SENATE COMMITTEE ON ENVIRONMENTAL QUALITY
Senator Blakespear, Chair
2025 - 2026 Regular

Bill No:	AB 2253		
Author:	Boerner		
Version:	4/8/2026	**Hearing Date:**	7/1/2026
Urgency:	No	**Fiscal:**	Yes
Consultant:	Brynn Cook		

SUBJECT: Solid waste: products: environmental marketing claims

DIGEST: This bill requires on label recycled content claims to be based on the actual physical recycled content used in the production of the product without the use of credit-based accounting systems.

ANALYSIS:

Existing law:

1) Defines "product" as including, but not limited to:
   a) A consumer product, as specified;

   b) A package or packaging component;

   c) A bag, sack, wrap, or other thin plastic sheet film product; and,

   d) A food or beverage container or container component, including straws, lids, and utensils. (Public Resources Code (PRC) 42356)

2) Defines "plastic food container product" as a product made from plastic that includes a tray, clamshell container, or other receptable that is used, or intended to be used, to hold food. (PRC 42357.6)

3) Requires manufacturers or suppliers making environmental marketing claims relating to the recycled content of a plastic food container product to maintain information and documentation in support of that claim, including the recycled content for materials that have been recovered or otherwise diverted from the solid waste stream either during the manufacturing process (preconsumer) or after consumer use (postconsumer), and the recycled content claim conforms to the uniform standards for recycled content contained in the Federal Trade Commission Guides for the Use of Environmental Marketing Claims. (PRC 42357.6)

4) Requires a manufacturer or supplier to furnish the information and documentation to any member of the public upon request or to provide the information on its website. (PRC 42357.6)

This bill:

1) Expands the application of a provision in existing law relating to recycled content claims for a ″plastic food container product″ to apply to any product, which includes consumer products and their packaging.

2) Requires manufacturers or suppliers making recycled content claims to meet the following criteria:

    a) Accounting for postconsumer recycled content has to be based on the actual physical recycled content used in the production of the product, as calculated by methods including segregated model, controlled blending model, and rolling average percentage, without the use of credit-based mass balance accounting, including proportional credit and nonproportional credit allocation, ″book-and-claim″ accounting, or similar approaches that do not consider the actual physical recycled content used in the production of the product;
    b) Recycled content for materials has been recovered or otherwise diverted from the solid waste stream during the manufacturing process.
    c) The recycled content claim conforms to the uniform standards for recycled content contained in the Federal Trade Commission Guides for the Use of Environmental Marketing Claims (16 C.F.R. Part 260), as it read on January 1, 2026.

3) Specifies that market claims do not include regulatory filing in compliance with any state or federal law, including SB 54 (Allen, 2022), AB 793(Ting, 2021), and others.

4) Repeals the definition of ″plastic food container product″ and instead defines ″postconsumer″ to mean a material that would otherwise be destined for disposal, having completed its intended end use and product life cycle, and provides that ″postconsumer″ does not include materials or byproducts generated from, and commonly reused within, an original manufacturing and fabrication process.

5) Requires that manufacturers or suppliers keep information on recycled content of materials shall furnish the information and documentation that it is required to maintain pursuant to this section to any member of the public upon request

or provide the information and documentation by furnishing a link to a document on its internet website.

Background

1) *Recycling Goals in California.* CalRecycle is tasked with reducing the amount of waste that gets landfilled in California. The IWMA establishes a goal that 75% of solid waste generated in the state be diverted from landfills through source reduction, recycling, and composting by 2020. However, in 2021, the state's recycling rate was just 41%, falling far short of the state's goal. California has further established recycled content requirements for some plastic products:
   a) The Rigid Plastic Packaging Container (RPPC) Law requires that RPPCs contain at least 25% postconsumer material, have a recycling rate of 45%, be reusable or refillable, or be a source-reduced container.
   b) The bottle bill has also established minimum PCR content requirements for plastic beverage containers in the Bottle bill. Plastic containers must have contain a minimum of 25% postconsumer recycled plastic through 2029, and 50% on and after January 1, 2030.
   c) Statute requires that newsprint contain a minimum of 25% recycled content.
   d) Plastic trash bag manufacturers are required to ensure that the bags contain a quantity of postconsumer recycled content equal to 10% of the weight of the regulated bag or ensure that at least 30% of the weight of material used in all of its plastic products is postconsumer recycled content.

