

AMENDED IN SENATE JUNE 15, 2016

AMENDED IN ASSEMBLY JUNE 1, 2016

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~~ *Section* 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.~~ *value, and requires a beverage manufacturer to indicate on all beverage containers sold or offered for sale in the state the message "California Redemption Value" or one of similar alternative messages, as specified.* 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 March 1, 2018, would require a manufacturer of a beverage sold in a plastic beverage container *subject to the California Redemption Value to annually report to the department, under penalty*

*of perjury, the average percentage of postconsumer recycled content in beverage 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 making a claim about the postconsumer recycled content. The bill would require a beverage manufacturer to demonstrate compliance with those provisions annually to the department. amount of virgin plastic and postconsumer recycled plastic used by the manufacturer for plastic beverage containers subject to the California Redemption Value for sale in the state in the previous calendar year. By expanding the crime of perjury, the bill would impose a state-mandated local program. The bill would require the department to post the information reported on the department's Internet Web site.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: ~~no~~-yes.

*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 or before March 1, 2018, and annually
- 4 thereafter, a manufacturer of a beverage sold in a plastic beverage
- 5 container *subject to the California Redemption Value* shall report
- 6 to the department ~~the average percentage~~ *amount of virgin plastic*
- 7 ~~and postconsumer recycled content in plastic beverage containers~~
- 8 ~~used by the manufacturer for plastic beverage containers~~
- 9 ~~subject to the California Redemption Value for sale in the state in~~
- 10 ~~the previous calendar year. The manufacturer shall submit this~~
- 11 ~~information to the department under penalty of perjury.~~
- 12 (b) The department shall post the information reported pursuant
- 13 to subdivision (a) on the department's Internet Web site.
- 14 (c) ~~For purposes of making a claim of postconsumer recycled~~
- 15 ~~content pursuant to subdivision (a), a manufacturer of a beverage~~
- 16 ~~shall utilize one or more of the following:~~

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

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

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

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

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

19 ~~(f)~~

20 ~~(c) 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 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 *SEC. 2. No reimbursement is required by this act pursuant to*  
28 *Section 6 of Article XIII B of the California Constitution because*  
29 *the only costs that may be incurred by a local agency or school*  
30 *district will be incurred because this act creates a new crime or*  
31 *infraction, eliminates a crime or infraction, or changes the penalty*  
32 *for a crime or infraction, within the meaning of Section 17556 of*  
33 *the Government Code, or changes the definition of a crime within*  
34 *the meaning of Section 6 of Article XIII B of the California*  
35 *Constitution.*