

CALIFORNIA CODES
PUBLIC **RESOURCES CODE**
SECTION 42355-42358

42355. The Legislature finds and declares that it is the public policy of the state that environmental marketing claims, whether explicit or implied, should be substantiated by competent and reliable evidence to prevent deceiving or misleading consumers about the environmental impact of plastic **bags**. For consumers to have accurate and useful information about the environmental impact of plastic **bags** and packages, environmental marketing claims should adhere to uniform and recognized standards, including those standard specifications established by the American Society for Testing and Materials.

42356. For purposes of this chapter, the following definitions apply:

- (a) "ASTM" means the American Society for Testing and Materials.
- (b) (1) "ASTM standard specification" means one of the following:

- (A) The ASTM Standard Specification for **Compostable** Plastics D6400, as published in September 2004, except as provided in subdivision (c) of Section 42356.1.

- (B) The ASTM Standard Specification for Non-Floating Biodegradable Plastics in the Marine Environment D7081, as published in August 2005, except as provided in subdivision (c) of Section 42356.1.

- (2) "ASTM standard specification" does not include an ASTM Standard Guide, a Standard Practice, or a Standard Test Method.

- (c) "Manufacturer" means a person, firm, association, partnership, or corporation that produces a plastic bag.

- (d) "Supplier" means a person who does one or more of the following:

- (1) Sells, offers for sale, or offers for promotional purposes, a plastic bag that is used by a person to contain a product.

- (2) Takes title to a plastic bag produced either domestically or in a foreign country, that is purchased for resale or promotional purposes.

42356.1. (a) If an ASTM standard specification specified in paragraph (1) of subdivision (b) of Section 42356 is subsequently revised, the board shall review the new ASTM standard specification as follows:

- (1) If the board determines that the new standard is more stringent and more protective of the public health, safety, and the environment, and is reflective of and consistent with state policies and programs, the board may adopt the new standard.

- (2) If the board determines that the new standard is not as stringent and does not protect the public health, safety, and the environment, and is not reflective of and consistent with state policies and programs, the board shall not adopt the new standard.

- (b) If the ASTM, or any other entity, develops a new standard specification or other applicable standard for any of the terms prohibited under subdivision (a) of Section 42357, the board may review the new standard and, if the board determines that the new standard for the prohibited term is more stringent and more protective of the public health, safety, and the environment, and is reflective of and consistent with state policies and programs, the

board may make a recommendation to the Legislature.

(c) Compliance with a standard adopted pursuant to paragraph (1) of subdivision (a) shall be deemed to be in compliance with this chapter.

42357. (a) (1) A person shall not sell a plastic bag in this state that is labeled with the term "**compostable**" or "marine degradable," unless, at the time of sale, the plastic bag meets the applicable ASTM standard specification, as specified in paragraph (1) of subdivision (b) of Section 42356.

(2) Compliance with only a section or a portion of a section of an applicable ASTM standard specification does not constitute compliance with paragraph (1).

(b) Except as provided in subdivision (a), a person shall not sell a plastic bag in this state that is labeled with the term "biodegradable," "degradable," or "decomposable," or any form of those terms, or in any way imply that the bag will break down, fragment, biodegrade, or decompose in a landfill or other environment.

(c) A manufacturer or supplier, upon the request of a member of the public, shall submit to that member, within 90 days of the request, information and documentation demonstrating compliance with this chapter, in a format that is easy to understand and scientifically accurate.

42358. (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.

(b) Any civil penalties collected pursuant to subdivision (a) shall be paid to the office of the city attorney, city prosecutor, district attorney, or Attorney General, whichever office brought the action. The penalties collected pursuant to this section by the Attorney General may be expended by the Attorney General, upon appropriation by the Legislature, to enforce this chapter.

(c) The remedies provided by this section are not exclusive and are in addition to the remedies that may be available pursuant to Sections 17200 to 17210, inclusive, of the Business and Professions **Code**.

(d) Any costs incurred by a state agency in carrying out this chapter shall be recoverable by the Attorney General, upon the request of the agency, from the liable person or persons.