CONCURRENCE IN SENATE AMENDMENTS
AB 2253 (Boerner)
As Amended August 21, 2026
Majority vote

SUMMARY

Requires voluntary recycled content claims on labels to 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 specified chain of custody models can be used to make recycled content claims.

Senate Amendments

1) Revise the definitions to include "plastic food container product" as a product made from plastic that includes a tray, clamshell container, or other receptacle and that is used, or intended to be used, to hold food.

2) Remove a requirement that the recycled content claim be based on the actual physical recycled content used in the production of a product.

3) Sunset the current provision of law that governs environmental marketing claims for plastic food container products on January 1, 2030.

4) Commencing January 1, 2030:

   a) Require a manufacturer or supplier making a voluntary recycled content claim on physical or digital product label to maintain specified information and documentation, including:

      i) The recycled content for materials that has been recovered or otherwise diverted from the solid waste stream either during the manufacturing process or after consumer use;

      ii) 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;

      iii) The amount of recycled content material claimed on the label or labeling 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, as specified;

      iv) Specify that the recycled content claim shall be based on the actual recycled content used in the production of the material used in the product line, as determined using identity-preserved model, segregated model, controlled blending model, rolling average percent method, or proportional attribution, as specified; and,

      v) Specify that compliance with the reporting requirements for postconsumer recycled content shall be deemed to satisfy the requirements of this bill.

b) Require manufacturers or suppliers of "plastic food container products" to furnish the information and documentation that is required to be maintained pursuant to this bill to any member of the public upon request or provide the information by furnishing a link on its website. This information and documentation shall disclose which chain of custody model was used to calculate the recycled content.

c) Require manufacturers or suppliers of products other than plastic food containers to furnish the information and documentation that is required to be maintained pursuant to the bill to the Attorney General, upon request, of the Attorney General suspects a violation, or to an independent third-party auditor.

COMMENTS

Mass Balance and other chains of custody. Generally speaking, mass balance 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, MB is one of five common chain of custody models designed to create transparency and trust throughout the value chain regarding properties of goods and materials that are otherwise difficult to distinguish. These models vary on the precision of information required to be traced through the system. Some models trace material through a supply chain form start to final product; other models allow credits to be traded from different materials and products.

An important distinction between different models pertaining to recycled content is whether or not they allow fuel to count as a product or not. For example, if half of a plastic bottle is converted to fuels, can those fuels be counted as 'recycled content'?

There are several types of mass balance accounting systems, including:

1) *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.

2) *Proportional Attribution/Allocation models.* Proportional allocation: This method assumes 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.

3) *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.

4) *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, International Sustainability and Carbon Certification (ISCC) Plus, SCS Global and Underwriters Laboratories.

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

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. There is an ISO for chain of custody methods, and a specific ISO for mass balance, ISO 22095-2, which was recently released in 2025.

This bill. AB 2553 ensures that if a product claims to have a certain recycled content, that product actually contains that recycled content (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 chain of custody models, including some subtypes of mass balance, off the table for companies making on-label marketing claims about the 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.

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.

Arguments in Support
A coalition of supporters state:

> Consumers should be able to trust the labels they see on store shelves. When companies use credit schemes and accounting gimmicks to inflate recycled content claims without actually increasing the amount of recycled material in their products, it undermines that trust, misleads the public and disadvantages California recyclers. AB 2253 ensures that recycled content claims reflect the actual materials used in products, restores integrity to the marketplace, and protects consumers' right to make informed, environmentally responsible purchasing decisions.

Arguments in Opposition
A coalition of opponents state:

> AB 2253 would eliminate a compliance tool that California's own programs and the state's international trading partners already rely on. The industries most affected, packaging manufacturers, food producers, material suppliers, and retailers, are not using mass balance to evade accountability. They are using it because these accounting systems are designed to match how manufacturing actually works. When materials are blended and inputs cannot be physically separated once mixed, the recycled content must be tracked across the production run rather than isolated in a single product. Accordingly, AB 2253 does not strengthen recycling. Instead, it creates a compliance wall that imposes enormous costs.

FISCAL COMMENTS

1) 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.

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

3) The Department of Resources Recycling and Recovery (CalRecycle) 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 CalRecycle any new authority.

VOTES:

ASM NATURAL RESOURCES: 10-4-0
YES: Bryan, Connolly, Garcia, Haney, Kalra, Boerner, Pellerin, Schultz, Wicks, Zbur
NO: Ellis, Alanis, Hoover, Macedo

ASM APPROPRIATIONS: 10-4-1
YES: Wicks, Aguiar-Curry, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache
NO: Hoover, Dixon, Ta, Tangipa
ABS, ABST OR NV: Calderon

ASSEMBLY FLOOR: 42-19-19
YES: 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
NO: Alanis, Ávila Farías, Castillo, Chen, Davies, DeMaio, Ellis, Flora, Jeff Gonzalez, Hadwick, Hoover, Johnson, Lackey, Macedo, Patterson, Sanchez, Ta, Tangipa, Wallis
ABS, ABST OR NV: 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

UPDATED

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CONSULTANT: Elizabeth MacMillan / NAT. RES. / (916) 319-2092 FN: 0004179