

AMENDED IN ASSEMBLY JUNE 16, 2014

AMENDED IN SENATE MARCH 25, 2014

SENATE BILL

No. 1383

Introduced by Senator Hueso

February 21, 2014

An act to amend Section 42357 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 1383, as amended, Hueso. Plastic products: labeling.

Existing law prohibits the sale of a plastic product labeled as "compostable," "home compostable," or "marine degradable" unless it meets a certain specification, certification, or standard and prohibits the sale of a plastic product that is labeled as "biodegradable," "degradable," "decomposable," or as otherwise specified. The term "plastic product" is defined for purposes of these prohibitions.

This bill would ~~require the Department~~ *additionally prohibit the sale of a plastic product labeled as "soil biodegradable" and would authorize the Director of Resources Recycling and Recovery to adopt a specified standard for the biodegradability of plastics—upon, if the American Society for Testing and Materials—adopting adopts that standard.* ~~The~~ *If the director adopts the ASTM standard specification, the bill would prohibit a person from selling in the state agricultural mulch film, as defined, labeled as biodegradable unless it meets—this standard: that ASTM standard specification.*

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. Section 42357 of the Public Resources Code is
2 amended to read:

3 42357. (a) (1) Except as provided in paragraph (3), a person
4 shall not sell a plastic product in this state that is labeled with the
5 term “compostable,” “home compostable,” or ~~“marine degradable”~~
6 *“marine degradable,” or “soil biodegradable”* unless, at the time
7 of sale, the plastic product meets the applicable ASTM standard
8 specification, as specified in paragraph (1) of subdivision (b) of
9 Section 42356 or, the Vincotte OK Compost HOME certification,
10 as provided in paragraph ~~(4)~~. *(4), or as provided in subdivision*
11 *(e).*

12 (2) Compliance with only a section or a portion of a section of
13 an applicable ASTM standard specification does not constitute
14 compliance with paragraph (1).

15 (3) Notwithstanding paragraph (1), a person may sell a plastic
16 product in this state that is labeled with a qualified claim for a term
17 specified in paragraph (1), if the plastic product meets the relevant
18 standard adopted by the department pursuant to Section 42356.2.

19 (4) (A) A plastic product shall not be labeled with the term
20 “home compostable” unless the manufacturer of that plastic product
21 holds a Vincotte OK Compost HOME certificate of conformity
22 with regard to that product, except as provided in subparagraph
23 (B) or (C).

24 (B) Notwithstanding paragraph (1), if the ASTM adopts a
25 standard specification for the term “home compostable” on or
26 before January 1, 2016, and the department determines that the
27 ASTM standard specification is at least equal to, or more stringent
28 than, the OK Compost HOME certification, a plastic product
29 labeled with the term “home compostable” shall meet that ASTM
30 standard specification. The department may also take the actions
31 specified in Section 42356.1 with regard to an ASTM standard for
32 home compostability.

33 (C) If the department adopts a standard pursuant to Section
34 42356.2, a plastic product labeled with the term “home
35 compostable” shall meet that standard and not the standard
36 specified in subparagraph (A) or (B).

37 (b) Except as provided in subdivision (a) or (e), a person shall
38 not sell a plastic product in this state that is labeled with the term

1 “biodegradable,” “degradable,” or “decomposable,” or any form
2 of those terms, or in any way imply that the plastic product will
3 break down, fragment, biodegrade, or decompose in a landfill or
4 other environment.

5 (c) A manufacturer or supplier, upon the request of a member
6 of the public, shall submit to that member, within 90 days of the
7 request, information and documentation demonstrating compliance
8 with this chapter, in a format that is easy to understand and
9 scientifically accurate.

10 (d) A product that is in compliance with this chapter shall not,
11 solely as a result of that compliance, be deemed to be in compliance
12 with any other applicable marketing requirement or guideline
13 established under state law or by the Federal Trade Commission.

14 (e) (1) ~~Upon the~~ *If the ASTM adoption of adopts* a standard
15 for Work Item ASTM WK29802, New Specification for
16 Aerobically Biodegradable Plastics in Soil Environment in the
17 Temperate Zone, ~~the department shall~~ *director may* adopt that
18 *ASTM standard specification.*

19 (2) A person may sell agricultural mulch film labeled with the
20 term “biodegradable” *only* if it meets ~~the~~ *an ASTM* standard
21 *specification* that the ~~department~~ *director* has adopted pursuant to
22 paragraph (1).

23 (3) For purposes of this subdivision, “agricultural mulch film”
24 means film plastic that is used as a technical tool in commercial
25 farming applications.