

AMENDED IN SENATE APRIL 2, 2009

SENATE BILL

No. 803

Introduced by Senator DeSaulnier

February 27, 2009

An act to add Chapter 5.9 (commencing with Section 42370) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 803, as amended, DeSaulnier. Solid waste: plastic waste: management: *polyvinyl chloride clamshell packaging*.

The California Integrated Waste Management Act of 1989, administered by the California Integrated Waste Management Board, is required to reduce, recycle, and reuse solid waste generated in the state to the maximum extent feasible in an efficient cost-effective manner to conserve water, energy, and other natural resources.

~~This bill would declare the intent of the Legislature to enact legislation that would mitigate the environmental impact of plastic packaging materials and reduce the overall amount of plastic waste disposed of in California landfills.~~

This bill would require the board, by January 1, 2011, to develop regulations, after consultation with polyvinyl chloride (PVC) clamshell packaging manufacturers, product manufacturers, retailers, and the environmental community, that would reduce the volume of hard-to-recycle PVC clamshell packaging, as defined, by 50%.

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

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

1 SECTION 1. (a) *The Legislature finds and declares all of the
2 following:*

3 (1) *Plastic is a significant portion of the waste stream and one
4 of the fastest growing segments of the waste stream. The United
5 States Environmental Protection Agency reports that the amount
6 of plastics in municipal solid waste increased from less than 1
7 percent in 1960 to 12.1 percent in 2007. The largest category of
8 plastics is comprised of containers and packaging.*

9 (2) *Polyvinyl chloride (PVC) clamshell packaging is difficult
10 to open safely. It is not widely recycled, and can contaminate more
11 easily recycled soda bottle plastic or polyethylene terephthalate
12 (PET). It can contain lead and cadmium, which are known to cause
13 health problems.*

14 (3) *The technology currently exists to replace the hard to open
15 PVC packaging with less plastic packaging that is easily recycled
16 or may contain recycled content. Several large retailers have
17 chosen to begin making merchandise available to their customers
18 in this new form of packaging, which does not rely on
19 environmentally harmful materials.*

20 (4) *It is the intent of the Legislature to do the following:*

21 (1) *Mitigate the health, safety, and environmental impacts of
22 PVC plastic packaging materials and reduce the overall amount
23 of plastic packaging waste being disposed of in California landfills.*

24 (2) *Ensure security and durability in packaging for retailers,
25 give consumers a clear view of products, make opening clamshell
26 packaging safe and easy, and allow consumers to recycle the
27 packaging, rather than dispose of it.*

28 SEC. 2. Chapter 5.9 (commencing with Section 42370) is added
29 to Part 3 of Division 30 of the Public Resources Code, to read:

30
31 **CHAPTER 5.9. PVC CLAMSHELL PACKAGING**

32
33 42370. For the purposes of this chapter, “PVC clamshell
34 packaging” means packaging made predominantly of polyvinyl
35 chloride plastic resin, which has a relatively inflexible finite shape
36 or form that is capable of maintaining its shape while holding
37 products for sale or distribution, and which is capable of at least

1 *one closure, including, but not limited to, closure during the*
2 *production or manufacturing process.*

3 *42371. By January 1, 2011, the California Integrated Waste*
4 *Management Board shall develop regulations, after consultation*
5 *with PVC clamshell packaging manufacturers, product*
6 *manufacturers, retailers, and the environmental community that*
7 *would reduce the volume of hard-to-recycle PVC clamshell*
8 *packaging by 50 percent.*

9 ~~SECTION 1. It is the intent of the Legislature to enact~~
10 ~~legislation that would mitigate the environmental impact of plastic~~
11 ~~packaging materials and reduce the overall amount of plastic waste~~
12 ~~disposed of in California landfills.~~