2) *Mass Balance and other chains of custody*. Generally speaking, mass balance (MB) is an accounting system that is used by industry to track materials through the production process. According to a National Institute of Standards and Technologies (NIST) report[1], MB is one of five common chain of custody (CoC) models designed to create transparency and trust throughout the value chain regarding properties of goods and materials that are otherwise difficult to distinguish. These CoC's vary on the precision of information required to be traced through the system. Some models trace material through a supply chain form start to finished product: other models allow credits to be traded from different materials and products.

   Another important distinction in different models particularly pertaining to recycled content is whether or not they allow fuel to count as a product or not (e.g. if half of a used plastic bottle is converted to fuels, can that fuel be

[1] NIST Special Publication 1500-206 An Assessment of Mass Balance Accounting Methods for Polymers Workshop Report

counted as 'recycled content' in another bottle on its own, or be counted as recycled content on a newly made bottle?).

- Identity Preservation model. a supply chain or data management practice that maintains the strict traceability and segregation of a specific product or trait from its source to the final consumer. This is used for single source coffee, for example.

- Segregated model. Requires physical separation of different feedstocks to track actual physical recycled content in a finished product (but does not require identity preservation). Mixing materials with and without designated characteristics is not allowed in identity preservation or segregation

- Controlled blending model. This is used if materials that have certain designated characteristics are mixed together, and the mixing follows predefined criteria so that the final product contains a specific, predetermined amount of each material with different characteristics. In the case of recycling material controlled blending could track the physical recycled content and new material in a finished product.

- Book and claim model. The recycled content claim in this model is completely decoupled from the physical product. This method is widely used in the renewable energy space, where renewable energy sources are supplied to the grid (booked) and customers downstream can "claim" the renewable energy even though no actual renewable electricity reached their home or business. Fuels may be counted as recycled inputs under this standard.

- Mass Balance. There are several types of MB accounting systems, including:
    - *Rolling average percentage model.* This model uses a rolling average percentage to track physical recycled content, but allows for physical recycled content fluctuations in individual products. This method is currently used in numerous industries to calculate recycled content for finished products. For example, a facility could use a feedstock that is 10% recycled content and 90% virgin plastic over the span of a month, but each day of that month could have a different proportion of virgin to recycled content, meaning that while there is variability in recycled content in each bottle, as a batch over the course of a month will have about 90% virgin and have 10% post-consumer recycled content.

    - *Proportional Attribution/Allocation models.*

  - Proportional allocation: This method is based on the assumption that recycled units act the same as non-recycled units and therefore have the same distribution among outputs. The certified (e.g., recycled) inputs flow to outputs in accordance with the yield in which they went in. For example, if 10 % of the input stream is comprised of recycled polymers, then 10 % of each output stream is considered to contain recycled content and credits must be allocated accordingly.

  - Proportional credit allocation: This method allows the use of credits for recycled input into the production process and allows for the allocation of that credit to be distributed proportionally to the various products produced. Depending on the certification process used, fuels may be counted as recycled inputs under this standard.

- Non proportional allocation / free credit allocation This method allows the use of credits for recycled input into any part of the production process, whether or not any portion of recycled content is in the finished product. Many chemical processes produce multiple outputs, many of which may not have a market for recycled content. Non-proportional allocation allows for credits to be freely assigned to any product. For example, one output product can be allocated 100% of the recycled content claims and the other products have no claim. Non-proportional allocation can be fuels-exempt or "polymers only" which only counts polymer products (non-polymer products or outputs are lost and cannot be applied to other products.)

3) *Certification and ISO standards.* Industries making marketing claims for postconsumer recycled content today can use a third-party certifier. Some common third-party certifiers include:
   - Association of Plastic Recyclers
   - GreenBlue Recycled Materials Standard
   - Intertek
   - ISCC Plus
   - SCS Global
   - UL

   These certifiers can provide certification based on any model of CoC, and which CoC models they use depends on the certifier. For example, ISCC plus offers chain of custody certifications using segregated and mass balance CoC.

ISCC plus offers CoC certifications using rolling average mass balance, proportional, and credit-based mass balance, including fuel included and fuel excluded CoC systems[2].

ISO is an independent, non-governmental global entity that creates and publishes official standards with protocols for nearly every industry to ensure quality, safety, and efficiency[3]. These standards create shared definitions and terminology that are essential for communication across businesses and industries. There is an ISO for CoC's, and a specific ISO for mass balance, ISO 22095-2 recently released in 2025.

