has been achieved in
24 compliance with this subdivision.
- 25 (D) This paragraph does not apply to oil that is to be disposed
26 of or used in a manner constituting disposal.
- 27 (4) “Used oil recycling facility” means a facility that reprocesses
28 or re-refines used oil.
- 29 (5) “Used oil storage facility” means a storage facility, as
30 defined in subdivision (b) of Section 25123.3, that stores used oil.
- 31 (6) “Used oil transfer facility” means a transfer facility, as
32 defined in subdivision (a) of Section 25123.3, that meets the
33 qualifications to be a storage facility, for purposes of Section
34 25123.3.
- 35 (7) (A) For purposes of this section and Section 25250.7 only,
36 “contaminated petroleum product” means a product that meets all
37 of the following conditions:
- 38 (i) It is a hydrocarbon product whose original intended purpose
39 was to be used as a fuel, lubricant, or solvent.
- 40 (ii) It has not been used for its original intended purpose.

1 (iii) It is not listed in Subpart D (commencing with Section
2 251.30) of Part 261 of Subchapter I of Chapter 1 of Title 40 of the
3 Code of Federal Regulations.

4 (iv) It has not been mixed with a hazardous waste other than
5 another contaminated petroleum product.

6 (B) Nothing in this section or Section 25250.7 shall be construed
7 to affect the exemptions in Section 25250.3, or to subject
8 contaminated petroleum products that are not hazardous waste to
9 any requirements of this chapter.

10 (b) Unless otherwise specified, used oil that meets either of the
11 following conditions is not subject to regulation by the department:

12 (1) The used oil has not been treated by the generator of the
13 used oil, the generator claims the used oil is exempt from regulation
14 by the department, and the used oil meets all of the following
15 conditions:

16 (A) The used oil meets the standards set forth in subparagraph
17 (B) of paragraph (3) of subdivision (a).

18 (B) The used oil is not hazardous pursuant to the criteria adopted
19 by the department pursuant to Section 25141 for any characteristic
20 or constituent other than those listed in subparagraph (B) of
21 paragraph (3) of subdivision (a).

22 (C) The used oil is not mixed with any waste listed as a
23 hazardous waste in Part 261 (commencing with Section 261.1) of
24 Subchapter I of Chapter 1 of Title 40 of the Code of Federal
25 Regulations.

26 (D) The used oil is not subject to regulation as either hazardous
27 waste or used oil under the federal act.

28 (E) The generator of the used oil has complied with the
29 notification requirements of subdivision (c) and the testing and
30 recordkeeping requirements of Section 25250.19.

31 (F) The used oil is not disposed of or used in a manner
32 constituting disposal.

33 (2) The used oil meets all the requirements for recycled oil
34 specified in paragraph (3) of subdivision (a), the requirements of
35 subdivision (c), and the requirements of Section 25250.19.

36 (c) Used oil recycling facilities and generators lawfully recycling
37 their own used oil that are the first to claim that recycled oil meets
38 the requirements specified in paragraph (2) of subdivision (b) shall
39 maintain an operating log and copies of certification forms, as
40 specified in Section 25250.19. Any person who generates used

1 oil, and who claims that the used oil is exempt from regulation
2 pursuant to paragraph (1) of subdivision (b), shall notify the
3 department, in writing, of that claim and shall comply with the
4 testing and recordkeeping requirements of Section 25250.19 ~~prior~~
5 ~~to~~ *before* its reuse. In any action to enforce this article, the burden
6 is on the generator or recycling facility, whichever first claimed
7 that the used oil or recycled oil meets the standards and criteria,
8 and on the transporter or the user of the used oil or recycled oil,
9 whichever has possession, to prove that the oil meets those
10 standards and criteria.

11 (d) Used oil shall be managed in accordance with the
12 requirements of this chapter and any additional applicable
13 requirements of Part 279 (commencing with Section 279.1) of
14 Subchapter I of Chapter 1 of Title 40 of the Code of Federal
15 Regulations.

