

Introduced by Senator Hueso

February 26, 2015

An act to amend Sections 42356 and 42357 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 509, as introduced, 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 ASTM International and that standard is also adopted by the Director of Resources Recycling and Recovery. The bill also would make nonsubstantive changes relating to the definition of ASTM International.

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 42356 of the Public Resources Code is
- 2 amended to read:
- 3 42356. For purposes of this chapter, the following definitions
- 4 apply:

- 1 (a) “ASTM” means *ASTM International, which was formerly*
2 *known as* the American Society for Testing and Materials.
- 3 (b) (1) “ASTM standard specification” means one of the
4 following:
- 5 (A) The ASTM Standard Specification for Compostable Plastics
6 D6400, as published in September 2004, except as provided in
7 subdivision (c) of Section 42356.1.
- 8 (B) The ASTM Standard Specification for Non-Floating
9 Biodegradable Plastics in the Marine Environment D7081, as
10 published in August 2005, except as provided in subdivision (c)
11 of Section 42356.1.
- 12 (C) The ASTM Standard Specification for Biodegradable
13 Plastics Used as Coatings on Paper and Other Compostable
14 Substrates D6868, as published in August 2003, except as specified
15 in subdivision (c) of Section 42356.1.
- 16 (2) “ASTM standard specification” does not include an ASTM
17 Standard Guide, a Standard Practice, or a Standard Test Method.
- 18 (c) “Department” means the Department of Resources Recycling
19 and Recovery.
- 20 (d) “Manufacturer” means a person, firm, association,
21 partnership, or corporation that produces a plastic product.
- 22 (e) “OK home compost” means conformity with the existing
23 Vincotte certification “OK Compost HOME certification” which,
24 as of January 1, 2011, uses European Norm 13432 standard adapted
25 to low-temperature composting in accordance with the Vincotte
26 program “OK 2-Home Compostability of Products.”
- 27 (f) “Plastic product” means a product made of plastic, whether
28 alone or in combination with other material, including, but not
29 limited to, paperboard. A plastic product includes, but is not limited
30 to, any of the following:
- 31 (1) (A) A consumer product.
- 32 (B) For purposes of this paragraph, “consumer product” means
33 a product or part of a product that is used, bought, or leased for
34 use by a person for any purpose.
- 35 (2) A package or a packaging component.
- 36 (3) A bag, sack, wrap, or other thin plastic sheet film product.
- 37 (4) A food or beverage container or a container component,
38 including, but not limited to, a straw, lid, or utensil.
- 39 (g) “Supplier” means a person who does one or more of the
40 following:

1 (1) Sells, offers for sale, or offers for promotional purposes, a
2 plastic product that is used.

3 (2) Takes title to a plastic product, produced either domestically
4 or in a foreign country, that is purchased for resale or promotional
5 purposes.

6 (h) “Vincotte certification” means a certification of a European
7 norm (EN) standard adopted by the Belgian-accredited inspection
8 and certification organization Vincotte.

9 SEC. 2. Section 42357 of the Public Resources Code is
10 amended to read:

11 42357. (a) (1) Except as provided in paragraph (3), a person
12 shall not sell a plastic product in this state that is labeled with the
13 term “compostable,” “home compostable,” or “marine degradable”
14 unless, at the time of sale, the plastic product meets the applicable
15 ASTM standard specification, as specified in paragraph (1) of
16 subdivision (b) of Section ~~42356~~ 42356, or the Vincotte OK
17 Compost HOME certification, as provided in paragraph (4).

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

21 (3) Notwithstanding paragraph (1), a person may sell a plastic
22 product in this state that is labeled with a qualified claim for a term
23 specified in paragraph (1), if the plastic product meets the relevant
24 standard adopted by the department pursuant to Section 42356.2.

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

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

39 (C) If the department adopts a standard pursuant to Section
40 42356.2, a plastic product labeled with the term “home

1 compostable” shall meet that standard and not the standard
2 specified in subparagraph (A) or (B).

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

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

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

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

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

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