Comments

1) *Purpose of Bill.* According to the author, "AB 2253 ensures that consumers know whether the products they are purchasing actually contain recycled content. Currently, companies can utilize accounting to obscure the actual recycled content of their products. This practice of greenwashing means that Californians who think they are making better choices for the environment actually aren't. And, Californians are not only being misled by these fraudulent claims, but are also paying more for the false belief they are doing good because of misleading claims. California has always been the leader in the nation in protecting consumers and the environment. Californians shouldn't be bamboozled by these companies' false marketing on products that are not green. AB 2253 would protect consumers from deceptive recycled content claims by requiring companies that advertise recycled content in their products to maintain and make available written documentation proving the recycled material was diverted from the waste stream and demonstrate that their claims comply with the Federal Trade Commission standards."

2) *AB 2253, a truth in labeling bill.* AB 2253 specifies that credit based CoC systems, including some subtypes of MB, are off the table for companies making on-label marketing claims about recycled content in their products.

   AB 2553 draws a line between types of accounting that track the amount of recycled content that goes into a product (or batches of products) all the way from start to finish, and accounting systems that use credit systems to decouple recycled content going into a process and the amount of recycled content in the final product.

[2] https://iscc-system.org/wp-content/uploads/_legacy/2026/01/ISCC-PLUS_Chain-of-Custody.pdf
[3] Heires, M. (2008). The International Organization for Standardization (ISO). *New Political Economy*, *13*(3), 357–367. https://doi.org/10.1080/13563460802302693

In essence, AB 2553 ensures that if a product claims to have a certain recycled content, that product actually does have that recycled content in it (give or take variability of an individual product in a batch). This is important to provide accurate and honest information to consumers and drive changes to innovate more recycled content in consumer-facing products.

Without requiring products to contain postconsumer recycled content in order to claim that they have post-consumer recycled content, manufacturers could up-price products with recycled content claims, using a credit system to only add recycled content to products where that is cheaper and easier. In some types of allocation, while using credits such as non-proportional or free allocation including fuel, entities could claim to be making 100% recycled containers, for instance, while those containers have no recycled content, and are taking that 'credit' from products such as fuel or coke ash used to make roads rather than recovering actual plastic polymers.

AB 2253 asserts that this is unfair to the public that often pays a premium price for recycled content without understanding that the product they have purchased does not actually contain recycled content.

3) *Will the real mass balance please stand up?* Mass balance is one of several kinds of different accounting systems that can be used to calculate post-consumer recycled content. There are different kinds of mass balance, including rolling average, proportional, and non-proportional allocation accounting. AB 2253 specifies that credit-based accounting systems including credit based proportional and non-proportional/free allocation and book and claim accounting are not allowed.

   Because the terminology regarding mass balance and other chain of custody models is not always consistent across the literature, ***the author and committee may wish to describe a process of tracking and accounting for recycled content that does not allow credit-based systems, and specify the ISO standards that correlate with the types of mass balance allowed for on-label marketing claims in AB 2553.***

   ISO standards, as described in the background, create a shared language for technical terminology including mass balance CoC's.

4) *Drawing the line on mass balance: Rolling average vs. Proportional vs. Non proportional.* As described in the background section, mass balance can be categorized as rolling average, proportional, or non proportional. AB 2253 draws the line at allowing rolling average mass balance on marketing claims,

which allows for variability in the amount of recycled content added to the process over time (some days, more recycled content will be going into the process than other days, and the recycled content claim is an average of that recycled content over time). Proportional allocation assumes that the proportion of recycled content mixed with new material is consistent, but allows it to be averaged across different products. Importantly, this still means that the recycled content claims reflect the actual amount of recycled content going into products. Non-proportional allocation, on the other hand, covers a range of different types of mass balance that allow the manufacturer to separate the proportion of new and recycled content in the feedstock from the recycled content claim on the product. For example, using non proportional allocation, a manufacturer could make one hundred plastic containers with a 1% recycled content in the feedstock, and sell one plastic container with a recycled content claim of 100% (and sell the others with no recycled content claims). While the product still has a small amount of recycled content, it is far less than products made with proportional allocation or rolling average (or other non-credit based CoC's). If the labels look the same to consumers, this could set those companies up at a disadvantage for using a higher proportional amount of more-expensive recycled content in their product.

In contrast, non-proportional allocation includes free allocation. It allows manufacturers to add up recycled content and attribute it to products that never have that recycled content in them, either in volume or in category. For instance, non-proportional allocation would allow manufacturers to count the amount of plastic pyrolyzed into coke ash and fuel as recycled content that could be attributed to new plastic products. Non proportional can be limited to be fuel exempt, or in the case of plastics, polymer only, but intrinsically it is a method that allows the amount of recycled content advertised in the end product to be (very) different than the recycled content in that particular product.

As the bill continues through the legislative process, the author may wish to consider whether to 'move the line' on acceptable types of accounting for recycled content claims to include proportional allocation.

