HB
532

HOUSE COMMITTEE REPORT

(7)
Date Referred: February 12, 1990 FURTHER REFERRALS: FINANCE

Date of Committee Action: __________

The LABOR & COMMERCE Committee considered: HB 532

HOUSE BILL NO. 532 PLASTIC CONTAINER/BOTTLE CODING REQUIRED

"An Act requiring the placement of certain coding on certain plastic bottles and containers; and providing for an effective date."

RECOMMENDATIONS:
[ ] be replaced with ______________________ [ ] the same title [ ] a new title
[ ] have attached amendment(s)
[ ] do pass
[ ] do not pass
[ ] no recommendation
[ ] individual recommendations
[ ] additional referral to the ______________ Committee

ADOPTS: ______________ letter of intent

ATTACHES NEW FISCAL NOTE(s): (Dept)
[ ] fiscal impact ________
[ ] zero fiscal note ________
[ ] zero with analysis ________

APPROVES PREVIOUS: (Date/Dept)
[ ] fiscal note(s) ________
[ ] zero fiscal note(s) ________
[ ] zero fn/analysis ________

SIGNING DO PASS:

[signatures]

SIGNING: (Check approp. column)

	Do Not Pass	No Rec	Amend

[signature]
Chairman's Signature

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: HB 532
PUBLISH DATE: February 27, 1990

FISCAL NOTE

REQUEST:

Revision Date:
Title: An Act requiring the placement of certain coding on plastic bottles...
Sponsor: Rep. Virginia Collins
Requestor:

Agency Affected: Environmental Conservation
BRU: Environmental Quality
Components: Environmental Quality

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		5.0				
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	5.0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Copying costs and limited advertising campaign

$5,000/FY 92 only

Prepared by: Rep. David Donley
Phone: 465-4954
Division: House Labor and Commerce Committee
Date: 2/27/90

Approved by Commissioner: /s/ David Donley
Date: 2/27/90
Agency: House Labor and Commerce Committee

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION : HB 532

PUBLISH DATE :

FISCAL NOTE

REQUEST:

Revision Date:

Agency Affected: Environ Conservation

Title: An Act requiring the placement of certain coding on certain plastic bottles . . .

BRU: Environmental Quality

Sponsor: Rrepresentative Virginia Collins

Components:

Requestor:

Environmental Quality

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	15,000.0	15,000.0	15,000.0	15,000.0	15,000.0	15,000.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND&STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS,CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	15,000.0	15,000.0	15,000.0	15,000.0	15,000.0	15,000.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
OTHER	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Jeff Mach

Phone : 465-2671

Division: Environmental Quality

Date : 2/27/90

Approved by Commissioner:

Date: 2/27/90

Agency: Environmental Conservation

Distribution (by preparer) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

HOUSE LABOR & COMMERCE COMMITTEE

February 27, 1990

Committee Member Bill Packet for:

House Bill 532, "An Act requiring the placement of certain coding on certain plastic bottles and containers; and providing for an effective date."

by COLLINS, Koponen, Finkelstein, Navarre, Hanley, Swackhammer, Davidson, Brown, C. Davis, Leman

CONTENTS:

Chapter 06. Recycling and Reduction of Litter.

Cross references. — For intent of 1980 legislation enacting AS 46.06.010 — 46.06.150, see § 1, ch. 149, SLA 1980, in Temporary and Special Acts and Resolves.

Collateral references. — 39 Am. Jur. 2d, Highways, Streets and Bridges, §§ 466, 467; 40 Am. Jur. 2d, Highways, Streets and Bridges, § 608; 56 Am. Jur. 2d, Municipal Corporations, Counties, and Other Political Subdivisions, §§ 455, 456; 61A Am. Jur. 2d, Pollution Control, §§ 46-49.

39A C.J.S., Health and Environment, §§ 44, 125-128.

Validity and construction of statute or ordinance requiring return deposits on soft drink or similar containers. 73 ALR3d 1105.

Sec. 46.06.010. Powers of the department. The department shall

(1) serve as the coordinating agency among public and private organizations in the state that are involved in the control, reduction, and recycling of litter;

(2) assist local governments in the adoption and amendment of ordinances relating to the control, reduction, and recycling of litter;

(3) promote voluntary local programs and information campaigns that encourage the public to refrain from littering and to participate in efforts to clean up and recycle litter;

(4) inform the public of, and encourage the public to comply with, the provisions of this chapter and regulations adopted under this chapter;

(5) encourage federal, state, and local agencies to assist programs for the recycling of litter by allowing the use of publicly owned land, buildings, or equipment for those programs whenever possible;

(6) apply for, receive, and expend grants, loans, and other monetary and nonmonetary assistance for use in programs established under this chapter;

(7) determine the types of materials or energy that may be profitably recovered from litter, and adopt regulations under the Administrative Procedure Act (AS 44.62) that require the recovery of the materials or energy;

(8) adopt other regulations under the Administrative Procedure Act (AS 44.62) necessary to implement this chapter. (§ 2 ch 149 SLA

1980; am § 1 ch 164 SLA 1984; r § 5 ch 149 SLA 1980, § 9 ch 164 SLA 1984; am § 2 ch 37 SLA 1987)

Revisor's notes. — Enacted as AS 41.21.010. Renumbered in 1980.

