

AMENDED IN ASSEMBLY APRIL 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2530**

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**Introduced by Assembly Member Gordon**

February 19, 2016

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An act to add Sections 14549.3 and 14575.2 to the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 2530, as amended, Gordon. Recycling: beverage containers.

Existing law, the California Beverage Container Recycling and Litter Reduction Act, requires that every beverage container sold or offered for sale in this state have a minimum refund value. A beverage distributor is required to pay a redemption payment to the Department of Resources Recycling and Recovery for every beverage container sold or offered for sale in the state to a dealer, and the department is required to deposit those amounts in the California Beverage Container Recycling Fund. The act defines the term "beverage" for these purposes to include certain types of products in liquid, ready-to-drink form, and also excludes specified products from the definition of "beverage."

This bill, beginning January 1, 2018, would require a manufacturer of a beverage sold in a plastic beverage container to clearly indicate through labeling the average percentage of postconsumer recycled content in the beverage container, ~~subject to certification by a 3rd party certification entity, as specified.~~ *container and would require a manufacturer to use one or more of several specified methods of determining the average percentage of postconsumer recycled content for labeling or making a claim about the postconsumer recycled content of plastic beverage containers.*

Existing law provides for the department to reduce processing fees paid by beverage manufacturers under certain circumstances.

This bill would require a beverage manufacturer to demonstrate compliance with the labeling provisions annually to the Department of Resources Recycling and Recovery, and would prohibit the department from reducing processing fees unless the manufacturer demonstrates compliance.

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 14549.3 is added to the Public Resources  
2 Code, to read:

3 14549.3. (a) On and after January 1, 2018, a manufacturer of  
4 a beverage sold in a plastic beverage container shall clearly indicate  
5 through labeling the average percentage of postconsumer recycled  
6 content in the beverage container by either printing or embossing  
7 the beverage container or by securely affixing a clear and  
8 prominent stamp, label, or other device to the beverage container.  
9 The indication of postconsumer recycled content shall follow the  
10 size and format requirements described in paragraph (2) of  
11 subdivision (b) of Section 2200 of Title 14 of the *California Code*  
12 ~~of California Regulations.~~

13 (b) For purposes of ~~determining~~ *making a claim of postconsumer*  
14 *recycled content* and labeling the average percentage of  
15 postconsumer recycled content of plastic beverage containers, a  
16 manufacturer of a beverage shall utilize one or ~~both more~~ of the  
17 ~~following approaches:~~ *following:*

18 (1) The average ~~amount~~ *percentage* of postconsumer recycled  
19 content in all *plastic* beverage containers sold by the manufacturer  
20 in the state during the previous year.

21 (2) The average ~~amount~~ *percentage* of postconsumer recycled  
22 content in ~~a specified type of beverage container.~~ *the plastic*  
23 *beverage containers sold by the manufacturer in the state from*  
24 *the product line that carries the claim.*

25 (3) *Any other reasonable methodology for determining minimum*  
26 *postconsumer recycled content for a claim that is consistent with*  
27 *the Federal Trade Commission’s Guides for the Use of*  
28 *Environmental Marketing Claims (16 C.F.R. Part 260).*

1 (c) Any claim of recycled content made pursuant to this section  
2 shall be accurate and consistent with the Federal Trade  
3 Commission's Guides for the Use of Environmental Marketing  
4 Claims (16 C.F.R. Part 260).

5 (e)

6 (d) A manufacturer may use an independent third-party  
7 certification entity ~~shall~~ to certify that the manufacturer's plastic  
8 beverage containers meet the requirements of this section. ~~The~~  
9 ~~third-party certification entity shall be an independent, accredited~~  
10 ~~(ISO/IEC 17025) laboratory.~~

11 (d)

12 (e) This section does not apply to a refillable plastic beverage  
13 container.

14 SEC. 2. Section 14575.2 is added to the Public Resources Code,  
15 to read:

16 14575.2. (a) A manufacturer of a beverage sold in a plastic  
17 beverage container shall demonstrate compliance with Section  
18 14549.3 to the department on an annual basis.

19 (b) Notwithstanding subdivision (e) of Section 14575, the  
20 department shall not reduce the processing fee requirements for a  
21 beverage manufacturer for a plastic container sold in this state  
22 unless the manufacturer demonstrates to the department that the  
23 plastic beverage container complies with the labeling requirements  
24 of Section 14549.3, regardless of whether the plastic beverage  
25 container is manufactured in this state.