

AMENDED IN ASSEMBLY JUNE 23, 1997

AMENDED IN SENATE MAY 13, 1997

AMENDED IN SENATE MAY 5, 1997

AMENDED IN SENATE APRIL 14, 1997

SENATE BILL

No. 698

Introduced by Senator Rainey

February 25, 1997

An act to amend Sections 42291, 42292, 42293, and 42297 of, to add Section 42290.5 to, and to add and repeal Sections 42291.5 and 42294.1 of, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 698, as amended, Rainey. Plastic trash bags.

Existing law, the California Integrated Waste Management Act of 1989, administered by the California Integrated Waste Management Board, establishes an integrated waste management program.

The act requires every manufacturer that manufactures plastic trash bags of 0.75 mil or greater thickness to ensure that at least 30% of the materials used in those plastic bags is recycled plastic postconsumer material.

This bill would state legislative intent regarding the diversion of polyethylene from landfills.

The bill would, until January 1, 2001, instead require each manufacturer of those plastic trash bags, as defined, sold in this state during specified calendar years to make prescribed

calculations pertaining to the total weight of plastic trash bags sold in this state, to determine the recycled postconsumer material factor for the manufacturer for the next calendar year and to certify to the board that it used the prescribed amount.

The bill would make conforming changes and prescribe related matters.

The bill would require the board, for every pound of postconsumer material purchased from a source of postconsumer material for use in the manufacture of plastic trash bags, to credit the manufacturer so certifying with having used 1.2 pounds of postconsumer material toward compliance with the certification requirements.

The bill would require the board to submit a report, as prescribed, to the Legislature by April 1, 2000.

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 42290.5 is added to the Public
2 Resources Code, to read:

3 42290.5. To encourage waste diversion of
4 polyethylene from California landfills as well as to
5 encourage California's postconsumer market
6 development, it is the intent of the Legislature that any
7 certification of postconsumer materials used for
8 compliance with this chapter not be the same materials
9 that are certified or used for compliance with any other
10 state requirement or with any federal requirement that
11 requires the use or reporting of postconsumer materials
12 for plastic trash bags.

13 SEC. 2. Section 42291 of the Public Resources Code is
14 amended to read:

15 42291. (a) Until January 1, 1998, and on and after
16 January 1, 2001, every manufacturer that manufactures
17 plastic trash bags of 1.0 mil or greater thickness for sale in
18 this state shall ensure that at least 10 percent of the
19 material used in those plastic trash bags is recycled plastic
20 postconsumer material.



1 (b) (1) For the 1996 calendar year, every
2 manufacturer that manufactures plastic trash bags of 0.75
3 mil or greater thickness for sale in this state shall ensure
4 that at least 20 percent of the material used in those
5 plastic trash bags is recycled postconsumer material.

6 (2) For the 1997 calendar year, every manufacturer
7 that manufactures plastic trash bags of 0.75 mil or greater
8 thickness for sale in this state shall ensure that at least 30
9 percent of the material used in those plastic trash bags is
10 recycled plastic postconsumer material.

11 ~~(3) (A)~~

12 (c) (1) The manufacturer's required use of recycled
13 plastic postconsumer material for the 1998, 1999, and 2000
14 calendar years shall be determined pursuant to this
15 ~~paragraph subdivision.~~

16 ~~(B) (i)~~

17 (2) (A) (i) Every manufacturer that manufactured
18 plastic trash bags of 0.75 mil or greater thickness for sale
19 in this state prior to January 1, 1996, shall determine the
20 total weight in pounds of plastic trash bags of 0.75 mil or
21 greater thickness manufactured for sale in this state in the
22 1996 calendar year. ~~That total weight~~

23 (ii) *The total weight determined pursuant to clause*
24 *(i) shall be multiplied by 0.3 and then divided by the total*
25 *weight of plastic trash bags of any thickness sold in the*
26 *state in the 1996 calendar year to determine the recycled*
27 *plastic postconsumer material factor for the*
28 *manufacturer for the respective year.*

29 ~~(ii)~~

30 (B) The recycled plastic postconsumer material factor
31 determined pursuant to ~~clause (i) subparagraph (A)~~ shall
32 be multiplied by the total weight of plastic trash bags of
33 any thickness sold in this state in a calendar year to
34 determine the manufacturer's required use of recycled
35 plastic postconsumer material for the next calendar year.

36 ~~(C)~~

37 (3) *Any manufacturer who manufactured plastic trash*
38 *bags and received an exemption pursuant to former*
39 *Section 42298, as added by Section 2 of Chapter 821 of the*
40 *Statutes of 1995, in the 1996 calendar year, and*



1 *manufactured plastic trash bags subject to a variance*
2 *granted by the board pursuant to Section 42298, as added*
3 *by Section 3 of Chapter 821 of the Statutes of 1995, may*
4 *determine the required use of recycled plastic*
5 *postconsumer material subject to this subdivision by*
6 *doing all of the following:*

7 (A) *Excluding plastic trash bags that received an*
8 *exemption from the determination in clause (i) of*
9 *subparagraph (A) of paragraph (2).*

10 (B) *When determining the total weight of plastic trash*
11 *bags of any thickness sold in this state in the 1996 calendar*
12 *year pursuant to clause (ii) of subparagraph (A) of*
13 *paragraph (2), excluding plastic trash bags that received*
14 *an exemption, and all plastic trash bags that used adhesive*
15 *heat-affixed straps attached to the bag during the*
16 *manufacturing process, from that determination.*

17 (C) *Excluding plastic trash bags subject to a variance*
18 *granted by the board from the determination required by*
19 *subparagraph (B) of paragraph (2).*

