



QUICK REFERENCE GUIDE TO “BIODEGRADABLE,” “COMPOSTABLE,” AND RELATED CLAIMS ON PLASTIC PRODUCTS IN CALIFORNIA

For a number of years, California law has restricted the use of “biodegradable,” “compostable,” and related claims about plastic bags, bottles, containers and utensils. The law ensures that consumers receive accurate information about the post-disposal environmental impacts of these plastic products. Because littered plastic products continue to cause significant environmental harm in California, the California Legislature enacted a new law restricting such claims on **all** plastic products and packaging, effective January 1, 2013.

The following chart summarizes the law through 2012 and the changes taking effect on January 1, 2013. For more information, please consult the statutes.

Claims	California Law through December 31, 2012	California Law Effective January 1, 2013
<p>“Compostable”</p> <p>“Marine Degradable”</p>	<p>It is unlawful to sell:</p> <ul style="list-style-type: none"> • A plastic bag, plastic food or beverage container (including products made of paper with plastic coating and/or plastic modifiers), or plastic utensil . . . • That is labeled “compostable” or “marine degradable” unless . . . • At the time of sale, the food or beverage container, utensil or bag meets the applicable standard, specifically: <ul style="list-style-type: none"> ○ <u>ASTM D6400</u> for Compostable Plastics; ○ <u>ASTM D7081</u> for Non-Floating Biodegradable Plastics in the Marine Environment; ○ <u>ASTM D6868</u> for Biodegradable Plastics Used as Coatings on Paper and Other Compostable Substrates. <p>(Pub. Res. Code, §§ 42356, 42357 (2004) [plastic bags]; Pub. Res. Code, §§ 42359.5, 42359.6 (2006) [plastic food/beverage containers, utensils].)</p>	<p>New law extends existing restrictions to all plastic products, whether the product is made of plastic alone or in combination with other material, including containers, bags, straws, lids, utensils, any consumer product and any kind of packaging.</p> <p>(Pub. Res. Code, §§ 42355-42358.5 (2011) [effective Jan. 1, 2013].)</p>

Claims	California Law through December 31, 2012	California Law Effective January 1, 2013
<p>“Biodegradable”</p> <p>“Degradable”</p> <p>“Decomposable”</p> <p>(Or any form of these terms)</p>	<p>Except as allowed with respect to a “compostable” or “marine degradable” claim (see above), it is unlawful to sell:</p> <ul style="list-style-type: none"> • A plastic bag, plastic food or beverage container (including products made of paper with plastic coating and/or plastic modifiers), or plastic utensil . . . • That is labeled “biodegradable,” “degradable,” or “decomposable,” or any form of those terms . . . • Or to imply in any way that the item will break down, fragment, biodegrade, or decompose in a landfill or other environment. <p>(Pub. Res. Code § 42357, subd. (b) (2004) [plastic bags]; Pub. Res. Code, §§ 42359.6, subd. (b), 42359.5 [plastic containers, utensils].)</p>	<p>New law incorporates and extends existing restrictions to <i>all plastic products</i>, whether the product is made of plastic alone or in combination with other material, including containers, bags, straws, lids, utensils, any consumer product and any kind of packaging.</p> <p>(Pub. Res. Code, §§ 42355-42358.5 (2011) [effective Jan. 1, 2013].)</p>
<p>“Home Compostable”</p>	<p>No specific standard exists in current law for the claim “home compostable,” however existing legal restrictions on use of the term “compostable” (see above) may apply. (See also Bus. & Prof. Code, §§ 17500, 17508.)</p>	<p>It is unlawful to sell a plastic product labeled “home compostable” (or an equivalent claim) unless the manufacturer holds a “Vincotte OK Compost HOME” certificate of conformity with regard to that product. (Pub. Res. Code, § 42357, subd. (a)(4) (2011) [effective Jan. 1, 2013].)</p>
<p>Additional requirements for compostable plastic bags</p>	<p>Manufacturer of plastic bags that may lawfully be labeled “compostable” shall ensure that such plastic bags are readily and easily identifiable from other (non-compostable) plastic bags, as specified in statute. (Pub. Res. Code, § 42357.5.)</p>	<p>Existing requirements incorporated into new law.</p> <p>(Pub. Res. Code, § 42357.5 (2011) [effective Jan. 1, 2013].)</p>
<p>Other environmental marketing claims (e.g., “environmentally friendly”)</p>	<p>It is unlawful to make any untrue or misleading claims or representations regarding goods or services. (Bus. & Prof. Code, § 17500 et seq.) It is unlawful to make any untruthful, deceptive or misleading environmental marketing claims, whether explicit or implied. (Bus. & Prof. Code, §§ 17580, 17580.5.) If it does not violate any other statute, a claim is acceptable under this provision if it conforms to standards or examples contained in the Federal Trade Commission’s Guides for the Use of Environmental Marketing Claims (16 C.F.R. Part 260 (2012)) (“Green Guides”). (Bus. & Prof. Code, § 17580.5.)</p>	<p>Existing restrictions on false, deceptive and/or misleading marketing statements continue to apply.</p>