



General Assembly

Amendment

January Session, 2021

LCO No. 10438



Offered by:
REP. FIORELLO, 149th Dist.

To: Subst. Senate Bill No. 837

File No. 126

Cal. No. 488

(As Amended)

**"AN ACT CONCERNING THE USE OF PERFLUOROALKYL OR
POLYFLUOROALKYL SUBSTANCES IN CLASS B FIREFIGHTING
FOAM."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective October 1, 2021*) (a) For the purposes of this
4 section:

5 (1) "ASTM" means the American Society for Testing and Materials;

6 (2) "ASTM standard" means meeting the standards of the ASTM
7 International standards D6400, D6868 or D7081 for biodegradable and
8 compostable plastics as those standards may be amended but does not
9 include an ASTM standard guide, a standard practice or a standard test
10 method;

11 (3) "Manufacturer" means any person, firm, association, partnership

12 or corporation that produces a plastic product;

13 (4) "OK home compost" means conformity with the existing Vincotte
14 certification "OK Compost HOME certification" which, as of January 1,
15 2011, uses European Norm 13432 standard adapted to low-temperature
16 composting in accordance with the Vincotte program OK 2-Home
17 Compostability of Products;

18 (5) "Plastic product" means a product made of plastic, whether alone
19 or in combination with other material, including, but not limited to,
20 paperboard and including any product or part of a product that is used,
21 bought or leased for use by a person for any purpose, any package or a
22 packaging component, any bag, sack, wrap or other thin plastic sheet
23 film product, and any food or beverage container or a container
24 component, including, but not limited to, any straw, lid or utensil;

25 (6) "Supplier" means any person who does one or more of the
26 following: (A) Sells, offers for sale or offers for promotional purposes, a
27 plastic product that is used; (B) takes title to a plastic product, produced
28 either domestically or in a foreign country, that is purchased for resale
29 or promotional purposes;

30 (7) "Vincotte certification" means a certification of a European norm
31 standard adopted by the Belgian-accredited inspection and certification
32 organization Vincotte;

33 (8) "Readily and easily identifiable" means labeled with a certification
34 logo indicating the bag meets the ASTM D6400 standard specification if
35 the bag has been certified as meeting such standard by a recognized
36 third-party independent verification; and labeled in accordance with
37 one of the following: (A) The bag is made of a uniform color of green
38 and labeled with the word "compostable" on one side of the bag, and the
39 label is at least one inch in height, or (B) the bag is labeled with the word
40 "compostable" on both sides and the label is of a uniform color of green
41 with lettering at least one inch in height or within a contrasting green
42 color band of at least one inch in height on both sides of the bag with
43 color contrasting lettering of at least one-half inch in height except if the

44 bag is smaller than fourteen inches by fourteen inches, such lettering
45 and band shall be in proportion to the size of the bag;

46 (9) "Plastic food container product" means any product made of
47 plastic that includes a tray, clamshell container or other receptacle and
48 that is used, or intended to be used, to hold food.

49 (b) No person shall sell or distribute a plastic product that is labeled
50 with the term "compostable" or "home compostable," unless, at the time
51 of sale or distribution, the plastic product meets the applicable ASTM
52 standard specification or the Vincotte OK Compost HOME certification,
53 as provided in subsection (d) of this section.

54 (c) Compliance with only a section or a portion of a section of an
55 applicable ASTM standard specification shall not constitute compliance
56 with subsection (b) of this section.

57 (d) Notwithstanding subsection (a) of this section, any person may
58 sell a plastic product that is labeled with a qualified claim for a term
59 specified in subsection (a) of this section, if the plastic product meets the
60 applicable standard.

61 (e) No person shall label any plastic product with the term "home
62 compostable" unless the manufacturer of such plastic product holds a
63 Vincotte OK Compost HOME certificate of conformity for such product.

64 (f) Except as provided in subsection (b) of this section, no person shall
65 sell or distribute a plastic product that is labeled with the term
66 "biodegradable", "degradable", "decomposable" or any form of said
67 terms, or in any way imply that the plastic product will break down,
68 fragment, biodegrade or decompose in a landfill or any other
69 environment.

70 (g) Each manufacturer or supplier, upon the request of a member of
71 the public, shall submit to such person, not later than ninety days after
72 such request, information and documentation demonstrating
73 compliance with this section, in a format that is easy to understand and

74 scientifically accurate.

75 (h) Any product that is in compliance with this section shall not,
76 solely as a result of such compliance, be deemed to be in compliance
77 with any other applicable marketing requirement or guideline
78 established under any provision of the general statutes, the regulations
79 of Connecticut state agencies or the Federal Trade Commission.

80 (i) Each manufacturer of a compostable plastic bag that meets the
81 adopted ASTM standard specification shall ensure that the compostable
82 plastic bag is readily and easily identifiable from other plastic bags in a
83 manner that is consistent with the Federal Trade Commission Guides
84 for the Use of Environmental Marketing Claims contained in Part 260
85 commencing with Section 260.1 of Subchapter B of Chapter I of Title 16
86 of the Code of Federal Regulations. Any such compostable plastic bag
87 sold or distributed shall not display a chasing arrow resin identification
88 code or recycling type of symbol in any form. Each manufacturer that is
89 required to comply with this section shall be required to do so only to
90 the extent that the labeling requirements do not conflict with the Federal
91 Trade Commission Guides for the Use of Environmental Marketing
92 Claims Part 260, commencing with Section 260.1, of Subchapter B of
93 Chapter I of Title 16 of the Code of Federal Regulations. Nothing in this
94 subsection shall be construed to create an exception to any ban on plastic
95 carryout bags with handles at the point of sale.

96 (j) Each manufacturer or supplier of plastic bags distributed for use
97 that does not meet the applicable standard specifications provided in
98 this section shall: (1) Be prohibited from using tinting, labeling and
99 terms that are required of products that meet the applicable standard
100 specifications, and (2) not use green coloration or other labeling, images
101 and terms that confuse consumers into believing that noncompostable
102 bags and food service packaging are compostable.

103 (k) Any municipality or the state may impose civil liability in the
104 amount of five hundred dollars for the first violation of this section, one
105 thousand dollars for the second violation and two thousand dollars for

106 the third and any subsequent violation. Any civil penalty collected
107 pursuant to this subsection shall be paid to the municipality or the
108 Attorney General, whichever office brought the action. Any costs
109 incurred in enforcing this section shall be recoverable by the Attorney
110 General from the liable party."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	October 1, 2021	New section