

California Aims to Ban Recycling Symbols on Things That Aren't Recyclable

 [nytimes.com/2021/09/08/climate/recycling-california.html](https://www.nytimes.com/2021/09/08/climate/recycling-california.html)

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The triangular “chasing arrows” recycling symbol is everywhere: On disposable cups. On shower curtains. On children’s toys.

What a lot of shoppers might not know is that any product can display the sign, even if it isn’t recyclable. It’s false advertising, critics say, and as a result, countless tons of non-recyclable garbage are thrown in the recycling bin each year, choking the recycling system.

Late on Wednesday, California took steps toward becoming the first state to change that. A bill passed by the state’s assembly would ban companies from using the arrows symbol unless they can prove the material is in fact recycled in most California communities, and is used to make new products.

“It’s a basic truth-in-advertising concept,” said California State Senator Ben Allen, a Democrat and the bill’s lead sponsor. “We have a lot of people who are dutifully putting materials into the recycling bins that have the recycling symbols on them, thinking that they’re going to be recycled, but actually, they’re heading straight to the landfill,” he said.

The measure, which is expected to clear the State Senate later this week and be signed into law by Gov. Gavin Newsom, is part of a nascent effort across the country to fix a recycling system that has long been broken.

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Though materials like paper or metals are widely recycled, less than 10 percent of plastic consumed in the United States is recycled, according to the most recent estimates by the Environmental Protection Agency. Instead, most plastic is incinerated or dumped in landfills, with the exception of some types of resins, like the kind used for bottled water or soda.

For years, the United States also shipped much of its plastic waste overseas, choking local rivers and streams. A global convention now bans most trade in plastic waste, though U.S. waste exports have not completely ceased.

This summer, Maine and Oregon passed laws overhauling their states' recycling systems by requiring corporations to pay for the cost of recycling their packaging. In Oregon, the law included plans to establish a task force that would evaluate “misleading or confusing claims” related to recycling. Legislation is pending in New York that would, among other things, ban products from displaying misleading claims.

In the past year, a number of environmental organizations have filed lawsuits seeking to combat misleading claims of recyclability by major corporations. Environmental groups have also criticized plans by the oil and gas industry to expand its production of petrochemicals, which are the main building blocks of plastic, because the process is highly polluting and creates new demand for fossil fuels.

The recycling symbol is “subconsciously telling the people buying things, ‘You’re environmentally friendly,’” said Heidi Sanborn, the executive director of the National Stewardship Action Council, which advocates corporations to shoulder more responsibility for recycling their products.

“Nobody should be able to lie to the public,” she said.

In California, the bill won the backing of a coalition of environmental groups, local governments, waste haulers and recyclers. Recycling companies say the move will help them cut down on the non-recyclable trash thrown in recycling bins that needs to be transported, sorted and sent to the landfill.

Pete Keller, vice president of recycling and sustainability at Republic Services, one of the country's largest waste and recycling companies, said in an interview that more than a fifth of the material his company processes nationwide is non-recyclable garbage. That means that even on its best day, Republic is running at only 80 percent efficiency, processing materials it shouldn't be processing, he said.

Some of the most common forms of non-recyclable trash marring operations at Republic's 70 facilities across the United States, which processes six million tons of curbside recycling a year: snack pouches, plastic film, grocery bags and packing material. Plastic bags, in particular, can't be recycled in most curbside recycling programs and notoriously gum up recycling machines.

"There are a lot of products in the marketplace today that have the chasing arrows that shouldn't" Mr. Keller said. "There aren't really any true end markets, or any real way to recover and ultimately recycle those materials in curbside programs."

The plastics and packaging industry has opposed the bill, saying it would create more confusion for consumers, not less. An industry memo circulated among California lawmakers urges them to oppose the bill unless it is amended, arguing it "would create a new definition of recyclability with unworkable criteria for complex products and single use packaging."

The letter was signed by industry heavyweights like the American Chemistry Council, the Plastics Industry Association and Ameripen, a packaging industry group. California should wait for Washington to come up with nationwide labeling standards, the groups said.

In discussions over the bill, opposition industry groups also said that if a product is deemed non-recyclable, companies won't invest in technologies to recycle it. Supporters of the bill say the opposite would be true: Tougher rules would incentivize manufacturers to make their products truly recyclable by investing in new packaging, for example.

Dan Felton, Ameripen's executive director, expressed concerns that the bill would actually reduce recycling rates. The bill "could have the unintended consequence of sending more packaging material to landfills at the very time when California needs to boost recycling," he wrote in an email.

The American Chemistry Council referred questions to Ameripen. The Plastics Industry Association, which represents plastic manufacturers, warned that the bill would determine a slew of products to be unrecyclable and therefore would be landfilled. (Supporters of the bill point out those products are landfilled anyway, despite displaying the recycling symbol.)

Environmental groups said that strengthening government oversight is critical. "It's the wild, wild West of product claims and labeling with no sheriff in town," Jan Dell, an engineer and founder of The Last Beach Cleanup, an environmental organization, wrote in an email.

The bill would make it a crime for corporations to use the chasing arrows recycling symbol on any product or packaging that hasn't met the state's recycling criteria. Products would be considered recyclable if CalRecycle, the state's recycling department, determines they have a viable end market and meet certain design criteria, including not using toxic chemicals.

In addition to plastics, the bill covers all consumer goods and packaging sold in the state, excluding some products that are already covered by existing recycling laws, such as beverage containers and certain kinds of batteries. Through its environmental advertising laws, California already prohibits companies from using words like “recyclable” or “biodegradable” without supporting evidence.