
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 13, 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.

***** ANALYSIS ADDENDUM – SUSPENSE FILE *****

The following information is revised to reflect amendments
adopted by the committee on August 13, 2026

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.
- Unknown but potentially significant costs (General Fund) for the Department of Justice (DOJ) to investigate, monitor, request information, and bring enforcement actions to support this bill's provisions.
- 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.

Author Amendments: These amendments would expand permissible accounting bases for a recycled content claim to include proportional attribution under the new ISO mass balance standard, with conditions barring fuel-related credits and credit transfers between unrelated processes.

Author amendments would also, for products other than plastic food containers, no longer require that a recycled content claim be made available to the public on request. The manufacturer or supplier would instead furnish it to the Attorney General (AG),

upon request, if the AG suspects a violation — or could elect review by a qualified independent third-party auditor, whose report would be maintained and provided to the AG in any investigation. Required documentation would disclose which compliant chain-of-custody model was used to calculate the recycled content—over either a fiscal quarter or an annual period—and any confidential, proprietary, or trade secret information obtained by the AG would be exempt from public records disclosure and protected from public release.

-- END --