Effect of amendments. — The 1984 amendment substituted "reduce littering" for "establish which municipality has the least litter" in paragraph (9) and "that" for "which" throughout the rest of the section.

The 1987 amendment rewrote this section.

Secs. 46.06.020 — 46.06.040. Annual report; advisory council; public awareness; motivation. [Repealed, § 6 ch 37 SLA 1987.]

Sec. 46.06.050. Litter receptacles and anti-litter symbol. (a) The department shall designate one or more types and sizes of litter receptacles for use in the state. The department shall designate and make available for distribution throughout the state an anti-litter symbol of a uniform color and design adopted by the department. This anti-litter symbol must bear a statement of the penalties for littering and must be designed so that it may be attached to litter receptacles. To aid public recognition and use of litter receptacles, the department may adopt an anti-litter symbol used in another state. The person or agency responsible for the placement of litter receptacles located in public places of the state shall attach to those receptacles the anti-litter symbol designated by the department.

(b) Litter receptacles designated for use in the state by the department shall be placed at public places in the state unless the public place is specifically exempted by regulations adopted by the commissioner under the Administrative Procedure Act (AS 44.62). The number of receptacles required to be placed in each public place shall be determined by a formula related to the need for those receptacles. The requirements of this subsection are satisfied by the use of a litter receptacle which was in use before July 1, 1980, if the anti-litter symbol of the state is attached to the receptacle.

(c) A person owning or operating a privately owned public place at which litter receptacles are required under (b) of this section shall place litter receptacles at the public place at the person's own expense.

(d) Compliance with this section requires proper upkeep, maintenance and repair of a litter receptacle sufficient to permit the receptacle to serve the function for which it was designed and to prevent the receptacle from becoming unsightly.

(e) Responsibility for the placement of litter receptacles at publicly owned public places and for the removal of litter from those litter

receptacles remains with the municipality or other public agency performing litter removal. Removal of litter from litter receptacles placed at privately owned public places remains the responsibility of the owner or operator of the privately owned public place.

(f) A person may not damage, deface, abuse or misuse a litter receptacle not owned by the person so as to interfere with its proper function or to detract from its appearance.

(g) A person may not deposit leaves, clippings, prunings, garden refuse or household waste materials in a litter receptacle without the permission of the owner of that receptacle.

(h) Except as provided in (i) of this section, a person who violates the provisions of (b) — (g) of this section is guilty of a violation and in addition to the punishment imposed by AS 12.55.035(b)(5), the court may order a person who violates this section to gather and dispose of litter in an area and for a length of time determined by the court.

(i) If a municipality of the state adopts an ordinance which prohibits the same conduct prohibited by (b) — (g) of this section, a violation of (b) — (g) of this section which occurs in the municipality is punishable under the provisions of the municipal ordinance if the punishment imposed under the ordinance is equal to or greater than the punishment imposed by AS 12.55.035(b)(5). (§ 2 ch 149 SLA 1980; am § 2 ch 164 SLA 1984; r § 5 ch 149 SLA 1980, § 9 ch 164 SLA 1984)

Revisor's notes. — Enacted as AS 41.21.050. Renumbered in 1980.

Effect of amendments. — The 1984 amendment in subsection (a), inserted "designate and" in the second sentence, substituted "must be designed" for "the department shall design the anti-litter symbol" in the third sentence, and substituted the present last sentence for the former last sentence, which read "The anti-litter symbol designed by the department must be attached to litter receptacles located in the public places of the state by the person or agency responsible for the placement of those receptacles."

Sec. 46.06.060. Litter bags. The department may design and have produced a litter bag bearing the state anti-litter symbol and a statement of the penalties for littering in the state. The department may make litter bags available to the division of motor vehicles in the Department of Public Safety for this purpose. The division of motor vehicles may distribute one litter bag to each person who applies for registration or reregistration of a motor vehicle and shall notify the person of the person's responsibilities under the law. The department may make litter bags available to all vehicle and vessel operators entering the state. The commissioner shall designate distribution points for the broadest possible distribution of litter bags to persons entering the state by vehicle or vessel. (§ 2 ch 149 SLA 1980; am § 3

ch 164 SLA 1984; r § 5 ch 149 SLA 1980, § 9 ch 164 SLA 1984; am § 3 ch 37 SLA 1987)

Revisor's notes. — Enacted as AS 41.21.050. Renumbered in 1980.