16 ~~SEC. 2.~~

17 *SEC. 3.* Article 7.7 (commencing with Section 10409.1) is
18 added to Chapter 2 of Part 2 of Division 2 of the Public Contract
19 Code, to read:

20

21 Article 7.7. Biosynthetic Lubricant Procurement

22

23 10409.1. The following definitions govern the construction of
24 this article:

25 (a) “ASTM” means the American Society for Testing and
26 Materials.

27 (b) “Biobased content” means the amount of biobased carbon
28 within a biosynthetic lubricant, expressed as a percent of total
29 weight (mass) of the organic carbon within the product, as
30 determined by using the ASTM D6866-12 (standard test methods
31 for determining the biobased content of solid, liquid, and gaseous
32 samples using radiocarbon analysis), as that test method read on
33 January 1, 2013.

34 (c) “Biobased product” means a product that is any of the
35 following:

36 (1) Composed, in whole or in significant part, of biological
37 products, including renewable agricultural materials, algae, and
38 forestry materials.

39 (2) An intermediate ingredient or feedstock material or
40 compound made in whole or in significant part from biological

1 products, including renewable agricultural materials, including
2 plant, animal, and marine materials, including algae, or forestry
3 materials, that are subsequently used to make a more complex
4 compound or product.

5 (d) (1) “Biodegradable” means a substance that meets one of
6 the following requirements, under the conditions specified in
7 paragraph (2):

8 (A) The substance can demonstrate the removal of at least 70
9 percent of dissolved organic carbon.

10 (B) The substance produces at least 60 percent theoretical carbon
11 dioxide.

12 (C) The substance consumes at least 60 percent of the theoretical
13 oxygen demand.

14 (2) The substance meets the requirements specified in paragraph
15 (1) within 28 days of use, as determined under one of the following
16 test methods, as those test methods read on January 1, 2013:

17 (A) OECD Test No. 301 A-F.

18 (B) OECD Test No. 306.

19 (C) OECD Test No. 310.

20 (D) ~~ASTM D5862-2006~~ *D5864-2006* standard test method.

21 (E) ASTM D7373-2007 standard test method.

22 (e) “Biosynthetic lubricant” means a lubricating oil that contains
23 a biobased product.

24 (f) “Lubricating oil” means *motor* oil intended for use in an
25 internal combustion gasoline or diesel engine used in passenger
26 cars, light-duty trucks, or vans.

27 ~~(g) “Minimal standards for biodegradability” means that the~~
28 ~~amount of biobased content within the lubricating oil is not less~~
29 ~~than 25 percent and that the biobased content is biodegradable.~~

30 ~~(h)~~

31 (g) “OECD” means the Organisation for Economic
32 Co-operation and Development.

33 (i)

34 (h) “Procuring agency” means any state agency or any person
35 or entity contracting with, or receiving a grant from, *with* that
36 agency *for the supply of lubricating oil to the state.*

37 10409.2. (a) ~~(1) On~~ *Except as provided in Section 42359.3 of*
38 *the Public Resources Code, on and after January 1, 2016, every*
39 *procuring agency that purchases lubricating oil shall only purchase*
40 *biosynthetic lubricant that meets or exceeds minimal standards for*

1 ~~biodegradability~~ *the requirements of Section 42359.1 of the Public*
 2 *Resources Code.*

3 ~~(2)~~

4 ~~(b) Before January 31, 2016, July 31, 2015,~~ the Department of
 5 General Services shall provide language for a state agency to
 6 include in a contract or grant that implements the provisions of
 7 this subdivision.

8 ~~(b) On and after January 1, 2017, every procuring agency shall~~
 9 ~~purchase lubricating oil from a seller that is in compliance with~~
 10 ~~Section 42359.1 of the Public Resources Code.~~

11 10409.3. Notwithstanding any other law, when procuring
 12 lubricating oil for gasoline or diesel engines used in passenger
 13 cars, ~~light~~ *light-duty* trucks, and vans, a state agency, city, county,
 14 city and county, and district, including a school district and a
 15 community college district, may purchase biosynthetic lubricants
 16 ~~that have a biobased content that meets or exceeds minimal~~
 17 ~~standards for biodegradability~~ *lubricating oil that is in compliance*
 18 *with Section 42359.1 of the Public Resources Code.*

