

Date of Hearing: April 21, 2021

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

AB 1201 (Ting) – As Amended April 5, 2021

Policy Committee: Natural Resources Vote: 10 - 0

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill establishes content and labeling requirements for compostable plastic.

Specifically, this bill:

- 1) Prohibits the sale of a plastic product labeled with the term “compostable,” “home compostable,” or “soil degradable” unless the product meets all of the following requirements:
 - a) Achieves the appropriate American Society for Testing and Materials (ASTM) Test Method for compostability.
 - b) Is certified by the Biodegradable Products Institute (BPI), or a third party approved by the Director of CalRecycle, for meeting compostability and toxicity standards.
 - c) Is an allowable organic input under the requirements of the National Organic Program and the Department of Food and Agriculture’s Organic Input Material Program.
 - d) Does not include intentionally added perfluoroalkyl or polyfluoroalkyl (PFAS) substances.
 - e) Is labeled in a manner that clearly distinguishes the product from a noncompostable or nonbiodegradable product upon quick inspection by consumers and solid waste processing facilities and, where possible, that includes the word “compostable,” an approved third-party certification mark and the use of green or brown colors.
- 2) Authorizes CalRecycle to adopt regulations to develop the content and labeling requirements, and in adopting regulations, consider the plastic product labeling requirements of other states, stakeholder input and industry standard guidelines.

FISCAL EFFECT:

- 1) The cost for CalRecycle to develop the content and labeling requirements depend on whether the department opts to develop guidelines or go through the rulemaking process. The development of guidelines is likely absorbable within existing resources, however, if CalRecycle chooses to develop regulations, costs are likely in the range of \$100,000 to \$200,000 over a one-year to two-year period (special fund).

- 2) If CalRecycle is responsible for the implementation and enforcement of the bill, about an additional \$125,000 per year would be necessary (special fund).

COMMENTS:

Rationale. California's labeling requirements for compostable plastic are designed to guarantee marketing claims are accurate and do not mislead consumers. Prior to the adoption of standards in 2004, misleading claims of biodegradability and compostability were common despite the fact plastic material did not break down in the environment and contaminated recyclable plastic waste when mixed.

The Legislature has enacted numerous bills intended to prevent misleading environmental marketing claims and ensure used materials are able to be properly managed. Efforts include banning the use of terms like "biodegradable" for plastic products and requiring plastics labeled "compostable" to meet widely accepted standards.

This bill is intended to remove the barriers faced by compost producers and enable products that are labeled compostable to truly be compostable. This bill will also prevent manufacturers from intentionally adding PFAS and other known harmful chemicals to food packaging that is compostable.

According to the author, "AB 1201 ensures that California's compost stream is safe from harmful chemicals and that what is labeled as compostable actually is compostable."

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