

Senate Bill No. 1383

Passed the Senate August 18, 2014

Secretary of the Senate

Passed the Assembly August 14, 2014

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2014, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1383, 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 authorize the labeling of commercial agricultural mulch film, as defined, sold in the state as “soil biodegradable” if it meets a specified standard for biodegradability of plastics adopted by the American Society for Testing and Materials and that standard is also adopted by the Director of Resources Recycling and Recovery.

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

SECTION 1. Section 42357 of the Public Resources Code is amended to read:

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

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

(3) Notwithstanding paragraph (1), a person may sell a plastic product in this state that is labeled with a qualified claim for a term

specified in paragraph (1), if the plastic product meets the relevant standard adopted by the department pursuant to Section 42356.2.

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

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

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

(b) Except as provided in subdivision (a) or (e), a person shall not sell a plastic product in this state that is labeled with the term “biodegradable,” “degradable,” or “decomposable,” or any form of those terms, or in any way imply that the plastic product will break down, fragment, biodegrade, or decompose in a landfill or other environment.

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

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

(e) (1) If the ASTM adopts a standard for Work Item ASTM WK29802, New Specification for Aerobically Biodegradable Plastics in Soil Environment in the Temperate Zone, the director may adopt that ASTM standard specification.

(2) A person may sell commercial agricultural mulch film labeled with the term “soil biodegradable” only if it meets an ASTM standard specification that the director has adopted pursuant to paragraph (1).

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

Approved _____, 2014

Governor