



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

AB-2287 Solid waste. (2019-2020)

SHARE THIS:  

Date Published: 09/30/2020 09:00 PM

Assembly Bill No. 2287

CHAPTER 281

An act to amend Sections 42005.5, 42356, 42357, 42649.1, 42649.2, 42649.8, and 42649.81 of the Public Resources Code, relating to solid waste.

[Approved by Governor September 29, 2020. Filed with Secretary of State September 29, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2287, Eggman. Solid waste.

(1) Existing law prohibits a person from selling a plastic product in the state that is labeled with the term "compostable," "home compostable," or "marine degradable" unless, at the time of sale, the plastic product meets the applicable ASTM standard specification or the Vincotte OK Compost HOME certification, as provided. Existing law prohibits the sale of a plastic product that is labeled as "biodegradable," "degradable," or "decomposable," and prohibits implying that a plastic product will break down, fragment, biodegrade, or decompose in a landfill or other environment, unless the plastic product meets one of several specified standards relating to environmental marketing claims.

This bill would repeal the provision that conditionally prohibits the sale of a plastic product that is labeled "marine degradable." The bill would authorize the Director of Resources Recycling and Recovery to issue guidelines for determining whether a plastic product is not compliant with these labeling requirements, and whether a plastic product is designed, pigmented, or advertised in a manner that is misleading to consumers. The bill would authorize the Department of Resources Recycling and Recovery to adopt the European Committee for Standardization's standard specification for biodegradable mulch film plastic, or a standard that is equivalent to, or more stringent than, that standard, as specified. The bill would authorize the sale of commercial agricultural mulch film, as defined, labeled with the term "soil biodegradable" only if the department adopts the European Committee for Standardization's standard specification, or an equivalent or more stringent standard, and the commercial agricultural mulch film is certified to meet both that standard and the ASTM standard specification for compostability. The bill would update the name of a specified certification for home compost, the name of the organization that developed that certification, and the names of two ASTM standard specifications, and would make other conforming changes.

(2) Existing law requires the department, by July 1, 2020, to convene a Statewide Commission on Recycling Markets and Curbside Recycling. Existing law requires the commission, by January 1, 2021, to, among other things, issue policy recommendations to achieve specified market development goals and waste reduction goals, and to identify products that are recyclable or compostable, as defined, and regularly collected in curbside recycling programs.

This bill instead would require the commission to issue preliminary recommendations on or before January 1, 2021, and to issue final policy recommendations and identify the products described above by July 1, 2021. The bill would require the commission to provide an opportunity for the public to review and provide comment before finalizing a recommendation or identifying a product described above. The bill would authorize the commission to share the recommendations and identifications with the Legislature or any state or federal agency.

(3) Existing law requires a business that generates 4 cubic yards or more of commercial solid waste or organic waste per week to arrange for recycling services, as specified. Existing law requires a business that is subject to either of those requirements and that provides customers access to the business to provide customers with a recycling bin or container for that waste stream that complies with prescribed requirements.

This bill would specify that, for a theme park, amusement park, water park, resort or entertainment complex, zoo, attraction, or similar facility that is subject to either of those requirements, the requirement to provide customers with a recycling bin or container applies on and after January 1, 2022.

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

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

SECTION 1. Section 42005.5 of the Public Resources Code is amended to read:

42005.5. (a) The department shall, by July 1, 2020, convene a Statewide Commission on Recycling Markets and Curbside Recycling consisting of representatives of public agencies, private solid waste enterprises, and environmental organizations with expertise in recycling.

(b) (1) The commission shall, by July 1, 2021, do both of the following:

(A) Issue policy recommendations to achieve the market development goals established in subdivision (b) of Section 42005 and the state policy goals established in Section 41780.01 of this code and Section 39730.6 of the Health and Safety Code.

(B) Identify products that are recyclable or compostable, as defined pursuant to Section 42370.2, and regularly collected in curbside recycling programs.

(2) The commission shall update the recommendations and identifications made pursuant to paragraph (1) regularly, but not less often than annually.

(3) The commission shall provide an opportunity for the public to review and provide comment before finalizing a policy recommendation or identifying a product pursuant to paragraph (1).

(4) The commission shall issue preliminary recommendations on or before January 1, 2021.

(5) The commission may share the recommendations and identifications made pursuant to paragraph (1) with the Legislature or any state or federal agency.