5) *But can't certifiers ensure truth in labeling?* Third party certifiers play an important role in communicating the credibility of recycled content claims to consumers. However, their certification is only as good as the CoC's that they use, and there is no limiting criteria that a third party certifier use non-credit based accounting. A third-party certifier may certify that a company is properly using the free allocation fuel included mass balance accounting system in making a 100% recycled content claim for a plastic container, but that does not

mean that the plastic container has any recycled content or that any of the postconsumer material was converted to polymers to make new plastic.

As such, third party certification is only incidental to the issue raised in AB 2253, which questions what accounting systems are misleading or informative to consumers choosing to purchase products with recycled content.

6) *What is post-consumer?* AB 2553 defines post-consumer recycled content to include both recycled materials that have passed through the hands of the public, material that is recovered at the back of stores (e.g. pallets, film wrapping for produce), and potentially industrial scrap such as leftover cuttings from bags and wrappers. Defining post-consumer recycled content has implications across a wide range of policies beyond marketing claims for recycled content.

Since AB 2553 does not actually rely on a definition of post-consumer recycled content, the author and committee may wish to strike the definition of post-consumer recycled content and simply rely on the definition of recycled content currently in the bill.

7) *What is a marketing claim?* AB 2253 specifies that certain types of credit based accounting are not allowed when making marketing claims of postconsumer recycled content. While transparency on how recycled content is calculated is important for many use cases, it may be especially important to have clear, readily understood meaning of postconsumer recycled content for recycled content claims that consumers factor into their purchasing choices.

The bill further specifies that market claims d not include regulatory filings, specifically including among others:

- SB 54, the Plastic Pollution Prevention and Packaging Producer Responsibility Act
- SB 707, The Responsible Textile Recovery Act of 2024
- The rigid plastic packaging container law
- The plastic trash bag law

Carpets do not get a call-out in this list, despite having a requirement through their stewardship program to achieve 5% postconsumer recycled content. This list of regulatory programs is not complete, and the list is likely to grow, further jeopardizing its usefulness as a reference. It is also not explicitly clear if these market claims include internal sustainability reports or other claims that are not public facing.

Instead of specifying a specific list of what market claims are not, the author and committee may wish to instead specify what market claims are: on label (and on website) postconsumer recycled content claims.

The author and committee may wish to specify that the restrictions on which CoC's and accounting systems can be used to calculate postconsumer recycled content only apply to voluntary on-label, (or on website) marketing claims, and strike the list of regulations that are not included.

8) *AB 2253: plastics and beyond.* The scope of this bill is extremely broad. It includes consumer products and their packaging, regardless of what the products are made from (plastic, glass, paper, etc) or what the products are that are making these claims (bottles and other packaging, clothing, carpets, electronics). It is not clear which industries currently use credit based CoC's on their recycled content marketing claims, or how prevalent such claims are across the many industries and products.

   As the bill continues to move through the legislative process, the author may wish to consider which materials or products are most likely to use recycled content claims with credit-based CoC's that are misleading to consumers and focus on those products. The author may also which to evaluate, on an industry by industry level, the relative costs and benefits associated with requiring non-credit based accounting in consumer facing recycled content labels.

9) *Shelf-life for credit based accounting.* While it is not clear which products are currently being labeled as containing PCR under credit based accounting systems, there may be products on the shelf today with recycled content claims that would no longer be legal once AB 2253 comes into effect.

   As the bill moves through the Legislative process, the author may wish to consider giving product manufacturers time to sell through their backstock and switch over their labels, the author and committee may wish to allow a grace period of one year for products to be compliant with the labeling requirements in AB 2253.

10) *Recycled content in an advanced context*. AB 2253 encompasses all consumer products, and is not restricted to plastic. However, plastic recycling provides an important example of why transparency on how recycled content is calculated is so important. In 2024, the California Department of Justice (DOJ) filed suit against ExxonMobil and related plastic industry groups based on allegations that the industry has, and continues to, "mislead consumers by engaging in an

aggressive campaign to deceive the public and perpetuate the myth that recycling will solve the crisis of plastic pollution." According to the DOJ:

- The vast majority—92%—of plastic waste processed through ExxonMobil's "advanced recycling" technology does not become recycled plastic, but rather primarily fuels;
- The plastics that are produced through ExxonMobil's "advanced recycling" process contain so little plastic that they are effectively virgin plastics deceptively marketed as "circular" and sold at a premium;
- ExxonMobil's "advanced recycling" process cannot handle large amounts of post-consumer plastic waste without risking the safety and performance of its equipment; and,
- Plastics produced through ExxonMobil's "advanced recycling" program, in its best case scenario, will only account for less than one percent of its total virgin plastic production capacity, which continues to grow.

