

ASSEMBLY BILL

No. 1435

Introduced by Assembly Member Alejo

(Principal coauthors: Assembly Members Bigelow and Cooper)

(Principal coauthor: Senator Cannella)

**(Coauthors: Assembly Members Calderon, Dodd, Eggman, Gordon,
Gray, and Olsen)**

(Coauthor: Senator Galgiani)

February 27, 2015

An act to amend Section 25214.12 of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1435, as introduced, Alejo. Hazardous waste: toxics: packaging.

The Toxics in Packaging Prevention Act generally prohibits a manufacturer or supplier from offering for sale or for promotional purposes in this state a package or packaging component that includes intentionally introduced lead, mercury, cadmium, or hexavalent chromium in the package or in a packaging component. The act defines the term “package” as meaning any container that provides a means of marketing, protecting, or handling a product and specifies that a package does not include a reusable bag.

This bill would also exclude a “glass beverage container” and a “glass food or drink container” from the definition of “package.”

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 25214.12 of the Health and Safety Code
2 is amended to read:

3 25214.12. For purposes of this article, the following terms have
4 the following meanings:

5 (a) "Authorized official" means a representative of a
6 manufacturer or supplier who is authorized pursuant to the laws
7 of this state to bind the manufacturer or supplier regarding the
8 accuracy of the content of a certificate of compliance.

9 (b) "ASTM" means ~~the American Society for Testing and~~
10 ~~Materials~~ *ASTM International*.

11 (c) "Distribution" means the practice of taking title to a package
12 or a packaging component for promotional purposes or resale. A
13 person involved solely in delivering a package or a packaging
14 component on behalf of a third party is not engaging in distribution.

15 (d) (1) "Intentional introduction" means the act of deliberately
16 utilizing a regulated metal in the formation of a package or
17 packaging component where its continued presence is desired in
18 the final package or packaging component to provide a specific
19 characteristic, appearance, or quality.

20 (2) "Intentional introduction" does not include either of the
21 following:

22 (A) The use of a regulated metal as a processing agent or
23 intermediate to impart certain chemical or physical changes during
24 manufacturing, where the incidental retention of a residue of that
25 metal in the final package or packaging component is not desired
26 or deliberate, if the final package or packaging component is in
27 compliance with subdivision (c) of Section 25214.13.

28 (B) The use of recycled materials as feedstock for the
29 manufacture of new packaging materials, where some portion of
30 the recycled materials may contain amounts of a regulated metal,
31 if the new package or packaging component is in compliance with
32 subdivision (c) of Section 25214.13.

33 (e) "Incidental presence" means the presence of a regulated
34 metal as an unintended or undesired ingredient of a package or
35 packaging component.

36 (f) "Manufacturer" means any person, firm, association,
37 partnership, or corporation producing a package or packaging
38 component.

1 (g) “Manufacturing” means the physical or chemical
2 modification of a material to produce packaging or a packaging
3 component.

4 (h) (1) Except as provided in paragraph (2), “package” means
5 any container, produced either domestically or in a foreign country,
6 providing a means of marketing, protecting, or handling a product
7 from its point of manufacture to its sale or transfer to a consumer,
8 including a unity package, an intermediate package, or a shipping
9 container, as defined in the ASTM specification D996. “Package”
10 also includes, but is not limited to, unsealed receptacles, including
11 carrying cases, crates, cups, pails, rigid foil and other trays,
12 wrappers and wrapping films, bags, and tubs.

13 (2) “Package” does not include *any of the following*:

14 (A) A “glass beverage container,” as defined in Section 14513
15 of the Public Resources Code.

16 (B) A “glass food or drink container,” as defined in Section
17 14513.3 of the Public Resources Code.

18 (C) A reusable bag, as defined in subdivision (d) of Section
19 42250 of the Public Resources Code.

20 (i) “Packaging component” means any individual assembled
21 part of a package that is produced either domestically or in a
22 foreign country, including, but not necessarily limited to, any
23 interior or exterior blocking, bracing, cushioning, weatherproofing,
24 exterior strapping, coatings, closures, inks, labels, dyes, pigments,
25 adhesives, stabilizers, or any other additives. Tin-plated steel that
26 meets the ASTM specification A 623 shall be considered as a single
27 package component. Electrogalvanized coated steel and hot dipped
28 coated galvanized steel that meet the ASTM qualifications A 591,
29 A 653, A 879, and A 924 shall be treated in the same manner as
30 tin-plated steel.

31 (j) “Purchaser” means a person who purchases and takes title
32 to a package or a packaging component, from a manufacturer or
33 supplier, for the purpose of packaging a product manufactured,
34 distributed, or sold by the purchaser.

35 (k) “Recycled material” means a material that has been separated
36 from solid waste for the purpose of recycling the material as a
37 secondary material feedstock. Recycled materials include paper,
38 plastic, wood, glass, ceramics, metals, and other materials, except
39 that recycled material does not include a regulated metal that has

1 been separated from other materials into its elemental or other
2 chemical state for recycling as a secondary material feedstock.

3 (l) “Regulated metal” means lead, mercury, cadmium, or
4 hexavalent chromium.

5 (m) (1) “Supplier” means a person who does or is one or more
6 of the following:

7 (A) Sells, offers for sale, or offers for promotional purposes, a
8 package or packaging component that is used by any other person
9 to package a product.

10 (B) Takes title to a package or packaging component, produced
11 either domestically or in a foreign country, that is purchased for
12 resale or promotional purposes.

13 (C) Acts as an intermediary for the purchase of a package or
14 packaging component for resale from a manufacturer located in
15 another country to a purchaser located in this state, and who may
16 receive a commission or a fee on that sale.

17 (D) Listed as the importer of record on a United States Customs
18 Service form for an imported package or packaging component.

19 (2) “Supplier” does not include a person involved solely in
20 delivering a package or packaging component on behalf of a third
21 party.

22 (n) “Toxics in Packaging Clearinghouse” means the Toxics in
23 Packaging Clearinghouse (TPCH) of the Council of State
24 Governments.