

House Bill 2572

Sponsored by Representative BARNHART (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Mandates carbon footprint labeling on all consumer products sold or offered for sale in state on and after January 1, 2016.

Directs Environmental Quality Commission to develop by rule and implement program for certifying that consumer products meet carbon footprint labeling mandate. Requires commission to develop state carbon labeling program and process for certifying use of alternative carbon labels on consumer products. Authorizes commission to adopt schedule of fees.

Becomes operative January 1, 2016. Authorizes commission to take action prior to operative date.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to carbon labeling; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. As used in sections 1 to 4 of this 2015 Act:**

5 (1) "Alternative carbon label" means a label on a product or the packaging of the product
6 that indicates a product's impact on greenhouse gas emissions as assessed and verified
7 through a public or private program other than the carbon labeling program developed by
8 the Environmental Quality Commission under section 3 of this 2015 Act.

9 (2) "Carbon footprint" means the total amount of greenhouse gas emissions that occur
10 as a result of a consumer product's life cycle.

11 (3) "Consumer product" means any product that is sold primarily for family or household
12 use and that is normally sold through consumer retail distribution.

13 (4) "Life cycle" means the stages of a consumer product's life for purposes of calculating
14 the product's carbon footprint as further defined by the Environmental Quality Commission
15 by rule for a certain consumer product.

16 (5) "System boundaries" means all the processes to be included as stages in the life cycle
17 of a consumer product for purposes of assessing the product's carbon footprint.

18 **SECTION 2. (1) A consumer product sold or offered for sale in this state must include a**
19 **clear and prominent label on the product or product packaging that sets forth the carbon**
20 **footprint of the consumer product.**

21 (2) A product manufacturer or distributor may meet the requirements of subsection (1)
22 of this section by including on the product or product packaging:

23 (a) A label developed by the Environmental Quality Commission under section 3 of this
24 2015 Act; or

25 (b) An alternative carbon label that the commission has approved for use in meeting the
26 requirements of this section.

27 **SECTION 3. (1) The Environmental Quality Commission shall develop by rule and imple-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 ment a carbon footprint certification program. The program must allow for a product man-
2 ufacturer or distributor to apply to the commission to certify that:

3 (a) The commission has completed an assessment and verification of the carbon footprint
4 of a consumer product sold or offered for sale in this state under the carbon labeling pro-
5 gram developed under subsection (2) of this section and that the consumer product has been
6 labeled in compliance with section 2 of this 2015 Act using a label provided by the commis-
7 sion; or

8 (b) The manufacturer or distributor has complied with section 2 of this 2015 Act by la-
9 beling the consumer product with an alternative carbon label.

10 (2) The carbon footprint certification program under subsection (1) of this section shall
11 include a state carbon labeling program. In developing a state carbon labeling program, the
12 commission shall:

13 (a) Adopt standards for the assessment and verification of the carbon footprint of con-
14 sumer products by consumer product category that:

15 (A) Are compatible with standards for assessment and verification of carbon footprints
16 utilized by public or private programs that offer alternative carbon labels; and

17 (B) Are based on appropriate system boundaries for analyzing the life cycle of consumer
18 products by product category that, to the extent reasonable and necessary, are consistent
19 between product categories and include raw material extraction, production, processing or
20 manufacturing, transportation, distribution, storage, use and disposal;

21 (b) Develop a standardized label to be provided to distributors and manufacturers that:

22 (A) Incorporates a recognizable, standardized design to be used on consumer products in
23 all consumer product categories;

24 (B) Is easy for consumers to understand; and

25 (C) For each consumer product to which the label is issued, communicates relevant in-
26 formation about the carbon footprint of the consumer product; and

27 (c) Adopt standards for requiring manufacturers and distributors that participate in the
28 state carbon labeling program to commit to reducing the carbon footprint of the consumer
29 products for which the manufacturers or distributors participate.

30 (3) The commission shall adopt standards and a process for reviewing and approving the
31 use of alternative carbon labels on consumer products as meeting the requirements of sec-
32 tion 2 of this 2015 Act.

33 (4) The commission shall appoint an advisory committee in accordance with ORS 183.333
34 to assist in the development or implementation of the carbon footprint certification program
35 required under this section.

36 **SECTION 4.** By rule and after hearing, the Environmental Quality Commission may adopt
37 a schedule of reasonable fees that the commission may require of applicants for assessment,
38 verification and labeling or certification under section 3 of this 2015 Act. The fees shall be
39 based on the estimated cost of administering sections 1 to 4 of this 2015 Act.

40 **SECTION 5.** (1) Sections 1 to 4 of this 2015 Act become on operative January 1, 2016.

41 (2) Section 2 of this 2015 Act applies to all consumer products sold or offered for sale in
42 this state on and after the operative date specified in subsection (1) of this section.

43 **SECTION 6.** The Environmental Quality Commission may take any action before the op-
44 erative date specified in section 5 of this 2015 Act that is necessary for the commission to
45 exercise, on and after the operative date specified in section 5 of this 2015 Act, all of the

1 **duties, functions and powers conferred on the commission by sections 1 to 4 of this 2015 Act.**

2 **SECTION 7. This 2015 Act being necessary for the immediate preservation of the public**
3 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
4 **on its passage.**

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