



California State Assembly

Capitol Address:
State Capitol
P.O. Box 942849
Sacramento, CA
94249-0000

[CA Legislative Portal](#)

BILL NUMBER: AB 1972 CHAPTERED
BILL TEXT

CHAPTER 436
FILED WITH SECRETARY OF STATE SEPTEMBER 27, 2008
APPROVED BY GOVERNOR SEPTEMBER 27, 2008
PASSED THE SENATE AUGUST 11, 2008
PASSED THE ASSEMBLY AUGUST 13, 2008
AMENDED IN SENATE AUGUST 4, 2008
AMENDED IN SENATE JUNE 19, 2008
AMENDED IN SENATE JUNE 17, 2008
AMENDED IN ASSEMBLY MARCH 24, 2008

INTRODUCED BY Assembly Member DeSaulnier

CALIFORNIA BILL AB 1972, APPROVED BY GOVERNOR SEPTEMBER 27, 2008

The bill would prohibit the sale of a plastic bag that is labeled as "biodegradable," "degradable," "decomposable," or as otherwise specified. This bill would also prohibit the sale of a plastic bag that is labeled as "compostable" or "marine degradable," unless that bag meets the ASTM Standard Specification for Compostable Plastics D6400, the ASTM Standard Specification for Non-Floating Biodegradable Plastics in the Marine Environment D7081, or a standard adopted by the California Integrated Waste Management Board, as specified. ¹

AB 1972, DeSaulnier. Solid waste: plastic bags: food and beverage containers.

(1) Existing law prohibits a person from selling a plastic bag that is labeled as "compostable," "biodegradable," "degradable," or as otherwise specified unless, at the time of sale, the bag meets a current American Society for Testing and Materials (ASTM) standard specification for the term used on the label.

This bill would, instead, prohibit the sale of a plastic bag that is labeled as "compostable" or "marine degradable," unless that bag meets the ASTM Standard Specification for Compostable Plastics D6400, the ASTM Standard Specification for Non-Floating Biodegradable Plastics in the Marine Environment D7081, or a standard adopted by the California Integrated Waste Management Board, as specified. The

CALIFORNIA BILL AB2071, APPROVED BY GOVERNOR SEPTEMBER 29, 2008

42359.8. (a) A city, a county, or the state may impose civil liability in the amount of five hundred dollars (\$500) for the first violation of this chapter, one thousand dollars (\$1,000) for the second violation, and two thousand dollars (\$2,000) for the third and any subsequent violation. ²

Compostable Plastics D6400-04.

This bill would, instead, prohibit the sale of a food or beverage container, as defined, that is labeled as "compostable" or "marine degradable," unless that container meets a specified ASTM standard



ALERT ON DEGRADABLE PLASTICS

If you are considering using or purchasing degradable/biodegradable plastic packaging, this communiqué will provide some guidance to ensure the responsible use and marketing of these materials.

Anyone making a claim of degradability would be wise to read the relevant sections of the guide. Canada's Competition Bureau does have power to prosecute. Last year in Britain, there were a record number of complaints to Britain's Advertising Standards Authority and in Australia, the Federal Court has had a successful prosecution based on 14021.

How can proof be provided that products meet the degradability claims attributed to them?

The answer is certification by a recognized third party that the product meets a recognized standard. (for example ASTM D6400) for compostable plastics. A certification standards/process on recyclability for plastic shopping bags is under development in Quebec with the BNQ (Bureau de normalization du Québec).³

Historically, degradable plastics have been used very successfully in niche applications – medical sutures, agricultural mulch films and seedling strips. Today, as retailers look to expand their use of degradables, considerable care must be taken to ensure that the product delivers precisely on its claims.

Purchasers' responsibility

First, the environmental benefits of a biodegradable plastic product should be assessed based on the intended method of disposal at end-of-life and assurance that the biodegradable plastic will end up there.

For example, degradation in landfill is not a desirable thing. Modern landfills are designed to minimize degradation since the action of anaerobic microorganisms present in landfill produces methane, a greenhouse gas 21 times more potent than carbon dioxide. Further, not all degradable plastics are compatible with the recycling of other plastics so extreme care should be taken to ensure that no contamination of the recycling stream can occur.

Second, the assessment of environmental benefit should be based on sound science, compliance with international standards, certification by an independent third party, and documentary evidence should be made available. As a purchaser or user of degradables plastic products, you should request, prior to selection, full disclosure.

THE MOST IMPORTANT CONSIDERATION: The purchaser/user should ensure that at the end of life, a degradable plastic degrades in the right environment, over an appropriate period of time, and with no negative impacts on the environment.

Resources:

¹ Bill AB 1972 – Session 2007- 2008: <http://www.leginfo.ca.gov/bilinfo.html>

² Bill AB 2071 – Session 2007- 2008: <http://www.leginfo.ca.gov/bilinfo.html>

³ EPIC Alert On Degradable Plastics: <http://www.cpia.ca/epic>