

STORAGE NAME: H0107.ep
DATE: January 22, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
ENVIRONMENTAL PROTECTION
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 107

RELATING TO: Environmental Control

SPONSOR(S): Committee on Environmental Protection and Representative Ogles

STATUTE(S) AFFECTED: s. 403.708, F.S.

COMPANION BILL(S): SB 206 by Senator McKay

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) ENVIRONMENTAL PROTECTION
- (2)
- (3)
- (4)
- (5)

I. SUMMARY:

CS/HB 107 repeals subsections (3) and (10)(b) of s. 403.708, F.S. Subsection (3) requires that plastic rings which are used to connect containers to other containers much be biodegradable. Subsection (10)(b) requires persons distributing, selling, or offering for sale any polystyrene foam or plastic-coated paper product which was to be used in conjunction with food or human consumption must ensure that such products were composed of material which was degradable within 12 months or less. Provided that such products had been certified as safe by the Federal Food and Drug Administration and were made available in commercial quantities.

The bill does not have a fiscal impact.

The bill would take effect upon becoming a law.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

As a part of the 1988 Solid Waste Management Act the Legislature required that plastic bags provided at any retail outlet for the purpose of carrying purchased items be degradable within 120 days. Within the same subsection of the statute (s. 403.708(10), F.S.) persons are prohibited from distributing, selling, or offering for sale any polystyrene foam or plastic coated paper product which is to be used in conjunction with food or human consumption unless such product is composed of material which is degradable within 12 months or less.

The statute also specified that the biodegradable requirement for polystyrene foam and plastic coated paper would not be effective until:

- one year after such products had been certified as safe by the Federal Food and Drug Administration; and
- such products were made available in commercial quantities.

Neither of these conditions have ever been met.

In 1989 the Department of Environmental Protection (DEP) developed the Degradable Materials Rule (Chapter 62-707, F.A.C.). The rule established degradability parameters for the retail plastic bags and the polystyrene foam or plastic coated paper products. In 1993, the Legislature repealed the retail plastic bag requirements and the DEP modified the rule accordingly.

In 1996, as part of the Governor's rule reduction initiative the DEP proposed repealing the rule. This repeal prompted a review of the statute which found that the language was unnecessary because: technology concerning this packaging has changed; the application of the biodegradable requirements have not been implemented and may never be; and the concept of biodegradability can have a negative impact on the goal of reducing litter. In addition, no other states have adopted similar legislation and the Council of Northeastern Governors has rejected similar proposals.

B. EFFECT OF PROPOSED CHANGES:

The effect of the proposed change would be minimal. No product has ever been submitted for review by the Federal Food and Drug Administration and such products are not commercially available.

C. APPLICATION OF PRINCIPLES:

1. LESS GOVERNMENT:

The bill would reduce the necessity for rules.

2. LOWER TAXES:

N/A

3. PERSONAL RESPONSIBILITY:

N/A

4. INDIVIDUAL FREEDOM:

N/A

5. FAMILY EMPOWERMENT:

N/A

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Provides for the repeal of s. 403.708(10)(b), F.S., which prohibited persons from distributing, selling, or offering for sale any polystyrene foam or plastic coated paper product which did not meet specific requirements.

Section 2: Provides that the act shall take effect upon becoming law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The bill does not reduce the percentage of a state tax shared with counties or municipalities.

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V. COMMENTS:

Solid waste managers and environmental groups do not oppose this repeal. The concept of biodegradability has diminished in importance since the 1988 passage of the Solid Waste Management Act. Research findings suggest that biodegradable products may increase litter. This is because the product does not fully degrade it only breaks down into smaller pieces which can be toxic to the animals which ingest them.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

VII. SIGNATURES:

COMMITTEE ON ENVIRONMENTAL PROTECTION:

Prepared by:

Legislative Research Director:

Wayne Kiger

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