

AMENDED IN ASSEMBLY MAY 4, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 19**

---

---

**Introduced by Assembly Member Ruskin**

December 1, 2008

---

---

An act to add Division 27.5 (commencing with Section 44570) to the Health and Safety Code, relating to product labeling.

LEGISLATIVE COUNSEL'S DIGEST

AB 19, as amended, Ruskin. Greenhouse gas emissions: consumer product labeling.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases that cause global warming in order to reduce emissions of greenhouse gases.

This bill would enact the Carbon Labeling Act of 2009. The act would require the state board to develop and implement a program for the voluntary assessment, verification, and standardized labeling of the carbon footprint, as defined, of consumer products sold in this state.

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. Division 27.5 (commencing with Section 44570)
- 2 is added to the Health and Safety Code, to read:

1 DIVISION 27.5. THE CARBON LABELING ACT OF 2009

2

3

CHAPTER 1. TITLE

4

5 44570. This division shall be known, and may be cited as, the  
6 Carbon Labeling Act of 2009.

7

8

CHAPTER 2. FINDINGS AND DECLARATIONS

9

10 44571. The Legislature finds and declares all of the following:

11 (a) Global warming poses a serious threat to the economic  
12 well-being, public health, natural resources, and the environment  
13 of California.

14 (b) The California Global Warming Solutions Act of 2006  
15 (Division 25.5 (commencing with Section 38500) provides a  
16 regulatory framework to establish and enforce greenhouse gas  
17 emission reductions.

18 (c) Consumer choice can play a significant role in helping  
19 California meet its greenhouse gas emission reduction targets, but  
20 only if consumers have usable and reliable information about the  
21 greenhouse gas emissions resulting from their product choices.

22 (d) It has been estimated that household consumption of  
23 consumer goods in the United States accounts for emissions of  
24 more than 15 metric tons of greenhouse gas equivalents, or about  
25 one-third of total household emissions, per year.

26 (e) There are numerous attempts throughout the world to provide  
27 product information to consumers, any of which are not regulated.

28 (f) The state should identify the best approach to standardizing  
29 product labeling to help businesses and to provide accurate  
30 information to consumers.

31 (g) The methodological and technical challenges of measuring  
32 greenhouse gas emissions are already being addressed by  
33 researchers in California and across the world. Converting these  
34 measurement methods into a viable, practical greenhouse gas  
35 emission label involves crafting a compromise solution that is both  
36 accurate and precise, as well as feasible for producers to implement.

37 (h) The development of a voluntary carbon or greenhouse gas  
38 emissions labeling program for consumer products can harness  
39 the power of the marketplace to create incentives for manufacturers

1 to innovate and compete to reduce the carbon footprint of their  
2 products.

3  
4 CHAPTER 3. DEFINITIONS

5  
6 44572. As used in this division the following terms have the  
7 following meanings:

8 (a) “Carbon footprint” means the total amount of emissions of  
9 greenhouse ~~gas~~ *gases*, as defined in Section 38505, that occur as  
10 a result of a *consumer* product’s life cycle, ~~or as determined by~~  
11 ~~the state board to best implement this division.~~

12 (b) “State board” means the State Air Resources Board.

13 (c) “*Life cycle*” *includes a consumer product’s emissions*  
14 *boundaries such as raw material extraction, production, processing*  
15 *or manufacturing, transportation, distribution, storing, consumer*  
16 *use, and disposal.*

17  
18 CHAPTER 4. CARBON LABELING PROGRAM

19  
20 44574. ~~(a) The~~ *(a) (1) In furtherance of the goals and*  
21 *objectives of the California Global Warming Solutions Act of 2006,*  
22 *the state board shall develop and implement a program for the*  
23 *voluntary assessment, verification, and labeling of the carbon*  
24 *footprint of consumer products sold in this state. In order to create*  
25 *As part of this program, the state board shall establish standard*  
26 *methodologies adopt protocols for assessing, verifying, and*  
27 *labeling the carbon footprint of a consumer product. The state*  
28 *board shall only include a product category in a standard if it*  
29 *determines that it is feasible and practical to do so. The state board*  
30 *may choose to adopt a methodology for a single product category*  
31 *before expanding the scope of the adopted standard to other product*  
32 *categories. footprint of a consumer product in order to provide a*  
33 *consumer with the information necessary to reliably compare*  
34 *greenhouse gas emissions of different consumer products within*  
35 *or across a product category.*

36 (2) *The state board shall only develop a protocol if it determines*  
37 *that it is feasible and practical to do so.*

38 (3) *In determining which protocols to develop, the state board*  
39 *may use the following criteria:*

1 (A) *The total life cycle greenhouse gas emissions of a consumer*  
2 *product or consumer product category.*

3 (B) *The emissions impact of a consumer product category in*  
4 *California.*

5 (C) *The size or growth of the consumer product market.*

6 (b) The program shall do both of the following:

7 (1) Allow a consumer product manufacturer *or distributor*, on  
8 a voluntary basis, to determine the carbon footprint of the *consumer*  
9 product by applying the ~~criteria and standards~~ *protocol* developed  
10 by the state board, and to include that information on the *consumer*  
11 product, product packaging, ~~and Internet Web site, product manual,~~  
12 *or product advertising*, consistent with the labeling standards  
13 developed by the state board.

