SENATE RULES COMMITTEE AB 2253
Office of Senate Floor Analyses
(916) 651-4171

THIRD READING

Bill No: AB 2253
Author: Boerner (D)
Amended: 8/13/26 in Senate
Vote: 21

SENATE ENVIRONMENTAL QUALITY COMMITTEE: 4-2, 7/1/26
AYES: Blakespear, Allen, Gonzalez, Menjivar
NOES: Valladares, Dahle
NO VOTE RECORDED: Hurtado

SENATE APPROPRIATIONS COMMITTEE: 5-2, 8/13/26
AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab
NOES: Seyarto, Dahle

ASSEMBLY FLOOR: 42-19, 5/27/26 - See last page for vote

SUBJECT: Solid waste: products: recycled content claims

SOURCE: Author

DIGEST: This bill requires voluntary recycled content claims on labels does 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 specifies that only certain chains of custody models can be used to make recycled content claims.

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) section 42356)

2) 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 section 42357.6)

3) 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 section 42357.6)

This bill:

1) Requires voluntary recycled content claims on product labels meet the following criteria:

   a) The amount of recycled content material claimed on the label or labeling cannot 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 (while allowing variation in individual products due to normal variations in the supply chain or manufacturing operations). This amount of recycled content may be determined using any of the following chain of custody models: segregated model, controlled blending model, rolling average percentage method, as described in International Organization for Standardization (ISO) standard 22095:2020(E), or the actual recycled content used in the production of the material used in the product line, as determined through proportional attribution, as defined in ISO standard 22095-2:2026, as long as no recycling credits are provided to any form of fuel use or fuel production and without credit transfers between unrelated processes.

   b) The 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 Code of Federal Regulations [C.F.R.] Part 260), as it read on January 1, 2026.

2) Requires manufacturers or suppliers making a voluntary recycled content claim to maintain documentation that the recycled content meets the requirements in (1) above.

3) Requires a manufacturer or supplier of a product other than a plastic food container product to provide this information to the Attorney General, upon request.

   a) Alternatively, or in addition to this, a manufacturer or supplier may elect to have the information and documentation reviewed by an independent third-party auditor qualified to evaluate recycled content accounting systems, chain of custody methodologies, and supporting records, and meeting certain criteria

   b) Specifies that any confidential, proprietary, or trade secret information included in (3) shall not be subject to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code) and shall remain protected from public disclosure to the fullest extent permitted by law.

4) Specifies that the postconsumer recycled content reporting requirements for plastic beverage containers established through the beverage container recycling program (BCRP) satisfy the requirements of this bill.

5) Specifies that the criteria for voluntary recycled content claims in this bill do not, unless otherwise required by law, include a regulatory filing or statement to comply with any plans or other documents submitted by a producer responsibility organization.

6) Adds a January 1, 2030 sunset to the existing requirement that manufacturer or supplier making an environmental marketing claim relating to the recycled content of a plastic food container product keep documentation supporting that claim and provide that information to any member of the public upon request.

Background

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

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.

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

- 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.)

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 the Association of Plastic Recyclers, GreenBlue Recycled Materials Standard, Intertek, ISCC Plus, SCS Global and 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

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[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

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 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), and doesn't allow material that is turned into fuel to count as recycled content. AB 2553 takes 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 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) *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.

4) *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.

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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee:

- 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.

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

ASSEMBLY FLOOR: 42-19, 5/27/26
AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Caloza, Connolly, Elhawary, Fong, Gabriel, Garcia, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, Muratsuchi, Ortega, Pacheco, Papan, Patel, Pellerin, Ransom, Rogers, Schiavo, Schultz, Sharp-Collins, Stefani, Ward, Wicks, Wilson, Rivas
NOES: Alanis, Ávila Farías, Castillo, Chen, Davies, DeMaio, Ellis, Flora, Jeff Gonzalez, Hadwick, Hoover, Johnson, Lackey, Macedo, Patterson, Sanchez, Ta, Tangipa, Wallis
NO VOTE RECORDED: Bains, Calderon, Carrillo, Dixon, Gallagher, Gipson, Mark González, McKinnor, Nguyen, Petrie-Norris, Quirk-Silva, Ramos, Celeste Rodriguez, Michelle Rodriguez, Blanca Rubio, Solache, Soria, Valencia, Zbur

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