Effect of amendments. — The 1984 amendment deleted "biodegradable" preceding "litter bag" in the first sentence, substituted "a" for "his" and "the person's" for "his" in the third sentence and "vehicle" for "automobile" in the last sentence, and rewrote the next-to-last sentence, which formerly read "The department shall make litter bags available to all vessel owners and persons entering the state by automobile."

The 1987 amendment substituted "The" for "To the greatest extent practicable, the" at the beginning of the third sentence and substituted "may" for "shall" throughout the section.

Sec. 46.06.070. Litter patrol. (a) The department may establish a youth litter patrol program for the employment of young people on a seasonal basis. The department shall cooperate with federal, state or municipal programs that either employ young people or encourage their employment. The department may contract with other state agencies to provide administration and other support for the youth litter patrol established by this section.

(b) *[Repealed, § 6 ch 37 SLA 1987.]* (§ 2 ch 149 SLA 1980; am § 4 ch 164 SLA 1984; r § 5 ch 149 SLA 1980, § 9 ch 164 SLA 1984; am § 6 ch 37 SLA 1987)

Revisor's notes. — Enacted as AS 41.21.070. Renumbered in 1980.

Effect of amendments. — The 1984 amendment substituted "may" for "shall" in the first sentence in subsection (a).

The 1987 amendment repealed subsection (b), which read "The department may adopt regulations under the Administrative Procedure Act (AS 44.62) which are necessary to implement this section."

Sec. 46.06.080. Littering prohibited. (a) A person may not throw, drop, deposit, discard or otherwise dispose of litter from a vehicle or otherwise, on public or private property in the state or in waters in the state or under state jurisdiction unless

(1) the property is designated by a state agency or municipality as a site for the sanitary disposal of garbage or refuse, and the person is authorized to use the site for that purpose; or

(2) litter is placed in a litter receptacle so that the litter is prevented from being carried away or deposited by the elements upon public or private property or water in the state or under state jurisdiction.

(b) A vehicle may not be driven or moved on a public highway or right-of-way unless it is constructed, loaded or covered to prevent its load from dropping, sifting, leaking or otherwise escaping from the vehicle. This subsection does not apply to a vehicle used (1) to deposit salt or sand to secure traction, (2) by a public agency to clean or maintain highways, or (3) to transport agricultural, mining or timber products. A person who operates a vehicle from which an object has fallen or escaped which obstructs or endangers travel upon a public

highway or right-of-way shall immediately remove the object at the person's own expense or pay the cost of removal incurred by the state or by another person.

(c) A person who violates this section is guilty of a violation, and may be sentenced to pay a fine of not more than $1,000. In addition, the court may order the person to gather and dispose of litter in an area and for a length of time determined by the court.

(d) A peace officer shall issue a citation as provided in AS 12.25.180 to a person who violates this section. If a citation is for a minor littering violation, then the person to whom the citation is issued may, within 15 days, mail or personally deliver to the clerk of the court in which the citation is filed

(1) a fine of $50; and

(2) a copy of the citation indicating that the right to an appearance is waived and a plea of no contest is entered.

(e) If a $50 fine has been paid under (d) of this section, then the court shall enter a judgment of conviction. Payment of the fine is a complete satisfaction for the violation.

(f) If a person cited under this section fails to pay the fine or to appear in court as required, the citation is considered a summons for a failure to obey a citation under AS 12.25.230, and the court may issue a bench warrant.

(g) Notwithstanding other provisions of law, if a person cited for a minor littering violation under this section appears in court and is found guilty, the penalty that is imposed for the violation may not exceed $50.

(h) In this section "a minor littering violation" means a violation of (a) or (b) of this section involving littering having an aggregate weight of five pounds or less. (§ 2 ch 149 SLA 1980; am §§ 4, 5 ch 37 SLA 1987)

Revisor's notes. — Enacted as AS 41.21.080. Renumbered in 1980.

Effect of amendments. — The 1987 amendment in subsection (c) substituted "violation, and may be sentenced to pay a fine of not more than $1,000. In addition" for "class B misdemeanor, and in addition to the punishment imposed by AS 12.55.035(b)(4) and 12.55.135(b)"; and added subsections (d) — (h).

Sec. 46.06.090. Prohibited beverage containers; packaging requirements. (a) Beginning October 1, 1981, a person may not sell or offer to sell a nonglass beverage container that is designed and constructed so that the container is opened by detaching a metal ring or tab. This section does not apply to a beverage container that is opened by a detachable piece of tape, foil, or other soft material.

(b) Beginning January 1, 1985, a person may not sell or offer to sell in this state beverage containers that are held together by plastic rings or similar plastic devices unless the rings or devices are degradable and bear a distinguishing mark furnished to the department by

the manufacturer. The department may require test data that shows that the plastic rings or plastic devices meet or exceed the department's standards of degradability.

(c) A person who violates this section is guilty of a violation. Each sale or offer to sell is a separate offense. (§ 2 ch 149 SLA 1980; am § 5 ch 164 SLA 1984; r § 5 ch 149 SLA 1980, § 9 ch 164 SLA 1984)

Revisor's notes. — Enacted as AS 41.21.090. Renumbered in 1980.

