

AMENDED IN SENATE JUNE 30, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 925

Introduced by Assembly Member Saldana

February 26, 2009

An act to add Chapter 6.3 (commencing with Section 42380) to Part 3 of Division 30 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 925, as amended, Saldana. Recycling: single-use plastic beverage container caps.

The California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, requires every rigid plastic packaging container, as defined, sold or offered for sale in this state, to generally meet one of specified criteria.

This bill would define terms and would prohibit a retailer, on and after January 1, 2012, from selling or offering for sale a single-use plastic beverage container with a cap that is not *tethered to or contiguously* affixed to, ~~or part of,~~ the beverage container. ~~The bill would also prohibit a retailer, on and after that date, from selling or offering for sale a single-use beverage container with a cap, unless the cap is made of a recyclable material, as defined.~~

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. Chapter 6.3 (commencing with Section 42380)~~
2 ~~is added to Part 3 of Division 30 of the Public Resources Code, to~~
3 ~~read:~~

4
5 ~~CHAPTER 6.3. PLASTIC BEVERAGE CONTAINER CAPS~~

6
7 ~~42380. The Legislature finds and declares all of the following:~~

8 ~~SECTION 1. The Legislature finds and declares all of the~~
9 ~~following:~~

10 (a) The problem of plastic marine debris is increasing in
11 California and in the North Pacific Gyre, which is a swirling vortex
12 of ocean currents comprising most of the northern Pacific Ocean,
13 and where densities of microplastics have tripled during the last
14 decade.

15 (b) Plastic is the most common type of marine debris,
16 comprising up to 90 percent of floating marine debris.

17 (c) Plastics are especially harmful to the marine environment
18 due to their nondegradable qualities.

19 (d) Plastic and plastic packaging waste represent a significant
20 and fast growing component of the state’s waste stream and marine
21 debris.

22 (e) Over 60,000 bottle caps were collected on California beaches
23 during Coastal Cleanup Day in 2005 *and more than 1,000,000*
24 *bottle caps have been collected since 1989.*

25 ~~(f) An Orange County study—A 2001 study on the composition~~
26 ~~of beach debris in Orange County estimated that over 88,000~~
27 ~~plastic caps and lids litter Orange County beaches.~~

28 (g) The increasing problem of marine debris is harmful to marine
29 resources. Marine mammals and seabirds often mistake marine
30 ~~debris such as bottle caps for food. Ingestion of the plastic debris~~
31 ~~can ultimately lead to malnutrition and starvation. *debris such as*~~
32 ~~*bottle caps for food. Ingestion of plastic bottle cap debris can lead*~~
33 ~~*to malnutrition, starvation, and premature death of long-lived*~~
34 ~~*seabirds such as the Laysan Albatross.*~~

35 (h) Plastic and other debris litter our beaches, and represent a
36 threat to California’s forty-six billion dollar (\$46,000,000,000)
37 ocean-dependent, tourism-oriented economy and in certain
38 circumstances may pose a public health threat.

1 (i) California state and local agencies spend millions of dollars
2 per year in litter collection.

3 (j) The California Coastal Commission’s plan of action from
4 the Plastic Debris River to Sea Project recommends that plastic
5 beverage containers be redesigned to eliminate pieces that can
6 become segregated from the beverage container, including lids
7 and caps.

8 (k) Aluminum can pull tabs, a common form of litter in the
9 1960s and 1970s, were redesigned to remain connected to the body
10 of the can. As a result, the pull tab litter problem was eliminated.

11 (l) The Ocean Protection Council passed a resolution on marine
12 debris on February 8, 2007. The resolution calls for an investigation
13 of innovative methods to reduce plastic waste commonly found
14 in the marine environment.

15 ~~42381. For purposes of this chapter, the following definitions~~
16 ~~shall apply:~~

17 ~~(a) “Beverage” means a liquid, in a ready-to-drink form, that is~~
18 ~~intended for human consumption.~~

19 ~~(b) “Beverage container” means an individual, separate bottle,~~
20 ~~can, jar, carton, or other receptacle, however denominated, in which~~
21 ~~a beverage is sold, and that is constructed of plastic. “Beverage~~
22 ~~container” does not include a cup or other similar open or loosely~~
23 ~~sealed receptacle.~~

24 ~~(c) “Recyclable” means a material that still has useful physical~~
25 ~~or chemical properties after serving its original purpose and can,~~
26 ~~therefore, be reused or remanufactured into additional products.~~

27 *SEC. 2. Chapter 6.3 (commencing with Section 42380) is added*
28 *to Part 3 of Division 30 of the Public Resources Code, to read:*

29

30 *CHAPTER 6.3. PLASTIC BEVERAGE CONTAINER CAPS*

31

32 *42380. For the purposes of this chapter, the following*
33 *definitions shall apply:*

34 *(a) “Beverage” has the same meaning as in Section 14504.*

35 ~~(d)~~

36 *(b) “Retailer” means a person who sells a beverage in a beverage*
37 *container to a consumer.*

38 ~~(e)~~

39 *(c) “Single use” means a single-use disposable product used for*
40 *serving or transporting a prepared, ready-to-consume beverage.*

1 ~~42382. On and after January 1, 2012, a retailer shall not sell or~~
2 ~~offer for sale either of the following:~~
3 ~~(a) A single-use beverage container with a cap that is not affixed~~
4 ~~to, or part of, the beverage container.~~
5 ~~(b) A single-use beverage container with a cap, unless the cap~~
6 ~~is made of a recyclable material.~~
7 ~~(d) “Single-use beverage container” means an individual,~~
8 ~~separate bottle, can, jar, carton, or other receptacle, however~~
9 ~~denominated, in which one liter or less of a beverage is sold, and~~
10 ~~that is constructed of plastic. “Beverage container” does not~~
11 ~~include a cup or other similar open or loosely sealed receptacle.~~
12 42381. On and after January 1, 2012, a retailer shall not sell
13 or offer for sale, in the state, a single-use beverage container with
14 a cap, unless the container meets one of the following conditions:
15 (a) The cap is tethered to the container in a manner that prevents
16 the separation of the cap from the container when the cap is
17 removed from the container.
18 (b) The cap includes an opening from which the beverage can
19 be consumed while the cap is screwed onto or otherwise
20 contiguously affixed to the container.