

UNFINISHED BUSINESS

Bill No: SB 633
Author: Blakespear (D)
Amended: 8/20/26
Vote: 21

SENATE ENVIRONMENTAL QUALITY COMMITTEE: 6-1, 4/2/25

AYES: Blakespear, Gonzalez, Hurtado, Menjivar, Padilla, Pérez

NOES: Dahle

NO VOTE RECORDED: Valladares

SENATE APPROPRIATIONS COMMITTEE: 5-1, 5/23/25

AYES: Caballero, Cabaldon, Grayson, Richardson, Wahab

NOES: Seyarto

NO VOTE RECORDED: Dahle

SENATE FLOOR: 27-10, 6/4/25

AYES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Hurtado, Laird, Limón, McGuire, McNerney, Menjivar, Padilla, Pérez, Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener

NOES: Alvarado-Gil, Choi, Dahle, Grove, Jones, Niello, Ochoa Bogh, Seyarto, Strickland, Valladares

NO VOTE RECORDED: Grayson, Reyes, Richardson

ASSEMBLY FLOOR: 59-16, 8/25/26 - See last page for vote

SUBJECT: Plastic beverage containers: recycling

SOURCE: Author

DIGEST: This bill requires a beverage manufacturer to include, as part of their annual reporting to the Department of Resources Recycling and Recovery (CalRecycle) for the Beverage Container Recycling and Litter Reduction Act (Bottle Bill), to report the amount in pounds of imported postconsumer recycled

content plastic used by the manufacturer for plastic beverage containers for sale in the state in the previous calendar year, along with a third party certification and an increase in the fine for failing to comply with existing postconsumer recycled content requirements.

Assembly Amendments remove the requirement for tracking the country of origin for postconsumer recycled content and its enforcement mechanism, and instead require that beverage manufacturers submit third party certification that they are meeting postconsumer recycled content requirements established in law, and increase the penalty for failure to comply with those requirements.

ANALYSIS:

Existing law:

- 1) Establishes the Bottle Bill, which:
 - a) Requires beverage containers, as defined, sold in-state to have a California redemption value (CRV) of 5 cents for containers that hold fewer than 24 ounces and 10 cents for containers that hold 24 ounces or more;
 - b) Requires beverage distributors to pay a redemption payment to CalRecycle for every beverage container sold in the state; and
 - c) Provides that these funds are continuously appropriated to CalRecycle for, among other things, the payment of refund values and processing payments. (Public Resources Code (PRC) § 14500 et seq.)
- 2) Requires plastic beverage containers subject to the Bottle Bill to contain the following percentages of postconsumer recycled plastic annually:
 - a) From January 1, 2022 until December 31, 2024, no less than 15%;
 - b) From January 1, 2025 until December 31, 2029, no less than 25%; and,
 - c) On and after January 1, 2030, no less than 50%. (PRC § 14547)
- 3) Requires glass beverage containers to contain a minimum of 35% postfilled (recycled) glass, as specified. (PRC § 14549)
- 4) Requires, on or before March 1 of each year, manufacturers of beverages sold in plastic beverage containers to report the amount in pounds and by resin type of virgin plastic and postconsumer recycled plastic used by the manufacturer for plastic beverage containers for the previous calendar year. (PRC § 14549.3)

- 5) Requires, on or before March 1, 2024, a manufacturer of postconsumer recycled plastic to report to amount in pounds of food-grade flake, pellet, sheet, fines, or other forms that were sold in the previous calendar year. (PRC § 14549.3)
- 6) Authorizes beverage manufacturers that share rights to the same brands or distribute the same products to submit a consolidated report with aggregated information on postconsumer recycled content that covers one or more beverage manufacturers. This report is submitted under penalty of perjury to CalRecycle, and beverage manufacturers included in the consolidated report are jointly and severally responsible for compliance. (PRC § 14549.9)
 - a) Authorizes CalRecycle to develop emergency regulations to implement this consolidated reporting.

