

Waste prevention legislation gives nod to consumer rights

COMMENTARY /// Eye on the Environment

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[By David Goldstein](#)

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California's 2023-24 legislative session wrapped up over the summer with some new laws intended to reduce waste.

Assemblymember Jacqui Irwin, who represents Calabasas, Agoura Hills, Westlake Village, Thousand Oaks, Moorpark, Simi Valley and parts of Camarillo, authored Assembly Bill 660, which standardizes date labels on food packaging, banning phrases such as "sell by," which was leading to unnecessary disposal of perfectly good food.

Rather than the 50 phrases her website says are currently in use to communicate everything from peak quality to spoilage expectations, future packaging will be labeled either "best if used by . . ." or "use by . . .". The former phrase will communicate

freshness and the latter will act as a product safety notice.

Another new law combining consumer advocacy with environmental goals is Senate Bill 244, authored by Sen. Susan Talamantes Eggman, who represents a central California district that spans three counties. Following similar laws in Minnesota and New York, the new law was spurred by the "right to repair" movement, which advocates for enhancing consumers' legal and technical abilities to fix, rather than discard, electronics and other items.

Under the new law, companies must meet goals for providing repair materials like parts, tools, documentation and software. For products costing \$50 to \$100, manufacturers must facilitate repairs in these ways for at least three years. For products priced at \$100 or more, the minimum is seven years. The bill will cover electronics and appliances made and sold after July 1, 2021.

The "paper versus plastic" choice at supermarket checkout counters has also been cast as an issue of consumer rights, so when a previous California law banned single-use plastic bags, it left in place an option for consumer choice. Californians could still purchase plastic bags, albeit only the thicker bags that are considered reusable.

This year, Senate Bill 1053 revised the ban to include all plastic bags. Another ban also passed this year, Senate Bill 1280, will prohibit the sale of propane cylinders unless they are reusable or refillable, beginning Jan. 1, 2028.

Fearing a ban that could be enacted either by legislation or initiative, industries instead sometimes compromise with waste reduction advocates. Such was the case with Senate Bill 707, signed by Gov. Gavin Newsom on Sept. 28. It will require textile producers to establish a stewardship program. Like similar programs for paint, carpet and mattresses, a textile industry-led organization will coordinate collection and recycling of the product from which they profit. They will collect fees charged on the purchase of specified textiles and use the funds to pay for some of their programs.

The California Product Stewardship Council first attempted to shepherd this bill through the Legislature last year, and then boosted the chances of passage by hosting stakeholder discussions. After changes to the bill were made, it gained a large list of endorsements. Now California is the first state to enact a bill that makes textile producers responsible for reducing textile waste.

The governor vetoed similar legislation, including Senate Bill 1066, which would have required manufacturers of marine flares to submit to the Department of Toxic Substances Control a plan for collection and safe disposal of their products. Currently, when marine flares expire, consumers are stuck with an item they must pay high fees to dispose of properly. Unlike road flares, marine flares are classified as an explosive device and have special handling and transportation requirements. Therefore, marine flares are not accepted at publicly sponsored household hazardous waste collection events.

The governor's veto message encouraged proponents to make changes and try again, saying his primary objection was a lack of DTSC funding for implementation costs.

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