19 ~~SEC. 3.~~

20 *SEC. 4.* Section 12405 is added to the Public Contract Code,
 21 to read:

22 12405. (a) The Department of General Services shall maintain
 23 and update, on the department's "Buying Green" Internet Web
 24 site, a list that contains the names of *biosynthetic* lubricating oil
 25 products that meet ~~or exceed the minimal standards for~~
 26 ~~biodegradability, as defined in Section 10409.1~~ *the requirements*
 27 *of Section 42359.1 of the Public Resources Code.*

28 (b) The Department of General Services shall transmit a copy
 29 of the list described in subdivision (a) to the office of the President
 30 of the University of California to facilitate the University of
 31 California's procurement efforts.

32 ~~SEC. 4.~~

33 *SEC. 5.* Chapter 5.8 (commencing with Section 42359) is added
 34 to Part 3 of Division 30 of the Public Resources Code, to read:

35

36 CHAPTER 5.8. BIOSYNTHETIC LUBRICANT

37

38 42359. The following definitions govern the construction of
 39 this chapter:

1 (a) “ASTM” means the American Society for Testing and
2 Materials.

3 (b) “Biobased content” means the amount of biobased carbon
4 within a biosynthetic lubricant, expressed as a percent of total
5 weight (mass) of the organic carbon within the product, as
6 determined by using the ASTM D6866-12 (standard test methods
7 for determining the biobased content of solid, liquid, and gaseous
8 samples using radiocarbon analysis), as that test method read on
9 January 1, 2013.

10 (c) “Biobased product” means a product that is any of the
11 following:

12 (1) Composed, in whole or in significant part, of biological
13 products, including renewable agricultural materials, algae, and
14 forestry materials.

15 (2) An intermediate ingredient or feedstock material or
16 compound made in whole or in significant part from biological
17 products, including renewable agricultural materials, including
18 plant, animal, and marine materials, including algae, or forestry
19 materials, that are subsequently used to make a more complex
20 compound or product.

21 (d) (1) “Biodegradable” means a substance that meets one of
22 the following requirements, under the conditions specified in
23 paragraph (2):

24 (A) The substance can demonstrate the removal of at least 70
25 percent of dissolved organic carbon.

26 (B) The substance produces at least 60 percent theoretical carbon
27 dioxide.

28 (C) The substance consumes at least 60 percent of the theoretical
29 oxygen demand.

30 (2) The substance meets the requirements specified in paragraph
31 (1) within 28 days of use, as determined under one of the following
32 test methods, as those test methods read on January 1, 2013:

33 (A) OECD Test No. 301 A-F.

34 (B) OECD Test No. 306.

35 (C) OECD Test No. 310.

36 (D) ~~ASTM D5862-2006~~ *D5864-2006* standard test method.

37 (E) ASTM D7373-2007 standard test method.

38 (e) “Biosynthetic lubricant” means a lubricating oil that contains
39 a biobased product.

1 (f) “Lubricating oil” means *motor* oil intended for use in an
2 internal combustion gasoline or diesel engine used in passenger
3 cars, light-duty trucks, or vans.

4 (g) “Minimal standards for biodegradability” means that the
5 amount of biobased content within the lubricating oil is not less
6 than 25 percent and that the biobased content is biodegradable.

7 (h) “OECD” means the Organisation for Economic Co-operation
8 and Development.

9 42359.1. Notwithstanding Article 7 (commencing with Section
10 13460) of Chapter 14 of Division 5 of the Business and Professions
11 Code, on and after January 1, 2017, a person shall not sell
12 lubricating oil in the state unless the *producer of the lubricating*
13 ~~oil does both~~ *has filed with the department a document by which*
14 *the producer verifies compliance with subdivisions (a) to (c),*
15 *inclusive, in accordance with Section 42359.2 and the lubricating*
16 *oil complies with all of the following:*

17 (a) ~~Meets~~ *It is a biosynthetic lubricant and meets or exceeds*
18 *minimal standards for biodegradability, as defined in Section*
19 *42359.*