This bill:

- 1) Increases the penalty for beverage manufacturers that do not meet the minimum postconsumer recycled plastic content requirements established through the Bottle Bill from \$0.20 to \$.20 per pound of virgin plastic used in lieu of the required amount of postconsumer recycled plastic.
- 2) Requires, by March 1, 2028, and on or before March 1 annually thereafter, a beverage manufacturer of a beverage sold in a plastic beverage container subject to the California Redemption Value (CRV) to, as part of an existing reporting requirement, report the following additional information to CalRecycle:
 - a) The amount in pounds of imported PCR plastic used by the manufacturer for plastic beverage containers for sale in the state in the previous calendar year. Requires CalRecycle to publish a list of beverage manufacturers and their associated brand names, indicating whether they have complied with the PCR requirements.
 - b) Proof that the PCR used by the manufacturer for plastic beverage containers has been validated by a third-party, as specified.

Background

More plastic, more problems. In 2021, global plastics production was estimated at 390.7 million metric tons: only nine percent of all plastic ever made has been recycled, according to a United Nations Environment Programme report. Plastics production and pollution have the potential to negatively impact human health, the

environment, and ecosystems. Plastic manufacturing emits air pollutants that are linked to health risks including increased cancer risk.^{1, 2} Nearly all plastic (99%) is made from fossil fuels, and the plastic industry is the fastest-growing source of industrial greenhouse gases in the world: the plastic industry's greenhouse gas emissions are expected to surpass those of coal-fired power in the United States by 2030.³

Plastic is also harmful when it enters the environment as litter. Each year, roughly 11 million tons of plastic enter the ocean. Plastic litter can entangle animals, or cause plasticosis (where the rough edges of plastic cause internal injuries and scarring that reduces the ability of animals to break down nutrients⁴) when ingested.^{5, 6, 7} Plastics also have concerning impacts on the environment and human health when they degrade into microplastics. Microplastics' small size allows them to bioaccumulate up the food chain. Plastics in water, for instance, can be consumed by fish and shellfish and become part of their tissue. The fish and shellfish can in turn be eaten by humans or other animals. With each step up the food web, the concentration of microplastics accumulates. Microplastics can also act as vectors for pollutants such as pesticides and heavy metals, effectively "piggybacking" these harmful pollutants wherever the microplastics go, including into the living tissues of plants, animals, and humans. Current studies have found microplastics in human lungs, brains, and placentas.

Postconsumer recycled content for plastic reduction. Recycling plastic can reduce the harms associated with producing new plastic and reduce the overall amount of plastic in the environment. Plastic recycling saves between 30 and 80% of the carbon emissions associated with virgin plastic.^{8,9} The UK Plastics Pact 2020/21 annual report found that it takes 75% less energy to make a plastic bottle from recycled plastic. Recycling plastic material also has the potential to reduce plastic pollution; using recycled plastic instead of creating new plastic means that there is less plastic overall to end up as litter. In addition, viewing plastic as a valuable

¹ HERRERA, V., & COFFEE, D. (2024). What Defines a Plastic-Burdened Community?.

² (Lu et al., 2020, p. 1; Ren et al., 2024, p. 5).

³ Vallette, J. (2021). The New Coal: Plastics and Climate Change.

⁴ **Marine Debris Impacts | U.S. Department of the Interior (doi.gov)**

⁵ Wilcox, C., E. V. Seville, and B. D. Hardesty. 2015. Plastic in seabirds is pervasive and increasing. *Proceedings of the National Academy of Sciences* 201502108; DOI: 10.1073/pnas.1502108112.

⁶ Alshawafi, A., Analla, M., Alwashali, E., et al., 2017.. Assessment of marine debris on the coastal wetland of Martil in the North-East of Morocco. *Marine Pollution Bulletin*. 117(1–2), 302–10.

⁷ Thrift, E., Nouvellet, P., Mathews, F., 2023. Plastic entanglement poses a potential hazard to European hedgehogs *erinaceus europaeus* in Great Britain. *Animals*. 13(15), 2448

⁸ **[Veolia-Plastic-Whitepaper.pdf \(imperial.ac.uk\)](#)**

⁹ **[#tide ocean material | Life Cycle Analysis| #tide eco-facts](#)**

source of material that can be converted into new products may support a circular economy where plastic is not viewed as waste and discarded.

