

ASSEMBLY BILL

No. 19

Introduced by Assembly Member Ruskin

December 1, 2008

An act to add Division 27.5 (commencing with Section 44570) to the Health and Safety Code, relating to product labeling.

LEGISLATIVE COUNSEL'S DIGEST

AB 19, as introduced, Ruskin. Greenhouse gas emissions: consumer product labeling.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases that cause global warming in order to reduce emissions of greenhouse gases.

This bill would enact the Carbon Labeling Act of 2009. The act would require the state board to develop and implement a program for the voluntary assessment, verification, and standardized labeling of the carbon footprint, as defined, of consumer products sold in this state.

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

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

- 1 SECTION 1. Division 27.5 (commencing with Section 44570)
- 2 is added to the Health and Safety Code, to read:

1 DIVISION 27.5. THE CARBON LABELING ACT OF 2009

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3 CHAPTER 1. TITLE

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5 44570. This division shall be known, and may be cited as, the
6 Carbon Labeling Act of 2009.

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8 CHAPTER 2. FINDINGS AND DECLARATIONS

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10 44571. The Legislature finds and declares all of the following:

11 (a) Global warming poses a serious threat to the economic
12 well-being, public health, natural resources, and the environment
13 of California.

14 (b) The California Global Warming Solutions Act of 2006
15 (Division 25.5 (commencing with Section 38500) provides a
16 regulatory framework to establish and enforce greenhouse gas
17 emission reductions.

18 (c) Consumer choice can play a significant role in helping
19 California meet its greenhouse gas emission reduction targets, but
20 only if consumers have usable and reliable information about the
21 greenhouse gas emissions resulting from their product choices.

22 (d) It has been estimated that household consumption of
23 consumer goods in the United States accounts for emissions of
24 more than 15 metric tons of greenhouse gas equivalents, or about
25 one-third of total household emissions, per year.

26 (e) There are numerous attempts throughout the world to provide
27 product information to consumers, any of which are not regulated.

28 (f) The state should identify the best approach to standardizing
29 product labeling to help businesses and to provide accurate
30 information to consumers.

31 (g) The methodological and technical challenges of measuring
32 greenhouse gas emissions are already being addressed by
33 researchers in California and across the world. Converting these
34 measurement methods into a viable, practical greenhouse gas
35 emission label involves crafting a compromise solution that is both
36 accurate and precise, as well as feasible for producers to implement.

37 (h) The development of a voluntary carbon or greenhouse gas
38 emissions labeling program for consumer products can harness
39 the power of the marketplace to create incentives for manufacturers

1 to innovate and compete to reduce the carbon footprint of their
2 products.

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4 CHAPTER 3. DEFINITIONS

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6 44572. As used in this division the following terms have the
7 following meanings:

8 (a) “Carbon footprint” means the total amount of emissions of
9 greenhouse gas, as defined in Section 38505, that occur as a result
10 of a product’s life cycle, or as determined by the state board to
11 best implement this division.

12 (b) “State board” means the State Air Resources Board.

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14 CHAPTER 4. CARBON LABELING PROGRAM

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16 44574. (a) The state board shall develop and implement a
17 program for the voluntary assessment, verification, and labeling
18 of the carbon footprint of consumer products sold in this state. In
19 order to create this program, the state board shall establish standard
20 methodologies for assessing, verifying, and labeling the carbon
21 footprint of a consumer product. The state board shall only include
22 a product category in a standard if it determines that it is feasible
23 and practical to do so. The state board may choose to adopt a
24 methodology for a single product category before expanding the
25 scope of the adopted standard to other product categories.

26 (b) The program shall do both of the following:

27 (1) Allow a consumer product manufacturer, on a voluntary
28 basis, to determine the carbon footprint of the product by applying
29 the criteria and standards developed by the state board, and to
30 include that information on the product, product packaging, and
31 product advertising, consistent with the labeling standards
32 developed by the state board.

33 (2) Develop a standardized, easily understandable, label that
34 communicates to consumers relevant information about the carbon
35 footprint of a consumer product. The label may be issued to a
36 company that meets all of the obligations of the adopted standard
37 for measuring a product’s carbon footprint.

38 (c) The state board may use data from outside sources to develop
39 the standards required to be created by subdivision (a), including
40 the use of existing models and labels. The state board may consult

1 with representatives of consumer product manufacturers, consumer
2 groups, and environmental groups, and conduct public hearings
3 and workshops, to inform the development of the standards
4 required to be established pursuant to subdivision (a).

5 (d) (1) The state board shall determine the appropriate
6 boundaries in determining and assessing the carbon footprint of a
7 consumer product, which may include raw material extraction,
8 production processing or manufacturing, transportation,
9 distribution, consumer use, and disposal. The state board may vary
10 these boundaries by product category.

11 (2) The state board may develop a hybrid life cycle analysis
12 methodology standard by relying on company measurements of
13 energy use, other greenhouse gas emission sources, and national
14 averages, or other available information for determining the carbon
15 footprint.

16 (e) If the state board determines that feasible measurement
17 methodologies are not sufficiently accurate to allow for direct
18 comparisons of the carbon footprint of two like products within a
19 product category, the state board may elect to develop standards
20 for communicating all of the following:

21 (1) The average greenhouse gas emissions in a product category
22 in order to allow consumers to compare across categories.

23 (2) Whether a product has a lower carbon footprint than the
24 average comparable product available in that category.

25 (3) A specific carbon footprint score that delineates the range
26 of error produced by the methodology.

27 44575. The state board may adopt standardized criteria for
28 third-party verification of the carbon footprint of a consumer
29 product, if the state board determines that this kind of verification
30 is necessary, or the state board may develop an alternative means
31 of ensuring compliance with the labeling standards created pursuant
32 to this chapter.

33 44576. The state board may contract for cost-effective services
34 necessary to implement this chapter.

35 44577. Consumer product manufacturers that label their
36 products in accordance with this chapter shall be responsible for
37 all costs related to the review and validation of carbon label
38 information required by the state board. The state board may charge

- 1 an application fee to participating consumer product manufacturers
- 2 to pay the costs of the program established pursuant to this chapter.

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