Cross references. — As to fines for violations, see AS 12.55.035(b)(5).

Effect of amendments. — The 1984 amendment added "packaging requirements" at the end of the catchline, substituted "that" for "which" in the first and second sentences in subsection (a), and, in subsection (b), added the second sentence and rewrote the first sentence, which formerly read "Beginning October 1, 1981, a person may not sell or offer to sell beverage containers which are held together by plastic rings or similar plastic devices which are not degradable."

Sec. 46.06.100. Notice to public. The penalties imposed for littering shall be posted along the public highways of the state, at visitor centers, at entrances to state parks and recreational areas, at public beaches, and other publicly owned public places the commissioner determines necessary to accomplish the purposes of this chapter. The state agency or municipality responsible for litter removal from a public place shall post the notice required by this section. (§ 2 ch 149 SLA 1980)

Revisor's notes. — Enacted as AS 41.21.100. Renumbered in 1980.

Sec. 46.06.110. Enforcement authority. (a) The following persons are authorized to enforce the provisions of this chapter:

(1) a state employee authorized by the commissioner; and

(2) a peace officer.

(b) The department shall prescribe a citation form which shall be used by all peace officers and persons in the state who are authorized to enforce the provisions of this chapter. (§ 2 ch 149 SLA 1980)

Revisor's notes. — Enacted as AS 41.21.110. Renumbered in 1980.

Sec. 46.06.120. Grants. The department may make grants to state agencies, to municipalities, and to private organizations including nonprofit organizations for the establishment and operation of programs authorized under this chapter. A grant under this section may not exceed 18 months. A program qualifying for a grant under this section may include

(1) courses of instruction at, or the distribution of informative materials to, elementary and secondary schools;

(2) purchase and erection of roadside signs;

(3) organization and operation of litter removal activities conducted by municipalities, private organizations or service groups using volunteer help;

(4) a public information program to inform the public concerning the reduction of litter using the media including use of the electronic media;

(5) expansion of existing, and planning, design and construction of new, facilities for the recovery of materials and energy from litter;

(6) research and evaluation of markets for the materials and energy recovered from litter;

(7) advice and assistance, including information and consultation on available technology, operating procedures, organizational arrangements, markets for materials or energy obtained from litter, transportation alternatives, and publicity techniques;

(8) surveys by public agencies or recognized research organizations to assess the amount and composition of litter, and rates of littering;

(9) the purchase of litter receptacles;

(10) the creation or expansion of litter law enforcement programs;

(11) the initial purchase or lease of recycling equipment, the cost of operating that equipment, and the cost of storing and transporting materials before and after those materials are recycled. (§ 2 ch 149 SLA 1980)

Revisor's notes. — Enacted as AS 41.21.120. Renumbered in 1980.

Sec. 46.06.130. Conditions for grants. (a) The department shall adopt regulations under the Administrative Procedure Act (AS 44.62) which establish

(1) eligibility requirements for applicants for a grant under AS 46.06.120;

(2) standards for the evaluation of proposals submitted by applicants for grants under AS 46.06.120; and

(3) other conditions for the receipt of a grant under AS 46.06.120 which are necessary to achieve the purposes of this chapter.

(b) The regulations adopted by the department under (a) of this section must meet the following criteria:

(1) if there is not enough money for grants to all eligible applicants, the following shall receive priority:

(A) a proposed program or project which most efficiently recovers materials or energy from litter;

(B) the proposed program or project which creates the greatest number of new jobs;

(2) the maximum amount for a single grant shall be established so that available money is distributed to a variety of programs;

(3) a grant may be made for new programs or for improvements to or additions to existing programs which were not previously financed by other existing resources of financing. (§ 2 ch 149 SLA 1980)

Revisor's notes. — Enacted as AS 41.21.130. Renumbered in 1980.

Sec. 46.06.140. Federal requirements. If a federal department or agency issues a formal ruling that a section of this chapter will prevent the state from receiving federal financial participation in a program or activity established under this chapter, the section does not apply to the extent that it causes the program or activity to lose federal funding. (§ 2 ch 149 SLA 1980)

Revisor's notes. — Enacted as AS 41.21.140. Renumbered in 1980.

