
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 2253 (Boerner) - Solid waste: products: recycled content claims

Version: July 2, 2026

Urgency: No

Hearing Date: August 3, 2026

Policy Vote: E.Q. 4 - 2

Mandate: No

Consultant: Ashley Ames

Bill Summary: This bill would require a recycled content claim to be based on the actual recycled content used in the production of the material used in a product line, as determined using specified chain of custody models, and would limit the amount claimed to the amount of third-party certified recycled content introduced into the manufacturer's or supplier's overall supply stream.

Fiscal Impact:

- Unknown, potentially significant cost pressures (Trial Court Trust Fund), possibly in excess of \$150,000, to the courts to adjudicate enforcement actions. Actual costs would depend on the number of cases filed and the amount of court time needed to resolve each case. It generally costs approximately \$1,000 to operate a courtroom for one hour. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund. The state budget provides annual General Fund backfills to the Trial Court Trust Fund to offset revenue reductions, totaling approximately \$117.3 million in 2025-26. The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year in the 2027-28 fiscal year and ongoing.
- The Department of Justice anticipates minor and absorbable costs.
- The Department of Resources Recycling and Recovery anticipates minor and absorbable costs as a result of this bill because the bill affects only the legality of marketing claims and does not impact CalRecycle's existing compliance- or enforcement-related authority, nor does the bill give the department any new authority.

Background:

Recycled content. The state has established recycled content requirements for numerous products including plastic beverage containers, trash bags, rigid plastic packaging, certain paper products, and glass containers.

Chain of custody and mass balance. As described in the Assembly Natural Resources Committee's analysis of this bill, generally, mass balance is a term used to describe chain of custody systems used in the industry to track materials through the production process. Mass balance is widely used to trace materials in supply chains where it is not feasible to physically separate materials. Book-and-claim is similar to mass balance but differs in that it does not follow the physical path of a material. Book-and-claim is more like a credit trading system where no amount of physical recycled content may be used

in the production process at all, but a "credit" for the amount used elsewhere is claimed as recycled content.

International standards for chain of custody. The International Organization for Standardization (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. These standards create shared definitions and terminology that are essential for communication across businesses and industries.

Chain of custody is the subject of the ISO 22095 series. ISO 22095:2020 established the common terminology and models used across industries, and is the standard this bill references. ISO has since published two additional parts strengthening the global framework for chain of custody systems, introducing internationally harmonized requirements for two widely used models: ISO 22095-2, addressing mass balance, which is widely used in sectors such as chemicals, plastics, agriculture, and textiles; and ISO 22095-3, addressing book and claim, under which sustainability characteristics are transferred through administrative instruments rather than physical material flows. Both were developed by technical committee ISO/TC 308 and build on the 2020 standard, moving from conceptual foundations to practical operational requirements.

Notably for this bill, ISO 22095-2 addresses, among other matters, differentiation from controlled blending and book and claim models, system boundaries including geography and time, conversion factors, the rolling average percentage method, and the credit method. The rolling average percentage method is therefore treated within the ISO framework as a method associated with mass balance chain of custody.

Certification. Industries making marketing claims for postconsumer recycled content today can use a third-party certifier. Common third-party certifiers include the Association of Plastic Recyclers, the GreenBlue Recycled Materials Standard, Intertek, ISCC Plus, SCS Global, and UL.

These certifiers can provide certification based on any model of chain of custody, and which models they use depends on the certifier. ISCC Plus, for example, offers chain of custody certifications using segregated and mass balance models, and its mass balance certifications encompass rolling average, proportional, and credit-based approaches, including both fuel-included and fuel-excluded systems.

Federal guidance. Under the Biden administration, the U.S. Environmental Protection Agency essentially rejected the mass balance approach to plastics recycling, instead requiring products labeled with the "Safer Choice" endorsement to contain at least 15% postconsumer recycled content, calculated by weight.

People v. Exxon Mobil Corp. In 2024, the California Department of Justice filed suit against ExxonMobil Corp 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."

Proposed Law: This bill, among other things, would:

1. Strike the definition of "postconsumer."

2. Narrow the application of the recordkeeping requirement in existing law from an environmental marketing claim to a voluntary recycled content claim made on a physical product label or on digital product labeling for products sold online.
3. Revise the reference to the Federal Trade Commission Guides for the Use of Environmental Marketing Claims to specifically refer to those guides as they read on January 1, 2026.
4. Require that the amount of recycled content material claimed on the label or labeling not exceed the amount of third-party certified recycled content introduced into the manufacturer's or supplier's overall supply stream for the material used in that product line, and provide that individual products within that product line may contain recycled content levels higher or lower than the claimed amount due to normal variations in supply chain operations or manufacturing processes.
5. Require that, in complying with the above, the recycled content claim be based on the actual recycled content used in the production of the material used in the product line, as determined using the segregated model, controlled blending model, or rolling average percentage method, as described in International Organization for Standardization (ISO) standard 22095:2020(E).
6. Provide that, for a plastic beverage container subject to Public Resources Code §14549.3, compliance with the reporting requirements of that section would be deemed to satisfy both of the above requirements.
7. Provide that a voluntary recycled content claim would not include a regulatory filing or statement required to verify compliance with a recycled content goal or mandate, including filings, plans, or statements submitted by a producer responsibility organization.

Related 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.

Staff Comments: Existing law requires a manufacturer or supplier making an environmental marketing claim related to the recycled content of a plastic food container product to maintain certain information and documentation in support of that claim and authorizes a city, a county, or the state to impose specified civil penalties on violators. Current law authorizes the Attorney General to expend, upon appropriation by the Legislature, any civil penalties it collects to enforce existing law. The prohibitions in and requirements of this bill would be subject to the same civil liability and enforcement mechanism.

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