(c) The commission shall provide regular feedback to the department on public messaging designed to encourage proper recycling and to minimize contamination in curbside recycling programs.

SEC. 2. Section 42356 of the Public Resources Code is amended to read:

42356. For purposes of this chapter, the following definitions apply:

(a) "ASTM" means the ASTM International.

(b) (1) "ASTM standard specification" means either of the following:

(A) The ASTM Standard Specification for Labeling of Plastics Designed to be Aerobically Composted in Municipal or Industrial Facilities D6400, as published in 2019, except as provided in subdivision (c) of Section 42356.1.

(B) The ASTM Standard Specification for Labeling of End Items that Incorporate Plastics and Polymers as Coatings or Additives with Paper and Other Substrates Designed to be Aerobically Composted in Municipal or Industrial Facilities D6868, as published in 2019, except as specified in subdivision (c) of Section 42356.1.

(2) "ASTM standard specification" does not include an ASTM Standard Guide, a Standard Practice, or a Standard Test Method.

(c) "Department" means the Department of Resources Recycling and Recovery.

(d) "Director" means the Director of Resources Recycling and Recovery.

(e) "Manufacturer" means a person, firm, association, partnership, or corporation that produces a plastic product.

(f) "OK compost HOME certification" means certification of conformity with the existing TUV Austria certification "OK compost HOME certification" which, as of January 1, 2011, uses European Norm 13432 standard adapted to low-temperature composting

in accordance with the TUV Austria program "OK 2-Home Compostability of Products."

(g) "Plastic product" means a product made of plastic, whether alone or in combination with other material, including, but not limited to, paperboard. A plastic product includes, but is not limited to, any of the following:

(1) (A) A consumer product.

(B) For purposes of this paragraph, "consumer product" means a product or part of a product that is used, bought, or leased for use by a person for any purpose.

(2) A package or a packaging component.

(3) A bag, sack, wrap, or other thin plastic sheet film product.

(4) A food or beverage container or a container component, including, but not limited to, a straw, lid, or utensil.

(h) "Supplier" means a person who does one or more of the following:

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

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

SEC. 3. Section 42357 of the Public Resources Code is amended to read:

42357. (a) (1) Except as provided in paragraph (3), a person shall not sell a plastic product in this state that is labeled with the term "compostable" or "home compostable" unless, at the time of sale, the plastic product meets the applicable ASTM standard specification, as specified in paragraph (1) of subdivision (b) of Section 42356, or, if applicable, the plastic product has OK compost HOME certification, as provided in paragraph (4).

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

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

(4) (A) A plastic product shall not be labeled with the term "home compostable" unless the manufacturer of that plastic product holds OK compost HOME certification with regard to that product, except as provided in subparagraph (B) or (C).

(B) Notwithstanding paragraph (1), if the ASTM adopts a standard specification for the term "home compostable" on or before January 1, 2016, and the department determines that the ASTM standard specification is at least equal to, or more stringent than, the OK compost HOME certification, a plastic product labeled with the term "home compostable" shall meet that ASTM standard specification. The department may also take the actions specified in Section 42356.1 with regard to an ASTM standard for home compostability.

(C) If the department adopts a standard pursuant to Section 42356.2, a plastic product labeled with the term "home compostable" shall meet that standard and not the standard specified in subparagraph (A) or (B).

(b) Except as provided in subdivision (a) or (f), a person shall not sell a plastic product in this state that is labeled with the term "biodegradable," "degradable," or "decomposable," or any form of those terms, or in any way imply that the plastic product will break down, fragment, biodegrade, or decompose in a landfill or other environment.

(c) The director may issue guidelines, consistent with this chapter, for determining whether a plastic product is not compliant with the labeling requirements of this section, and whether a plastic product is designed, pigmented, or advertised in a manner that is misleading to consumers.

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

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

(f) (1) The department may adopt the European Committee for Standardization's standard specification EN 17033:2018 entitled "Plastics—Biodegradable mulch films for use in agriculture and horticulture—Requirements and test methods" or may adopt a standard that is equivalent to, or more stringent than, that standard, as it read on January 1, 2020.

(2) A person may sell commercial agricultural mulch film labeled with the term "soil biodegradable" only if the department has adopted the standard specification, or an equivalent or more stringent standard, pursuant to paragraph (1) and the commercial agricultural mulch film is certified to meet both that specification and the ASTM standard specification for compostability.