Sec. 46.06.150. Definitions. In this chapter,

(1) "beverage container" means the individual, separate, sealed glass, metal or plastic bottle, can, jar or carton containing beer or other malt beverages or carbonated soft drinks, in liquid form;

(2) "commissioner" means the commissioner of environmental conservation;

(3) "department" means the Department of Environmental Conservation;

(4) "litter" means all waste material including disposable packages or containers disposed of in a manner prohibited by AS 46.06.080, but does not include the wastes of the primary processes of mining or other extraction process, logging, sawmilling, farming or manufacturing;

(5) "litter bag" means a bag, sack or other container made of any material which is large enough and suitable to serve as a receptacle for litter inside a vehicle or vessel;

(6) "public place" means public or private property that is used or held out for use by the public, whether owned or operated by public or private interests, including but not limited to highways or other roads upon which vehicles are moved, parks, campgrounds, trailer parks, drive-in and fast food restaurants, gasoline service stations, marinas, boat launching areas, boat moorage and fueling stations, public and private piers, beaches, bathing areas, school grounds, sporting event sites with seating capacity for more than 200 spectators, business district sidewalks, parking lots for taverns, shopping centers and grocery stores, and other parking lots if they have a capacity for more than 50 vehicles;

(7) "vehicle" means a mechanically driven device of any kind which is used for the transportation of a person or property on a public highway, trail or path;

(8) "vessel" means all descriptions of watercraft used or capable of being used as a means of transportation on the water.

(9) "degradable" means a characteristic of a material that allows the material to be broken down by biological, chemical, photochemical, or other physical processes

(A) within two years upon exposure to natural elements; and

(B) to a particle size and chemical composition that may be assimilated harmlessly and aesthetically into the environment without producing a residue or by-product determined by the department to be hazardous. (§ 2 ch 149 SLA 1980; am §§ 6—8 ch 164 SLA 1984; r § 5 ch 149 SLA 1980, § 9 ch 164 SLA 1984)

Revisor's notes. — Enacted as AS 41.21.150. Renumbered in 1980.

Effect of amendments. — The 1984 amendment added paragraph (9) and, in paragraph (4), substituted "material including disposable packages or containers disposed of in a manner prohibited by AS 46.06.080, but" for "materials susceptible to being dropped, deposited, discarded or otherwise disposed of upon property in the state or in waters under state jurisdiction; litter" and "wastes" for "waste"; and, in paragraph (6), inserted "whether owned or operated by public or private interests," deleted "parking lots for taverns, shopping centers and grocery stores and other parking lots which have a capacity for more than 50 vehicles" following "gasoline service stations," and substituted "business district sidewalks, parking lots for taverns, shopping centers and grocery stores, and other parking lots if they have a capacity for more than 50 vehicles" for "and business district sidewalks."

Chapter 07. Village Safe Water Act.

Collateral references. — 39 Am. Jur. 2d, Health, § 22; 61A Am. Jur. 2d, Pollution Control, §§ 134, 135; 78 Am. Jur. 2d, Waterworks and Water Companies, §§ 31-46.

39A C.J.S., Health and Environment, § 46; 93 C.J.S., Waters, §§ 43-57.

Validity of statute prescribing standard of purity of water furnished for human consumption. 6 ALR 475.

Power of board of health to prescribe means or methods of keeping water supply free of impurities. 23 ALR 228.

Constitutionality and construction of statutes and ordinances for protection of municipal water supply. 72 ALR 673.

Wrongful pollution of stream by municipality as creating single cause of action or successive causes of action. 75 ALR 529.

When statute of limitations commences to run as to action against municipality for damages to riparian premises by pollution of stream by discharge of sewage. 122 ALR 1509.

Measure and elements of damages for pollution of well, cistern, or spring. 19 ALR2d 769.

Liability for pollution of stream by oil, water, or the like flowing from well. 19 ALR2d 1033.

Validity, construction, and effect of statute, ordinance, or other measure involving chemical treatment of public water supply. 43 ALR2d 453.

Measure and elements of damages for pollution of stream. 49 ALR2d 253.

Validity of prohibition or regulation of bathing, swimming, boating, fishing, or

Alaska State Legislature

P.O. Box V
Juneau, Alaska 99811
(907) 465-2828

3111 C Street, Suite 412
Anchorage, Alaska 99503
(907) 561-2040

Anchorage * District 10

Member
Alaska Legislative Council
Labor & Commerce Committee
Special Committee on Foreign Trade
Finance Sub-Committee for Labor

Representative Virginia Collins

HOUSE BILL 532

SPONSOR STATEMENT

House Bill 532 would require a code on certain plastic bottles and containers. A person could not manufacture, sell, or offer to sell certain plastic bottles or containers without this code. The code would identify the type of resin used to produce the bottle or container.

The code would consist of a number placed within a specific triangle of arrows and a letter or letters placed below the triangle of arrows. There would be 7 different numbers and corresponding letters to identify the types of resins. The department would be required to maintain a list of the codes and to supply the list upon request.

A person found in violation of this act would be guilty of a violation. The effective date of this bill is July 1, 1991.

The model for this proposed legislation was drafted by the Society of the Plastic Industries, Inc. in response to legislators and environmentalists who asked the plastics industry for a code to expedite plastics recycling. Similar legislation has been passed in 19 states and 11 other states have legislation pending.

It is estimated that Americans currently discard over 158 million tons of municipal solid waste each year. We have entered into an era in which landfilling will no longer be the primary method of garbage disposal. Recycling in the U.S. has steadily increased since the mid-1960's.