14 (2) Develop a standardized, easily understandable, label that  
15 communicates to consumers relevant information about the carbon  
16 footprint of a consumer product. The label ~~may~~ *shall only* be issued  
17 to a company that meets, *and continues to meet for the life of a*  
18 *label*, all of the obligations of the ~~adopted standard~~ *protocol* for  
19 measuring a product's carbon footprint. *The state board may*  
20 *specify a maximum life of a label in order to capture potential*  
21 *changes in emissions associated with evolving supply chains,*  
22 *technology, or other considerations.*

23 (c) The state board may use data from outside sources to develop  
24 the ~~standards required to be created by subdivision (a)~~ *protocols*,  
25 including the use of existing models and ~~labels~~ *other carbon*  
26 *labeling standards. In order to minimize costs for manufacturers*  
27 *or distributors, the state board shall consider aligning any*  
28 *protocols with other carbon labeling standards.* The state board  
29 may consult with *academics and research institutions*,  
30 representatives of consumer product manufacturers, consumer  
31 groups, and environmental groups, and conduct public hearings  
32 and workshops, to inform the development of the ~~standards~~  
33 *protocols* required to be established pursuant to subdivision (a).

34 (d) (1) ~~The state board shall determine the appropriate~~  
35 ~~boundaries in determining and assessing the carbon footprint of a~~  
36 ~~consumer product, which may include raw material extraction,~~  
37 ~~production processing or manufacturing, transportation,~~  
38 ~~distribution, consumer use, and disposal. The state board may vary~~  
39 ~~these boundaries by product category.~~

1 ~~(2) The state board may develop a hybrid life cycle analysis~~  
2 ~~methodology standard by relying on company measurements of~~  
3 ~~energy use, other greenhouse gas emission sources, and national~~  
4 ~~averages, or other available information for determining the carbon~~  
5 ~~footprint.~~

6 *(d) (1) The state board shall determine the appropriate life*  
7 *cycle boundaries in determining and assessing the carbon footprint*  
8 *of a consumer product. Notwithstanding subdivision (a), the state*  
9 *board may vary these boundaries, or exclude a boundary, by*  
10 *product category as it deems reasonable and necessary, but shall*  
11 *strive to ensure consistency and comparability between consumer*  
12 *product categories.*

13 *(2) The state board may develop a carbon footprint protocol*  
14 *that is based on a combination of life cycle assessment*  
15 *methodologies by relying on company measurements of energy*  
16 *use, fuel consumption, and other direct contributions to greenhouse*  
17 *gas emissions, and secondary or noncompany specific sources of*  
18 *greenhouse gas emissions for consumer product inputs or raw*  
19 *materials provided by company suppliers.*

20 *(e) If the state board determines that feasible measurement*  
21 *methodologies are not sufficiently accurate to allow for direct*  
22 *comparisons of the carbon footprint of two like products within a*  
23 ~~*product category, the state board may elect to develop standards*~~  
24 ~~*consumer product category, the state board may develop protocols*~~  
25 ~~*for communicating any or all of the following:*~~

26 *(1) The average greenhouse gas emissions in a consumer product*  
27 *category in order to allow consumers to compare across categories.*

28 *(2) Whether a consumer product has a lower carbon footprint*  
29 *than the average comparable consumer product available in that*  
30 *category.*

31 *(3) A specific carbon footprint score that delineates the range*  
32 *of error produced by the methodology protocols.*

33 44575. *The state board may adopt standardized criteria for*  
34 *third-party verification of the carbon footprint of a consumer*  
35 *product, if the state board determines that this kind of verification*  
36 *is necessary, or the state board may develop an alternative means*  
37 *of ensuring compliance with the labeling standards created*  
38 *protocols adopted pursuant to this chapter.*

39 44576. ~~*The state board may contract for cost-effective services*~~  
40 ~~*necessary to implement this chapter.*~~

1     ~~44577.~~  
2     44576. Consumer product manufacturers that label their  
3 products in accordance with this chapter shall be responsible for  
4 all costs related to the review and validation of carbon label  
5 information required by the state board. The state board may charge  
6 an application fee to participating consumer product manufacturers  
7 to pay the costs of the program established pursuant to this chapter.

O