

ASSEMBLY BILL

No. 1023

Introduced by Assembly Member DeSaulnier

February 22, 2007

An act to amend Section 42290 of, and to add Section 42298 to, the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 1023, as introduced, DeSaulnier. Recycling: compostable and biodegradable plastic trash bags.

Existing law requires a manufacturer of plastic trash bags equal to or greater than 0.70 mil thickness to ensure either that its trash bags intended for sale in this state contain a quantity of recycled plastic postconsumer material equal to at least 10% of the weight of the regulated bags, or that at least 30% of the weight of the material used in all of its plastic products intended for sale in this state is recycled plastic postconsumer material. Existing law requires the manufacturer to obtain from its supplier of recycled plastic postconsumer material a statement containing specified information. Existing law requires the manufacturer to certify to the Integrated Waste Management Board that it is in compliance with the recycled plastic postconsumer material requirements.

This bill would exempt a manufacturer that produces compostable and biodegradable plastic products, as defined, from these requirements.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 42290 of the Public Resources Code is
2 amended to read:

3 42290. For purposes of this chapter, the following terms have
4 the following meaning:

5 (a) *“ASTM” means the American Society for Testing and*
6 *Materials.*

7 (b) *“ASTM standard specification” means a definition found*
8 *in the Style and Form Guide for ASTM Standards and does not*
9 *include an ASTM Standard Guide, a Standard Practice, or a*
10 *Standard Test Method.*

11 (c) *“Compostable and biodegradable plastic product” means*
12 *a plastic product that meets the requirements of ASTM D6400 or*
13 *ASTM D6868 and that is capable of undergoing biological*
14 *decomposition at a compost site as part of an available program,*
15 *and the product, as a part of the feedstock, is visually*
16 *indistinguishable from, and breaks down to carbon dioxide, water,*
17 *inorganic compounds, and biomass at a rate consistent with known*
18 *compostable materials.*

19 ~~(a)~~

20 (d) *“Manufacturer” means a person who manufactures plastic*
21 *trash bags for sale in this state.*

22 ~~(b)~~

23 (e) (1) *“Plastic trash bag” means a bag that is manufactured for*
24 *intended use as a container to hold, store, or transport materials to*
25 *be discarded, composted, or recycled, including, but not limited*
26 *to, garbage bags, composting bags, lawn and leaf bags, can-liner*
27 *bags, kitchen bags, compactor bags, and recycling bags.*

28 (2) *A plastic trash bag does not include a grocery sack or any*
29 *other bag that is manufactured for intended use as a container to*
30 *hold, store, or transport food.*

31 (3) *A plastic trash bag does not include any plastic bag that is*
32 *used for the purpose of containing either of the following wastes:*

33 (A) *“Hazardous waste,” as defined in Section 25117 of the*
34 *Health and Safety Code.*

35 (B) *“Medical waste,” as defined in Section 117690 of the Health*
36 *and Safety Code.*

37 ~~(e)~~

1 (f) “Postconsumer material” means a finished product that would
2 normally be disposed of as solid waste, having completed its
3 intended end-use and product life cycle. “Postconsumer material”
4 does not include manufacturing and fabrication scrap.

5 ~~(d)~~

6 (g) “Regulated bag” means a plastic trash bag of 0.70 mil or
7 greater thickness that is intended for sale in the state.

8 ~~(e)~~

9 (h) “Wholesaler” means any person who purchases plastic trash
10 bags from a manufacturer for resale in this state.

11 SEC. 2. Section 42298 is added to the Public Resources Code,
12 to read:

13 42298. A compostable and biodegradable plastic product that
14 is in compliance with Chapter 5.7 (commencing with Section
15 42355) is exempt from the requirements of this chapter.