The sorting of plastics by resin provides for more expeditious recycling. Aside from those 19 states which have passed plastic coding legislation, a total of 32 states are currently involved in the plastic recycling industry. Their involvement consists of negotiating to buy from collectors, recycling the plastic, producing the recycled plastic product, or manufacturing equipment for the recycling process.

In addition to establishing a more efficient plastic recycling system, this legislation would enable recyclers to obtain a higher level of "pure" material for resale markets. Public awareness is a prime ingredient to a successful recycling program and the coding system would help to increase the public's awareness of the recycling potential for plastics.


Andersen dairy
ANDY DANDY
2%
MILKFAT
LOWFAT
MILK
11 FEB .I


2
HDPE
NET 64 FL. OZ.
(HALF GAL.) (1.89 L)

THE COUNCIL
FOR SOLID WASTE
SOLUTIONS

1275 K Street, NW, Suite 400
Washington, DC 20005
202 371 5319
FAX 202 371 5679

Plastic Codes Help Recyclers.

Plastics recyclers are finding it easier to sort containers, thanks to the plastics industry's new voluntary coding system. The system, developed by The Society of the Plastics Industry, Inc., helps recyclers to identify the types of plastic used in making individual bottles and other containers.

Already, more than 20% of all polyethylene terephthalate (PET) 2-liter soft drink bottles are being recycled in the U.S., in part because the containers are so easily identifiable. Milk and juice jugs made from high density polyethylene (HDPF) are also relatively easy for recyclers to identify. The coding system, though, makes it easier to separate other, less easily identified, types of plastic containers as well as vinyl, low density polyethylene, polypropylene and polystyrene. As new recycling technologies emerge, recyclers will be able to sort the various plastics to earn the highest price for their reclaimed materials.

The coding system is based on responses to a survey of recycling industry workers and officials. The codes are easy to read and easy to distinguish from other marks placed on plastic containers by manufacturers for use in processing and identification.

The code on each container consists of a triangle formed by three arrows, with a number in the center and distinguishing letters under the triangle. In size, the codes range from approximately 1/2 to 1 inch in diameter. They can be applied by molding or imprinting the bottom of the container.

Plastics Coding System

1: **PETE (polyethylene terephthalate)**
2: **HDPE (high density polyethylene)**
3: **V (vinyl)**
4: **LDPE (low density polyethylene)**
5: **PP (polypropylene)**
6: **PS (polystyrene)**
7: **Other**

The coding system is being phased in over a three-year period, and many bottles and other plastic containers on store shelves are already carrying them. In at least ~~5~~ 9 states, laws have been passed which will require coding of plastic containers.

The plastics industry recognizes that future sorting systems will be more mechanized than they are today. The coding system is an interim solution until technology is developed that allows for the automatic identification and sorting of different types of plastics.

For more information about plastics recycling, contact *The Council for Solid Waste Solutions.*

B-10:7/19/89

STATES REQUIRING PLASTIC CONTAINER CODING
Prepared by the Council For Solid Waste Solutions January 7, 1990

The following states require the coding of plastics bottles of 16 ounces or more and other rigid plastic containers of 8 ounces or more following the Society of the Plastics Industry voluntary coding program.

DEADLINE FOR CODING

January 1, 1990	Connecticut
July 1, 1990	Florida
January 1, 1991	Wisconsin - regulations pending Illinois Minnesota - proposed regulations Missouri Louisiana Ohio New Jersey
July 1, 1991	Texas Massachusetts Maine North Carolina
December 31, 1991	North Dakota
January 1, 1992	Michigan California Indiana
July 1, 1992	Iowa Colorado

Note: New Hampshire has enacted legislation to establish a state recycling emblem program which recognizes and protects the SPI voluntary coding program as a distinct material identification system.

1990 Proposed Legislation: Alaska, Arizona, Georgia, Kentucky, Oklahoma, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia

Table

POTENTIAL MARKETS FOR RECYCLED PET AND HDPE PLASTICS SCRAP

PET (PETE)
- Strapping
- Scouring Pads
- Fence Posts
- Industrial Paints
- Paint Brushes

FIBERFILL
- Pillows
- Ski Jackets
- Cushions
- Sleeping Bags

FIBER
- Twine
- Filter Material
- Apparel
- Rope
- Carpet Backing

TEXTILES
- Belts
- Webbing
- Sails
- Woven Bags
- Tire Cord

POLYOL
- Laminated board stocks for both wall and roof housing insulation
- Refrigeration truck paneling
- Home and commercial freezer insulation
- Storage tank insulation
- Automobile bumpers
- Furniture
- Sporting Goods, e.g., skis and surfboards.

