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AB-906 Beverage containers: polyethylene terephthalate. (2017-2018)

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Assembly Bill No. 906

CHAPTER 823

An act to add Section 18013 to the Public Resources Code, relating to solid waste.

[Approved by Governor October 15, 2017. Filed with Secretary of State October 15, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 906, Bloom. Beverage containers: polyethylene terephthalate.

Existing law requires that all rigid plastic bottles and rigid plastic containers sold in California be labeled with a code indicating the resin used to produce those bottles or containers. Existing law, among other things, specifies that the number 1 is to be used for bottles or containers that are made of polyethylene terephthalate. Under existing law, it is a crime to manufacture rigid plastic bottles or rigid plastic containers for use in California that are not properly labeled.

This bill would, on and after October 1, 2018, define polyethylene terephthalate for the purposes of the labeling requirement as a plastic having certain characteristics, including, among other things, a melting peak temperature, as determined by a specified procedure, within a specified temperature range. Because the mislabeling of a bottle or container made of polyethylene terephthalate that does not meet those physical characteristics would be a crime, this bill would impose a state-mandated local program.

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 Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 18013 is added to the Public Resources Code, to read:

18013. "Polyethylene terephthalate" means a plastic derived from a reaction between terephthalic acid or dimethyl terephthalate and monoethylene glycol as to which both of the following conditions are satisfied:

(a) The terephthalic acid or dimethyl terephthalate and monoethylene glycol reacted constitutes at least 90 percent of the mass of the monomer reacted to form the polymer.

(b) The plastic exhibits a melting peak temperature that is between 225 degrees Celsius and 255 degrees Celsius, as determined during the second thermal scan using procedure 10.1 as set forth in ASTM International (ASTM) D3418 with a heating rate of a sample at 10 degrees Celsius per minute.

(c) This section becomes operative on October 1, 2018.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.