Industry groups have stated that advanced recycling will be essential to achieve California's recycling goals. If that is true, then having a clear understanding of what constitutes recycled content will be essential to evaluating whether meaningful progress is being made towards those recycling goals, or whether the goals will be achieved in name only.

11) *Committee amendments.* ***Staff recommends the committee adopt the bolded amendments contained in comments 3, 6, 7 and 9 above.***

Related/Prior Legislation

SB 343 (Allen, Chapter 507, Statutes of 2021) tightens the requirements around the permissible use of the "chasing arrows" recycling symbol and when claims regarding recyclability can be made and requires CalRecycle to publish the types and forms of recyclable products and packaging.

SOURCE:

SUPPORT:

350 Bay Area Action
350 Sacramento
Active San Gabriel Valley
Arts District Community Council LA
Ban Sup (single Use Plastic)
Between the Waters

Beyond Plastics
Breast Cancer Prevention Partners
California Environmental Voters
California Product Stewardship Council
Californians Against Waste
Calpirg, California Public Interest Research Group
Center for Environmental Health
Central Contra Costa Solid Waste Authority
Clean Water Action
Cleanearth4kids.org
Climate Action California
Climate Reality Project, Orange County
Day One
Ecology Center
Environmental Justice Communities Against Plastics
Friends Committee on Legislation of California
Global Alliance for Incinerator Alternatives (GAIA)
Healing and Justice Center
Indivisible Ca: Statestrong
Just Transition Alliance
Just Zero
League of California Cities
Lori R. Mendez, Aplc
Nevada County Climate Action Now
Northern California Recycling Association
Nrdc
Orinda; City of
Pacific Environment
Physicians for Social Responsibility - Los Angeles
Plastic Pollution Coalition
Regen Monterey
Rethink Waste
Rural County Representatives of California (RCRC)
San Francisco Baykeeper
Save the Albatross Coalition
Stopwaste
Surfrider Foundation
Sustainable Claremont
The Last Beach Cleanup
The Last Plastic Straw
The Story of Stuff Project
Valley Improvement Projects (VIP)

West Berkeley Alliance for Clean Air and Safe Jobs
Wishtoyo Foundation
Zero Waste Ithaca
Zero Waste San Diego

OPPOSITION:

Alliance for Automotive Innovation
Alliance for Chemical Distribution
American Apparel & Footwear Association
American Beverage Association
American Chemistry Council
American Composites Manufacturers Association
American Institute for Packaging and Environment (AMERIPEN)
Association of Home Appliance Manufacturers
Brea Chamber of Commerce
Calasian Chamber of Commerce
California Advanced Biofuels Alliance
California Chamber of Commerce
California Food Producers
California Grocers Association
California Manufacturers & Technology Association
California Retailers Associaiton
Can Manufacturers Institute
Carpet & Rug Institute
Carpet America Recovery Effort
Carton Council
Communications Cable & Connectivity Association
Consumer Brands Association
Consumer Healthcare Products Association
Corona Chamber of Commerce
Dairy Institute of California
Danville Area Chamber of Commerce
EPS Industry Alliance
Fontana Chamber of Commerce
Gateway Chambers Alliance
Glass Packaging Institute
Greater Bakersfield Chamber of Commerce
Greater San Fernando Valley Chamber of Commerce
Household and Commercial Products Association
International Bottled Water Association
International Sleep Products Association

LA Canada Flintridge Chamber of Commerce
Lodi Chamber of Commerce
Long Beach Area Chamber of Commerce
Meat Institute
Mission Viejo Chamber of Commerce
Napa Chamber of Commerce
National Association of Printing Ink Manufacturers
National Confectioners Association
Norwalk Chamber of Commerce
Palm Desert Area Chamber of Commerce
Personal Care Products Council
Pet Food Institute
Plastics Industry Association
Plastics Pipe Institute
Polyisocyanurate Insulation Manufacturers Association
Power Tool Institute
Printing United Alliance
San Juan Capistrano Chamber of Commerce
Santa Ana Chamber of Commerce
Snac International
Spray Polyurethane Foam Alliance
The Adhesive and Sealant Council
The Toy Association
The Vinyl Institute
Torrance Area Chamber of Commerce
Tulare Chamber of Commerce
Western Growers Association
Western Plastics Association
Wine Institute
Yorba Linda Chamber of Commerce
Plastic Oceans International
Solution Citizen

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