UNSATURATED POLYESTER
- Bath Tubs
- Sinks
- Boat Hulls
- Shower Stalls
- Corrugated Awnings
- Marbleized Material
- Automobile Exterior Panels

ENGINEERING PLASTICS
- Appliance Handles, Housings & Cases
- Automotive Applications

THERMOFORMED SHEET
- Six-pack Carriers
- Nonfood Containers
- Audio & Video Cassette Cases

CHEMICAL CONVERSION Back to Original PET Building Blocks
- DMT (dimethylterephthalate)
- TPA (terephthalic acid)
- Ethylene glycol

HDPE
- Boat Piers
- Calf and Pig Stalls
- Garden Furniture
- Pipe
- Base Cups
- 1-Qt. Oil Containers

FUEL SOURCE
- Coal Replacement

Source: SPI

Unsaturated Polyester

There is a significant market for unsaturated polyester, estimated in excess of 250 million-pounds-per-year. A whole host of applications fit this category of fabricated fiberglass products. PET bottles have been recycled into bath tubs, shower stalls and corrugated awnings. AMF Corporation has even experimentally produced Sunfish sailboat hulls from used PET.

Rigid Urethane and High Temperature Foams

Another market opportunity receiving considerable attention at the present time is rigid urethane foam and polyester foams. Predicasts* forecasts that in the next ten years there will be a 77 percent increase in the demand for foam products with applications in construction, transportation and protective material in packaging. The method for making urethane foam is generally polyol technology and is not affected by color of input feed stock; but like fiberfill, inexpensive, low IV scrap is very competitive with bottle scrap. However, this application could be a good one for the more contaminated green bottle-grade PET scrap. This is approximately a 50 million-pound-per-year market.

High temperature resistance foams can be converted from PET scrap. This product is ideally suited for such applications as aerospace, electrical wiring insulation and automotive applications. It is also useful in the packaging and construction industries. There is at least one manufacturer currently producing foam from recycled PET bottles.

*Predicasts, Inc. is a market research firm located at Cleveland, Oh.

Polyol

The lowest value end-use application is polyols for unsaturated polyesters. Some contaminants are acceptable in the PET scrap since they are removed by the manufacturer in the process. A number of processes have been developed, such as methanolysis or depolymerization (hydrolysis and glycolysis). This technology reverses the PET formation process and reverts PET resin back into some of the original building block chemicals (i.e., ethylene glycol, terephthalic acid (TPA) and dimethyl terephthalate (DMT)). Hoechst has a process that will reduce PET to TPA and ethylene glycol, but it is not cost-effective at the present time. Eastman Chemicals has a particle methanolysis process which permits conversion into unsaturated polyesters for reinforced plastics and polyols for rigid foam.

The one big advantage of polyol technology is that some green recycled PET is acceptable. The main deterrent is that the technology is not high IV-dependent. The IV value for bottle-grade PET is much higher than other grades of PET available but this application can use the inexpensive, low IV scrap instead. In view of this competitive environment, polyols do not appear to be a long-term market opportunity for recycled PET bottle scrap. The companies operating in this market include Ruco Polymer, Ciba-Geigy, Inolex, Reichhold, Witco and Polyurethane Specialties Company. This is considered to be a100 million pounds-per-year market .

Thermoformed Sheet Scrap

PET thermoformable sheet can be processed into a variety of products for non-food use - for example, appliances (interior and exterior liners), transportation (cars, trucks, recreation vehicles, mobil homes, buses, trains, planes), building products (bathtubs, spas, liners for whirlpools and swimming pools), taking advantage of the high IV of PET bottle grade polymer and its excellent temperature and electrical properties. This application represents over 225 million pounds per year.

Engineering Plastics

Compounding

One of the most attractive applications for the higher IV PET from bottle grade recycle is the compounding market. Some have estimated that "It costs five to ten billion dollars to make a new resin, while it only costs a fraction of that to come up with an alloy or blend." PET scrap compounded in this manner is generally used for extruded and molded plastics. Compounders can utilize either colorless or green scrap, and mix it with additional flow additives, impact modifiers, etc., before being used in extrusion and injection molding. Several companies have learned how to do this and other companies have learned how to blend recycled PET with other engineering plastics. For example, Wellman recently announced the introduction of six new polyester molding compounds processed from recycled soft-drink bottles. Some of these "engineering" resins are 20-30 percent glass-filled, flame-retardant, low-modulus, general purpose resins. General Electric is very much interested in this technology.

Successive use of the same plastic used for packaging that has a life of only a few months could come about by reprocessing and blending into engineering thermoplastics for the automotive industry where the life is extended to several years. When discarded after their usefullness in the automobile, they could be finally compounded into products used for construction where they would last for a life-time, thus virtually eliminating it from solid waste. The field of blending and alloying is a rapidly expanding area of research in the engineering resin development.

We estimate that reprocessed PET soft drink bottles could be compounded into as many as 20 t 30 new engineering polymers during the next five years. As these new resins are developed they will compete with PBT (Polybutylene Terephthalate) and nylon, and the demand for

recycled PET could increase. Recycled PET compounds are usable for automotive under-the-hood applications such as distributor caps, electrical fittings, and fuse boxes that need high-temperature resistance. In the electronics industry, they can be used for internal parts of TV sets, and connectors, plugs, and sockets used in integrated computer circuit chips. This market could exceed 550 million-pounds-per-year.