20 (b) ~~Is~~ *It is at the time of the sale certified for use by the*
21 *American Petroleum Institute’s Engine Oil and Licensing*
22 *Certification System.*

23 (c) (1) *It is, at the time of sale and based on a life-cycle*
24 *analysis, certified by a third party sustainable biomaterials*
25 *certification entity to be both of the following:*

26 (A) *Produced without causing higher greenhouse gas or criteria*
27 *pollutant emissions than comparable petroleum-based lubricant.*

28 (B) *Produced without having significant negative impacts on*
29 *food security.*

30 (2) *If the department has reason to believe that either of the*
31 *certifications provided pursuant to paragraph (1) is not*
32 *scientifically conclusive, the director may require another third*
33 *party sustainable biomaterials certification entity to reexamine*
34 *the certification.*

35 42359.2. (a) *A producer of biosynthetic lubricating oil that is*
36 *intended for sale in the state, at least 90 days before its initial sale,*
37 *shall file with the department a document by which the producer*
38 *verifies that the lubricating oil is in compliance with subdivisions*
39 *(a) to (c), inclusive, of Section 42359.1. The department shall*
40 *acknowledge receipt of this self-verification by providing the*

1 *producer with a unique lubricating oil biodegradability compliance*
2 *number for each product self-verified by the producer. By*
3 *acknowledging receipt of self-verification of compliance, the*
4 *department shall not be deemed to be ensuring the veracity of the*
5 *information provided by the producer.*

6 *(b) A producer of lubricating oil shall verify that the biosynthetic*
7 *lubricating oil is in compliance with Section 42359.1 each time*
8 *the lubricating oil is recertified by the American Petroleum*
9 *Institute's Engine Oil and Licensing Certification System.*

10 ~~42359.2.~~

11 ~~42359.3.~~ On and after ~~January 1, 2016,~~ *July 1, 2015,* the
12 director, in consultation with the advisory committee established
13 pursuant to Section ~~42359.3~~ *42359.4,* may grant a one-year ~~delay~~
14 *delays* of the requirements imposed pursuant to Section 42359.1
15 *and Section 10409.2 of the Public Contract Code* if the director
16 finds that the *biosynthetic* lubricating oil is not commercially
17 available in the state. In deciding whether to grant or deny an
18 extension, the director shall consider, but shall not be bound by,
19 the recommendation of the advisory committee.

20 ~~42359.3.~~

21 ~~42359.4.~~ The director shall establish an advisory committee
22 of nine members appointed by the director. The advisory
23 committee, based upon information submitted to the committee
24 by lubricating oil manufacturers, wholesalers, and retailers, shall
25 consider and recommend approval or denial of a delay pursuant
26 to Section ~~42359.2~~ *42359.3.* The advisory committee shall include
27 representation from the petroleum industry, biosynthetic ~~fuel and~~
28 oil industry, automobile manufacturers and servicing industry,
29 local government stormwater management agencies, and public
30 interest groups.

31 ~~42359.5.~~ *A procuring agency or person subject to the*
32 *provisions of this article may sell, no later than 12 months after*
33 *the date specified in Section 42359.1, or no later than 12 months*
34 *after the end of the last of all extensions granted by the director*
35 *pursuant to Section 42359.3, whichever is the later, lubricating*
36 *oil that does not meet the standards of Section 42359.1 if the*
37 *procuring agency or person legally possessed the lubricating oil*
38 *before the last of these dates. A procuring agency or person that,*
39 *after the last of these dates, sells lubricating oil that does not meet*
40 *the standards of Section 42359.1 shall maintain records for review*

1 *by the department to verify that the lubricating oil sold was in*
2 *legal possession of the seller before those dates.*

3 ~~42359.4.~~

4 42359.6. The department, through the use of social media, shall
5 inform local agencies and individuals of the benefits of biosynthetic
6 lubricating oils and encourage the use of biosynthetic lubricants
7 for their fleets or vehicles.

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10 **CORRECTIONS:**

11 **Text—Pages 4, 5, 14, 16, 17, and 18.**

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