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Environmental Alert

April 6, 2026

California's SB 343 restricts common recyclability claims on products and packaging

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SB 343 limits recyclability claims on packaging. Learn what changes by October 4, 2026, and how to reduce enforcement risk.



What's the impact?

- Manufacturers should maintain written substantiation for recyclability claims and ensure designs meet APR standards and restrictions.
- Although a federal lawsuit is challenging SB 343, enforcement risk remains in place for companies not involved in the litigation.
- Businesses should audit labels, contracts, and supplier obligations well in advance of the October 2026 compliance deadline.

California's [Senate Bill 343](#) (SB 343) will prohibit, as of October 4, 2026, the use of the "chasing arrows" symbol, any other symbol indicating recyclability, or any statement indicating recyclability or directing consumers to recycle, on products and packaging, unless the product or packaging meets specific recyclability criteria indicating that the labeled product or packaging is actually being recycled by 60% of the population. If the criteria are not met, the law prohibits the sale, distribution, or importation into California of any product or packaging bearing the chasing arrows, claiming such are deceptive or misleading claims. This alert outlines the requirements,

timelines, and penalties under SB 343, and explains how it relates to SB 54, ongoing litigation, and key compliance actions.

SB 343 requirements

SB 343 amended and expanded several provisions of California law governing environmental marketing claims. Specifically, the law:

- / Requires manufacturers and distributors to maintain written records supporting recyclability claims on consumer goods labels and advertising (codified at [Cal. Bus. & Prof. Code § 17580](#));
- / Prohibits untruthful, deceptive, or misleading recyclability claims (codified at [Cal. Bus. & Prof. Code § 17580.5](#));
- / Prohibits the use of a resin identification code (numbers 1–7) within the chasing arrows symbol on rigid plastic bottle or rigid plastic containers unless they meet the statewide recyclability criteria provided in PRC § 42355.51(d) (codified at [PRC § 18015](#));
- / Declares that it is the public policy of the state that recyclability claims “be truthful in practice and accurate” (codified at [PRC § 42355.5](#)); and
- / Prohibits the sale, distribution, or importation into California of any product or packaging for which a deceptive or misleading claim about the recyclability of the product or packaging is made (codified at [PRC § 42355.51](#)).

A recyclability claim is considered deceptive or misleading unless the product or packaging meets the following criteria and therefore qualifies as recyclable. Materials must be of the type and form (1) collected by recycling programs serving at least 60 percent of California’s population; (2) sorted into defined streams for recycling processes by large volume transfer or processing facilities serving at least 60 percent of recycling programs statewide; and (3) sent to a reclaimer consistent with the requirements of the Basel Convention. ([PRC § 42355.51\(d\)\(2\)](#)). In addition, the product or packaging must meet specific design and composition requirements: for plastic packaging, the packaging must not include any components, inks, adhesives, or labels that prevent recyclability according to the Association of Plastic Recyclers (APR) Design Guide. The product or packaging also must not contain certain intentionally added chemicals or PFAS at or above 100 parts per million.

Alternatively, a product or packaging may qualify as recyclable if it has a demonstrated recycling rate of at least 75 percent ([PRC § 42355.51\(d\)\(4\)](#)). SB 343 also provides alternative pathways, including compliance through noncurbside collection programs and compliance with other laws governing recyclability. ([PRC §§ 42355.51\(d\)\(5\), \(6\)](#)).

In addition, certain products are exempt from SB 343’s labeling restrictions, including containers under California’s Beverage Container Recycling and Litter Reduction Act and products managed

under other California stewardship laws. Compostable products are governed by separate legal requirements.

Notably, SB 343 does not require products to bear recyclability labels; instead it restricts the use of such labels where criteria are not met. As a result, some companies may assume that removing recyclability language or symbols from packaging resolves SB 343 risk. But that approach can create compliance issues elsewhere, because many states require recycling instructions to appear on labels for certain products or packaging.

Key dates

APRIL 4, 2025

CalRecycle published its [Material Characterization Study Final Findings Report](#) (Report) that identified which materials are commonly collected, sorted, sold, or transferred for recycling in California. Manufacturers and other interested parties must use that information as part of their assessment of whether products can be considered recyclable for labeling purposes.

DECEMBER 22, 2025

CalRecycle published an update to Table 2 of the Report. ([Update Letter](#) and [Attachment 1](#)).

OCTOBER 4, 2026

All products and packaging *manufactured* on or after this date must comply with SB 343's labeling restrictions. Critically, SB 343's restrictions apply based on the date of manufacture, not the date of sale. Products and packaging manufactured before October 4, 2026, are not subject to the labeling restrictions, regardless of when they are subsequently sold or distributed.

2027 AND EVERY FIVE YEARS THEREAFTER

CalRecycle will conduct and publish updated material characterization studies. After each new study, manufacturers will have an additional 18-month period to update their labels in accordance with revised findings.

Penalties and enforcement

SB 343 violations carry penalties under multiple statutory provisions:

- / Violations of Cal. Bus. & Prof. Code §§ 17580 and 17580.5 are misdemeanors punishable by up to six months' imprisonment, a fine of up to \$2,500, or both.
- / Violations of Cal. Pub. Res. Code § 18015 are punishable by a fine of \$1,000 dollars.