(3) For purposes of this subdivision, "commercial agricultural mulch film" means film plastic that is used only as a technical tool in commercial farming applications.

SEC. 4. Section 42649.1 of the Public Resources Code is amended to read:

42649.1. For purposes of this chapter, the following definitions apply:

(a) "Business" means a commercial or public entity, including, but not limited to, a firm, partnership, proprietorship, joint stock company, corporation, or association that is organized as a for-profit or nonprofit entity, or a multifamily residential dwelling.

(b) "Commercial solid waste" includes all types of solid waste generated by a store, office, or other commercial or public entity source, including a business or a multifamily dwelling of five or more units.

(c) "Commercial waste generator" means a business subject to subdivision (a) of Section 42649.2.

(d) "Full-service restaurant" means an establishment with the primary business purpose of serving food, where food may be consumed on the premises, and an employee of the establishment takes all of the following actions:

(1) The consumer is escorted or assigned to an assigned eating area. The employee may choose the assigned eating area or may seat the consumer according to the consumer's need for accommodation or other request.

(2) The consumer's food and beverage orders are taken after the consumer has been seated at the assigned seating area.

(3) The food and beverage orders are delivered directly to the consumer.

(4) Any requested items associated with the consumer's food or beverage order are brought to the consumer.

(5) The check is delivered directly to the consumer at the assigned eating area.

(e) "Park" means a theme park, amusement park, water park, resort or entertainment complex, zoo, attraction, or similar facility.

(f) "Self-hauler" means a business that hauls its own waste rather than contracting for that service.

SEC. 5. Section 42649.2 of the Public Resources Code is amended to read:

42649.2. (a) On and after July 1, 2012, a business that generates four cubic yards or more of commercial solid waste per week or is a multifamily residential dwelling of five units or more shall arrange for recycling services, consistent with state or local laws or requirements, including a local ordinance or agreement, applicable to the collection, handling, or recycling of solid waste, to the extent that these services are offered and reasonably available from a local service provider.

(b) A commercial waste generator shall take at least one of the following actions:

(1) Source separate recyclable materials from solid waste and subscribe to a basic level of recycling service that includes collection, self-hauling, or other arrangements for the pickup of the recyclable materials.

(2) Subscribe to a recycling service that may include mixed waste processing that yields diversion results comparable to source separation.

(c) (1) A business subject to subdivision (a) and that provides customers access to the business shall provide, on or before July 1, 2020, customers with a commercial solid waste recycling bin or container to collect material purchased on the premises and that fulfills all of the following requirements:

(A) Is adjacent to each bin or container for trash other than recyclable commercial solid waste, except in restrooms.

(B) Is visible and easily accessible.

(C) Is clearly marked with educational signage indicating what is appropriate to place in the commercial solid waste recycling bin or container in accordance with state law and the local jurisdiction's solid waste ordinances and practices.

(2) Full-service restaurants are exempt from the requirements of this subdivision if the full-service restaurant, on or before July 1, 2020, provides its employees a commercial solid waste recycling bin or container to collect material purchased on the premises and implements a program to collect recyclable commercial solid waste.

(3) The department, on or before July 1, 2020, shall develop model signage that businesses may utilize in implementing paragraph (1).

(4) For a park that is subject to subdivision (a), this subdivision shall apply on and after January 1, 2022.

(d) A property owner of a multifamily residential dwelling may require tenants to source separate their recyclable materials to aid in compliance with this section.

SEC. 6. Section 42649.8 of the Public Resources Code is amended to read:

42649.8. For purposes of this chapter, the following definitions apply:

(a) "Business" means a commercial or public entity, including, but not limited to, a firm, partnership, proprietorship, joint stock company, corporation, or association that is organized as a for-profit or nonprofit entity, or a multifamily residential dwelling.

(b) "Commercial waste generator" means a business subject to subdivision (a) of Section 42649.2.

(c) "Full-service restaurant" means an establishment with the primary business purpose of serving food, where food may be consumed on the premises, and an employee of the establishment takes all of the following actions:

(1) The consumer is escorted or assigned to an assigned eating area. The employee may choose the assigned eating area or may seat the consumer according to the consumer's need for accommodation or other request.

(2) The consumer's food and beverage orders are taken after the consumer has been seated at the assigned seating area.

(3) The food and beverage orders are delivered directly to the consumer.

(4) Any requested items associated with the consumer's food or beverage order are brought to the consumer.