Bottle Bill. The Bottle Bill was established in 1986 to be a self-funded program that encourages consumers to recycle beverage containers and to prevent littering. The program accomplishes this goal by requiring consumers to pay a deposit for each eligible container purchased. Then the program guarantees consumers repayment of that deposit, the CRV, for each eligible container returned to a certified recycler. The statute includes two main goals for the program: (1) reducing litter; and, (2) achieving a recycling rate of 80% for eligible containers. Containers recycled through the Bottle Bill's certified recycling centers also provide a consistent, clean, uncontaminated stream of recycled materials with minimal processing.

Postconsumer recycled content in the Bottle Bill. The bottles that are captured in the Bottle Bill program are mostly made of polyethylene terephthalate (PET) plastic. PET is highly recyclable plastic, and many markets that include postconsumer recycled content material in their products use recycled PET (rPET) that is sourced from the Bottle Bill program. In 2017, 47% of all available rPET in the United States was used for fiber products (e.g., carpet, clothes, and shoes), according to the Association of Plastic Recyclers and NAPCOR's "Report on Postconsumer PET Container Recycling Activity in 2017." Food and beverage products were the second-largest users of rPET, at 21%.

To promote more closed-loop recycling, where bottles are recycled into bottles, the Legislature passed AB 793 (Ting, Chapter 115, Statutes of 2020). This law requires plastic beverage containers subject to the Bottle Bill to contain increasing amounts of postconsumer recycled (PCR) plastic. Specifically, bottles must contain 15% PCR plastic by 2022, 25% by 2025, and 50% by 2030. AB 793 grants the director of CalRecycle the ability to review and determine to adjust the minimum PCR content percentage, which may be informed by information submitted by producers.

The law also includes annual reporting requirements for plastic reclaimers, manufacturers of postconsumer recycled plastic, and beverage manufacturers. These reporting requirements are critical to ensure that CalRecycle is able to verify and enforce the recycled content requirements. Plastic material reclaimers must report on the amount and resin type of empty plastic beverage containers in the Bottle Bill that they collect and sell. Manufacturers of PCR plastic report to the department the amount of food-grade flake, pellet or other PCR material they sell,

and their capacity to produce food-grade material. Manufacturers of beverages sold in plastic beverage containers are required to report the amount of new and PCR plastic they use in a year. CalRecycle has authority to audit and investigate a beverage manufacturer to make sure they are in compliance with the PCR requirements established by AB 793.

Tracking postconsumer recycled content. The United States imports and exports significant volumes of rPET. In 2024, they increased by 20% from the previous year. While PET scrap exports also rose during this time, the U.S. is by far a net importer of PET scrap. Most of the PET scrap imported into the country is from Southeast Asia. The rPET entering the US is typically in flake form, recovered and processed outside the country, but it is in high demand by US end-users – particularly for the low prices offered by overseas sellers.

Recycled plastic can be indistinguishable from newly synthesized plastic after it is processed. At the same time, the cost of making rPET is and has historically been higher than the cost of making new plastic; in 2017, the estimated average cost to produce virgin PET was \$0.52-0.56 per pound, while the cost to process and produce rPET was estimated at \$0.60-0.65 per pound¹⁰. Because of the economic incentive to produce new plastic over rPET, the legal mandates for rPET production, and the fact the two products can be indistinguishable, there are concerns that virgin plastic will be sold as PCR plastic.

Comments

Purpose of Bill. According to the author, “The state of California set a high bar for recycled content in plastic bottles with AB 793 (Ting, 2020), requiring 15% by 2022, 25% by 2025, and 50% by 2030. Although many popular drinks now proudly advertise the percent of recycled plastic in their bottles, there is currently no robust verification process for these claims. Recycled plastic is indistinguishable from newly synthesized plastic after it is processed by reclaimers and made into pellets or flakes. This fact threatens to undermine the ability of bottle manufacturers to make these bold statements and meet the state’s targets, especially in light of reporting that identified new plastic hidden in “100% recycled” material sold to them. A third-party certification of plastics recyclers (reclaimers) would ensure that they maintain records and a well-documented method for tracking material through their system, from the purchase of reclaimed material (e.g., bales of polyethylene terephthalate (PET) bottles from waste

¹⁰ www.closedlooppartners.com/wp-content/uploads/2017/11/CLP-RPET-Report_Public-FINAL2.pdf

haulers) to the sale of processed material to bottle manufacturers (e.g., recycled PET pellets). This would provide clarity about the recycled plastic sold in California, including the amount and quality of plastic from out of state, which is currently difficult to determine. Requiring these third-party reports would provide hard data on whether bottle manufacturers are meeting the state's recycled content targets and help build public confidence in plastic recycling programs.”