/ Violations of Cal. Pub. Res. Code § 42358 (the enforcement provision for PRC §§ 42355.5 and 42355.51) are punishable by a civil penalty of \$500 for the first violation, \$1,000 for the second violation, and \$2,000 for the third and any subsequent violation.

Enforcement authority rests with local jurisdictions (including district and city attorneys) and the California Attorney General, as provided in PRC § 42358(a) and (b). In addition, remedies may be available under the Business and Professions Code, including through California's Unfair Competition Law (Ca. Bus. Code § 17200 et seq.), which permits civil penalties of up to \$2,500 per violation and may be invoked by public prosecutors or private parties (PRC § 42358(c)), making Prop 65-like bounty hunters a likely reality. CalRecycle itself does not have enforcement authority under SB 343 and does not make product-by-product determinations regarding the lawfulness of specific labeling practices. Because each non-compliant product or package may constitute a separate violation, aggregate exposure for high-volume manufacturers could be substantial.

Relationship between SB 343 and SB 54

SB 343 requirements should not be conflated with SB 54's requirements. SB 54, the Plastic Pollution Prevention and Packaging Producer Responsibility Act (2022), establishes an extended producer responsibility (EPR) program requiring producers to meet recycling and source reduction targets. SB 343 applies to all products and packaging and governs how those items are labeled, whereas SB 54 applies to single-use packaging and food service ware, all of which must be recyclable or compostable by 2032.

While SB 54 does use SB 343 standards to determine when regulated materials are recyclable, CalRecycle's determinations of whether products are recyclable for SB 54 purposes (under PRC § 42050(b)) are not assessments of liability for deceptive labeling for SB 343 purposes (under PRC § 42355.51). Per [CalRecycle's SB 343 FAQ](#), published August 13, 2025, CalRecycle plans to align, to the greatest degree possible, the SB 343 material types and forms and the SB 54 covered material categories in future updates. The bottom line is that both of these laws will significantly complicate consumer product packaging in 2026.

March 2026 Federal Lawsuit

On March 17, 2026, a coalition of 18 trade associations, including the California League of Food Producers, Flexible Packaging Association, the American Forest & Paper Association, and the California Grocers Association, filed suit in the US District Court for the Southern District of California (*California League of Food Producers v. Bonta*, No. 26-cv-01675 (S.D. Cal.)), seeking a declaration that SB 343 is unconstitutional and a preliminary and permanent injunction blocking enforcement.

The complaint alleges (1) that SB 343 violates the First Amendment by imposing a content-based restriction on commercial speech, barring producers from using recycling symbols and

statements even when the claims are factually accurate (on the basis that statewide recyclability thresholds are not met), and (2) that the law is unconstitutionally vague under the Fourteenth Amendment’s Due Process Clause because its criteria for determining recyclability do not provide businesses with reasonable certainty as to what is required. The plaintiffs also argue the law will reduce consumer participation in recycling by removing guidance from packaging, unduly burden businesses, and disincentivize packaging innovations.¹

The National Stewardship Action Council has defended the law, stating it “aligns recyclability claims with real-world conditions” and that “contamination in the recycling stream... hurts otherwise-recyclable packaging and increases the cost of the entire system.” A hearing has not yet been set.²

Recommended action items

AUDIT PACKAGING AND PRODUCT LABELING

Identify every SKU using the chasing arrows symbol, any other recyclability symbol, or any statement indicating recyclability (e.g., “recyclable,” “please recycle,” “recycle this package,” or any other symbol or statement indicating recyclability or directing consumers to recycle products or packaging). Cross-reference with CalRecycle’s Report and the statutory criteria (collection, sorting, Basel Convention compliance,³ and design/composition requirements), and remove or revise claims on packaging that do not comply before October 4, 2026.

MAINTAIN SUPPORTING DOCUMENTATION AND TRACK MANUFACTURING DATES

Maintain written records supporting any remaining recyclability claims as required by Cal. Bus. & Prof. Code § 17580 and establish systems documenting which units were produced before versus after the compliance cutoff date of October 4, 2026.

¹ Notably, the complaint does not challenge SB 343’s record-keeping provisions under Cal. Bus. & Prof. Code § 17580, which remain in effect regardless of the litigation’s outcome.

² Under the US Supreme Court’s recent decision in *Trump v. CASA, Inc.* (June 2025), any injunction obtained in this case would likely protect only the plaintiff associations and their members, not the broader industry. Companies that are not members of a plaintiff association would need to take additional steps (e.g., joining a plaintiff organization) to benefit from any injunctive relief.

³ CalRecycle’s Report acknowledges that SB 343 “does not give CalRecycle the authority to require reclaiming facilities in or out of the state to report on their acceptance of materials and the ultimate reclamation of those materials.” The Report further acknowledges that because it does not provide this information, entities will require additional information to comply with SB 343.

MONITOR LITIGATION AND REGULATORY DEVELOPMENTS

The federal lawsuit (*California League of Food Producers v. Bonta*) could affect enforcement if a preliminary injunction is granted. Companies that are not members of a plaintiff trade association should consider whether joining one may be beneficial.

REVIEW SUPPLY CHAIN AND VENDOR AGREEMENTS

Evaluate whether existing contracts with packaging suppliers, co-manufacturers, and distributors address SB 343 compliance obligations and related indemnification, particularly where third-party suppliers are responsible for packaging design and labeling.

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