(5) The check is delivered directly to the consumer at the assigned eating area.

(d) "Organic waste" means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste.

(e) "Organic waste generator" means a business subject to subdivision (a) of Section 42649.81.

(f) "Park" means a theme park, amusement park, water park, resort or entertainment complex, zoo, attraction, or similar facility.

(g) "Rural jurisdiction" means a jurisdiction that is located entirely within one or more rural counties, or a regional agency comprised of jurisdictions that are located within one or more rural counties.

(h) "Rural county" means a county that has a total population of less than 70,000 persons.

(i) "Self-hauler" means a business that hauls its own waste rather than contracting for that service. "Self-haul" means to act as a self-hauler.

SEC. 7. Section 42649.81 of the Public Resources Code is amended to read:

42649.81. (a) (1) On and after April 1, 2016, a business that generates eight cubic yards or more of organic waste per week shall arrange for recycling services specifically for organic waste in the manner specified in subdivision (b).

(2) On and after January 1, 2017, a business that generates four cubic yards or more of organic waste per week shall arrange for recycling services specifically for organic waste in the manner specified in subdivision (b).

(3) On and after January 1, 2019, a business that generates four cubic yards or more of commercial solid waste, as defined in Section 42649.1, per week, shall arrange for recycling services specifically for organic waste in the manner specified in subdivision (b).

(4) On or after January 1, 2020, if the department determines that statewide disposal of organic waste has not been reduced to 50 percent of the level of disposal during 2014, a business that generates two cubic yards or more per week of commercial solid waste shall arrange for the organic waste recycling services specified in paragraph (3), unless the department determines that this requirement will not result in significant additional reductions of organics disposal.

(5) A business located in a rural jurisdiction that is exempted pursuant to paragraph (2) of subdivision (a) of Section 42649.82 is not subject to this chapter.

(b) A business subject to subdivision (a) shall take at least one of the following actions:

(1) Source separate organic waste from other waste and subscribe to a basic level of organic waste recycling service that includes collection and recycling of organic waste.

(2) Recycle its organic waste onsite or self-haul its own organic waste for recycling.

(3) Subscribe to an organic waste recycling service that may include mixed waste processing that specifically recycles organic waste.

(4) Make other arrangements consistent with paragraph (3) of subdivision (b) of Section 42649.84.

(c) A business that is a property owner may require a lessee or tenant of that property to source separate their organic waste to aid in compliance with this section.

(d) (1) A business subject to subdivision (a) and that provides customers access to the business shall provide, on or before July 1, 2020, customers with an organic waste recycling bin or container to collect material purchased on the premises for immediate consumption and that fulfills all of the following requirements:

(A) Is adjacent to each bin or container for trash other than recyclable organic waste, except in restrooms.

(B) Is visible and easily accessible.

(C) Is clearly marked with educational signage indicating what is appropriate to place in the organic waste recycling bin or container in accordance with state law and the local jurisdiction's solid waste ordinances and practices.

(2) Full-service restaurants are exempt from the requirements of this subdivision if the full-service restaurant, on or before July 1, 2020, provides its employees an organic waste recycling bin or container to collect material purchased on the premises for immediate consumption and implements a program to collect recyclable organic waste.

(3) The department, on or before July 1, 2020, shall develop model signage that businesses may utilize in implementing paragraph (1).

(4) For a park that is subject to subdivision (a), this subdivision shall apply on and after January 1, 2022.

(e) A business generating organic waste shall arrange for the recycling services required by this section in a manner that is consistent with state and local laws and requirements, including a local ordinance or local jurisdiction's franchise agreement, applicable to the collection, handling, or recycling of solid and organic waste.

(f) When arranging for gardening or landscaping services, the contract or work agreement between a business subject to this section and a gardening or landscaping service shall require that the organic waste generated by those services be managed in compliance with this chapter.

(g) (1) A multifamily residential dwelling that consists of fewer than five units is not a business for purposes of this chapter.

(2) A business that is a multifamily dwelling is not required to arrange for the organic waste recycling services specified in subdivision (b) for food waste that is generated by the business.

(h) If separate organic waste collection and recycling services are not offered through a local ordinance or local jurisdiction's franchise agreement, a business generating organic waste may arrange for separate organic waste collection and recycling services, until the local ordinance or local jurisdiction's franchise agreement includes organic waste recycling services.