What is in a third party certification? Under AB 793, beverage manufacturers are required to submit reports to CalRecycle on the PCR content of their bottles. This bill would expand that requirement on manufacturers to include third-party certification. Third party certifications are one way to add more certainty that recycled content claims are accurate. However, third party certifiers can use different methodologies to track recycled content through the supply chain. Some of these methodologies include credit-based systems, where recycled content credits can be moved from one product to another. In the case of beverage containers, this isn't likely to be a significant issue, since the beverage manufacturers are also required to report the amount of postconsumer recycled content purchased and used by beverage manufacturers. In addition, this bill adds further transparency by requiring specific additional reporting on the amount of recycled content imported into the State.

Related/Prior Legislation

AB 973 (Hoover, 2025) replaces the Rigid Plastic Container program and establishes a new program that requires set PCR rates. The bill would, starting January 1, 2029, require a manufacturer to include, as part of its annual registration, proof of third-party certification of the PCR content under penalty of perjury of each of its covered products.

SB 551 (Portantino, Chapter 983, Statutes of 2024) allows beverage manufacturers to demonstrate compliance with the state's recycled content requirements for beverage containers by submitting a consolidated report to CalRecycle, as specified.

AB 793 (Ting, Chapter 115, Statutes of 2020) establishes a tiered program requiring the total number of plastic beverage containers sold by a beverage manufacturer to contain certain average amounts of postconsumer recycled plastic content starting January 1, 2022, and reaching at least 50% recycled content by January 1, 2030.

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

According to the assembly appropriations committee, CalRecycle will incur ongoing costs of an unknown amount, possibly in the hundreds of thousands of dollars annually, to implement the requirements of this bill (Beverage Container Recycling Fund (BCRF)). The bill requires, in part, proof of third-party validation of PCR, and requires CalRecycle to determine whether the third-party adheres to an APR standard or an equivalent standard approved by the department. It is not clear to this committee the extent to which CalRecycle must then verify the accuracy of the information included in the beverage manufacturer's report.

For its part, CalRecycle estimates ongoing annual costs of approximately \$1.3 million (BCRF) to hire eight staff and one-time contracting costs of \$40,000 to implement this bill. The contract costs are to expand the department's online reporting form and database to add county-of-origin and third-party verification. CalRecycle reports staff will, among other things, collect and verify the new information included as part of its reporting requirements, review and validate third-parties (by conducting scientific analyses and evaluating the APR methodology used, for example), support and educate beverage manufacturers, conduct a greater number of compliance reviews, potentially issue more notices of violation, and perform numerous audit and enforcement-related tasks.

SUPPORT: (Verified 8/25/26)

Am Testing & Services, INC.
 Californians Against Waste
 Los Angeles County
 National Stewardship Action Council
 Natural Resources Defense Council
 Recycling Partnership; the
 Republic Services - Western Region

OPPOSITION: (Verified 8/25/26)

None received

ASSEMBLY FLOOR: 59-16, 8/25/26

AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Davies, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, Muratsuchi,

Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva,
Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca
Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Ward,
Wicks, Wilson, Zbur, Rivas

NOES: Alanis, Ávila Farías, Castillo, DeMaio, Dixon, Ellis, Flora, Jeff Gonzalez,
Hadwick, Johnson, Lackey, Macedo, Patterson, Sanchez, Ta, Tangipa

NO VOTE RECORDED: Chen, Hoover, McKinnor, Wallis

Prepared by: Brynn Cook / E.Q. / (916) 651-4108

9/16/26 15:08:42

**** **END** ****