20 (4) *Every manufacturer of plastic trash bags that did*
21 *not sell plastic trash bags in this state prior to January 1,*
22 *1996, shall use the highest recycled plastic postconsumer*
23 *material factor determined by manufacturers pursuant to*
24 *subparagraph—(B) paragraph (2) for the previous*
25 *calendar year. That factor shall be multiplied by the total*
26 *weight of plastic trash bags of any thickness sold in this*
27 *state in each calendar year to determine the*
28 *manufacturer's required use of recycled plastic*
29 *postconsumer material for the next calendar year.*

30 ~~(4)~~

31 (5) *Every manufacturer subject to this subdivision*
32 *shall certify to the board that it has used the required*
33 *amount of recycled plastic postconsumer material*
34 *annually in its national production of trash bags.*

35 (d) *On and after January 1, 2001, every manufacturer*
36 *that manufactures plastic trash bags of 0.75 mil or greater*
37 *thickness for sale in this state shall ensure that at least 30*
38 *percent of the material used in those plastic trash bags is*
39 *recycled plastic postconsumer material.*



1 ~~(c) Every manufacturer subject to this section shall~~
2 ~~certify to the board that it used the required amount of~~
3 ~~recycled plastic postconsumer material annually in its~~
4 ~~national production of trash bags.~~

5 ~~(d)~~

6 (e) If any manufacturer subject to this section is
7 unable to obtain sufficient amounts of recycled plastic
8 postconsumer material to comply with this section within
9 a reporting period because of unavailability or because
10 the available material did not meet recycled plastic
11 postconsumer material quality standards adopted by the
12 board, the manufacturer shall certify that fact to the
13 board. Each manufacturer making that certification shall
14 make a reasonable effort to identify available supplies of
15 material before submitting certification to the board.

16 SEC. 3. Section 42291.5 is added to the Public
17 Resources Code, to read:

18 42291.5. (a) For each pound of recycled plastic
19 postconsumer material purchased from a source of
20 recycled plastic postconsumer material in this state for
21 use in the manufacture of plastic trash bags, the board
22 shall credit the manufacturer certifying pursuant to
23 Section 42293 with having used 1.2 pounds of recycled
24 plastic postconsumer material toward compliance with
25 the requirements of Section 42291.

26 (b) This section shall remain in effect only until
27 January 1, 2001, and as of that date is repealed.

28 SEC. 4. Section 42292 of the Public Resources Code is
29 amended to read:

30 42292. Each manufacturer shall obtain from its
31 suppliers of recycled plastic postconsumer material for
32 use in the manufacture of plastic trash bags a statement
33 identifying the quantity, source location, and proximate
34 prior usage of, and the actual postconsumer material
35 content of, each shipment of recycled plastic
36 postconsumer material purchased by the manufacturer,
37 and any other information that the board, may, by
38 regulation, require the manufacturer to obtain from its
39 suppliers, for purposes of inclusion in the annual report
40 required by Section 42293.



1 SEC. 5. Section 42293 of the Public Resources Code is
2 amended to read:

3 42293. (a) Commencing on or before March 1, 1994,
4 and annually thereafter, each manufacturer shall submit
5 a report to the board certifying that it has complied with
6 Section 42291 during the preceding calendar year,
7 certifying the name and physical location of each of its
8 suppliers of recycled plastic postconsumer material for
9 use in the manufacture of plastic trash bags, and
10 containing the information obtained pursuant to Section
11 42292 and any other information that the board may
12 require by regulation. Any manufacturer that processes
13 its own recycled plastic postconsumer material shall
14 certify to the board that it is the supplier of the material.

15 (b) On or before April 1, 2000, the board shall submit
16 a report to the Legislature that does the following:

17 (1) Identifies the name and physical location of
18 suppliers certified by manufacturers pursuant to
19 subdivision (a).

20 (2) Identifies the quantity of recycled plastic
21 postconsumer material provided by suppliers within the
22 state and the quantity of the material provided by
23 suppliers outside the state.

24 (3) Provides recommendations regarding recycled
25 plastic postconsumer material content requirements
26 based on the availability of that material.

27 SEC. 6. Section 42294.1 is added to the Public
28 Resources Code, to read:

29 42294.1. (a) Each wholesaler of plastic trash bags of
30 any other thickness not specified in Section 42294 sold in
31 this state shall certify to the board the name and physical
32 location of each manufacturer from whom it purchased
33 plastic trash bags for purposes of inclusion in the annual
34 report required by subdivision (c) of Section 42294.

35 (b) This section shall remain in effect only until
36 January 1, 2001, and as of that date is repealed.

37 SEC. 7. Section 42297 of the Public Resources Code is
38 amended to read:

39 42297. (a) The board may adopt such regulations as
40 it determines are necessary to more specifically define



1 terms for purposes of the chapter and to otherwise
2 implement this chapter.

3 (b) Commencing on or before July 1, 1994, and
4 annually thereafter, the board shall publish a list of any
5 suppliers, manufacturers, or wholesalers who have failed
6 to comply with this chapter.

7 (c) (1) Any supplier, manufacturer, or wholesaler,
8 and any of its divisions, subsidiaries, or successors, who
9 fails to comply with this chapter, shall be ineligible for the
10 award of any state contract or subcontract, or for the
11 renewal, extension, or modification of an existing
12 contract or subcontract, until the board determines that
13 it is in compliance with this chapter.

14 (2) No state agency shall solicit offers from, award
15 contracts to, or renew, extend, or modify a current
16 contract or subcontract with, any supplier, manufacturer,
17 or wholesaler, or any of its divisions, subsidiaries, or
18 successors, who fails to comply with this chapter until the
19 board determines that it is in compliance with this
20 chapter.

