

# California Assembly passes high-profile bill to regulate packaging recyclability labels

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## Dive Brief:

- The California Assembly passed a major labeling bill ([SB 343](#)) on Wednesday, sending it back to the state Senate for a final concurrence vote before the legislative session ends Sept. 10. The bill, which would prohibit use of the "chasing arrows" symbol or any other recyclability claim on packaging unless it was approved through a detailed state-led process, could have national implications in the packaging policy debate.
- The bill would require state agency CalRecycle to produce a list on or before Jan. 1, 2024, of commonly recovered materials at recycling facilities in the state. Based on that information, a product could only be labeled recyclable if it is collected in curbside programs that cover at least 60% of the state's population and is sorted into defined streams and reclaimed at facilities meeting Basel Convention standards.
- Manufacturers would have 18 months after the list's release to get their products in compliance by changing any "deceptive or misleading" language or symbols, meaning consumers could start seeing changes by July 2025 at the latest. Products could also qualify for the list if a non-curbside collection program meets other standards.


## Dive Insight:

While multiple notable waste and recycling bills are still moving along in the final day's of California's session, SB 343 has become one of the more highly contested ones, and the state's recycling community has been especially focused on its fate. The bill's primary

sponsors include state Sen. Ben Allen and Assembly Member Lorena Gonzalez, backers of a stalled producer responsibility proposal.

Supporters, led by groups such as the National Stewardship Action Council (NSAC) and Californians Against Waste, view it as a major step toward reducing recycling contamination and mitigating customer confusion — especially when it comes to plastics. Local waste and recycling service rates are on the rise for various reasons, including preparations to implement major organic waste recycling requirements next year, and supporters have described this bill as one way to potentially mitigate recycling costs.

The legislation has support from Waste Management, Republic Services, Recology, the city and county of Los Angeles and dozens of other haulers, recyclers, nonprofits, advocacy groups and local governments interested in getting low-value contaminants out of the recycling system.

"SB343 is first in the nation legislation that will end the practice of labeling non-recyclable packages and products with a , " said NSAC in a release following the vote. "This

legislation will set precedent for other states and the nation to end deceptive recycling labeling practices across the U.S."

Opponents say it will harm the state's recycling efforts and create an unwieldy situation amid other state and federal regulations. As of Sept. 3, those opponents included trade groups such as the American Chemistry Council, PLASTICS, AMERIPEN and the Consumer Brands Association.

Laws requiring the chasing arrows, or accompanying resin identification codes, are still on the books in dozens of states. That system originated from the Society of the Plastics Industry (now PLASTICS) in 1988. It has since been called out as a source of consumer confusion because the arrows appear on plastics regardless of whether they are widely recyclable as defined by Federal Trade Commission guidelines.

The California Manufacturers & Technology Association, considered an influential group in the state capitol, released an op-ed Wednesday saying "the bill will actually discourage recycling in far too many instances and ignore ongoing negotiations with the manufacturing community to bring funding to the table to support the state's focus on a circular economy."

NSAC Executive Director Heidi Sanborn called that stance "misinformed" and said the bill gives ample time for manufacturers to adapt their labels. She said the bill has strong consensus from recycling stakeholders, coming out of recent recommendations by California's Statewide Commission on Recycling Markets and Curbside Recycling. That group, established via a 2019 law, includes representation from major recyclers and other stakeholders.

Based on criteria the commission assessed around acceptability and marketability, a July report from the group recommended the state only recognize 15 common products as readily recyclable:

- **Paper:** Mail, paper mailing pouches, Kraft bags, magazines, newspaper, OCC, home office paper, paperboard boxes (e.g. cereal, tissue, not coated)
- **Glass:** Bottles and jars
- **Metal:** Aluminum cans and steel cans
- **Plastic:** No. 1 PET bottles (screw-type, narrow-neck tops – no nonrecyclable shrink sleeves or other nonrecyclable components) and No. 2 HDPE bottles and jugs (natural and colored) with narrow necks and no nonrecyclable shrink sleeves or other nonrecyclable components.

Opponents of the bill have said CalRecycle's list would likely reflect the commission's, leading to fewer materials being accepted in local programs, and the law's requirements could conflict with labeling requirements in other states and countries. SB 343 also includes provisions for products to qualify if they are recycled in non-curbside programs that can recover at least 60% of the material by January 2030, or 75% after that date, at "sufficient commercial value."

PLASTICS highlighted its concern in prior testimony, and a spokesperson provided a list of products the group said the law "would deem unrecyclable" and end up getting disposed. Examples include a number of plastic films (carryout bags, shipping envelopes, product wrap, cereal box liners) and rigid plastics (microwaveable trays, food cups and tubs, prescription bottles, clear cups for cold drinks and lids that replaced straws). The spokesperson called all of these products recyclable, saying they are supported by current infrastructure and recycled-content end markets.

The potential effects for polypropylene and thermoform packaging are of particular concern to bill opponents, as reported by Plastics News. Industry funding is ramping up for MRF equipment and other processing investments, such as in chemical recycling, to capture more of these items. Bill supporters say these materials are only recycled at low rates, even when collected via curbside or drop-off programs, and they often have minimal value.

Other provisions of the bill call on CalRecycle to assess multiple criteria in deciding the recyclability of a product, including whether it contains "any components, inks, adhesives, or labels that prevent the recyclability of the product or packaging" or contains PFAS. Plastic packaging would also be expected to follow the Association of Plastic Recyclers' design guide. In addition, the agency is expected to update the initial waste characterization study used to inform its list every five years — starting in 2027 — and conduct a variety of ongoing assessments.

California's move follows recent passage of an extended producer responsibility law in Oregon that repeals a requirement for the chasing arrows symbol and creates a "Truth in Labeling" task force meant to "study and evaluate misleading or confusing claims" about whether certain products are recyclable. That task force must complete a report of its findings for the state legislature by June 1, 2022.