

AMENDED IN ASSEMBLY JUNE 1, 2016

AMENDED IN ASSEMBLY APRIL 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2530

Introduced by Assembly Member Gordon

February 19, 2016

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~~ *March* 1, 2018, would require a manufacturer of a beverage sold in a plastic beverage container to ~~clearly indicate through labeling~~ *report to the department* the average percentage of postconsumer recycled content ~~in the beverage container~~ *containers sold in the state by the manufacturer in the previous year* 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: *content*.

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

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

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 or before March 1, 2018,~~
4 ~~and annually thereafter;~~ a manufacturer of a beverage sold in a
5 plastic beverage container shall ~~clearly indicate through labeling~~
6 ~~report to the department~~ the average percentage of postconsumer
7 recycled content in ~~the plastic beverage container by either printing~~
8 ~~or embossing the beverage container or by securely affixing a clear~~
9 ~~and prominent stamp, label, or other device to the beverage~~
10 ~~container. The indication of postconsumer recycled content shall~~
11 ~~follow the size and format requirements described in paragraph~~
12 ~~(2) of subdivision (b) of Section 2200 of Title 14 of the California~~
13 ~~Code of Regulations:~~ *containers sold by the manufacturer in the*
14 *state in the previous calendar year.*

15 (b) *The department shall post the information reported pursuant*
16 *to subdivision (a) on the department’s Internet Web site.*

17 ~~(b)~~

18 (c) For purposes of making a claim of postconsumer recycled
19 ~~content and labeling the average percentage of postconsumer~~
20 ~~recycled content of plastic beverage containers;~~ *content pursuant*
21 *to subdivision (a),* a manufacturer of a beverage shall utilize one
22 or more of the following:

23 (1) The average percentage of postconsumer recycled content
24 in all plastic beverage containers sold by the manufacturer in the
25 state during the previous year.

1 (2) The average percentage of postconsumer recycled content
2 in the plastic beverage containers sold by the manufacturer in the
3 state from the product line that carries the claim.

4 (3) Any other reasonable methodology for determining minimum
5 postconsumer recycled content for a claim that is consistent with
6 the Federal Trade Commission's Guides for the Use of
7 Environmental Marketing Claims (16 C.F.R. Part 260).

8 (e)

9 (d) Any claim of recycled content made pursuant to this section
10 shall be accurate and consistent with the Federal Trade
11 Commission's Guides for the Use of Environmental Marketing
12 Claims (16 C.F.R. Part 260).

13 (d)

14 (e) A manufacturer may use an independent third-party
15 certification entity to certify that the manufacturer's plastic
16 beverage containers meet *container postconsumer recycled content*
17 *report pursuant to subdivision (a)* meets the requirements of this
18 section.

19 (e)

20 (f) This section does not apply to a refillable plastic beverage
21 container.

22 SEC. 2. Section 14575.2 is added to the Public Resources Code,
23 to read:

24 14575.2. (a) A manufacturer of a beverage sold in a plastic
25 beverage container shall demonstrate compliance with Section
26 14549.3 to the department on an annual basis.

27 (b) ~~Notwithstanding subdivision (e) of Section 14575, the~~
28 ~~department shall not reduce the processing fee requirements for a~~
29 ~~beverage manufacturer for a plastic container sold in this state~~
30 ~~unless the manufacturer demonstrates to the department that the~~
31 ~~plastic beverage container complies with the labeling requirements~~
32 ~~of Section 14549.3, regardless of whether the plastic beverage~~
33 ~~container is manufactured in this state.~~