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AB-1294 Solid waste: plastic products. (2017-2018)

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Date Published: 10/12/2017 02:00 PM

Assembly Bill No. 1294

CHAPTER 664

An act to amend Section 42357.6 of the Public Resources Code, relating to solid waste.

[Approved by Governor October 11, 2017. Filed with Secretary of State October 11, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1294, Berman. Solid waste: plastic products.

Existing law prohibits the sale of a plastic product, as defined, labeled as "compostable," "home compostable," or "marine degradable" unless it meets specified ASTM International standard specifications, the OK Compost HOME certification, as specified, or a standard adopted by the department, or unless the plastic product is labeled with a qualified claim for which the department has adopted an existing standard, and the plastic product meets that standard. Existing law prohibits the sale of a plastic product that is labeled as "biodegradable," "degradable," "decomposable," or as otherwise specified. Existing law, until January 1, 2018, requires a manufacturer or supplier of plastic products making an environmental marketing claim relating to the recycled content of a plastic food container product to maintain specified information and documentation in written form in its records in support of that claim. Existing law provides for the imposition of a civil penalty by a city, county, or the state for a violation of those provisions.

This bill would extend indefinitely the provision concerning recycled content marketing claims.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

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

SECTION 1. Section 42357.6 of the Public Resources Code is amended to read:

42357.6. (a) For purposes of this section, "plastic food container product" means a product made of plastic that includes a tray, clamshell container, or other receptacle and that is used, or intended to be used, to hold food.

(b) A manufacturer or supplier making an environmental marketing claim relating to the recycled content of a plastic food container product shall maintain information and documentation, which shall be in written form in its records, of both of the following in support of that claim:

(1) The recycled content for materials has been recovered or otherwise diverted from the solid waste stream either during the manufacturing process (preconsumer) or after consumer use (postconsumer).

(2) The recycled content claim conforms to the uniform standards for recycled content contained in the Federal Trade Commission Guides for the Use of Environmental Marketing Claims (16 C.F.R. Part 260).

(c) A manufacturer or supplier shall furnish the information and documentation that it is required to maintain pursuant to this section to any member of the public upon request or provide the information and documentation by furnishing a link to a document on its Internet Web site containing the information and documentation.

(d) This section does not limit the requirements of this chapter or any other provision of law.