Strapping

Plastic strapping for carton and pallet binding presently utilizes over 20 million-pounds-per-year of recycled PET, and has a potential of over 100 million pounds per year. In contrast to those applications mentioned above, strapping requires the high IV inherent with bottle-grade PET scrap. Color is not a problem, so this is an ideal application for recycled PET.

Coextrusion

Another potential area is in coextruded plastics packaging. Coextrusion multi-layer technology has advanced to the state-of-the-art where recycled PET bottle scrap can be incorporated as the core or external layer for a whole host of food and beverage containers of the future. We estimate that the total market potential for coextruded packaging (bottles and flexible films) exceeds 400 million pounds per year.

Textiles and Geotextiles

A relatively new area for fiber use in the U.S. is geotextiles for erosion control and roadbed stabilization where the long term stability of plastics is a distinct advantage. This market is an attractive growing industry that could utilize carbon-black pigmented fiber, an application that could use green bottle PET resin.

Textima, a German textile machinery manufacturer, has developed a process for utilizing existing "underlay" technology to manufacture film and fabric from recycled PET bottle scrap.

Both clear and green bottles can be used to convert a monoaxially oriented film which in turn can be split and used as yarn in stitch-bonding technology. Applications could also be found within the traditional textile industry, industrial fabrics, and carpet backings. The size of these markets are not too well-defined and would require development, but we estimate at least 100 million pounds per year.

Fuel Source

A special process has been developed by Montville Plastics & Rubber, Inc. (Parkman, Ohio) for converting PET soft drink bottles into fuel products for the steel industry, local power-generating facilities, and for in-plant process heating. MP&R calculates that one pound of bottles nets about one pound of fuel (7 two-liter PET soft drink bottles weighs one pound). Shipping costs for the PET bottles from the States of Connecticut and New York averages about 2¢ per pound or $40 per ton. By comparison, coal costs range from $40 to $50 per ton. However, PET fuel has twice as many BTU's per pound as compared to coal. MP&R has the capacity to process an estimated 4 million pounds per year and has sold several million pounds as a fuel enhancer to regional steel mills for use in oxygen furnaces. Other areas MP&R is exploring include fireplace logs and large-volume producers of PET products, particularly films, where the MP&R system could help a converter use the internally generated scrap as fuel pellets to heat their own plants, since on-site conversion would be more cost-effective. Quantifying the size of this market would be very difficult at this time, but published data on coal consumed by electric generating utilities indicate that over 664 million short tons were used in 1986, and in the process creating 4 - 10 pounds of ash that must be landfilled, for each ton of coal burned. On an equivalent BTU basis this market potential for used plastics amounts to over 414 million tons per year with a negligible amount of ash residue remaining after combustion.

Kay Brown

Alaska State Legislature
House of Representatives

Memorandum

To: Rep. Dave Donley
From: Rep. Kay Brown
Subject: House Bill 532
Date: February 21, 1990

Rep. Virginia Collins has introduced a bill requiring the placement of certain coding on certain plastic bottles and containers. It is a bill which will eventually lead to greater public knowledge and consciousness of plastics, and I am co-sponsoring this bill.

It has been refered to the House Labor and Commerce Committee. I would appreciate it if you could schedule a hearing on House Bill 532.

I appreciate your consideration of this legislation.

P. O. Box 20-2661
Anchorage, AK 99520-2661
(907) 272-0207

During Session:
P. O. Box V
Juneau, AK 99811
(907) 465-4998

Alaska State Legislature

P.O. Box V
Juneau, Alaska 99811
(907) 465-2828

3111 C Street, Suite 412
Anchorage, Alaska 99503
(907) 561-2040

Anchorage * District 10

Member
Alaska Legislative
Council
Labor & Commerce
Committee
Special Committee
on Foreign Trade
Finance Sub-Committee
for Labor

Representative Virginia Collins

MEMORANDUM

TO: Representative Dave Donley, Chair
House Labor & Commerce Committee

FROM: Representative Virginia Collins VK

DATE: February 13, 1990

RE: Hearing Request for House Bill 532, "An Act requiring the placement of certain coding on certain plastic bottles and containers; and providing for an effective date"

I respectfully ask that you schedule House Bill 532 for hearing in your House Labor and Commerce Committee as soon as possible.

HB 532 would require a code on certain plastic bottles or containers. This would identify the type of resin used to produce the bottle or container and would enable the container to be recycled more efficiently. A person found in violation of this would be guilty of a violation.

The model for this bill was drafted by the Society of the Plastic Industries, Inc. Similar legislation has been passed in 19 states.

If you have any questions, please contact Marveen in my office at 465-2828.